



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
July 27, 2010**

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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, July 27, 2010, at 9:44 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 Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 4:22 p.m.

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

BOARD MATTERS1. **LAST BOARD MEETING BEFORE AUGUST RECESS** (9:44 a.m.)

Chairman Bulova announced that this is the last Board meeting before the August recess. She noted that the Board will not meet again until September.

2. **MOMENT OF SILENCE, RECOGNITION, INTRODUCTION, AND ACKNOWLEDGEMENT OF INTERNS AND OTHERS** (9:44 a.m.)

Supervisor Gross asked everyone to keep in thoughts the family of Mr. Ralph Buckley, who died recently, at the age of 95. He was a former Annandale High School principal and longtime educator in Fairfax County Public Schools.

Supervisor Gross asked everyone to keep in thoughts the family of Mr. Dave Shoner, who died recently, at the age of 88. He was a retired Navy Captain and lived in the Camelot area of Mason District and was active in establishing a neighborhood watch. He was Lord Fairfax for Mason District in 1995. He moved to the Mount Vernon District a couple of years ago.

Supervisor Gross asked everyone to keep in thoughts the family of Mr. Bill LaLiberté, who died recently, at the age of 91. He was a retired Navy fighter pilot and was very active in the Bailey's Community Shelter Advisory Council up until this year. He also was the manager of the pumpkin patch at the First Christian Church, which raised a lot of money for homeless programs in the County community. He was Lord Fairfax for Mason District in 2002.

Supervisor Cook recognized and thanked the following interns who have been a great help to his office over the summer:

- Ross Snare, a 2009 graduate of Robinson Secondary School, and a rising sophomore at Christopher Newport University
- Kagan Jenkins, a rising senior at Woodson High School
- Kittie Helmick, a rising senior at Thomas Jefferson High School for Science and Technology
- Colleen Garrott, a 2010 graduate of Lake Braddock Secondary School, and a rising freshman at Washington and Lee University

Supervisor Cook announced that today is his wife's birthday and wished her a happy birthday.

Chairman Bulova introduced Morgan Stewart, an intern in her office. She is a rising junior at George Mason University, and is studying government and international politics, with a concentration in legal studies. On behalf of the Board, she warmly welcomed her to the Board Auditorium.

Chairman Bulova introduced Clayton Medford, her new director for communications. On behalf of the Board, she warmly welcomed him to the Board Auditorium.

Chairman Bulova recognized members of Boy Scout Troop 688 from Fairfax Station. On behalf of the Board, she warmly welcomed them to the Board Auditorium.

Supervisor Hyland asked everyone to keep in thoughts Joyce Clevenger, a Mount Vernon District resident and realtor, who is battling cancer.

3. **ABSENCE/LATE ARRIVAL OF HUNTER MILL DISTRICT SUPERVISOR HUDGINS** (9:50 a.m.)

Supervisor McKay announced that Supervisor Hudgins was not here this morning because she was attending the National Transportation Safety Board public hearing on the fatal Metro accident last year, in her capacity as the Principal voting member on the Washington Metropolitan Area Transit Authority (WMATA) Board and will be joining the Board later in the meeting.

Chairman Bulova announced that Supervisor McKay and Supervisor Hudgins are the Board's representatives on the WMATA Board.

AGENDA ITEMS

4. **INTRODUCTION AND PRESENTATION OF THE NATIONAL ASSOCIATION OF COUNTIES (NACo) 2010 ACHIEVEMENT AWARDS** (9:52 a.m.)

Chairman Bulova recognized the following County staff and agencies that developed model and innovative programs which resulted in recognition for NACo 2010 Achievement Awards:

- Digital TV Conversion
- Go Green With Gunston
- Early Learning Through Visual Arts
- Community Budget Dialogues

- Operation Medicine Cabinet Cleanout
- Electronic Accounts Payable
- Youth Survey Issues Fact Sheets
- Foreclosure Prevention Outreach
- Shape Up Live-Well Challenge
- Public Safety Communications Architecture Modernization
- Administrative Resource Team (ART)
- The Ossian Hall Park International Performance Series

Chairman Bulova announced that Supervisor Gross and Supervisor Hyland attended the NACo meeting and received, on behalf of the Board, a major recognition.

Supervisor Gross said that she and Supervisor Hyland were the Board's designated representatives at the NACo Annual Conference last week at the Reno-Sparks Convention Center, in Reno, Nevada. She said that NACo presented 16 Best of Category Awards, noting that there are more than 3000 counties in the country.

Supervisor Gross announced that she was very pleased to accept, on behalf of the County, a plaque for ART for the 2010 Best of Category (Personnel Management) Award. ART is a self-directed training session for all support staff that is staged in the County's Government Center, now known as Professional Development Day. It is a program created by employees for employees.

Supervisor Gross announced that the County was also the recipient of the 2010 Arts and Culture Award for the Ossian Hall Park International Performance Series. This was the only award given to a County across the country. Countywide surveys showed that residents wanted music festivals to reflect the multi-cultural characteristics of the Ossian Hall neighborhood, which is in the Braddock District.

Supervisor Cook noted that the Ossian Hall program is known as part of the Braddock Nights Series, which was started by his predecessor, now Chairman Bulova.

Additional discussion ensued regarding the NACo conference and the awards.

5. **RESOLUTION OF CONGRATULATIONS PRESENTED TO THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD)** (10:11 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution congratulating the FCPD for its seventieth anniversary and recently released book that chronicles its development. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chief Dave Rohrer noted that the book, *The History of the Fairfax County Police Department: 1921-1990*, can be purchased online at www.Amazon.com or www.History4all.com.

Chairman Bulova said that a copy of the book should be made available in each of the County libraries.

6. **PROCLAMATION DESIGNATING AUGUST 3, 2010, AS "NATIONAL NIGHT OUT" IN FAIRFAX COUNTY** (10:28 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate Tuesday, August 3, 2010, as "*National Night Out*" in Fairfax County. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

7. **PROCLAMATION DESIGNATING SEPTEMBER 2010 AS "EMERGENCY PREPAREDNESS MONTH" IN FAIRFAX COUNTY** (10:39 a.m.)

Supervisor McKay moved approval of the Proclamation to designate September 2010 as "*Emergency Preparedness Month*" in Fairfax County. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

8. **RESOLUTION RECOGNIZING THE TWENTIETH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT (ADA)** (10:54 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition for the twentieth anniversary of the ADA. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Chairman Bulova noted that she will present a Board Matter, later in the meeting at the appropriate time, regarding hiring practices for people with disabilities.

Supervisor Cook announced that he will be sponsoring a town hall event, later this year, that will focus on including people with disabilities in their communities.

Discussion ensued regarding accessibility for individuals with disabilities.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

(NOTE: Later in the meeting, Chairman Bulova presented a Board Matter regarding hiring practices for people with disabilities. See Clerk's Summary Item #62.)

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE LANGLEY HIGH SCHOOL BOYS' LACROSSE TEAM (DRANESVILLE DISTRICT)** (11:18 a.m.)

Supervisor Foust moved approval of the Certificate to Recognition presented to members of the Langley High School Boys' lacrosse team for winning the Virginia High School League State Championship for the second consecutive year. Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Cook and Supervisor Hyland being out of the room, Supervisor Hudgins not yet having arrived.

10. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE NYSMITH SCHOOL FOR THE GIFTED ODYSSEY OF THE MIND TEAM** (11:25 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate to Recognition presented to the Odyssey of the Mind Team Nysmith School for the Gifted for winning the Virginia High School League State Championship for the second consecutive year. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Foust being out of the room, Supervisor Hudgins not yet having arrived.

Chairman Bulova moved approval of the Certificates of Recognition presented to members of the Odyssey of the Mind Team Nysmith School for the Gifted for seeking creative solutions to problems through teamwork and cooperation, resulting in winning the Virginia State Championship in Newport News, Virginia, and advancement to the worldwide Odyssey of the Mind competition at Michigan State University in East Lansing, Michigan. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Foust being out of the room, Supervisor Hudgins not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

11. **RESOLUTION OF RECOGNITION PRESENTED TO MR. KAILASH GUPTA** (11:32 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to Mr. Kailash Gupta for his years of service to the County upon his retirement. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

12. **10:30 A.M. – PRESENTATION OF THE VOLUNTEER FIRE AND RESCUE SERVICE AWARDS** (11:50 a.m.)

Timothy Fleming, Chair, Volunteer Fire Commission, and Jeffrey Katz, Volunteer Liaison, Fire and Rescue Department, presented the Volunteer Fire Service awards to the following individuals who have demonstrated extraordinary commitment to the Fire and Rescue Department through hundreds of hours of time spent providing Fire and Emergency Medical Service or in other roles to support the goals of the County combined career-volunteer system:

- Volunteer Firefighter of the Year – John Hudak, Burke Volunteer Fire and Rescue Department
- Volunteer Operational Officer of the Year – Mark Servello, Fair Oaks Volunteer Fire and Rescue
- Volunteer Rookie of the Year – Brian Flynn, Dunn Loring Volunteer Fire Department
- Administrative Officer of the Year – Robert Flores, McLean Volunteer Fire Department
- Administrative Member of the Year – Frances Carfaro, Annandale Volunteer Fire Department

The following individual received the Special Recognition Award:

- Lieutenant Michael Snapp, Fairfax County Fire and Rescue Department

The following individual received the Fire Chief's Award:

- Camilla Morrison, Fair Oaks Volunteer Fire and Rescue

EBE:ebe

13. **10:45 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:59 a.m.)

(APPTS)

(NOTE: Earlier in the meeting Supervisor McKay announced that Supervisor Hudgins was attending the National Transportation Safety Board meeting and would be arriving in the afternoon. See Clerk's Summary Item #3.)

Chairman Bulova said that Supervisor Hudgins' appointments will be made on her behalf.

(BACs)

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

Supervisor Cook moved the appointment of Mr. Kenneth J. Strafer as the Farmer #3 Representative. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Hudgins not yet having arrived.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD**CONFIRMATION:**

Supervisor McKay moved confirmation of the following appointment:

- Ms. Gail Ledford as the County Executive Representative

This motion was multiply seconded and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

ATHLETIC COUNCIL

Supervisor Foust moved the appointment of Mr. Gregory Beckwith as the Dranesville District Alternate Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

On behalf of Supervisor Hudgins, Chairman Bulova moved the reappointment of Ms. Christy Winters Scott as the Women's Sports Alternate Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

The Board deferred the appointments of the Women's Sports Principal and Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointments of the Dranesville, Hunter Mill, and Springfield District Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointments of the Mason and Dranesville District Representatives.

CITIZEN CORPS COUNCIL

The Board deferred the appointments of the Mason and the Sully District Representatives.

COMMISSION ON AGING

Supervisor Frey moved the appointment of Ms. Maureen Renault as the Sully District Representative. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Religious Community Representative.

Chairman Bulova asked unanimous consent that the Board direct the Clerk to the Board to forward a request to Faith Communities in Action that it identify someone to serve on the Board. Without objection, it was so ordered.

COMMUNITY ACTION ADVISORY BOARD

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

CONSUMER PROTECTION COMMISSION

Chairman Bulova moved the reappointment of Ms. Jacqueline G. Rosier as the Fairfax County Resident #1 Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Supervisor Gross moved the reappointment of Mr. Dennis D. Kirk as the Fairfax County Resident #4 Representative. Chairman Bulova and Supervisor Foust jointly seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

CRIMINAL JUSTICE ADVISORY BOARD**CONFIRMATIONS:**

Supervisor Hyland moved confirmation of the following appointments:

- Captain Fred Wood as the Sheriff's Office Representative
- Ms. Therese Martin as the League of Women Voters Representative

Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

ECONOMIC ADVISORY COMMISSION**CONFIRMATION:**

Supervisor Foust moved confirmation of the following appointment:

- Honorable Grace Han Wolf as the Herndon Town Council Representative

Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #2 Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Supervisor Herrity moved the appointment of Mr. Donald Kissinger as the Springfield District Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

The Board deferred the appointment of the Sully District Representative.

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION
BOARD OF DIRECTORS**

Supervisor Cook moved the appointment Ms. Anh Tu Do as the Braddock District Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

CONFIRMATIONS:

Supervisor Gross moved confirmation of the following appointments:

- Mr. Regan Linke as the Northern Virginia Hospitality Council #1 Representative
- Mr. Mark Meana as the Northern Virginia Hospitality Council #5 representative
- Mr. Mark Sherwin as the Northern Virginia Hospitality Council #7 Representative
- Mr. Kirby Smith as the Northern Virginia Hospitality Council #8 Representative

Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

**FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM
BOARD OF TRUSTEES**

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

HEALTH SYSTEMS AGENCY BOARD

Chairman Bulova moved the reappointment of Mr. Lee Draznin as the Provider #4 Representative. Supervisor Hyland and Supervisor McKay jointly seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

The Board deferred the appointments of the Consumer #4 and Provider #2 Representatives.

