



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 13, 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, September 13, 2011, at 9:40 a.m., there were present:

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

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:41 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family and coworkers of William (Bill) A. McClintock, Jr. who worked in the Department of Tax Administration, Office of Delinquent Collections. He died on August 12, 2011, after collapsing at work.

Supervisor Hudgins said that Hunter Mill was particularly hard hit by last week's storm which resulted in the death of two residents and asked everyone to keep in thoughts the families of:

- 12 year old Jack Donaldson of Vienna, who died after being swept into the swift waters of Pine Branch Creek behind his house. There are blue ribbons displayed around town as residents remember Jack and his family.
- Mr. Arsalan (Sam) Hakimi of Reston, who was on his way to visit his grandchildren when his car was washed downstream near Beach Mill Road in Great Falls.

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Galo Sebastian Salvador Vinueza of Lorton who died while attempting to assist his stranded wife and was swept away on a flooded bridge.

Supervisor Hyland also commended the efforts of firefighters who helped save lives by rescuing people from flooded homes and basements.

Supervisor Herrity asked everyone to keep in thoughts the 38 servicemen who were killed in a downed helicopter in Afghanistan last month, and in particular the family of Navy Seal Aaron Carson Vaughn, who was a Burke resident and leaves behind his wife Kimberly, a son, and a daughter.

Supervisor Herrity also asked everyone to keep in mind all the men and women who are still serving the country overseas and pray for their safe return.

Supervisor McKay asked everyone to keep in thoughts the family of Mr. Jeffrey M. Todd, who died after a tragic car accident on July 31, 2011. Mr. Todd was a giant in the civic community in the Lee and Mount Vernon Districts, supporting the schools, human service agencies, and non-profits. He was the chair of the Mount Vernon-Lee Chamber of Commerce. He leaves behind a wife and two young daughters and the whole community, especially the Mount Vernon High School football team.

AGENDA ITEMS**2. PRESENTATION TO THE COUNTY BY THE NATIONAL WILDLIFE FEDERATION (NWF) (9:46 a.m.)**

Ms. Roxanne Paul, NWF, presented certificates to the County of its certification and award as a Community Wildlife Habitat by the NWF. Chairman Bulova and Supervisor Gross accepted the certificates on behalf of the County.

3. RECOGNITION OF COUNTY PROGRAMS THAT WON 2011 ACHIEVEMENT AWARDS FROM THE NATIONAL ASSOCIATION OF COUNTIES (NACo) (9:53 a.m.)

Chairman Bulova recognized the following County programs and agencies that won the 2011 Achievement Awards from NACo:

- Community Services Board Infant/Toddler Connection, Neighborhood and Community Services – Pathway to Preschool
- Libraries – An American Future: Service Opportunities for Immigrant Youth
- Juvenile and Domestic Relations Courts – Creative Corner
- Department of Finance – AEDcheck
- Police Department Animal Control – Deer Management Program
- Department of Housing – Housing Blueprint
- Neighborhood and Community Services – Burke-West Springfield Senior Center Without Walls

4. PROCLAMATION DESIGNATING SEPTEMBER 2011 AS "EMERGENCY PREPAREDNESS MONTH" IN FAIRFAX COUNTY (10:06 a.m.)

Supervisor McKay moved approval of the Proclamation to designate September 2011 as "*Emergency Preparedness Month*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

5. CERTIFICATES OF RECOGNITION PRESENTED TO RESIDENTS AND BUSINESSES (10:24 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificates of Recognition presented to residents and businesses

that have made properties for training available to County public safety workers. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2011, AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY** (10:30 a.m.)

Supervisor Gross moved approval of the Proclamation to designate September 15–October 15, 2011, as "*Hispanic Heritage Month*" in Fairfax County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING SEPTEMBER 26, 2011, AS "MESOTHELIOMA AWARENESS DAY" IN FAIRFAX COUNTY** (10:39 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate September 26, 2011, as "*Mesothelioma Awareness Day*" in Fairfax County. Supervisor Smyth seconded the motion and it carried by unanimous vote.

More information on Mesothelioma can be found at www.curemeso.org.

8. **PROCLAMATION DESIGNATING AUGUST 11, 2011, AS "BEN ETTLEMAN DAY" IN FAIRFAX COUNTY** (10:48 a.m.)

Supervisor Hyland moved approval of the proclamation to designate August 11, 2011, as "*Ben Ettleman Day*" for his commitment to the County and the occasion of his ninetieth birthday. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room. Supervisor Hyland read the proclamation that was entered into the Congressional Record.

9. **RESOLUTION OF RECOGNITION PRESENTED TO MR. VINCENT J. BOLLON** (11:01 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to Mr. Vincent J. Bollon for his years of service and contributions to the County. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

ADDITIONAL BOARD MATTER10. **INTRODUCTION OF NEW STAFF AND INTERN (CHAIRMAN'S OFFICE)** (11:10 a.m.)

Chairman Bulova introduced Emily Tavino, Staff Aide in the Chairman's Office. She is a recent graduate from the College of William and Mary with a degree in Government. She also introduced Teri Mayes, an intern and senior at George Mason University studying Public Administration. On behalf of the Board, Chairman Bulova warmly welcomed them to the Board Auditorium.

AGENDA ITEMS11. **10:30 A.M. – PRESENTATION OF THE VOLUNTEER FIRE AND RESCUE SERVICE AWARDS** (11:11 a.m.)

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

- Volunteer Firefighter of the Year – Daniel Sweet, Dunn Loring Volunteer Fire and Rescue Department
- Volunteer Operational Officer of the Year – John Morrison, Vienna Volunteer Fire Department
- Volunteer Rookie of the Year – Natalie Potell, Dunn Loring Volunteer Fire and Rescue Department
- Volunteer Rookie of the Year – Stephen Chen, Franconia Volunteer Fire Department
- Volunteer Basic Life Support Provider – Michael Wendt, Centreville Volunteer Fire Department
- Volunteer Advanced Life Support Provider – Deborah Volker, Franconia Volunteer Fire Department
- Administrative Officer of the Year – Lawrence Reed, Franconia Volunteer Fire Department

- Public Service – Laura Parks, Greater Springfield Volunteer Fire Department

The following individuals received the Special Recognition Award:

- Allan Pearson, Fire and Rescue Department
- Battalion Chief Richard Roatch, Fire and Rescue Department
- Simone Savia, Vienna Volunteer Fire Department

The following individuals received the Unit Citation Award:

- Sandra Belson, Bailey's Crossroads Volunteer Department
- Kevin Holland, Bailey's Crossroads Volunteer Department
- Dennis Corl, Bailey's Crossroads Volunteer Department
- Dave Presson, Bailey's Crossroads Volunteer Department
- Captain II Ramiro Galves, Fire and Rescue Department

The following individual received the Fire Chief's Award:

- Shawn Stokes, Dunn Loring Volunteer Fire and Rescue Department

Clarence Devers, Franconia Volunteer Fire Department, received the Administrative Member of the Year Award, but was unavailable attend.

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12. **10:45 A.M. – PH ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2011 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2012 REVISED BUDGET PLAN** (11:28 a.m.)

(FPR) (SAR) 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 August 26 and September 2, 2011.

Following the testimony of Delegate Scott Surovell (Speaker Five), Supervisor Hyland requested his assistance in procuring State funding for repairs to Lorton Road.

(NOTE: Later in the meeting, the Board took further action regarding Lorton Road. See Clerk's Summary Item #72.)

Following the public hearing, which included testimony by 12 speakers, Supervisor Hyland provided an item for the record.

Discussion ensued regarding funding for the Students on Suspension Program in the schools, with input from Susan W. Datta, Chief Financial Officer.

Chairman Bulova noted that subsequent to the preparation of the Carryover Review, updated information became available concerning these items.

- The Federal Government made changes to the unfunded mandate for enlarged and brighter street signs which had been estimated to cost the County \$1.75 million over the next seven years. The change eliminated the timing requirement associated with the replacement of all County street signs and instead mandated that upgrades be made on a normal replacement cycle. Funding of \$250,000 was included in the Carryover package for the first year of these replacements. As a result of the change, Chairman Bulova proposed that the \$250,000 included in the Carryover package for street sign replacement be redirected to traffic calming to provide staff with the ability to address the traffic calming measures to mitigate the impact of cut through traffic and keep residents safe in their own neighborhoods. The traffic calming measure had previously been funded by the State; however, as part of State reductions, it no longer receives State funding. This funding was previously requested by as possible Consideration Items.
- Potential litigation concerning personal property refunds has been resolved favorably for the County and other jurisdictions statewide. Property owned by Public Service Corporations (PSCs) is assessed by the State for all localities. The PSC litigation involved a major utility company in Virginia, potentially impacted many jurisdictions, over multiple years, for many millions of dollars. On August 23, 2011, the Virginia State Corporation Commission entered the final Orders of Dismissal with Prejudice for the 2009 and 2010 tax appeals. From a legal standpoint, now that the Commission has entered the final Orders of Dismissal, these cases are now deemed concluded with no refund owed by the County. As part of the *FY 2011 Carryover Review*, a Litigation Reserve was included to cover the potential lost revenue and ancillary costs in the Office of the County Attorney totaling \$8,025,000. This funding is now available to the Board, and Chairman Bulova proposed that it be used to both reward employees for their hard work and dedication during these difficult times and to provide some extra flexibility in the development of the FY 2013 budget.

As part of this Carryover package, Chairman Bulova proposed the use of approximately half of the litigation reserve to fund an increase in the Market Rate Adjustment (MRA) for County employees from 1.52 percent to 2 percent. This increase will cost \$3.7 million for a total MRA cost in FY 2012 of \$15.0 million. The pay increase will be effective with the pay period beginning September 24, 2011. She reminded the Board that this will be the first pay increase for employees since FY 2009. The FY 2011 Carryover Review also includes the changes to the County's compensation policies as discussed by the Board's Personnel Committee this spring (single anniversary date, new MRA formula, and changes to the pay for performance range for non-public safety employees pending funding availability in future years).

