



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 18, 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, October 18, 2011, at 9:37 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; Cynthia L. Tianti, Deputy County Attorney; Catherine A. Chianese, Assistant County Executive; Angela Schauweker, Management Analyst II, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; and Ekua Brew-Ewool, Administrative Assistant, Office of Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:37 a.m.)

(BACs) Supervisor Smyth asked everyone to keep in thoughts the family of Mr. Herbert “Bert” A. Doyle, Jr. who died last Saturday, which was the day of the Library Foundation event. He served on the Library Board for many years and was a former chairman.

Chairman Bulova asked everyone to keep in thoughts Cathy Bobzien, wife of David P. Bobzien, County Attorney. She is at home recovering from a minor medical procedure that had complications.

AGENDA ITEMS2. **PRESENTATION OF THE GOVERNMENT TECHNOLOGY DIGITAL COUNTY SURVEY AWARD TO THE COUNTY** (9:40 a.m.)

Supervisor Gross said that the National Association of Counties (NACo) has a number of programs that are available to counties all over the country for participation. This year, the County placed fifth in the population category of 500,000 or more and received the Government Technology Digital County Survey Award.

Wanda Gibson, Director, Department of Information Technology, accepted the award, on behalf of the County.

Supervisor Smyth raised a question regarding whether the County had won another award recently and discussion ensued, with input from Ms. Gibson, who stated that the County participates annually in the Commonwealth of Virginia Information Technology Symposium. She announced that the County received an award in the category of Government in the Palm of Your Hand.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MISS CYNTHIA ALMENDAREZ** (9:45 a.m.)

Supervisor McKay moved approval of the Certificate of Recognition presented to Miss Cynthia Almendarez for quick thinking, extraordinary action, and providing information calmly and clearly to the 911 call taker, resulting in saving the life of her two-year-old cousin. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

Roy Oliver, Assistant Director of Support, Department of Public Safety Communications (DPSC), presented Miss Almendarez with a DPSC Citizen Lifesaving Award.

4. **RESOLUTION OF RECOGNITION PRESENTED TO COUNTY AUXILIARY POLICE OFFICERS** (9:53 a.m.)

Supervisor Gross moved approval of the Resolution of Recognition presented to County auxiliary police officers for their commitment of time, support, and inspiration. The motion was multiply seconded and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MS. BETH JEWELL** (10:07 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Beth Jewell, teacher at West Springfield High School, for receiving the National Marine Education Association 2010 Outstanding Teacher Award. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE ROTARY CLUB OF BAILEY'S CROSSROADS** (10:12 a.m.)

Supervisor Gross moved approval of the Resolution of Recognition presented to the Rotary Club of Bailey's Crossroads for its contribution to the success of the third annual Technology Summit held at the James Lee Community Center. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

7. **PROCLAMATION DESIGNATING OCTOBER 2011 AS "BREAST CANCER AWARENESS MONTH" IN FAIRFAX COUNTY** (10:21 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate October 2011 as "*Breast Cancer Awareness Month*" in Fairfax County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING OCTOBER 2011 AS "HEAD START AWARENESS MONTH" IN FAIRFAX COUNTY** (10:34 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 2011 as "*Head Start Awareness Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Mauricio Barraza, Chairman, Head Start/Early Head Start Policy Council, invited everyone to visit a Head Start Center to experience it firsthand during the Open House scheduled for October 21–22, 2011.

9. **PROCLAMATION DESIGNATING OCTOBER 22, 2011, AS "VOLUNTEERFEST DAY" IN FAIRFAX COUNTY** (10:43 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate October 22, 2011, as "*VolunteerFest Day*" in Fairfax County. Supervisor Smyth seconded the motion.

Supervisor Smyth noted that copies of the Providence District VolunteerFest projects had been distributed around the dais. She also thanked Volunteer Fairfax for its efforts.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Emily Swenson, Deputy Director, Volunteer Fairfax, announced that it was not too late to register and more information regarding volunteering for VolunteerFest Day is online at www.volunteerfairfax.org.

10. **10:30 A.M. – PRESENTATION OF THE TRANSPORTATION ADVISORY COMMISSIONS (TAC) 2010 TRANSPORTATION ACHIEVEMENT AWARD** (10:53 a.m.)

(BACs) Jeffrey Parnes, Chair, TAC, presented the TAC 2010 Transportation Achievement Award to:

- Karyn Moreland, Chief, Capital Projects, Department of Transportation

11. **10:30 A.M. – INTERIM REPORT FROM THE PRIVATE SECTOR ENERGY (PSE) TASK FORCE** (10:59 a.m.)

Leo Schefer, Chair of the PSE Task Force and President of the Washington Airports Task Force, recognized members of the PSE Task Force who were in the Board Auditorium. Mr. Schefer noted that the PSE Task Force's Interim Report on Buildings and Energy Sources had been distributed around the dais and he proceeded to present the report. Mr. Schefer noted that the report is being presented in three sections: commercial and residential buildings; transportation; and proposed short and long term goals. He noted that sections two and three will be presented at a later date.

Following the report, discussion ensued, with input from Mr. Schefer, regarding:

- The next steps
- Meetings of the PSE Task Force

- What is happening in other jurisdictions

Supervisor Smyth raised a question regarding whether:

- A list of the businesses and/or corporations who are obtaining Leadership in Energy and Environmental Design (LEED) gold certification can be prepared.
- More can be done to recognize businesses/corporations who are seeking LEED certification.

Supervisor McKay suggested that the PSE Task Force review the current Ordinance and report with recommendations on how to provide incentives for the private sector to comply with the County Code.

Chairman Bulova noted that the:

- County has an ombudsman who works with individuals and organizations that are trying to do green energy or environmental projects and move projects forward in an expeditious manner.
- PSE Task Force Report, as well as the meeting schedule, is available online at <http://www.fairfaxcounty.gov/chairman/>.

EBE:ebe

12.

10:40 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (11:27 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard October 18, 2011,” as distributed around the dais. Supervisor Smyth seconded the motion.

On behalf of Supervisor Hyland, Supervisor McKay asked to amend the motion to include the following reappointments:

- Ms. Michele Aubry as the Related Professional Group #2 Representative to the Architectural Review Board
- Ms. Gloria Bannister as the Mount Vernon District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee

- Mr. Michael Roark as the Fairfax County Resident #2 Representative to the Consumer Protection Commission
- Ms. Eleanor Quigley as the Mount Vernon District Representative to the Tree Commission

And 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.

Appointments are as follows:

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

The Board deferred the appointment of the At-Large #1 Representative.

ARCHITECTURAL REVIEW BOARD

Reappointment of:

- Ms. Michele C. Aubry as the Related Professional Group #2 Representative

ATHLETIC COUNCIL

The Board deferred the appointments of the Member At-Large Alternate, the Dranesville District Principal, and the Mason District Alternate Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointment of the Design Professional #6 Representative.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Reappointment of:

- Mr. Jason M. Chung as the At-Large #2 Representative

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Reappointment of:

- Ms. Gloria Bannister as the Mount Vernon District Representative

The Board deferred the appointments of the At-Large #2, Providence, and Sully District Representatives.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointments of the Mount Vernon and Providence District Representatives.

COMMISSION FOR WOMEN

Reappointment of:

- Ms. Jeanie Jew as the Springfield District Representative

The Board deferred the appointment of the Providence District Representative.

CONSUMER PROTECTION COMMISSION

Reappointment of:

- Mr. Michael Roark as the Fairfax County #2 Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large Fairfax County and the Sully District Representatives.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Appointment of:

- Mr. Frank J. McNally as the Sully District Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Appointments of:

- Ms. Karen Margensey as the At-Large #3 Representative
- Ms. Lisa Lynne Kania as the Sully District Representative

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #6 and Provider #3 Representatives.

HUMAN RIGHTS COMMISSION

The Board deferred the appointments of the At-Large #9 and #11 Representatives.

HUMAN SERVICES COUNCIL

Reappointment of:

- Ms. Carol Ann Hawn as the Sully District Representative

The Board deferred the appointments of the At-Large #1 Chairman's Representative and the Dranesville District Representative.

INDUSTRIAL DEVELOPMENT AUTHORITY

Reappointments of:

- Mr. Charles R. Rainey as the At-Large #2 Representative
- Mr. Joseph A. Heastie as the At-Large #6 Representative

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

Reappointment of:

- Ms. Jean R. Packard as the Fairfax County #1 Representative

SMALL BUSINESS COMMISSION

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointments of the Fairfax County #2 and #7 Representatives.

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the At-Large Chairman's Representative.

TREE COMMISSION

Reappointments of:

- Ms. Eleanor F. Quigley as the Mount Vernon District Representative
- Mr. Douglas Thompson as the Providence District Representative

The Board deferred the appointment of the At-Large Chairman's Representative.

PMH:pmh

13. **ADMINISTRATIVE ITEMS** (11:29 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 9 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 65 (Plumbing and Gas Provisions), Regarding the Establishment of Exclusive Service Area and Maximum Allowable Rates, Fees, and Charges for Water Service, and asked that this item be pulled and considered separately, and this was accepted.