HUMAN SERVICES COUNCIL

Chairman Bulova moved the appointment of Ms. Myra Herbert as the At-Large #2 Chairman's Representative. Supervisor Foust and Supervisor Hyland jointly seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Supervisor Cook moved the appointment of Ms. Jennifer Anne Bishop as the Braddock District #2 Representative. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

On behalf of Supervisor Hudgins, Chairman Bulova moved the reappointment of Mr. Baba Freeman as the Hunter Mill District #1 Representative. Supervisor Foust and Supervisor Smyth jointly seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Supervisor McKay moved the reappointment of Mr. Robert L. Faherty as the Lee District #2 Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Supervisor Gross moved the reappointment of Ms. Stephanie Mensh as the Mason District #1 Representative. Chairman Bulova and Supervisor McKay jointly seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Supervisor Hyland moved the reappointment of Colonel Marion Barnwell as the Mount Vernon District #2 Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Supervisor Smyth moved the reappointment of Mr. Henry S. Wulf as the Providence District #1 Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Providence District Representative.

LIBRARY BOARD

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

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Chairman Bulova moved the appointment of Mr. H. Patrick Walters as the Fairfax County #2 Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Supervisor Herrity moved the reappointment of Mr. William J. Stephens as the Springfield District Representative. Supervisor Foust seconded the motion which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

The Board deferred the appointment of the Providence District Representative.

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

Chairman Bulova moved the appointment of Mr. Stephen Gallagher as the Citizen At-Large #3 Representative. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

CONFIRMATION:

Supervisor Hyland moved confirmation of the following appointment:

- Mr. James R. Dooley, Jr. as the Trustee Elected from Trustees Representative

Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

Chairman Bulova moved the reappointment of Mr. Frank H. Grace as the Citizen appointed by the Board of Supervisors #1 Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

On behalf of Supervisor Hudgins, Chairman Bulova moved the reappointment of Mr. Ronald Orr as the Citizen appointed by the Board of Supervisors #2 Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

CONFIRMATION:

Supervisor Gross and Supervisor Hyland jointly moved confirmation of the following appointment:

- Mr. Richard L. Merrell as Fire and Rescue Department #2 Representative

Supervisor Foust and Supervisor Herrity jointly seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

TRANSPORTATION ADVISORY COMMISSION

Supervisor Herrity moved the appointment of Mr. Eric D. Thiel as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hudgins not yet having arrived.

WETLANDS BOARD

The Board deferred the appointment of the Lee District Representative.

DET:det

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

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

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to consider Admin 12 separately, and this was accepted.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Cook called the Board's attention to Admin 8 – Authorization for the Fire and Rescue Department (FRD) to Apply for Funding from the Department of Homeland Security (DHS) for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant. Discussion ensued, with input from Anthony H. Griffin, County Executive, concerning grant requirements as they relate to staff retention/reduction and the success of prior grant applications.

Supervisor Cook called the Board's attention to Admin 11 – Authorization for the Fairfax County Police Department (FCPD) to Apply for Grant Funding from the US Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS). Discussion ensued, with input from Robert Fitzpatrick, Grants Coordinator, Financial Resources Division, Police Department, and Mr. Griffin, regarding staff reduction and funding.

The question was called on the motion to approve the Administrative Items, as amended, with the exception of Admin 12, and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hudgins not yet having arrived.

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), TO AMEND ARTICLES 2, 3 AND 7 REGARDING EMPLOYEES’, UNIFORMED, AND POLICE OFFICERS RETIREMENT SYSTEMS – REPEALING THE SUNSET PROVISIONS OF THE DEFERRED RETIREMENT OPTION PROGRAMS (DROP) AND PERMITTING THE EMPLOYEES OF THE DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS (DPSC) WHO ARE MEMBERS OF THE UNIFORMED RETIREMENT SYSTEM (URS) TO VOTE FOR A TRUSTEE ON THE URS BOARD OF TRUSTEES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 28, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), to amend Articles 2, 3, and 7, regarding Employees’, Uniformed, and Police Officers Retirement Systems – Repealing the sunset provisions of DROP and permitting employees of DPSC who are members of URS to vote for a trustee on the URS Board of Trustees.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), TO AMEND ARTICLES 2, 3 AND 7 REGARDING EMPLOYEES’, UNIFORMED, AND POLICE OFFICERS RETIREMENT SYSTEMS – REDEFINING THE ACTUARIAL SURPLUS REQUIREMENT FOR CONSIDERATION OF AN AD-HOC COST-OF-LIVING ADJUSTMENT

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 28, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), to amend Articles 2, 3, and 7 regarding Employees’, Uniformed, and Police Officers Retirement Systems – Redefining the actuarial surplus requirement for consideration of an ad-hoc cost-of-living adjustment.

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY
FOR THE CONSTRUCTION OF ESKRIDGE ROAD EXTENSION –
PROJECT RZ0001 (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 28, 2010, at 4 p.m.** on the acquisition of certain land rights necessary for the construction of Eskridge Road Extension – Project RZ0001, in Fund 124, County and Regional Transportation Projects.

**ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW
APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE,
MASON, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND
SULLY DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-B09-60	Clearwire US, LLC Antenna colocation on existing transmission pole Braddock Road near Ox Road Braddock District	October 9, 2010
FS-P10-26	Clearwire US, LLC Rooftop antennas 8315 Lee Highway Providence District	October 9, 2010
2232-S10-13	T-Mobile Northeast, LLC 125-foot monopole (treepole) 8100 Old Keene Mill Road (Washington Irving Middle School) Springfield District	October 11, 2010
FS-L10-19	Clearwire US, LLC Antenna colocation on existing transmission tower 3820 Javins Drive Lee District	October 15, 2010

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-D10-20	Clearwire US, LLC Antenna colocation on existing monopole/light pole 1633 Davidson Road (McLean High School) Dranesville District	October 16, 2010
FS-Y10-32	Clearwire US, LLC Rooftop antennas 4221 Walney Road Sully District	October 16, 2010
FS-B10-33	Clearwire US, LLC Antenna colocation on existing monopole 9537 Helenwood Drive Braddock District	October 16, 2010
FS-V10-25	Clearwire US, LLC Antenna colocation inside existing steeple 2006 Belle View Boulevard Mount Vernon District	October 17, 2010
FS-V10-8	Clearwire US, LLC Antenna colocation on existing transmission tower 8101 Pohick Road Mount Vernon District	October 17, 2010
FSA-Y96-69-1	T-Mobile Northeast, LLC Additional antennas and equipment cabinet 3600 Siewick Drive Sully District	October 17, 2010
FS-M10-28	Clearwire US, LLC Rooftop antennas 5285 Shawnee Road Mason District	October 21, 2010

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-V10-27	Clearwire US, LLC Antenna colocation on existing monopole/light pole 2709 Popkins Lane (Bryant Alternative High School) Mount Vernon District	October 23, 2010
456A-S97-6-3	T-Mobile Northeast, LLC Additional equipment cabinet 6140 Rolling Road Springfield District	October 23, 2010
FS-D09-126	Clearwire US, LLC Antenna colocation on existing monopole Old Dominion Drive at I-495 Dranesville District	October 24, 2010
FS-Y10-36	Clearwire US, LLC Antenna colocation on existing monopole 5858 Old Centreville Road (Centreville Volunteer Fire Department) Sully District	October 25, 2010
FS-M10-30	Verizon Wireless Rooftop antennas 6565 Arlington Boulevard Mason District	October 29, 2010
FSA-B10-9-1	Clearwire US, LLC Additional antenna 7171 Wimsatt Road Braddock District	October 30, 2010
FS-M10-38	Verizon Wireless Rooftop antennas 6001 Arlington Boulevard Mason District	November 5, 2010
FSA-P09-50-1	Clearwire US, LLC Additional antennas 3300 Gallows Road Providence District	November 6, 2010

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-H10-2	Clearwire US, LLC 125-foot monopole/light pole 2500 James Madison Drive (James Madison High School) Hunter Mill District	November 8, 2010

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Roxbury Mews	Lee	Buckman Road (Route 836) [Additional Right-of-Way (ROW) Only]
Belle Haven Country Club	Mount Vernon	Fort Hunt Road (Route 629) (Additional ROW Only)
Presidential Hills	Springfield	White House Drive Camp David Drive Rose Garden Lane Hooes Road (Route 636) (Additional ROW Only)

ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO APPLY TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) NOTICE OF FUNDING AVAILABILITY FOR HOUSING CHOICE VOUCHERS FOR NON-ELDERLY, DISABLED PERSONS

Authorized FCRHA to apply to HUD for funding for up to 65 housing choice vouchers for non-elderly, disabled persons.

ADMIN 7 – DISCONTINUANCE OF PORTIONS OF BEULAH STREET (ROUTE 613), WOODLAWN ROAD (ROUTE 618), AND LAMPERT ROAD (ROUTE 875) FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS (MOUNT VERNON DISTRICT)

Adopted the Resolution requesting that portions of Beulah Street (Route 613), Woodlawn Road (Route 618), and Lampert Road (Route 875) be discontinued from the Secondary System of State Highways.

ADMIN 8 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR FUNDING FROM THE US DEPARTMENT OF HOMELAND SECURITY (DHS) FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT

(Note: Earlier in the meeting, the Board discussed this item. See page 14.)

Authorized FRD to apply for funding in the amount of \$2,463,009 to be received over two years from the US DHS for the SAFER grant program to hire an additional 15 merit firefighter positions. No local cash match is required. However, the required County funding over the three-year period is \$1,803,099. The total cost of this program activity over a three-year period is \$4,266,108, including DHS funding, non-eligible grant costs, and full position costs for one year after the initial two-year grant period, as required by grant regulations.

ADMIN 9 – AUTHORIZATION FOR THE OFFICE TO PREVENT AND END HOMELESSNESS TO APPLY FOR AND ACCEPT FUNDING FROM THE FREDDIE MAC FOUNDATION FOR HOUSING LOCATOR SERVICES

Authorized the Office to Prevent and End Homelessness to apply for and accept funding, if received, from the Freddie Mac Foundation in the amount of \$150,000 to increase nonprofit capacity in the Housing Locator Program.

ADMIN 10 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (DNCS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE NATIONAL ENDOWMENT FOR THE ARTS (NEA) FOR AN ACCESS TO ARTISTIC EXCELLENCE GRANT

Authorized DNCS to apply for and accept funding, if received, from the NEA in the amount of \$110,000 for an Access to Artistic Excellence Grant to implement a youth-focused arts program at DNCS centers in partnership with the Lorton Workhouse Arts Center. No new positions would be funded by this grant and no local cash match is required.

ADMIN 11 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE (DOJ), OFFICE OF COMMUNITY POLICING SERVICES (COPS)

(Note: Earlier in the meeting, the Board discussed this item. See page 14.)

Authorized the FCPD to apply for funding from the US DOJ COPS Office for the COPS Hiring Program. Funding in the amount of \$3,841,762 will be used to hire, train, and support 19 additional merit sworn law enforcement officers. A local cash match of \$1,448,858 will be required during the 36 month grant period, for a total program cost of \$5,290,620. At the end of the 36 month grant period, the County will be required to retain each position for an additional 12 months. The County's cost of funding these positions for 12 months is approximately \$1.9 million. Thus, the total funding required by the County is \$3.3 million.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2011 REVISED BUDGET PLAN

- (A) (NOTE: Earlier in the meeting, the Board took action to vote on this item separately. See page 14.)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item #15.)

15. **ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2011 REVISED BUDGET PLAN**

AND

C-1 – FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) BOARD REQUEST OF FY 2011 FUNDING TO SUPPORT THE PRIORITY SCHOOLS INITIATIVE (12:21 p.m.)

(NOTE: Earlier in the meeting, the Board took action to vote on Admin 12 separately. See Clerk's Summary Item #14.)

Supervisor Foust moved that the Board:

- Concur in the recommendation of staff and authorize the advertisement of a public hearing to be held before the Board on **September 14, 2010, at 10 a.m.** to amend the current appropriation level in the FY 2011 revised budget plan.

- Fund the School Board's request for FY 2011 funding to support the priority schools initiative.

Supervisor Hyland seconded the motion.

Supervisor Gross called the Board's attention to a provision in Admin 12, concerning proposed premium holidays for active employee health insurance, and asked unanimous consent that, upon passage, the Board direct staff to inform employees when those insurance holidays would happen. Without objection, it was so ordered.

Discussion ensued concerning handwritten page 14 of the Board Agenda Item dated July 27, 2010, concerning court-appointed attorneys with input from Susan Datta, Director, Department of Management and Budget, regarding operating costs.

Supervisor Gross called the Board's attention to handwritten page 79 (Other Funds Detail) of the Board Agenda Item dated July 27, 2010, Fund 142, Community Development Block Grant. She asked unanimous consent that the Board direct staff to change Lincolnia Elementary School to Lincolnia Senior Living Facility. Without objection, it was so ordered.

Discussion ensued concerning clarification of the joint consideration of Admin 12 and C-1.

Chairman Bulova noted that Dr. Jack Dale, Superintendent, Fairfax County Schools, and Kathy Smith, Chair, Fairfax County School Board, were in the Board auditorium.

Supervisor Herrity moved that the Board vote separately on C-1. Supervisor Cook seconded the motion. Discussion ensued concerning the advertisement of a public hearing and the application of funds.

The question was called on the motion to vote separately on C-1, and it **FAILED** by a recorded vote of six, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting "AYE," Supervisor Hudgins not yet having arrived.