The balance of the Litigation Reserve, after the adjustment for the MRA and associated Managed Reserve requirement, is \$4.25 million, and this amount would be added to the reserve of \$24.44 million identified by the County Executive in the Carryover Package. As a result of these actions, \$28.69 million is set aside in reserve to address the projected budget shortfall in FY 2013 or for critical requirements in FY 2012 in light of the significant flooding event of September 8, 2011.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved adoption of the Carryover package including Supplemental Appropriation Resolution AS 12010 and Amendment to the Fiscal Planning Resolution AS 12900, including the *FY 2011 Carryover Review* package as presented on July 26, 2011, with updated items as a result of School Board action taken on July 28, 2011, and with the changes to redirect \$250,000 to traffic calming, to eliminate the Litigation Reserve, to increase the MRA to 2 percent at a cost of \$3.7 million, to increase the reserve set aside for FY 2013 by \$4.25 million and to make all required Managed Reserve adjustments.

Supervisor McKay seconded the motion, and discussion ensued regarding requests for higher salary increases for employees, with input from Anthony H. Griffin, County Executive.

Further discussion ensued regarding funding for renovations at Wedgewood Housing and opening the pool to the general public, with input from Paula Sampson, Director, Department of Housing and Community Development.

Discussion of the motion ensued, with input from Mr. Griffin, regarding:

- Additional funding required in response to the critical flooding events
- School Board Auditor
- Additional revenue as a percentage

- Compensation for employees
- Traffic calming
- Non-profit organizations

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

ADDITIONAL BOARD MATTERS

13. **FLOOD DAMAGE CLEAN UP** (1:06 p.m.)

Chairman Bulova noted that her office received a number of calls from residents throughout the County whose basements or homes flooded due to the unrelenting heavy rain that fell last Thursday, September 8. She said that staff has done an admirable job responding to residents in need so far and she called on them again.

To ease the cost burden on residents who have already suffered property damage, Chairman Bulova moved that the Board direct the:

- Department of Public Works and Environmental Services, working in partnership with the County’s private haulers, to provide for the next two weeks special pick-ups and assistance with removing debris and damaged items from homes that were affected by flooding from the recent storm. Residents in need of assistance should contact the Solid Waste Management Program at 703-802-3322.
- Office of Public Affairs to publicize this information.

The second to this motion was inaudible.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the use of funds from the Home Improvement Loan Program (that is not staffed), availability to County residents served by both County and private haulers, and developing the details of the service.

Vice-Chairman Gross clarified that pickup applies to items taken to the curb.

Following a question regarding a range of costs, with input from Mr. Griffin, the question was called on the motion, as clarified, which carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

14. **ORDERS OF THE DAY** (1:12 p.m.)

Chairman Bulova announced that the Board would proceed with Administrative Items and that Board Matters would be presented at the end of the meeting.

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AGENDA ITEMS15. **ADMINISTRATIVE ITEMS** (1:13 p.m.)

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

Supervisor Cook called the Board's attention to Admin 7 – Authorization to Advertise a Public Hearing on Proposed Transportation Enhancement Program Projects and asked unanimous consent that the Board direct staff to review the sediment runoff issue resulting from the high occupancy toll (HOT) lanes construction which is ending up in the Accotink Creek. Following input from Tom Biesiadny, Acting Director, Department of Transportation, without objection it was so ordered.

Supervisor Herrity called the Board's attention to Admin 9 – Streets into the Secondary System (Dranesville, Lee, Mason, and Springfield Districts) and noted that Lee Plaza is now in the Braddock District, and not the Springfield District as listed in the Board Agenda Item.

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

ADMIN 1 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE OFFICE OF JUSTICE PROGRAMS (OJP) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Authorized the FCPD to apply for and accept funding, if received, from the OJP Edward Byrne Memorial Justice Assistance Grant. Funding in the amount of \$110,500 will be used for semi-automatic rifles, weapons of mass destruction detection equipment, and crime analysis program technology improvements.

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (MOUNT VERNON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-V11-23	Sprint Antenna collocation on existing lightpole/monopole 2709 Popkins Lane Bryant Alternative High School Mount Vernon District	November 13, 2011
FSA-S00-94-1	AT&T Mobility Antenna collocation on existing monopole 9509 Old Burke Lake Road Burke Volunteer Fire Department Springfield District	November 17, 2011
2232-P11-11	Washington Metropolitan Area Transit Authority Kiss and ride lot Tysons Corner area – location TBA Providence District	March 13, 2012

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER AMENDING THE PARKING RESTRICTION TIME OF THE NORTHERN VIRGINIA COMMUNITY COLLEGE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2011, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, amending the restriction time of the NVCC RPPD, District 39, to 7 a.m. – 8:30 p.m., Monday through Friday.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER EXPANDING THE NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2011, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the NVCC RPPD, District 39. The proposed expansion would include the following street blocks, which are subject to an RPPD based on their vicinity to the NVCC:

- Briar Creek Drive (Route 4495) from Wakefield Chapel Road to Stone Gate Drive
- Stone Gate Drive (Route 4688) from Briar Creek Drive to Random Court
- The Midway (Route 2454) from Duncan Drive to the west end
- Saint Jerome Drive (Route 2455) from The Midway to the end

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER EXPANDING THE McLEAN RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 21 (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2011, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the McLean RPPD, District 21. The proposed expansion includes the following street blocks which are subject to an RPPD based on their vicinity to McLean High School:

- Warner Avenue (Route 2075) from Kurpiers Court to Westbury Road
- Warner Avenue (Route 2075) east side only from Westbury Road to the north end
- Westbury Road (Route 3237) from Warner Avenue to the west end

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON RESTON AVENUE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2011, at 4:30 p.m.** to consider endorsing the inclusion of Reston Avenue between Leesburg Pike and Wiehle Avenue in the RTAP for a through truck traffic restriction.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 10.)

Authorized the advertisement and posting of a notice of intent to conduct a public hearing to be held before the Board on **October 18, 2011, at 4:30 p.m.** to solicit comments and input on proposed Fiscal Year 2013 Transportation Enhancement Program projects.

ADMIN 8 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Reinstated the following individual, identified with his registration number, as Plans Examiner:

- Gary D. Newlen #155 (Active on 6/23/97 – Inactive on 7/21/08)

ADMIN 9 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, LEE, MASON, AND SPRINGFIELD DISTRICTS)

- (R) (NOTE: Earlier in the meeting, the Board noted a correction to the district location of Lee Plaza. See page 10.)

Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Linway Estates	Dranesville	Linway Terrace (Route 689) [Additional Right-of-Way (ROW) Only]
McLean Cove	Dranesville	Davidson Road (Route 975) (Additional ROW Only)
Ashby Heights	Lee	Telegraph Road (Route 611) (Additional ROW Only)
		Old Telegraph Road (Route 634) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Metro Park Phase Five Part of Lot 2 (Beulah Street Right Turn Lane)	Lee	Beulah Street (Route 613) (Additional ROW Only)
Shurgard Storage Centers, Incorporated	Lee	Holly Hill Road (Route 1408) (Additional ROW Only)
Silver Springs Lot 6A – Chevy Chase Bank	Lee	Franconia Road (Route 644) (Additional ROW Only)
		Gum Street (Route 3567) (Additional ROW Only)
Shirley Industrial Park Parcels V, W-1 and Y (Avis Budget)	Mason	Backlick Road (Route 617) (Additional ROW Only)
		Commercial Drive (Route 4007) (Additional ROW Only)
Lee Plaza 11725 Lee Highway	Braddock	Lee Highway Service Drive (Route 10332) (Additional ROW Only)

16. **A-1 – APPROVAL OF THE FISCAL YEAR (FY) 2012 STATE PERFORMANCE CONTRACT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) AND THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (VDBHDS)** (1:15 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved CSB's acceptance of funds and approved the FY 2012 State Performance Contract with VDBHDS.

17. **A-2 – APPROVAL OF INTERIM CLOSING COST ASSISTANCE PROGRAM FOR PURCHASERS IN THE FIRST-TIME HOMEBUYERS PROGRAM** (1:16 p.m.)

Chairman Bulova announced that this item has been deferred for discussion at the Board's next Housing Committee meeting scheduled for October 4, 2011.

18. **A-3 – ENDORSEMENT OF DESIGN PLANS FOR BRIDGE REPLACEMENT AT BEACH MILL ROAD (ROUTE 603) OVER NICHOLS RUN (DRANESVILLE DISTRICT)** (1:16 p.m.)

Following a brief discussion regarding prioritizing the stream restoration project which is directly under the affected bridge, Supervisor Foust moved that the Board concur in the recommendation of staff and endorse VDOT design plans for the replacement of the superstructure of Beach Mill Road (Route 603) Bridge over Nichols Run, including one 16-foot lane wood deck, generally as presented at the June 27, 2011, public hearing, with the conditions as outlined in the Board Agenda Item dated September 13, 2011. Supervisor Gross seconded the motion and it carried by unanimous vote.

19. **A-4 – PRESENTATION OF THE DELINQUENT TAX LIST FOR TAX YEAR 2010 (FISCAL YEAR 2011)** (1:18 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and directed staff to continue to pursue the collection of delinquent taxes and remove certain small uncollectable overdue accounts listed in Attachments B and C of the Board Agenda Item dated September 13, 2011, pursuant to *Virginia Code* Section 58.1-3921.

20. **A-5 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE US DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (DEA) TASK FORCE** (1:18 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOU between FCPD and the DEA Task Force (Washington Division Group 21 and Hagerstown Resident Office).

21. **A-6 – APPROVAL OF HEAD START/EARLY HEAD START POLICY COUNCIL BYLAWS, MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN POLICY COUNCIL AND THE BOARD, SELF-ASSESSMENT REPORT, AND RESPONSE TO FEDERAL MONITORING REVIEW** (1:19 p.m.)

On motion of Supervisor Hudgins, jointly seconded by Supervisor Gross and Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the following:

- Head Start/Early Head Start Policy Council Bylaws
- MOU between Policy Council and the Board

- Self-assessment report
- Response to the federal monitoring review

22. **A-7 – APPROVAL OF A DRAFT BOARD MEETING SCHEDULE FOR CALENDAR YEAR 2012** (1:19 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the draft Board meeting schedule for January through December, 2012. Supervisor Smyth seconded the motion.

