



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 19, 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, October 19, 2010, at 9:34 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:35 a.m.)

Chairman Bulova asked everyone to keep in thoughts all men and women who are serving the Country and putting themselves in harm's way to keep the country safe.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE FAIRFAX STARS U12 GIRLS NATIONAL BASKETBALL TEAM** (9:35 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to members of the Fairfax Stars U12 Girls National Basketball Team for exceptional sportsmanship, outstanding spirit, and notable athletic ability, resulting in winning the AAU Division I National Championship for the third consecutive year. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE SOUTHWESTERN YOUTH ASSOCIATION (SYA) EAST LITTLE LEAGUE ALL-STAR 11-12 YEAR OLD TEAM** (9:45 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to members of the SYA East Little League All-Star 11-12 year old team for exceptional sportsmanship, outstanding spirit, and notable athletic ability, resulting in winning the 2010 Virginia State Championship and advancing to the Southeast Regional Tournament. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

4. **RESOLUTION AND CERTIFICATES OF RECOGNITION PRESENTED TO MR. JAMES CLEVELAND, MR. HUNTER RICHARDSON, BOSTON PROPERTIES, AND BEACON CAPITAL** (9:54 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Reston Town Center for its twentieth anniversary. Supervisor Foust seconded the motion.

Supervisor Hudgins moved approval of the Certificates of Recognition presented to Mr. James Cleveland and Mr. Hunter Richardson for initiative, vision, and pivotal decisions in creating the Reston Town Center, a world class urban model of buildings, dwelling, and landscapes that is a dynamic and vibrate locale where people can live, work, and play. Supervisor Foust seconded the motion.

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

5. **CERTIFICATES OF RECOGNITION PRESENTED TO MR. MARK RUSSELL AND THE SPRINGFIELD 15K/5K RACE PLANNING TEAM**
(10:04 a.m.)

Supervisor McKay moved approval of the Certificates of Recognition presented to Mr. Mark Russell and the planning team for initiative, vision, civic pride, and enthusiasm, resulting in the first Springfield 15K/5K Race held in conjunction with Springfield Days 2010. Supervisor Hyland seconded the motion and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAIRFAX CONNECTOR AND RECOGNITIONS TO LONG-TERM CONNECTOR EMPLOYEES** (10:12 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the Fairfax Connector Service for its twenty-fifth anniversary of service to the community. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Rollo Axton, Chief, Transit Services Division, Department of Transportation, recognized and presented service awards to the following long-term Fairfax Connector employees:

- Mr. John Ashford (25 years)
- Mr. Raymond Sisson (25 years)
- Mr. Michael Winslow (24 years)
- Mr. Andrew Dubiel (23 years)
- Mr. Steven Jones (23 years)
- Mr. Sung Dae Pyun (22 years)
- Ms. Joyce McBride (22 years)
- Ms. Marjorie Beechum (21 years)
- Mr. Derrick Bowden (20 years)
- Mr. Alvin Hillman (25 years)

7. **PROCLAMATION DESIGNATING OCTOBER 23, 2010, AS "VOLUNTEERFEST DAY" IN FAIRFAX COUNTY** (10:27 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate October 23, 2010, as "*VolunteerFest Day*" in Fairfax County. Supervisor Gross seconded the motion.

Supervisor Smyth noted that copies of the Sully and Providence District VolunteerFest projects have been distributed around the dais. She also recognized and thanked all the businesses and organizations that worked together to bring VolunteerFest Day into focus.

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

Emily Swenson, Senior Director of Programs, Volunteer Fairfax, announced that individuals can get more information regarding volunteering for VolunteerFest Day online at www.volunteerfairfax.org.

(NOTE: Later in the meeting, Supervisor Smyth presented a Board Matter regarding VolunteerFest Day in Providence District. See Clerk's Summary Item #49.)

8. **PROCLAMATION DESIGNATING NOVEMBER 2010 AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (10:36 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate November 2010 as "*Adoption Awareness Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING NOVEMBER 2010 AS "PREMATURE BIRTH AWARENESS MONTH" IN FAIRFAX COUNTY** (10:46 a.m.)

Supervisor Cook moved approval of the Proclamation to designate November 2010 as "*Premature Birth Awareness Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

10. **PROCLAMATION DESIGNATING NOVEMBER 2010 AS "AMERICAN INDIAN HERITAGE MONTH DAY" IN FAIRFAX COUNTY** (10:57 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate November 2010 as "*American Indian Heritage Month*" in Fairfax County. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

11. **10:30 A.M. – PRESENTATION OF THE BARBARA VARON AWARD**
(11:03 a.m.)

(BACs) This annual award was established to recognize a County resident's dedication to improving the community through volunteer service and to honor the memory of Barbara Varon, former chairman of the Electoral Board. The award's selection criteria states that nominees must reside in the County, demonstrate an appreciation for the diversity of the community's population, exhibit patriotism, show evidence of having a positive effect on the community, and be known for encouraging others to do the same.

Chairman Bulova presented the Barbara Varon Award to Mr. John Mayer for his work at George Mason Regional Library.

12. **10:35 A.M. – PRESENTATION OF THE 2010 EXCEPTIONAL DESIGN AWARDS** (11:09 a.m.)

This is the twenty-sixth 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.

John A. Burns, AIA, Chairman of the Architectural Review Board and Chairman of the 2010 Exceptional Design Award Jury, gave a presentation regarding the history of the program and announced the recipients of the 2010 Exceptional Design Awards, as follows:

- *Honorable Mention Award:* Cassidy Turley
Category: Office Interior
Architect: DBI Architects, Incorporated
Owner/Developer: Cassidy Turley
Year Built: 2009
- *Honorable Mention Award:* Evans Farm
Category: Historical/Adaptive Reuse
Architect: Duany Plater-Zyberk and Company
Owner/Developer: Elm Street Development Incorporated and West Group
Year Built: 2009
- *Merit Award:* Graticule
Category: Residential
Architect: David Jameson Architects
Owner/Developer: Terry and Stephanie Wikberg
Year Built: 2009

- *Merit Award:* IBM Dulles Station West
Category: Office
Architect: VPA Associates, Incorporated
Owner/Developer: IBM
Year Built: 2009
- *Honor Award:* Art and Design Building, George Mason University
Category: Institutional
Architect: Ayers Saint Gross Architects and Planners
Owner/Developer: George Mason University
Year Built: 2009

13. **10:50 A.M. – PRESENTATION TO THE COUNTY OF THE WASTEWATER MANAGEMENT EXTRAORDINARY ENVIRONMENTAL ENTERPRISE CERTIFICATION FOR ENVIRONMENTAL MANAGEMENT SYSTEM FROM THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) VIRGINIA ENVIRONMENTAL EXCELLENCE PROGRAM (VEEP) (11:20 a.m.)**

Tom Faha, Regional Director, DEQ, and David Paylor, Director, DEQ, presented the County with a Wastewater Management Extraordinary Environmental Enterprise Certification for Environmental Management System award.

James Patteson, Director, Department of Public Works and Environmental Services (DPWES), gave brief remarks and thanked DEQ VEEP.

Laura Shultzaberger, staff, Wastewater Management Division, DPWES, gave brief remarks and accepted the award on behalf of the County.

Following a brief discussion regarding the certification, Supervisor Gross announced that she will present a Board Matter, later in the meeting, at the appropriate time, regarding the Total Maximum Daily Load (TMDL).

(NOTE: Later in the meeting, Supervisor Gross presented a Board Matter regarding TMDL. See Clerk's Summary Item #59.)

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14. **10:55 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (11:35 a.m.)**

(APPTS)

(BACs)

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Supervisor Hudgins moved the reappointment of Ms. Linda Rubinstein as the At-Large #6 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #5 Representative.

ARCHITECTURAL REVIEW BOARD

Supervisor Hyland moved the reappointment of Mr. Charles Bierce as the Architect #1 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. John Allen Burns as the Related Professional Group #4 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

The Board deferred the appointment of the At-Large #2 Representative.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Dranesville District Representative.

CITIZEN CORPS COUNCIL

Supervisor Frey moved the appointment of Ms. Karrie K. Delaney as the Sully District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

COMMISSION FOR WOMEN

Supervisor McKay moved the reappointment of Ms. Emily B. McCoy as the Lee District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Lee Ellen Helfrich as the Mason District Representative. Chairman Bulova and Supervisor Foust jointly seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Kathy Goggin as the Sully District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Chairman's and Hunter Mill District Representatives.

COMMISSION ON AGING

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

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Religious Community Representative.

Supervisor Hudgins asked unanimous consent that the Board direct the Commission to clarify the requirements of the Religious Community Representative. Without objection, it was so ordered.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Sully District Representative.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

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

HEALTH SYSTEMS AGENCY BOARD

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

HISTORY COMMISSION

Supervisor Gross moved the appointment of Mr. Richard C. Zambito as the Citizen #7 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

HUMAN RIGHTS COMMISSION

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

HUMAN SERVICES COUNCIL

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

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.

PARK AUTHORITY

Chairman Bulova moved the appointment of Ms. Kala Quintana as the At-Large #2 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

TRESPASS TOWING ADVISORY BOARD

Supervisor Foust moved the appointment of Mr. Alvin Leach, Jr. as the Towing #2 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CONFIRMATION:

Supervisor Gross moved confirmation of the following appointment:

- PFC Harold E. Morris as the Law Enforcement #2 Representative

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

YOUTH BASKETBALL COUNCIL ADVISORY BOARD**CONFIRMATIONS:**

Supervisor Hyland moved confirmation of the following appointments:

- Mr. E. J. Thomas as the Chairman and Vienna Youth Incorporated Representative
- Mr. Dave Vennergrund as the Commissioner and the Southwestern Youth Alternate Representative

- Mr. Alton Greene as the Secretary and the Fort Belvoir Youth Services Representative
- Mr. David Maher as the Member At-Large and the Arlington County Recreation Representative
- Mr. Fred McCarrick as the Treasurer
- Ms. Kate Sciorra as the Boys Deputy Commissioner and the Chantilly Youth Association Representative
- Mr. Gordon Austin as the Girls Deputy Commissioner and the Burke Basketball Representative
- Mr. Frank DeLatour as the Parliamentarian and the Annandale Boys and Girls Club Alternate Representative
- Ms. Donna Troup as the Scheduler
- Mr. Christopher Pulley as the Fairfax County Recreation Representative
- Mr. Marvin Elliott as the Alexandria City Recreation Representative
- Mr. George Reid as the Annandale Boys and Girls Club Representative
- Mr. Phil McConnell as the Arlington County Alternate Representative
- Mr. Grady Bryant as the Baileys Community Center Representative
- Mr. Calvin Crenshaw as the Baileys Community Center Alternate Representative
- Mr. James Bosley as the Braddock Road Youth Club Representative
- Mr. Jim Watson as the Braddock Road Youth Alternate Representative

