



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
June 7, 2011**

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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, June 7, 2011, at 9:08 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville 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

Supervisor Michael Frey, Sully District, arrived at 9:16 a.m.

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

BOARD MATTERS1. **MOMENT OF SILENCE** (9:09 a.m.)

Supervisor Foust asked everyone to keep in thoughts the family of Ms. Eleanor Weck, who died recently. She was unselfish in her support of others and dedicated herself to many worthy causes including aiding Cambodian refugees. She was a member of the Great Falls Citizens Association and served on the executive committee, and was co-chair of the Environment, Parks, and Trails Committee. She was a co-founder of the Great Falls Trail Blazers and served as president from 1998 until approximately a year ago. She worked tirelessly to expand the trail system in Great Falls, particularly along historic Georgetown Pike. She was named Lady Fairfax in 2007. Supervisor Foust noted that just recently his office learned that an application for a transportation enhancement grant that the Great Falls Trail Blazers submitted for Phase II of the Georgetown Pike Trail was approved.

Supervisor McKay asked everyone to keep in thoughts the family of Mr. Arthur Prentiss, III, who died recently. He was a resident of the New Charleston community in Springfield and was president of the New Charleston Homeowners Association. He was very involved in Springfield during construction of the mixing bowl and mitigating some of the impact to his neighborhood. He was a member of the Lee District Association of Civic Organizations, and was active on the Lee District Land Use Committee.

Supervisor Gross said that the County Government lost an employee this weekend in a horrific accident on Indian Head Highway in Maryland, where three people were killed. Cordelia Roberts was a County employee who started work with the County in 1990 and worked in several Human Services agencies, but spent the majority of her career in the Department of Human Resources (HR). Her sister and her husband were also killed in the crash. She asked everyone to keep in thoughts the family of Ms. Roberts and all of the employees in HR.

(NOTE: Later in the meeting, funeral arrangements were announced. See page 3.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. Margaret Thomas, who died recently. She owned a renowned garden off Lawyers Road and provided the County with fabulous flowers.

Supervisor Hyland said Ms. Thomas was a delightful person and her garden brought so much enjoyment for everyone who was privileged to walk among her irises and peonies.

Supervisor Cook asked everyone to keep in thoughts the family of Ms. Leslie Kent, who died recently. She was a longtime principal at Frost Middle School and, even after her retirement, she continued to assist students, especially with their college applications.

With regard to the death of Ms. Roberts, Supervisor Gross announced that there will be a triple funeral on Saturday at the First AME Church located in Manassas, Virginia.

AGENDA ITEMS

2. **PRESENTATION OF THE COLORS** (9:16 a.m.)

Following an introduction by Jim Person, Emergency Information Officer, Office of Public Affairs, the US Army Continental Color Guard presented the colors and an element of the Old Guard Fife and Drum Corps performed.

3. **PROCLAMATION DESIGNATING JUNE 12-18, 2011, AS "ARMY STRONG WEEK" IN FAIRFAX COUNTY** (9:20 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate June 12-18, 2011, as "*Army Strong Week*" in Fairfax County. This motion was multiply seconded and carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE 2011 LORD AND LADY FAIRFAX HONOREES** (9:34 a.m.)

Chairman Bulova announced the following 2011 Lord and Lady Fairfax honorees as part of Celebrate Fairfax:

At Large

- Ms. Mary Agee
- Mr. Michael Kwon

Mason District

- Ms. Betsy Washington
- Mr. Frank Vajda

Braddock District

- Ms. Dottie Dane
- Mr. Charles Dane

Dranesville District

- Ms. Joan Barnes
- Mr. Eric Knudsen

Hunter Mill District

- Ms. Ellen Graves
- Mr. Steve Gurney

Lee District

- Ms. Jane Hilder
- Mr. Sam McCutchen

Mount Vernon District

- Ms. Barbara Sullivan
- Mr. Dale Johnson

Providence District

- Ms. Germaine Broussard
- Mr. Ralph Thompson

Springfield District

- Ms. Jeanie Jew
- Mr. Dennis Clausen

Sully District

- Ms. Lauren Kirby
- Mr. Pete Kirby

Chairman Bulova stated that honoring the Lords and Ladies Fairfax comes as final plans are put in place for this weekend's celebration, with the festival opening this Friday, June 10, at 6 p.m. and running through 7 p.m. on Sunday, June 12. Produced by Celebrate Fairfax, Incorporated, she said that it is the County's official fair featuring over 300 community and commercial exhibits, outstanding entertainment, thrilling carnival rides, and fantastic food. Chairman Bulova invited Lynne Strobel, Chair, Celebrate Fairfax Board of Directors, to give remarks.

Ms. Strobel thanked the Board for its support of the thirtieth annual festival. She announced that *Celebrate Fairfax!* exists for the celebration of the County and its communities. She noted that the festival has evolved from a small community event to now being the signature annual celebration in the County, as well as being the largest event of its kind in the Commonwealth of Virginia. She invited everyone to come enjoy the festival this weekend.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD)** (9:57 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the FCPD for its participation for more than 25 years in the Law Enforcement Torch Run for Special Olympics. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE LANGLEY HIGH SCHOOL GIRLS' SWIM TEAM** (10:07 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Langley High School girls' swim team for winning the Northern Region, Liberty District, and Virginia State 2011 championships. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

7. **RESOLUTION OF RECOGNITION PRESENTED TO MR. FRANK BENSINGER** (10:13 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Frank Bensinger, principal of Forest Edge Elementary School, for more than 25 years of service to the County upon his retirement. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

8. **RESOLUTION OF RECOGNITION PRESENTED TO MS. MAUREEN MARSHALL** (10:21 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Maureen Marshall, principal of Garfield Elementary School, for being named the Fairfax County Public Schools Principal of the Year and receiving a *Washington Post* Distinguished Educational Leadership Award. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

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9. **ADMINISTRATIVE ITEMS** (10:30 a.m.)

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

ADDITIONAL BOARD MATTER

Lunch Wager Winner (10:31 a.m.)

Supervisor Frey announced that Supervisor Foust is treating him to lunch because the Westfield High School girls' softball team defeated McLean High School in the regional finals. Both teams advanced to the State tournament.

Supervisor Hudgins called the Board's attention to Admin 4 – Authorization for the Fairfax County Police Department (FCPD) to Apply for and Accept Grant Funding from the Office of Justice Programs (OJP) Edward Byrne Memorial Justice Assistance Grant. Discussion ensued, with input from John Kapinos, Strategic Planner, Chief's Office of Research and Support (CORS), FCPD, regarding whether the Office of Domestic Violence is involved in the program.

Supervisor Cook called the Board's attention to Admin 5 – Authorization for the Fairfax County Police Department (FCPD) to Apply for and Accept Grant Funding from the 2010 Buffer Zone Protection Program Grant from the National Preparedness Directorate, Administered by the Virginia Department of Emergency Management (VDEM). Discussion ensued, with input from

Lieutenant Jeff Powell, FCPD, regarding the buffer zone and which areas will benefit from the grant.

Supervisor McKay called the Board's attention to Admin 6 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, Adoption of State Law. Discussion ensued, with input from David Ferris, Manager, Policy and Planning, CORS, FCPD, regarding Section 46.2-833 requiring the County to allow motorcycle and moped drivers and bicycle riders, in certain situations, to proceed through intersections controlled by traffic lights showing steady red signals as being a required State law that has to be adopted.

Supervisor Smyth called the Board's attention to Admin 7 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 104 (Erosion and Sedimentation Control), Chapter 112 (Zoning Ordinance), and Appendix Q (Land Development Services Fee Schedule), Regarding Conservation Plan for Land Disturbing Activities 2500 – 5000 Square Feet. Discussion ensued, with input from John Friedman, Director, Code Analysis Division, Land Development Services, Department of Public Works and Environmental Services (DPWES); Michelle Brickner, Deputy Director, DPWES; and James Patteson, Director, DPWES, regarding:

- Grading plans notification requirements
- The review process
- Maximum fines allowable under State law
- Enforcement issues
- Requiring photographs with application before approval as part of the process
- Revision of the language in the proposed amendments

Supervisor Smyth asked unanimous consent that the Board direct staff to monitor and provide information to the Board on how well the process is working. Without objection, it was so ordered.