Discussion continued concerning funding of C-1, with input from David P. Bobzien, County Attorney, concerning the commitment of funds to the Schools.

Following further discussion, with input from Mr. Bobzien regarding procedure, Supervisor Hyland moved that the Board reconsider the action on the motion to vote on C-1 separately. Supervisor Herrity and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Supervisor Hyland moved approval of C-1. Supervisor Smyth seconded the motion.

Following further discussion regarding concerns about C-1, the question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Cook and Supervisor Herrity voting “NAY,” Supervisor Hudgins not yet having arrived.

Following additional discussion concerning School funding, the question was called on the motion to approve Admin 12, and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hudgins not yet having arrived.

16. **A-1 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE AN APPLICATION FOR VIRGINIA WATER QUALITY IMPROVEMENT FUND (WQIF) POINT SOURCE GRANT FROM THE COMMONWEALTH OF VIRGINIA** (1 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and authorized the County Executive to execute the WQIF grant application on behalf of the County.

17. **A-2 – APPROVAL OF THE FISCAL YEAR (FY) 2011 STATE PERFORMANCE CONTRACT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) AND THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES** (1 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor Gross, and carried by a vote of nine, Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and approved CSB’s acceptance of funds and the FY 2011 State Performance Contract with the Virginia Department of Behavioral Health and Developmental Services.

18. **A-3 – PARKING REDUCTION FOR NEW LIFE CHRISTIAN CHURCH (SULLY DISTRICT)** (1:01 p.m.)

On motion of Supervisor Frey, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and approved a parking reduction of 14.5 percent for New Life Christian Church. This includes two uses located at 14550 Lee Road, and is pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), paragraph 4(B), Section 11-102, based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item dated July 27, 2010.

19. **A-4 – PARKING REDUCTION FOR PART OF PARCEL 4, LAFAYETTE BUSINESS CENTER (SULLY DISTRICT)** (1:01 p.m.)

On motion of Supervisor Frey, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and approved a parking reduction of 14.4 percent for part of Parcel 4, Lafayette Business Center. This includes two buildings located at 4212 and 4200 Technology Court, and is pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), paragraph 4(B), Section 11-102, based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item dated July 27, 2010.

Supervisor Frey thanked staff for the expeditious handling of the reductions.

20. **A-5 – AMENDED PARKING REDUCTION FOR SPRING HILL BUSINESS CENTER (PROVIDENCE DISTRICT)** (1:02 p.m.)

On motion of Supervisor Smyth, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and approved an amended parking reduction of 36.8 percent for the Spring Hill Business Center. This is pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), paragraph 4(B), Section 11-102, based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item dated July 27, 2010.

21. **A-6 – PARKING REDUCTION FOR HALSTEAD PHASE B (PROVIDENCE DISTRICT)** (1:02 p.m.)

On motion of Supervisor Smyth, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and approved a:

- 25 percent parking reduction for the proposed residential component
- 27.3 percent parking reduction for the proposed non-residential component

for the Halstead Phase B mixed-use development. This is pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), paragraphs 4(B), 5, and 26 of Section 11-102, based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item dated July 27, 2010.

Supervisor Smyth thanked staff for the expeditious handling of the reductions.

22. **A-7 – 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** (1:03 p.m.)

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

23. **A-8 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE FEDERAL BUREAU OF INVESTIGATION (FBI)** (1:03 p.m.)

On motion of Supervisor Hyland, jointly seconded by Supervisor Gross and Supervisor Herrity, and carried by a vote of nine, Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign a MOU between the FCPD and the FBI Counterterrorism Division.

24. **A-9 – APPROVAL OF A LEASE AGREEMENT AT THE LAKE ANNE VILLAGE SHOPPING CENTER TO BE USED BY THE RESTON COMMUNITY CENTER (HUNTER MILL DISTRICT)** (1:03 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor Gross, and carried by a vote of nine, Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and authorized staff to execute a lease agreement to lease additional space at the Lake Anne Village Shopping Center in Reston to expand the programs currently offered by the Reston Community Center.

25. **A-10 – APPROVAL OF COUNTY COMMENTS ON TRANSPORTATION SUGGESTIONS THAT MIGHT BE CONSIDERED BY THE COMMISSION ON GOVERNMENT REFORM AND RESTRUCTURING** (1:04 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve the list of comments on transportation suggestions that might be considered by the Governor's Commission on Government Reform and Restructuring. Supervisor Hyland seconded the motion.

Discussion ensued concerning:

- Consolidation of Northern Virginia Transportation groups
- Per Diem for Boards and Commissions

- Stormwater Utility Fees

Following input from Anthony H. Griffin, County Executive, concerning fees and taxes, Supervisor Herrity asked to strike “extremely concerned” from the comment field of Subject 127 (Northern Virginia Transportation group consolidation) of the County’s suggestions, and this was accepted.

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

26. **A-11 – APPROVAL OF FISCAL YEAR (FY) 2010 YEAR-END PROCESSING** (1:14 p.m.)

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

- Authorized staff to process payment vouchers for items previously approved and appropriated in FY 2010 for the interim period from July 1 until the Board approves the FY 2010 Carryover Review, which is scheduled for action on September 14, 2010.
- Approved Supplemental Appropriation Resolution AS 10192 for the one School Board fund requiring an additional appropriation for FY 2010.

27. **C-1 – FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) BOARD REQUEST OF FISCAL YEAR (FY) 2011 FUNDING TO SUPPORT THE PRIORITY SCHOOLS INITIATIVE**

(Note: Earlier in the meeting, the Board took action on this matter. See Clerk’s Summary Item #15.)

28. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARDS’ RECESS** (1:14 p.m.)

The Board next considered an item contained in the Board Agenda dated July 27, 2010, requesting authorization for the County Executive or the appropriate Deputy County Executive to continue to approve street acceptance items and award contracts during the period between the July meeting and the first meeting in September.

The staff was directed administratively to proceed as proposed.

29. **I-2 – PLANNING COMMISSION (PC) ACTION ON APPLICATION 2232-Y10-9, T-MOBILE NORTHEAST LLC AND MILESTONE COMMUNICATIONS (SULLY DISTRICT)** (1:15 p.m.)

The Board next considered an item contained in the Board Agenda dated July 27, 2010, announcing the PC's approval of Application 2232-Y10-9. 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*. Application 2232-Y10-9 sought approval to construct a 125 foot telecommunications stand-alone monopole to include 12 panel antennas and three equipment cabinets at Rachel Carson Middle School, 13618 McLearen Road, Herndon, Tax Map 24-4 ((1)) 11A.

30. **I-3 – CHANGES TO THE MEMBERSHIP CATEGORIES OF THE LONG TERM CARE COORDINATING COUNCIL** (1:15 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated July 27, 2010, requesting authorization for the Health Department to establish new membership categories for the Long Term Care Coordinating Council. Discussion ensued with input from Mr. Robert C. Eiffert, Long Term Care Program Manager, Health Department, concerning the Human Services Council representation.

The staff was directed administratively to proceed as proposed.

31. **I-4 – PROJECT OF THE YEAR AWARD - METHANOL FEED FACILITY (MOUNT VERNON DISTRICT)** (1:16 p.m.)

The Board next considered an item contained in the Board Agenda dated July 27, 2010, announcing that the American Public Works Association, Virginia/District of Columbia/Maryland Chapter, selected the recently completed Methanol Feed Facility at the Noman M. Cole, Jr., Pollution Control Plant as the Project of the Year for environmental projects costing less than \$5 million.

32. **I-5 – CONTRACT AWARD – RICE ASSOCIATES, INCORPORATED, FOR LAND SURVEYING AND RELATED PROFESSIONAL SERVICES** (1:16 p.m.)

The Board next considered an item contained in the Board Agenda dated July 27, 2010, requesting authorization for staff to award a contract to Rice Associates, Incorporated, in the amount of \$500,000 annually to provide surveying for various Fairfax County projects in support of the Capital Improvement Program.

The staff was directed administratively to proceed as proposed.

33. **I-6 – QUARTERLY STATUS REPORT ON THE BOARD’S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (1:17 p.m.)

The Board next considered an item contained in the Board Agenda dated July 27, 2010, regarding the quarterly status report on the Board’s second four-year transportation program.

Supervisor McKay called the Board’s attention to Item 22 on the Summary Chart of the Board Agenda Item dated July 27, 2010, Telegraph Road from South Van Dorn Street to South Kings Highway: widen to four lanes and add pedestrian improvements, and asked that the Board direct staff to update the completion dates on the chart in order to track progress. Without objection, it was so ordered.

Supervisor McKay noted that there were a number of delays in sidewalk projects on Franconia Road in Lee District and asked unanimous consent that the Board direct staff to provide information concerning those delays, particularly if they pertain to obtaining permits from the Virginia Department of Transportation (VDOT). Without objection, it was so ordered.

Supervisor Gross called the Board’s attention to handwritten page 5 of the Board Agenda Item dated July 27, 2010, concerning the contract award date of the Bus Shelter Advertising Program. Discussion ensued with input from Katharine D. Ichter, Director, Department of Transportation, concerning administrative delays.

34. **ORDERS OF THE DAY** (1:21 p.m.)

Chairman Bulova announced that Board Matters would be presented later in the meeting.

(NOTE: Later in the meeting, Board Matters were presented. See Clerk’s Summary Items #62–89.)

35. **I-7 – CONTRACT AWARD – PACKARD CENTER IMPROVEMENTS (MASON DISTRICT)** (1:21 p.m.)

The Board next considered an item contained in the Board Agenda dated July 27, 2010, requesting authorization for staff to award a contract to Garcete Construction Company, Incorporated, in the amount of \$254,500 for replacement of wood windows, replacement of the oil heating system with natural gas, repairs and replacement of HVAC system components, associated electrical and plumbing improvements, and interior finishes as required due to repairs at Packard Center, Project 474408, Park and Building Renovation, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

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

Supervisor Smyth moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Kerry R. Jackson v. Fairfax County, Virginia*, Civil Action No. 1:10cv478 (E.D. Va.)
 - 2. *Salvatore J. Culosi, et al., v. Fairfax County, Virginia, et al.*, Case No. 1:07CV266 (E.D. Va.)
 - 3. *Victoria Insurance Company as Subrogee of Donnita Nicholas v. Fairfax County Police Department and M. G. Richa*, Case No. GV10-010700 (Fx. Co. Gen. Dist. Ct.)
 - 4. *NorthStar Foundation Inc., v. County of Fairfax, et al.*, Case No. CL-2010-0006314 (Fx. Co. Cir. Ct.) (Braddock District)
 - 5. *Gerardo Ortega v. Fairfax County Department of Family Services*, Record Nos. 2455-09-4, 2456-09-4, 2457-09-4, 2458-09-4 (Va. Ct. App.)
 - 6. *Robert D. Scrimshaw v. County of Fairfax*, Record. No. 0379-10-4 (Va. Ct. App.) (Lee District)
 - 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Hernandez and Paula*

Argueta, Case No. CL-2010-0004450 (Fx. Co. Cir. Ct.) (Mason District)

8. *Michael C. Judge and Doris Y. Judge v. Fairfax County Board of Supervisors*, Case No. CL-2007-0003562 (Fx. Co. Cir. Ct.) (Sully District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Scott W. Pruitt*, Case No. CL-2009-0013751 (Fx. Co. Cir. Ct.) (Springfield District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald Tonstad*, Case No. CL-2009-0013132 (Fx. Co. Cir. Ct.) (Mason District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison, Jr.*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph J. Dunn*, Case No. CL-2010-0002477 (Fx. Co. Cir. Ct.) (Lee District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mery Raquel Vilcapoma Inga, Hung Nguyen, and Hiep Nguyen*, Case No. CL-2008-0006906 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sonia Montecinos and Ruben*

Perez, Case No. CL-2007-0007570 (Fx. Co. Cir. Ct.) (Lee District)

16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Andrea Ventura and Isabel Blanco*, Case No. CL-2007-0010664 (Fx. Co. Cir. Ct.) (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul M. Clark, Sr., and Carolyn Thorne-Clark*, Case No. CL-2010-0000346 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yun Su Sheue and Hao Kang Chen*, Case No. CL-2009-0014559 (Fx. Co. Cir. Ct.) (Braddock District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor I. Garcia and Sandra Arze*, Case No. CL-2010-0005026 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Servet Dag and Cemile Dag*, Case No. CL-2009-0007699 (Fx. Co. Cir. Ct.) (Springfield District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Barbara McMurray*, Case No. CL-2010-0003307 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juliette Mendonca*, Case No. CL-2010-0002418 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcelo J. Via*, Case No. CL-2010-0002566 (Fx. Co. Cir. Ct.) (Providence District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tri Anh Dang and Anh Tru Nguyen*, Case No. CL-2010-0003130 (Fx. Co. Cir. Ct.) (Mason District)

25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aaron T. Knight and Mary F. Knight*, Case No. CL-2010-0009322 (Fx. Co. Cir. Ct.) (Lee District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bahram Forouzanfar*, Case No. CL-2010-0009636 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Machuca*, Case No. CL-2010-0009688 (Fx. Co. Cir. Ct.) (Mason District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kim-Dung Le and Sang V. Ha*, Case No. CL-2010-0009686 (Fx. Co. Cir. Ct.) (Mason District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Estella A. Hernandez and Lawrence Behery*, Case No. CL-2010-0009727 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Qaiser Iqbal and Nausheen Iqbal*, Case No. CL-2010-0010044 (Fx. Co. Cir. Ct.) (Mason District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Memorial Venture, LLC*, Case Nos. 10-0010997 and 10-0010998 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kathleen M. Jansen*, Case Nos. 10-0006293 and 10-0006294 (Fx. Co. Gen. Dist. Ct.) (Mason District)
33. *Dr. Charles M. Anderson, P.E. v. Virginia Department of Professional and Occupational Regulation and Department of Public Works, Fairfax County, Virginia*, Case No. GV-2010-0009045 (Pr. Wm. Co. Gen. Dist. Ct.) (Providence District)

34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mark Wiseman*, Case No. 10-0015772 and 10-0015773 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

And in addition:

- *Najib Gerdak v. County of Fairfax and Jane Doe*, Case Number CL-2010-0006041
- Application of Columbia Gas of Virginia, Inc., State Corporation Commission Case Number PUE-2010-00017
- *Virginia Code* Annotated Section 32.1-111.1, Operational Medical Director Procurement
- *McLane v. Robert Pierre Johnson Housing Development Corporation of the National Capital Area*, Case Number CL-2009-0012063
- *Michael Scanlon, et al. v. County of Fairfax, Virginia*, Case Number CL-2010-0007821

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

DAL:dal

At 3:59 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hudgins, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

37. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:59 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins not yet having arrived.