- Mr. Mark Tavernier as the Burke Basketball Alternate Representative
- Mr. Rick Shryock as the Chantilly Youth Association Alternate Representative
- Mr. Marcos Poole as the Fairfax Police Youth Club Representative
- Mr. Kirk Intermill as the Fairfax Police Youth Club Alternate Representative
- Mr. Chris Madison as a Falls Church Parks and Recreation Representative
- Mr. Danny Schlitt as a Falls Church Parks and Recreation Representative
- Mr. Herb Marshall as the Fort Belvoir Youth Services Alternate Representative
- Mr. Jack Lohrer as the Fort Hunt Youth Athletic Association Representative
- Mr. Chip Gately as the Fort Hunt Youth Athletic Association Alternate Representative
- Mr. Dave Skaff as the Gainesville Basketball Association Representative
- Mr. Brian Miller as the Gainesville Basketball Association Alternate Representative
- Mr. Richard Warrick as the Great Falls Basketball Representative
- Ms. Ayannah Arrington as the Gum Springs Community Center Representative
- Mr. Randy Hahn as the Herndon Optimist Club Representative
- Mr. Jimmy Bernardez as the James Lee Community Center Representative

- Ms. Kim Thompson as the Lee District Basketball Representative
- Mr. Denis McMinn as the Lee District Basketball Alternate Representative
- Mr. William Morris as the Mercer-Lunsford Basketball League Representative
- Mr. Dave Baker as the Mercer-Lunsford Basketball League Alternate Representative
- Mr. Jeff Goettman as the McLean Youth Incorporated Representative
- Mr. Gerry Megas as the McLean Youth Incorporated Alternate Representative
- Mr. David Fields as the Mount Vernon Youth Athletic Association Representative
- Mr. Kevin Harris as the Mount Vernon Youth Athletic Association Alternate Representative
- Mr. Mitch Kalman as the Reston Youth Basketball League Representative
- Mr. Bob Korman as the Southwestern Youth Association Alternate Representative
- Mr. Dermot Cashman as the Springfield Youth Club Representative
- Mr. Chris Spera as the Springfield Youth Club Alternate Representative
- Mr. Mike Mastrota as the Turnpike Basketball Club Representative
- Mr. Tom Stepka as the Turnpike Basketball Club Alternate Representative

- Ms. Taylor Roberts as the Vienna Youth Incorporated Alternate Representative

Supervisor Cook seconded the motion, which carried by unanimous vote.

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15. **ADMINISTRATIVE ITEMS** (11:44 a.m.)

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

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-7, COMMERCIAL VEHICLES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-7, Commercial Vehicles, to add a definition for a utility trailer as it relates to the parking of commercial vehicles in residential districts.

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

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Meriwether Estates Resubdivision of Parcel A	Lee	Zekan Lane (Route 4113) Franconia Road (Route 644) [Additional Right-of-Way (ROW) Only]
RR Gunston LLC (Gunston Cove Business Center)	Mount Vernon	Gunston Cove Road (Route 600) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Timber Lake Property Section 2	Sully	Marshall Lake Drive (Route 10147)
		Meadow Lake Court
		Misty Pond Court

ADMIN 3 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 11012 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF EDUCATION (VDOE) TO CONTINUE THE VIRGINIA PRESCHOOL INITIATIVE PROGRAM

- (SAR) Approved SAR AS 11012 for DFS to accept grant funding from VDOE in the amount of \$2,957,000, including \$50,000 in local cash match from the County, to provide preschool programs for at-risk four-year-olds.

ADMIN 4 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 11059 FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO ACCEPT GRANT FUNDING FROM THE COMMONWEALTH OF VIRGINIA – GOVERNOR’S OPPORTUNITY FUND FOR KPMG LLP

- (SAR) Approved SAR AS 11059 for the EDA to accept grant funding in the amount of \$250,000 to convey to KPMG, LLP as the State portion of this grant. No local cash match is required. The County must provide road and pedestrian infrastructure improvements in Tysons Corner in the Providence District.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 16, 2010, at 4 p.m.** regarding a notice of intent to conduct a public hearing that is in substantial conformance with Attachment II of the Board Agenda Item dated October 19, 2010.

ADMIN 6 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (HUNTER MILL, LEE, 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-P10-23	XO Communications Rooftop antennas 1751 Pinnacle Drive Providence District	December 19, 2010
FS-L10-43	Clearwire US, LLC Antenna colocation on existing monopole 6601 Telegraph Road Lee District	December 19, 2010
FS-S09-181	Clearwire US, LLC Rooftop antennas 12011 Government Center Parkway (Pennino Building) Springfield District	December 29, 2010
FSA-41-2	T-Mobile Northeast, LLC Additional antennas on existing monopole 5856 Old Centreville Road (Centreville Volunteer Fire Station) Sully District	January 5, 2011
2232-L10-17	Washington Metropolitan Area Transit Authority Regional bus storage and maintenance yard 7828 Cinder Bed Road Lee District	May 10, 2011

16. **A-1 – APPROVAL OF PARKING REDUCTION FOR SQUARE 1400 LC (PROVIDENCE DISTRICT)** (11:45 a.m.)

Supervisor Smyth moved to defer consideration of this item until after the public hearing on Rezoning Application RZ 2009-PR-002. Supervisor McKay seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, this item was considered. See Clerk's Summary Item #71.)

17. **A-2 – APPROVAL OF THE RENEWAL OF THE COUNTY’S EXISTING MASTER CREDIT AGREEMENT (LINE OF CREDIT)** (11:45 a.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing the execution and delivery of an amendment to the Master Credit Agreement with the Economic Development Authority (EDA) and the Bank of America, NA, and approve the form of the Amendment to the Master Credit Agreement. Supervisor McKay seconded the motion.

Discussion ensued, with input from Len Wales, County Debt Manager, Department of Management and Budget; Cathy A. Muse, Director, Department of Purchasing and Supply Management; and Edward L. Long, Deputy County Executive, concerning:

- The favorability of the new agreement relative to the authority to request an additional draw up to \$200 million.
- Whether the amount of the fee representing the cost to the Bank for reserving the requested line includes a profit to the Bank.
- Whether the agreement was competitively bid, and if not, why.
- The number of bidders when the agreement was originally competitively bid.
- The negotiability of the additional amount.
- The Bank’s ability to renegotiate renewal terms.
- The next opportunity to rebid or renegotiate.
- Whether there are plans to use a line of credit.

Supervisor Gross moved to call the question on the motion. Supervisor Smyth seconded the motion, and it **CARRIED** by a recorded vote of nine, Supervisor Foust voting “**NAY**.”

The question was called on the motion, with the understanding that staff would take into account the discussion as guidance as the Board moves forward, 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**.”

18. **A-3 – APPROVAL OF A PROJECT AGREEMENT FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ON STONECROFT BOULEVARD (SULLY DISTRICT)** (12:02 p.m.)

On motion of Supervisor Frey, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the project agreement in substantial form, including \$620,000 for all the activities related to the construction of the widening of Stonecroft Boulevard at the frontage of the Sully District Governmental Center.

19. **I-1 – CONTRACT AWARD – POST EXPOSURE EVALUATION AND FOLLOW-UP MEDICAL SERVICES** (12:02 p.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2010, requesting authorization for staff to award a contract to Infectious Diseases Physicians, Incorporated, for post exposure evaluation and follow-up medical services for employees who experience an occupational exposure to human blood or other potentially infectious materials. The contract is a five year contract with no renewal options. The total estimated annual amount of this contract is \$23,000. The cost for the proposed contract term is estimated to be \$115,000. This is, however, an estimate as actual costs will be determined by the number of individuals requiring services as a result of exposures.

The staff was directed administratively to proceed as proposed.

20. **I-2 – CONTRACT AWARD – OPERATIONAL MEDICAL DIRECTOR (OMD) FOR THE FIRE AND RESCUE DEPARTMENT** (12:02 p.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2010, requesting authorization for staff to award a contract to Best Practices, Incorporated, for the provision of the Office of the Medical Director and Related Staff and Service. The initial contract is five years with five one-year renewal options or any combination equal to five years. The fixed price cost for the contract is \$275,000 for the first three years, \$300,000 for years four and five, and \$300,000 for years six through ten, with a yearly Consumer Price Index (CPI) adjustment.

The staff was directed administratively to proceed as proposed.

21. **I-3 – STAFF TESTIMONY IN THE APPLICATION OF COLUMBIA GAS OF VIRGINIA, INCORPORATED FOR AUTHORITY TO INCREASE ITS RATES AND CHARGES, STATE CORPORATION COMMISSION CASE NUMBER PUE-2010-00017** (12:03 p.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2010, requesting authorization for staff to submit testimony at the

public hearing on Columbia Gas of Virginia's case, which is currently scheduled for November 16, 2010, in Richmond, Virginia.

The staff was directed administratively to proceed as proposed.

22. **I-4 – QUARTERLY STATUS REPORT ON THE BOARD'S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (12:03 p.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2010, regarding the quarterly status report on the Board's second four-year transportation program. Discussion ensued concerning pages 229 and 232 of the Board Agenda Item dated October 19, 2010, concerning the Franconia Road Walkway and the North Kings Highway Median respectively, regarding:

- The lack of notification of delays in these projects.
- Project delays caused by public utilities.
- Supervisor intervention with public utilities in the event of delays.

Karyn L. Moreland, Chief, Capital Projects, Department of Transportation, provided input concerning both projects.

23. **I-5 – CONTRACT AWARD – LANGLEY FOREST PHASE II SANITARY SEWER EXTENSION AND IMPROVEMENT (DRANESVILLE DISTRICT)** (12:06 p.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2010, requesting authorization for staff to award a contract to R. L. Rider and Company in the amount of \$234,500 for the construction of the Langley Forest Phase II Sanitary Sewer Extension and Improvement, Project Number X00828, Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

24. **I-6 – CONTRACT AWARD – URBAN, LIMITED FOR LAND SURVEYING AND RELATED PROFESSIONAL SERVICES** (12:07 p.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2010, requesting authorization for staff to award a contract to Urban, Limited, in the amount of \$500,000, to provide surveying services for various County projects in support of the Capital Improvement Program.

The staff was directed administratively to proceed as proposed.

25. **I-7 – CONTRACT AWARD – JEFFERSON DISTRICT GOLF COURSE IRRIGATION SYSTEM REPLACEMENT (PROVIDENCE DISTRICT)**
(12:07 p.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2010, requesting authorization for staff to award a contract to George E. Ley Company, in the amount of \$283,517, for replacement of the irrigation system (piping, valves, sprinkler heads, and controls) at Jefferson District Golf Course, in Project 474408, Park and Building Renovation, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

26. **I-8 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON PROPOSED PROJECT BY LIGHT GLOBAL MISSION CHURCH (SULLY DISTRICT)** (12:07 p.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2010, requesting authorization for the County Executive to sign a letter of support for Light Global Mission Village and forward it to the VHDA for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

27. **I-9 – CONTRACT AWARD – LAKE BARTON DAM – POHICK CREEK DAM NUMBER 2 – SPILLWAY IMPROVEMENT PROJECT (BRADDOCK DISTRICT)** (12:07 p.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2010, requesting authorization for staff to award a contract to Shirley Contracting Company, LLC, in the amount of \$2,807,500.50, upon the receipt of Notice-to Proceed from the National Resources Conservation Service for the construction of the Lake Barton Dam – Pohick Creek Dam Number 2 – Spillway Improvement, Project Number FX4000 – PC013, in Fund 318, Stormwater Management Program.