Following discussion regarding language in the proposed amendments, the Board directed staff to review and revise the language and report to the Board later in the meeting.

The question was called on the motion to approve the Administrative Items, with the exception of Admin 7, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herry,

Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR A 2232 REVIEW APPLICATION (MASON DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-M11-12	Fibertower Antenna collocation on existing monopole 6621 Columbia Pike (Mason District Park) Mason District	August 19, 2011

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL, LEE, AND PROVIDENCE DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Crippens Corner Section Lots 177-178	Hunter Mill	Gatesmeadow Way (Route 8060)
		Aldbury Way (Route 8061)
		Hunter Gate Way (Route 10450)
		Tunwell Stable Court
Windsor Knoll	Lee	Windsor Avenue (Route 1377) (Additional Right-of-Way Only)
Windsong South Addition	Providence	Ariana Drive (Route 10202)

ADMIN 3 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (HUNTER MILL AND MOUNT VERNON DISTRICTS)

- (R)
- Adopted the Resolution authorizing installation of “Watch for Children” signs on the following roads as part of RTAP:
 - Myterra Way (Hunter Mill District)

- Donegal Lane (Mount Vernon District)
- Directed staff to coordinate with the Virginia Department of Transportation (VDOT) to schedule the installation of the approved measures as soon as possible.

ADMIN 4 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE OFFICE OF JUSTICE PROGRAMS (OJP) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

(NOTE: Earlier in the meeting, there was a brief discussion regarding this item. See page 6.)

Authorized the FCPD to apply for and accept funding, if received, from the OJP Edward Byrne Memorial Justice Assistance Grant. Funding in the amount of \$120,472 will be used to support a two-year George Mason University research project within the FCPD studying evidence-based domestic violence policing. No local cash match is required.

ADMIN 5 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE 2010 BUFFER ZONE PROTECTION PROGRAM GRANT FROM THE NATIONAL PREPAREDNESS DIRECTORATE, ADMINISTERED BY THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

(NOTE: Earlier in the meeting, there was a brief discussion regarding this item. See pages 6–7.)

Authorized the FCPD to apply for and accept funding, if received, from the 2010 Buffer Zone Protection Program Grant. Funding in the amount of \$190,000 will be used to purchase portable police equipment and technology upgrades. No local cash match is required.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF STATE LAW

- (A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 7.)

Authorized the advertisement of a public hearing to be held before the Board on **July 12, 2011, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, State Law. These amendments adopt actions of the 2011 General Assembly into the County Code.

ADMIN 7 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), CHAPTER 112 (ZONING ORDINANCE), AND APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE), REGARDING CONSERVATION PLAN FOR LAND DISTURBING ACTIVITIES 2500 – 5000 SQUARE FEET

(NOTE: Earlier in the meeting, the Board discussed this item and deferred action until later in the meeting. See page 7.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #41.)

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 6 (WEAPONS) AND APPENDIX J, DESIGNATING WHERE FIREARMS AND PNEUMATIC GUNS MAY NOT BE SHOT

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2011, at 5 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 6 (Weapons), and Appendix J (Ordinance to Designate Areas Where Firearms May Not Be Shot).

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 27, TO ESTABLISH A LOCAL TAX EXEMPTION PROGRAM TO ALLOW A TRANSFER IN TITLE FOR PREVIOUSLY EXEMPTED AFFORDABLE HOUSING PROVIDERS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2011, at 5 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 27, to adopt the limited local tax exemption program for affordable housing.

10. **A-1 – APPROVAL OF REVISIONS TO CHAPTER 10 OF THE PERSONNEL REGULATIONS ELIMINATING THE FIRE AND RESCUE DEPARTMENT (FRD) SICK LEAVE BANK** (11:04 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed revisions to Chapter 10 of the Personnel Regulations, removing reference to the FRD sick leave bank.

11. **A-2 – APPROVAL OF REVISIONS TO CHAPTERS 9, 16, AND 17 OF THE PERSONNEL REGULATIONS UPDATING EXEMPT STATUS DEFINITIONS AND CLARIFYING POLICY RELATED TO EMPLOYEE PARTICIPATION IN POLITICAL ACTIVITIES** (11:04 a.m.)

(P) Supervisor Gross moved that the Board concur in the recommendation of staff and approve revisions to Chapters 9, 16, and 17 of the Personnel Regulations, updating exempt status definitions and clarifying Policy related to employee participation in political activities. Supervisor Hyland seconded the motion.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide data regarding reemployed annuitants. Without objection, it was so ordered.

Discussion ensued, with input from Anthony H. Griffin, County Executive; Susan Woodruff, Director, Department of Human Resources; and Cynthia Tianti, Deputy County Attorney, regarding reemployed annuitants.

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

12. **A-3 – APPROVAL OF THE SALE OF ECONOMIC DEVELOPMENT AUTHORITY (EDA) REVENUE BONDS (WIEHLE AVENUE METRORAIL STATION PARKING PROJECT)** (11:13 a.m.)

(R)
(BONDS) On motion of Supervisor Hudgins, seconded by Supervisor McKay, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution which:

- Requests the EDA to issue bonds to finance the public parking project at this time.
- Approves the form of the First Supplemental Trust Agreement, between EDA and a trustee, which agreement sets forth the terms for issuing the Bonds and the application of the proceeds of the Bonds and the pledging of funds for the payment of the Bonds.
- Authorizes the execution and delivery of the form of the Notice of Sale, the Preliminary Official Statement that includes County statistical and financial information, and a Continuing Disclosure Agreement and other documents necessary for sale.
- Delegates to the County Executive or Chief Financial Officer authority to award the bonds to the lowest responsive bidder.

13. **A-4 – APPROVAL OF THE REVISED SMARTRIP OPERATIONS FUNDING AGREEMENT FOR THE REGIONAL SMARTRIP PROGRAM** (11:13 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved, in substantial form, the revised SmarTrip Operations Funding Agreement for the use of SmarTrip at transit facilities and on the transit system in the County.

14. **A-5 – ENDORSEMENT OF A BREAK IN THE FAIRFAX COUNTY PARKWAY (ROUTE 7100) LIMITED ACCESS RIGHT-OF-WAY TO SUPPORT THE ESTABLISHMENT OF AN ENTRANCE TO THE NATIONAL MUSEUM OF THE US ARMY ON FORT BELVOIR (MOUNT VERNON DISTRICT)** (11:14 a.m.)

(R) Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt a Resolution supporting the establishment of access to the National Museum of the US Army from the Fairfax County Parkway. Supervisor Herrity seconded the motion.

Discussion ensued, with input from Laura Miller, BRAC Coordinator, Department of Transportation, regarding the median break, timing and signalization, and whether any transportation analysis has been done regarding safety issues.

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,”

15. **A-6 – RESTON-WIEHLE AVENUE METRORAIL STATION ROADWAY IMPROVEMENTS (HUNTER MILL DISTRICT)** (11:17 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve an agreement with the Metropolitan Washington Airports Authority (MWAA) for the County to construct certain pedestrian and road improvements on and off-site at the Reston-Wiehle Avenue Metrorail Station, and for MWAA to reimburse the County for a portion of the costs of such work. Chairman Bulova seconded the motion.

Discussion ensued, with input from Richard Stephens, Dulles Rail Project Coordinator, regarding the availability of the status and timeline of the project.

Supervisor Hudgins asked unanimous consent that the Board direct staff to schedule a briefing with her on the status of the project. Without objection, it was so ordered.

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

16. **C-1 – NATIONAL ASSOCIATION OF COUNTIES’ (NACo) ANNUAL CONFERENCE** (11:19 a.m.)

The Board next considered an item contained in the Board Agenda dated June 7, 2011, requesting that the Board designate a voting and alternate delegate to represent the County at the NACo Annual Conference to be held in Portland, Oregon, July 15–19, 2011.

Supervisor Gross moved the appointment of:

- Supervisor Hyland as the County’s voting delegate for NACo.
- Supervisor Gross as the County’s alternate voting delegate for NACo.