Following a brief discussion regarding the schedule, Supervisor Smyth asked to amend the motion to schedule the first meeting in February for **February 7**, instead of February 14, and this was accepted.

Supervisor Gross noted that the Board has a meeting scheduled for September 25, which is the Jewish Day of Atonement (Yom Kippur) at sunset. She stated that the agenda for that day should be considered carefully.

Supervisor Gross also noted that the Board has a meeting scheduled for November 20, 2011, which is the week of the Thanksgiving holiday.

Following a brief discussion regarding the schedule for public comment, the question was called on the motion, as amended, and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

23. **ADDITIONAL HALF DAY HOLIDAY FOR COUNTY EMPLOYEES** (1:23 p.m.)

Supervisor Gross moved that the Board approve an additional half-day on December 23, 2011, making it a full day holiday. Supervisor Hyland seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

24. **A-8 – APPROVAL OF A MEMORANDUM OF AGREEMENT (MOA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR ADOPTION OF THE TRANSPORTATION DESIGN STANDARDS FOR THE TYSONS CORNER URBAN CENTER, AND FOR ADOPTION OF POLICIES GUIDING PRIVATE MAINTENANCE OF ENHANCED STREETSCAPING IN TYSONS CORNER** (1:24 p.m.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and approve, in substantial form, the MOA with VDOT for:

- Adoption of the Transportation Design Standards for the Tysons Corner Urban Center

- Adoption of policies guiding private maintenance of enhanced streetscaping in Tysons Corner

Supervisor Foust and Supervisor McKay jointly seconded the motion.

Supervisor Hudgins stated that staff should begin immediately using this framework for Tysons Corner.

Following a discussion regarding transportation standards, discussion ensued with input from Tom Biesiadny, Acting Director, Department of Transportation, who noted that staff will report with information regarding other locations in the County where the transportation standards would be applicable.

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

25. **A-9 – ADOPTION OF A RESOLUTION THAT CONFIRMS THE DECLARATION OF LOCAL EMERGENCY FOR HURRICANE IRENE, CONSENTS TO THOSE ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF DURING THAT EMERGENCY, AND CONFIRMS THE TERMINATION OF THAT DECLARED LOCAL EMERGENCY** (1:35 p.m.)

- (R) Chairman Bulova announced that this item and the next one are historic and does not guarantee anything, but allows the County to apply for assistance from the Federal Emergency Management Agency (FEMA).

Supervisor McKay moved that the Board concur in the recommendation of staff and adopt a Resolution that:

- Confirms the declaration of local emergency by the County Executive on August 27, 2011, to respond to Hurricane Irene.
- Consents to all actions taken by the County Executive and staff pursuant to that declared local emergency.
- Confirms the termination of that local emergency by the County Executive on August 28, 2011.

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

26. **A-10 – ADOPTION OF A RESOLUTION THAT CONFIRMS THE DECLARATION OF LOCAL EMERGENCY FOR HEAVY RAINS AND FLOODING ON SEPTEMBER 8, 2011, CONSENTS TO THOSE ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF DURING THAT EMERGENCY, AND CONFIRMS THE TERMINATION OF THAT DECLARED LOCAL EMERGENCY** (1:35 p.m.)

(R) Supervisor McKay moved that the Board concur in the recommendation of staff and adopt a Resolution that:

- Confirms the declaration of local emergency by the County Executive on September 8, 2011, to respond to heavy rains and flooding.
- Consents to all actions taken by the County Executive and staff pursuant to that declared local emergency.
- Confirms the termination of that local emergency by the County Executive on September 10, 2011.

Supervisor Herrity seconded the motion.

Supervisor Herrity said that several of his constituents had their private roads and/or bridges wiped out because of the heavy rains and flooding and asked unanimous consent that the Board direct:

- Staff to keep the Board informed if any funding is approved by the Federal Emergency Management Agency (FEMA).
- The Office of Public Affairs to disseminate information asking residents to report any damages.

Without objection, it was so ordered.

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

27. **I-1 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2012** (1:37 p.m.)

The Board next considered an item contained in the Board Agenda dated September 13, 2011, regarding adoption of the holiday schedule for calendar year 2012.

The staff was directed administratively to proceed as proposed.

28. **I-2 – WORK PLAN AGREEMENT BETWEEN THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS), THE NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT (NVSWCD), AND THE COUNTY FOR THE REHABILITATION OF POHICK CREEK DAM SITE NUMBER 8, HUNTSMAN LAKE (SPRINGFIELD DISTRICT)** (1:37 p.m.)

The Board next considered an item contained in the Board Agenda dated September 13, 2011, requesting authorization of the County Executive, on behalf of the County, to sign the Work Plan Agreement with the NRCS and the NVSWCD for the rehabilitation of Pohick Creek Dam Site Number 8.

A brief discussion ensued regarding dams.

The staff was directed administratively to proceed as proposed.

29. **I-3 – SUBMISSION OF TESTIMONY IN THE APPLICATION OF VIRGINIA ELECTRIC AND POWER COMPANY (VEPCO) FOR A 2011 BIENNIAL REVIEW OF THE RATES, TERMS, AND CONDITIONS FOR THE PROVISION OF GENERATION, DISTRIBUTION, AND TRANSMISSION SERVICES, STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUE-2011-00027** (1:38 p.m.)

The Board next considered an item contained in the Board Agenda dated September 13, 2011, regarding the testimony filed July 20, 2011, at the SCC. The hearing in this case begins September 20, 2011, in Richmond, Virginia. Staff from the Utilities Branch, Department of Cable and Consumer Services, and the County Attorney's office will represent the County at the hearing.

The staff was directed administratively to proceed as proposed.

30. **RECESS/CLOSED SESSION** (1:39 p.m.)

A query was made regarding the amount of time needed for closed session, with input from David P. Bobzien, County Attorney.

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. *Board of Supervisors of Fairfax County, Virginia, et al. v. City of Falls Church*, Case No. CL-2010-0018232 (Fx. Co. Cir. Ct.) (County-wide); *Board of Supervisors of Fairfax County, Virginia v. City of Falls Church*, Case No. CL-2011-1953 (Arlington Co. Cir. Ct.) (County-wide)
 2. *Glenn S. Ovrevik, Mary R. Ovrevik, and James H. Wessels v. Board of Supervisors of Fairfax County, Virginia, and Hilltop Sand and Gravel Company, Inc.*, Case No. CL-2009-0005160 (Fx. Co. Cir. Ct.) (Lee District)
 3. *Dr. Charles M. Anderson, P.E. v. Virginia Department of Professional and Occupational Regulation and Department of Public Works, Fairfax County, Virginia*, Record No. 110597 (Va. Sup. Ct.) (Providence District)
 4. *The Newberry Station Homeowners Association, Inc., Brandon Farlander, and Michael Miller v. Board of Supervisors of Fairfax County, Virginia, Iskalo CBR LLC, and the Washington Metropolitan Area Transit Authority*, Case No. CL-2011-0005030 (Fx. Co. Cir. Ct.) (Lee District)
 5. *Mary Getts Bland v. Fairfax County, Virginia*, Case No.1:10cv01030 (E.D. Va.)
 6. Waiver from the Federal Communications Commission Requiring Sprint to Pay Additional Costs for Rebanding the County's 800 MHz Public Safety Voice Radio System, WT Docket No. 02-55 (Federal Communications Commission)
 7. Application of Northern Virginia Electric Cooperative, PUE-2010-00044 (Va. State Corp. Comm'n) (Sully and Springfield Districts)

8. *EMH Environmental, Inc. v. Fairfax County Board of Supervisors, et al.*, Case No. CL-2011-0010944 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Xuli Zhang v. Police S. Regan and Police PEC [sic] M. Green, Mason Station, Fairfax County Police Department*, Civil Action No. 1:10-cv-1329 (E.D. Va.)
10. *Karen Rompalo v. Fairfax County Public Schools*, Case No. GV11020800 (Fx. Co. Gen. Dist. Ct.)
11. *Amir M. Taha v. Master Police Officer J. A. Woolf*, Case No. GV11020054 (Fx. Co. Gen. Dist. Ct.)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosa E. Martinez*, Case No. CL-2010-0011285 (Fx. Co. Cir. Ct.) (Mason District)
13. *SNSA, Inc., d/b/a Fast Eddies Billiard Cafe v. County of Fairfax*, (Fx. Co. Bd. of Building Code Appeals and Bd. of Zoning Appeals) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edward E. Ankers, Jr., and Edward E. Ankers, III*, Case No. CL-2006-0010511 (Fx. Co. Cir. Ct.) (Hunter Mill District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Toetie Jones*, Case No. CL-2010-0010295 (Fx. Co. Cir. Ct.) (Braddock District)
17. *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)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Khanh Quach and Dao Tran*, Case No. CL-2010-0014970 (Fx. Co. Cir. Ct.) (Mason District)
19. *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)
20. *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)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Henry Wilson and Mary R. Wilson*, Case No. CL-2010-0007946 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abbas Y. Abutaa, a.k.a. Yousef Abutaa, Hamid R. Hosseinian, Hossein Goal, and Donna L. Goal*, Case No. CL-2010-0016245 (Fx. Co. Cir. Ct.) (Mason District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Aminullah A. Arsala*, Case No. CL-2010-0014719 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bonnie June Speakman*, Case No. CL-2010-0011818 (Fx. Co. Cir. Ct.) (Dranesville District)

26. *Eileen M. McLane, Fairfax County Zoning Administrator v. MD S. Alam Elahee*, Case No. CL-2011-0003735 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Saghi Tehran*, Case No. CL-2011-0007474 (Fx. Co. Cir. Ct.) (Dranesville District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Anil K. Sareen and Vandana Sareen*, Case No. CL-2011-0009277 (Fx. Co. Cir. Ct.) (Providence District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hite W. Sweeny, Jr., and Dianne C. Sweeny*, Case No. CL-2011-0001535 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Catherine M. Norton*, Case No. CL-2010-0012438 (Fx. Co. Cir. Ct.) (Lee District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacqueline Stapleton and Jorge J. Vivanco*, Case No. CL-2011-0002182 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kevin M. Ferguson and C. Nicole Ferguson*, Case Nos. CL-2010-0007746 and CL-2010-0012837 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cheryl A. Padilla*, Case No. CL-2011-0005000 (Fx. Co. Cir. Ct.) (Mason District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ross Spagnolo*, Case No. CL-2011-0005847 (Fx. Co. Cir. Ct.) (Providence District)