The staff was directed administratively to proceed as proposed.

28. **I-10 – PLANNING COMMISSION (PC) ACTION ON APPLICATION 2232A-D09-2-1, NEWPATH NETWORKS, LLC AND NEW CINGULAR WIRELESS PCS, LLC (DRANESVILLE DISTRICT)** (12:08 p.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2010, announcing the PC's approval of Application 2232A-D09-2-1, as amended, for nodes GFE17A and GFE27A. The PC noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. The application sought approval to

construct antenna sites in the Virginia Department of Transportation (VDOT) right-of-way on portions of Arnon Chapel Road, Seneca Road, and Utterback Store Road, for a telecommunications Distributed Antenna System (DAS) in Great Falls. The nodes will be located on portions of public rights-of-way on Tax Maps 6-2, 7-1, and 8-3.

(NOTE: Later in the meeting, the Board discussed DASs. See Clerk's Summary Item #41.)

29. **I-11 – PLANNING COMMISSION (PC) ACTION ON APPLICATION 2232-H10-2, CLEARWIRE WIRELESS BROADBAND AND MILESTONE COMMUNICATIONS (HUNTER MILL DISTRICT)** (12:08 p.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2010, announcing the PC's approval of Application 2232-H10-2 for the location of a cell tower at James Madison High School, Vienna. The PC noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. The application sought approval to construct a 105 foot telecommunications facility to replace the existing 88.76 foot light pole used for athletic field lighting along with related equipment at James Madison High School, 2500 James Madison Drive, Vienna, Tax Map 38-3 ((1)) 52.

NV:nv

ADDITIONAL BOARD MATTERS

30. **BOARD PRESENTATIONS** (12:08 p.m.)

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

- Invite Representatives from "the Best Workplaces for Commuters," as named by the Center for Urban Transportation Research to appear before the Board for recognition.
- Help publicize the Job Fair that she is hosting in partnership with the Pakistani American Business Association on November 13. Many County public safety agencies will be there to give information about career opportunities in public safety in the County.

Without objection, it was so ordered.

31. **BUDGET COMMITTEE MEETING AGENDA** (12:10 p.m.)

Chairman Bulova said that last spring, as part of the adoption of the Fiscal Year (FY) 2011 Budget, the Board directed the County Executive to develop a plan for identifying further savings or reorganizational opportunities to address budget shortfalls, and to include as part of this mini-Lines of Business (LOB) session a look at specific departments and programs for efficiencies and improvements. She reminded the Board that it has a Budget Committee meeting scheduled for October 26 to review the County's Wastewater Treatment System. She noted that there is also a committee meeting scheduled for November 30, where a review of the Department of Housing and Community Development and the County's program for vehicle replacement will take place. She distributed a preliminary draft agenda for the first meeting.

Chairman Bulova also provided information about the County's Budget "Do-It-Yourself Toolkit." She encouraged Board Members to help to publicize this opportunity for public outreach. She noted that the County's website already includes comments from the public on the budget.

32. **REAPPORTIONMENT TASK FORCE** (12:12 p.m.)

(BACs)

Chairman Bulova said that at the Board's Legislative Committee meeting on October 5, staff presented the Board with an early draft of a timeline for reapportionment ("redistricting"). There was discussion at the meeting that the timeline is very tight. For the Board to appoint citizen members at its first meeting in January to a task force that makes recommendations to the Board, it needs to decide on the composition of that task force before the end of the year.

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff to report with a proposal for the make-up of the 2011 Reapportionment Committee so that the Board may take the necessary action to establish the committee at its November or December Board meeting.

Discussion ensued regarding the:

- Significant limited term time commitment involved.
- Compressed time frame.
- Composition of past task forces (representatives of each Board Member; representatives of the Democratic and Republican parties, respectively; representatives of Countywide organizations, such as the League of Women Voters, the Federation of Citizens Associations; and ethnic organizations).

Chairman Bulova clarified her request as directing staff to recommend a slate of seats for the structure of the task force, but not the individuals, and that staff provide this at the next Board meeting. The Board will formally adopt it in December and make appointments in January.

Without objection, it was so ordered.

33. **2010 OAK HILL OPEN HOUSE (BRADDOCK DISTRICT)** (12:17 p.m.)

In a joint Board Matter with Supervisor Cook, Chairman Bulova said that on October 16, more than 260 County and Braddock District residents attended Oak Hill Day in the County. History buffs, families, and students ate cookies, met the friendly animals from Frying Pan Park, donated over \$100 to the *A Look Back at Braddock* organization, and toured the historic Annandale home, Oak Hill, where Thomas Jefferson once stayed. She noted that there were fascinating lectures from speakers Maddy McCoy, John Browne, and Dennis Howard who provided presentations on the African-American community that developed in the late 1800s in the Oak Hill area.

Over 300 programs were distributed detailing the history of Oak Hill and the boxwoods that make this home so unique.

On behalf of Supervisor Cook and herself, Chairman Bulova expressed appreciation to the many people who made this event possible: the Sheetz family, the owner of Oak Hill; Ms. Mary Lipsey; Ms. Tawny Hammond, as well as the many volunteers from Frying Pan Park, Lake Accotink, and Fairfax4Horses. As noted in her written Board Matter, she also thanked Boy Scout Troop 1501 of Springfield, the Oak Hill Trio, the Oak Hill Civic Association, FastTran, Annandale High Culinary School, the speakers, the Police officers, and the *A Look Back at Braddock* committee. None of this would have been possible without the sponsors, Ravensworth Properties and Interstate Worldwide Relocation.

Noting that the lectures were especially interesting, Chairman Bulova asked unanimous consent that the Board direct staff of Cable Channel 16 and the Office of Public Affairs to consider capturing the information and using the material for a County magazine program. Supervisor Cook offered one of his monthly Channel 16 television slots for such a program. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

34. **LETTER TO THE COMMONWEALTH SECRETARY OF TRANSPORTATION REGARDING ONE-TIME TRANSPORTATION FUNDING** (12:19 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor McKay said that on September 23, Governor McDonnell released the results of an independent Virginia Department of Transportation (VDOT) financial and performance audit, which identified over \$1 billion in one-time funding that may be allocated to construction and maintenance projects. The Governor gave the Secretary of Transportation 45 days to prepare an action plan to address the 50 audit recommendations. While it is not clear what criteria will be used to allocate these

funds, General Assembly members have indicated that they have been contacted by the McDonnell administration asking for project priorities. The General Assembly members have, in turn, asked for the County's priorities.

Supervisor McKay said that the County Department of Transportation (DOT) staff has reviewed projects the Board had previously endorsed for various funding sources and compiled a list of highway, transit, pedestrian, and bicycle projects that could be implemented quickly. The Board's Legislative Committee discussed the list on October 5. In addition to the list of new construction projects, the committee felt that the transmittal letter should recommend that a significant amount of the funding be used to address the maintenance needs of the Commonwealth's roads.

Supervisor McKay distributed copies of the draft letter with his written Board Matter and called the Board's attention to sentences in paragraph two that read as follows: "As such, we believe that a significant amount of this one-time funding should be allocated to address the maintenance needs of the Commonwealth's roadways, including repairing pavement, restriping crosswalks, repairing curb and gutter, and increasing the frequency of grass mowing. Particular attention should be paid to safety-related items."

Accordingly, Supervisor McKay moved that the Board approve sending the letters to the Governor, Secretary of Transportation, and the County's General Assembly delegation, recommending that the possible one-time transportation funding be used for *both* maintenance and construction projects, and including a list of transportation construction projects to be considered for any available funds. Supervisor Gross seconded the motion.

Following discussion, with input from Tom Biesiadny, staff, DOT, Supervisor McKay amended his motion to include funding for traffic calming, and this was accepted.

Following discussion regarding the use of one-time money for maintenance, with input from Anthony H. Griffin, County Executive, the question was called on the motion, as amended, which carried by unanimous vote.

35. **REQUEST FOR CONCURRENT PROCESSING FOR SPECIAL EXCEPTION APPLICATION SE 2010-LE-017 (LEE DISTRICT)**
(12:27 p.m.)

Supervisor McKay noted that Special Exception Application SE 2010-LE-017 is a request to permit establishment of a Washington Metropolitan Area Transit Authority (WMATA) bus service facility on Cinder Bed Road. It will be a subject of the public hearing before the Planning Commission on January 13, 2011. The applicant has requested permission to begin concurrently processing the necessary site plan and an expedited Board hearing. Concurrent processing will occur at the applicant's risk and, in this case, is necessary to implement this

special exception under the scheduled WMATA timeframe for this property. This use at this location was already vetted through the WMATA public hearing process just over a year ago. It will continue to be vetted in the community in the months ahead.

Accordingly, Supervisor McKay moved that the Board authorize the Department of Public Works and Environmental Services to concurrently process the site plan and other engineering approvals associated with this pending special exception application and that the public hearing for the application be scheduled before the Board for its second meeting in January 2011. He noted that this motion does not prejudice the complete review of this special exception application and does not relieve the applicant of compliance with the provision of any applicable ordinance, regulation, or adopted standard. Supervisor Foust seconded the motion.

Following discussion regarding problems with Cinder Bed Road and outreach to community members, the question was called on the motion, which carried by unanimous vote.

36. **REQUEST FOR COMPREHENSIVE PLAN AMENDMENT FOR A PORTION OF THE SPRINGFIELD COMMUNITY BUSINESS CENTER (LEE DISTRICT)** (12:31 p.m.)

Supervisor McKay said that Tax Map parcels 80-4 ((9)) 4, 5, and 6, which are located along Old Keene Mill Road within the Springfield Community Business Center were the subject of a Comprehensive Plan amendment that was adopted as part of the Base Realignment and Closure (BRAC)-Related Area Plans Review (APR) process. The nomination resulted in a Plan recommendation for hotel use up to approximately 110,000 square feet on the subject property. A contract purchaser proposes to construct an extended stay hotel with rooms designed to accommodate the business traveler. Consequently, a minor increase to the building size specified in the Comprehensive Plan is necessary. A rezoning application has been submitted to implement the hotel use.

To facilitate the expedited processing of the pending rezoning application (for the former ChiChi's property) that will assist in the revitalization of downtown Springfield, Supervisor McKay moved that the Board:

- Authorize a Comprehensive Plan amendment for Tax Map parcels 80-4 ((9)) 4, 5, and 6 to increase the square footage of the hotel option by approximately 10,000 square feet on Land Unit C of the Springfield Community Business Center.
- Direct staff to schedule public hearings for the Comprehensive Plan amendment before the Planning Commission and the Board in a manner to allow for consideration by the Board at its first meeting to be held in February 2011.