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

17. **I-1 – MINOR SCHEDULE CHANGES TO FAIRFAX CONNECTOR ROUTES TO BE IMPLEMENTED IN JUNE 2011** (11:21 a.m.)

The Board next considered an item contained in the Board Agenda dated June 7, 2011, requesting authorization for the Department of Transportation to implement service changes to Fairfax Connector routes in June 2011.

The staff was directed administratively to proceed as proposed.

18. **I-2 – CONTRACT AWARD – POHICK STREAM VALLEY TRAIL, BURKE VIRGINIA RAILWAY EXPRESS (VRE) TRAIL (BRADDOCK DISTRICT)** (11:21 a.m.)

The Board next considered an item contained in the Board Agenda dated June 7, 2011, requesting authorization for staff to award a contract to Avon Corporation in the amount of \$814,834 for the construction of one prefabricated steel pedestrian bridge crossing, 5100 feet of 8 feet wide asphalt and concrete trail and related improvements in the Pohick Stream Valley Park, in Project 4YP201, Pedestrian Task Force Recommendations, in Fund 304 Transportation Improvements.

The staff was directed administratively to proceed as proposed.

19. **I-3 – CONTRACT AWARD – SEVEN CORNERS TRANSIT CENTER (MASON DISTRICT)** (11:21 a.m.)

The Board next considered an item contained in the Board Agenda dated June 7, 2011, requesting authorization for staff to award a contract to Finley Asphalt and Sealing Incorporated, in the amount of \$766,372.21 for the construction of Seven Corners Transit Center, Project 26007G, in Fund 102, Federal/State Grant Fund and Project TOSCTC in Fund 124, County and Regional Transportation Projects.

Discussion ensued, with input from Ronald Kirkpatrick, Deputy Director, Department of Public Works and Environmental Services, (DPWES), Capital Facilities, regarding the difference in the estimated cost and the bid amount and the cost of the project.

The staff was directed administratively to proceed as proposed.

20. **I-4 – PLANNING COMMISSION (PC) ACTION ON APPLICATION 2232-D10-24, FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DRANESVILLE DISTRICT)** (11:24 a.m.)

The Board next considered an item contained in the Board Agenda dated June 7, 2011, announcing the PC's approval of Application 2232-D10-24. The PC noted in its discussion that the application met the criteria of character, location and extent, and therefore was in conformance with Section 15.2-2232 of the *Code of Virginia*. The application sought approval to renovate and expand the existing McLean District Police Station and Governmental Center. The existing building will be entirely renovated and approximately 17,600 square feet of new construction will be added to three sides of the existing structure, for a total of 39,200 square feet. The site is located at 1437 Balls Hill Road in McLean, Tax Map 30-1 ((1)) 33).

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ADDITIONAL BOARD MATTERS

21. **REQUEST FOR RECOGNITIONS** (11:24 a.m.)

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

- Police Department to accept a resolution recognizing “*National Night Out*” in Fairfax County in conjunction with the presentation by representatives from the Virginia Department of Criminal Justice Services to the Board.

- Organizations that help refugees in the County to receive a proclamation recognizing their service and in recognition of the sixtieth anniversary of the United States' adoption of the United Nations Refugee Protection Act.

Following an inquiry by Vice-Chairman Gross, Chairman Bulova amended her request to direct staff to circulate the list of organizations that help refugees to ensure that none are omitted.

Without objection, the request, as amended, was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

22. **INTRODUCTION OF INTERNS** (11:26 a.m.)

Chairman Bulova introduced Ms. Juyoung “Chloe” Cha, who is beginning an internship in the Office of Public Affairs. Ms. Cha’s visa sponsor is Korea-US Science Cooperation Center (KUSCO-kusco.org). She has lived in the Song Pa Gu District, a sister city with the County, and she is currently enrolled in EWHA Women’s University in South Korea. Chairman Bulova explained the requirements of the internship and warmly welcomed Ms. Cha.

Chairman Bulova also introduced Ms. Caitlin Cipicchio who is interning in the Chairman’s Office. Ms. Cipicchio is a graduate of Woodson High School and Case Western Reserve University. In the fall she will enter the University of Virginia School of Law. Chairman Bulova warmly welcomed Ms. Cipicchio to the Board Auditorium.

23. **INTENT TO DEFER THE PUBLIC HEARING ON PLAN AMENDMENT ST11-IV-LP1 (MOUNT VERNON DISTRICT)** (11:28 a.m.)

Supervisor Hyland announced his intent to defer, later in the meeting at the appropriate time, the public hearing for Plan Amendment ST11-IV-LP1.

(NOTE: Later in the meeting, the Board formally deferred this public hearing. See Clerk’s Summary Item #54.)

24. **REQUEST FOR EXPEDITED PROCESSING AND FEE WAIVER FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-V-096 (MOUNT VERNON DISTRICT)** (11:29 a.m.)

Supervisor Hyland stated that on February 27, 1984, the Board approved Special Exception Application SE 83-V-096 to permit a vehicle major service establishment on a 40,000 square foot site zoned C-8 and located east of the Engleside Trailer Park on Tax Map parcel 101-3 ((1)) 29B. The building was constructed and the use operated at the site for many years. However, the auto

shop closed and a non-vehicle related business operated from that location for several years, which discontinued the special exception. A new operator has recently come forward to re-establish a vehicle major service establishment on the site with no physical changes or new construction.

To accomplish this, an amendment to the previously approved special exception is required. The new operator understands this and has been working with the property owner to improve the appearance of the existing building and working with County staff to file all the necessary paperwork to become operational if and when all necessary approvals are obtained.

Therefore, Supervisor Hyland moved that the Board direct:

- The Director of the Zoning Evaluation Division of the Department of Planning and Zoning to waive the Special Exception filing fees.
- Staff to expeditiously schedule the Planning Commission and Board public hearings at the earliest possible time in September.

Supervisor Hyland added that this motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Supervisor McKay seconded the motion.

Supervisor Hyland noted that this was an extraordinary situation and the County Attorney's Office was consulted.

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

25. **WEST END RUGBY TEAM WINS VIRGINIA STATE HIGH SCHOOL CHAMPIONSHIP (SPRINGFIELD DISTRICT)** (11:32 a.m.)

Supervisor Herrity announced that on Saturday, June 4, the Springfield Youth Club West End High School rugby team competed in the Rugby Virginia High School Division I State Championship game at TC Williams High School in Alexandria and was crowned Virginia State champions for the second year in a row.

Supervisor Herrity noted that this also marks the third year that West End has reached the championship final. He said that rugby is a fast growing sport in the County, and rugby's inclusion in the 2016 Olympics is expected to accelerate that growth. The County will also be hosting international rugby in 2015 when it hosts the World Police and Fire Games.

Accordingly, Supervisor Herrity asked unanimous consent that the Board direct staff to invite:

- The West End team and coaches to appear before the Board to receive a resolution honoring them for winning the Rugby Virginia High School Division I State Championship.
- Representatives of the Virginia National Guard to recognize them for their sponsorship of the State Championship.

Noting that he just learned that the Fairfax Police Youth Club won the women's State Championship, Supervisor Herrity amended his request to direct staff to invite that team as well.

Without objection, the request, as amended, was so ordered.

26. **RECOGNITION OF HIDDEN POND'S 2011 ENVIROTHON TEAM (BRADDOCK AND SPRINGFIELD DISTRICTS)** (11:34 a.m.)

Supervisor Herrity announced that on May 22 and 23, the top Envirothon teams in Virginia competed for a position at the Canon National Competition in Canada. This year's competition was extremely close, and in many cases winners were separated by very thin margins.

The Virginia State Envirothon Competition is a natural resources competition for high school students. Participants learn concepts in environmental management and stewardship and work to solve real and hypothetical environmental problems while working alongside professionals in the environmental field within their communities.

Among the competitors was the Hidden Pond Team consisting of area high school students. Located in West Springfield, Hidden Pond is a truly hidden gem in the County, introducing many area youth to nature and the environment.

The Hidden Pond team ranked second overall and placed second in the Oral Presentation category, as well as third in the Wildlife, Aquatics, and Special Topics categories at the Virginia State Envirothon Competition.

