



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**MONDAY  
October 5, 2009**

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**DET:det**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, October 5, 2009, at 9:40 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 Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Gerald W. Hyland, Mount Vernon District, arrived at 9:42 a.m.

Supervisor Catherine M. Hudgins, Hunter Mill District, was absent from the entire meeting.

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

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:40 a.m.)

Supervisor Frey asked everyone to keep in thoughts the families of two of Centreville's distinguished residents who died recently:

- Joanne Ibbotsen, the first principal of Centre Ridge Elementary School, who worked in the County Public Schools for 34 years.
- Carol Friedman, a previous member and chairman of the History Commission and founder of the Historic Centreville Society.

Supervisor Foust stated that yesterday flags were flown at half staff in recognition of the National Fallen Firefighters' Memorial Service and asked everyone to keep in thoughts the brave men and women first responders who have given their lives over the years.

Chairman Bulova asked to keep in thoughts the troops who are protecting the country and who have put themselves in harms way.

**AGENDA ITEMS**2. **PROCLAMATION DESIGNATING OCTOBER 4-10, 2009, AS "FIRE PREVENTION WEEK" IN FAIRFAX COUNTY** ( 9:43 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate October 4-10, 2009, as "*Fire Prevention Week*" in Fairfax County and urged all residents to participate in fire prevention activities at home, work and school, and to make their homes safer to protect themselves and their families in the event of a fire. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

Dereck A. Baker, Deputy Chief, Fire Prevention Division, Fire and Rescue, noted that:

- The County had four fatalities this calendar year.
- This Saturday, October 10, 2009, there will be an Open House at all 37 fire houses and he invited Board Members to attend.

Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **PROCLAMATION DESIGNATING OCTOBER 2009 AS "DISABILITY EMPLOYMENT AWARENESS MONTH" IN FAIRFAX COUNTY**  
(9:53 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate October 2009 as "*Disability Employment Awareness Month*" in Fairfax County, providing an opportunity for residents to recognize the history, concerns, contributions and achievements of individuals with disabilities and to create a favorable climate for a fully integrated community. Supervisor Hyland seconded the motion.

Chairman Bulova noted the obituary of Dr. Margaret Pfanstiehl, founder of the Metropolitan Washington Ear, who had testified before the Board many times.

The question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE NYSMITH SCHOOL FOR THE GIFTED ODYSSEY OF THE MIND TEAM**  
(10:10 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to the Odyssey of the Mind Team from Nysmith School for the Gifted for seeking creative solutions to problems through teamwork and cooperation resulting in its win at the Virginia State Championship and advancement to the worldwide Odyssey of the Mind competition at which it finished tenth overall. Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Herrity and Supervisor McKay being out of the room, Supervisor Hudgins being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

#### **ADDITIONAL BOARD MATTER**

5. **ABSENCE OF HUNTER MILL DISTRICT SUPERVISOR HUDGINS – MEETING OF THE AMERICAN PUBLIC TRANSIT ASSOCIATION (APTA)** (10:16 a.m.)

Chairman Bulova announced that Supervisor Hudgins was not present as she was representing the Board at the APTA meeting in Orlando, Florida, and that Supervisor McKay would be joining her later today.

(Note: Later in the meeting, there was additional discussion regarding the APTA meeting. See Clerk's Summary Item #41.)

**AGENDA ITEMS**

6. **CERTIFICATES OF RECOGNITION PRESENTED TO THE WEST SPRINGFIELD HIGH SCHOOL FORENSICS AND DEBATE TEAMS (SPRINGFIELD DISTRICT)** (10:18 a.m.)

Supervisor Herrity moved approval of the Certificate of Recognition presented to the West Springfield High School debate team for winning the Virginia State Championship for Debate, its first state title in more than 40 years. Chairman Bulova seconded the motion.

Supervisor Herrity moved approval of the Certificate of Recognition presented to the West Springfield High School forensics team for winning the Virginia State Championship for Forensics, and, for only the second time in the history of the Virginia High School League, accomplishing this in tandem with the debate team's State title. Supervisor Foust and Chairman Bulova jointly seconded the motion.

The question was called on the motions, which carried by a vote of nine, Supervisor Hudgins being absent.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. CHRIS GODART (SULLY DISTRICT)** (10:26 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Mr. Chris Godart for outstanding commitment for his 26 years as a head coach for girls' soccer in the Northern Virginia region. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ELIZABETH M. FAIRCHILD (MOUNT VERNON DISTRICT)** ( 10:32 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Ms. Elizabeth M. Fairchild for her gift to the County of more than eight acres of her property that was once part of the historic Spring Bank estate, which will enable the County to preserve, protect, and restore Quander Brook in the Spring Bank community. Supervisor Foust, Supervisor Gross, and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO WEST\*GROUP, GREENSPUR, INCORPORATED, AND CHARITYWORKS** (10:43 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to WEST\*GROUP; GreenSpur, Incorporated; and CharityWorks for their effort and

contribution to develop GreenHouse, the first carbon neutral house in the mid-Atlantic region. Supervisor Gross seconded the motion.

Supervisor Foust announced an Open House October 10 – 30, 2009, with all proceeds benefiting:

- Friendship Public Charter School, Washington, DC
- Injured Marines Semper Fi
- Intrepid Fallen Heroes Fund
- McLean Project for the Arts

Supervisor Foust noted that additional information was available online at [www.charityworksgreenhouse.com](http://www.charityworksgreenhouse.com). The question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

**DAL:dal**

10. **10 A.M. – EXCEPTIONAL DESIGN AWARDS PROGRAM: RECOGNITION OF THE TWENTY-FIFTH ANNIVERSARY AND 2009 AWARD WINNERS** (10:58 a.m.)

This is the twenty-fifth year of the Exceptional Design Awards Program. The purpose of the awards program is to recognize achievement in the total design of a building and site and to create an awareness of outstanding planning and design projects among design professionals and the general public.

William T. Brown, AIA, LEED®AP, Exceptional Design Award Juror, announced that a formal awards ceremony will be held Thursday, October 8, 2009, from 5:30 p.m. to 7 p.m., in Government Center Conference Rooms 2 and 3, and invited Board Members to attend. Mr. Brown noted that over the past 25 years 172 projects have been recognized for their architectural and design excellence in the County. Mr. Brown introduced the Honorable James M. Scott, Virginia House of Delegates, former Providence District Supervisor, who gave brief remarks regarding the program.

Mr. Brown gave a presentation regarding the history of the program and announced the recipients of the 2009 Exceptional Design Awards, as follows:

- *Honor Award*: 1800 Tysons Boulevard  
Category: Mixed Use  
Architect: Kohn Pederson Fox, Associates, PC, New York, NY  
Owner/Developer: TYF Development Company, LLC, Lerner Enterprises  
Year Built: 2005

- *Merit Award: Burke Centre Library*  
Category: Institutional  
Architect: Grimm and Parker Architects, McLean, VA  
Owner/Developer: Fairfax County  
Year Built: 2008
- *Merit Award: Crosspointe Fire Station 41*  
Category: Institutional  
Architect: Samaha Associates, PC, Fairfax, VA  
Owner/Developer: Fairfax County  
Year Built: 2007
- *Merit Award: KR Pool and Guest House*  
Category: Residential  
Architect: Randall Mars Architects, McLean, VA  
Owner/Developer: Barbara Kinosky and Kevin Riley  
Year Built: 2008
- *Merit Award: Viola House*  
Category: Residential  
Architect: Randall Mars Architects, McLean, VA  
Owner/Developer: Kathy Viola  
Year Built: 2008
- *Merit Award: Virginia Light*  
Category: Residential (interior)  
Architect: Meditch Murphey Architects, Chevy Chase, MD  
Owner/Developer: Withheld at owner's request  
Year Built: 2007
- *Merit Award: Volkswagen Group of America, US Headquarters*  
Category: Office (interior)  
Architect: VOA Associates, Incorporated, Washington, DC  
Owner/Developer: Volkswagen Group of America  
Year Built: 2008
- *Honorable Mention Award: Alderley*  
Category: Residential  
Architect: ACG Architects, McLean, VA  
Owner/Developer: Richard and Pam Hanlon  
Year Built: 2008
- *Honorable Mention Award: Fairfax Village Neighborhood Center*  
Category: Community Benefit Project  
Architect: Torti Gallas and Partners, Silver Spring, MD  
Owner/Developer: Clark Realty Capital, LLC  
Year Built: 2009