This motion does not prejudice the review of this Plan amendment or the subsequent rezoning application and does not relieve the applicant of compliance with the provision of any applicable ordinance, regulation, or adopted standard. Supervisor Herrity and Supervisor Hyland jointly seconded the motion, which carried unanimous vote.

37. **REDIRECTING TYSONS CIRCULATOR MONIES (HUNTER MILL AND PROVIDENCE DISTRICTS)** (12:33 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Hudgins, and Supervisor Smyth, Supervisor Herrity noted that on July 27 the Board approved a motion directing staff to provide an update on the options available to more effectively utilize the \$1 million currently being spent on the mid-day Tysons Connector service which is only averaging one rider per bus trip. Staff responded to that request indicating that the monies could be redirected by the multi-agency and jurisdictional Dulles Corridor Transportation Management Program (TMP) Steering Committee to various other measures to mitigate traffic congestion during construction of the Dulles Metrorail Project. Two potential options for the funds are: redirect the money to the operation of the additional Connector service that will be needed due to the closure of the Reston East Park-and-Ride (PNR) lot or to the Dulles Express Bus Service to offset the loss in funding. He asserted that both of these are better and more cost effective options.

Accordingly, Supervisor Herrity moved that the Board indicate its support for moving the TMP funds from the Tysons Circulator route as soon as possible and work with the Hunter Mill District Supervisor's Office to address the use of the funds for the Fiscal Year 2012 deficit for Dulles Express Bus Service and other priorities including the closure of the Reston East PNR. Supervisor Smyth seconded the motion.

Following discussion regarding the status of the Circulator and transit options, as well as compliments to staff, the question was called on the motion, which carried by unanimous vote.

38. **INCENTIVIZING EMPLOYEES TO CREATE A BUDGET SURPLUS** (12:38 p.m.)

Supervisor Herrity asserted that governments at all levels engage in an annual tradition of spending all of their budgets by the end of the year - often in not the most productive ways. He said that this is done to ensure they will get the same amount the following year. While the County Executive and the Chief Financial Officer (CFO) have been successful at cutting budgets and having large balances at the end of the year to carryover, Supervisor Herrity said that his discussions with several County employees indicates the year end spending tradition still exists in parts of the County.

Supervisor Herrity noted that earlier this year, Governor Bob McDonnell entered into an agreement with State employees. He asked them to hold down year end spending and create a surplus. If they reached this goal, he promised a bonus of three percent to State employees who had not had a raise in three years. Not only did they reach their goal, but they exceeded it, which led to the State's \$403 million surplus. The Governor then used some of the surplus to give State employees the promised bonus. He stated his belief that this is an idea that has merit in the County and should be considered.

Supervisor Herrity said that employees are the County's most important asset. Despite the fact that the Board has continually asked them to do more with less over the past three years, the County has been able to maintain a high level of service because of their dedication and ingenuity, and they have done it without any pay increases.

Supervisor Herrity asserted that these employees are the ones who know where there may be "hidden" savings in the County budget. Incentivizing the employees to identify and implement these savings should be a win-win for the employees and the taxpayers.

Accordingly, he moved that the Board direct the County Executive to develop a proposal similar to what was outlined above, and that was successfully implemented at the State level, that would set a carryover target for the County and an incentive arrangement for County employees if the County were to achieve the carryover target. This proposal and the carryover target and incentive levels should be discussed at an upcoming Budget Committee meeting so the proposal can be presented to the Board in December or the first meeting in January. Supervisor Cook and Supervisor Frey jointly seconded the motion.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to change the word "develop" to "consider," and this was accepted.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding:

- Other actions to maximize the next carryover budget.
- Feasibility and costs of a one-time payment to employees.
- Revenues.
- End of fiscal year spending and perceptions.
- The budget process and County employee raises.

- County employee assistance in finding cost reductions.
- Disagreements with the assertions in the Board Matter premise.
- Public perceptions.
- Benefit costs and ways to offset them partially.

Supervisor McKay asked to amend the motion to direct the County Executive to also include ways to defray the costs of benefits as a part of his review of the proposal, and this was accepted.

Following further discussion regarding the dedication of County employees and their knowledge of where the spending is, Supervisor Smyth challenged Members of the Board to return more money from their own budgets at Carryover.

Following additional discussion regarding County employee brown bag lunch sessions on the budget, the question was called on the motion, as amended, which carried by unanimous vote.

39. **PARADISE SPRINGS WINERY WINS GOVERNOR'S CUP (SPRINGFIELD DISTRICT)** (12:57 p.m.)

Supervisor Herrity announced that the County's first and only winery, Paradise Springs in Clifton, was presented with the prestigious 2010 Virginia Governor's Cup. This honor was accomplished in its first year for its 2009 Chardonnay.

40. **REQUEST TO WAIVE INSPECTION FEES ASSOCIATED WITH THE AMERICAN HORTICULTURAL SOCIETY'S (AHS) SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 79-V-073-04 (MOUNT VERNON DISTRICT)** (12:58 p.m.)

Supervisor Hyland said on August 3, 2009, the Board approved the AHS' Special Exception Amendment Application SEA 79-V-073-04 to permit it to hold special events on their property located at 7931 East Boulevard Drive. In years past, the Board has been supportive of waiving the associated zoning and permit fees. He noted that his last motion, endorsed by the Board, waived the fees for the zoning applications, but left off a request to waive the related inspection and site plan review fees. To permit the AHS, a 501(c)(3) non-profit, to complete this work, he asked that the Board continue to support it and the incredible work it does to educate Americans about gardens and gardening.

Therefore, Supervisor Hyland moved waiver of the land development services review and inspection fees as well as the Fire Marshal fees related to their most current special exception application. Supervisor Herrity and Supervisor Smyth

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

41. **REQUEST TO ANALYZE ALTERNATIVE WIRELESS COMMUNICATION TECHNOLOGIES** (12:59 p.m.)

Supervisor Hyland asserted that applications to build and operate wireless telecommunications facilities can be some of the most controversial land use cases the Planning Commission (PC) and Board can hear. The Mount Vernon Council of Citizens' Association has formed a special committee on telecommunications facilities to reach out to communities, businesses, and industry to find locations that are ideal for the installation of new wireless communication facilities. The committee's members are also tasked with familiarizing themselves with and evaluating alternative technologies currently available to meet the growing needs of wireless carriers and preserve the beauty and historic character of the Mount Vernon District. The committee's chair asked him whether staff or other subject matter experts can evaluate one such alternative known as Distributed Antenna Systems (DAS). DAS is a network of small antennas that can be placed atop existing telephone poles or other structures to potentially widen a coverage area.

Supervisor Hyland noted that DAS has met with enthusiastic support in several Mount Vernon communities. Yet, preliminary discussions with industry have met with some skepticism and resistance to use this technology in lieu of new towers as it may have limitations to provide coverage inside homes and may not allow customers to use wireless data networks. As the letter from the committee chair states, "It is critical that our County independently educate itself about this technology."

Therefore, Supervisor Hyland moved that the Board direct staff to evaluate the feasibility, benefits, and limitations of DAS and other alternative wireless communication technologies. Supervisor Smyth seconded the motion.

Following a brief discussion regarding a PC committee on the subject, Supervisor Foust asked to amend the motion to refer this issue to the PC as well, and this was accepted.

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

42. **RECONSIDERATION OF AREA PLANS REVIEW (APR) ITEM 09-IV-8LP (MOUNT VERNON DISTRICT)** (1:02 p.m.)

Supervisor Hyland said that at the last Board meeting, it approved 20 APR nominations in the Mount Vernon District. One of those motions, APR Item 09-IV-8LP included two options, the staff recommendation and the Planning Commission (PC) recommendation. He said that when he read the motion for

8LP, he mistakenly read both the staff and PC motions and ended up with the wrong motion, which needs to be corrected.

Therefore, Supervisor Hyland moved reconsideration of APR Item 09-IV-8LP. Chairman Bulova seconded the motion.

Discussion ensued regarding comments by Planning Commissioner Flanagan in the PC verbatim and the staff's interpretation regarding open space and by right development, with input from Marianne Gardner, Planner, Planning Division, Department of Planning and Zoning.

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

Supervisor Hyland further moved that the Board adopt the PC recommendation for APR Item 09-IV-8LP. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

43. **REQUEST TO RECOGNIZE STAFF FROM THE PLANNING DIVISION (PD) OF THE DEPARTMENT OF PLANNING AND ZONING (DPZ), DURING THE SOUTH COUNTY 2009 – 2010 AREA PLANS REVIEW (APR) PROCESS (MOUNT VERNON DISTRICT)** (1:10 p.m.)

Supervisor Hyland said that every week, from early January until late April from 7 p.m. until late into the night, staff from the PD would make the long trek from Fairfax down to Mount Vernon to teach Mount Vernon's APR Task Force the intricacies of land use planning and present their staff report for the resident's consideration. Over 40 nominations to amend the Comprehensive Plan were submitted in the Mount Vernon District. He stated that phenomenal staff, led by Fred Selden and Marianne Gardner, spent countless hours helping nominators put their proposals into appropriate planning language, evaluating the merits of each nomination, and preparing detailed staff reports. The level of dedication and professionalism exhibited by planning staff is the best he has seen in over two decades working for the people of the County. Their composure and ability to facilitate heated discussions was only outshined by their intelligence.

Therefore, Supervisor Hyland moved that the Board direct:

- The Office of Public Affairs to invite staff from the PD to appear before the Board to be recognized for their long and incredible work.
- Staff to put a letter of commendation in their personnel files.

Supervisor Cook and Chairman Bulova jointly seconded the motion, which carried by unanimous vote.

44. **CLAM CHOWDER** (1:11 p.m.)

Supervisor Hyland announced that he would be leaving the Board Auditorium to attend to his homemade clam chowder that will be served to the Board at lunchtime.

45. **VARIANCE APPLICATION FEE WAIVER FOR TRUSTEES OF THE CUB RUN MEMORIAL GARDENS (SULLY DISTRICT)** (1:12 p.m.)

Supervisor Frey said that the Trustees of Cub Run Memorial Gardens Cemetery ("Trustees") are the owners of Tax Map parcel 64-2-((1)) parcel 12. Cub Run Memorial Gardens is a non-profit family cemetery dating back to 1870. The boundary of the cemetery does not coincide with the property boundaries, and the cemetery Trustees have tried for decades to correct the title to preserve the entirety of the burial grounds.

Supervisor Frey said that the ownership of the adjacent property, referred to as Tax Map 64-2((8)) parcel 6, which contains graves, has changed several times during the course of the effort by the Trustees. The current owner has agreed to deed a portion of his land which contains graves and is zoned R-C to the Trustees for preservation; however, to protect his home and the legal status of the remaining portion of his lot, the transfer will require a variance. The Trustees are preparing a variance application and have asked that the Board waive the variance application fees.