Therefore, with reference to his written Board Matter, Supervisor Herrity asked unanimous consent that the Board direct staff to invite team members Owen Mulvey-McFerron, Ben Simon, Liam Berigan, Neal MacDonald, Murjan Harnmad, and Clairisse Cheniae, as well as coaches Emily Smith and Lynn Mulvey-McFerron, to appear before the Board to receive a resolution recognizing their accomplishments. Without objection, it was so ordered.

Supervisor Cook pointed out that three of the team members are Braddock District residents.

Supervisor Herrity noted that years ago Hidden Pond almost was lost to a cut-through road save if not for the actions of a former Chairman of the Board.

27. **INTRODUCTION OF NEW SPRINGFIELD DISTRICT STAFF**
(11:36 a.m.)

Supervisor Herrity introduced Kyle McDaniel, a new member of his staff. On behalf of the entire Board, Chairman Bulova warmly welcomed him.

28. **RESTRICTED PARKING ON THE WEST SIDE OF OLD TELEGRAPH ROAD BEHIND HAYFIELD SECONDARY SCHOOL (LEE DISTRICT)**
(11:37 a.m.)

Supervisor McKay asserted that safety of both young drivers and of the neighborhood is critically important. Currently, parking near the back entrances to Hayfield Secondary School does not provide for such safety. The back entrances of the school are along the east side of Old Telegraph Road off Hayfield Road. The west side of Old Telegraph Road fronts a County park where parking of vehicles is currently unrestricted except for the restriction that is currently in place due to line of sight challenges near the entrance to a residential community.

Supervisor McKay explained that Hayfield Secondary School has extensive onsite parking both in front and behind the school. Currently, this parking is grossly underused although the school is at 90 percent of its enrollment capacity. To avoid paying the annual parking fee, students park on streets adjacent to the school. When school is in session, the streets immediately around the school are lined with students' cars. These vehicles pose a serious pedestrian safety hazard as students dart across the roadway and in between cars, often while vehicles are entering and exiting the school Kiss and Ride lane. Additionally, the cars parked along the roadway during school opening and closing hours are a further hazard as they block all two-way traffic. There is also a further community impact in the reduction of limited or nonexistent parking for those residents wishing to visit the park.

Currently parking is prohibited on the west side of Old Telegraph Road with "No Parking Anytime" signs posted north of the community on Heatherington Place and time restricted parking from 6 a.m. to 3 p.m., Mondays through Fridays, except holidays, from north of Heatherington Place to the southern limit of the property at 7702 Old Telegraph Road.

Hayfield Secondary School has 275 spaces designated for student parking and room to expand that number. Supervisor McKay said that over the past year, he has been working with the principal and School Safety and Security to improve safety at and around the school. In an effort to discourage on-street parking, they developed a plan to encourage students to park on the school property by reducing

the cost of the parking spots. From the start of the school year through October 1, 2010, Hayfield Secondary sold 128 parking spots at \$200 each. When the parking spaces were reduced by \$125 to \$75, the school sold an additional 58 spaces. (The County Public Schools reimbursed \$75 to students who had paid \$200.) Today, 186 students park on school grounds—far short of capacity. At least 45 student vehicles park on Old Telegraph Road behind the school and approximately 60 student vehicles park on Telegraph Road in front of the school. Obviously, students think to themselves, “Why would I pay to park on school grounds when I could park for free just seconds away.” Unfortunately, this decision has created a hazardous situation.

After trying several ways to encourage students to safely park on campus, Supervisor McKay said that he and staff determined that eliminating parking on Old Telegraph Road during school hours is necessary to improve safety. This recommendation would also significantly increase traffic safety and pedestrian safety for Hayfield Secondary, the parent’s kiss and ride line, the residential community, as well as all those who travel past the school. The school leadership, the principal, safety director, and the School Resource Office (SRO) strongly support this recommendation.

Accordingly, Supervisor McKay moved that the Board direct staff in the Department of Transportation to:

- Take the necessary steps to install signs restricting parking along the entire west side of Old Telegraph Road behind Hayfield Secondary School from the south entrance to Hayfield Road. The signs should be time restrictive to match those at many schools as well as at other locations on Old Telegraph Road limiting parking from 6 a.m. to 3 p.m., Monday through Friday, except holidays. This time restriction will permit after school activity parking.
- Expedite the installation process to ensure the signage is installed as soon as possible after the close of this school year on June 21 and before the opening of school on September 6.

Supervisor Foust seconded that motion with an amendment to change the word “limiting” to “**restricting**,” and this was accepted.

Following a discussion about underutilized student parking, the question was called on the motion, as amended, and it carried by unanimous vote.

29. **LEE DISTRICT SPRAYPARK AND RECOGNITION OF PAOLA AND ROBERT PIZZANO** (11:43 a.m.)

Supervisor McKay stated that May 21 was a grand day in Lee District with the official opening of the new family recreation area, *Our Special Harbor* spraypark, and fully accessible tree house at Lee District Park.

Supervisor McKay explained that during this period of economic austerity no County general fund dollars were used; the fully accessible play area was built through a public-private partnership spearheaded by Paola and Bob Pizzano in memory of their young son Joey who died in a drowning accident. The \$2,175,000 first phase of the project was funded through a \$1.2 million contribution from the Joey Pizzano Memorial Foundation (JPMF), as well as the 2008 Fairfax County Park bond, and private donations.

Supervisor McKay explained that this 7,000 square foot, zero-water-depth spraypark is, in the words of the Pizzanos, “a place where disabilities melt away and families can have fun outings for every member of the family.” The spraypark is not the only contribution that the Pizzanos have made to the County. JPMF’s *Make a Splash* program is a volunteer based water skills and safety program that teaches children with disabilities to be safe and have fun in and around the water. *Make a Splash* is currently offered at a dozen sites and has benefitted more than 3,000 people with disabilities throughout the County.

Noting that the Pizzanos have brought hope and happiness to thousands of County residents, Supervisor McKay asked unanimous consent that the Board direct staff to invite Paola and Robert Pizzano to appear before the Board for recognition at the July 26 meeting. Without objection, it was so ordered.

30. **SPRINGFIELD DAYS (LEE DISTRICT)** (11:45 a.m.)

Supervisor McKay expressed appreciation to Chairman Bulova and Supervisor Cook for their participation in Springfield days during the past weekend.

31. **PERUVIAN ELECTIONS** (11:47 a.m.)

Supervisor Smyth expressed appreciation to staff at the McLean District Police Station, the Health Department, Zoning, and other County staff for their coordinated efforts in dealing with traffic for the second round of the Peruvian elections held on Sunday.

Supervisor Smyth asked unanimous consent that the Board direct staff to explore reimbursement opportunities. Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

PMH:pmh

32. **RECOGNIZING THE SIX-HUNDREDTH BROADCAST OF “COMMUNICATING TODAY”** (11:48 a.m.)

Supervisor Foust congratulated John Monsul, creator, producer, and host of “Communicating Today,” on the six-hundredth broadcast of the program to be

produced on July 25, 2011. “Communicating Today” is seen on Channel 10, the Fairfax Public Access Cable TV station. The first broadcast was in 1989.

Supervisor Foust explained that the program is dedicated to showcasing the many different ways people and organizations have of communicating with one another, such as through speech, action, humor, science, religion, the arts, and politics. The ultimate goal is to improve communications in the world with the end result being to better the human condition.

“Communicating Today” is the third most-produced program in the 30 year history of Channel 10, a subsidiary of Cox Communications Corp. Channel 10 is one of the largest and most successful public access cable stations in the country.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite Mr. Monsul and the crew of “Communicating Today” to appear before the Board on July 26 to be honored for their achievement and service to the citizens of the County. Without objection, it was so ordered.

33. **RE-SCHEDULING OF THE PUBLIC HEARING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2010-DR-030 (DRANESVILLE DISTRICT)** (11:50 a.m.)

Supervisor Foust referred to Special Exception Amendment Application SEA 2010-DR-030 which is currently scheduled for a public hearing to be held by the Board on June 21. Several significant issues and concerns about the application have been raised and need to be addressed. The applicant, Shelter Development, LLC, is working to address those concerns, but the application will not be ready for consideration by the Board on June 21.