- *Honorable Mention Award:* McConnell Public Safety and Transportation Operations Center  
Category: Institutional  
Architect: HOK, Washington, DC  
Owner/Developer: Fairfax County  
Year Built: 2008
- *Honorable Mention Award:* Reston Design Studio  
Category: Office (interior)  
Architect: Architecture Inc, Reston, VA  
Owner/Developer: Architecture Inc  
Year Built: 2008
- *Honorable Mention Award:* Reston Hospital Women's Imaging Center  
Category: Office (interior)  
Architect: Architecture Inc, Reston, VA  
Owner/Developer: Reston Hospital  
Year Built: 2007
- *Honorable Mention Award:* Snyder Residence  
Category: Residential  
Architect: Amestudio, Incorporated, Alexandria, VA  
Owner/Developer: Karen Snyder  
Year Built: 2007
- *Honorable Mention Award:* Uniwest Group  
Category: Office (interior)  
Architect: DBI Architects, Incorporated, Reston, VA  
Owner/Developer: The Uniwest Group  
Year Built: 2008
- *Honorable Mention Award:* West Ox Bus Operations Center  
Category: Institutional  
Architect: Michael Baker, Jr., Incorporated, Alexandria, VA  
Owner/Developer: Fairfax County  
Year Built: 2008
- *Honorable Mention Award:* Workhouse Arts Center  
Category: Historical (adaptive re-use)  
Architect: BBG-BBGM, Washington, DC  
Owner/Developer: Lorton Arts Foundation and Fairfax County  
Year Built: 2008

(NOTE: Later in the meeting, additional action was taken regarding the Exception Design Awards Program. See Clerk's Summary Item #17.)

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

Supervisor Gross moved approval of the Administrative Items. Supervisor Herrity and Supervisor Smyth jointly seconded 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 absent.

**ADMIN 1 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

Designated the following individual, identified with a registration number, as a Plans Examiner:

- Dagoberto Portillo (289)

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

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

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Bellmeade II	Dranesville	Hardison Lane
		Lewinsville Road (Route 694) (Additional ROW Only)
Spring Hill Road	Dranesville	Spring Hill Road (Route 684) (Additional ROW Only)
		Spring Hill Road (Route 684) (Additional ROW Only)
Hilltop Industrial Park Section 1 Lot 3 and 4	Lee	Cinder Bed Road (Route 637) (Additional ROW Only)
Edsall Road Property	Mason	Edsall Road (Route 648) (Additional ROW Only)
		Monroe Drive (Route 886) (Additional ROW Only)



<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Green Spring Road	Mason	Green Spring Road (Route 797) (South Section)
		Green Spring Road (Route 1554) (North Section)
Aldersgate United Methodist Church	Mount Vernon	Collingwood Road (Route 628) (Additional ROW Only)
Trustees for Ox Hill Baptist Church	Sully	Elmwood Street (Route 1010) (Additional ROW Only)
Victoria's Landing	Sully	O'Day Drive (Route 969) (Additional ROW Only)

**ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, MASON, 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-M09-51	Clearwire US LLC Rooftop antennas 6200 Wilson Boulevard (Mason District)	December 7, 2009
FS-M09-52	Clearwire US LLC Rooftop antennas 3800 Powell Lane (Mason District)	December 7, 2009
FS-B09-38	New Cingular Wireless PCS, LLC Antenna colocation on existing monopole 5035 Sideburn Road (Robinson Secondary School) (Braddock District)	December 12, 2009

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232A-D00-14-1	Verizon Wireless Replacement antennas I-495/George Washington Memorial Parkway interchange (Dranesville District)	December 13, 2009
FS-Y09-44	T-Mobile Northeast LLC Antenna colocation on existing transmission tower 6296 Hunt Chase Court (Sully District)	December 17, 2009

**ADMIN 4 – INSTALLATION OF YIELD TO PEDESTRIANS IN CROSSWALK \$100–\$500 VIOLATION FINE SIGNS**

Endorsed the installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs at the 13 subject locations as shown in Attachment I of the Board Agenda Item dated October 5, 2009.

**ADMIN 5 – CONSIDERATION FOR CUT-THROUGH RESTRICTIONS AND INSTALLATION OF MULTI-WAY STOPS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (PROVIDENCE AND MOUNT VERNON DISTRICTS)**

- (R)
- Adopted a Resolution for cut-through traffic restrictions on Sutton Road.
  - Approved multi-way stops at the intersection of Fort Hunt Road and Winthrop Road.
  - Directed staff to request the Virginia Department of Transportation install the approved measures as soon as possible.

**ADMIN 6 – APPROVAL FOR THE DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS TO APPLY FOR AND ACCEPT FUNDING FROM THE COMMONWEALTH OF VIRGINIA, VIRGINIA WIRELESS E-911 SERVICES BOARD PUBLIC SAFETY ANSWER POINT (PSAP) GRANT PROGRAM**

Authorized the Department of Public Safety Communications (DPSC) to apply for and accept funding from the Virginia Wireless E-911 Services Board's PSAP Grant Program in the amount of \$737,000. The grant will help the County solve a major challenge faced by the new 911/CAD system: obtaining up to date and useable road centerline data for the County's neighboring jurisdictions.

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE FAIRFAX COUNTY PARKWAY EXPANSION PROJECT (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 16, 2009, at 4 p.m.** to convey County-owned property to VDOT for the Fairfax County Parkway Expansion Project.

**ADMIN 8 – APPROVAL OF TRANSFER OF ASSET FROM THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT TO THE DISTRICT OF COLUMBIA FIRE DEPARTMENT PURCHASED WITH URBAN AREAS SECURITY INITIATIVE GRANT FUNDS – PROGRAM YEAR 2003**

Approved the transfer of the asset from the Fire and Rescue Department to the District of Columbia Fire Department in accordance with grant program guidelines.

**ADMIN 9 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10065 FOR THE FIRE AND RESCUE DEPARTMENT TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREA SECURITY INITIATIVE (UASI) SUB-GRANT AWARD FROM THE NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC) THROUGH THE STATE ADMINISTRATIVE AGENCY FOR THE NATIONAL CAPITAL REGION**

- (SAR) Approved SAR AS 10065 in the amount of \$594,680 for the Fire and Rescue Department to accept a DHS Fiscal Year 2007 UASI sub-grant award from NVRC. These funds will be used to support the procurement of H1N1 preparedness supplies and a regional full-scale training exercise.

12. **A-1 – APPROVAL OF THE SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS, SERIES 2009C AND GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2009D**  
(11:12 a.m.)

(BONDS)

- (R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing the issuance of the general obligation bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. This Resolution delegates to the County Executive or Deputy County Executive/Chief Financial Officer authority to award the bonds to the lowest responsive bidder. This Resolution also allows for any bonds to be issued as Build America Bonds and delegates to the County Executive or Deputy County Executive/Chief Financial Officer the authority to evidence the County's irrevocable election to apply Section 54AA(g)

of the Tax Code to any bonds to be issued as Build America Bonds. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions. This Resolution also approves the form of the notice of sale and the Official Statement, and authorizes the Chairman and/or Vice-Chairman to sign the Official Statement. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Discussion ensued, with input from Leonard P. Wales, County Debt Manager, regarding:

- The debt service
- Execution of the refunding
- Other available opportunities
- The Build America bonds, which are part of the Federal stimulus package which was passed earlier this year

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 absent.

13. **I-1 – CONTRACT AWARD – SEWER SAGS AT BELLE VIEW BOULEVARD AND I-STREET (MOUNT VERNON DISTRICT)**  
(11:20 a.m.)

The Board next considered an item contained in the Board Agenda dated October 5, 2009, requesting authorization for staff to award a contract to Flippo Construction Company, Incorporated, in the amount of \$1,756,900 for the repair of the Sewer Sags at Belle View Boulevard and I-Street, Project X00903, Replacement and Transmission Program Rehabilitation, Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

14. **I-2 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-S09-7, CRICKET COMMUNICATIONS AND VERIZON WIRELESS (SPRINGFIELD DISTRICT)** (11:20 a.m.)

The Board next considered an item contained in the Board Agenda dated October 5, 2009, announcing the Planning Commission's approval of Public Facilities Application 2232-V09-11.

The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of*

*Virginia.* The application sought approval to construct a telecommunications facility on a replacement monopole/light pole at Chantilly High School, 4201 Stringfellow Road in Chantilly. The 125 foot tall structure will replace the existing 78.5 foot tall light pole, with lights mounted on the new pole at the same height as the current light pole, Tax Map 45-1 ((1)) 9, 9A.

15. **I-3 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-V09-11, T-MOBILE NORTHEAST LLC (MOUNT VERNON DISTRICT)** (11:20 a.m.)

The Board next considered an item contained in the Board Agenda dated October 5, 2009, announcing the Planning Commission's approval of Public Facilities Application 2232-V09-11.