35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Maldonado*, Case No. CL-2011-0003849 (Fx. Co. Cir. Ct.) (Lee District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Earle M. McConn, Jr., and Glenda B. Cohen-McConn*, Case No. CL-2010-0015752 (Fx. Co. Cir. Ct.) (Sully District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. EP Company, LC, a/k/a E.P. Mowing and Landscaping, Inc.*, Case No. CL-2010-0006228 (Fx. Co. Cir. Ct.) (Mount Vernon District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Anna Tran*, Case No. CL-2011-0008870 (Fx. Co. Cir. Ct.) (Sully District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghassem Sharifi and Souren Hakopian*, Case No. CL-2011-0005857 (Fx. Co. Cir. Ct.) (Providence District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Teresa D. Cruz and Walter Y. Pereira*, Case No. CL-2010-0005538 (Fx. Co. Cir. Ct.) (Lee District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Laurence A. Rieder and Edwina Irene Rieder*, Case No. CL-2011-0000627 (Fx. Co. Cir. Ct.) (Lee District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Howard Michael Love*, Case No. CL-2011-0009968 (Fx. Co. Cir. Ct.) (Mason District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Santos Gutierrez*, Case No. CL-2011-0003448 (Fx. Co. Cir. Ct.) (Lee District)

44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sonia Soledad Nina*, Case No. CL-2011-0003916 (Fx. Co. Cir. Ct.) (Mason District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aubrey H. Burrow, Jr.*, Case No. CL-2010-0016330 (Fx. Co. Cir. Ct.) (Lee District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mark Bedell Stamer, Trustee of the Mark Bedell Stamer Trust*, Case No. CL-2011-0005846 (Fx. Co. Cir. Ct.) (Providence District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Reynaldo C. Medrano and Carla Munoz-Lopez*, Case No. CL-2011-0002181 (Fx. Co. Cir. Ct.) (Mason District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roberta Couver*, Case No. CL-2011-0007717 (Fx. Co. Cir. Ct.) (Sully District)
49. *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)
50. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Great Falls Haven, LLC*, Case No. CL-2011-0007764 (Fx. Co. Cir. Ct.) (Dranesville District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Winkal Holdings, L.L.C., Burcin Kalendar, and La Despensa Grocery and Butcher Shop, Inc.*, Case No. CL-2011-0010764 (Fx. Co. Cir. Ct.) (Lee District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Andrea Viski and Brian Lucas*, Case No. CL-2011-0010109 (Fx. Co. Cir. Ct.) (Mount Vernon District)

53. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Iglesias Paco, LLC*, Case No. CL-2011-0010178 (Fx. Co. Cir. Ct.) (Mount Vernon District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wallace Lee Oden*, Case No. CL-2011-0010556 (Fx. Co. Cir. Ct.) (Mount Vernon District)
55. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Barry Road, LLC*, Case No. CL-2011-0010552 (Fx. Co. Cir. Ct.) (Lee District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. John B. Gardiner and Patricia S. Compton*, Case No. CL-2011-0010554 (Fx. Co. Cir. Ct.) (Braddock District)
57. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph I. Vallieres*, Case No. CL-2011-0010553 (Fx. Co. Cir. Ct.) (Mount Vernon District)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Selim Eslaquit and Hamdi Eslaquit*, Case No. CL-2011-0010916 (Fx. Co. Cir. Ct.) (Mount Vernon District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator v. Randy G. Curtis and Karen L. Curtis*, Case No. CL-2011-0010963 (Fx. Co. Cir. Ct.) (Providence District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vandana Sareen*, Case No. CL-2011-0011743 (Fx. Co. Cir. Ct.) (Braddock District)
61. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcelo Y. Peredo*, Case No. CL-2011-0011181 (Fx. Co. Cir. Ct.) (Dranesville District)

62. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tony Hieu Pham*, Case No. CL-2011-0011180 (Fx. Co. Cir. Ct.) (Lee District)
63. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marco A. Monzon and Teresita D. Monzon*, Case No. CL-2011-0011581 (Fx. Co. Cir. Ct.) (Mason District)
64. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nestor Fernandez*, Case No. CL-2011-0011580 (Fx. Co. Cir. Ct.) (Mason District)
65. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lee Graham Shopping Center, Limited Partnership*, Case No. CL-2011-0011630 (Fx. Co. Cir. Ct.) (Providence District)
66. *Eileen M. McLane, Fairfax County Zoning Administrator v. Teodoro Claure and Epifanio Argote*, Case No. CL-2011-0011747 (Fx. Co. Cir. Ct.) (Mason District)
67. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert H. Digges, Trustee and Robert H. Digges Revocable Trust*, Case No. CL-2011-0011748 (Fx. Co. Cir. Ct.) (Dranesville District)
68. *Eileen M. McLane, Fairfax County Zoning Administrator v. Demetrios Demetriou and Androulla Demetriou*, Case No. CL-2011-0011868 (Fx. Co. Cir. Ct.) (Mount Vernon District)
69. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fairfax Petroleum Realty, LLC*, Case No. CL-2011-0012048 (Fx. Co. Cir. Ct.) (Dranesville District)
70. *Eileen M. McLane, Fairfax County Zoning Administrator v. Old Dominion Nominee Trust, Donna R. Wiesner and David A. Keene, Trustees*, Case No. CL-2011-0012323 (Fx. Co. Cir. Ct.) (Mason District)

71. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose B. Ramirez*, Case No. CL-2011-0012447 (Fx. Co. Cir. Ct.) (Lee District)
72. *Eileen M. McLane, Fairfax County Zoning Administrator v. Beverly Harris*, Case Nos. GV11018511 and GV11018512 (Fx. Co. Gen. Dist. Ct.) (Providence District)
73. *Eileen M. McLane, Fairfax County Zoning Administrator v. Manzoor Ul-Haq Sheikh and Shafufta A. Sheikh*, Case No. GV11019721 (Fx. Co. Gen. Dist. Ct.) (Lee District)
74. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patrick L. Reich*, Case No. GV11020098 (Fx. Co. Gen. Dist. Ct.) (Mason District)

And in addition:

- *MR Commons LLC v. Board of Supervisors of Fairfax County*, Case Number CL-2010-0015905
- *Sully Station II Community Association v. Dye, et al.*, 259 VA. 282, 525 S.E. 2d 555 (2000)
- *Virginia Code* Sections 33.1-373 and 33.1-375
- *Virginia Code* Section 2.2-3705.1(10)

Supervisor Foust seconded the motion.

Supervisor Hyland asked to amend the motion to include the following:

- Law enforcement guidelines for private social events

This was accepted.

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

DET:det

At 4:13 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

31. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:13 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

32. **APPEAL OF BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, ET AL VERSUS CITY OF FALLS CHURCH** (4:14 p.m.)

Supervisor Smyth moved that the Board authorize an appeal to the Virginia Supreme Court from the August 18, 2011, judgment in *Board of Supervisors of Fairfax County, Virginia, et al v. City of Falls Church*, Fairfax County Circuit Court Case Number CL-2010-0018232, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

33. **SETTLEMENT OF MR COMMONS LLC VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** (4:14 p.m.)

Supervisor Smyth moved that the Board approve settlement of the case of *MR Commons LLC v. Board of Supervisors of Fairfax County, Virginia*, Fairfax County Circuit Court Case Number CL-2010-0015905, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

34. **ORDERS OF THE DAY** (4:15 p.m.)

Chairman Bulova announced that Board Matters would follow public hearings unless additional time became available.

AGENDA ITEMS

35. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-MV-011 (MEMORIAL VENTURE, LLC) (MOUNT VERNON DISTRICT)**
(4:15 p.m.)

(NOTE: On July 26, 2011, the Board deferred the public hearing on this item until September 13, 2011.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2010-MV-011 until **September 27, 2011, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by unanimous vote.

36. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-MA-017 (UPIA, LLC) (MASON DISTRICT)** (4:17 p.m.)

- (O) (NOTE: On July 26, 2011, the Board deferred the public hearing on this item until September 13, 2011.)

The application property is located on the east side of Backlick Road, opposite its intersection with Beverly Street, Tax Map 71-1 ((1)) 125 and 126; 71-1 ((40)) 1-6 and A.

Mr. Clark L. Massie reaffirmed the validity of the affidavit for the record.

Although not legally required to do so, Chairman Bulova disclosed a campaign contribution in excess of \$100 which she had received from the following:

- Mr. Clark L. Massie

Supervisor Herrity, noting a similar disclosure, disclosed campaign contributions in excess of \$100 which he had received from the following:

- Tetra Corporation
- Mr. Clark L. Massie

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

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

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

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-MA-017, from the R-2 and R-5 Districts to the PDH-5 District, subject to the proffers dated July 11, 2011.
- Approval of the associated Conceptual Development Plan.
- Modification of the open space requirement.
- Modification of the major paved trail requirement for Backlick Road, in favor of a five-foot wide concrete sidewalk.
- Waiver of the on-road bike lane requirement for Backlick Road.

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

(NOTE: On July 20, 2011, the Planning Commission approved Final Development Plan FDP 2010-MA-017.)

37. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SECTIONS 3-1-1 AND 3-1-21** (4:26 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 August 26 and September 2, 2011.

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

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Sections 3-1-1 and 3-1-21, updating the term *handicap* and adding genetic information as a basis for protection from discrimination. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Foust being out of the room.

38. **4 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-12LP, LOCATED WEST OF TELEGRAPH ROAD, EAST OF POHICK ESTATES PARK, AND NORTH OF SOUTHGATE WOODS TOWNHOUSE DEVELOPMENT (MOUNT VERNON DISTRICT)**
(4:28 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 August 26 and September 2, 2011.

Jennifer C. Lai, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the presentation by David Gill (Speaker One), discussion ensued concerning existing industrially-zoned property being available for industrial uses.