38. **AUTHORIZATION TO FILE A NOTICE OF PARTICIPATION AS A RESPONDENT – COLUMBIA GAS OF VIRGINIA, INCORPORATED**
(4 p.m.)

Supervisor Foust moved that the Board authorize the Department of Cable Communications and Consumer Protection and the County Attorney's Office to file a Notice of Participation as a respondent concerning the application for authority to increase rates and charges and to revise the terms and conditions applicable to gas service filed by Columbia Gas of Virginia, Incorporated, in SCC Case Number PUE-2010-00017. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Herrity being out of the room, Supervisor Hudgins not yet having arrived.

39. **AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING A COUNTY REAL ESTATE TRANSACTION WITH INOVA HEALTH CARE SERVICES (INOVA)** (4 p.m.)

(A) Supervisor Smyth said that the Board owns several parcels of land at the Inova Fairfax Hospital campus, located in the Providence District. County staff has proposed a real estate transaction with Inova that, in short, will allow the County to acquire new, nearby land and to build a new County community services facility on that land. The deal would involve the following real estate transactions:

- The County would continue to own a 29.59 acre parcel on which several Inova buildings are located. The County currently ground leases this land, together with an adjacent 15.32 acre parcel, to Inova. The County would amend the ground lease to release the 15.32 acre parcel from the ground lease and to extend the term of the ground lease as to the remaining 29.59 acres.
- The County would then convey the 15.32 acre parcel to Inova. The County would also convey the following nearby parcels of real property to Inova:
 - A 5.41 acre portion of Tax Map Number 059-2-01-0001B
 - A 1.15 acre portion of Tax Map Number 059-2-01-0001C
- Inova would convey to the County a 4.63 acre portion of Tax Map Number 049-3-01-0141, also known as the Willow Oaks land.
- Inova would build a number of common infrastructure improvements on the Willow Oaks land and other land owned by

Inova. In turn, once the County acquires the Willow Oaks land, it would grant Inova various easements to allow Inova to access the land to build – and later, to maintain – these infrastructure improvements. The County would also grant a pedestrian access easement allowing pedestrians to enter the Willow Oaks land on designated walkways.

- The County would build a four-story community services facility and a parking garage on the Willow Oaks land. One wall of the parking garage would run along the property's boundary line. Inova anticipates that it will build a parking structure on its land directly next to the County garage. These two garages would be connected, and the County would then grant easements allowing Inova to access the County's garage as needed for the operation and maintenance of Inova's garage. Inova would grant similar easements to the County.
- The County would also lease one floor of the new community services building to Inova for a 10-year term.

Under Section 15.2-1800 of the *Code of Virginia*, a public hearing is required for the Board to convey real property or interests in real property.

Therefore, Supervisor Smyth moved that the Board authorize the advertisement of a public hearing, to be held before the Board on **September 28, 2010, at 3:30 p.m.** regarding this proposed real estate transaction with Inova. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

AGENDA ITEMS

40. **3 P.M. – PH ON REZONING APPLICATION RZ 2009-MV-018 (SCANNELL PROPERTIES # 117 LLC AND SCANNELL PROPERTIES #82 LLC) (MOUNT VERNON DISTRICT)** (4:04 p.m.)

- (O) The application property is located in the southwest quadrant of the intersection of Cinderbed Road and Fairfax County Parkway and north side of Telegraph Road, Tax Map 99-4 ((8)) 1, 2, 3B, 4, and 5; 108-1 ((12)) 6,7A, and 7B.

Mr. David Gill reaffirmed the validity of the affidavit for the record.

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

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

- Mr. Gregory A. Riegle, McGuire Woods LLP

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

Discussion ensued, with input from Mr. Williams, regarding access to the site.

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

Following the public hearing, which included testimony by two speakers, Mr. Williams presented the staff and Planning Commission recommendations. Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-MV-018, from the R-1 and I-6 Districts to the I-5 District, subject to the proffers dated July 26, 2010.
- Modification of the interior parking lot landscaping requirements, to allow 2.5 percent interior parking lot landscaping and modified plantings due to clearance easement height restrictions from the adjacent Fort Belvoir airstrip.

Chairman Bulova seconded the motion.

Following discussion regarding the application and proffers, 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 Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins being out of the room.

41. **3:30 – BOARD DECISION ON PROPOSED AREA PLANS REVIEW ITEMS 08-III-7UP, 08-III-11UP, AND 08-III-12UP LOCATED NORTH OF THE DULLES TOLL ROAD AND EAST OF THE FAIRFAX COUNTY AND LOUDOUN COUNTY BOUNDARY (DRANESVILLE DISTRICT)**
(4:28 p.m.)

(NOTE: On May 25, 2010, the Board held a public hearing on these items and deferred decision until July 13, 2010. On July 13, 2010, the Board deferred decision on these items until July 27, 2010.)

Following remarks regarding the applications, Supervisor Foust moved approval of APR Items 08-III-7UP, 08-III-11UP, and 08-III-12UP as shown on pages 1-31

of the handout dated July 23, 2010, as amended by striking the note on page 26. Chairman Bulova seconded the motion.

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

Supervisor Foust moved that the Board:

- Recommend continued interjurisdictional collaboration among the elected officials of the County, the Town of Herndon, and Loudoun County, to consider:
 - Coordination and prioritization of all transportation improvements (road expansion, extensions, new roadways, traffic signal coordination, traffic calming devices, et cetera) in the inter-County area surrounding the Route 28 Metro station. These should include funding considerations on contributions allocated by the member jurisdictions and the developers in this area to phase the needed transportation improvements identified for this area.
 - A regional trails planning effort to provide better pedestrian and bicycle connections from the Route 28/Center for Innovative Technology (CIT) Metro station to areas within the County, Loudoun County, and the Town of Herndon.
 - Realigning Innovation Avenue in Loudoun County to foster the creation of a grid street pattern.
 - A coordinated approach to preserving environmentally sensitive features especially those associated with the Horse Pen Creek Watershed, which spans Fairfax and Loudoun Counties.
 - Creation of a multi-jurisdictional Transportation Demand Management (TDM) program and identification of the best methods to monitor the achievements of regional and individual TDM measures. To facilitate this measure, staff of the three jurisdictions should be directed by the respective elected bodies to continue to provide support.

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

Supervisor Foust moved that the Board direct staff to confirm that adequate police, fire, rescue, and parks and recreational services will be provided in the Route 28/CIT area, based on adopted standards in the County Comprehensive Plan (such as location and response time). If needed, investigate the option of pursuing agreements with Loudoun County to provide these services, while also considering the possibility of providing as many of these services as possible on site. Supervisor Smyth seconded the motion and it carried by unanimous vote.

Supervisor Foust moved that the Board direct staff to conduct an outreach effort to trail and bicycle groups with the objective of creating pedestrian and bicycle links to provide better connections to the Route 28/CIT Metro station from surrounding areas within the County, Loudoun County, and the Town of Herndon. Supervisor Smyth seconded the motion and it carried by unanimous vote.

42. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-V-076 (BOARDS OWN MOTION) (MOUNT VERNON DISTRICT)** (4:39 p.m.)

The application property is located at 9518 Richmond Highway, Tax Map 107-4 ((1)) 34 and 107-4 ((5)) 4.

Marguerite Verville-Guarino, Assistant Director, Facilities Management Department, reaffirmed the validity of the affidavit for the record.

Ms. Verville-Guarino 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, Brenda Cho, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 83-V-076, subject to the development conditions dated June 16, 2010.
- Waiver of all the requirements of Section 17-201 of the Zoning Ordinance to permit what is shown on the SEA Plat.
- Modification of the transitional screening requirements along all property lines in favor of that shown on the SEA Plat.
- Waiver of the barrier requirements along the eastern, western, and southern property lines and modification of the barrier

requirements along the northern property line, in favor of that shown on the SEA Plat.

Chairman Bulova seconded the motion.

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

43. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-MA-007 (SAFEWAY, INCORPORATED) (MASON DISTRICT)**
(4:46 p.m.)

The application property is located at 6118 Arlington Boulevard, Tax Map 51-4 ((1)) 2B.

Mr. David S. Houston reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of Special Exception Application SE 2010-MA-007, subject to the development conditions dated July 20, 2010. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

44. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-C-116 (CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS) (HUNTER MILL DISTRICT)** (4:51 p.m.)

The application property is located at 1977 Hunter Mill Road, Tax Map 27-2 ((1)) 13.

Also under the Board's Consideration will be the applicant's Water Quality Exception Request Number 5234-WRPA-001-1 under the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), Section 118-6-9, to permit encroachment within a Resource Protection Area (RPA).

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

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

- Frank W. Stearns, as a former partner in the law firm of Venable LLP (Venable is not a party to this application.)

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

- Frank W. Stearns, as a former partner in the law firm of Venable LLP (Venable is not a party to this application.)
- Frank W. Stearns, Donohue and Stearns, PLC

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

Discussion ensued, with input from Mr. Stearns, regarding concerns raised by citizens about the development conditions.

Supervisor Hudgins submitted items for the record.

Following the public hearing, Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Special Exception Amendment Application SEA 82-C-116, subject to the development conditions dated June 30, 2010, with the following condition added:
 - Condition 12. The applicant shall use its best efforts to coordinate with the owners of the residential lots known as Tax Map Numbers 27-2((4)) 23 and 24 to install supplemental evergreen plantings on said lots, in an amount not to exceed \$500 per lot. After installation, the applicant shall have no further obligation for the maintenance, care, or replacement of said supplemental landscaping. In the event that at the time of minor site plan review, the owners of said lots have not worked in good faith with the applicant to establish the desired evergreen plantings, this development condition shall be considered met and the applicant shall be able to obtain a Non-RUP for this use.

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

Supervisor Hudgins moved approval of RPA Encroachment Exception Number 5234-WRPA-002-1, subject to the development conditions dated July 27, 2010. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

45. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-HM-004 (SAILINI MAGAPU LOHIA AND SANDEEP LOHIA) (HUNTER MILL DISTRICT) (4:59 p.m.)**

The application property is located at 1629 Beulah Road, Tax Map 28-1 ((1)) 13.

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

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

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

Discussion ensued regarding neighborhood outreach efforts concerning the application, with input from Ms. Strobel.

Following the testimony of Ilene Garvey (Speaker One), Representative, Sun Valley Homeowners Association, discussion ensued regarding whether the applicant had resolved outstanding issues, with input from Mr. Williams.

Following the public hearing, which included testimony by four speakers, Ms. Strobel presented rebuttal.

Mr. Williams presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2010-HM-004, subject to the development conditions dated July 27, 2010.
- Modification of the transitional screening requirements and waiver of the barrier requirements along all boundaries of the site, in favor of that shown on the SE Plat.

Supervisor Hyland seconded the motion.

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

46. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-MV-023 (INOVA HEALTH CARE SERVICES) (MOUNT VERNON DISTRICT) (5:28 p.m.)**

Following remarks regarding the affidavit, Supervisor Hyland moved that the Board waive the deadline for reaffirmation of affidavit in regards to Rezoning/Final Development Plan Application RZ/FDP 2009-MV-023, and accept the reaffirmation of affidavit dated July 26, 2010, and the Rezoning Application dated July 23, 2010. This motion died for lack of a second.

Following a query to Catherine A. Chianese, Assistant County Executive, regarding the next available date, Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2009-MV-023 until **September 14, 2010, at 3:30 p.m.** Supervisor Gross seconded the motion.