The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. The application sought approval to replace an existing 78.6 foot stadium light pole with a 125 foot telecommunications stadium lightpole/monopole with up to nine wireless antennas at South County High School, 8501 Silverbrook Road, Lorton. It will also include up to three related equipment cabinets located behind the bleachers within an equipment compound that will be screened by an 8 foot board-on-board fence, Tax Map 107-1 ((1)) 6.

16. **I-4 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-M09-8, T-MOBILE NORTHEAST, LLC AND MILESTONE COMMUNICATIONS (MASON DISTRICT)** (11:21 a.m.)

The Board next considered an item contained in the Board Agenda dated October 5, 2009, announcing the Planning Commission's approval of Public Facilities Application 2232-M09-8.

The Commission noted that the application, as amended, met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. The application sought approval by T-Mobile Northeast, LLC and Milestone Communications to develop a telecommunications facility consisting of a 125-foot replacement light monopole and related equipment, located at Thomas Jefferson High School, 6560 Braddock Road, in Annandale, Tax Map 61-4 ((1)) 60.

NV:nv

**ADDITIONAL BOARD MATTERS**

17. **SCHEDULING OF PRESENTATIONS** (11:21 a.m.)

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

before the Board:

- Representatives from the Community Services Board (CSB) on November 16, 2009, to receive a proclamation recognizing the CSB's fortieth anniversary.
- Representatives from the Health Department on November 16, 2009, to receive a proclamation recognizing December 1 as "*AIDS Awareness Day*" in Fairfax County.
- Representatives from the Pancreatic Awareness Action Network on October 19, 2009, to receive a proclamation recognizing November as "*Pancreatic Cancer Awareness Month*" in Fairfax County.
- Representatives from the Department of Family Services on October 19, 2009, to receive a proclamation recognizing November as "*Adoption Awareness Month*" in Fairfax County.
- Representatives from the CSB on October 19, 2009, to receive a proclamation recognizing October 19-24, 2009, as "*Operation Medicine Cabinet Cleanout Week*" in Fairfax County.

Chairman Bulova also asked that the Board direct staff to prepare and send proclamations to the following:

- The Filipino American Historical Society of Northern Virginia recognizing October as "*Filipino American History Month*" in Fairfax County.
- The Exceptional Design Awards Program for its twenty-fifth anniversary reception, being held on October 8, 2009. (NOTE: Earlier in the meeting, this year's awards were announced.) (See Clerk's Summary Item #10.)

Without objection, it was so ordered.

18. **DEVELOPMENT OF NEW eLEARNING RESOURCE** (11:23 a.m.)

Chairman Bulova said that to encourage the development of new tools for the continuing education of public sector professionals, the County issued a nationwide Request for Proposals (RFP) for the creation of state-of-the-art eLearning software. The eLearning project seeks to improve the way the County provides resources and training to staff by taking advantage of the flexibility and accessibility of technology. eLearning will provide trainers with better evaluation

capabilities, allowing them to tailor training to improve quality. Because the software is easily accessed, it is far more cost effective than traditional classroom training.

Chairman Bulova announced that Trilogy Integrated Resources, developers of the Network of Care websites, were awarded the contract for this project. Because the benefits of the eLearning application have potential to help other jurisdictions and agencies, the County has worked through the National Association of Counties (NACo) and partnered with the International Public Management Association for Human Resources (IPMA-HR) to ensure that the software Trilogy developed could be used by training programs nationwide. Drawing on the knowledge and experience of the professionals in the IPMA-HR, eLearning has been developed into a proven, dynamic resource that will benefit governments and agencies all over the country.

Chairman Bulova expressed her pride that the County led the effort to develop this next generation of training software and that it continues to lead the way in good governance. Accordingly, she asked unanimous consent that the Board direct the Office of Public Affairs to publicize this good news to share with the community. Without objection, it was so ordered.

19. **2012 INTERNATIONAL CODE ENERGY EFFICIENCY STANDARDS**  
(11:25 a.m.)

Chairman Bulova said that in July 2008, the Board directed staff to support building code change proposals to increase energy efficiency standards for new homes by 30 percent when the International Code Council (ICC) met to deliberate and vote on the 2009 ICC model building codes. At that time, the Board noted that buildings are responsible for approximately one-third of greenhouse gas emissions in the United States.

According to information provided by a national energy efficiency coalition, Chairman Bulova said that the ICC achieved a laudable gain in energy efficiency of 13-15 percent over the previous 2006 standards with the newly-adopted 2009 International Energy Conservation Code. These are now under review by the Virginia Board of Housing and Community Development for incorporation into the Virginia Uniform Statewide Building Code.

Chairman Bulova said that meanwhile, the ICC is in the initial stages of its 2012 code update cycle, which is anticipated to be a year-long process. Public committee hearings on all proposed changes are scheduled for late October and early November in Baltimore. County staff has historically attended the committee hearings and participated in the update process, and plan to do so again this year. Staff is currently reviewing these items to identify those that offer the best return on investment.

Therefore, Chairman Bulova moved that the Board direct staff, at the appropriate public hearings in October/November, to provide testimony that:

- Indicates the Board's support for its original goal of a 30 percent increase over 2006 standards in energy efficiency in new homes.
- Notes that staff will continue to analyze the multitude of proposed changes to work toward attainment of this goal throughout the 2012 consideration and adoption process.

Vice-Chairman Gross seconded the motion.

Following discussion regarding any increased cost to new homes, Supervisor Herrity asked to amend the motion that the Board direct staff to provide for consideration information as to the cost incurred for attainment, and this was accepted.

Following further discussion regarding high utility bills for some current homes, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor Hudgins being absent.

20. **SONGPA-GU – THE COUNTY’S SISTER** (11:31 a.m.)

Chairman Bulova called the Board’s attention to some oriental fans, her gifts from Songpa-gu which were distributed earlier in the day. In July the Board hosted a delegation from Songpa-gu, a district of Seoul, Korea, led by Mayor Kim Young-Soon. Their visit culminated with the signing ceremony for a new sister jurisdiction partnership in the Board auditorium on July 13.

Chairman Bulova said that during the week of September 21, Songpa-gu officials received a small delegation from the County to showcases their beautiful district and to host a signing ceremony there. This trip was paid for by Songpa-gu and did not involve any County taxpayers' funds.

Songpa-gu sought the County to be its partner after conducting research on US jurisdictions. Officials there believed that the County shared similarities with them. Like the County, they experienced most of their growth within a relatively short period of time. Their residents are among the highest paid in Korea, and their schools are excellent.

The County’s new sister jurisdiction has grown up around the area of Seoul that was the site of the 1988 Olympics. Songpa-gu, like the County, has made protecting and preserving the environment a major priority — to the degree that the Han River is now used for drinking water, and the river bank in many places has been restored for pristine park and recreational uses. Also like the County, it is struggling with how to address traffic congestion and Seoul's "Climate Change Action Plan" includes references to bus rapid transit (BRT) and to subway and



bicycle infrastructure expansions that sound very familiar. Songpa-gu, with a population of about 700,000 is concentrated on a relatively small (13 square miles) footprint. The district has a spacious airy feeling, however, because it is laced with parks, green spaces, public art, and recreational spaces.

Chairman Bulova noted that some "take-aways" from this trip include opportunities for student and teacher exchanges, as well as collaborations among professional staffs – particularly in the areas of technology, land use planning, transportation, and economic development. This continues to be on the condition that taxpayer dollars not be used for the purpose of this partnership. Barry Biggar of Visit Fairfax has agreed to assume a coordinating role for activities, as has David Molchany, Deputy County Executive, and School Board Members Ilyrong Moon and Daniel Storck.

Chairman Bulova reported that Songpa-gu has already listed the County in its official documents as its sister jurisdiction and included photos of the July 13 ceremony in the lobby of its government center.

Chairman Bulova asked unanimous consent that the Board direct staff to:

- Provide an area at the Government Center to display information about the new sister jurisdiction as well as its official gifts to the County. She displayed its flag and a crown replica encased in glass.
- Include information about the partnership on the County's website.
- Prepare an area for display of gifts from other jurisdictions as well.

Without objection, it was so ordered.

21. **RETIREMENT OF MR. JAMES DEDES** (11:37 a.m.)

On behalf of Supervisor Hudgins, who was away at a conference, Chairman Bulova announced that James Dedes, Director, Court Services, Juvenile Court, will be retiring November 10. She outlined his County career which spanned 23 years.

Accordingly, on behalf of Supervisor Hudgins, Chairman Bulova asked unanimous consent that the Board direct staff to invite Mr. Dedes to appear before the Board on October 19 to be recognized for his years of service to the County. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

22. **HERNDON FORTNIGHTLY (DRANESVILLE DISTRICT)** (11:39 a.m.)