The question was called on the motion, as amended, to approve Administrative Items 1-8, 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.

ADMIN 1 – INSTALLATION OF “YIELD TO PEDESTRIANS IN CROSSWALK \$100-\$500 VIOLATION FINE” SIGNS

- Endorsed the installation of “Yield to Pedestrians in Crosswalk \$100-\$500 Violation Fine” signs at the 50 subject locations as shown in Attachment One of the Board Agenda Item dated October 18, 2011.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON CLIFTON STREET AND MONROE DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MASON DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2011, at 4 p.m.** to consider endorsing the following roads to be included in the RTAP for a through truck traffic restriction:

- Clifton Street between Braddock Road and Edsall Road
- Monroe Drive between Braddock Road and Edsall Road

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, LEE, MASON, MOUNT VERNON, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Trinity Subdivision Parcel A (Trinity United Methodist Church)	Dranesville	Dolly Madison Boulevard (Route 123) [Additional Right-of-Way (ROW) Only]
		Buchanan Street (Route 1831) (Additional ROW Only)
Blas G. Garcia Subdivision Lots 6 and 7 (Gregory Drive Treatment)	Lee	Richmond Highway (Route 1) (Additional ROW Only)
		Gregory Drive (Route 2144) (Additional ROW Only)
Bell Manor III	Mason	Colfax Avenue (Route 776) (Additional ROW Only)
Orleans Village	Mason	Southland Avenue (Route 2523) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Queen of Apostles Church	Mason	Kling Drive (Route 2543)
Gum Springs Glen LP	Mount Vernon	Richmond Highway (Route 1) (Additional ROW Only)
Laurel Hill (Spine Road)	Mount Vernon	Laurel Crest Drive
Occoquan Overlook Section 1	Mount Vernon	Peniwill Drive Alexandra Nicole Drive Elkhorne Run Court Ballendine Court Occoquan Overlook Drive
Faircrest South Phase One	Sully	Lanium Lane Coreopsis Court Coneflower Court Ajuga Court Plumbago Drive (Route 10347) Lee Highway (Route 29) (Additional ROW Only)
Poplar Tree Lewis Property (Poplar Tree Road)	Sully	Poplar Tree Road (Route 4831) (Additional ROW Only)

ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (LEE AND MASON 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>
FSA-L97-62-1	AT&T Mobility 3900 San Leandro Place Antenna collocation on existing tower Lee District	December 17, 2011
2232-M11-13	Fairfax County Park Authority Establish site as a Local Park 3130 Glen Carlyn Road Mason District	April 20, 2012

ADMIN 5 – AUTHORIZATION FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) AND THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT FUNDING FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAM, AND AUTHORIZATION FOR CONSOLIDATED PLAN CERTIFICATIONS

- Authorized HCD, in partnership with Pathway Homes, to apply for and accept funding, if awarded, for four renewal Shelter Plus Care grants totaling \$1,535,484. No local cash match is required for these applications.
- Authorized CSB to apply for and accept renewal funding, if awarded, for \$334,625, including match, for an existing transitional housing and treatment program for homeless single individuals. Of the total, \$254,652 is HUD funding and \$79,973 is local cash match.
- Endorsed the submission of one new project application by Pathway Homes, Incorporated, for \$441,959, including \$314,909 in HUD funds and \$127,050 in private cash match, to provide permanent supportive housing for 22 homeless or chronically homeless individuals with mental illness or other co-occurring disabilities.

- Endorsed 18 renewal grant applications totaling \$4,040,790 including all matching funds, by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act. Of the total, \$2,949,306 is HUD funding, \$445,136 is State pass-through funds, and \$646,348 is private match. No local cash match is required for these applications; however, three applications by Christian Relief Services for a total of \$644,241 in HUD funds, one application by Pathway Homes, Incorporated, for a total of \$157,788 in HUD funds, and one application by PRS, Incorporated, for a total of \$168,450 in HUD funds require a combined cash match of \$445,136 for a one-year period. This match is supported with State pass-through funds to the CSB. The remaining 13 nonprofit renewal applications totaling \$1,978,827 in HUD funds require no local cash match; however, a private match of \$646,348 is included and committed by the applicants to support these applications.
- Authorized the Department of Family Services to apply for and accept funding, if awarded, for two renewal grants. This funding consists of \$520,346, including \$67,000 in local cash match, for the RISE Supportive Housing Grant; and \$865,417, including \$433,837 in local cash match, for the Community Housing Resource Program – Award Three. In August 2010 the RISE program was converted from transitional housing to 20 units of permanent supportive housing for persons with a disabling condition who have children under 18 living in the household.

ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO ACCEPT A GRANT FOR COMMUNITY HOUSING FUNDS FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (VDBHDS)

Authorized CSB to accept a grant of up to \$3,738,964 for Community Housing Funds from VDBHDS for the construction/rehabilitation of two waiver-certified homes for up to 12 residents currently residing at the Central Virginia Training Center.

ADMIN 7 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 2006-PR-018, MERRIFIELD GARDEN CENTER CORPORATION (PROVIDENCE DISTRICT)

- (AT) Approved the request for 12 months of additional time to establish the use for Special Exception Application SE 2006-PR-018 to September 9, 2012, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 8 – ENDORSEMENT OF APPLICATIONS FOR TRANSPORTATION INFRASTRUCTURE GENERATING ECONOMIC RECOVERY (TIGER 3) AND FISCAL YEAR (FY) 2012-2018 REGIONAL SURFACE TRANSPORTATION (RST) PROGRAM AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDS

Endorsed the Department of Transportation's applications for TIGER 3 and FY 2012-2018 RSTP and CMAQ Funds. No local cash match is required. As part of the TIGER 3 applications, staff intends to use funding already allocated and appropriated as the sources for the required matching funds. If the applications are successful, and additional matching funds are required, staff will return to the Board for identification and approval of the additional funds along with the grant agreement(s).

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 65 (PLUMBING AND GAS PROVISIONS), REGARDING THE ESTABLISHMENT OF EXCLUSIVE SERVICE AREA AND MAXIMUM ALLOWABLE RATES, FEES, AND CHARGES FOR WATER SERVICE

(NOTE: Earlier in the meeting, the Board asked to consider this item separately. See page 9.)

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #14.)

14. **ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 65 (PLUMBING AND GAS PROVISIONS), REGARDING THE ESTABLISHMENT OF EXCLUSIVE SERVICE AREA AND MAXIMUM ALLOWABLE RATES, FEES, AND CHARGES FOR WATER SERVICE** (11:30 a.m.)

Supervisor Smyth moved that the Board continue the consideration of this item until November 1, 2011, for authorization to advertise a public hearing to be held before the Board on **December 6, 2011, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 65 (Plumbing and Gas Provisions), regarding establishment of an exclusive service area and maximum allowable rates, fees, and charges for water service. Supervisor Gross seconded the motion.

Discussion ensued with input from James W. Patteson, Director, Department of Public Works and Environmental Services, and Cynthia Tianti, Deputy County Attorney, regarding:

- Range of options

- How and when it will be implemented
- Who will do the study of the rates and how much that will cost
- The impact that this proposal will have on Fairfax Water customers
- Impacts on the budgets of other jurisdictions
- Ways to phase in any impacts on the budget
- History and practices of other jurisdictions

Supervisor Cook asked unanimous consent that the Board direct staff to report with information regarding water systems that cannot operate under the rates set. Without objection, it was so ordered.

Discussion continued regarding:

- Water rates
- Setting the rates
- Appeals process

Supervisor Cook asked unanimous consent that the Board direct staff to provide enough flexibility in the advertisement to allow the Board to make amendments. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to meet individually with Board Members over the next couple of weeks to answer their individual questions. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Gross referred to a letter from the Town of Herndon to Supervisor Foust and she asked unanimous consent that the Board direct staff to report with its response to the letter. Without objection, it was so ordered.

The question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Herrity voting “NAY,” Supervisor Hyland being out of the room.

15. **A-1 – ENDORSEMENT OF DESIGN PLANS FOR BRIDGE REPLACEMENT AT LEE HIGHWAY (ROUTE 29) OVER LITTLE ROCKY RUN (SULLY DISTRICT)** (12:13 p.m.)

Supervisor Frey moved that the Board concur in the recommendation of staff and endorse the Virginia Department of Transportation design plans for the replacement of the structurally deficient bridge on Lee Highway (Route 29) over Little Rocky Run including a 16-foot grass median, two 12-foot inside lanes in each direction, one 15-foot outside lane in each direction striped for future use, a 10-foot shared use path on the south side, and a 5-foot concrete sidewalk on the north side of the bridge as presented at the June 15, 2011, public hearing, with the conditions as outlined in the Board Agenda Item dated October 18, 2011. Supervisor Gross and Supervisor Herrity jointly seconded the motion.

Supervisor Frey noted that this crossing has been a problem for many years.