Following discussion regarding affidavit issues, Supervisor Foust and Chairman Bulova noted affidavit disclosure issues that need to be reviewed prior to the September Board meeting.

Following further discussion, with input from David P. Bobzien, County Attorney, regarding the affidavit disclosure issues, the question was called on the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

EBE:ebe

47. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT ST08-I-MS1; INOVA FAIRFAX HOSPITAL AND PROPERTY LOCATED WEST OF GALLOWS ROAD, AND NORTH OF WOODBURN ROAD (PROVIDENCE DISTRICT) (5:39 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Leanna O'Donnell, Planner III, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Smyth moved approval of Plan Amendment ST08-I-MS1, as found in Attachment II of the Board Agenda Item. Supervisor Gross seconded the motion.

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

48. **4 P.M. – PH ON PROPOSED POLICY PLAN AMENDMENT S10-CW-1CP
ON DISTURBANCES TO ENVIRONMENTAL QUALITY CORRIDORS**
(5:45 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Noel Kaplan, Senior Environmental Planner, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Mr. Kaplan, presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of Policy Plan Amendment S10-CW-1CP, as set forth on pages 11–15 in the Staff Report dated May 13, 2010. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

49. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE
COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE),
APPENDIX A, AND THE PUBLIC FACILITIES MANUAL (PFM),
REGARDING THE NATIONAL FLOOD INSURANCE PROGRAM**
(5:50 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

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

Discussion ensued, with input from Donald Demetrius, Chief, Watershed Projects Evaluation Branch, Stormwater Planning Division (SPD), DPWES, regarding the number of properties that are affected and what has been the response and feedback regarding the mailings that were sent to affected property owners.

Further discussion ensued, with input from Craig Carinci, Director, SPD, DPWES, regarding specific properties that qualify for the Flood Insurance Program.

Following the public hearing, Mr. Friedman presented the staff and Planning Commission recommendations.

Following a brief inquiry clarifying the attachment, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax,

Chapter 112 (Zoning Ordinance), Appendix A, and the PFM, as set forth in the Staff Report dated June 8, 2010, with three changes to proposed new Section 2-906 (Definitions) of the Zoning Ordinance as set forth in the Board Agenda Item, Attachment I, dated June 29, 2010, as recommended by the Planning Commission. The amendments become effective at 12:01 a.m. on September 17, 2010. 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.”

50. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO ELECTION PRECINCTS (MOUNT VERNON DISTRICT)** (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 July 15 and July 22, 2010.

Edgardo Cortés, General Registrar, presented the staff report.

Following the public hearing, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), relating to election precincts to permanently move the polling place for the Marian Precinct from the Martha Washington Library located at 6614 Fort Hunt Road, Alexandria, to the Paul Spring Retirement Community located at 7116 Fort Hunt Road, Alexandria. Supervisor McKay seconded the motion.

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

51. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-I-1A, LOCATED SOUTHEAST OF THE LITTLE RIVER TURNPIKE AND WILLOW RUN DRIVE INTERSECTION (MASON DISTRICT)** (6:05 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Bernard S. Suchicital, Planner II, Environment and Development Review Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Gross moved approval of APR Item 09-I-1A, as recommended by the Planning Commission as shown in Attachment 1 of the Board Agenda Item, which supports an option for retail and or office use up 30,000 square feet on two acres fronting the Little River Turnpike. The remaining land or entire area may be appropriate for residential use at three to four dwelling units per acre. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Smyth being out of the room.

52. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-I-1B, LOCATED SOUTHEAST OF THE LEESBURG PIKE AND CHARLES STREET INTERSECTION (MASON DISTRICT)** (6:12 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Bernard S. Suchicital, Planner II, Environment and Development Review Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Gross moved approval of APR Item 09-I-1B, as recommended by the Planning Commission, as displayed as changes to the recently adopted Baileys Crossroads Plan Amendment ST10-CW-3CP, including re-lettering of the subunit as shown in the handout dated July 27, 2010. This recommendation supports the staff alternative for an option for office, retail or a mix of these uses up to .25 floor area ratio (FAR) under specified development conditions. Supervisor Hyland seconded the motion and it carried by unanimous vote.

53. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-I-3B, LOCATED AT THE SOUTHWESTERN TERMINUS OF SCOVILLE ROAD AND THE NORTHEASTERN TERMINUS OF ARNET STREET (MASON DISTRICT)** (6:19 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Bernard S. Suchicital, Planner II, Environment and Development Review Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Discussion ensued, with input from Mr. Suchicital, regarding community concerns on the affordable housing units and access to the properties.

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

Supervisor Gross moved approval of APR Item 09-I-3B, as recommended by the Planning Commission as shown in Attachment 1 of the Board Agenda Item, which supports an option for residential use up to eight to twelve dwelling units per acre on the southern two acres of the nominated parcel. The Plan change will help achieve the County's goal of providing affordable housing. Supervisor Foust seconded the motion and it carried by unanimous vote.

54. **4:30 PM – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-3FS, LOCATED EAST OF FRONTIER DRIVE AND NORTH OF THE FRANCONIA-SPRINGFIELD PARKWAY (LEE DISTRICT)** (6:25 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Meghan Van Dam, Planner III, Policy and Plan development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor McKay moved approval of APR Item 09-IV-3FS, as recommended by the Planning Commission, which would encourage redevelopment proposals for the site while protecting the adjacent neighborhood. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

55. **4:30 PM – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-20MV, LOCATED SOUTH OF BUCKMAN ROAD, EAST OF JANNA LEE AVENUE AND GENERALLY NORTH OF RICHMOND HIGHWAY AND ROLLING HILLS AVENUE (LEE DISTRICT)** (6:29 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Kimberly M. Rybold, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Rybold presented the staff and Planning Commission recommendations.

Supervisor McKay moved approval of the Planning Commission recommendation for APR Item 09-IV-20MV, as modified, which supports residential use at eight to twelve dwelling units per acre. This density would be more reflective of the

development that is proposed by the nominator. The recommendation retains important development conditions, such as those related to park dedication and open space. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Discussion ensued regarding the proposed area plans review.

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

56. **4:30 PM – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-1FS, LOCATED WEST OF BACKLICK ROAD, EAST OF ROLLING ROAD, AND NORTH OF FAIRFAX COUNTY PARKWAY (LEE AND MOUNT VERNON DISTRICTS)** (6:44 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Kimberly M. Rybold, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor McKay moved approval of APR Item 09-IV-1FS, as recommended by the Planning Commission, which will result in more accurate depiction of land use for the subject property while retaining recommendations that are a benefit to the surrounding area. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

57. **4:30 PM – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-7MV LOCATED SOUTH OF FAIRFAX COUNTY – CITY OF ALEXANDRIA LINE AND NORTHEAST OF FORT BELVOIR (LEE AND MOUNT VERNON DISTRICTS)** (6:49 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Aaron Klibaner, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Hyland moved approval of the Planning Commission recommendation for APR Item 09-IV-7MV, as found in Attachment 1 of the Board Agenda Item,

that supports minor wording changes that clarifies that the watershed plan recommendations be consulted during reviews of proposed comprehensive plan amendments and rezoning applications. Supervisor Foust seconded the motion and it carried by unanimous vote.

58. **4:30 PM – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-11MV, GENERALLY LOCATED ALONG RICHMOND HIGHWAY FROM THE CITY OF ALEXANDRIA BOUNDARY TO THE WOODLAWN PLANTATION (LEE AND MOUNT VERNON DISTRICTS)**
(6:56 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Kim Rybold, Planner II, Policy and Plan Development Branch, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Rybold presented the staff and Planning Commission recommendations.

Supervisor Hyland moved approval of APR Item 09-IV-11MV, as recommended by the Planning Commission, and found in Attachment 1 of the Board Agenda Item, to better reflect the role of the Comprehensive Plan promoting stormwater management. The language proposed in the staff alternative removes that which is not enforceable through the Comprehensive Plan, replacing it with a more general guidance that promotes better control of stormwater runoff in the Richmond Highway corridor. The alternative language will encourage and improve stormwater management in the corridor, much of which was developed without adequate stormwater management controls. Supervisor McKay seconded the motion and it carried by unanimous vote.

59. **4:30 PM – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-12MV, LOCATED ON THE WEST SIDE OF RICHMOND HIGHWAY, GENERALLY NEAR THE FORDSON ROAD INTERSECTION (LEE DISTRICT)**
(7:06 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Kim Rybold, Planner II, Policy and Plan Development Branch, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Rybold presented staff and Planning Commission recommendations.

Supervisor McKay moved approval of APR Item 09-IV-12MV, as recommended by the Planning Commission, that will better reflect the role of the Comprehensive Plan by providing stormwater management and environmental protection and restoration through the development process. The alternative language will encourage and improve stormwater management in the corridor, much of which was developed without adequate stormwater management controls in the past. Supervisor Hyland seconded the motion and it carried by unanimous vote.

60. **4:30 PM – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-14MV, LOCATED ON THE WEST AND EAST SIDE OF RICHMOND HIGHWAY, GENERALLY NEAR THE BEACON HILL ROAD INTERSECTION (LEE AND MOUNT VERNON DISTRICTS)** (7:15 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

Kim Rybold, Planner II, Policy and Plan Development Branch, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Rybold presented the staff and Planning Commission recommendations.

Supervisor Hyland moved approval of APR Item 09-IV-14MV, as recommended by the Planning Commission, in Attachment 1 of the Board Agenda Item, which will better reflect the role of Comprehensive Plan to provide a stormwater management and environmental protection and restoration through the development process. The alternative language will encourage improved stormwater management in the corridor, much of which has been developed without adequate stormwater management controls. Supervisor McKay seconded the motion and it carried by unanimous vote.

61. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:21 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2010.

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

The public hearing was called and there were no speakers.

NV:nv

ADDITIONAL BOARD MATTERS**62. REVIEW OF HIRING PRACTICES FOR PEOPLE WITH DISABILITIES**
(7:21 p.m.)

(BACs) [NOTE: Earlier in the meeting, the Board recognized the twentieth anniversary of the Americans with Disabilities Act (ADA). See Clerk's Summary Item #8.]

Chairman Bulova said that leading up to today's presentation recognizing the twentieth anniversary of the ADA, she had a chance to meet with members of the Fairfax Area Disability Services Board to discuss topics with which they are currently concerned. In the past 20 years, society has made important strides toward making community resources and opportunities more accessible to all residents.

Chairman Bulova noted that individuals with disabilities face major barriers to attaining employment, including inaccurate stereotypes and myths about people with disabilities, reluctance of employers to hire people with disabilities, and the misperceived costs of providing reasonable accommodations. A recent study found that, in June of 2010, only 21.7 percent of people with disabilities were part of the labor force.

Chairman Bulova stated that as a prominent jurisdiction, the County has an opportunity to be a leader in hiring a diverse workforce and ensuring that people with disabilities are afforded meaningful opportunities for employment. With this background, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board direct:

- Staff to determine the feasibility and advisability of implementing the Policy that was drafted by the Disability Services Board, and distributed to the Board, that gives preference – all other things being equal – to hiring qualified applicants with disabilities and report to the Board at a future Personnel Committee meeting.
- The County Executive to review the Board's authority to adopt such a Policy, and, if enabling legislation is necessary, bring this issue to the Board's Legislative Committee.

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

63. DULLES EXPRESS SHUTTLE SERVICE (7:24 p.m.)

Chairman Bulova noted that Dulles International Airport brings thousands of people to the County everyday. The airport has a significant impact on the

economic success of the County. With advent of the Dulles Rail project, access to the airport will be easier than it has ever been before.

Currently the cost of express transportation to the airport is in excess of \$10 each way to and from the West Falls Church Metro Station. While there is a Metro bus that serves the airport, there are multiple stops along the way which is a deterrent for business travelers, and it does not stop in Tysons on weekdays during the morning and evening rush hour. Chairman Bulova said that perhaps there is an opportunity to provide a more affordable direct connection between the airport and Tysons Corner which would have a positive impact on the economy, increase the ease of access to the airport, and help build ridership for the rail line between Tysons Corner and Dulles Airport.

With that background, Chairman Bulova moved that the Board direct staff in the Department of Transportation to explore the viability of creating a direct Connector shuttle that runs between Dulles Airport and the future Metro station at Tysons West. She added that staff should consult with the Metropolitan Washington Airports Authority and Visit Fairfax to determine potential ridership, need, cost, and economic benefit of a direct shuttle from Tysons to Dulles. If such service is found to be feasible and cost-effective, staff should provide the Board with a recommendation for implementation in time to provide service to and from the Silver Line when Phase I becomes operational. Service would be phased out once Silver Line service to Dulles is up and running. Supervisor Foust seconded the motion.

Following discussion regarding service in the Dulles corridor, Supervisor Hudgins asked to amend the motion to direct staff to review the 5A Metrobus service, and this was accepted.

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

64. **UPDATE ON FISCAL YEAR (FY) 2012 BUDGET DEVELOPMENT**
(7:29 p.m.)

Chairman Bulova said that during the Board's consideration of the FY 2011 budget, it adopted Budget Guidance for FY 2011 and FY 2012. Part of the guidance included directions to staff to develop strategies for enhanced public engagement in the budget process through a continuation of the Community Dialogue sessions, but with the stepped-up use of technology and television.