Supervisor Foust stated that in 1889, 11 women in the village of Herndon formed a study club dedicated to “the mutual improvement of its members in literature, art, science, and the vital interests of the day.” They named the group the Herndon Fortnightly Club based on their decision to meet every two weeks. This year the Herndon Fortnightly Club celebrated its one hundred twentieth anniversary.

Supervisor Foust shared the history of the club, which opened its library to the public in 1890. The current Herndon Fortnightly Library, located on Center Street in Herndon, opened in May 1995, and club members continue to support it with volunteer hours, gifts, donations, and sponsorships.

Supervisor Foust asked unanimous consent that the Board direct staff to invite representatives of the Herndon Fortnightly Club to appear before the Board on November 16 to be recognized for efforts and contributions to the community and present a certificate to them in honor of the club’s one hundred twentieth anniversary. Without objection, it was so ordered.

23. **SELF-HELP AND RESOURCES EXCHANGE, INCORPORATED (SHARE) CELEBRATES ITS FORTIETH ANNIVERSARY (DRANESVILLE DISTRICT)** (11:41 a.m.)

Supervisor Foust said that in 1969 a coalition of religious and civic organizations established SHARE to meet the emergency needs of the less fortunate residents in McLean, Great Falls, Pimmit Hills, and surrounding areas. Since then, SHARE has been a valued and important community asset. This year it celebrates its fortieth anniversary.

Supervisor Foust recounted the organization’s background and charitable works. Its demand for services is increasing during this current downturn in the economy. Accordingly, Supervisor Foust asked unanimous consent that the Board direct staff to invite representatives of SHARE to appear before the Board on November 16 to be recognized for their significant efforts and contributions and to present them with a certificate in honor of the organization’s 40 years of community service. Without objection, it was so ordered.

24. **CONVEYANCE OF LAND TO PARK AUTHORITY (DRANESVILLE DISTRICT)** (11:42 a.m.)

- (A) Supervisor Foust stated that the Board is the owner of a 22,277 square foot parcel in the Dranesville District near the intersection of Lewinsville Road and Hardison Lane and identified as Tax Map 029-1((24)) parcel B. The property is subject to Special Exception Application SE 00-D-019, which was approved by the Board on November 15, 2000, subject to development conditions. The conditions provide for its preservation and dedication to the Board for park

purposes. The property contains historic remains and was to be designated as a cultural resources park to be operated and maintained by the Park Authority. The SE conditions also allow for signage for the proposed park, which the Park Authority is prepared to install this fall. However, the Board must first transfer this property to the Park Authority.

To expedite this transfer, Supervisor Foust moved that the Board, in accordance with Section 15.2-1800 of the *Code of Virginia*, authorize the advertisement of a public hearing to be held before the Board on November 16 to authorize the conveyance of County-owned property to the Park Authority as described herein. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hudgins being absent.

25. **SUPERVISOR GROSS'S TRIP TO CHINA** (11:44 a.m.)

Supervisor Gross explained that the chopsticks distributed to Board Members at the dais were from her recent trip to China. She noted that she has not yet presented her report to the Metropolitan Washington Council of Governments board. She mentioned the importance of the signing ceremony, the fact that her trip was paid for by the provincial government, and that tap water was not potable where she visited. She circulated a photograph from the Internet that depicted the international delegation at the celebration on the river. She noted that she wrote a lengthy journal and indicated that she would share it with anyone interested. She also noted that everything in China is decorated, including highways and entrances to tunnels.

26. **SCIENCE APPLICATIONS INTERNATIONAL CORPORATION (SAIC) HEADQUARTERS MOVING TO THE COUNTY** (11:47 a.m.)

Supervisor Gross reported that in the absence of the Chairman, she had the honor of representing the Board at the announcement of the establishment of the SAIC headquarters in the County. She received a replica of a ceremonial check from Governor Kaine in the amount of \$1.5 million from the Governor's Opportunity Fund to the County which she presented to Chairman Bulova.

27. **RELEASE OF COVENANT (PROVIDENCE DISTRICT)** (11:48 a.m.)

Supervisor Smyth said that on September 14, 2009, the Board approved three concurrent applications filed by Arlington Boulevard Consolidation, LLC (Rezoning Application RZ 2009-PR-008 and Proffered Condition Amendment Applications PCA 2004-PR-003-02 and PCA 2009-PR-007, which rezoned two parcels of property identified as Tax Map Numbers 49-3((9)) parcels 6 and 6A from the R-1 District to the C-S District to permit the addition of a 20,000-square-foot, 2-story (35 foot tall) office building (Building F) into the overall Arlington Boulevard Consolidation development program. These applications also included the parcel of property identified as Tax Map Number 49-3((1)) parcel 104B, which is owned by 8415 Alliance LLC and subject to a Declaration of Covenant

dated June 30, 2008, and recorded among the Land Records of the County in Deed Book 20021, at page 1715. This Declaration of Covenant, which benefits the Board, is no longer necessary because parcel 104B was included in the Arlington Boulevard Consolidation application property and is now subject to the approved proffers dated September 8, 2009. Therefore, she said that it is appropriate that this covenant be released. Staff has reviewed the applicant's request to release and vacate the covenant and has no objection to this request.

Therefore, Supervisor Smyth moved that the Board authorize and direct the County Executive to execute, on behalf of the Board, all documents necessary to vacate and release the Declaration of Covenant dated June 30, 2008, that is recorded among the Land Records of the County in Deed Book 20021, at page 1715, provided such documents are acceptable to the County Attorney. Supervisor Foust and Supervisor Herrity jointly seconded the motion, which carried by a vote of nine, Supervisor Hudgins being absent.

28. **RECOGNITION OF KALA QUINTANA, PRESIDENT, BURKE CENTRE BOARD OF TRUSTEES (BRADDOCK DISTRICT)** (11:51 a.m.)

Supervisor Cook recognized an individual and a community organization that has engaged their community, strengthened neighborhood connections by bringing people together, and, in the process, raised \$700 for the County Animal Shelter.

For three years now, Ms. Kala Quintana and the Burke Centre Board of Trustees has played host to a Doggie Dip, an event in which residents bring their dogs for a swim at a local pool. The Oaks Community Pool was home to this year's festivities where more than 80 dog owners brought their best friends for a day of swimming and watersliding. More importantly, this gathering, in the words of attendee Ana Ka'ahanui, was able to bring "not only dog owners, but the community, together."

Another important goal of this annual event is to ensure that all Burke Centre pets are properly licensed. Each year several folks show up, unaware of the requirement, but they go that day to get their dogs licensed so that they can be allowed to swim.

Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs to invite Ms. Quintana, as well as Lauren Williamson and Meghari Hoffman of the Burke Conservancy, to the October 19 meeting to be recognized for organizing this event for their presentation of the funds raised for the County Animal Shelter. Without objection, it was so ordered.

29. **LAUNCHING A BRADDOCK DISTRICT COMMUNITY ENGAGEMENT INITIATIVE** (11:53 a.m.)

Supervisor Cook noted that as lives have become busier and more complex and society more diverse, some connections to one another have been lost, leaving

everyone more isolated as individuals, and the communities less connected than they once were. However, the Kings Park Neighborhood Initiative, which he launched as a pilot for Chairman Bulova's residential revitalization program when she was District Supervisor, proved that a desire for strong communities is very much alive. He said that it just requires a bit of encouragement and direction.

To build upon that work and to expand its successes across the Braddock District, Supervisor Cook announced that he is launching a Community Engagement Initiative. This initiative is the result of a collaborative effort among his office, the Braddock District Council, the County's Departments of Systems Management for Human Services and Community and Recreational Services, and Volunteer Fairfax. Its aim is nothing less than to generate a renewed sense of community and a new wave of service. They seek to give community organizations the training and resources they need to marshal the great ethic of volunteerism that is known to reside within the people of the County. They will train a new generation of community leaders and build dozens of engaged communities--places where people have made a specific commitment to strengthen their neighborhoods.

Supervisor Cook asserted that building stronger communities begins with building stronger connections between people. He said that it is incumbent upon everyone to get to know one another. Each month, he encourages everyone to meet one new person on his/her street or neighborhood. He asserted that residents should hold block parties and say hello as they pass neighbors when walking down the street. As the communities become more diverse, in age, ethnicity, and socio-economic status, everyone must make a greater effort to get to know people with backgrounds different from their own and make all feel welcomed.