Following the public hearing, which included testimony by two speakers, Chairman Bulova submitted items for the record.

Following rebuttal presented by Mr. Gill, Ms. Lai presented the staff and Planning Commission (PC) recommendations.

Supervisor Hyland moved approval of the PC alternative for APR 09-IV-12LP shown as Attachment II of this Board Item, entitled “Comprehensive Plan Language for APR 09-IV-12LP as adopted by the PC on July 28, 2011.” The PC recommendation adds an option for the redevelopment of a portion of Land Unit D in the Lorton-South Route 1 Community Planning Sector, west of Telegraph Road. This option allows for nearly two million square feet of office use with limited hotel, retail, civic, and light industrial uses. The Transportation Plan Map would be modified to show the segment of Telegraph Road from Richmond Highway to the Fairfax County Parkway as planned for six lanes. It is currently planned for four lanes. The PC alternative supports the task force and South County Federation recommendations with some minor modifications. Supervisor Herrity seconded the motion.

Discussion ensued concerning:

- Creation of a Lorton Task Force 20 years ago to replan and transform the community
- Industrial use and controlling intensity
- Fort Belvoir
- Rezoning development requirements

- Industrial by-right development
- Synergy and development of office space conducive to Fort Belvoir

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

39. **4 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON BACKLICK ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MOUNT VERNON DISTRICT)** (5 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 August 26 and September 2, 2011.

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

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the Resolution endorsing Backlick Road between Fairfax County Parkway and Richmond Highway to be included in the RTAP for a through truck traffic restriction. Supervisor Foust seconded the motion.

Discussion ensued concerning speed humps/bumps, alternative routes, and fines.

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

40. **4 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON NORTHBOURNE DRIVE AND CABELLS MILL DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SULLY DISTRICT)** (5:05 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 August 26 and September 2, 2011.

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

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the Resolution endorsing Northbourne Drive and Cabells Mill Drive between Stringfellow Road and Walney Road to be

included in the RTAP for a through truck traffic restriction. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Cook and Supervisor Hudgins being out of the room.

41. **4:30 P.M. – PH ON PROPOSED PLAN AMENDMENT S11-IV-RH1, LOCATED ON THE SOUTH SIDE OF CASTLEWELLAN DRIVE, EAST OF SOUTH VAN DORN STREET (LEE DISTRICT)** (5:13 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 August 26 and September 2, 2011.

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

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

Supervisor McKay moved adoption of the PC recommendations for Plan Amendment S11-IV-RH1, as found on page 4 of the Staff Report dated August 25, 2011. The amendment would add an option for a funeral use to the planned guidance for the subject property located along Castlewellan Drive with conditions related to residential appearance and outdoor storage. This plan amendment would allow the existing funeral chapel use to become a funeral home use enabling embalming services to be performed on the subject property. No exterior expansion or modifications to the existing building are planned. Supervisor Foust seconded the motion and it carried by unanimous vote.

42. **4:30 P.M. – PH ON THE INTERIM AGREEMENT (LAUREL HILL) BETWEEN THE BOARD AND THE ALEXANDER COMPANY, UNDER THE PROVISIONS OF THE PUBLIC-PRIVATE EDUCATION AND INFRASTRUCTURE ACT OF 2002 (MOUNT VERNON DISTRICT)** (5:16 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 August 26 and September 2, 2011.

Chris Caperton, Laurel Hill Project Coordinator, Department of Planning and Zoning, presented the staff report.

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

Supervisor Hyland moved that the Board authorize the County Executive, on behalf of the Board, to enter into an Interim Agreement with The Alexander Company, Incorporated, in substantially the form of the agreement presented to the Board. Supervisor McKay seconded the motion.

Discussion ensued concerning the 90-foot ballfield and a guard tower.

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

43. **4:30 P.M. – PH TO CONSIDER ADOPTION OF A NEW APPENDIX S TO THE CODE OF THE COUNTY OF FAIRFAX, REGARDING THE LOCAL PROPERTY TAX EXEMPTION OF THE NORTHERN VIRGINIA COALITION (NOVACO) (5:30 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 issue of August 26, 2011.

Kevin C. Greenlief, Director, Department of Tax Administration, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, to create a new Appendix S, regarding the local property tax exemption of NOVACO, pursuant to Article 27 of Chapter 4 (Taxation and Finance). Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being out of the room.

NV:nv

ADDITIONAL BOARD MATTERS

44. **REQUESTS FOR BOARD RECOGNITIONS AND PROCLAMATIONS (5:33 p.m.)**

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives of organizations to appear before the Board for recognitions as follows:

- Volunteer Fairfax recognizing Sunday, October 22, 2011, as “*VolunteerFest Day*” in Fairfax County
- The Department of Fire and Rescue Services recognizing “*Fire Prevention Week*” in Fairfax County

- The Fairfax-Falls Church Community Services Board (CSB) and its partner organizations recognizing “*Operation Medicine Cabinet Cleanout Week*” in Fairfax County
- The Cemetery Preservation Society, recognizing October as “*Cemetery Preservation Month*” in Fairfax County and requesting the Office of Public Affairs to publicize the society’s art show
- The Northern Virginia Mental Health Foundation recognizing “*Mental Health Awareness Week*” in Fairfax County
- Master Gardener Program to receive recognition of the Master Gardener Program and its thirty-fifth anniversary (jointly with Supervisor Herrity)

Without objection, it was so ordered.

Chairman Bulova asked unanimous consent that the Board direct staff to prepare and send proclamations to the following organizations:

- CSB Prevention Services recognizing the annual Substance Abuse Awareness Week Conference at the Government Center on Friday, October 14
- Department of Transportation recognizing “*Try Transit Week*” and “*Car Free Day*”
- National Center on Addiction and Substance Abuse at Columbia University recognizing “*Family Day*”
- Northern Virginia Chapter of the National Association of Insurance and Financial Advisors recognizing September as “*Life Insurance Awareness Month*” in Fairfax County
- National Center on Addiction and Substance Abuse recognizing September 26 as “*Family Day—A Day to Eat Dinner with Your Children*” in Fairfax County

She further asked that the Board join her in declaring October 21 as “*Jeans Day*” in Fairfax County and direct staff to prepare a proclamation and publicize this event. Jeans Day will be an opportunity to partner with the County Chamber of Commerce and the business community to achieve the goals of the Ten Year Plan to Prevent and End Homelessness. On Jeans Day businesses can allow employees to wear jeans to work if they make a small donation to prevent homelessness. Businesses will collect funds, match the employee contribution if they choose to do so, and then donate to the Partnership to Prevent and End Homelessness.

Following discussion regarding *Try Transit Week* and the dissemination of information on that event, Chairman Bulova amended her request to direct staff to promote and publicize all of the aforementioned recognitions.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova

45. **LETTER TO GARRETT MOORE, VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) DISTRICT ADMINISTRATOR REGARDING PRIOR NOTICE OF PROPERTY ACQUISITIONS**
(5:37 p.m.)

Supervisor Foust said that recently VDOT filed a quick-take certificate for certain property located on Lewinsville Road in the Dranesville District, which was needed for the construction of the High Occupancy Toll (HOT) Lanes project. He noted that his office had not been informed about VDOT's intent to acquire the property. Shortly after the quick-take, those of us who commute through this area were understandably caught by surprise to see a large swath of land totally clear cut of trees.

Supervisor Foust said that when VDOT was contacted, staff learned that the agency had acquired the property at issue. Since then, VDOT has been cooperative in providing information about its acquisition of this property, he asserted that it would have been preferable to have had that information in advance. He expressed his disappointment that there was no opportunity to discuss options that may have preserved some of the trees that have been lost. He added that the County has a conservation easement over this land area, which was not accounted for in the quick-take certificate, and staff is following up on that aspect of this situation.

In an effort to prevent such a situation from recurring, Supervisor Foust prepared a letter for Chairman Bulova to send to Garrett Moore, VDOT's Northern Virginia District Administrator. The letter simply requests that advance notification of such property acquisitions be provided to the Chairman and the Supervisor in whose district the subject property is located.

Therefore, Supervisor Foust moved that the Board authorize the Chairman to send the letter to VDOT's Northern Virginia District Administrator Garrett Moore requesting advance notice of VDOT's property acquisitions in the County. Supervisor Smyth and Chairman Bulova jointly seconded the motion, and it carried by a vote of nine, Supervisor Frey being out of the room.

46. **RESIDENT CURATOR ORDINANCE** (5:39 p.m.)

(BACs)

In a joint Board Matter with Supervisor Herrity and Chairman Bulova, Supervisor Foust said that under existing law, the County is authorized to acquire any historic area, landmark, building, or structure which, in the opinion of the County, “should be acquired, preserved, and maintained for the use, observation, education, pleasure, and welfare of the people.” This year, the General Assembly enacted legislation that authorizes local jurisdictions, such as the County, to adopt an ordinance to create a “resident curator program.” Under that program, local jurisdictions may engage private entities through lease or other contract to “manage, preserve, maintain, or operate, including the option to reside in, any such historic area, property, lands, or estate owned or leased by the locality.” Any leases or contracts entered into pursuant to the program must require that “all maintenance and improvement be conducted in accordance with established treatment standards for historic landmarks, areas, buildings, and structures.” Leases or contracts entered into under the ordinance must provide for “reasonable public access consistent with the property’s nature and use.”

Supervisor Foust noted that an effective Resident Curator Program could provide for preservation of publicly-owned historic sites at little or no cost to the County. He added that other states, including Maryland, Massachusetts and Delaware, have resident curator programs and that those programs have resulted in the successful renovation and preservation of numerous historical structures. He said that he was approached by constituents interested in historical preservation in the County and who requested that the County consider adopting a Resident Curator ordinance.

Therefore, Supervisor Foust moved that the Board direct staff to work with the History Commission to evaluate the potential costs and benefits that might result from adoption of a Resident Curator ordinance in the County and report to the Board’s Development Process Committee with the results of that analysis as well as with recommendations on the terms and provisions that should be included in the ordinance if adopted. Supervisor Hudgins and Chairman Bulova jointly seconded the motion.

A brief discussion ensued regarding the timetable and the schedule of the Board’s Development Process Committee, with input from Anthony H. Griffin, County Executive.