In addition, Board guidance called for staff to prepare for a Lines of Business (LOB) review of several specific programs and departments for operational efficiency and improvements.

With reference to her written Board Matter, which provided details on ideas for the public engagement process, including a “book club model,” she noted that staff would return with specifics in September.

Chairman Bulova noted that two Budget Committee meeting dates had been identified for LOBs as follows:

October 26, 1 p.m.

County Financial Forecast
Schools Financial Forecast
Wastewater Treatment
Review of Outsourcing

November 30, 3 p.m.

Department of Housing and Community Development
Vehicle Standards and Replacement Policies
Other Issues

In regard to the review of outsourcing, Chairman Bulova indicated that it would include a discussion on opportunities for outsourcing as part of the FY 2012 budget deliberations.

In regard to the Community Dialogues and a financial forecast, Chairman Bulova clarified that the dialogues would be held in the September-October time period.

Anthony H. Griffin, County Executive, stated that refinements of the current financial forecast, particularly with revenues, would be provided to the Board as that information becomes available.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

65. **BRADDOCK DISTRICT PACKING DAY FOR CARE PACKAGES TO SOLDIERS** (7:35 p.m.)

Supervisor Cook noted the critical service and support provided by military personnel. He added that military personnel are deployed throughout the world providing critical support and security to the nation. He said that service members need the support of their families and community at home. As a small token of appreciation, he asked that people from all over the County consider joining him in an ongoing project called Challenge America 2010, supported by America's Adopt A Soldier.

Supervisor Cook said that in conjunction with VolunteerFest, members of the community are being asked to come together on Saturday, October 23, at Lake Braddock Secondary School to help achieve the goal of packing and

shipping 1000 boxes to service members abroad. Individually, people can help by:

- Giving a few hours of time on Saturday, October 23, at Lake Braddock Secondary School to address and pack "Care Packages" for service members. To volunteer time and help out at this event, contact Mr. Lindsey Smith of the Braddock District Office at 703-425-9300.
- Donating items. A list of suggested items can be dropped off at a number of locations yet to be determined. More information on that will be coming soon, but Supervisor Cook's office will serve as the first drop-off location and is ready to accept donated items.
- Donating funds. The cost to mail a box is \$10.70, and the cost of the contents of one box is approximately \$20. Make checks payable to America's Adopt A Soldier and mail to: America's Adopt A Soldier, PO Box 1049, Springfield, VA 22151.

Supervisor Cook referred to his written Board Matter and outlined the creation of America's Adopt A Soldier®, founded in 2009.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to:

- Invite Ms. Mary Keeser to appear before the Board on September 28 to be recognized for her tireless dedication to the troops and to help raise awareness of this event.
- Advertise the October 23 packing day as part of the County's VolunteerFest activities.

Without objection, it was so ordered.

In response to a query, Merni Fitzgerald, Director, Office of Public Affairs, indicated that this would be one of seven presentations scheduled for September 28.

66. **HONORING MR. MICHAEL COOPER ON HIS INDUCTION INTO THE VIRGINIA HIGH SCHOOL HALL OF FAME (BRADDOCK DISTRICT)**
(7:39 p.m.)

Supervisor Cook announced that Michael Cooper, head coach at W.T. Woodson High School, has been inducted into the Virginia High School of Fame as part of the Class of 2010. Supervisor Cook referred to his written Board Matter outlining Mr. Cooper's many accomplishments in the County.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite Mr. Cooper to appear before the Board, at a date to be determined, so that he may be recognized for his ceaseless dedication to the sport of gymnastics and the invaluable contributions he has made to the County. Without objection, it was so ordered.

67. **TYSONS LUNCH TIME SHUTTLE SERVICE: FOLLOW-UP** (7:41 p.m.)

Supervisor Herrity reminded the Board that at its February 23, 2010, meeting, it discussed the implementation of the Tysons Corner lunch time bus service or “Tysons Shuttle.” At that time, the service was making 106 runs on average, and only 75 passengers per day were utilizing it. The recommendation at that date was to give the shuttle more time to develop ridership.

Supervisor Herrity said that the shuttle has now been operational for more than eight months. County Department of Transportation staff provided him with updated numbers for the shuttle, which is still making 106 runs on average. The average numbers of passengers per day is up to 97 (less than 1 per bus trip), with the highest number of riders, 165 (about 5 per bus trip), on Friday, April 16.

Supervisor Herrity noted that it is still fairly early, but it is apparent the ridership has not increased significantly, even taking into account the severe weather experienced during “snowmageddon” and the extreme heat of late. Compounded with the constant construction and congestion in the immediate area, and despite a healthy amount of promotion of this service, the ridership numbers are still extremely low. A circulator service in Tysons will clearly be needed, but this service continues to appear to be well ahead of its time. He stated his belief that there should be better ways to spend scarce transportation dollars than to run empty buses around Tysons at lunch time. It is also bad for the environment.

Accordingly, Supervisor Herrity moved that the Board direct:

- Staff to provide an update in response to the February request to review the effectiveness of the shuttle service and determine if the program is working sufficiently and meeting its original goals.
- The County Executive to provide an update on the possible options available to more effectively utilize these funds if the goals are not being met by the September board meeting.

Chairman Bulova seconded the motion.

Discussion ensued regarding funding and use of the funds, with input from Katharine Ichter, Director, Department of Transportation.

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

68. **DECLARATION OF NOVEMBER 3, 2010, AS “GOVERNMENT CONTRACTING DAY”** (7:48 p.m.)

Supervisor Herrity asserted that the County has one of the most dynamic and vibrant local economies in the world. The main driver of this economic success is the presence of a large number of successful government contracting firms which are either headquartered or have a large presence in the County. According to the US Census Bureau, the County was first among all US counties in the value of federal contracts performed locally. Since the County is the economic engine of Virginia, these companies are essential to the economic vitality of the Commonwealth as a whole, as well.

Supervisor Herrity noted some of the larger contracting firms with headquarters in the County: Booz Allen Hamilton, Computer Sciences Corporation (CSC), General Dynamics, ManTech International Corporation, Bearing Point, and SRA International. In the last year alone, both Northrop Grumman and Science Applications International Corporation (SAIC) have also joined that list. Lockheed Martin and Raytheon also have large presences in the County. In addition to these larger companies, there are numerous small and mid-size firms that provide essential services to the Federal Government while also providing jobs to County citizens and the tax base needed to fund the services provided to citizens.

To honor these companies, the Eighth Annual Government Contractor Awards will be held on November 3, 2010. This is the region’s premier event honoring the best of the government contracting industry and it is presented by the Fairfax County Chamber of Commerce, the Professional Services Council, and *Washington Technology* magazine.

Because these government contracting firms are a key part of the current and future success in the County, Supervisor Herrity asked unanimous consent that the Board:

- Declare November 3, 2010, as “*Government Contracting Day*” in Fairfax County.
- Direct staff to prepare a proclamation to be presented at the awards dinner.
- Direct the Office of Public Affairs to issue a press release regarding “Government Contracting Day.”

Without objection, it was so ordered.

69. **ENDORSEMENT OF PROPOSED DESIGN CHANGES TO PHASE III OF THE FAIRFAX COUNTY PARKWAY EXTENSION PROJECT (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (7:50 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Hyland, and Supervisor McKay, Supervisor Herrity stated that in fall 2004, the Virginia Department of Transportation (VDOT) conducted a Design Public Hearing (PH) on the Fairfax County Parkway Extension Project between the Rolling Road/Franconia-Springfield Parkway interchange and the I-95/Fairfax County Parkway Newington interchange. Following the PH, a design was selected and approved for the project. Subsequently the project was divided into four construction phases due to funding limitations. American Recovery and Reinvestment Act (ARRA) (“stimulus”) funds have now been secured to close the final gap in funding and all four phases of the project have moved into construction.

Supervisor Herrity noted that Phase III of the Parkway construction project includes the northwest portion of the overall 2.1 mile long roadway extension project and runs between the existing Rolling Road/Donegal Lane/Hooes Road intersection and the Rolling Road/Franconia-Springfield Parkway interchange. A design-build contract for the Phase III project was awarded in January 2010. As allowed in the Request for Proposals (RFP), the selected design-build team proposed a design that modified the 2004 PH plans, but that remained within the same right-of-way limits. The proposed design changes include intersection modifications, maintaining the existing alignment of the Fairfax County Parkway along existing Rolling Road, elimination of a storm water detention pond and the relocation, lowering, and shortening of the relocated Rolling Road bridge over the Fairfax County Parkway. These proposed design modifications will not only noticeably improve the maintenance of traffic operations during construction, but will also enhance safety and vehicular operations at the interchange.

Supervisor Herrity explained that in March 2010, VDOT notified FHWA Eastern Federal Lands Highway Division (EFLHD) that a PH was not required for the proposed Phase III design changes; however, a National Environmental Policy Act (NEPA) reevaluation was required. The reevaluation determined that the design modifications were consistent with the 2003 Environmental Assessment (EA) and the 2004 Finding of No Significant Impact (FONSI) decision. A public information meeting was held on April 29, 2010, to inform the public of the proposed design changes and solicit input. In addition, significant public outreach to impacted adjacent communities’ homeowner and neighborhood associations was conducted by FHWA. The Phase III modifications were well received by the public, and no major issues or concerns were raised. In July 2010, the County received a letter from EFLHD indicating that the NEPA reevaluation had been completed, including a robust public outreach and participation process to solicit input and support from the public and stakeholders for the redesign of the proposed roadway, and requesting Board review and action of the proposed modifications to the design plans.

Based on the positive responses received during the public outreach program and the significant operational improvements of the revised design concept, Supervisor Herrity, jointly with Chairman Bulova, Supervisor Hyland, and Supervisor McKay, moved that the Board endorse the proposed design changes to Phase III of the Fairfax County Parkway Extension Project as outlined in the NEPA reevaluation document for Phase III and presented at the April 29, 2010, Public Information Meeting. Supervisor McKay seconded the motion.

Following acknowledgment that this type of item is usually presented as an Action Item, the question was called on the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

70. **YOUTH RUGBY DAY IN FAIRFAX COUNTY** (7:54 p.m.)

Supervisor Herrity explained that the Coventry Commonwealth Games of Virginia is an “Olympic-esque” event that brings men, women, girls, and boys together from all corners of the State in the quest to compete in a range of sporting events and activities. He announced that, for the second year in a row, the County will play a more active role in the Commonwealth Games with Rugby Virginia’s Youth Rugby Tournament being the sole Games event held in Northern Virginia. Hooes Road Park will play host to the rugby tournament hosted by Rugby Virginia and its sponsors, the Virginia National Guard, on both July 30 and August 1. Over these two days more than 500 boys and girls from ages 7 to 17 will compete.

Accordingly, Supervisor Herrity asked unanimous consent that the Board:

- Acknowledge the Rugby Virginia Youth Rugby Tournament by proclaiming July 30 as “*Youth Rugby Day*” in Fairfax County.
- Direct staff to prepare a resolution for presentation at the games.

Without objection, it was so ordered.

71. **LETTER TO THE ENVIRONMENTAL PROTECTION AGENCY (EPA)** (7:55 p.m.)

Supervisor Gross, Chairman of the Board’s Environment Committee, called the Board’s attention to a draft letter to the EPA, Region III, regarding the Total Maximum Daily Load (TMDL) for Accotink Creek. She said that each Board Member should have received in Friday’s mail the draft letter and memorandum from James Patteson, Director, Department of Public Works and Environmental Services (DPWES).

Supervisor Gross explained that the EPA is working on establishing a TMDL for the Accotink Watershed, which includes parts of seven districts in the County,

most of the City of Fairfax, half of the Town of Vienna, Fort Belvoir, and a number of key redevelopment areas including Merrifield, Springfield, Annandale, and the Fort Belvoir Engineer Proving Ground (Fort Belvoir North). She expressed concern that the County is being set up for failure, and the EPA is on a fast track for development of this TMDL. This is a non-traditional TMDL and the first time that a flow TMDL has been developed for a highly urban well-developed watershed such as Accotink Creek. The EPA has added a provision that no more than five percent of the watershed can be under construction at any one time, which would be difficult to monitor given the number, size, and scope of the area. As staff understands it right now, stream restoration will not count toward the TMDL, which limits the County's options.

Supervisor Gross moved:

- Approval of the draft letter to Jon Capacasa, Director, Water Protection Division, US EPA, Region III, which outlines the County's concerns. The County wants to do its part to restore the Chesapeake Bay, but the requirements must not be impossible to meet. Supervisor Gross noted that a paragraph has been added to the bottom of page two of the letter, which is different from the original draft previously received by the Board, and regards the legality of EPA's proposed TMDL under the Clean Water Act.
- The addition of courtesy copies of the letter to all members of the County's Congressional delegation.

Supervisor Herrity seconded the motion.

Discussion ensued regarding the Federal legislative agenda, State involvement, and a public hearing held the previous evening, with input from Randy Bartlett, Director, Stormwater Management Division, DPWES.

Supervisor Cook asked to amend the motion to copy the letter to the County's Delegation to the General Assembly, and this was accepted.