Therefore, Supervisor Foust moved that the Board direct staff to schedule the public hearing to be held before the Board on Special Exception Amendment Application SEA 2010-DR-030 for **July 26, 2011, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

34. **APPRECIATION TO COMMUNITY ORGANIZERS (DRANESVILLE DISTRICT)** (11:51 a.m.)

Supervisor Foust expressed his appreciation to the organizers of McLean Day and the Herndon Community Festival.

35. **ALZHEIMER’S ASSOCIATION NATIONAL CAPITAL AREA CHAPTER WALK TO END ALZHEIMERS (HUNTER MILL DISTRICT)** (11:51 a.m.)

Supervisor Hudgins said that on Sunday, September 25, at 6 p.m., the Alzheimer's Association National Capital Area Chapter Walk to End Alzheimer's will be held at the Reston Town Center; it will be followed at 7 p.m. by a candlelight rally.

She announced that she will be serving as the 2011 honorary chair for this event which raises awareness and offers hope to the entire community as it battles this devastating disease. In 2010, over 400 people participated in the Walk at Reston Town Center; this year, more than 600 walkers are expected.

Alzheimer's disease takes a high toll in the County. Roughly 17,000 County residents have Alzheimer's and more than 45,000 family members and friends provide over 51 million hours of unpaid care annually (valued at more than \$600 million). More than 60 percent of Alzheimer's and dementia caregivers rate the emotional stress of caregiving as high or very high; one-third report symptoms of depression.

Alzheimer's is the sixth-leading cause of death in the country and the only cause of death among the top 10 in the United States that cannot be prevented, cured, or even slowed. Based on mortality data from 2000-2008, death rates have declined for most major diseases, while deaths from Alzheimer's disease have risen 66 percent during the same period.

The Alzheimer's Association is the leading voluntary health organization in Alzheimer care, support and research. The mission of the Alzheimer's Association is to eliminate Alzheimer's disease through the advancement of research; to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health.

Therefore, Supervisor Hudgins moved that the Board direct staff to work with local media to publicize this community event. Chairman Bulova seconded the motion.

Supervisor Hudgins amended the motion to include on the agenda for the Personnel Committee the following issues:

- The role that this disease has on employers and employees.
- The steps that the County is taking to address this and what the County can do to work more closely with employers in terms of addressing how to help those employees get through this in the role of caregivers as well as the identification of Alzheimer's within the employee rank.

This was accepted.

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

36. **EXPEDITED AND CONCURRENT PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 2009-MA-011 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-M-039-02 (BILL PAGE PLAZA, LLC) (MASON DISTRICT) (11:55 a.m.)**

Supervisor Gross said that Bill Page Plaza, LLC has filed Proffered Condition Amendment Application PCA 2009-MA-011 and Special Exception Amendment Application SEA 95-M-039-02 which proposes a complete redevelopment of the Bill Page Honda dealership and Westlawn Shopping Center, which will also include a drive-in bank and drive-through pharmacy. She reminded the Board that it approved a previous version of this application in March 2010, but the applicant is proposing several changes to the site layout to ensure that the project is successful. The property, which is commercially zoned, is located at the corner of Route 50 and Annandale Road. The public hearing before the Planning Commission is scheduled for October 6.

To meet lease and construction obligations, the applicant has requested concurrent and expedited processing. The complete redevelopment of this property has been an important priority for the neighbors of the Bill Page Honda dealership and Westlawn Shopping Center. The Mason District Land Use Committee has already recommended tentative approval of the application, subject to review of the staff report. The applicant has also met with representatives of the Westlawn Civic Association, Sleepy Hollow, Bel Air, Lake Barcroft, and even the Jefferson Village Civic Association in the Providence District. The applicant has committed to maintaining each of the important proffers negotiated with the community as part of the previous application.

Supervisor Gross said that the Page family has been an integral part of the community since the 1950s, and the prospect of revitalizing this very visible corner, which includes the last retail center in Mason District that has not been recently renovated or upgraded, is very exciting.

Supervisor Gross said that based on her discussions with the applicant, she is satisfied that neither the establishment of a public hearing date for the Board nor concurrent processing of site plans for the development will prejudice the community's review of the pending zoning applications. It also will not prejudice the staff review of those applications for compliance with applicable regulations.

Accordingly, Supervisor Gross moved that the Board authorize expedited and concurrent processing for Proffered Condition Amendment Application PCA 2009-MA-011 and Special Exception Amendment Application SEA 95-M-039-02 in the name of Bill Page Plaza, LLC. She said that it is her hope that these applications can be scheduled for public hearing before the Board in October 2011. The applicant is advised that this authorization of expedited and concurrent processing in no way relieves it of the requirement to comply with all applicable standards of the Zoning Ordinance, nor does this authorization prejudice the

staff's review of those plans. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

37. **SCHEDULING OF A PUBLIC HEARING REGARDING SPECIAL EXCEPTION APPLICATION SE 2010-MA-028 (MASON DISTRICT)**
(11:58 a.m.)

Supervisor Gross announced that Special Exception Application SE 2010-MA-028 is a request by the Washington Metropolitan Airports Transit Authority (WMATA) to permit a regional non-transit facility at 6851-6853 Industrial Road.

Due to an inadvertent advertising error, Supervisor Gross moved that the Board direct staff to schedule a public hearing to be held before the Board regarding Special Exception Application SE 2010-MA-028 for July 26. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

38. **IMPLEMENTATION OF A PARKING RESTRICTION ON THE EAST SIDE OF MARTIN STREET AT LITTLE RIVER TURNPIKE IN THE COMMERCIAL AREA ABUTTING THE RESIDENTIAL AREA (MASON DISTRICT)** (11:59 a.m.)

Supervisor Gross said that for several months she has received complaints about long-term and overnight parking of oversized vehicles on the east side of Martin Street at Little River Turnpike. Although this area is zoned commercial, it also is immediately adjacent to a residential neighborhood. These vehicles are detracting from the residential character of the community, and they are not registered to the businesses nearby.

Supervisor Gross explained that the most reasonable option currently available is to restrict overnight parking on the east side of this road, where there are no current vehicle restrictions. This would mitigate the concerns of nearby residents and business owners, allow parking for customers during the day, and prevent the long-term and overnight storage of oversized vehicles on this section of the road. Such signs also would complement the parking restriction on the west side of Martin Street, which was implemented by the Virginia Department of Transportation.

Therefore, Supervisor Gross moved that the Board direct the Department of Transportation to take the necessary steps to install signs restricting parking, from 7 p.m. until 7 a.m., on the east side of Martin Street at Little River Turnpike. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

39. **TRANSIENT OCCUPANCY TAX** (Noon)

Supervisor Frey said that as a result of enabling legislation approved by the 2004 General Assembly, the County was granted the authority to impose an additional two percent Transient Occupancy tax beginning July 1, 2004. As required by the legislation, no less than 25 percent of the additional revenue is to be designated for and appropriated to a nonprofit Convention and Visitors Corporation located in the County.

The mission of the Fairfax County Convention and Visitors Corporation (FCCVC), known as Visit Fairfax, is "to create and effectively market exciting products, programs and activities that will distinguish the County as a premier tourism destination." Visit Fairfax is a 503(c)(3) organization with 25 board members appointed by the Board of Supervisors and the tourism industry.

Each year, the County transfers 25 percent of the estimated revenue for the upcoming fiscal year from the 2 percent additional transient occupancy tax. A reconciliation of the actual revenues received and the County's initial contribution to the FCCVC is conducted annually. If actual designated revenue is above the estimate, the County's contribution to FCCVC is increased the following year. If actual designated revenue falls below the estimate, the FCCVC is obligated by the terms of the Memorandum of Understanding to return the difference to the County the following year.