Because the Cub Run Memorial Gardens Cemetery is a non-profit family association, Supervisor Frey moved that the Board waive the variance application fees for the Trustees. Chairman Bulova seconded the motion.

Following brief input from David P. Bobzien, County Attorney, to note that this action was permissible, the question was called on the motion, and it carried by a vote of eight, Supervisor Hyland and Supervisor McKay being out of the room.

46. **RECOGNITION OF CHANTILLY HIGH SCHOOL STUDENT NIKKI FERRARO (SULLY DISTRICT)** (1:14 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Frey noted that they had been made aware of special young lady, Nicole "Nikki" Ferraro, who has been an amazing contributor to the community at Chantilly High School. She has been diagnosed with a rare form of cancer and in the face of that, she has created a foundation to help others who are so stricken. Accordingly, Supervisor Frey moved that the Board direct staff to prepare a certificate to recognize her accomplishments for presentation either before the Board at a regular meeting or at the upcoming Leadership Fairfax dinner. Supervisor Foust and Chairman Bulova jointly seconded the motion, which carried by a vote of eight, Supervisor Hyland and Supervisor McKay being out of the room.

PMH:pmh

47. **OFFICE OF FINANCIAL AND PROGRAMS AUDITORS (OFPA)
QUARTERLY STATUS REPORT ON OPERATIONS AS OF
OCTOBER 12, 2010** (1:15 p.m.)

(BACs) Supervisor Foust announced that the Board has received the OFPA Quarterly Status Report on Operations as of October 12, 2010.

Since the last report, the Auditor to the Board, Michael Longhi, has filled the open positions on his staff. Ms. Christina Manning, a long time County employee, has filled the open part-time position. Ms. Jessica Tucker, who has nine years of experience in financial, program, and IT audits in government settings, was hired to fill the full time position that the Board created and funded through cuts to Board Member's office budgets. Ms. Manning and Ms. Tucker join Mr. Longhi and the long-serving Mr. Norm Stubenhofer to form a very experienced and talented audit staff to serve the Board.

Supervisor Foust said that the following are a list of some of the highlights contained in the Quarterly Audit Report:

- Police Department Asset Forfeiture – As previously reported, following the Auditor's review of the Police Department's Asset Forfeiture Program, the Commonwealth Attorney's office filed 60 seized asset cases resulting in recovery of \$127,780 and 13 vehicles by the County. Since then, an additional 35 cases have been processed resulting in a forfeiture of 9 additional vehicles and over \$715,000, of which \$557,000 went to the County.
- Revenues from Fines for Traffic Violations – The Police Department has achieved a very impressive 98.1 percent success rate in issuing traffic tickets under the County Code as opposed to the State Code. The Police Department continues to work to improve this recovery rate for the County. This effort continues to pay substantial benefits for the County. For the three month period from July to September 2010, County revenue from tickets written to the County Code was \$2.1 million.
- Low Income Housing – The Auditor reviewed and the report describes the controls used by the Department of Housing and Community Development to guard against fraud in the low income housing programs.
- Dulles Corridor Metrorail – Based on the most recent Metropolitan Washington Airports Authority (MWAA) report on the Dulles Metro project, Phase I of the project appears to be on budget but has experienced a delay of 91 days. The Dulles Transit Partners is

preparing a recovery schedule for review and approval by MWAA. The Auditor reports having a concern because the West Falls Church railyard was removed from the project's critical path schedule. The Auditor is attempting to determine the implications of this schedule revision and will report to the Board.

- Board of Equalization (BOE) Study – In response to an inquiry by a member of the Audit Committee concerning the public's perception of the professional backgrounds of the members of the BOE, the Auditor conducted a statistical review of the BOE's voting records for 2009. He concluded that the professional background of the members of the BOE has not created an environment where taxpayers are experiencing unfavorable results.
- Commercial Real Estate Property Tax Assessment Methods – The Auditor reviewed the County's Department of Tax Administration's commercial property assessment processes and found that they are in accord with best industry procedures and produce uniform, high quality and defensible assessments.
- Overtime Compensation – The Auditor is reviewing overtime compensation for County employees. While overtime remains a significant expense for the County, he found that the County has reduced overtime compensation by more than \$20 million from Calendar Year (CY) 2007 to CY 2009. This investigation is ongoing.

Supervisor Foust noted that the Quarterly Audit Report also includes a list of proposed future study areas for the OFPA including:

- Continue to monitor Phase I of the Dulles Corridor Metrorail project and begin to monitor Phase II.
- Continue to study overtime compensation.
- Examine mechanic labor time in the fleet services division.
- Examine adequacy of amounts paid to County by the monopoly industry to lease County property.
- Review the Department of Housing and Community Development's line of business report that will be presented to the Board this fall.

Not listed in the report, but discussed at the Audit Committee meeting were the following:

- Review various County Reserve accounts.
- Determine whether there are any fines other than for traffic violations that are being written to State Code that could be written to County Code.
- Review how proceeds of bail bond violations are processed and enforced.

Supervisor Foust said that OFPA will remain flexible to address additional or priority issues as they arise. Board Members are encouraged to forward suggestions to the Audit Committee for consideration to be added to OFPA's work program.

Therefore, Supervisor Foust moved adoption of the Quarterly Status Report. Chairman Bulova seconded the motion.

Chairman Bulova explained the operation of the OFPA.

Supervisor McKay noted that Ms. Manning had previously served in other offices in the County and most recently his office. He noted that she is an exceptional employee.

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

48. **WELCOME TO A NEW INTERN IN THE CHAIRMAN'S OFFICE**
(1:24 p.m.)

Chairman Bulova introduced a new intern in her office, Evan Helgesen, a student at George Mason University, and she warmly welcomed him to the Board Auditorium.

49. **PROVIDENCE DISTRICT VOLUNTERFEST PROJECTS** (1:24 p.m.)

(NOTE: Earlier in the meeting, the Board proclaimed October 23, 2010, as VolunteerFest Day. See Clerk's Summary Item #7.)

Supervisor Smyth congratulated the Greater Merrifield Business Association for another successful Merrifield Fall Festival. She noted that the festival is the kickoff to VolunteerFest week in Providence District. She also thanked all the individuals, businesses, organizations, and her staff who have worked in support of VolunteerFest projects.

50. **FELLOWSHIP SQUARE FOUNDATION 50 YEAR ANNIVERSARY (HUNTER MILL DISTRICT)** (1:25 p.m.)

Supervisor Hudgins said that as the County emphasizes the increasing numbers of its aging population and the manner in which services are provided, it is important to recognize community partners. Since 1960 Fellowship Square Foundation has sought to offer supportive living environments which enhance the personal freedom, independence, self-confidence, and well-being of its residents.

Supervisor Hudgins noted that in 1970, Fellowship Square became an early partner and community collaborator in the Reston community by opening the first of its four Fellowship Houses. Currently Fellowship Square Foundation operates two facilities in Reston: Lake Anne I with 140 apartments opened in 1970 and Lake Anne II opened in 1976, adding 100 units. In 1979, Hunters Woods Fellowship House opened with 224 units. Additionally, Fellowship Square operates facilities in Woodbridge, VA and Upper Marlboro, MD.

Therefore, Supervisor Hudgins moved that the Board direct staff to prepare and deliver a proclamation at the Fiftieth Anniversary Celebration for Fellowship Square Foundation marking 50 years of dedicated service to senior and disabled populations, providing a safe and affordable living environment. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

51. **SEKAS HOMES, LIMITED (HUNTER MILL DISTRICT)** (1:27 p.m.)

Supervisor Hudgins said that Sekas Homes, Limited, has filed Rezoning Application RZ 2010-HM-006 to rezone from R-1 to R-3 Conventional for Tax Map 28-4 ((1)) 1, Parcel 20/8900 Old Courthouse Road, Vienna, Virginia. The proposed subdivision will consist of six single family houses. The applicant is requesting concurrent processing during the rezoning process and fully understands the risk of potentially having to redesign and resubmit a new subdivision plan if substantial design changes occur during the rezoning process.

Therefore, Supervisor Hudgins moved that the Board direct the Director of the Department of Public Works and Environmental Services to accept a site plan, and any other plans as may be necessary, for concurrent and simultaneous processing with the pending Rezoning Application RZ 2010-HM-006. 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, regulations, or adopted standards in anyway. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

52. **GRAND OPENING – ARROWBROOK PARK (HUNTER MILL DISTRICT)** (1:28 p.m.)

Supervisor Hudgins said that on December 5, 2005, the Board rezoned land in the Hunter Mill District known as Arrowbrook Centre. This rezoning consisted of a mixed-use development comprised of approximately 2,233,600 gross square feet of development and the dedication of 23 acres of land to Park Authority for the development of public parkland and passive recreation.

Supervisor Hudgins noted that Jeff Fairfield, representing the Ruth and Hal Lauanders Charitable Trust, has work diligently and tirelessly to bring this public park to fruition. This beautiful park includes one soccer field, suitable for both adult and youth play and improved with a synthetic, all-weather turf surface and field lighting sufficient to accommodate nighttime competitive play; picnic shelter; water fountain; play area; parking; restrooms; and a host of other amenities.

Supervisor Hudgins announced that the grand opening of Arrowbrook Park is scheduled for Saturday, November 13, 2010, at 3 p.m.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist with publicizing the opening of Arrowbrook Park on Saturday, November 13, 2010, at 3 p.m. Without objection, it was so ordered.

53. **VIENNA HALLOWEEN PARADE (HUNTER MILL DISTRICT)** (1:29 p.m.)

Supervisor Hudgins announced that the Vienna-Tyson Regional Chamber of Commerce and the Town of Vienna are sponsoring the Sixty-fourth Annual Vienna Halloween Parade to be held on Wednesday, October 27, 2010. This year's theme, "*Pride of Vienna-Sportsmanship through Players, Coaches and Fans*" will feature Grand Marshals Mark Meana, Chairman of the Athletic Council, Youth Football League, and Vienna Youth Incorporated, and Bill Cervenak, Chairman of Vienna Little League and local youth coach emeritus.

The Vienna Halloween Parade is a hometown event that brings thousands of spectators lining Maple Avenue. Supervisor Hudgins invited Board Members and County residents to come out on October 27 to enjoy this hometown tradition.

54. **SOUTHGATE COMMUNITY DAY (HUNTER MILL DISTRICT)** (1:30p.m.)

Supervisor Hudgins said that Southgate Community Day, an annual celebration hosted by the staff and Advisory Council of the Southgate Community Center, will take place on Saturday, October 30, from 1 p.m. to 5 p.m.

Supervisor Hudgins asked unanimous consent that the Board direct the Office for Public Affairs to assist with advertising the Southgate Community Day. Without objection, it was so ordered.

55. **RESTON COMMUNITY CENTER (RCC) PREFERENCE POLL (HUNTER MILL DISTRICT)** (1:30 p.m.)