Following discussion regarding the legal analysis, David P. Bobzien, County Attorney, indicated that his office had consulted with outside counsel on this issue and it is fully supportive of the County's position.

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

Supervisor Gross expressed appreciation to staff for its analysis.

72. **GIFTS OF HONEY** (8:04 p.m.)

Supervisor Hyland presented to Members of the Board gifts of jars of honey which his bees produced.

73. **NEWINGTON DEPARTMENT OF VEHICLE SERVICES (DVS) MAINTENANCE FACILITY (MOUNT VERNON DISTRICT)** (8:05 p.m.)

Supervisor Hyland noted that the County is the owner of the Newington DVS Maintenance Facility located at 6900 Newington Road in Lorton. The site area is approximately 25 acres and the facility is currently used for vehicle maintenance for school buses, county trucks and vehicles, police motorcycles, et cetera. The operation of this facility is currently in four separate buildings. To meet the current DVS programming needs, consolidate operations in one building and upgrade building safety and technology infrastructure, a new larger facility is proposed to replace the current ones that were constructed in 1964.

Supervisor Hyland said that existing drainage from two large offsite areas converge on this site, upstream of a bridge causing inadequate storm water outfall conditions. To mitigate the impact on the outfall, the Department of Public Works and Environmental Services (DPWES) is proposing to redirect the flow from one of the offsite drainage areas in the east to an area downstream of the bridge, bypassing the bridge opening. This design will require an installation of a proposed storm sewer outlet inside a tree conservation area that was established by a private townhouse development located offsite, on the opposite side of Newington Road. This proposed design is supported by residents of the townhouse development (Newberry Station Homeowners Association). In addition, this option was supported by the Virginia Department of Environmental Quality (DEQ) and the US Army Corps of Engineer (COE) at an onsite meeting on May 27. Since the proffered conditions for this private development only include the existing storm sewer outlet, it is necessary that the proffered conditions be amended. The installation of the stormwater sewer outfall continues to be evaluated by the County.

To proceed with the project, the Board must authorize staff to file a proffered condition amendment (PCA) application on its behalf. This application will be coordinated with the Newberry Homeowners Association, the Newington Civic Association, and the South County Federation. The application is ready to be submitted in the coming weeks.

Therefore, Supervisor Hyland moved that the Board direct staff to take the following actions on its behalf:

- Authorize the Director of DPWES, or his designee, to act as the agent of the Board to file a PCA application with the Department of Planning and Zoning (DPZ).

- Grant expedited processing of the application by DPZ to assure the first available public hearing date before the Planning Commission and the Board.
- Grant concurrent processing of the appropriate site plans for review by DPWES.

This motion does not relieve the applicant of any and all obligations, ordinances, or standards, and will not prejudice the consideration of the applications in any way. Supervisor McKay seconded the motion.

Following discussion relating to fees, Supervisor Hyland asked to amend the motion to direct the County Attorney to provide a determination as to whether fees would be posed here and, if so, whether they could be waived. This was accepted.

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

74. **MAINTENANCE OF TELECOMMUNICATIONS FACILITIES ON COUNTY PROPERTY** (8:09 p.m.)

Supervisor Hyland said that a civic association president in the Mount Vernon District brought to his attention maintenance deficiencies at several telecommunication (monopole) facilities in the County. This constituent's pictures show deficiencies at school sites, including broken fences, unlocked gates, exposed wires, trash, and other unsafe conditions that need immediate attention. While all these sites operate under a maintenance agreement with the telecommunication company, since they are on public land and frequently used by children and parents, staff should be involved to bring these sites up to safe conditions.

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

- Inspect telecommunications facilities on County land to ensure they are safe, secure, and up to County standards.
- Refer this to the School Division authorities for inspection and corrective action.
- Report to the Board with recommendations to address deficiencies.

This motion, the second to which was inaudible, carried by unanimous vote.

PMH:pmh

75. **FUNDING FOR MAINTENANCE OF STATE OWNED ROADS** (8:12 p.m.)

Supervisor Foust said that the Commonwealth of Virginia is grossly underfunding adequate maintenance of State owned roads. Recently, at the request of Supervisor McKay, the Board sent a letter to the Northern Virginia delegation that strongly expressed its concerns over lack of basic road maintenance. The McLean Citizens Association (MCA) may have identified a way that the legislature can help address this problem. He said that the MCA brought to his attention a study that identifies a possible mechanism to increase State funding for road maintenance in a fair and equitable way. The study was conducted for the Virginia Department of Transportation (VDOT) by the Virginia Transportation Research Council (VTRC). It looked at the current fee structure for permits granted to overweight vehicles operating on Virginia's highways to determine what, if any, additional fees should be associated with highway damage and added maintenance costs caused by such vehicles. The study determined that the damage to roads and bridges done by these overweight vehicles in 2007 exceeded \$200 million and that overweight vehicle fees collected by the State were less than \$3 million. The MCA also forwarded a copy of a letter from Transportation Commissioner David Ahern that summarizes the VTRC's study, and a copy of legislation proposed by VDOT to partially address the specific findings of the study. As stated by Commissioner Ahern, the damage model used by VTRC in its study "shows that the amount of damage caused by overweight vehicles is significantly higher than the amount of fees paid by those vehicles."

Therefore, Supervisor Foust moved to refer consideration of this matter to the Legislative Committee to determine whether the Board should adopt a position on issues related to appropriate State permit fees to charge for overweight vehicles that more equitably reflects the estimated pavement and bridge damage costs attributed to those vehicles. Supervisor McKay seconded the motion and it carried by unanimous vote.

76. **QUARTERLY STATUS REPORT ON OPERATIONS AS OF JULY 2010** (8:14 p.m.)

(BACs) Supervisor Foust said that the Board has received the Office of Financial and Programs Auditor's Quarterly Status Report on Operations as of July 2010.

Supervisor Foust noted that the long serving Auditor to the Board, John Adair, retired January 1. Following an exhaustive search and numerous candidate interviews, the Board appointed Mr. Michael Longhi to fill that position.

Supervisor Foust said that Mr. Longhi commenced his employment with the County on July 12. As noted in the report, in the short time since his arrival, he has focused on filling the vacant positions in his office, including the full time position created when the Members of the Board reduced its own office budgets

to fund an additional auditor, and a part-time position created by a retirement. He has also worked to familiarize himself with the status of audits addressed in Mr. Adair's December 2009 Quarterly Status Report with a view toward determining whether additional follow up is needed. And, together with the members of the Audit Committee, he has prepared a list of several potential projects that could ultimately provide the Board direction for the activities of the Auditor to the Board.

Supervisor Foust said that the Board previously directed the Auditor to monitor the Dulles Rail Project with respect to financial and schedule issues. The Metropolitan Washington Airports Authority (MWAA) publishes a detailed monthly progress report for Phase I of the project. In his December 2009 status report, Mr. Adair noted that reviewing the MWAA report on a regular basis would enable County officials to keep informed with regard to the project's progress as well as the reason for change orders. Mr. Longhi has included a table in this report that highlights key financial and schedule data taken from MWAA's most recent progress report. It is anticipated that this table, as it might be modified over time, will appear in each quarterly status report the Board receives from Mr. Longhi. In the current report, it is noted that there have been some relatively minor schedule delays encountered, and that the expectation is that there will be opportunities to regain this time.

Supervisor Foust noted that in the Status Report, there is also a section titled "Audit Committee Direction." The Audit Committee has expressed the desire to develop a forward looking audit plan to prioritize and provide direction for the activities of the Board's Auditor. This section identifies several projects that may be included in that plan. The Audit Committee intends to discuss the plan at its next meeting and to present a proposed audit plan to the full Board for approval. Between now and the next Audit Committee meeting, Board Members who are not on the Audit Committee are encouraged to submit to Mr. Longhi any suggestions they have for activities to be included in the plan. He added that he has forwarded copies of the Dranesville District Budget Task Force Reports to Mr. Longhi to review for this purpose and other Board Members who appointed budget task forces may wish to forward their reports to him as well.

Therefore, Supervisor Foust moved that the Board adopt the Quarterly Status Report. Chairman Bulova seconded the motion.

Chairman Bulova suggested that Mr. Longhi be provided with Budget oversight findings.

Supervisor Gross asked unanimous consent that the Board direct Mr. Longhi to meet with each Board Member. Without objection, it was so ordered.

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

77. **BOARD POSITION CONCERNING ROUTE 7/ROUTE 193 DESIGN PLANS (DRANESVILLE DISTRICT)** (8:16 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust said that the project to widen Route 7 from four to six lanes between Rolling Holly Drive and the Dulles Toll Road has been under design by the Virginia Department of Transportation (VDOT) since 2000. A design public hearing was held on the western portion of the project in June 2003 and the Board endorsed the project in August 2003, and the VDOT Chief Engineer approved the design plans in March 2004. Since these actions, the project has been delayed multiple times due to funding shortfalls as well as the need to evaluate alignment and operational alternatives. As a result of the funding gap, the project limits have been reduced and the design modified. The County has committed \$8 million to this initial construction segment out of Commercial and Industrial Revenues for Transportation. Land acquisition is scheduled to begin on this project segment this summer and utility acquisitions this fall.

Supervisor Foust explained that during and since the 2003 public hearing, the continuing points of contention for communities along Georgetown Pike with the project design have been the inclusion of a second left turn lane (dual turn lanes) from eastbound Route 7 onto eastbound Route 193, Georgetown Pike, and the proposed widening and realignment of Georgetown Pike. These communities and elected officials who represent Great Falls and McLean have consistently expressed their concern that the integrity of the historic structure must be maintained and that the dual left turn lanes could induce additional traffic onto Georgetown Pike, a narrow two-lane, winding and undulating roadway with minimal shoulders, and thereby impact the safety of hundreds of residents who must use this road for access as well as other travelers. Georgetown Pike is a historic structure and has been determined eligible for the National Register of Historic Places as well as designated as a Virginia Byway and is planned to remain as a two-lane roadway on the Comprehensive Plan to protect its scenic and historic character.

Supervisor Foust noted that the concerns of the community and its elected officials were heightened in 2009 when VDOT released a design to realign Georgetown Pike at the Route 7 intersection, moving the Pike from its historical roadbed and adding multiple auxiliary lanes to the Pike. These changes were made after VDOT presented its 2007 design to the public and after the Board funded the design in 2008 and without any opportunity for community input to the redesign.

In recognition of the strong continuing opposition of the communities along Georgetown Pike and of their elected representatives to the provision of dual left turn lanes from eastbound Route 7 onto eastbound Georgetown Pike and their opposition to realigning the historic Pike, Supervisor Foust said that it is time for this issue to be revisited a final time. In response to the concerns that have been raised and in view of the fact that VDOT has the legal authority and liability for

the safety and adequacy of roadways within the County and design flexibility under SAFETEA-LU 23 USC 109(c), jointly with Chairman Bulova, Supervisor Foust moved that the Board take the following actions:

- Reconfirm the Board's position regarding Georgetown Pike, as stated in the Comprehensive Plan, including that Georgetown Pike should be maintained within its existing right-of-way and that measures should be taken to maintain the scenic and historic character of the roadway.
- Clarify that the Board does not want to induce or encourage more traffic to use Georgetown Pike, nor does the Board want to retain the current unsafe situation of vehicles wanting to turn left onto eastbound Georgetown Pike, queuing into the Route 7 through lanes.
- Transmit to the Commonwealth for consideration the specific alternative of extending the existing single eastbound left turn lane the distance needed to safely store left turning traffic out of the Route 7 through lanes, and including a raised median to prevent traffic from cutting into the left turn queue and blocking traffic in the main line.
- Clarify that if, in the opinion of the Secretary of Transportation, the single left turn lane will satisfactorily resolve the safety issue associated with the extensive eastbound left turn queue, then that is the Board's preferred alternative at this location, rather than the dual left turn lanes currently shown in the plans.
- Request that prior to the end of the summer the State explore with the Board Chairman and Dranesville District Supervisor potential geometric modifications which may better address community concerns about preserving the historical roadbed of Georgetown Pike at its intersection with Route 7.
- Reaffirm that the Board does not wish for the construction of this project to continue to be delayed, as evidenced by the Board's commitment of \$8 million to the project.
- Request that the State not delay the start of land acquisition, utility relocations, or construction of this project any longer due to the left turn lane or other issues and that land acquisition be initiated as scheduled this summer based on the current approved design plans. A review of the design plans indicates that regardless of the State's decision regarding the Route 7/Georgetown Pike intersection, sufficient State right-of-way already exists along Georgetown Pike for either alternative to be constructed.

Chairman Bulova seconded the motion.

Following discussion regarding a similar situation elsewhere in the County and public hearings on Route 7, and with input from Katharine Ichter, Director, Department of Transportation, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Hudgins voting “NAY.”

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide the Board with information regarding historic byways and additional traffic. Without objection, it was so ordered.

78. **HILTON WORLDWIDE, INCORPORATED AND TYSONS PARK PLACE II, LLE – SPECIAL EXCEPTION APPLICATION SE 2010-PR-010 (PROVIDENCE DISTRICT)** (8:43 p.m.)