In Fiscal Year (FY) 2010, the County provided \$2.5 million to the FCCVC based on the FY 2010 Adopted Budget Plan estimate of transient occupancy tax revenue. However, revenue from the additional transient occupancy tax fell in FY 2010 for the third consecutive year, and the amount due the FCCVC was \$2.3 million. As a result, the FCCVC is obligated to return \$218,429 to the County. This revenue has not been included in the County's revenue estimates. However, the payment of excess contribution was not anticipated in the FCCVC budget and its repayment to the County will result in a significant reduction in FCCVC activities.

Therefore, Supervisor Frey moved that the Board direct:

- That the \$218,429 be retained by the FCCVC in FY 2011 to allow for the continuation of the FCCVC programming.
- Staff to work closely with the FCCVC to adjust budget projections so this amount of discrepancy, between anticipated versus actual funding, can be minimized.

Supervisor Frey noted that because the initial payment to the FCCVC is based on the adopted budget estimate and provided at the beginning of each fiscal year, some difference in estimated and actual revenue is inevitable. Transient occupancy tax revenue has begun to recover and is expected to increase in

FY 2011 for the first time in four years; therefore it is likely that the FY 2011 or FY 2012 estimate may result in an underpayment by the County to FCCVC. In the event that underpayments occur, the County will not remit the difference to FCCVC until the \$218,429 is recouped by the County

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

40. **REQUEST FOR A TRANSPORTATION COMMITTEE MEETING TO DISCUSS ESTABLISHING GUIDELINES FOR A PUBLIC-PRIVATE TRANSPORTATION ACT (PPTA)** (12:04 p.m.)

Supervisor Cook said that at the Board's December 7, 2009, meeting, he proposed the idea of the County's adoption of a set of guidelines that would allow the Board to take advantage of the PPTA of 1995. With that piece of legislation, localities throughout Virginia were afforded the opportunity to engage with private entities on a variety of transportation projects. To take advantage of this opportunity, the State law requires that jurisdictions first adopt a set of guidelines, which among other things dictate how solicited or unsolicited public-private proposals would be accepted. This is something Prince William, Loudoun, Stafford and Spotsylvania counties have all done and since taken advantage of this opportunity.

Supervisor Cook noted that the Board has repeatedly discussed the need for the County to explore new and innovative approaches to transportation.

Supervisor Cook said that although his original motion to direct staff to develop guidelines was ultimately not approved, there was consensus that a discussion would be valuable and worthy of a Transportation Committee meeting. In fact, Supervisor McKay graciously asked that the Board direct staff to make such a presentation at an upcoming Transportation Committee meeting, and without objection, it was so ordered.

Supervisor Cook said that he fully understands that the Transportation Committee has a seemingly endless supply of agenda items, not the least of which has been the Board's ongoing discussion on improving roadway service in the County. However, he asserted that discussion on PPTA guidelines is important as well.

Therefore, Supervisor Cook moved that a date be set for the inclusion of the PPTA discussion at a Transportation Committee meeting in this calendar year. Supervisor Herrity seconded the motion.

Supervisor McKay noted that this issue has already been scheduled for discussion at the Transportation Committee in the fall.

Supervisor Herrity noted that the State has officially opened its Office of Transportation/Public-Private Partnerships.

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

41. **CONTINUATION OF ADMIN 7 - AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), CHAPTER 112 (ZONING ORDINANCE), AND APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE), REGARDING CONSERVATION PLAN FOR LAND DISTURBING ACTIVITIES 2500 – 5000 SQUARE FEET** (12:08 p.m.)

- (A) (R) (NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #9.)

Supervisor Gross moved:

- Adoption of a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on July 7, 2011, and before the Board on **July 26, 2011, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 104 (Erosion and Sedimentation Control), Chapter 112 (Zoning Ordinance), and Appendix Q (Land Development Services Fee Schedule). The proposed amendments address issues related to requirements for land disturbing activities greater than 2500 square feet and equal to or less than 5000 square feet.
- Approval of the revised language as contained on page 3 of the proposed Ordinance under M.

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

42. **RECESS/CLOSED SESSION** (12:09 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. *New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. The Fairfax County Board of Supervisors*, Case No. 10-2381 (United States Court of Appeals for the Fourth Circuit) (Mount Vernon District)
 - 2. *Carolyn McKay Sydnor v. Fairfax County, Virginia*, Civil Action No. 1:10-cv-934 (E.D. Va.)
 - 3. *Vienna Metro, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2011-0006322 (Fx. Co. Cir. Ct.) (Providence District)
 - 4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George W. Garber and Mary L. Garber*, Case No. CL-2010-0015516 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 5. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carolyn Jones*, Case No. CL-2009-0011791 (Fx. Co. Cir. Ct.) (Lee District)
 - 6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Toetie Jones*, Case No. CL-2010-0010295 (Fx. Co. Cir. Ct.) (Braddock District)
 - 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Y.C. Wang and Wan Shi Wang, Trustees of the Living Trust of John Y.C. Wang and Wan Shi Wang*, Case No. CL-2009-0016276 (Fx. Co. Cir. Ct.) (Mount Vernon District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Idalia Cruz and Nelzar Gallo*, Case No. CL-2010-0014776 (Fx. Co. Cir. Ct.) (Hunter Mill District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abbas Y. Abutaa, a.k.a. Yousef Abutaa, Hamid R. Hosseinian, Hossein Goal, and Donna L. Goal*, Case No. CL-2010-0016245 (Fx. Co. Cir. Ct.) (Mason District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dennis N. Brill*, Case No. CL-2011-0000268 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. David Charles Jones, Gabrielle Clara Jones, and Catherine C. Mitchell*, Case No. CL-2011-0003538 (Fx. Co. Cir. Ct.) (Lee District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Judy D. Watson*, Case No. CL-2011-0002019 (Fx. Co. Cir. Ct.) (Lee District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge Alberto Broide*, Case No. CL-2010-0017885 (Fx. Co. Cir. Ct.) (Providence District)
14. *Gary Pisner v. Board of Supervisors of Fairfax County, Fairfax County Enhanced Code Enforcement Strike Team, and Fairfax County Department of Housing and Community Development*, Case No. CL-2010-0004076 (Fx. Co. Cir. Ct.) (Springfield District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eric D. Smith, Kevin D. Smith, and Michelle C. Smith*, Case No. CL-2010-0014667 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cuong Van Luu and Ly Cam Le*, Case

- No. CL-2011-0006716 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge F. Landivar and Patricia J. Landivar*, Case No. CL-2011-0006715 (Fx. Co. Cir. Ct.) (Dranesville District)
 18. *Eileen M. McLane, Fairfax County Zoning Administrator v. L Parkway, LC*, Case No. CL-2011-0006976 (Fx. Co. Cir. Ct.) (Dranesville District)
 19. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Isabel Vasquez and Calixto M. Alfaro*, Case No. CL-2011-0006974 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noel J. Gueugneau*, Case No. CL-2011-0006975 (Fx. Co. Cir. Ct.) (Mason District)
 21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jae Hyung Cho and Chung Hee Cho*, Case No. CL-2011-0006991 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Grace Lee*, Case No. CL-2011-0007214 (Fx. Co. Cir. Ct.) (Dranesville District)
 23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pierre Doose Eicher and Pamela J. Eicher*, Case No. CL-2011-0007369 (Fx. Co. Cir. Ct.) (Providence District)
 24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miriam Yvette Sullivan*, Case Nos. 2011-0009792 and 2011-0009793 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
 25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald S. Evans*, Case Nos.

2011-0011614 and 2011-0011615 (Fx. Co. Gen. Dist. Ct.) (Lee District)

26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bachtuyet Nguyen, a.k.a. Bachtuyet Thi Nguyen and Anh T. Nguyen*, Case Nos. GV11011796 and GV11011797 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Long Phi Van and Trang Thi Nguyen*, Case Nos. GV110011794 and GV11011795 (Fx. Co. Gen. Dist. Ct.) (Mason District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Zahir Ahmed*, Case Nos. GV11011613 and GV11011612 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

And in addition:

- *Mary Getts Bland v. Fairfax County, Virginia*, Case Number 1:10cv01030 (Eastern District of Virginia)
- *Stacey Bailey v. Fairfax County, Virginia*, Case Number 1:10cv01031 (Eastern District of Virginia)
- Internal Review Process in the Police Department

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

DET:det

At 3:27 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

43. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:27 p.m.)