(APPTS) Supervisor Hudgins said that the RCC has completed the annual preference poll election for its Board of Governors. The following individuals received the following votes: Beverly Cosham received 1,311 votes, William Keefe received 1,340 votes, and Roger Lowen received 1,360 votes.

Therefore, Supervisor Hudgins moved the appointment of the following individuals to serve on the RCC:

- Ms. Beverly Cosham
- Mr. William Keefe
- Mr. Roger Lowen

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

56. **METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) PUBLIC HEARING (HUNTER MILL DISTRICT)** (1:31 p.m.)

Supervisor Hudgins said that she just received notice of a public hearing to be held by the Metropolitan Washington Airports Authority (MWAA) to share with the public an update on the Toll Road, finances, operations and planned improvements. It will be held on Monday, October 25, at South Lakes High School cafeteria and was announced on Saturday, October 16.

Supervisor Hudgins expressed concern about the short notice that the community was given to provide input.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to help publicize this meeting. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova stated that she would add this issue to the agenda of a meeting scheduled for later this week with MWAA.

57. **CODE OF THE COUNTY OF FAIRFAX UPDATE FOR AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE** (1:33 p.m.)

Supervisor Gross said that on September 14, she presented a Board Matter highlighting a constituent's concerns that the County Code may not be in compliance with federal regulations and requested that this matter be reviewed by staff.

Supervisor Gross noted that recent amendments to federal regulations pertaining to service animals require an exception to leash requirements for disabled handlers under certain circumstances. These amendments will become effective on March 15, 2011. To fully comply with these amendments, the County must revise the County Code.

Therefore, Supervisor Gross moved that the Board direct staff to review the amended regulations and to draft proposed amendments to Code of the County of Fairfax, Chapter 41.1 (Animals Control and Care), to include provisions for individuals with disabilities and their service animals to conform to federal regulations as necessary, and to bring such ordinance amendments before the Board in time for implementation by March 15, 2011. Chairman Bulova and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

58. **1000 CANKERS DISEASE** (1:35 p.m.)

Supervisor Gross said that recently a fungal disease that is native to the western United States was found in eastern black walnut trees. The disease in question is called "1000 Cankers Disease" and is transmitted by the walnut twig beetle. This disease was recently discovered in Tennessee, and State and local foresters are very concerned that this disease will spread into Virginia. Unfortunately, there is no cure for this disease, and the result is a progressive tree death.

The Virginia Department of Agriculture and Consumer Services (VDACS) is working to attempt to prevent this disease from spreading into Virginia. Tactics that are being planned include a quarantine that will prevent the importation of some or all eastern black walnut products and monitoring for the twig beetle that transmits the disease.

Supervisor Gross noted that the Department of Public Works and Environmental Services (DPWES), Forest Pest Management Program, is responsible for monitoring and controlling forest pests such as gypsy moth and emerald ash borers. This program is funded by a special service district which, by law, may control gypsy moths, cankerworms, or other pests that are identified by the Commissioner of VDACS in accordance with the Virginia Pest Law (Va. Code Ann. § 3.2-700, et seq.). For the Forest Pest Management program to provide services for the twig beetle that spreads 1000 cankers disease, staff must first

petition the State to identify this beetle as a plant pest under the Virginia Pest Law.

Therefore, Supervisor Gross moved that the Board direct staff to petition VDACS to identify the walnut twig beetle (*Pityophthorus juglandis*) as a plant pest under the Virginia Pest Law, thereby allowing its control by the service district. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

59. **CHESAPEAKE BAY PROPOSAL** (1:38 p.m.)

Supervisor Gross said that at the Board's October 5 Environment Committee meeting, staff presented the current understanding of the Chesapeake Bay Total Maximum Daily Load (TMDL), the Virginia Watershed Implementation Plan (WIP), and Environmental Protection Agency's (EPA) very critical response to the Commonwealth's proposal. EPA's public comment period is very short - it closes on November 8 - and it was agreed at the committee meeting that it is important for the County to respond to EPA with its concerns.

Supervisor Gross noted that the County is committed to doing its part in restoring the Chesapeake Bay. The challenge lies in the costs to meet the timeframes outlined by EPA - 60 percent of restoration accomplished by 2017. Most of the responsibility will rest with local governments, with no clear indication of how, or if, the financial burdens for urban stormwater and wastewater retrofits will be shared. EPA has indicated that it is not required to prepare cost estimates for the Bay TMDL, or even take cost into consideration, but independent consultants have noted that those costs could well exceed \$250 million just for the County, far greater than initial estimates of \$90 million.

Following up on the Environment Committee discussion, Supervisor Gross moved approval of the proposed letter to EPA with one small amendment: that copies of the letter be provided to the Congressional delegation as well as members of the General Assembly who represent the County. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

60. **PROCLAMATION TO MS. CARMEN FERNANDEZ** (1:40 p.m.)

Supervisor Gross said that 25 years ago, Carmen Fernandez co-founded Hispanics Against Child Abuse and Neglect (HACAN). After retiring in 1995, she became HACAN's Executive Director and continues to serve as a volunteer. Over the years, Ms. Fernandez has been recognized for her efforts by the National Museum for Women, the Community Foundation for the National Capital Region, the Hispanic Committee of Virginia, and the Kiwanis Club of Arlington. Ms. Fernandez is a tireless volunteer and unsung hero who has dedicated her life to the prevention of child abuse.

Therefore, Supervisor Gross moved that the Board applaud Ms. Fernandez for her efforts and leadership with HACAN by issuing a proclamation as an expression of its gratitude, to be presented at a special event hosted by HACAN on November 12, 2010. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

61. **FRIENDS OF GEORGE MASON DISTRICT REGIONAL LIBRARY BI-ANNUAL BOOK SALE (MASON DISTRICT)** (1:42 p.m.)

Supervisor Gross said that the Friends of George Mason District Regional Library will hold its Bi-Annual Book Sale, at 7001 Little River Turnpike, Annandale, VA 22003. The sale will be open October 21-24 from 5 p.m. - 9 p.m. on Thursday, 10 a.m. - 6 p.m. on Friday, and 10 a.m. - 5 p.m. on Saturday, and from noon - 5 p.m. on Sunday. There will be books for all ages, plus CDs, videos, recorded books, and even some rare books. For additional information, contact 703-256-3800.

62. **CONGRATULATIONS TO CHAIRMAN BULOVA FOR BEING SELECTED FOR THE LEADERSHIP BY AN ELECTED OFFICIAL AWARD** (1:42 p.m.)

Supervisor Gross said that it has come to her attention that Chairman Bulova has been selected for the *Leadership by an Elected Official* award given by the National Capital Area Chapter of the American Planning Association. The award recognizes her sustained leadership as chairman of the Greater Washington 2050 Initiative, a multi-year task by the Metropolitan Washington Council of Governments.

Supervisor Gross said that the award will be presented at the Naval Heritage Museum in Washington, DC next Tuesday, October 26, and she asked unanimous consent that the Board direct the Office of Public Affairs to prepare and distribute a news release publicizing the award. Without objection, it was so ordered.

63. **2010 FALL TOWN HALL MEETING (MASON DISTRICT)** (1:43 p.m.)

Supervisor Gross said that the Mason District Fall Town meeting is scheduled for Thursday, October 21, 2010, at 7 p.m. Residents are encouraged to attend the meeting, which will be held at the (newly renovated and reopened) Thomas Jefferson Library, located at 7415 Arlington Boulevard in Falls Church. A representative from the Virginia Department of Transportation (VDOT) will present information about its Severe Weather Program. VDOT staff will explain the processes, policies, and any changes that were implemented since the last snow season. A question-and-answer session will be held after the presentation.

Chairman Bulova relinquished the Chair to Acting-Chairman Foust and asked unanimous consent that the Board direct staff to publicize this opportunity. Without objection, it was so ordered.

Acting-Chairman Foust returned the gavel to Chairman Bulova.

64. **ENGAGING OUR NEIGHBORS: PERSONS WITH DISABILITIES – “A BRADDOCK DISTRICT COMMUNITY ENGAGEMENT INITIATIVE”**
(1:45 p.m.)

Supervisor Cook said that just about this time last year, he announced to the Board his Community Engagement Initiative, which is aimed at engaging volunteers, fostering neighborhood involvement, and strengthening community connections. Over the last 12 months, the Community Engagement Initiative has attracted more than 100 individuals with a desire to offer their time and talents to their neighborhoods. Now, many are leading, or participating in, new community efforts. Some are cleaning up trash or planning block parties. Others are organizing neighborhood watch groups and community picnics. The results of all these individual efforts will be stronger neighborhoods and a better County.

Supervisor Cook announced the launch of an endeavor that expands upon the work of last year's Community Engagement Initiative. This continuation will espouse the same values of citizen participation, leadership training, and outreach, but make a concerted push to engage those with disabilities.

To kick off this effort, Supervisor Cook will be hosting a Town Hall meeting on Monday, November 15 at 7:30 p.m. in the Kings Park Library. Neighbors with disabilities have much to offer communities, and this Town Hall will focus on making community leaders aware of this valuable, often untapped resource. Persons with disabilities have the talents, the capacity, and a strong desire to contribute to their communities. This Town Hall will focus on ways to create that engagement. Working with County government, this Town Hall will feature Nancy Mercer and Jill Egle from the Arc of Northern Virginia and Donna Goldbranson from Specially Adapted Resource Centers (SPARC).

A follow up event next spring will focus on helping those with disabilities connect with community resources to enable them to participate more fully in community life.

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

65. **HONORING STUDENTS FROM ANNANDALE AND WOODSON HIGH SCHOOLS FOR THEIR SELECTION TO THE 2010 VIRGINIA HONORS CHOIR (BRADDOCK DISTRICT)** (1:47 p.m.)

Supervisor Cook said that whether in the classroom, at the playing field or on the stage, students of the County's public schools consistently perform at an exceptional level. This year's selection of Virginia Honors Choir makes clear that that tradition continues.

Students selected to the Honors Choir will perform at the Virginia Music Educators Association (VMEA) convention, held on November 20 in Norfolk. Auditions were open to seniors enrolled in choral programs at their respective schools, and selection is the highest State honor that a choir student can achieve during his or her high school career. More than 700 seniors from across the State auditioned, and 132 were chosen. County students make up one-third of the total.

The Board has been a strong proponent of the arts. The arts play a crucial role in the educational and cultural development of children, and society as a whole. Supervisor Cook recognized those who have achieved success in this field and he congratulated all who were selected on their accomplishment and give special recognition to those from Braddock District High Schools.