Supervisor Cook used the term community organizations in the broad sense to include homeowner associations and civic associations, PTAs, community pools, recreational clubs, scouts, and business and religious organizations. It also includes non-profit service organizations, which need not be geographically constrained. In all of this, government will act as a facilitator—bringing people together, providing expertise, and sharing best practices and lessons learned.

Supervisor Cook said that people make neighborhoods, not government. For this endeavor to be real and lasting, residents and communities must be inspired into action. To foster the development of leaders that strong communities and organizations require, they will hold a day-long Leadership Institute, tentatively scheduled for Saturday, January 23, 2010. This institute will train current and prospective community leaders in topics such as the legal, financial, and fiduciary duties that Board members owe their organizations: how to recruit volunteers, how to reach out to people of different backgrounds, how to run a meeting, and how to establish an effective organization. The County will also hold two Neighborhood Colleges in the February to April 2010 timeframe. The Neighborhood College is a County program that produces engaged citizens by

teaching participants about county government concepts of community building, cultural competency, and effective team building.

Supervisor Cook said that graduates from the Leadership Institute and Neighborhood Colleges will be encouraged to recruit their neighbors and usher in a new era of community activity. Working with the Braddock District Council, the newly-inspired will strive to launch community building efforts, focusing on goals such as increased membership, providing more social opportunities, outreach to the diverse population, collaboration with other organizations and the development of a long-term vision for the community or organization that focuses on positive growth.

On Wednesday, October 21, Supervisor Cook will host a town hall meeting where he will formally launch this Community Engagement Initiative. The event will be held at 7:30 p.m. in the Lake Braddock Secondary School cafeteria. Everyone is encouraged to attend, and can RSVP to his office at [braddock@fairfaxcounty.gov](mailto:braddock@fairfaxcounty.gov), or by calling 703-425-9300. During the event, the process and goals of the initiative will be explained in greater detail, and organizers will also provide an introduction to the Leadership Institute and Neighborhood College. Attendees will be able to register for these learning opportunities and registration is free. Additionally, several organizations, such as the Braddock District Council, Neighborhood Watch, Area Agency on Aging, and Emergency Response, will sponsor information booths on opportunities to become involved in volunteer activities.

Supervisor Cook invited fellow Board Members to join him for this kickoff and asked unanimous consent that the Office of Public Affairs publicize this event. Without objection, it was so ordered.

**PMH:pmh**

30. **VALE CLUB – SEVENTY-FIFTH ANNIVERSARY (SULLY DISTRICT)**  
(11:59 a.m.)

Supervisor Frey said that the Vale Club was founded on October 11, 1934, as a Home Demonstration Club for farm women affiliated with the Virginia Cooperative Extension Service out of Virginia Tech. In 1935 the founding women successfully petitioned the School Board to allow the club to convert its abandoned neighborhood schoolhouse into a Community House. These women quickly set to work to bring life back to the building. They held many fundraisers during this Depression Era and in 1938 purchased the building from the School Board.

During the past 75 years, the Vale Club has worked together to keep the community connected and participated in numerous community service projects and activities. One of their ongoing efforts involves protecting and preserving the Vale Schoolhouse building, including getting it registered with the County

Inventory of Historic Sites in 1979, and the Virginia Landmarks Registry and the National Register of Historic Places in 2009.

Therefore, Supervisor Frey asked unanimous consent that the Board direct the Office of Public Affairs to prepare a resolution to be signed by him and the Chairman, commending Vale Club for its 75 years of service to the community for presentation to the Vale Club at its celebratory event October 23, 2009. Without objection, it was so ordered.

31. **CENTREVILLE DAY (SULLY DISTRICT)** (12:01 p.m.)

Supervisor Frey announced that Centreville Day was held on Saturday, September 26, and was a success despite the weather. He expressed his appreciation to all of the County agencies who assisted the community with this event.

32. **KEEPING FUNDED TRANSPORTATION PROJECTS ON THE FAST TRACK TO CONSTRUCTION** (12:02 p.m.)

Supervisor Herrity said that far too often, the transportation crisis is blamed only on lack of money. Unfortunately, even when there are funds, projects are not completed in a timely fashion. He noted that his recent efforts to get the Multimodal Environmental Impact Study (EIS) for I-66 underway is one example: although it has been funded since 2003, it took over a year and significant effort on his part and the part of the Board to get a schedule and restart of this study.

Earlier this year the *New York Times* reported that Virginia was slow in applying for stimulus funds. Last week, a letter was sent from James Oberstar, Chairman of the US House of Representatives Committee on Transportation and Infrastructure, to Governor Kaine stating that Virginia is 51 out of 51 in spending stimulus money and "has fallen far behind" other states. The letter said that as of August 31, Virginia had begun construction of projects totaling only 17 percent of the State's funding.

Supervisor Herrity said that he has learned that the schedule for the interchange project for the Fairfax County Parkway at Fair Lakes Parkway and Monument Drive, which is partially funded with stimulus dollars, has been pushed back approximately two months. This is especially frustrating after the efforts to move the power lines had helped to accelerate the project's schedule.

Therefore, Supervisor Herrity moved that the Board direct staff to send a letter to Governor Kaine and the Secretary of Transportation, on behalf of the Board, requesting that the Fair Lakes Parkway Interchange Project and other stimulus projects be moved forward as expeditiously as possible and to express the County's support of and willingness to assist in efforts to keep funded transportation projects underway. Supervisor Frey seconded the motion.

Following discussion regarding transportation projects, Supervisor Smyth asked unanimous consent that the Board direct staff to determine the cause of the delay in spending the stimulus funds. Without objection, it was so ordered.

Supervisor McKay asked to amend the motion to direct staff to provide the Board with the letter prior to it being sent, and this was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Hudgins being absent.

33. **RE-EXAMINING THE SMALL BUSINESS COMMISSION'S CHARTER**  
(12:17 p.m.)

(BACs) Jointly with Chairman Bulova, Supervisor Herrity said that over the last several months, he and the Chairman have heard from several former and current members of the County's Small Business Commission who have expressed an interest in re-examining the commission's scope and mission. Looking at the Commission's scope and charter has wide support among committee members including both its chairman and vice-chairman. This re-examination would be an attempt to identify other areas and ways that the Commission can assist the small business community. He said that the commission has done an outstanding job through the years of advocating for small businesses, especially minority and women owned small businesses, in the area of County procurement but many, including he and Chairman Bulova, think that this Commission has the ability and expertise to advocate for the small business community in areas beyond County procurement and be the voice for small business issues.

Therefore, Supervisor Herrity moved that the Board direct the Small Business Commission to begin a process of re-examining its charter with the intent of developing an enhanced scope and mission and to present this new charter at a future meeting of the Board. Supervisor Gross and Supervisor McKay seconded the motion.

Following discussion of the charter, Supervisor Gross asked unanimous consent that the Board direct staff to provide more history on this issue. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

34. **PRESCRIPTION DISCOUNT CARDS** (12:20 p.m.)

Supervisor Herrity said that he has received several inquiries from citizens as well as those representing companies and non-profits on the status of the County signing up for a prescription discount card program. These programs help the residents of the County purchase prescription drugs at a reasonable price.



There are several companies that provide these services, and hundreds of localities throughout the country are taking advantage of these cost saving programs for their residents. At least one of these organizations, Coast to Coast Rx, offers qualifying residents a 38 percent discount, handles all of the administration, and provides a residual royalty to the County at \$0.75 per prescription. In June of 2008 this issue was brought before the Board, and a working group was studying this issue with the ultimate goal of coming back to the Board with its recommendations.

In light of the continued uncertainty of the economic climate, struggling senior citizens, and the rising number of uninsured residents in the County, Supervisor Herrity asked unanimous consent that the Board direct staff to provide a status report from this study group at or before the November Board meeting. Without objection, it was so ordered.

35. **RECOGNIZING OCTOBER AS BREAST CANCER AWARENESS MONTH IN FAIRFAX COUNTY** (12:21 p.m.)

Supervisor Herrity said that 2009 marks the twenty-fifth anniversary of National Breast Cancer Awareness Month. Over the past 25 years, National Breast Cancer Awareness Month has been at the forefront in promoting breast cancer awareness issues. The goal of National Breast Cancer Awareness Month is to educate and empower women to take charge of their health by practicing regular breast exams, scheduling regular doctor visits and mammograms, adhering to prescribed treatments, and knowing the facts about recurrence. While breast cancer is unfortunately still far too prevalent in society, the outstanding and commendable work done by the National Breast Cancer Awareness Month organization over the past 25 years has undoubtedly saved the lives of so many. Breast Cancer Awareness Month is even more important given the improved prognosis if detected early.