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

16. **A-2 – DESIGNATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FISCAL YEAR (FY) 2013 REVENUE SHARING PROGRAM FUNDS AND MATCHING COUNTY FUNDS (SPRINGFIELD AND SULLY DISTRICTS)** (12:14 p.m.)

(R) On motion of Supervisor Herrity, seconded by Supervisor Frey, and 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, the Board concurred in the recommendation of staff and adopted a Resolution designating a maximum of \$10 million in FY 2013 VDOT Revenue Sharing Program funds to partially pay for the widening of Stringfellow Road.

17. **A-3 – TESTIMONY FOR PUBLIC HEARING ON COMMONWEALTH OF VIRGINIA’S SIX-YEAR IMPROVEMENT PROGRAM FOR INTERSTATE, PRIMARY, AND URBAN HIGHWAY SYSTEMS AND PUBLIC TRANSPORTATION FOR FISCAL YEAR (FY) 2013 THROUGH FY 2018** (12:15 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve the letter to Secretary of Transportation Sean Connaughton, transmitting the recommendations of the Board and emphasizing its concerns regarding allocations to Interstate, Primary, and Urban Highway Systems and Public Transportation projects, facilities, and services. Supervisor Herrity seconded the motion.

Supervisor McKay asked to amend the motion to:

- Acknowledge that the County may receive up to \$185 million in federal money to support the widening of the Richmond Highway Corridor in front of Fort Belvoir.
- Request the Virginia Department of Transportation's (VDOT) cooperation to complete this project in an expeditious way.
- Acknowledge and thank the federal partners for coming forward with funding.
- Encourage VDOT to work closely with the County on getting the road widened quickly.

And this was accepted.

A brief discussion ensued regarding other improvements in the County.

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

18. **A-4 – AMENDED PARKING REDUCTION FOR 2810 AND 2812 OLD LEE HIGHWAY (PROVIDENCE DISTRICT)** (12:17 p.m.)

On motion of Supervisor Smyth, jointly seconded by Chairman Bulova and Supervisor Foust, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and approved a parking reduction of 14.2 percent for 2810 and 2812 Old Lee Highway, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 4(B), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on conditions as outlined in the Board Agenda Item dated October 18, 2011.

19. **A-5 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 12052 AND A GRANT AGREEMENT FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT OFFICE OF ECONOMIC ADJUSTMENT (OEA) FUNDING FOR BASE REALIGNMENT AND CLOSURE (BRAC) RELATED TRANSPORTATION IMPROVEMENTS** (12:18 p.m.)

(SAR) On motion of Supervisor McKay, seconded by Supervisor Gross, and 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, the Board concurred in the recommendation of staff and approved:

- The Grant Agreement, in substantial form, between DOT and OEA.

- SAR AS 12052 for DOT to accept \$542,412 in OEA funding for transportation planning and improvements related to the implementation of the BRAC plan at Fort Belvoir. This grant includes an in-kind match from the County to be fulfilled through the dedication of existing staff resources to coordinate BRAC activities and oversee associated transportation and land use studies. No local cash match is required.

20. **A-6 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 12057 AND A STANDARD PROJECT ADMINISTRATION AGREEMENT FOR BUS STOP AND INTERSECTION IMPROVEMENTS ALONG ROUTE 1 AS PART OF THE RICHMOND HIGHWAY PUBLIC TRANSPORTATION INITIATIVE (LEE AND MOUNT VERNON DISTRICTS)** (12:18 p.m.)

(SAR) On motion of Supervisor McKay, seconded by Supervisor Gross, and 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, the Board concurred in the recommendation of staff and approved:

- The Standard Project Administration Agreement, in substantial form, between DOT and VDOT.
- SAR AS 12057 for DOT to accept \$2,125,000 in VDOT funding to administer the design and construction of Bus Stop and Intersection Improvements along Richmond Highway.

21. **C-1 – 2011 VIRGINIA ASSOCIATION OF COUNTIES (VACo) ANNUAL MEETING** (12:19 p.m.)

The Board next considered an item contained in the Board Agenda dated October 18, 2011, requesting Board designation of a voting delegate and alternate voting delegate to represent the County at the VACo annual meeting to be held in Bath County, Virginia, on November 18, 2011.

Supervisor Gross moved that the Board designate:

- Supervisor Hyland as the voting delegate
- Supervisor Gross as the alternate voting delegate

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

22. **1-1 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-D10-18, (NODES GFE 3, 4, AND 11), NEWPATH NETWORKS, LLC, NEW CINGULAR WIRELESS PCS, LLC, AND SPRINT-NEXTEL COMMUNICATIONS (DRANESVILLE DISTRICT)** (12:20 p.m.)

The Board next considered an item contained in the Board Agenda dated October 18, 2011, announcing the PC's approval of Public Facilities Application 2232-D10-18, as amended, to modify three existing Sprint-Nextel distributed antenna system (DAS) nodes (GFE 3, 4, and 11) located on three existing, previously-replaced Dominion Power Utility poles, with the replacement of the existing Sprint-Nextel omni whip antennas (3 total) with three panel antennas per node and associated equipment at each pole (connected to hub at 9916 Georgetown Pike) located within the Virginia Department of Transportation's rights-of-way, near 11198 Beach Mill Road (Node #3-Utility Pole BH73 – Latitude 39°01'50.558", Longitude -77°19'47.837"); near 10903 Beach Mill Road (Node #4 – Utility Pole GG68 –Latitude 39°01'48.635", Longitude – 77°19'16.270") and near 9600 Beach Mill Road (Node #11 – Utility Pole HB81 – Latitude 39°01'21.307", Longitude – 77°16'37.932"), Great Falls. The PC noted that this application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*.

23. **I-2 – CONTRACT AWARD – PRENATAL GENETICS COUNSELING AND TESTING** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated October 18, 2011, requesting authorization for staff to award a contract to Genetics and IVF Institute to provide prenatal genetic counseling and testing for the Health Department. This contract will begin on date of award and terminate on June 30, 2016. The estimated amount of this contract is \$150,000 per year for a total estimated amount of \$750,000 over the life of the contract.

Supervisor Cook asked unanimous consent that the Board direct staff to report with information regarding:

- Why this program went from being a State program to a County program
- Providing information to parents regarding support groups that are available for parents of children with genetic challenges

Following input from Michelle Milgrim, Director, Patient Care Services, Health Department, the request, without objection, was so ordered.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS24. **FOUR YEAR TRANSPORTATION PLAN PROCESS** (12:25 p.m.)

In a joint Board Matter with Supervisor McKay, Chairman Bulova said that she had asked staff to schedule time on the Board's Transportation Committee meeting of November 29 for a discussion of the Board's Four Year and Ten Year Countywide Transportation Agenda.

Chairman Bulova explained that as part of this discussion, staff from the Department of Transportation (DOT) will brief the Board on the current status of transportation funding. She added that she and Supervisor McKay will share a process for developing a planning document for the next four years.

Chairman Bulova said that DOT has begun to compile a list of previously proposed transportation improvements and projects both Countywide and by District and will begin to schedule meetings with each Supervisor to review and update the current proposals on this list, and to discuss priorities within, or of interest to, each District Supervisor. She relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to schedule these meetings between now and the first of the new year when the Board's Four-Year Plan will be presented.

Without objection, it was so ordered.

There was a brief discussion regarding the plan and establishing a framework for the plan.

25. **REQUEST FOR RECOGNITIONS** (12:27 p.m.)

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

- Invite representatives from the Fire and Rescue Department to appear before the Board to receive recognition for their impressive Fill the Boot Campaign which raised a record \$434,000 this year.
- Prepare and send a resolution to the Rotary Zone Institute recognizing its conference this coming Friday in the County and the good work of Rotarians in this region.
- Prepare and send certificates recognizing the Annandale High School participants of the cake decorating and knife skills event at the Virginia State Fair.

Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took additional action regarding the Rotarians. See Clerk's Summary Item #27.)

26. **OAK HILL CELEBRATION DAY (BRADDOCK DISTRICT)** (12:28 p.m.)

Jointly with Supervisor Cook, Chairman Bulova expressed appreciation to the following organizations and individuals for their roles in the Oak Hill Celebration Day on Saturday, October 15:

- Park Authority
- Mr. Haskins, the speaker
- The Look Back at Braddock Executive Committee
- The West Springfield Police Station
- Fastran
- The Nancy Spragues Center
- The Oak Hill Civic Association
- The Annandale High School Culinary Program
- Department of Planning and Zoning
- Members of the Board staff, specifically Ann Sharp
- Ms. Mary Lifsey

27. **RECOGNITION OF THE ROTARIANS** (12:30 p.m.)

(NOTE: Earlier in the meeting, the Board took action to recognize the Rotarians. See Clerk's Summary Item #25.)