Led by Director Jessica Larden, the following seven students were chosen from Annandale High School:

- Anne Hruskoci
- Elliot Kiemel
- Joseph Mazzara
- Benjamin Odom
- Lydia Pion
- Molly Sgrecci
- Victoria Clodfelter

Led by Director Michael Ehrlich, the following eight students were chosen from Woodson High School:

- Liana Acevedo
- Robin Chinn
- Lucy Mink
- James Samotshozo
- Jeffrey Schwartz
- Patricia Seidel
- Julie Song

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the record reflect the names of the students honored so it may be shared with them at a later date. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

66. **RECESS/CLOSED SESSION** (1:50 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. *Geoff Livingston, et al. v. County of Fairfax and Virginia Department of Transportation*, Record No. 101006 (Va. Sup. Ct.) (Mount Vernon District)
 - 2. *Bentley Properties, LLC, and Papermoon-Springfield, Inc. v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2009-0006589 (Fx. Co. Cir. Ct.) (Lee District)
 - 3. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. 10-311 (U.S. Sup. Ct.)
 - 4. *Rangeen Albarzanchi v. Fairfax (County of) Board of Supervisors*, Case No. 1250-10-4 (Va. Ct. App.)

5. *New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. The Fairfax County Board of Supervisors*, Civil Action No. 1:10cv283 (E.D. Va.) (Mount Vernon District)
6. *Kenneth R. Andersen v. Zoning Administrator of Fairfax County*, Case No. CL-2010-0012946 (Fx. Co. Cir. Ct.) (Hunter Mill District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. ARPA Enterprises, Inc.*, Case No. CL-2008-0015529 (Fx. Co. Cir. Ct.) (Providence District)
8. *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)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. George T. West and Ingrid E. Gendell*, Case No. CL-2009-0014809 (Fx. Co. Cir. Ct.) (Mason District)
10. *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)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricio Paucar and Rafael A. Soler*, Case No. CL-2009-0010199 (Fx. Co. Cir. Ct.) (Mason District)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Adeb S. Ibrahim, Jr.*, CL-2008-0005850 (Fx. Co. Cir. Ct.) (Lee District)
13. *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)

14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Villarroel-Romero, Carlos Rogelio Renjel, and Celia Vargas-Mendez*, Case No. CL-2009-0017629 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Freddie L. Gaskins and Sandra M. Gaskins*, Case No. CL-2010-0002572 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Konstantino M. Pappaminas and Josephine M. Pappaminas*, Case No. CL-2006-0005204 (Fx. Co. Cir. Ct.) (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. William R. Rogerson and Barbara E. Rogerson*, Case No. CL-2007-0001824 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Iris Y. Villalobos Aguilar*, Case No. CL-2009-0010920 (Fx. Co. Cir. Ct.) (Lee District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Naomi E. Winkler*, Case No. CL-2010-0007025 (Fx. Co. Cir. Ct.) (Braddock District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Suseon P. Lee*, Case No. CL-2010-0011224 (Fx. Co. Cir. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shuren Ma*, Case No. CL-2010-0005707 (Fx. Co. Cir. Ct.) (Mason District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 1519 & 6460 Linway Terrace, LLC*, Case No. CL-2009-0017506 (Fx. Co. Cir. Ct.) (Dranesville District)

23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bahram Forouzanfar*, Case No. CL-2010-0009636 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Naheed Amir*, Case No. CL-2010-0006224 (Fx. Co. Cir. Ct.) (Mason District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edna B. Jones*, Case No. CL-2010-0009039 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. David J. Moore, Jr., and Sterling E. Moore*, Case No. CL-2010-0004272 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jesus T. Vargas-Veizaga and Sdenka M. Valencia-Gutierrez*, Case No. CL-2010-0011734 (Fx. Co. Cir. Ct.) (Providence District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosa E. Martinez*, Case No. CL-2010-0011285 (Fx. Co. Cir. Ct.) (Mason District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jodee Ann Butler*, Case No. CL-2010-0013031 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. BAHA O, LLC, and Soon Ho Kim, t/a S.H. Kim U.S. Tae Kwon Do*, Case No. CL-2010-0013030 (Fx. Co. Cir. Ct.) (Dranesville District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thamapol P. Boonchan*, Case No. CL-2010-0013351 (Fx. Co. Cir. Ct.) (Lee District)

32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marsha G. Savage*, Case No. CL-2010-0013693 (Fx. Co. Cir. Ct.) (Lee District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hillbrook Real Estate Holdings, LLC*, Case No. 2010-0013770 (Fx. Co. Cir. Ct.) (Mason District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Samuel A. Velasquez*, Case No. CL-2010-0013919 (Fx. Co. Cir. Ct.) (Sully District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ena Moran-Palma*, Case Nos. 10-0021121 and 10-0021122 (Fx. Co. Gen. Dist. Ct.) (Lee District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Pauline Mock and William H. Mock*, Case Nos. 10-0020842 and 10-0020843 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul D. Robertson*, Case Nos. 10-0021259 and 10-0021260 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. KLM and Mary Ellen Talbert*, Case Nos. 10-0020947 and 10-0020948 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ala Motlagh and Denise C. Motlagh*, Case Nos. 10-0014401 and 10-0014402 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan D. Cuenca*, Case Nos. 10-0021713 and 10-0021714 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- *North Star Foundation, Incorporated, v. County of Fairfax, et al.*, Case Number CL-2010-0006314
- Application of Northern Virginia Electric Cooperative for General Rate Relief, State Corporation Commission Case Number PUE-2010-00044

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

DET:det

At 3:45 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

67. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:45 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 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."

68. **SETTLEMENT OF LITIGATION BROUGHT BY NORTHSTAR FOUNDATION, INCORPORATED, CASE NUMBER CL-2010-0006314** (3:46 p.m.)

Supervisor Cook moved that the Board approve the settlement of litigation brought by NorthStar Foundation, Incorporated, Case Number CL-2010-0006314, if the Director of the Department of Tax Administration determines that NorthStar Foundation, Incorporated, is eligible for tax exemption by classification as a religious organization for qualified real estate taxes assessed on 4601 and 4609 Roberts Road, Fairfax, Virginia, as outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

69. **APPLICATION FOR GENERAL RATE RELIEF FILED BY NORTHERN VIRGINIA ELECTRIC COOPERATIVE (NOVEC) IN STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUE-2010-00044**
(3:46 p.m.)

Supervisor Frey moved that the Board authorize the Department of Cable Communications and Consumer Services and the County Attorney's Office to file a Notice of Participation as a Respondent concerning the Application for general rate relief filed by Northern Virginia Electric Cooperative (NOVEC) in SCC Case Number PUE-2010-00044. Supervisor Hyland seconded the motion and it carried by unanimous vote.

EBE:ebe

AGENDA ITEMS

70. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-121-03 (RESTON EXCELSIOR LLC) (HUNTER MILL DISTRICT)** (3:47 p.m.)

The application property is located in the northeast quadrant of the intersection of Dulles Toll Road and Reston Parkway, Tax Map 17-4 ((1)) 7B.

Supervisor Hudgins moved to defer the public hearing on Planned Residential Community Application PRC 86-C-121-03 until **November 16, 2010, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

71. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-002 (SQUARE 1400, LC) (PROVIDENCE DISTRICT)**

AND

A-1 – APPROVAL OF PARKING REDUCTION FOR SQUARE 1400 LC (PROVIDENCE DISTRICT) (3:48 p.m.)

- (O) (NOTE: Earlier in the meeting, the Board deferred consideration of Action Item A-1. See Clerk's Summary Item #16.)

The application property is located on the west side of Dorr Avenue approximately 400 feet north of its intersection with Merrifield Avenue, Tax Map 49-1 ((13)) 13, 14, 15 and 16.

Ms. Elizabeth Baker reaffirmed the validity of the affidavit for the record.

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

- Mr. Brett R. Hill

Ms. Baker 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, William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission, (PC) recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-PR-002, from the I-4 District to the PRM District, subject to the proffers dated September 15, 2010.
- Approval of Conceptual Development Plan Application CDP 2009-PR-002.
- Modification of the loading space requirement for residential uses, in favor of that shown on the CDP/FDP.
- Direction to the Director of the Department of Public Works and Environmental Services to permit a deviation from the tree preservation target percentage, in favor of the proposed landscaping shown on the CDP/FDP and as proffered.

Chairman Bulova 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."

With regard to Action Item A-1, Supervisor Smyth moved that the Board concur in the recommendation of staff and approve a 22.5 percent parking reduction for Square 1400 LC, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 5, based on an analysis of the parking requirements for the proposed use on the site and a parking reduction study on the conditions as outlined in the Board Agenda Item dated October 19, 2010. Chairman Bulova seconded the motion and it carried by unanimous vote.

(NOTE: On October 6, 2010, the PC approved Final Development Plan Application FDP 2009-PR-002, subject to the development conditions dated September 8, 2010.)

72. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 93-S-003-02 (THE FARM AT CLIFTON STATION LLC) (SPRINGFIELD DISTRICT)** (3:56 p.m.)

- (O) The application property is located at 13442 Compton Road, Tax Map 75-1 ((1)) 8Z.

Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Herrity moved approval of Agricultural Renewal Application AR 93-S-003-02, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Farm at Clifton Station Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 14, 2010. Supervisor Hyland and Supervisor Smyth 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.”

73. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-LE-011 (SPRINGFIELD PLAZA, LLC) (LEE DISTRICT)** (4 p.m.)

The application property is located at 7110 Old Keene Mill Road, Tax Map 80-3 ((1)) 4A pt.

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

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

- Mr. Gary Rappaport, Rappaport Management Company
- Springfield Plaza, LP

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

- Mr. Gary Rappaport, Rappaport Management Company

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

Following the public hearing, Kellie-Mae Goddard Sobers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Approval of Special Exception Application SE 2010-LE-011, subject to the proposed development conditions dated October 7, 2010.
- Modification of the loading space requirement.
- Waiver of the open space requirement.
- Modification of the interior parking lot landscaping requirements to that shown on the SE Plat.
- Waiver of the peripheral parking lot landscaping requirement.
- Modification of the 10-year tree canopy requirement by the Director of the Department of Public Works and Environmental Services, Urban Forest Management Division.

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

74. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 84-D-004-03 (LAURA NICHOLS AND CHARLES NICHOLS) (DRANESVILLE DISTRICT) (4:05 p.m.)**

(O) The application property is located at the west terminus of Hidden Spring Road and north side of River Bend Road, Tax Map 8-3 ((9)) 13Z; 8-4 ((1)) 33Z, 34Z; 8-4 ((9)) 10Z and 14Z.

Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Foust moved approval of Agricultural Renewal Application AR 84-D-004-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Hidden Springs Farm Local

Agricultural and Forestal District, subject to the Ordinance provisions dated September 14, 2010. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Discussion ensued regarding the types of laying hens on the farm.

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

Supervisor Smyth acknowledged the presence of Mr. Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning and warmly welcomed him to Board Auditorium. She noted that he was the staff coordinator who worked on the original application in 1984.

75. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-D-043 (CRICKET COMMUNICATIONS, INCORPORATED) (DRANESVILLE DISTRICT)** (4:10 p.m.)

The application property is located at 1089 Liberty Meeting Court, Tax Map 6-4 ((1)) 66B, 70A; 6-4 ((14)) A.

Ms. M. Colleen Canovas reaffirmed the validity of the affidavit for the record.