Supervisor McKay asked to amend the motion to direct staff to report prior to the end of the year or as soon as possible, and this was accepted.

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

47. **ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REPORT**
(5:46 p.m.)

Supervisor Smyth said that on August 18, Deputy County Executive David Molchany transmitted to the Board a report from the MITRE Corporation offering a series of policy recommendations to the County regarding electric vehicle charging infrastructure, with a particular focus on opportunities associated with redevelopment in Tysons Corner. This report was prepared pursuant to a proffered commitment from MITRE to the performance of sustainability-related work for the benefit of the County.

Therefore, Supervisor Smyth moved that the MITRE report entitled “Electric Vehicle Charging Infrastructure Recommendations to Fairfax County” be referred to the Planning Commission for review and recommendation. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

48. **HOLMES RUN ACRES TO CELEBRATE ITS SIXTIETH ANNIVERSARY AND MANTUA ELEMENTARY SCHOOL TO CELEBRATE ITS FIFTIETH ANNIVERSARY (PROVIDENCE DISTRICT)** (5:47 p.m.)

With reference to her written Board Matter, Supervisor Smyth said that in 1951 the Luria Brothers brought contemporary style to Northern Virginia with their first tract project – Holmes Run Acres. On October 15, 2011, Holmes Run Acres will celebrate its sixtieth anniversary with its traditional “Day in Luria Park.”

Supervisor Smyth said that also on October 15, Mantua Elementary School will celebrate its fiftieth anniversary. Mantua Elementary School is the heart and spirit of the surrounding community.

Therefore, Supervisor Smyth asked unanimous consent that the Board approve proclamations as following:

- Holmes Run Acres in recognition of its sixtieth anniversary to be presented at its celebration on October 15, 2011.
- Mantua Elementary School in recognition of its fiftieth anniversary to be presented at its celebration on October 15.

Without objection, it was so ordered.

49. **CHILD PASSENGER SAFETY WEEK** (5:48 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor McKay said that every year, thousands of children are tragically injured or killed in motor vehicle

accidents. In fact, this is the leading cause of death for children ages 1 through 12 in the United States.

Citing additional information from his written Board Matter, Supervisor McKay asked unanimous consent to direct staff in the Office of Public Affairs to prepare a proclamation declaring September 18 - 24 as "*Child Passenger Safety Week*" in Fairfax County and that the proclamation be delivered to the Traffic Safety Division of the Police Department before September 18. Without objection, it was so ordered.

50. **RECOGNITION OF RETIRED US ARMY LIEUTENANT COLONEL GARY GAAL (LEE DISTRICT)** (5:49 p.m.)

Supervisor McKay announced that retired US Army Lieutenant Colonel Gary Gaal, a Lee District resident, was recognized as a Community Champion by Volunteer Fairfax last April. He said that Colonel Gaal is the gold standard of volunteerism. After retiring from a 20-year military career, in 1997 Colonel Gaal became an auxiliary police officer with the Fairfax County Police Department (FCPD), an EMT instructor with the Department of Fire and Rescue, and a firearms, special weapons, and tactics instructor with the FCPD. He is also assistant chief of the Franconia Volunteer Fire Department. Over the past 15 years, Colonel Gaal has amassed almost 19,000 volunteer hours with the police and fire departments.

Citing Colonel Gaal's other achievements and honors, Supervisor McKay asked unanimous consent that the Board declare September 17 as "*Gary Gaal Day*" in Fairfax County and direct staff to prepare a proclamation to be presented to him on that day. Without objection it was so ordered.

51. **RECOGNITION OF MISS CYNTHIA ALMENDAREZ (LEE DISTRICT)** (5:50 p.m.)

Supervisor McKay reported how a very brave little girl whose quick thinking and actions saved her two-year-old cousin's life. On July 13, the 9-1-1 call center received a call from ten-year-old Cynthia Almendarez at 7122 Rock Ridge Lane in Lee District. Cynthia called 9-1-1 because her cousin Christopher had stopped breathing. During the call, Cynthia's mother, who speaks very little English, could be heard in the background trying to help and comfort her daughter.

Although Cynthia was frightened, she provided the 9-1-1 call taker with her name, address, and phone number and clearly described the problem. When the call taker asked her if she could relay cardio-pulmonary resuscitation (CPR) instructions to her mother, Cynthia bravely took charge, translating from English into Spanish and making sure that her mother followed all the instructions. At the same time, the call taker dispatched EMS units to the Almendarez residence.

While translating CPR instructions, Cynthia also directed her sister Maria to unlock and open the front door, allowing access for EMS units. Cynthia remained completely focused until the EMS units arrived. Everyone was relieved when Christopher began to breathe on his own. For her extraordinary actions, Cynthia will be presented with a Department of Public Safety Communications (DPSC) Citizen Lifesaver Award.

Accordingly, Supervisor McKay asked consent that the Board direct staff to invite Cynthia to appear before the Board for recognition at the October 18 Board meeting and that the DPSC Citizen Lifesaver Award also be presented to her at that meeting. Without objection, it was so ordered.

52. **PLANNING FOR OAKWOOD ROAD (LEE DISTRICT)** (5:51 p.m.)

Supervisor McKay said that an approximately 10-acre vacant land parcel, Tax Map 82-1-((1))-2A, at the end of Oakwood Road within the Van Dorn Transit Station area is currently planned and zoned for over 230,000 square feet of office. Seventy thousand square feet of office use is already permitted under current zoning. Options that would yield a more community-oriented use that would blend both with the existing commercial uses on Oakwood Road as well as the existing residential to the south should be evaluated by staff and the community. Oakwood Road is an area characterized by blighted, underutilized properties, which have created an incompatible mix of uses wedged between the Beltway and established single-family residential communities.

Considerable outreach to determine alternative uses has been underway with the Lee District Land Use Advisory Committee, the Gunnell Estates Homeowners Association, and the Brookland/Bush Hill Community Association. Based upon the feedback from this outreach, Supervisor McKay asserted that a plan amendment should be considered to include the following elements:

- Explore site design options that would provide greater separation and landscape buffering from the established homes to the south.
- Orient better parking to place more of it near the Beltway and behind any potential building.
- Evaluate plan options that might retain the existing stormwater management pond.
- Explore establishment of a formal "Community Advisory Committee" to be involved in the evaluation of the plan amendment and rezoning application. This group would ensure good communication between Oakwood Road landowners and the adjacent residential communities.

- Prepare cross-section drawings and other materials to illustrate how a recreational use and improvements could relate to the established community.
- Provide a transportation analysis that explores the potential impacts of access and trips on the surrounding community.

Accordingly, Supervisor McKay moved that the Board initiate a plan amendment to consider the parcel to permit private recreation uses with an overall intensity of no more than 0.3 floor area ratio and incorporate the aforementioned elements. He noted that, as is always the case, approval of this motion shall in no way prejudice or affect any ongoing review and should not be construed as support by the Board for the plan amendment or rezoning. Supervisor Smyth seconded the motion, which carried by unanimous vote.

53. **LEE DISTRICT RESOURCE FAIR** (5:53 p.m.)

Supervisor McKay invited Board Members and the public to the Lee District Resource Fair from 9 a.m. to noon on September 24 at the Franconia Governmental Center. County staff representing agencies that provide services to neighborhoods will provide assistance and advice. Experts will be on hand to help with issues including:

- Property maintenance and use
- Building without a permit
- Parking issues on public streets
- Trash
- Blighted properties
- Police and safety concerns
- Traffic calming and street maintenance

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

54. **DECLARATION OF NOVEMBER 1 AS “GOVERNMENT CONTRACTING” DAY** (5:54 p.m.)

Supervisor Herrity noted that the County has one of the most dynamic and vibrant local economies in the world. The main driver of this economic success is the presence of a large number of successful government contracting firms which are either headquartered or have a large presence in the County. According to the US

Census Bureau, the County was first among all US counties in the value of federal contracts performed locally. With the County as the economic engine of Virginia, he asserted that these companies are essential to the economic vitality of the Commonwealth as a whole as well.

Supervisor Herrity listed in his Board Matter some of the larger contracting firms and provided additional details. Accordingly, he asked unanimous consent that the Board:

- Declare November 1, 2011, as “*Government Contracting Day*” in Fairfax County.
- Direct staff to prepare a proclamation to be presented at the awards dinner on November 1.
- Direct the Office of Public Affairs to issue a press release regarding “*Government Contracting Day*.”

Without objection, it was so ordered.

55. **RECOGNITION OF THE WEST SPRINGFIELD HIGH SCHOOL DANCE TEAM (WSDT) (SPRINGFIELD DISTRICT)** (5:55 p.m.)

Supervisor Herrity reported that on Tuesday, September 6, the WSDT competed in the nationally televised *America’s Got Talent* show on NBC for the final time. He said that the WSDT did an amazing job and beat out many great acts to make it to the final ten. He provided more details as outlined in his written Board Matter.

Accordingly, Supervisor Herrity asked unanimous consent that the Board direct staff to invite the members of the WSDT to appear before the Board to receive a resolution honoring them for their outstanding accomplishment of making the final 10 on *America’s Got Talent*. He clarified that each member and each coach should receive recognition. Without objection, it was so ordered.

56. **ASSESSING THE IMPACT OF THE TYSONS CORNER AFFORDABLE HOUSING GOALS** (5:56 p.m.)

Supervisor Herrity said that last summer the Board approved the Comprehensive Plan amendment for Tysons Corner, signing off on a long-term vision to transform the office and shopping destination that has been years in the making into a mixed-use community. This plan, the biggest proposed overhaul of an existing business district in the Washington region, allows dense mixed-use developments clustered around planned Metro stations. The vision is to hold about 200,000 jobs and 100,000 residents.

Supervisor Herrity noted that the plan also calls for 20 percent affordable housing and work force housing units, a percentage that is much higher than other parts of the County. He said that these units are appraised at less than the full market value due to the restrictions put on their sale. As a result, 20 percent of the units in Tysons Corner will be held at below market value for assessment purposes. He asserted that this will mean a reduction in the taxes generated by these units.