Supervisor Hudgins called the Board's attention to an earlier Board Matter on recognition of the Rotarians and noted that the event will take place at the Reston Hyatt where she will represent the Board. Accordingly, Chairman Bulova asked unanimous consent that the Board direct staff to send the resolution to Supervisor Hudgins for presentation at the event. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

28. **RECOGNIZING THE McLEAN SYMPHONY AND MUSICAL DIRECTOR, DINGWALL FLEARY ON HIS FORTIETH ANNIVERSARY (DRANESVILLE DISTRICT)** (12:31 p.m.)

Supervisor Foust announced that this year marks the fortieth consecutive year that the music director of the McLean Symphony, Maestro Dingwall Fleary, has led orchestral concerts in McLean and throughout Northern Virginia. In the fall of 1971, the late June and Robert Trayhern, founders and directors of the McLean Academy of Musical Arts, approached conductor Dingwall Fleary about establishing an orchestra in McLean. The primary purpose was to create a local ensemble with which their advanced students could perform. Their combined efforts resulted in the formation of the all-volunteer McLean Chamber Orchestra.

Supervisor Foust referred to his written Board Matter, which outlined Mr. Fleary's achievements, and asked unanimous consent that the Board direct staff to prepare a certificate to be signed by the Chairman and the Dranesville District Supervisor congratulating the McLean Symphony and its Music Director, Dingwall Fleary, on his fortieth anniversary of bringing excellent orchestral music to the residents of McLean and throughout Northern Virginia. Supervisor Foust added that he will present the certificate at the symphony's holiday concert on December 11. Without objection, it was so ordered.

29. **RECOGNIZING LANGLEY HIGH SCHOOL GOLF TEAM AS 2011 STATE CHAMPIONS (DRANESVILLE DISTRICT)** (12:32 p.m.)

Supervisor Foust congratulated the members of the Langley High School golf team for winning the Virginia AAA State Championship. The Saxons clinched the title at the Laurel Hill Golf Club in Lorton on October 11, finishing nine strokes ahead of Northern Region rival Chantilly High School.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite the members of the Langley High School golf team, their coach, and school officials to appear before the Board on November 1 to be recognized for their outstanding achievement. Without objection, it was so ordered.

30. **RECOGNIZING TEMPLE RODEF SHALOM ON ITS FIFTIETH ANNIVERSARY (DRANESVILLE DISTRICT)** (12:32 p.m.)

Supervisor Foust announced that this year marks the fiftieth anniversary of Temple Rodef Shalom located in Falls Church. This congregation was founded by 36 families in June 1962 as the first Jewish congregation in the County. One year later, Rabbi Laszlo Berkowits came to Temple Rodef Shalom as its first rabbi. Today, Temple Rodef Shalom has over 1,500 households and is the largest Jewish congregation in Virginia.

Supervisor Foust noted that September 16 marked the kickoff of a year of special events to celebrate its jubilee year. Among the many special programs planned this year, members have pledged to perform 50,000 mitzvot or moral deeds throughout the year.

In addition to its mission to provide worship, spiritual guidance, Jewish celebrations, and lifecycle support to its members, Supervisor Foust said that the Temple believes in helping those in need in the community. It is one of the three founding congregations of the successful Chesterbrook Residences, a mixed-income assisted living facility. It is home to a religious school, preschool, summer camp, and other organizations. It has been involved in hospice care and provides meals to the less advantaged in the community during the holiday season and throughout the year.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a certificate to be signed by the Chairman and the Dranesville District Supervisor congratulating the Temple Rodef Shalom on its fiftieth anniversary. He added that he will present the certificate at a special multi-generational event on October 28. Without objection, it was so ordered.

31. **McLEAN LIVABLE COMMUNITIES (DRANESVILLE DISTRICT)**
(12:34 p.m.)

Supervisor Foust expressed appreciation to staff, especially the staff of Channel 16, for its support of the McLean Livable Communities for All program. This event, also referred to as “aging in place,” had 130 participants. He also thanked the staff of the McLean Community Center, the Greater Chamber of Commerce of McLean, the Long Term Care Coordinating Council, and AARP for their efforts with this event. He announced that the entire program will be televised three times on Channel 16 in the coming weeks.

32. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR LINDA Q. SMYTH** (12:35 p.m.)

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

33. **OASIS DRIVE AND BRAGG STREET (MASON DISTRICT)** (12:35 p.m.)

(R) Supervisor Gross explained that in May of 1968, the Virginia Department of Transportation (VDOT) accepted construction of a new interchange at Little River Turnpike and then-identified Interstate Highway Route 95 (now I-395). She said that the project included VDOT's purchase of right-of-way for Oasis Drive and Bragg Street, but VDOT apparently did not properly submit these two secondary roads for inclusion into the secondary road system, even though it executed Certificates of Take. The problem recently discovered by VDOT and County Department of Transportation staff is that the Board was never asked for a resolution to include in the package for submission to Richmond.

So, 40 years late, Supervisor Gross moved adoption of the Resolution regarding Oasis Drive and Bragg Street (copies of which were distributed to the Board), so that the package can be submitted once again to VDOT headquarters in Richmond, and the file can be closed on this "historic" improvement. Chairman Bulova seconded the motion, which 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.

34. **POLICE ASSOCIATION REQUEST TO PLEDGE COUNTY LEASE AS SECURITY FOR LOAN** (12:38 p.m.)

Supervisor Gross stated that on July 5, 1977, the Board authorized a lease with the Fairfax County Police Association for a 7.66 acre parcel of County-owned land located at 5625 Revercomb Court, Fairfax Virginia, (a portion of Tax Map Number 101-((1))-67-4), for use as meeting rooms, administrative offices, and athletic facilities. The lease, as subsequently amended on August 12, 1977, and June 7, 1993, is for a term that, at the Police Association's option, may be extended until June 1, 2038. Although rent is nominal at \$1.00 per year, the Police Association is responsible for all costs associated with the facility, including construction, maintenance, and repair.

The Police Association currently has a loan with M&T Bank that is secured on the Police Association's leasehold interest which was initially obtained to finance construction of improvements to the facility. A balloon payment is now due on the loan in the amount of approximately \$182,000, which the Police Association wishes to refinance with a loan for \$180,000 from Branch Banking and Trust Company (BB&T). The new loan will be at a substantially reduced interest rate of 4.1 percent, fully amortized over just seven years. As a condition of making the loan, the bank is requiring the Board to enter into an agreement to permit the Police Association's leasehold interest to be pledged as security.

Under the proposed agreement, if the Police Association were to default on the loan, the bank would have a right to take over the remainder of the leasehold term for the facility. This security arrangement is similar to previous financing that the Board has approved for the Police Association in 1979, 1993, and 2004.

To enable the Police Association to refinance its existing loan on County- leased property at 5625 Revercomb Court (a portion of Tax Map Number 101-((1))-67-4), Supervisor Gross moved that the Board authorize the County Executive to enter into an agreement on behalf of the Board with BB&T and the Fairfax County Police Association, Incorporated to permit the Police Association to pledge its leasehold interest in the Police Association facility to the bank as security for a loan to the Police Association in the amount of \$180,000. Supervisor Herrity seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Gross noted that this action does not cost the County anything; it is simply a legal transaction necessary for the refinancing.

35. **CONCUSSIONS IN YOUTH SPORTS** (12:41 p.m.)

Supervisor Herrity stated that according to the Centers for Disease Control (CDC) there are over one million reported concussions in the US per year, with around 52,000 deaths resulting from concussion or other Traumatic Brain Injury (TBI) annually.

On April 6 of this year, along with Burke Athletic Club, Supervisor Herrity held a town hall meeting to address the issue of concussions in youth sports to raise awareness and to receive feedback from those involved in the field as well as in youth sports about how to tackle this problem. At the meeting Jon Almquist, the Athletic Training Program Administrator for the School Division, and Bill Curran the Student Activities and Programs Director, explained the great work that their program does in our high schools. They perform baseline testing of the student athletes and education programs with their parents and coaches to better identify concussions that happen in high school sports. This program is highly regarded and the School System should be commended for it.

Since this town hall, Supervisor Herrity met Mr. Almquist and Mr. Curran, several sports clubs, and INOVA to investigate the possibility of providing services similar to the great services provided by the Schools to local sports clubs. This is envisioned as a public-private partnership with very little investment on behalf of the County with very big rewards. The potential for the County to be involved in a concussion public-private partnership has never been greater with the National Football League (NFL), the CDC, and Dick's Sporting Goods all raising awareness and actively tackling this issue head on with funds for programs and awareness advertising over the last few months.

Accordingly, Supervisor Herrity moved that the Board direct staff to investigate the feasibility, cost, and funding sources of making a program similar to FCPS' concussion program available to the many youth clubs and report with its findings. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

36. **REQUEST FOR WAIVER OF SPECIAL PERMIT ZONING FEE (SPRINGFIELD DISTRICT)** (12:44 p.m.)

Supervisor Herrity reported that in September he received a letter from homeowners who had recently completed renovation of their home because a tree fell on it last year. They obtained a permit for the renovation in February and received a final inspection which was approved this past May. The County, however, rescinded the final inspection shortly thereafter because the requirement for a setback certification was not fulfilled.