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

- Mr. Frank Stearns, Donahue and Stearns LLC

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

- Mr. Frank Stearns

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

- Mr. Edward Donahue, Donahue and Stearns, LLC

Ms. Canovas 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, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Foust submitted items for the record.

Supervisor Foust moved:

- Approval of Special Exception Amendment Application SEA 99-D-043, subject to the proposed development conditions dated September 1, 2010.
- Modification of the transitional screening requirement along the southern boundary, in favor of that shown on the SEA/SPA Plat.
- Waiver of the barrier requirements along all property boundaries, in favor of that shown on the SEA/SPA Plat.
- Waiver of the trail requirement along Route 7.

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

76. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF POPLAR TREE ROAD IMPROVEMENTS (SULLY DISTRICT)** (4:17 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 30 and October 7, 2010.

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

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 4YP210 – Poplar Tree Road Improvements, Fund 304, Transportation Improvements. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

77. **4 P.M. – PH TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 44 (SMOKING), TO PROHIBIT SMOKING IN COUNTY-OWNED BUS SHELTERS**
(4:24 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 September 30 and October 7, 2010.

Paul Mounier, Transportation Planner III, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Erin Ward, Assistant County Attorney, regarding the provisions of the ordinance that prohibits smoking inside the shelters and not immediately outside.

Further discussion ensued with input from Mr. Mounier, regarding ownership of bus shelters and which shelters will be affected under the Code.

Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 44 (Smoking), to prohibit smoking in County-owned bus shelters. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being out of the room.

78. **4 P.M. – PH FOR THE CREATION OF SMALL SANITARY DISTRICTS FOR REFUSE COLLECTION SERVICE (SPRINGFIELD DISTRICT)**
(4:36 p.m.)

- (Rs) 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 30 and October 7, 2010.

Terry Czarny, Petition Coordinator, Solid Waste Collection and Recycling Division, Department of Public Works and Environmental Services, (DPWES) presented the staff report.

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

Discussion ensued, with input from Mr. Czarny, regarding whether charges are assessed on lots without a home.

Further discussion ensued, with input from Jeff Smithberger, Director, Solid Waste Collection and Recycling Division, DPWES, regarding:

- Available options to homeowners when their service is disrupted.
- Notification process.
- Percentage of homes serviced by the County.
- Petition process.
- Provision of an opt-out option.

Supervisor Foust asked unanimous consent that the Board direct staff to provide information on the opt-out option. Without objection, it was so ordered.

Further discussion, ensued with input from Mr. Smithberger, regarding the commitment to using small single axle trucks in collecting refuse in that area.

Supervisor Herrity moved:

- Adoption of the Resolutions approving the following proposed petitions within the Springfield District, in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, with the provision for an opt out for those that are not currently receiving trash service and to establish a sanitary district in the Swift Run Trails Subdivision for refuse and recycling with the provision of an opt-out option.
- That the Board direct staff to report with information on options available for notifying homeowners after the County decertifies a hauler and any options that might be available to competitively bid sanitary sewer districts.

Supervisor Frey seconded the motion.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the existence of a process to de-create sanitary districts.

Following further discussion regarding clarification of the motion, Supervisor Herrity amended his motion to adopt Resolutions approving the proposed petitions within the Springfield District, in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, with the provision for an opt out for those that are not currently receiving trash service and to establish a sanitary district in the Swift Run Trails

Subdivision for refuse and recycling with the provision of an opt out option, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 Within Springfield District (Swift Run Trails)	Create	Refuse	Approve
Small District 6 Within Springfield District (English Hills)	Create	Refuse	Approve

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

Supervisor Herrity moved that the Board direct staff to report with information on the process for notifying homeowners when their private service has been discontinued and what options are available. Supervisor Frey seconded the motion.

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

79. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL)** (5:32 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 September 30 and October 7, 2010.

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

Discussion ensued, with input from Mr. Mosenin, regarding the proposed amendments.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), regarding the Sewer Use Ordinance. Supervisor McKay seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay,

Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Foust, Supervisor Frey, and Supervisor Herrity being out of the room.

80. **4:30 P.M. – PH ON PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 2211 FAROUGI COURT (DRANESVILLE DISTRICT)**
(5:35 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 September 30 and October 7, 2010.

Christina Sader, Blight Abatement Program Coordinator, Department of Code Compliance, presented the staff report.

Discussion ensued, with input from Ms. Sader, regarding the long gap between the two times the property had been declared blighted and what happened during that time.

Following the public hearing, which included testimony by five speakers, Supervisor Foust moved:

- Adoption of the Ordinance declaring 2211 Farougi Court blighted, constituting a nuisance.
- Approval of the blight abatement plan for 2211 Farougi Court.

Supervisor Gross and Supervisor Smyth 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.”

81. **4:30 P.M. – PH ON PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 12115 EDDYSPARK DRIVE (DRANESVILLE DISTRICT)**
(6:09 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 September 30 and October 7, 2010.

Christina Sader, Blight Abatement Program Coordinator, Department of Code Compliance, presented the staff report.

Discussion ensued, with input from Ms. Sader and Jeff Blackford, Director, Department of Code Compliance, regarding whether there is an expedited process available to property owners to avoid further delay.

Further discussion ensued, with input from Ms. Sader, regarding timelines and other options available.

Following the public hearing, which included testimony by three speakers, Supervisor Foust moved:

- Adoption of the Ordinance declaring 12115 Eddyspark Drive blighted, constituting a nuisance.
- Approval of the blight abatement plan for 12115 Eddyspark Drive.

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

82. **4:30 P.M. – PH ON PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 6450 EIGHTH STREET (MASON DISTRICT)**
(6:25 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 September 30 and October 7, 2010.

Christina Sader, Blight Abatement Program Coordinator, Department of Code Compliance, presented the staff report.

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

- Adoption of the Ordinance declaring 6450 Eighth Street blighted, constituting a nuisance.
- Approval of the blight abatement plan for 6450 Eighth Street.

Supervisor Smyth 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."

83. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-19MV, LOCATED ON THE SOUTHEAST SIDE OF RICHMOND HIGHWAY GENERALLY NEAR THE FOREST PLACE INTERSECTION (MOUNT VERNON DISTRICT)** (6:37 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 30 and October 7, 2010.

Supervisor Hyland moved to defer the public hearing on APR Item 09-IV-19MV, until **December 7, 2010, at 4:30 p.m.** Supervisor Cook seconded the motion.

Discussion ensued regarding abutting communities surrounding this property and giving them the opportunity to provide input.

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

84. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW NOMINATION 09-III-2FC GENERALLY LOCATED NORTH OF LEE HIGHWAY (ROUTE 29) BETWEEN WAPLES MILL AND RIDGE TOP ROAD IN THE FAIRFAX CENTER AREA (SPRINGFIELD DISTRICT)** (6:41 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 30 and October 7, 2010.

Meghan Van Dam, Planner III, 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. Van Dam presented the staff and Planning Commission recommendations.

Supervisor Herrity moved approval of the PC recommendation for APR Item 09-III-2FC, as found in Attachment One of the Board Agenda Item dated October 19, 2010. The recommendation adds a new option to support single-family attached dwelling units within the 18-acre area, but retains a portion of the office use. The recommendation does not support transferring unused office potential to the residual 4-acre area. The recommendation also addresses land use and transportation concerns, as well as design and open space. Supervisor Foust seconded the motion and it carried by unanimous vote.

85. **ORDERS OF THE DAY** (6:47 p.m.)

Chairman Bulova announced that the Board would proceed with Public Comment before proceeding with the 5 p.m. public hearing on continuing to lease County-owned property to the Royal Embassy of Saudi Arabia d/b/a The Islamic Saudi Academy.

86. **5 P.M. – PH TO CONTINUE TO LEASE COUNTY-OWNED PROPERTY TO THE ROYAL EMBASSY OF SAUDI ARABIA D/B/A THE ISLAMIC SAUDI ACADEMY (MOUNT VERNON DISTRICT)**

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item #88.)

87. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:48 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 30 and October 7, 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 held and included testimony by the following individuals:

- Mr. Gerald O'Dell regarding "Voting on November 2, 2010, for the best candidate for US Congressman 11th Congressional District of Virginia while avoiding the candidate financed by Muslim terrorists"
- Mr. Kyle Lampela regarding restoration of Kingstowne Park lakes and dam
- Ms. Martha Paschal regarding RPJ Housing

Following the presentation by Ms. Paschal, Supervisor Hyland asked unanimous consent that the Board direct staff to provide a status report of the relationship with RPJ. Without objection, it was so ordered.

88. **5 P.M. – PH TO CONTINUE TO LEASE COUNTY-OWNED PROPERTY TO THE ROYAL EMBASSY OF SAUDI ARABIA D/B/A THE ISLAMIC SAUDI ACADEMY (MOUNT VERNON DISTRICT)** (7:04 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 30 and October 7, 2010.

The property is located at 8333 Richmond Highway, Alexandria, Virginia, Tax Map Number 101-4 ((1)) 005A, 101-4 ((1)) 057, 101-4 ((8)) (E) 001, and 101-4 ((7)) 001

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

Following the public hearing, which included testimony by 20 speakers, Supervisor Hyland submitted items for the record.

Discussion ensued, with input from Ms. Guarino, regarding details of the lease agreement, and whether the public school system had a need for the building during the 2011-2012 school year.

Supervisor Hyland moved that the Board authorize staff to execute a Sixth Addendum to Lease Agreement for the continued leasing of County-Owned property at 8333 Richmond Highway, Alexandria, Virginia, 22309-2329, to the Royal Embassy of Saudi Arabia d/b/a the Islamic Saudi Academy for the purpose of operating a private school. Supervisor Foust seconded the motion.

Discussion ensued, with input from Anthony H. Griffin, County Executive, and David P. Bobzien, County Attorney, regarding the provisions of the lease.

Following further discussion regarding the property and the lease agreement, Supervisor Cook moved a substitute motion to:

- Defer decision until the first Board meeting in January 2011.
- Direct the County Executive to report with:
 - Additional information regarding whether the public school system has a need for the property.
 - An analysis regarding the feasibility of selling the property.

Supervisor Herrity seconded the motion, and discussion ensued, with input from Mr. Griffin, regarding the property.

The question was called on the substitute motion and it **FAILED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “**AYE.**”

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

89. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN**

(NOTE: Earlier in the meeting, public comment was held. See Clerk’s Summary Item #87.)

90. **BOARD ADJOURNMENT** (8:50 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-6
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	6-13
Items Presented by the County Executive	
Administrative Items	13-15
Action Items	15-17, 48-49
Information Items	17-20
Board Matters	
Chairman Bulova	2, 20-23, 25, 30, 33
Supervisor Cook	22, 40-43
Supervisor Foust	31-33
Supervisor Frey	30
Supervisor Gross	37-39
Supervisor Herrity	25-27
Supervisor Hudgins	25, 34-36
Supervisor Hyland	27-30
Supervisor McKay	22-25
Supervisor Smyth	25, 33
Actions from Closed Session	47-48
Public Hearings	48-62