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

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

AGENDA ITEMS

44. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-011 (WASHINGTON BAPTIST UNIVERSITY, INCORPORATED) (MASON DISTRICT)** (3:28 p.m.)

(NOTE: On May 24, 2011, the Board deferred this public hearing until June 7, 2011.)

The application property is located at 4300 and 4302 Evergreen Lane, Tax Map 71-2 ((2)) 13; 71-2 ((30)) (1) 101-104, 201, 202, and 204.

Mr. William M. Baskin, Jr., reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Gross moved approval of Special Exception Application SE 2008-MA-011, subject to the development conditions dated *May 5, 2001 [*sic*]. Supervisor Foust seconded the motion.

Following discussion, Supervisor Gross clarified that the development conditions are dated *May 5, 2011. The question was called on the motion, as clarified, and it carried by a vote of nine, Supervisor Smyth being out of the room.

45. **3 P.M. – PH ON REZONING APPLICATION RZ 2010-LE-013 (WPPI SPRINGFIELD HS, LLC) (LEE DISTRICT)** (3:33 p.m.)

(O) (NOTE: On March 8, 2011, the Board deferred this public hearing until March 29, 2011. On March 29, 2011, the Board deferred this public hearing until April 26, 2011. On April 26, 2011, the Board deferred this public hearing until May 24, 2011. On May 24, 2011, the Board deferred this public hearing until June 7, 2011.)

The application property is located in the northwest quadrant of the intersection of Old Keene Mill Road and Amherst Avenue, Tax Map 80-4 ((9)) 4, 5, and 6.

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

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

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

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

Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-LE-013, from the C-6, CRD, HC, and SC Districts to the PDC, CRD, HC, and SC Districts, and approval of the associated Conceptual Development Plan, subject to the proffers dated May 17, 2011.
- Approval of an increase in maximum floor area ratio from 1.5 to 1.68, pursuant to the Zoning Ordinance, Section 6-208, Paragraph 3.
- Modification of the off-street loading space requirement.
- Approval of a 20 percent parking reduction.
- Modification of the 20-foot minimum rear yard requirement to permit a minimum rear yard of 8 feet along the eastern boundary.
- Modification of the front yard 45-degree bulk plane requirements to permit a front yard bulk plane of 4 degrees.

Supervisor Herrity 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."

(NOTE: On February 24, 2011, the Planning Commission approved Final Development Plan Application FDP 2010-LE-013.)

46. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-SU-003 (LYLAB HOLDINGS, LLC) (SULLY DISTRICT)** (3:44 p.m.)

(O) The application property is located in the northwest quadrant of the intersection of Elmwood Street and Dallas Street, Tax Map 44-2 ((2)) 21.

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

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

- Stephen W. Robinson, McGuire Woods LLP

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

- Carson Lee Fifer, Jr., McGuire Woods LLP
- Jonathan P Rak, McGuire Woods LLP
- Gregory A. Riegle, McGuire Woods LLP

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

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

Following the public hearing, Mr. Katai presented the staff and Planning Commission (PC) recommendations.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-SU-003, from the R-1 and WS Districts to the PDH-8 and WS Districts, subject to the proffers dated June 1, 2011.

- Waiver of the minimum district size of two acres for the PDH District.
- Waiver of the minimum open space requirement for the PDH-8 District.

Supervisor Hudgins 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.”

(NOTE: On May 26, 2011, the PC approved Final Development Plan Application FDP 2010-SU-015, subject to the Development Conditions contained in Appendix 2 of the staff report.)

47. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-SU-015 (LYLAB HOLDINGS, LLC) (SULLY DISTRICT)** (3:54 p.m.)

- (O) The application property is located on the south side of Dallas Street, approximately 500 feet east of its intersection with Walney Road, Tax Map 44-2 ((2)) 7.

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

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

- Stephen W. Robinson, McGuire Woods LLP

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

- Carson Lee Fifer, Jr., McGuire Woods LLP
- Jonathan P Rak, McGuire Woods LLP
- Gregory A. Riegler, McGuire Woods LLP

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

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

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

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-SU-015, from the R-1 and WS Districts to the PDH-8 and WS Districts, subject to the proffers dated June 1, 2011.
- Waiver of the minimum district size of two acres for a PDH District.
- Waiver of the minimum open space requirement for the PDH-8 District.

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.”

(NOTE: On June 2, 2011, the Planning Commission approved Final Development Plan Application FDP 2011-SU-003, subject to the development conditions contained in Appendix 2 of the staff report.)

48. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-001-07 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2010-PR-023 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT) (3:59 p.m.)

The Proffered Condition Amendment Application PCA 92-P-001-07 property is located on the south side of Dolley Madison Boulevard on both the east and west side of Colshire Drive, Tax Map 30-3 ((28)) C1, 4B and 4C.

The Special Exception Application SE 2010-PR-023 property is located at 7598 Colshire Drive, Tax Map 30-3 ((28)) 4C.

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

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

- Cityline Partners LLC

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

- Cityline Partners LLC

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

- Cityline Partners LLC

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

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, Ms. Lin presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of:

- Proffered Condition Amendment Application PCA 92-P-001-07 and the associated GDPA subject to the proffers dated May 10, 2011.
- Special Exception Application SE 2010-PR-023, subject to the development conditions dated June 6, 2011.
- Waiver of the transitional screening and barrier requirements along the northeastern property boundary in favor of that shown on the SE Plat, subject to the proposed development conditions.
- Waiver of the front yard bulk standards, per Section 2-418 of the Zoning Ordinance, along all property lines to that shown on the SE Plat.
- Approval of the Parking Redesignation Plan dated April 18, 2011, as allowed by Section 11-10.1 of the Zoning Ordinance, to permit a reduction in required parking spaces.
- Modification of the loading space requirement to allow two loading spaces instead of the required five.

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

49. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-LE-020 (FB PROPERTY, LLC – A VIRGINIA LIMITED LIABILITY COMPANY) (LEE DISTRICT)** (4:08 p.m.)

(O) The application property is located in the northwest quadrant of the intersection of Loisdale Road and Newington Road, Tax Map 99-1 ((1)) 5A and 6.

Mr. David R. Lasso 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:

- J. Scott Hommer, III, Venable LLP

Regina Coyle, Assistant Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a brief description of the application and site location.

Supervisor McKay called the Board's attention to a recent change to the proffers dated May 6, 2011 (page 6, proffer j), concerning money used for traffic calming in the "Newington Residential subdivision." He noted the capitalization of Newington Residential and stated while he is not aware of any such subdivision, there is, however, a Newington Civic Association area.

Supervisor McKay asked unanimous consent that the Board direct staff to clarify that the direction, as written, provides enough guidance for staff to understand that the money would go to the Newington Civic Association area. Without objection, it was so ordered.

Discussion ensued, with input from Ms. Coyle, regarding use of the money in the Newington residential community.

Supervisor Hyland stated that he was in receipt of an email from the Newington Civic Association concerning traffic calming measures for Newington Road between Cinderbed Road and Telegraph Road, and/or Accotink Road between Newington Road and Telegraph Road, which is within the area of the Newington Civic Association. Discussion ensued, with input from Mr. Lasso, regarding the roads specified in the letter and confirmation as to the area that would be the subject of traffic calming measures.

Discussion continued, with input from Barbara Berlin, Director, ZED, DPZ, concerning staff efforts to ensure that the monies are directed in the appropriate location.

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

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

Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-LE-020, from the C-8 and R-1 Districts to the PDC District, and approval of the Conceptual Development Plan (CDP), subject to the proffers dated May 23, 2011.
- Modification of the 75-foot minimum required distance for a commercial building from an interstate right-of-way to that shown on the CDP/FDP.
- Modification of the loading space requirement.
- Modification of the trail requirement along Loisdale Road to that shown on the CDP/Final Development Plan (FDP).
- Modification of the peripheral parking lot landscaping requirement to that shown on the CDP/FDP.
- Modification of the transitional screening and barrier requirements along the eastern perimeter of the site to that shown on the CDP/FDP.
- Approval of a deviation from the tree preservation target requirement of the Public Facilities Manual.
- That the Board direct staff to send a written request to the Virginia Department of Transportation (VDOT) urging that it retain the existing access for southbound left turn lanes into the service station and fast food restaurant [located at Tax Map 99-1 ((1)) 4 and lot 5D] until such time as all access options to southbound and northbound Loisdale Road are evaluated by VDOT, and that staff send a draft of that letter to Supervisor Hyland and Supervisor McKay for their co-signatures.