Therefore, Supervisor Herrity asked unanimous consent that the Board:

- Designate October as "Breast Cancer Awareness Month" in Fairfax County.
- Direct staff to invite representatives from the Office for Women, the Commission for Women, and other relevant organizations to accept a resolution at the next Board meeting.
- Direct the Office of Office of Public Affairs to publicize the resolution and remind citizens of the benefits of early detection.

Without objection, it was so ordered.

Following discussion of the agenda for the next meeting, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that

the Board direct staff to schedule the meeting to begin at 9 a.m. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

36. **FILL THE BOOT CAMPAIGN** (12:23 p.m.)

Supervisor Herrity said that neuromuscular diseases are horrible things that take on many forms. One of the most recognizable is Lou Gebrig's disease, but there are countless others that inflict pain and suffering on thousands of people all over North America. Every year for over 50 years, fire and rescue personnel all over North America have partnered with the Muscular Dystrophy Association to raise money for research, therapy, and equipment to combat these terrible diseases. Local firefighters in the County are no exception to this as yet again this year they participated in the "Fill the Boot Campaign" over Labor Day weekend. Their efforts raised a staggering \$452,848 that will go a long way in improving the lives of others.

Besides the benefits of the dollars raised and the awareness of Muscular Dystrophy, the "Fill the Boot Campaign" provides fire and rescue personnel a great opportunity to show their engagement with the County and generates a great amount of goodwill. Also notable are the efforts of the fire and rescue personnel of Station 40 in the Springfield District. For another year it was the top station in funds raised with over \$36,000 raised.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite representatives to appear before the Board, including representatives from Station 40, to recognize them for their achievements in the "Fill the Boot Campaign," and thank them for being not only great ambassadors for the County, but also for showing great selflessness and a will to help others who are less fortunate than themselves. Without objection, it was so ordered.

37. **STUDYING EMPLOYEE GROUP LEAVE BANKS** (12:24 p.m.)

Jointly with Supervisor Frey, Supervisor Herrity said that in a recent meeting with County Coalition of Police President Marshall Thielan he mentioned that his organization is interested in the creation of employee group leave banks for employee organizations. After discussing the idea with Officer Thielan, he received a proposal which he distributed to Board Members. He added that he endorsed the concept of employee group leave banks for County employees.

Therefore, Supervisor Herrity asked unanimous consent that the Board:

- Refer this proposal to the Personnel Committee.
- Direct staff to add it to the agenda for a future meeting of the committee.

- Direct staff to prepare an analysis including the fiscal impact of this proposal to be discussed at the meeting.

Without objection, it was so ordered.

38. **LETTER FROM THE FRIENDS OF DYKE MARCH REGARDING HYDRILLA (MOUNT VERNON DISTRICT)** (12:27 p.m.)

Supervisor Hyland referred to the growth of hydrilla in the Potomac River and its embayments. He noted that last week, the Friends of Dyke Marsh sent him a letter expressing their concerns about the spread of the invasive hydrilla and the effects of herbicides or other chemical control methods, as these do not distinguish between native and non-native plants. The Friends asked if Supervisor Hyland could amend his Board Matter as outlined in the letter.

Therefore, Supervisor Hyland moved that the Board direct staff to review the letter from The Friends of Dyke Marsh and incorporate their suggestions in staff's response to the Board. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

39. **MATCH FOR MASON NECK TRAIL ENHANCEMENT GRANT (MOUNT VERNON DISTRICT)** (12:27 p.m.)

(NOTE: Earlier in the meeting, the Board took action on Administrative Item 7. See page 11.)

Supervisor Hyland said that the Mason Neck Trail project has been one of very few projects in the County that has been able to secure federal transportation enhancement grant funds from the Virginia Department of Transportation. These federal funds cannot be used for traditional highway improvement projects and are only available for projects that go beyond common transportation practice. The Mason Neck Citizens Association (MNCA) has prepared applications for the project since 1998. As a result, this project has been allocated over \$1.6 million. The first section of the Mason Neck Trail was completed and opened to the public in April 2003. Construction of the remaining segments has been delayed due to the lack of additional funds to complete the trail and matching funds for the federal funds already obtained.

Supervisor Hyland noted that one of the requirements of community groups applying for and receiving Board endorsement of enhancement project requests is for the submitting group to have a source of the required 20 percent match. The Board does not assume the responsibility for these matches. In the case of the Mason Neck Trail Enhancement project, for a number of years now with community in-kind or land contributions and funds from the Mount Vernon District Trails fund and from the Chairman's Countywide Trails fund, matches have collectively been able to for the Mason Neck Trail. However, at this point,

these sources are no longer available to cover the full 20 percent match for the Fiscal Year (FY) 2009 project or for the recently awarded FY 2010 project. The remaining match amount needed for these two years is \$75,164.

Today in the Board package, Administrative Item 7 considers the sale of portions of County-owned properties to the Virginia Department of Transportation (VDOT) for the final segment of the Fairfax County Parkway, partially in Mount Vernon District. Should the Board approve this sale, \$77,400 will be deposited to Fund 303, County Construction, which was originally used to purchase the parcels.

Therefore, Supervisor Hyland moved that the Board approve the use of \$75,164 of these funds to provide the required 20 percent match for the FY 2009 and FY 2010 Mason Neck Trail enhancement grant should the decision be made by the Board to sell the parcels to VDOT. Without this match, the FY 2009 and FY 2010 projects will not be able to move forward and the 80 percent federal funds will be lost to the project. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

40. **LOBSTERFEST** (12:31 p.m.)

Supervisor Hyland expressed his appreciation to Chairman Bulova for attending the LobsterFest in Mount Vernon District held this past weekend.

41. **AMERICAN PUBLIC TRANSIT ASSOCIATION (APTA) CONFERENCE** (12:31 p.m.)

(NOTE: Earlier in the meeting, the Board noted Supervisor Hudgins' absence. See Clerk's Summary Item #5.)

Supervisor McKay announced that he would be leaving the Board meeting early to attend the APTA Conference and join Supervisor Hudgins there.

42. **MORTGAGE FRAUD** (12:33 p.m.)

Supervisor McKay said that on September 24 a press conference was held at the McConnell Public Safety and Transportation Operations Center to brief the press on the largest mortgage fraud investigation in County history.

Therefore, Supervisor McKay moved that the Board direct staff to invite the representatives from these agencies involved in this enormous effort to a future Board meeting, in particular the leaders of the investigation: Police Chief Colonel David Rohrer; Major Shawn Barrett; Jeff Blackford, who heads up the Strike Team, and Dave McKernan who formerly headed up the Strike Team, to receive recognition from the Board for their dedication and hard work on this long-ranging, complex investigation. Chairman Bulova seconded the motion.

Following discussion regarding the ongoing investigation, the question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

43. **MAINTENANCE OF MEDIANS** (12:38 p.m.)

Jointly with Chairman Bulova, Supervisor Cook, and Supervisor Herrity, Supervisor McKay recognized the Greater Springfield Area Chamber of Commerce and the commercial property owners and businesses that adopted a stretch of Virginia Department of Transportation (VDOT) right-of-way during the 2009 mowing season. These corporate citizens took pride in their surroundings and went the extra step to maintain their curb appeal as adequate maintenance funding was not available from the Commonwealth. At a time when money is tight and confidence shaky, going the extra mile plays a valuable role in the ongoing recovery of the economy.

The local businesses and property owners include:

- The Burke Centre Conservancy: mows all the medians of Burke Centre Parkway and continues ongoing trash pick-up.
- The Halle Companies: allocates 16 to 20 hours per month for mowing VDOT medians on South Van Dorn Street and mulching, fertilizing, pruning, and spraying for weeds.
- The Hilton Springfield: mows the 10x100 foot stretch of grass between its fence line and Franconia Road.
- The Kingstowne Residential Owners' Corporation: contributes approximately 48 hours per month for mowing VDOT medians on Kingstowne Village Parkway.
- Akridge (Metro Park Property Management): maintains Walker Lane, median and curbs.
- Interstate Worldwide Relocation Van Lines: mows the median and removes trash along a section of Rolling Road.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite representatives from the Greater Springfield Area Chamber of Commerce, the Burke Center Conservancy, the Halle Companies, The Hilton Springfield, Akridge, and Interstate Worldwide Relocation Van Lines to appear before the Board for recognition. Without objection, it was so ordered.

44. **SUPPORT FOR BICYCLE MASTER PLAN FOR THE COUNTY**  
(12:41 p.m.)

Supervisor McKay said that use of the bicycle as a mode of transportation in the County has grown in recent years. Reasons include the spike in gas prices, environmental and health concerns, and the desire for transportation choices. The opportunity for bicycling to have a significant impact in these areas can be seen in the simple fact that nearly 40 percent of all vehicle trips are less than two miles and could be taken by bicycle.