Supervisor Herrity said that the building permit, which the homeowners displayed onsite, did not list the requirement for setback certification which, according to the County, should be visible on the permit. The building inspector throughout

the entire construction process did not note the requirement or violation. The construction received a final inspection which was approved by the County.

Supervisor Herrity stated that according to the County, the Fairfax Inspections Database Online ("FIDO") made the errors that were responsible for the oversight with regard to the building permit and the inspection. Although the contractor was made aware that the requirement for the setback certification was required, this information was not made available to the homeowners. Furthermore, the County missed several opportunities to make this information available to the homeowners. Because they are in violation, they can either remodel their renovation so that it does not encroach into the minimum required 40 foot front yard or they can seek a reduction of the minimum required yard or an error in building location special permit from the Board of Zoning Appeals (BZA). The special permit requires the submission of an application, plat and fee; notification of adjacent property owners; and, a public hearing before the BZA. According to the Zoning Ordinance, the Board of Supervisors can waive the zoning fee for good cause shown.

Supervisor Herrity said that the contractor, as the homeowners' authorized agent, was obligated to comply with the requirement. He did not fulfill his obligation and did not make this known to the homeowners. Supervisor Herrity asserted that the County, however, compounded this problem because of the errors made during the building permit, construction, and inspection process, and the homeowners relied on this final inspection in making final payment to the contractor. Supervisor Herrity said that the County did not fulfill its requirement for proper notice to the homeowners.

Accordingly, Supervisor Herrity moved that the Board waive the zoning fee associated with the special permit that the homeowners intend to secure from the BZA to either seek a reduction in minimum required yard or error in building location. He noted that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Frey seconded the motion.

Discussion ensued regarding whether the waiver was permitted, with input from Cynthia Tianti, Deputy County Attorney.

Following discussion regarding setting Board guidance for consistency and the cost involved, Supervisor Herrity asked unanimous consent that the Board defer action on his motion until later in the meeting pending cost information. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took action on this matter. See Clerk's Summary Item #38.)

37. **LEGISLATION REGARDING THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) BOARD** (12:50 p.m.)

Supervisor Herrity said that on May 10 of this year, Congressman Frank Wolf (R-10) introduced legislation that would increase representation from Virginia on the MWAA Board from five to nine voting members. In addition, it would have allowed for those members on MWAA to be more easily replaced by those officials that appointed them. The bill would have left the number of MWAA Board members from the District of Columbia and Maryland unchanged.

With both airports under MWAA control located in Northern Virginia, Supervisor Herrity asserted that this makes sense because Virginians, and its taxpayers, are also paying a majority of those costs associated with Dulles rail and should be given adequate representation on the MWAA Board.

Supervisor Herrity expressed his belief that the current composition of the MWAA Board has not served the region well recently as was demonstrated with the Dulles rail project. From the airport station location to the transparency questions, he said that it is clear improvement is needed. This bill is a good first step for Northern Virginia to have a greater say in MWAA while still keeping the regional representation required by Congress.

Accordingly, Supervisor Herrity moved that the Board direct staff to draft a letter to send to the Northern Virginia Congressional Delegation expressing the Board's support for the legislation introduced by Congressman Wolf and encouraging its passage. Supervisor Frey seconded the motion.

Discussion ensued regarding regionalism and relationships with other localities, the legislation, the current composition of the MWAA board, an alternate letter to Congressman Wolf, and the legislative process.

The question was called on the motion, which **FAILED** by a recorded vote of six, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting "AYE," Supervisor Hyland being out of the room.

Supervisor Smyth moved that the Board send a letter to Congressman Wolf expressing appreciation for his efforts in trying to help the Board find a better voice, but that the Board does not think that the legislation achieves that goal. The letter should also note that the Board would like to continue discussion in terms of what can be done to improve the communications within MWAA and how to develop better lines of communication with the localities.

Supervisor Cook seconded the motion with an amendment to change "think" to "know," and this was accepted.

Discussion continued regarding approval of a letter without the exact wording, referral to legislative staff, and deferral until later in the day.

Anthony H. Griffin, County Executive, suggested that staff draft the letter, circulate it to the Board, and have the Board take action on November 1. Supervisor Smyth asked unanimous consent that the Board accept this suggestion. Without objection, it was so ordered.

38. **REQUEST FOR WAIVER OF SPECIAL PERMIT ZONING FEE (SPRINGFIELD DISTRICT)** (1:16 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #36.)

With reference to his motion earlier in the meeting, Supervisor Herrity moved that the Board waive the zoning fee associated with the special permit not to exceed \$1800 that the homeowners intend to secure from the Board of Zoning Appeals to either seek a reduction in minimum required yard or error in building location. He noted that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Foust seconded the motion.

Following clarification that this motion refers to the application fee only, the question was called on the motion, which **CARRIED** by a recorded vote of eight, Supervisor Hudgins voting "NAY," Supervisor Hyland being out of the room.

PMH:pmh

39. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (1:17 p.m.)

Supervisor Cook announced that he had no Board Matters to present today.

40. **NO BOARD MATTERS FOR SUPERVISOR McKAY (LEE DISTRICT)** (1:18 p.m.)

Supervisor McKay announced that he had no Board Matters to present today.

41. **RESTON COMMUNITY CENTER PREFERENCE POLL (HUNTER MILL DISTRICT)** (1:18 p.m.)

(APPTS) Supervisor Hudgins announced that the Reston Community Center has completed the annual preference poll election for its Board of Governors. A total of 1,929 ballots were entered, and nine were ineligible. This represents an increase of 9.7 percent over last year's ballots. The following individuals were elected to serve three year terms on the Reston Community Center Board of Governors: Ms. Cathy Vivona, Ms. Vicky Wingert, and Mr. Bill Penniman. Elected to serve the remaining year of Mr. Colin Mills' term was Mr. John Gasson.

Therefore, Supervisor Hudgins move the following appointments:

- Ms. Cathy Vivona
- Ms. Vicky Wingert
- Mr. Bill Penniman
- Mr. John Gasson

to serve on the Reston Community Center's Board of Governors so that they can be seated at the next meeting. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

42. **HELPING HUNGRY KIDS BACKPACK PROGRAM (HUNTER MILL DISTRICT)** (1:19 p.m.)

Supervisor Hudgins said that the County public school lunch and breakfast programs do a wonderful job providing meals during the school week, but this source of nutrition is not available on the weekends. Connections for Hope has stepped in to help fill this need with the Hungry Kids Backpack Program.

Supervisor Hudgins explained that by partnering with local non-profits and churches, Connections for Hope assists in organizing Friday backpacks stuffed with kid friendly, nutritious food, juices, and snacks for children relying on school food programs. Several schools received these backpacks each Friday throughout the school year. At just one Hunter Mill District school, over 100 children are benefiting from this program.

Supervisor Hudgins said that her office and Connections of Hope are heading a collection effort throughout the month of October to help with this effort. Donation boxes are located at her office, the Reston Community Center, and at Connections for Hope for residents to drop off their donations.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist with publicizing this effort in the local media and on County sites. Without objection, it was so ordered.

43. **INVITATION TO SUSTAINABLE RESTON FORUM (HUNTER MILL DISTRICT)** (1:19 p.m.)

Supervisor Hudgins announced that Saturday, October 22, at 3 p.m., at the Reston Community Center, there will be a Sustainable Reston forum - Reston Moving Forward - and Michael Shuman will be the speaker.

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

44. **FOLKSTONE DRIVE TRAFFIC CALMING (SULLY DISTRICT)**
(1:20 p.m.)

Supervisor Frey said that at the September 27 Board meeting the Board approved traffic calming measures for Folkstone Drive as part of Administrative Item 7. Unfortunately the language describing the devices incorrectly referenced two speed tables when the plan approved by the community was for two speed **humps**.

Therefore, Supervisor Frey moved that the Board direct staff to correct the language. He noted that the estimated cost for the two speed humps is \$12,000, a \$2,000 reduction from the estimated cost of the two speed tables. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

45. **NATIONAL ANIMAL SHELTER APPRECIATION WEEK** (1:21 p.m.)

Supervisor Frey referred to his written Board which outlined some of the accomplishments of the County Animal Shelter over the last few years.

Therefore, Supervisor Frey asked unanimous consent that the Board:

- Designate November 6-12, 2011, as “*National Animal Shelter Appreciation Week,*” in Fairfax County.
- Direct that staff from the Animal Shelter be invited to appear before the Board on November 1, to be recognized for their service.

Without objection, it was so ordered.

46. **CENTREVILLE DAY (SULLY DISTRICT)** (1:22 p.m.)

Supervisor Frey announced that this year Centreville Day returns to the Centreville Historic District. It will take place on Saturday, October 22. The Friends of Historic Centreville is sponsoring Centreville Day, a family event with the purpose of building community spirit in Centreville. The festivities will include a parade, live entertainment, crafters, local businesses, community groups food vendors, children’s activities, and tours of the Historic District. Also because this year’s event is close to Halloween, there will be several Halloween themed activities.