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

(NOTE: On May 5, 2011, the PC approved Final Development Plan Application FDP 2010-LE-020.)

50. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SECTIONS 3-1-2, 3-1-19, 3-1-24, 3-2-57, AND 3-3-57** (4:21 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 May 20 and May 27, 2011.

Susan Woodruff, Director, Department of Human Resources, presented the staff report.

Supervisor Gross called the Board's attention to page 306, Section 3-2-57, Deferred Retirement Option Program (DROP) Participation Exclusion, of the Board Agenda Item dated June 7, 2011, item (1) (Election to participate), concerning the following language:

- “In the case of employees who seek to commence their DROP period between July 1, 2005, and August 1, 2005, the Board of Trustees shall have...”

Discussion ensued concerning deleting that sentence because it is out of date, with input from Cynthia L. Tianti, Deputy County Attorney, and David P. Bobzien, County Attorney.

Discussion continued concerning participation of an elected official in DROP, with input from Ms. Woodruff, Ms. Tianti, and Mr. Bobzien.

Following additional discussion, Supervisor Cook asked unanimous consent that the Board direct the County Attorney to provide a written legal opinion concerning the non-applicability of County law to the matter being discussed. Without objection, it was so ordered.

Discussion continued, with input from Mr. Bobzien; Ms. Woodruff; Ms. Tianti; and Mr. Anthony H. Griffin, County Executive, concerning:

- Intent of covering an elected official
- Employee categories within DROP
- An analysis of entitlements
- DROP pay-out options
- Participation of constitutional officers in DROP
- Re-employment under a procedural memorandum

- Costs to the County
- The retirement system shortfall

Following discussion concerning a specific scenario, Chairman Bulova ruled that the discussion was out of order.

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

- Proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Sections 3-1-2, 3-1-19, 3-1-24, 3-2-57, and 3-3-57, updating exempt status definitions, clarifying policy as it relates to employee participation in political activities, and making public officials ineligible to participate in the Deferred Retirement Option Program (DROP), with the deletion of the following language on page 306 (Election to participate) of the Board Agenda Item dated June 7, 2011:
 - (1) In the case of employees who seek to commence their DROP period between July 1, 2005, and August 1, 2005, the Board of Trustees shall have the authority to waive the requirement that the application be made at least 60 days prior to commencement of the member's participation in the DROP.

Supervisor Herrity and Chairman Bulova jointly seconded the motion.

Discussion ensued concerning the development and procedures of DROP with clarification from:

- Mr. Griffin concerning Internal Revenue Service (IRS) review of the DROP Ordinance
- Mr. Bobzien concerning Agency oversight

Following an inquiry concerning IRS review, with input from Ms. Tianti, Supervisor Foust asked unanimous consent that Board direct the County Attorney to obtain a legal opinion regarding the exclusion of a class of employee. Without objection, it was so ordered.

Supervisor Cook moved a substitute motion to defer decision until the Board obtains the legal opinions requested. Supervisor Herrity seconded the motion.

Supervisor Gross noted that there were several sections before the Board for consideration in addition to the items under DROP, and moved to amend the

substitute motion to include consideration of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees) to the following sections:

- 3-1-2
- 3-1-19
- 3-1-24

This was accepted.

Following discussion, the substitute motion was withdrawn.

Supervisor Gross moved to amend her original motion to approve Sections 3-1-2, 3-1-19, and 3-1-24, with Sections 3-2-57 and 3-3-57 to return to the Board for consideration following the rendering of legal opinions, and this was accepted.

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

51. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), REGARDING DESIGN OF PUBLIC STREETS AND SIDEWALKS** (5:03 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 May 20 and May 27, 2011.

Judith Cronauer, Engineer IV, Department of Public Works and Environmental Services, presented the staff report.

Chairman Bulova announced that because of dueling recommendations regarding the Board’s action, at the conclusion of the public hearing, Supervisor Frey will move to defer decision so that the Board has an opportunity to discuss the recommendations in the Development Process Committee. Supervisor Frey stated that the committee will meet on Tuesday, June 14 at 10 a.m.

Discussion ensued, with input from Ms. Cronauer regarding consultation with the Department of Transportation, concerning:

- Connectivity requirements
- Designation of urban, suburban, and rural areas

Discussion continued, with input from Ms. Cronauer and Battalion Chief Carlton Burkhammer, Office of Fire Prevention, Fire and Rescue, concerning:

- Virginia Department of Transportation (VDOT) minimum street width requirements
- Inability to enforce no-parking zones
- The Tysons exception/exemption
- By-right development requirements

Supervisor Foust noted that in the staff report, public safety is of paramount importance, but the issue of pedestrian safety has not been addressed. Discussion ensued, with input from Ms. Cronauer and Chief Burkhammer, regarding:

- Pedestrian safety statistics
- VDOT formulas
- Parking challenges

Supervisor McKay asked unanimous consent that the Board direct staff to consult with the Police Department concerning parking restrictions and street widths as they relate to speeding, traffic-calming, and pedestrian safety. Without objection, it was so ordered.

Discussion continued, with input from Ms. Cronauer, concerning:

- Urban settings in locations other than Tysons
- VDOT standards for street parking

Following the public hearing, Chairman Bulova stated that items had been received for the record.

Supervisor Frey moved to:

- Defer decision on proposed amendments to the PFM until **June 21, 2011, at 3:30 p.m.**
- Direct staff to reach out to industry regarding grandfathering provisions and standards.
- Keep the written record open for additional comment.

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

52. **4 P.M. – PH ON A PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL (PFM), REGARDING EDITORIAL AND FORMATTING CHANGES, ELIMINATION OF METRIC SYSTEM UNITS AND PLATES, AND A PFM REPRINT** (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 May 20 and May 27, 2011.

Jan Leavitt, Engineer IV, Code Analysis Division, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the PFM regarding editorial and formatting changes, elimination of metric system units and plates, and a PFM reprint. Supervisor Herrity 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.”

53. **4 P.M. – PH ON ADOPTION OF A NEW COUNTY SOILS MAP AND PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 107 (PROBLEM SOILS), AND THE PUBLIC FACILITIES MANUAL (PFM), REGARDING NEW SOIL SURVEY** (5:37 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 May 20 and May 27, 2011.

Bijan Sistani, Engineer IV, Code Analysis Division, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued concerning the ability to make changes to the maps, with input from Daniel Schwartz, Soil Scientist, Northern Virginia Soil and Conservation District concerning revisions allowed by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS).

Supervisor Frey submitted an item for the record.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 107 (Problem Soils), and the PFM, regarding the new soil survey. Supervisor Frey seconded the motion. Discussion ensued concerning

the soil map ratio with input by Mr. Schwartz.

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."

54. **4:30 P.M. – PH ON PROPOSED PLAN AMENDMENT ST11-IV-LP1, VILLAGE OF ACCOTINK, LOCATED ON RICHMOND HIGHWAY (US ROUTE 1) AT THE JUNCTURE OF BACKLICK ROAD, EAST OF THE FAIRFAX COUNTY PARKWAY (MOUNT VERNON DISTRICT)**
(5:48 p.m.)

Supervisor Hyland moved to defer the public hearing on proposed Plan Amendment ST11-IV-LP1, Village of Accotink, until **June 21, 2011, at 5 p.m.** to allow additional time for civic association and citizen review. Supervisor Foust and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

55. **RECEPTION FOR LORD AND LADY FAIRFAX** (5:49 p.m.)

Chairman Bulova announced that the Board has a reception with *Celebrate Fairfax!* and the Lords and Ladies Fairfax at 6:30 p.m.

56. **BOARD ADJOURNMENT** (5:49 p.m.)

The Board adjourned.

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