The County has taken important first steps in fostering bicycle transportation by installing bike racks on all Connector buses, creating the County Bicycle Map which shows cyclists the best routes through communities, and funding the position of bicycle coordinator. The next phase, as proven by other large jurisdictions around the country, is the creation of a bicycle master plan that would serve as a blueprint for integrating bicycling into the transportation infrastructure.

This blueprint for bicycle accommodations must include goals and objectives, analysis of the existing network, a prioritized list of needed improvements which includes bicycle parking and other end-of-trip facilities, and an implementation strategy. A County Bicycle Master Plan would build on the information in the Trails Plan and the County Bike Map and create a coordinated, simple strategy for the County.

Therefore, Supervisor McKay moved that the Board endorse the concept only at this stage of a bicycle master plan. He asked that the Department of Transportation investigate the cost of such a plan and provide a longer term recommendation to the Board for the possible funding and development of a plan. Chairman Bulova seconded the motion.

Following discussion of the plan, Supervisor Smyth asked to amend the motion that the Board direct staff to:

- Check with the Council of Governments (COG) because there is a regional bicycle plan.
- Review the issue of a parking ratio for bicycles at shopping centers and other business centers.

This was accepted.

Supervisor Cook asked unanimous consent that the Board direct staff to review the number of bicycle users so that a cost benefit analysis could be done. Without objection, it was so ordered.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Hudgins being absent.

45. **SIGNS ON THE STREET** (12:49 p.m.)

Supervisor McKay said that he is concerned about the proliferation of advertising that is targeted at drivers. He expressed concern about people standing in the rights-of-way, such as road medians, or on sidewalks, very close to the road, dressed in costume, and/or holding moving signs. There are many of these “human signs,” most notably in the months leading up to the April 15 federal income tax deadline, where costumed advertisers direct drivers to tax preparation services.

Supervisor McKay asked unanimous consent that the Board refer this matter to the Board’s Legislative Committee to determine what, if any, authority the Board may have to regulate these advertising practices. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to review the issue of “rooster tail” signs. Without objection, it was so ordered.

46. **LETTER TO THE GENERAL ASSEMBLY DELEGATION REGARDING SECONDARY ROAD DEVOLUTION, PROFFERS, AND THE 2010 LEGISLATIVE WORKSESSION** (12:53 p.m.)

Supervisor McKay said that each December the Board has invited the County’s General Assembly (GA) delegation to a legislative breakfast, where the Board presents the County’s legislative program to the delegation. This year, in an effort to increase discussion with the delegation, the Board will be inviting the delegation to an afternoon work session in December, in advance of the 2010 GA session.

Additionally, the issue of secondary road devolution has received a great deal of media attention in recent weeks, leading to some confusion about the Board’s position on devolution of the County’s secondary road system. It has long been the Board’s position to oppose the mandatory transfer of secondary roads from the State to the County. However, the Board has directed staff to undertake a study of the potential advantages and disadvantages of entering into a voluntary agreement with the Virginia Department of Transportation to assume responsibility for some portion of the secondary roads. Any such negotiated agreement (should it be deemed advantageous to the County) would be contingent upon a guarantee of appropriate funding from the State for taking on these responsibilities.

Finally, another long held position of the Board is that existing local authority to accept cash and in-kind proffers from developers to assist localities in financing

the capital facilities and infrastructure needed to serve new development must be retained without restrictions.

During the September 16 meeting of the Legislative Committee a draft letter was recommended for approval at today's Board meeting, addressing each of the above issues.

Therefore, Supervisor McKay moved that the Board endorse the letter to the members of the County's GA delegation, requesting that they mark their calendars for the December 9 work session, asking them not to introduce or consider any legislation on the topic of secondary road devolution during the 2010 GA Session, pending the completion of the Board's study and commission that will consider this subject, and reiterating the County's position that any proposal for replacing proffer payments with development impact fees must be at the option of each locality. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

47. **UNSCRUPULOUS TREE WORKERS** (12:55 p.m.)

Supervisor McKay said that there has been concern in the County about the activities of certain unscrupulous tree workers. County police have responded to numerous complaints of exorbitant fees, poor or unnecessary work, and deceptive practices, particularly affecting seniors or other vulnerable populations. The complaints on this issue originated in the Mount Vernon area of the County.

The regulation of certain trades is typically a state responsibility, and not one delegated to localities – the Virginia Department of Professional and Occupational Regulation (DPOR) licenses qualified individuals and businesses and enforces standards of professional conduct. During the September 16 meeting of the Legislative Committee, a two pronged strategy to deal with this issue was recommended.

First, the Legislative Committee recommended an enhanced County consumer awareness effort by the Department of Cable Communications and Consumer Protection, educating residents about how to protect themselves against these types of fraudulent activities. This campaign will include targeted outreach to seniors and other vulnerable populations, as well as information about how residents can contact the office of the County arborist if they have concerns about the legitimacy of tree work being performed. The campaign will also highlight DPOR's Hotline for Older Virginians, which focuses special efforts on fraud and discrimination against senior citizens, who are often potential targets for unscrupulous business practices.

Second, the Legislative Committee recommended sending a letter from the Chairman to the Virginia Department of Professional and Occupational Regulation, requesting a review of this issue for possible state regulation, copying



the letter to the senators and delegates in the area of the County most affected by this problem.

Therefore, Supervisor McKay moved that the Board endorse the letter from the Chairman to the director of the Department of Professional and Occupational Regulation, requesting a review of this issue. This letter will be copied to the senators and delegates in the area of the County most affected by this problem. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

48. **RECESS/CLOSED SESSION** (12:57 p.m.)

Supervisor Gross 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. *In Re: Teligent, Inc., Chapter 11, Case No. 01-12974 (SMB) Savage and Associates, P.C., Unsecured Claims Estate Representative v. County of Fairfax, Virginia, Adversary Proceeding No. 03-03360 (U.S. Bankruptcy Court, Southern District of New York)*
  - 2. *Tavores Wade v. PFC Ramon Robinson, PFC Anthony Taormina, PFC Daniel Griffith, Mount Vernon District Station, and County of Fairfax, Virginia, Case No. 1:07-cv-694 (E.D. Va.)*
  - 3. *Fairfax County Department of Family Services v. Florinda Perez, JA2008-0088 and 0089 (Fx. Co. Cir. Ct.)*

4. *Fairfax County Department of Family Services v. Brenda Dodson, et al.*, JA 2009-0118 to JA 2009-0131 (Fx. Co. Cir. Ct.)
5. *Glenn S. Ovrevik, Mary R. Ovrevik, and James H. Wessels v. Board of Supervisors of Fairfax County, Virginia, and Hilltop Sand and Gravel Company, Inc.*, Case No. CL-2009-0005160 (Fx. Co. Cir. Ct.) (Lee District)
6. *Runnymede Home Owners Association v. Fairfax County* (Fx. Co. Board of Building Code Appeals) (Lee District)
7. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)
8. *Fairfax County Redevelopment and Housing Authority v. James C. Riekse, Rajesh Kapani, Rajinder P. Kapani, Frederick L. Shreves, II, Trustee, Vincent J. Keegan, Trustee, Mortgage Electronic Registration Systems, Inc., and Weichart Financial Services*, Case No. CL-2007-0011400 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jason C. Kim*, Case No. CL-2009-0001557 (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. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Maldonado*, Case No. CL-2008-0001698 (Fx. Co. Cir. Ct.) (Lee District)

13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Case and Ray Case*, Case No. CL-2009-0000410 (Fx. Co. Cir. Ct.) (Providence District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank Rowe*, Case No. CL-2008-0013676 (Fx. Co. Cir. Ct.) (Braddock District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angula L. Mitchell*, Case No. CH-2005-0005119 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter Maranon and Nelly M. Maranon*, Case No. CL-2009-0003972 (Fx. Co. Cir. Ct.) (Mason District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simone M. Wyvell and Christopher Wyvell*, Case No. CL-2007-0009865 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio E. Ayala and Laura Sanchez*, Case No. CL-2008-0016939 (Fx. Co. Cir. Ct.) (Lee District)

21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Power Fuel & Transport Real Estate Holding Company, L.L.C.*, Case No. CL-2009-0008478 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Phillip Ha*, Case No. CL-2009-0004297 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edgar Uriona*, Case No. CL-2008-0016332 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul Ken Hopper*, Case No. CL-2009-0009453 (Fx. Co. Cir. Ct.) (Providence District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Felix Rojas and Rosemary Rojas*, Case No. CL-2009-0005209 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oakwood Road Limited Partnership and Sagres Construction Corporation*, Case No. CL-2009-0001429 (Fx. Co. Cir. Ct.) (Lee District) ---
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yolanda Ramirez and Hernan Tambo*, Case No. CL-2009-0003974 (Fx. Co. Cir. Ct.) (Braddock District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eduardo Ramirez*, Case No. CL-2009-0008217 (Fx. Co. Cir. Ct.) (Hunter Mill District) (Strike Team Case)