Supervisor Smyth noted that Hilton Worldwide has submitted Special Exception Application SE 2010-PR-10 for a new comprehensive sign plan for the new Hilton Worldwide headquarters located at 7930 Jones Branch Drive.

Therefore, Supervisor Smyth moved that the Board direct staff to schedule a public hearing to be held before the Board on Special Exception Application SE 2010-PR-010 for September 28. The applicant understands that the Board's scheduling of this application will not prejudice the consideration of the application in any way. Supervisor Herrity seconded the motion and it carried by unanimous vote.

79. **RECONSIDERATION OF REZONING/CONCEPTUAL DEVELOPMENT PLAN APPLICATIONS RZ/CDP 2009-SU-024 AND APPROVAL OF SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2003-SU-023 (SULLY DISTRICT)** (8:44 p.m.)

Pursuant to Section 16-401 of the Zoning Ordinance and due to intervening engineering and design considerations and opportunities, Supervisor Frey moved that the Board reconsider its July 13, 2010, approval of Rezoning/Conceptual Development Plan Applications RZ/CDP 2009-SU-024. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-SU-024, from the PDC, I-5, PDH-16, HD, and WS Districts to the PDC, HD, and WS Districts, and approval of the associated Conceptual Development Plan, subject to the proffers dated June 11, 2010, and subject to the following Conceptual Development Plan condition associated with Conceptual Development Plan CDP 2009-SU-024 entitled "Dulles Discovery South" and dated May 5, 2010:

- "Notwithstanding the limitations set forth in Proffer Paragraph 2, the footprint of "Building DD-South" may be rotated up to approximately ninety degrees from the orientation depicted on the CDP entitled 'Dulles Discovery South' (dated May 5, 2010), as reviewed and approved by the Zoning Administrator in consultation with the Sully District Supervisor, and in accordance with the following criteria: (i) the minimum setback from the Centreville Road right-of-way is not reduced from the 275 feet depicted on CDP Sheet 3; (ii) the minimum amount of open space provided on the CDP is not reduced; (iii) the height, gross square feet and footprint of Building DD-South is not enlarged; (iv) no change is made to perimeter landscaping and streetscaping along Centreville Road; and (v) the plan shall be presented to the Franklin Farm Foundation for review and comment prior to the submission of the site plan for the rotated building option if it is selected."

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

Supervisor Frey moved that the Board reaffirm its previous actions as follows:

- Approval of Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 2003-SU-035.
- Modification of Section 10-104(3)B and C of the Zoning Ordinance to permit an increase in fence height to a maximum fence height of nine feet around the perimeter of the property to provide security for the proposed tenant.
- Modification of Section 13-303 of the Zoning Ordinance to permit the transitional screening as shown on the CDP/FDP to satisfy the requirements along the eastern and a portion of the southern boundaries.
- Modification of Section 13-304 of the Zoning Ordinance to permit the barriers as shown on the CDP/FDP to satisfy the requirements

along the southern and a portion of the eastern and western property lines.

- Waiver of the Countywide Trails Plan recommendation for a major paved trail along the south side of the to-be-vacated Barnsfield Road.
- Approval of Special Exception Amendment Application SEA 2003-SU-023, subject to the development conditions dated June 9, 2010.

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

80. **STUART/MOSBY MUSEUM FEE WAIVER (SULLY DISTRICT)**
(8:50 p.m.)

Supervisor Frey said that the Stuart/Mosby Historical Society, a 501 (c)3 organization is proposing to lease the Stone House in the Centreville Historic District to establish the Stuart/Mosby Museum. No construction is proposed and the museum would be a by-right use in the C-6 District. However, the use will require a parking study, and perhaps a shared parking agreement with the existing office tenant. The Stone House contains a total of 1200 square feet and the museum use will require four parking spaces.

In recognition of the limited use of the building, the desire of the community to enhance the viability of the Centreville Historic District, and the extremely small nature of the request, Supervisor Frey moved waiver of the fees associated with the parking study. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

81. **SYA EAST TEAM WINS STATE CHAMPIONSHIP (SULLY DISTRICT)**
(8:51 p.m.)

Jointly with Supervisor Herrity, Supervisor Frey announced that the SYA East Little League All-Star 11-12 year old Division has won the Virginia State Championship. It defeated Vienna National 12-2 in the championship game and will now compete in the Southeast Regional Tournament on August 7 in Warner Robbins, Georgia, where they will take on Tennessee.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite the SYA East team to appear before the Board for recognition of its outstanding State Championship Title and wish it the best. Without objection, it was so ordered.

82. **FORT BELVOIR BASE REALIGNMENT AND CLOSURE (BRAC) PLAN (LEE DISTRICT)** (8:52 p.m.)

Jointly with Chairman Bulova and Supervisor Hyland, Supervisor McKay said that the BRAC plan has created the immediate need for infrastructure improvements in the surrounding area, particularly transportation improvements. He added that the federal Fort Belvoir BRAC plan will require a significant effort by the federal government to appropriately mitigate the effects of relocating approximately 12,000-19,000 personnel to the County. As base realignment is a federal decision; mitigating the impact of the realignment must also be a federal responsibility. However, the federal government has fallen far short of providing the appropriate funding needed to deal with the traffic impacts that will affect the Fort Belvoir area just over one year from now.

Supervisor McKay said that the federal Fiscal Year (FY) 2010 Defense Appropriations Bill, passed by Congress and signed by President Obama, included \$300 million to be divided among transportation projects providing access to the new Fort Belvoir Community Hospital and the new Walter Reed National Medical Center in Bethesda. The Fort Belvoir funding was provided at the behest of Congressman Jim Moran, and it was anticipated that approximately \$150 million would be available for improvements to ease traffic congestion along Richmond Highway (Route 1) corridor which provides the primary access to Fort Belvoir and the new community hospital. Without these improvements, there will be significant delays in the Route 1 corridor with the opening of the new Belvoir Community Hospital and the other BRAC installations at Fort Belvoir.

Supervisor McKay said that subsequent to the passage of the FY 2010 Defense appropriations bill, a technical problem with how the funds were appropriated was identified. Since that time, Congressman Moran has led the effort to attain passage of the technical adjustment needed to release these funds. However, concerns about the struggling national economy and rising deficit have made what should have been a minor, easy fix more difficult to approve as Congress works to complete its business before the November elections.

The Board is closely monitoring this issue, and therefore, Supervisor McKay moved that the Board direct staff:

- And the County's federal contract lobbyists to continue to work with Congressional staff to convey the Board's sense of urgency to ensure the availability of this essential funding.
- To send individual letters similar to those included with his written Board Matter to the County's Congressional Delegation as soon as possible.

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

83. **SMOKING IN COUNTY OWNED BUS SHELTERS** (8:55 p.m.)

Supervisor McKay said that it has recently come to his attention that while there is a County ordinance that prohibits smoking in County buildings, the issue of smoking in County-owned bus shelters has not been addressed.

Supervisor McKay noted that the County owns a majority of the bus shelters located within its borders. The Virginia Clean Air Act requires the provision of “reasonable no-smoking areas, considering the nature of the use and the size of the building in any building owned or leased by the Commonwealth or any agency thereof or a locality.” Furthermore, bus shelters qualify as ‘buildings’ under the Virginia Uniform Statewide Building Code.

Therefore, Supervisor McKay moved that the Board direct staff to prepare a proposed ordinance to prohibit smoking in the County-owned bus shelters. Should the Board adopt such an ordinance, Supervisor McKay also requested that staff prepare letters, for signature by the Chairman, to the Virginia Department of Transportation and Washington Metropolitan Area Transit Authority notifying them that they are required by Virginia law to regulate smoking in the bus shelters they own. Supervisor Cook and Supervisor Foust jointly seconded the motion and it carried by unanimous vote.

84. **REQUEST FOR EXPEDITED PUBLIC HEARING FOR REZONING APPLICATION RZ 2006-LE-010 (LEE DISTRICT)** (8:57 p.m.)

- (A) Supervisor McKay said that Rezoning Application RZ 2006-LE-010 is to rezone a lot on Grovedale Road from R-1, C-5 and H-C Districts to the C-2 and H-C Districts. This application has recently been before the Lee District Land Use Committee and received its recommendation for approval. It is currently scheduled for a September 15 public hearing before the Planning Commission.

Therefore, Supervisor McKay moved the Board direct staff to expedite the public hearing to be held before the Board for Rezoning Application RZ 2006-LE-010 on September 28, 2010. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

85. **BRIDGEWALK (LEE DISTRICT)** (8:58 p.m.)

Supervisor McKay announced that on Friday, September 10, at 7:30 p.m., members of the Springfield community will march over Veterans Bridge in the heart of the Springfield revitalization district and hold a community celebration at

the American Legion end of the bridge. The celebration will feature music and food from local restaurants.

Supervisor McKay said that this year's BridgeWalk will have an added feature. Following the Army Community Covenant signing at last year's BridgeWalk, the covenant will be renewed this year. The covenant is an affirmation of support by state and local communities to active, guard, and reserve service members and their families.

Therefore, Supervisor McKay invited Board Members to join him on September 10 and see how to celebrate community in Lee District. He asked unanimous consent that the Board direct the Office of Public Affairs to advertise this event. Without objection, it was so ordered.

86. **FIRST SPRINGFIELD 15K/5K RACE AS ONE OF THE FEATURES OF SPRINGFIELD DAYS (LEE DISTRICT)** (9 p.m.)

Supervisor McKay said that this year was the first Springfield 15K/5K race as one of the features of Springfield Days.

Supervisor McKay explained that the brainchild of Mark Russell, race director and owner of Metro Run and Walk (a running and walking specialty store in Springfield Plaza), this race will be a yearly event designed to showcase Springfield. This year, the race featured Lake Accotink Park and the adjacent Crestwood neighborhood.

The race drew almost a 1000 runners and walkers, an impressive number for its first year.

Supervisor McKay said that Mr. Russell and his team made an early decision to donate all the proceeds of the race to support area recreation and fitness programs for youth in need as well as to County parks and schools. The following local organizations, parks, and schools were the recipients of the generosity of the race's sponsors:

- Trails for Youth (supporting trail running and hiking)
- Keen (Kids Enjoy Exercise Now) supporting their new Springfield programs
- Lake Accotink Park for camp and activity scholarships
- South Run RECenter supporting adaptive swimming programs
- Lee High School cross country and track teams

- The 15k/5k free running shoe fund providing shoes to local school athletes who cannot afford them

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Mr. Russell and his race planning team to appear before the Board for recognition at its meeting on October 19. Without objection, it was so ordered.

87. **AGING IN COMMUNITY FORUM (HUNTER MILL DISTRICT)**
(9:01 p.m.)

Supervisor Hudgins announced that on October 9, 2010, from 1 p.m. until 5 p.m., *Aging in Reston: A Community Forum for Hunter Mill District* will be held at the Reston Community Center at Hunters Woods. Reston founder Robert E. Simon will be the keynote speaker on his original village concept as it connects to aging in place. Also included will be a panel on innovative aging programs from other locations, and breakout sessions. District residents, along with the Reston Community Center, Reston Interfaith, Reston Association, and Reston Citizens Association are all working together designing a program that explores existing local and County resources.

Supervisor Hudgins noted that a community survey is being conducted by volunteers at community events, and is also available at www.AgingInReston.org to gauge the aging in place concerns of residents, which is being used to shape the October forum agenda. Results of the survey will be shared at the community forum.

The forum is free. Residents are invited to participate in this education session to engage in dialogues about the needs and services for older adults in Reston and surrounding areas, and how they can build an Aging in Community model. Advance registration is requested, and event forms are will be available at the Reston Community Center, www.restoncommunitycenter.org, or at the Hunter Mill District web page: www.fairfaxcounty.gov/huntermill.

Supervisor Hudgins asked unanimous consent that the Board direct staff to work with local media to publicize this community event. Without objection, it was so ordered.

88. **RESTON EXCELSIOR - PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-121-03 (HUNTER MILL DISTRICT)** (9:03 p.m.)

Supervisor Hudgins said that Reston Excelsior, LLC (“applicant”) is seeking approval of the Planned Residential Plan (PRC) plan on Section 95, Block 2 within the Reston Town Center (Oracle Campus) for the development of two multifamily residential buildings. The site is identified on the Tax Map as 17-4((1))7B.

The Planning Commission (PC) public hearing was held on June 24, 2010. Staff and the applicant have been meeting to resolve certain issues and concerns that were identified as part of the public hearing. The PC is scheduled for a decision only on September 15, 2010. The applicant has requested an expedited Board public hearing for the PRC application.

Therefore, Supervisor Hudgins moved that the Board direct the Director of the Zoning Evaluation Division, Department of Planning and Zoning, to schedule a public hearing to be held before the Board for Planned Residential Community Application PRC 86-C-121-03 for the next available public hearing after the PC date. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from complying with the provisions of all applicable ordinances. Chairman Bulova seconded the motion, which carried by unanimous vote.

89. **NATIONAL NIGHT OUT** (9:05 p.m.)

Chairman Bulova noted that Tuesday, August 3, 2010, is National Night Out.

90. **BOARD ADJOURNMENT** (9:05 p.m.)

The Board adjourned.

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