The Friends of Historic Centreville is a non-profit organization, and this year the proceeds from the event will go towards restoring the Historic District and other charitable causes.

In the interest of maximizing the benefits from this event, Supervisor Frey moved that the Board direct staff to waive the fees for the trash disposal and ask that staff work with AAA Recycling and Trash, who will be providing trash removal for the event, to ensure the fee is waived for whichever date they take the trash following the event. Supervisor Cook and Supervisor Herrity jointly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

47. **STORMWATER MANAGEMENT AGREEMENTS (SULLY DISTRICT)**
(1:24 p.m.)

Supervisor Frey said that he recently met with the residents of Marion Woods, a Sully District community which was zoned in 1980. The subdivision plan was approved in 1994 and homes were occupied in 1996. For a variety of reasons, the developer did not complete the community until 2008, at which time the bonds were released.

Shortly prior to bond release, the community was informed that the onsite stormwater pond was designed and approved as a wet pond, although it had not been functioning as a wet pond. As part of the bond release, the developer was required to modify the pond to ensure that it would function as designed.

According to original purchasers who had reviewed the County's agreements, at least some of the residents relied upon the distinction between "detention" and "retention" to determine that the pond would be a dry facility. Unfortunately, the residents report that the words had been, and perhaps still are being, used interchangeably.

Stormwater management agreements and developer default agreements are complex and may not receive the scrutiny that has become necessary to be understood by citizens during a real estate transaction. At the suggestion of the residents of Marion Woods, to minimize the risk of the type of confusion occurring in the future, Supervisor Frey moved that the Board direct staff to review the Public Facilities Manual (PFM), the Zoning Ordinance, development agreements, and other pertinent documents to ensure that the County consistently differentiates between "stormwater detention" and "stormwater retention" when referring to dry and wet ponds. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

48. **REQUEST TO RECOGNIZE THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR ITS QUICK RESPONSE TO REPAIR THE GILES RUN BRIDGE AND FOR REOPENING LORTON ROAD AHEAD OF SCHEDULE (MOUNT VERNON DISTRICT)** (1:27 p.m.)

On behalf of Supervisor Hyland, who left the meeting for an appointment, Supervisor McKay said that on September 8, Tropical Storm Lee caused

floodwaters that washed away the Giles Run Bridge wing walls and severely damaged the approaches to the bridge. Immediately, Lorton Road was closed for an expanse of eight miles, detouring approximately 6,000 automobiles daily.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Chairman, on behalf of the Board, to send a letter of appreciation to Garrett Moore, the VDOT District Manager, expressing its profound thanks to him and his staff for all of the work related to the September 8 storm. Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the letter also note the outstanding job done by VDOT regarding the damage to Hillside Drive. Without objection, it was so ordered.

49. **AUTHORIZATION OF LORTON VALLEY III, LLC (MOUNT VERNON DISTRICT)** (1:29 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay said that Lorton Valley III, LLC seeks to rezone tax map parcel 107-4 ((1)) 98 and 98A from the R-1 District to PDH District. The application involves extending the terminus of Sanger Street (Route 747) and parts of its right of way, which is owned by the Board, further south to access the parcels.

Therefore, Supervisor Hyland moved that the Board authorize the filing of a rezoning application on tax map parcels 107-4 ((1)) 98 and 98A including the Board's right-of-way for Sanger Street (Route 747) as identified in the pending rezoning application. As is always the case, approval of this motion shall not prejudice the review of the pending rezoning application. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

50. **CROSS COUNTY TRAIL DAMAGE** (1:30 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay said that the historic floods of September washed out several sections of the Cross County Trail. Park Authority staff has taped off these sections to warn trail users of the dangerous conditions.

Therefore, Supervisor McKay asked unanimous consent that the Board send a letter to the Park Authority Board Chairman requesting information on the trail closures, estimated cost of repair, and a timeline for construction so that Board Members may share this information with their constituents. Without objection, it was so ordered.

51. **TRAFFIC BACKUPS AT THE RICHMOND HIGHWAY, BACKLICK ROAD, AND GUNSTON ROAD INTERSECTION (MOUNT VERNON DISTRICT)** (1:30 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay noted that in the afternoons, Richmond Highway southbound regularly experiences significant traffic backups. It appears that the signal light timing is not optimum to allow the mass exodus from the Richmond Highway corridor and from Fort Belvoir.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Department of Transportation (DOT) to speak with the Virginia Department of Transportation (VDOT) to optimize the light signalization to minimize further traffic jams in the area of Route 1, Backlick Road, and Gunston Road. Without objection, it was so ordered.

52. **RECESS/CLOSED SESSION** (1:31 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. Approval of Settlement of Rental Dispute with Verizon Wireless for Telecommunications Facilities Site Leases
 2. *Xuli Zhang v. Police S. Regan and Police PEC [sic] M. Green*, Case No. 11-2013 (U. S. Ct. of App. for the Fourth Cir.)
 3. *Elena Norfolk v. Detective Douglas Middlebrooks*, Case No. CL-2010-0013912 (Fx. Co. Cir. Ct.)

4. *SCI Virginia Funeral Services, Inc. v. Eileen M. McLane, Fairfax County Zoning Administrator*, Record No. 111227 (Va. Sup. Ct.) (Providence District)
5. *Eileen M. McLane, Fairfax County Zoning Administrator v. John D. Cooper*, Case No. CL-2011-0008291 (Fx. Co. Cir. Ct.) (Springfield District)
6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gary Steven Pisner*, Case No. CL-2010-0002555 (Fx. Co. Cir. Ct.) (Springfield District)
7. *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)
8. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mohammad Koohkan*, Case No. CL-2011-0009049 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Reliance Lending, Inc.*, Case No. CL-2011-0009323 (Fx. Co. Cir. Ct.) (Springfield District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maritza Rodriguez and Virgilio Hernandez*, Case No. CL-2009-0013204 (Fx. Co. Cir. Ct.) (Mason District)
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul J. Gayet, Trustee of the Gayet Living Trust*, Case No. CL-2010-0011467 (Fx. Co. Cir. Ct.) (Mason District)
12. *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)

13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Khanh Quach and Dao Tran*, Case No. CL-2010-0014970 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thomas L. Smith and Leanne D. Smith*, Case No. CL-2011-0011317 (Fx. Co. Cir. Ct.) (Braddock District)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oscar S. King*, Case No. CL-2011-0008340 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carlos C. Cadenas and Leda S. Cadenas*, Case No. CL-2011-0007876 (Fx. Co. Cir. Ct.) (Mason District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Lagarteria and Maria A. Lagarteria*, Case No. CL-2007-0014790 (Fx. Co. Cir. Ct.) (Mason District)
19. *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)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kenneth O. King and Doris F. King*, Case No. CL-2011-0008341 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose I. Pardo and Hilda C. Pardo*, Case No. CL-2011-0006092 (Fx. Co. Cir. Ct.) (Lee District)

22. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George G. Van Massenhove, Suzy E. Van Massenhove, and The Suzy E. Van Massenhove Trust*, Case No. CL-2011-0006000 (Fx. Co. Cir. Ct.) (Mason District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ashton D. Berry*, Case No. CL-2011-0007765 (Fx. Co. Cir. Ct.) (Providence District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Milton R. Ortega*, Case No. CL-2011-0009857 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Martin M. Yapur and Elizabeth Corvera Acha*, Case No. CL-2011-0005132 (Fx. Co. Cir. Ct.) (Mason District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. E. Virginia Aguilar*, Case No. CL-2011-0005997 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. L Parkway, LC*, Case No. CL-2011-0006976 (Fx. Co. Cir. Ct.) (Dranesville District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Steven A. Weisberger and Carol L. Weisberger*, Case No. CL-2011-0009052 (Fx. Co. Cir. Ct.) (Sully District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noel J. Gueugneau*, Case No. CL-2011-0006975 (Fx. Co. Cir. Ct.) (Mason District)

30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Parrish and Maria P. Tungol*, Case No. CL-2011-0009121 (Fx. Co. Cir. Ct.) (Lee District)
31. *Fleet Properties, Inc., v. Board of Zoning Appeals of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2009-0013125; *Eileen M. McLane, Fairfax County Zoning Administrator v. Fleet Properties, Inc.*, Case No. CL-2010-0010676 (Fx. Co. Cir. Ct.) (Providence District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johan Cardenas Lanchipa and Carlota Lanchipa*, Case No. CL-2011-0004000 (Fx. Co. Cir. Ct.) (Providence District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sparrowen, LLC*, Case No. CL-2011-0013081 (Fx. Co. Cir. Ct.) (Mount Vernon District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richart Ordonez, Ruben Ordonez, and Roberto Ordonez*, Case No. CL-2011-0013080 (Fx. Co. Cir. Ct.) (Mason District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young Ho Kim and Wulsoon Kim, Trustees of the Kim Living Trust*, Case No. CL-2011-0013420 (Fx. Co. Cir. Ct.) (Mason District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gail K. Etherton and Debora S. Etherton*, Case No. CL-2011-0013547 (Fx. Co. Cir. Ct.) (Springfield District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rudy A. Urrutia, Sandra C. Urrutia, Adolfo Urrutia, and Jose Urrutia*, Case