30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ramiro Z. Herrera*, Case No. CL-2009-0006973 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ju Wan Ryu*, Case No. CL-2009-0006972 (Fx. Co. Cir. Ct.) (Lee District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ju Wan Ryu*, Case No. CL-2008-0015857 (Fx. Co. Cir. Ct.) (Lee District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David Boies*, Case No. CL-2009-0008761 (Fx. Co. Cir. Ct.) (Springfield District)
34. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Federal, Inc.*, Case No. CL-2008-0012444 (Fx. Co. Cir. Ct.) (Sully District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Sheila G. Cheatham Trust*, Case No. CL-2009-0001724 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul L. Veeder*, Case No. CL-2009-0003259 (Fx. Co. Cir. Ct.) (Providence District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ernesto Edwin Perez*, Case No. CL-2009-0007635 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stuart S. Malawer, Sandra S. Malawer, and Erik Kennedy*, Case No. CL-2009-0012912 (Fx. Co. Cir. Ct.) (Dranesville District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manuel Zapata Ledezma, Grober Olivera*

*Castro, and Roxana Flores Romero*, Case No. CL-2009-0013021 (Mason District)

40. *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)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tony A. Hicks, RC Labor & Erocion Control, Inc., and Hicks Plumbing Services, LLC*, Case No. CL-2009-0013133 (Fx. Co. Cir. Ct.) (Springfield District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ena Xiomara Martinez*, Case No. CL-2009-0013130 (Fx. Co. Cir. Ct.) (Mason District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maritza Rodriguez and Virgilio Hernandez*, Case No. CL-2009-0013204 (Fx. Co. Cir. Ct.) (Mason District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Omer Villarroel, Roberto Villarroel, and Diego Villarroel*, Case No. CL-2009-0013133 (Fx. Co. Cir. Ct.) (Mason District)
45. *Board of Supervisors of Fairfax County, Virginia v. Xichang Qi and Xiao Cai*, Case No. CL-2009-0013426 (Fx. Co. Cir. Ct.) (Dranesville District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip F. Herrick, Jr.*, Case No. CL-2009-0013424 (Fx. Co. Cir. Ct.) (Providence District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Keun-Hoon Lee and Young Ja Lee, a/k/a Yong Ja Lee*, Case No. CL-2009-0013425 (Fx. Co. Cir. Ct.) (Mason District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hector Portillo*, Case No. CL-2009-0013578 (Fx. Co. Cir. Ct.) (Lee District)

49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sarah Soruco and Medardo Villanueva*, Case No. CL-2009-0013750 (Fx. Co. Cir. Ct.) (Mason District)
50. *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)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Muhammad Aziz and Shahnaz Aziz*, Case Nos. 09-0012874 and 09-0012875 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher Perreca*, Case Nos. 09-0022648 and 09-0022649 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hung V. Nguyen*, Case Nos. 09-0023790 and 09-0023791 (Fx. Co. Gen. Dist. Ct.) (Lee District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jeffrey D. Holt*, Case No. 09-0024045 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
55. *Board of Supervisors of Fairfax County, Virginia v. Petula Associates, Ltd, n/k/a Petula Associates, LLC, and Travelers Casualty and Surety Company of America*, Case No. CL-2009-0013580 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- Discussion pursuant to *Virginia Code* Section 2.2-3711-A (5)
- Discussion of possible erroneous assessment litigation pursuant to *Virginia Code* Section 58.1-3984(B)

Supervisor Foust and Supervisor Gross jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

DET:det

At 4:09 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hudgins and Supervisor McKay, and with Chairman Bulova presiding.

**ACTIONS FROM CLOSED SESSION**

49. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:09 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 Smyth seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor McKay being out of the room, Supervisor Hudgins being absent.

50. **TAX REFUND FOR THE "OAKTON COUGAR CREW BOOSTER CLUB" (PROVIDENCE DISTRICT)** (4:10 p.m.)

Supervisor Smyth moved that the Board authorize the filing by the County Attorney of an action in the Circuit Court of Fairfax County to effect the 2005 tax year personal property tax refund for the "Oakton Cougar Crew Booster Club," according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Hudgins being absent.

51. **ACQUISITION OF PROPERTY (LEE DISTRICT)** (4:11 p.m.)

On behalf of Supervisor McKay, Supervisor Herrity moved that the Board authorize the acquisition of the property located at 7039 Old Keene Mill Road, Springfield, Virginia, Tax Map Number 080-3-01-006, and that the Board direct the County Executive and the County Attorney to take the necessary steps to acquire this property as outlined in closed session. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Hudgins being absent.

52. **ACQUISITION OF THE BIRGE-FADOUL PROPERTY BY THE PARK AUTHORITY (DRANESVILLE DISTRICT)** (4:12 p.m.)

Supervisor Foust moved that the Board approve the Park Authority's request for additional funding in support of the Park Authority's effort to negotiate and purchase the Birge-Fadoul property for the reasons set forth in closed session.



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

53. **APPOINTMENT OF MR. DAVID MCKERNAN TO THE POSITION OF EMERGENCY MANAGEMENT COORDINATOR** (4:12 p.m.)

Supervisor Gross moved the appointment of Mr. David McKernan to the position of Emergency Management Coordinator, Grade E-9, at a starting salary of \$132,000 effective October 12, 2009. Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Hudgins being absent.

Chairman Bulova announced that Mr. McKernan was in the auditorium and asked him to stand and be recognized.

**AGENDA ITEMS**

54. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-MV-010 (WACHOVIA BANK) (MOUNT VERNON DISTRICT)** (4:13 p.m.)

The application property is located at 8770 Richmond Highway, Tax Map 109-2 ((1)) 23.

Mr. David A. Yescavage reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Herrity and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Hudgins being absent.

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2009-MV-010, subject to the development conditions dated September 22, 2009.
- Waiver of the loading space requirement.
- Waiver of the interior parking lot landscaping requirements.
- Modification of the peripheral parking lot landscaping requirements to that shown on the SE Plat.

- Modification of the 10-year tree canopy requirement and deviation from the tree preservation target requirement of Chapter 122 of the Code of the County of Fairfax and the Public Facilities Manual by the Director of the Department of Public Works and Environmental Services and the Urban Forestry Management Office.

Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Hudgins being absent.

55. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2008-MV-007 (JK INVESTMENTS, INCORPORATED) (MOUNT VERNON DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-137 (JK INVESTMENTS, INCORPORATED) (MOUNT VERNON DISTRICT) (4:18 p.m.)**

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2008-MV-007 until **November 16, 2009, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Herrity and Supervisor McKay being out of the room, Supervisor Hudgins being absent.

Supervisor Hyland moved to defer the public hearing on Special Exception Amendment Application SEA 85-L-137 until **November 16, 2009, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Hudgins being absent.

56. **4 P.M. – PH ON PROPOSED FISCAL YEAR 2011 TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS (4:19 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 September 17 and September 24, 2009.

Tom Biesiadny, Chief, Coordinating and Funding Division, Department of Transportation presented the staff report. Discussion ensued concerning:

- Bicycle and pedestrian enhancements in the vicinity of the Dulles corridor Metrorail stations and Beltway high occupancy toll (HOT) lane projects.
- The State's new requirement that local government accept responsibility for future maintenance and operating costs of completed projects.

- Fully funded projects and enhancement requests.

Following the public hearing, which included testimony by two speakers, Supervisor Gross elaborated on the presentation of the second speaker, Ms. Maria Elena Schacknies, concerning the Lincoln at the Crossroads Alliance, with additional input from Mr. Biesiadny concerning the inclusion of this project on the list to be considered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to also include for consideration the projects identified by the first speaker, Mr. Joseph Chudzik, which were the Mason Neck Trail and the Archeological Planning and Research Project – Rochambeau’s 1781 Army Camp at Colchester. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova announced that:

- Action on the application will be taken at the November 16, 2009, meeting.
- The record will remain open until November 16, 2009, to receive written testimony.

57. **4 P.M. – BOARD DECISION ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 9915 OLD COLCHESTER ROAD (MOUNT VERNON DISTRICT)**

This item was withdrawn by staff.

58. **BOARD ADJOURNMENT** (4:36 p.m.)

The Board adjourned.

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