Early in the Tysons planning, Supervisor Herrity said that the Board approved his request for an economic analysis on the impact of the change in commercial residential mix and the impact on the tax base for the County. He asserted that this analysis did not take into account the reduced assessed values for 20 percent of the residential units in Tysons. He shared his concern that the restriction on the value of 20 percent of the residences in Tysons Corner will ultimately have a negative impact on local revenue needed to meet all the goals in the Plan.

With reference to his written Board Matter, Supervisor Herrity moved that the Board direct the County Executive to determine the range of potential lost assessed value due to restrictions on the 20 percent affordable/workforce housing units and the resulting annual lost real estate taxes and report with his findings. The report should also clearly list the assumptions used in the calculation. Supervisor Frey seconded the motion.

Discussion ensued regarding gains as well as perceived losses, density near the transit stations, workforce housing, costs to developers, the public and private costs of the infrastructure, and a public hearing for a demonstration case scheduled for the Board's next meeting.

The question was called on the motion, and it **FAILED** by a recorded vote of eight, Supervisor Frey and Supervisor Herrity voting "AYE."

57. **TYSONS CORNER TRANSPORTATION PLAN** (6:10 p.m.)

Supervisor Herrity asserted that the Board approved the transportation plan for Tysons Corner without a plan for funding it. He noted that the Board has a public hearing for a Tysons demonstration project scheduled for its September 27 meeting. Accordingly, he asked unanimous consent that the Board direct the County Executive to forward to the Board the staff's recommendation for Tysons Corner and its proposal for funding it.

Following discussion regarding previous discussion at the Board's Transportation Committee, the Planning Commission's current process for reviewing costs, and a direction to staff to respond prior to the next Board meeting, without objection, the request was so ordered.

PMH:pmh

58. INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN (ICPRB) (6:16 p.m.)

Jointly with Supervisor McKay and Chairman Bulova, Supervisor Gross said that the ICPRB is an organization that was formed in 1940 to organize and support the efforts of the Potomac basin jurisdictions to protect and preserve the Potomac watershed. In addition to Virginia, the other members of the Commission are the District of Columbia, Maryland, Pennsylvania, West Virginia, and the federal government. The ICPRB provides scientific expertise to such projects as developing Total Maximum Daily Load (TMDL) plans for reducing contamination in the Potomac and other bodies of water in Northern Virginia, as well as assisting in the production of watershed implementation plans that are required by the Chesapeake Bay TMDL. Most critically, it also coordinates water supply planning for the Potomac and Occoquan watersheds, the primary water supply sources for essentially all residents of the Northern Virginia region.

During the 2011 General Assembly, the Administration included language in the State budget to withdraw funding for the State's approximately \$150,000 annual dues payment to the Commission. Since this budget amendment was initially written in very general terms, its true implications were not known or understood until this summer, when the Department of Environmental Quality (DEQ) circulated for comment a potential legislative proposal to withdraw the State from membership in the Commission entirely. Supervisor Gross said that this proposal is troublesome to the County, the Water Authority, the Metropolitan Washington Council of Governments, and other Northern Virginia localities in that it would leave Northern Virginia interests without representation on the Commission when important issues of water quality and supply in the National Capital Region are being discussed.

Due to the quick turnaround required to submit comments, staff communicated concerns about the proposal to the Virginia Association of Counties (VACo) and DEQ in August. Supervisor Gross said that it is her understanding that DEQ has forwarded the proposal, along with these concerns, to the Secretary of Natural Resources, who is currently considering which items to forward to the Governor for inclusion in his legislative package. Supervisor Gross expressed her belief that this issue is of critical importance and warrants a letter from the Board to the Governor, asking that he consider reinstating the funding for the State's dues payment in his budget proposal, and that he not proceed with the statutory proposal to cancel Virginia's membership in the Commission.

Therefore, Supervisor Gross moved that the Board approve the letter to the Governor, and that the Board direct staff to share this letter with the Fairfax County delegation to the General Assembly as well as other affected jurisdictions in Virginia. Supervisor McKay seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Herrity, and Supervisor Hyland being out of the room.

59. **2011 DOROTHY MULLEN ARTS AND HUMANITIES AWARD**
(6:19 p.m.)

Supervisor Gross announced that the Park Authority's Summer Entertainment Series earned the 2011 Dorothy Mullen Arts and Humanities Award in the Class 1 tier, a category for programs serving a population of 500,000 or more. The award program, sponsored by the National Recreation and Park Association (NRPA), honors the most innovative and effective arts and humanities programs across the country and the recreation service agencies that provide them. The award will be presented this fall at the annual NRPA 2011 Congress and Exposition held November 1-3 in Atlanta, Georgia.

Supervisor Gross noted that supported in large measure by grants from the Board and corporate sponsors, the annual Summer Entertainment Series provides free concerts, cultural performances, and children's shows in County Parks from June through August. In 2010 more than 150 acts performed and more than 70,000 people attended the shows, which are coordinated by one full-time staff member and 30 volunteers, all on an annual budget of just \$450,000.

Therefore, Supervisor Gross moved that the Board congratulate the Park Authority for receiving this national award in recognition for their efforts, and that an appropriate representative receive the award on behalf of the Park Authority at the annual NRPA Congress. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Foust and Supervisor Hyland being out of the room.

60. **AUXILIARY POLICE OFFICERS (APOs) MILLION HOUR MILESTONE**
(6:21 p.m.)

Supervisor Gross said that by day, APOs hold positions such as lawyers, analysts, and technology specialists, but during their off-hours they donate much of their spare time to keeping the County safe as volunteers for the County Police Department. APOs are sworn volunteers, trained to perform a variety of police operational support and administrative duties, including, but not limited to: traffic control, prisoner transfers, crime prevention, crowd control, and sobriety checkpoint duties.

Introduced in 1983 with just 52 men and women, the Auxiliary program has grown over the years in numbers and role. Four hundred and forty-six APOs have served over the 28 year history of the program. Today, APOs serve an expanded role conducting numerous public safety tasks which frees paid officers to perform other law enforcement-related functions. Receiving nearly 600 hours of training, these volunteers are committed professionals, who often step up to work long hours when public safety duties call. Currently with 115 active APOs, this vital program just surpassed one million hours of service, giving back to the County.

Therefore, Supervisor Gross moved that the Board applaud this remarkable milestone and direct staff to invite Chief Rohrer, Deputy Chief Maggie DeBoard, Major Dave Moyer, Captain Susan Culin, Lieutenant Butch Gamble and APO Coordinator Second Lieutenant Alan Hanson, as well as available APO volunteers, to appear before the Board on October 18 to be presented with a proclamation as an expression of gratitude.

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

61. **BI-NATIONAL HEALTH WEEK (BHW)** (6:22 p.m.)

Supervisor Gross said that BHW is one of the largest mobilization efforts of federal and state government agencies, community-based organizations, and volunteers in the Americas to improve the health and well-being of the underserved Latino population living in the United States and Canada. It encompasses an annual weeklong series of health promotion and health education activities that include workshops, insurance referrals, vaccinations, and medical screenings.

This year, the eleventh BHW will take place October 1-16 in at least 40 states and 3 provinces in Canada, with the participation of the consular networks in the United States of Mexico, Guatemala, Honduras, Colombia, Bolivia, Ecuador, and Peru. Additionally, during BHW national campaigns will be implemented to promote awareness among the underserved Latino community.

In the Washington Metropolitan Area, activities within BHW Health Week will take place from October 1-16 and the fair will be held on Saturday, October 15, at the Grace Evangelical Lutheran Church in Falls Church in Mason District.

Therefore, Supervisor Gross asked unanimous consent that the Board proclaim October 1-16 as "*Bi-national Health Week*" in Fairfax County, and direct the Office of Public Affairs to prepare a proclamation with the Chairman's signature to be presented at the Grace Lutheran Church's Annual Hispanic Festival on October 15. Without objection, it was so ordered.

62. **LINCOLN AT THE CROSSROADS RE-ENACTMENT (MASON DISTRICT)** (6:23 p.m.)

Supervisor Gross said that in November of 1861, President Abraham Lincoln conducted a Grand Review of some 70,000 troops in the Grand Army of the Republic at what was then, and is now, Bailey's Crossroads in the County. The original review was attended by thousands of civilians who rode out from Washington, DC on horseback and in carriages to view this once-in-a-lifetime event, and show their support for the Union. One of the onlookers was Julia Ward Howe, who was inspired to write the "Battle Hymn of the Republic" when she returned to the Willard Hotel that evening.

The Lincoln at the Crossroads Alliance (LATCRA), a non-profit organization based in Mason District, is preparing for a re-enactment of the Grand Review on Saturday, November 12, in the Skyline area of Bailey's Crossroads. She added that she has provided for each Board Member a brochure and a CD about the Alliance and the planned events, as well as a small silver bell that commemorates the 167th wedding anniversary of Abraham Lincoln and Mary Todd, one of the special events sponsored by LATCRA in preparation for the Grand Review. Everyone is welcome to attend the re-enactment events.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to assist in publicizing these exciting opportunities happening in November. Without objection, it was so ordered.

63. **WATERSHED IMPLEMENTATION PLANS (WIP)** (6:24 p.m.)

Supervisor Gross said that the Local Government Advisory Committee (LGAC) to the Chesapeake Executive Council has developed a special publication geared especially for local elected officials across the Chesapeake Bay Watershed. This publication, "Our Waters, Our Towns: Local Governments' Role in the Watershed Implementation Plans," focuses on the role of local governments in restoring their streams and the Chesapeake Bay, briefly explains implementation measures, and provides additional information on resources and contacts, state by state.

Supervisor Gross noted that this information may be helpful to in responding to questions from constituents, and in understanding the basis for meeting future goals as the current WIP II process proceeds.

64. **THIRTY-SECOND ANNUAL MASON DISTRICT PARK FESTIVAL**
(6:26 p.m.)

Supervisor Gross announced that the Thirty-Second Annual Mason District Park Festival will be held on Saturday, September 24, from 10 a.m. until 4 p.m. at Mason District Park.

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

65. **RACHEL CARSON MIDDLE SCHOOL - REQUEST FOR DATE CERTAIN AND CONCURRENT PROCESSING (SULLY DISTRICT)**
(6:27 p.m.)