- No. CL-2011-0013511 (Fx. Co. Cir. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonidas Soto*, Case No. CL-2011-0013510 (Fx. Co. Cir. Ct.) (Mason District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dohee R. Kim*, Case No. CL-2011-0013642 (Fx. Co. Cir. Ct.) (Braddock District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose E. Lainez*, Case No. CL-2011-0013803 (Fx. Co. Cir. Ct.) (Mason District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bachtuyet Nguyen and Anh T. Nguyen*, Case No. CL-2011-0013840 (Fx. Co. Cir. Ct.) (Mason District)
42. *County of Fairfax v. Robert Dale Scrimshaw*, Case Nos. GC11-0181818 and GC11-0181820 (Fx. Co. Gen. Dist. Ct.) (Lee District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald S. Evans*, Case Nos. GV11-0011614 and GV11-0011615 (Fx. Co. Gen. Dist. Ct.) (Lee District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thanh M. Tran, Hanh D. Nguyen, Cuong M. Tran, and My Lien Thi Cao*, Case Nos. GV11024608 and GV11024609 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- Discussions under Virginia Code Section 2.2-3711 (6)

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

DAL:dal

At 4:16 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hudgins and Supervisor Hyland, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

53. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:16 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 McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins and Supervisor Hyland being out of the room.

54. **APPOINTMENT OF MR. TOM BIESIADNY TO THE POSITION OF DIRECTOR, DEPARTMENT OF TRANSPORTATION** (4:17 p.m.)

Supervisor Gross moved the appointment of Mr. Tom Biesiadny to the position of Director, Department of Transportation, with an annual salary of \$147,270 effective October 24, 2011. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

55. **SETTLEMENT OF DISPUTE WITH VERIZON WIRELESS** (4:18 p.m.)

Supervisor Herrity moved that the Board approve the settlement of the dispute with Verizon Wireless concerning annual rental adjustments for certain telecommunications facilities leases for the reasons outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTER

56. **ABSENCE OF HUNTER MILL DISTRICT SUPERVISOR HUDGINS AND MOUNT VERNON DISTRICT SUPERVISOR HYLAND** (4:18 p.m.)

Chairman Bulova announced that:

- Supervisor Hudgins was not present this afternoon because she was representing the Board on "Rail~Volution," and would not be returning to the meeting.
- Supervisor Hyland had a doctor's appointment and might return later in the meeting.

EBE:ebe

AGENDA ITEMS

57. **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 89-D-001-02 (THE EAGLE FAMILY LTD PARTNERSHIP, CHARLOTTE FREDETTE SMITH EAGLE, FREDERICK SMITH TRUST UNDER WILL FOR THE BENEFIT OF CHARLOTTE FREDETTE SMITH EAGLE) (DRANESVILLE DISTRICT)** (4:19 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, 2011.

The application property is located at 8008 Georgetown Pike, McLean, 22102, Tax Map 20-2 ((1)) 8Z, 13Z, 14Z, 16 and 48Z; 20-2 ((13)) 4Z and 5Z.

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

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

Supervisor Foust moved approval of Agricultural Renewal Application AR 89-D-001-02, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Eagle Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 13, 2011. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hudgins and Supervisor Hyland being out of the room.

58. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-MA-015 (QUARLES PETROLEUM INCORPORATED) (MASON DISTRICT)** (4:23 p.m.)

The application property is located at Shirley Industrial Park, Lot 38A, Tax Map 80-2 ((1)) 38A.

Mr. Mark Jenkins reaffirmed the validity of the affidavit for the record.

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

A brief discussion ensued, with input from Mr. Jenkins, regarding the maintenance of a self-serve facility and the need for regular oversight and maintenance.

Mr. Jenkins 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. Horner presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2010-MA-015, subject to the development conditions dated September 29, 2011.
- Waiver of additional Standard A, Section 9-505 of the Zoning Ordinance, which requires the use be an integral design element of the site plan for an industrial building requirement, in favor of that depicted on the Special Exception plat and as conditioned.
- Waiver of additional Standard D of Section 9-505 of the Zoning Ordinance, which requires that a building permit shall not be approved unless the related industrial building permit has been approved.

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

59. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2009-MA-011 (BILL PAGE PLAZA, LLC) (MASON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-M-039-02 (BILL PAGE PLAZA, LLC) (MASON DISTRICT)

(4:30 p.m.)

- (O) The Proffered Condition Amendment Application PCA 2009-MA-011 property is located in the southwest quadrant of the intersection of Arlington Boulevard and Annandale Road, Tax Map 50-4 ((1)) 6 and 7; 50-4 ((17)) H and H1.

The Special Exception Amendment Application SEA 95-M-039-02 property is located at 3008, 3080 and 3040 Annandale Road, and 6715 Arlington Boulevard, Falls Church, 22042, Tax Map 50-4 ((1)) 6 and 7; 50-4 ((17)) H and H1.

Mr. Shane Murphy reaffirmed the validity of the affidavit for the record.

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

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

Discussion ensued, with input from Mr. Murphy, regarding the installation of two small signs identifying Tripps Run to make it visible and why a trail was not required along Tripps Run.

Supervisor Gross stated that she had items for the record.

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

Supervisor Gross disclosed that she bought her cars from the applicant.

Supervisor Gross moved:

- Approval of Proffered Condition Amendment Application PCA 2009-MA-011, subject to the proffers dated October 5, 2011.
- Approval of Special Exception Amendment Application SEA 95-M-039-02, subject to the development conditions dated October 4, 2011.
- Modification of the transitional screening requirement and a waiver of the barrier requirement, in favor of the treatment depicted on the Generalized Development Plan (GDP) Special Exception Amendment (SEA) plat.
- Reaffirmation of the waiver of the service drive requirement along Route 50, in favor of that shown on the GDP/SEA plat.
- Reaffirmation of the waiver of the on-road bike lane along Route 50.
- Reaffirmation of the waiver of the minor paved trail along Tripps Run.
- Reaffirmation of the waiver of the peripheral parking lot landscaping adjacent to Parcel 50-1 ((17)) G.

- Reaffirmation of the modification of the peripheral parking lot landscaping along Route 50.

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

60. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-LE-008 (LOISDALE 24, LLC) (LEE DISTRICT)** (4:43 p.m.)

Supervisor McKay moved to defer the public hearing on Rezoning Application RZ 2011-LE-008 until **November 1, 2011, at 3:30 p.m.** Chairman Bulova and Supervisor Herrity jointly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

61. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2008-MD-034 (METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (HUNTER MILL AND PROVIDENCE DISTRICTS)** (4:44 p.m.)

Supervisor Smyth moved to defer the public hearing on Special Exception Amendment Application SEA 2008-MD-034 until **November 1, 2011, at 4 p.m.** Supervisor Foust and Supervisor Gross jointly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

62. **4 P.M. – PH ON REZONING APPLICATION RZ 2011-SU-006 (LANDMARK ATLANTIC DEVELOPMENT, LLC) (SULLY DISTRICT)** (4:44 p.m.)

- (O) The application property is located on the east side of Stone Road approximately 100 feet north of its intersection with Battery Ridge Lane, Tax Map 54-3 ((2)) 61 and 61C.

Mr. John Thillmann reaffirmed the validity of the affidavit for the record.

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

- Mr. Scott M. Herrick, Landmark Development, LLC, through Fleetwood Management, which is not a party to this application

- Mr. John Thillmann, Landmark Development, LLC

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

- Mr. John Thillmann, Landmark Development, LLC

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

- Mr. John Thillmann, Landmark Development, LLC

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

- Mr. Scott M. Herrick, Landmark Atlantic Development, LLC
- Mr. John Thillmann, Landmark Development, LLC

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

- Mr. Scott M. Herrick, Landmark Atlantic Development, LLC*
- Mr. John Thillmann, Landmark Development, LLC

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

- Mr. Scott M. Herrick, Landmark Atlantic Development, LLC, through Cherokee Management

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

- Mr. Scott M. Herrick, Landmark Atlantic Development, LLC, through Columbia Pike Associates, which is not a party to this application

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

- Mr. Scott M. Herrick, Landmark Atlantic Development, LLC, through Cherokee Management, which not a party to this application

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

- Mr. Scott M. Herrick, Landmark Atlantic Development, LLC, through Cherokee Management.

*Supervisor Foust stated that the contribution he had received from Mr. Herrick was through Cherokee Management, which is not a party to this application.

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

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

Following the public hearing, which included testimony by one speaker, Ms. Zottl 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-006, from the R-1 and WS Districts to the PDH-8 and WS Districts, subject to the proffers dated October 18, 2011. Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins and Supervisor Hyland being out of the room.

Supervisor Frey moved:

- Approval of a waiver of the minimum district size required per the Zoning Ordinance, Section 6-207.
- That the Board direct the Director of the Department of Public Works and Environmental Services (DPWES) to grant a deviation of the tree preservation target area as required in PFM Section 12-0507.1.
- Approval of a modification of Section 10-104 (3) of the Zoning Ordinance to allow a maximum eight-foot tall fence along the western property line.
- Approval of a modification of the transitional screening 1 requirement between the attached and detached units on the subject property in favor of that shown on the CDP/FDP.

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

(NOTE: On September 29, 2011, the PC approved Final Development Plan Application FDP 2011-SU-006.)

(NOTE: Later in the meeting, a correction was made to the affidavit date for this application. See Clerk's Summary Item #65.)

63. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 96-B-010-02 (TRINITY CHRISTIAN SCHOOL) (BRADDOCK DISTRICT)** (5:08 p.m.)

The application property is located at 11204 Braddock Road, Fairfax, 22030, Tax Map 56-4 ((12)) A1 and 68-1 ((1)) 1B.

Ms. Sarah Hall reaffirmed the validity of the affidavit for the record.

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

Ms. Hall 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.

Chairman Bulova acknowledged the presence of Headmaster David Vanderpoel, Ms. Debra Walney, and other members from Trinity Christian School and, on behalf of the Board, warmly welcomed them to the Board Auditorium.

Supervisor Gross submitted items for the record.

Supervisor Smyth stated that she had submitted items for the record.

Chairman Bulova submitted items for the record.

Supervisor Herrity stated that he had submitted items for the record in support of the application.

Supervisor Foust stated that he had items in support of the application for the record.

Supervisor Cook submitted items for the record in support of the application.

Supervisor Cook submitted items for the record on behalf of Supervisor Frey.

Supervisor McKay stated that he had items for the record in support of the application.

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

Supervisor Cook moved:

- Approval of Special Exception Amendment Application SEA 96-B-010-02, subject to the development conditions dated September 9, 2011.
- Waiver of the barrier requirement along all property lines in favor of that shown on the SEA plat.
- Modification of the transitional screening requirement along all property boundaries in favor of that shown on the SEA plat.
- That the Board direct the Director of the Department of Public Works and Environmental Services to waive the requirement for interparcel access to Forest Drive.

Supervisor Frey seconded the motion.

Following a brief discussion regarding the facility, the question was called on the motion, and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

64. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO AMEND THE PARKING RESTRICTION TIME OF THE NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)** (5:20 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, 2011.

Hamid Majdi, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, amending the parking restriction time of the NVCC RPPD, District 39, from 7 a.m. – 7 p.m. Monday through Friday to 7 a.m. – 8:30 p.m. Monday through Friday. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and

Chairman Bulova voting “AYE,” Supervisor Hudgins and Supervisor Hyland being out of the room.

65. **CORRECTION FOR REZONING APPLICATION RZ 2011-SU-006 (LANDMARK ATLANTIC DEVELOPMENT, LLC) (SULLY DISTRICT)**
(5:31 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding this item. See Clerk’s Summary Item #62.)

Chairman Bulova recalled the public hearing on Rezoning Application RZ 2011-SU-006 to correct the date of the affidavit. The representative for the applicant, Mr. John Thillmann, reaffirmed the affidavit dated **August 16, 2011**, instead of August 18, 2011, as previously stated.

66. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)**
(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, 2011.

Hamid Majdi, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the NVCC RPPD, District 39. The proposed District expansion includes the following street blocks:

- Briar Creek Drive from Wakefield Chapel Road to Stone Gate Drive
- Stone Gate Drive from Briar Creek Drive to Random Court
- The Midway from Duncan Drive to the west end
- Saint Jerome Drive from The Midway to the end

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

67. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE McLEAN RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 21 (DRANESVILLE DISTRICT)** (5:42 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, 2011.

Hamid Majdi, Transportation Planner, Department of Transportation, presented the staff report.

Chairman Bulova submitted items for the record.

Following the public hearing, Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the McLean RPPD, District 21. The proposed District expansion includes the following street blocks:

- Warner Avenue from Kurpiers Court to Westbury Road
- Warner Avenue east side only from Westbury Road to the north end
- Westbury Road from Warner Avenue to the west end

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

68. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2009-SU-020 (PENDER, LLC) (SULLY DISTRICT)** (5:44 p.m.)

- (O) The application property is located in the northwest quadrant of the western intersection of Lee Jackson Memorial Highway and Fair Ridge Road, Tax Map 46-3 ((1)) 15A3.

Ms. Vanessa Ryan Kennedy reaffirmed the validity of the affidavit for the record.

Brent M. Krasner, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

- Atlantic Realty Associates, Incorporated
- Mr. Stanley M. Barg, Agent for Pender, LLC, the Applicant/title Owner, and sole owners of Atlantic Realty Associates, Incorporated, which is not a party to this application
- Mr. David A. Ross, Agent for Pender, LLC, the Applicant/title Owner, and sole owners of Atlantic Realty Associates, Incorporated, which is not a party to this application

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

- Mr. David A. Ross
- Mr. Stanley M. Barg

Ms. Kennedy 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. Krasner presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Proffered Condition Amendment Application PCA 2009-SU-020, subject to the proffers dated September 12, 2011.
- Reaffirmation of the waiver of the transitional screening and barrier requirements to the west and south in favor of that shown on the Final Development Plan Amendment (FDPA) Application.
- Reaffirmation of the waiver of the service drive requirement along Route 50.

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

69. **4:30 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON RESTON AVENUE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (HUNTER MILL DISTRICT)** (5:50 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, 2011.

Steven Knudsen, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, a brief discussion ensued, with input from Mr. Knudsen, regarding whether the County has the right to prohibit emergency vehicles from using the road.

Supervisor Gross asked unanimous consent that the Board direct staff to review this issue with the Virginia Department of Transportation and provide information to the Board. Without objection, it was so ordered.

On behalf of Supervisor Hudgins, Supervisor Gross moved adoption of the Resolution restricting through truck traffic on Reston Avenue between Leesburg Pike and Wiehle Avenue, as part of RTAP. Supervisor McKay seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Herrity, Supervisor Hudgins and Supervisor Hyland being out of the room.

70. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO AMEND THE LARGE AREA COMMUNITY PARKING DISTRICTS (CPD) TO REFLECT 2011 REDISTRICTING OF ELECTION/MAGISTERIAL DISTRICTS** (5:58 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, 2011.

Janet Nguyen, Transportation Planner, Department of Transportation, presented the staff report.

Discussion ensued, with input from Ms. Nguyen, regarding what happens to communities no longer affected by the parking districts as a result of redistricting.

Following the public hearing, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, amending the large area CPDs, to reflect redistricting in the large area Lee, Mount Vernon,

Springfield, and Reston CPDs, to reflect the new 2011 election Magisterial district boundaries in accordance with current CPD restrictions. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins and Supervisor Hyland being out of the room.

71. **4:30 P.M. – PH ON ENDORSEMENT OF THE FISCAL YEAR (FY) 2013 VIRGINIA DEPARTMENT OF TRANSPORTATION’S (VDOT) ENHANCEMENT PROGRAM PROJECT APPLICATIONS** (6:01 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, 2011.

Kenneth Kanownik, Transportation Planner, Coordination and Funding Division, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor McKay moved that the Board:

- Endorse the enhancement projects for which applicants have identified a funding source for the required minimum 20 percent match.
- Direct the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board.

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

72. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE SUNSET MANOR RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 18 (MASON DISTRICT)** (6:04 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, 2011.

Hamid Majdi, Transportation Planner, Department of Transportation, presented the staff report.

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, Appendix G, expanding the Sunset Manor RPPD, District 18.

The proposed district expansion includes Scoville Street from Paul Street to Dannys Lane. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins and Supervisor Hyland being out of the room.

73. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE ZION COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)**
(6:07 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, 2011.

Maria Turner, Transportation Planner, Department of Transportation, presented the staff report.

Chairman Bulova submitted items for the record.

Following the public hearing, which included testimony by three speakers, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Zion CPD, in accordance with current CPD restrictions. The Zion CPD will encompass:

- Berrywood Court, from Grovewood Way to cul-de-sac east and west inclusive
- Brigantine Way, from Zion Drive to cul-de-sac inclusive
- Burke Chase Court, from Zion Drive to cul-de-sac inclusive
- Grovewood Way, from Zion Drive to Berrywood Court
- Hilliard Lake Road, from Zion Drive to cul-de-sac inclusive
- Hollie Bowling Lane, from Burke Chase Court to the end
- Kennington Place, from Grovewood Way to cul-de-sac inclusive
- Zion Drive, from Jib Lane to Guinea Road

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

74. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:18 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, 2011.

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

The public hearing was called and there were no speakers.

75. **BOARD ADJOURNMENT** (6:18 p.m.)

The Board adjourned.

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