Supervisor Frey said that the School Board has filed partial Proffered Condition Amendment Application PCA 82-C-016 to amend the existing proffers that apply to the Rachel Carson Middle School property as a result of the original 1982 rezoning of that site. The purpose of the application is to allow the construction

of an additional access point from the school onto McLearen Road. The additional access is a needed safety measure intended to separate buses from other vehicular traffic. Due to time constraints in seeking the PCA approval and the need to expeditiously complete these improvements, the applicant has requested a Board public hearing date be scheduled for the PCA application and authorization to concurrently process the site plan for this project. The application is in conformance with the Comprehensive Plan and applicable provisions of the Zoning Ordinance.

Therefore, Supervisor Frey moved that the Board direct staff to schedule the public hearing to be held before the Board on Proffered Condition Amendment Application PCA 82-C-016 for November 1, 2011, and to direct the Department of Public Works and Environmental Services to accept the associated plans for processing concurrent with Proffered Condition Amendment Application PCA 82-C-016. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and will not prejudice the consideration of this application in any way. Supervisor Cook and Supervisor McKay jointly seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Hudgins, and Supervisor Hyland being out of the room.

66. **FRIENDS OF THE ANIMAL SHELTER BROCHURE** (6:28 p.m.)

Supervisor Frey said that the Friends of the Fairfax County Animal Shelter has asked about including information regarding donations to their Friends group in the vehicle registration forms that are mailed out in January.

Supervisor Frey moved that the Board direct the Department of Tax Administration to work with the Friends of the Fairfax Animal Shelter to include this information in this next mailing in January. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Foust and Supervisor Hudgins being out of the room.

67. **HUNTINGTON FLOODING (MOUNT VERNON DISTRICT)** (6:30 p.m.)

Supervisor Hyland referred to his written Board Matter which outlined the history of flooding in the Huntington area and he moved that the Board direct staff to add a stormwater bond to the November 2012 ballot that will address the most critical needs in the Watershed Management Plans, paying particular emphasis on protecting neighborhoods prone to flooding, particularly the Huntington neighborhood and other necessary infrastructure improvements across the County. Chairman Bulova seconded the motion.

Following discussion, Chairman Bulova clarified the motion as follows:

- That the Board direct the County Executive to put together a potential public works or stormwater bond referendum for the

Board's consideration. Such a referendum would include Countywide projects, including Huntington, and would be dealt with as part of the Capital Improvement Program for Fiscal Year 2013.

This was accepted.

Supervisor Gross asked unanimous consent that the Board direct staff to report with information regarding the stormwater tax and its implications. Without objection, it was so ordered.

Discussion ensued regarding a timetable for action and options to address the issues.

Following input from Anthony H. Griffin, County Executive, the question was called on the motion, as clarified, and it carried by a vote of nine, Supervisor Foust being out of the room.

(NOTE: Later in the meeting there was additional discussion regarding this item. See Clerk's Summary Item #69.)

68. **REQUEST TO INCLUDE THE FORMER ACCOTINK VILLAGE PUMPING STATION INTO THE EAST WOOD PROPERTIES REZONING APPLICATION (MOUNT VERNON DISTRICT)** (6:46 p.m.)

Supervisor Hyland said that it has come to his attention that Eastwood Properties is currently preparing to submit a rezoning application for Accotink Village, a 27 acre site located at Tax Map 109-1 ((1)) 1-42 to build a mid-to-high-density residential community with options for retail and institutional uses. To accomplish the proposed development, the applicant is proposing to acquire a 0.03 acre parcel from the County, Tax Map Number 109-1 ((1)) 7, to include in the proposed application. To meet the anticipated development schedule, it is necessary for the applicant to file the rezoning application prior to the finalization of this land sale.

As the County currently owns the underlying fee for this parcel, the Board must concur in the filing of the rezoning. Since the parcel is no longer needed for its original purpose as the location of a pumping station, and since the small size of the parcel makes it unsuitable for any other public use, the County will serve the greater public benefit by conveying the parcel to Eastwood Properties for redevelopment. This transfer will only occur after staff has obtained a fair market appraisal for the property and has held a public hearing on the disposition. The applicant understands that this motion will not prejudice the consideration of the application in any way.

Therefore, Supervisor Hyland moved that the Board:

- Concur with the filing of this rezoning.
- Authorize the County Executive to act as the agent of the Board for all matters concerning this rezoning on the subject parcel.

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

69. **ADDITIONAL DISCUSSION REGARDING THE HUNTINGTON FLOODING (MOUNT VERNON DISTRICT)** (6:48 p.m.)

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item #67.)

Supervisor Hyland noted that he did include all the actions outlined in his written Board Matter because it was determined that they were not necessary.

70. **SPECIAL EXCEPTION AMENDMENT APPLICATION SEA-82-V-012-6 (MOUNT VERNON DISTRICT)** (6:49 p.m.)

Supervisor Hyland said that on July 26, the Board approved Special Exception Amendment Application SEA 82-V-012-6, subject to development conditions dated July 26, 2011, as revised on the record. The Board also voted to approve all associated waivers and modifications. Since that date, staff has discovered that the development conditions distributed for the Board's consideration on July 26, did not contain three standard paragraphs that are routinely included at the end of all special exception conditions. The first paragraph is a reminder that the conditions are recommendations until adopted by the Board; the second is a reminder that the applicant is not relieved from compliance with applicable ordinances and that a non-residential use permit must be obtained to validate the special exception; and the third paragraph stipulates the time line to establish the special exception use as approved. A copy of the revised development conditions with the standard paragraphs added has been circulated to the Board and is dated September 2, 2011.

Therefore, Supervisor Hyland moved that the Board amend its motion made on July 26, regarding Special Exception Amendment Application SEA 82-V-012-6 to substitute the development conditions dated September 2, 2011, for those dated July 26, 2011.

Supervisor Hyland moved that the Board reconsider its action on July 26, 2011, to approve Special Exception Amendment Application SEA 82-V-012-6. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

Following input from David P. Bobzien, County Attorney, regarding disclosures, Supervisor Hyland moved that the Board amend its motion made on July 26, regarding Special Exception Amendment Application SEA 82-V-012-6 to substitute the development conditions dated September 2, 2011, for those dated July 26, 2011. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

71. **REQUEST TO RECOGNIZE STEVE RORKE, FORMER EXECUTIVE DIRECTOR OF THE LORTON COMMUNITY ACTION CENTER (LCAC) (MOUNT VERNON DISTRICT)** (6:55 p.m.)

Supervisor Hyland said that in 2002, Mr. Steve Rorke was hired as the Executive Director for the LCAC, and at the time he was the only full-time employee. His responsibilities included answering the phones, processing food donations, and directing the volunteers. Under his guidance and leadership, the LCAC has grown to four full-time and six part-time employees and serves 180-250 families each week. Over the last nine years, he guided his staff with his vast knowledge and understanding of the day-to-day tasks of running a successful non-profit organization. Some of his accomplishments include creating a part-time case manager position, continuing the tutoring program despite its loss of funding, extended the thrift shop hours on Saturdays, created partnerships to help increase revenue, and assisting in finally getting the much needed food storage pantry open this past Spring.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite Mr. Steve Rorke to appear before the Board to be recognized for his leadership, guidance, and contributions to the lives of so many in the Lorton community. Without objection, it was so ordered.

72. **FLOODED ROAD IMPROVEMENTS** (6:55 p.m.)

(NOTE: Earlier in the meeting the Board confirmed the declaration of an emergency. See Clerk's Summary Item #12.)

Supervisor Hyland said that both the Commonwealth of Virginia and the County declared a state of emergency in the aftermath of severe flooding from Tropical Storm Lee. Several roads were washed out and remain impassible including Lorton Road, Lorfax Drive, Essex Avenue, Georgetown Pike, Springvale Road and Colvin Run Road. Virginia Department of Transportation (VDOT) staff is working hard to rebuild these roadways. However, Lorton Road will take at least two months to rebuild. This section of Lorton Road over Giles Run carries over 6,000 cars a day. The detour is eight miles long. He added that the Commonwealth and VDOT can move faster to restore the roadways by potentially sidestepping the lengthy procurement process because the nature of the work is in response to an emergency.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to prepare a letter to Governor McDonnell asking his assistance to expedite the construction of the County's roadways. Without objection, it was so ordered.

73. **REVEGETATING THE HIGH OCCUPANCY TOLL (HOT) LANES**

(6:58 p.m.)

Supervisor Cook said that due to the massive I-495 HOT Lanes construction project, many neighborhoods with properties adjacent to the Beltway lost trees, shrubs, and other plants which provided screening that previously blocked the view, noise, and pollution of the Capital Beltway. To construct the new sound walls and the HOT Lanes infrastructure, over 200 acres of trees were lost. The Virginia Department of Transportation (VDOT) and the contractor are now ready to begin replanting these areas to restore lost beauty and enhance privacy while also providing a home for beneficial wildlife.

Supervisor Cook announced that in cooperation with the County Restoration Project, he will host a seminar for residents and homeowner associations to hear experts from the Virginia Department of Forestry, Audubon Society of Northern Virginia and others speak about the benefits of planting native vegetation in their own yards, and the various local programs that can help guide landowners through the landscaping process. Through a grant from Fluor/Transurban, a brochure *Restore and Beautify your Property* has been developed to provide suggestions and helpful links. This brochure is now available for affected communities. After the seminar, participants can stay for a light lunch and chat with the speakers about their particular yard. This program is open to residents all along the HOT Lanes and is not restricted to Braddock residents.

Supervisor Cook invited Board Members to share information on this seminar with affected homeowner associations, and he asked unanimous consent that the Board direct the Office of Public Affairs to provide the following information on this event to County residents:

**Life after the HOT Lanes Construction Restore
and Beautify Your Property with Natural Landscaping**

October 8, 10 a.m. - 1 p.m.

Location: Braddock District Community Room
9002 Burke Lake Road, Burke, VA 22015
Time: Saturday, October 8, 10 a.m. - 1 p.m.
Cost: **Free** – but space is limited!

Please RSVP to Dan.Schwartz@fairfaxcounty.gov or 703-324-1422. More information will be available on the Fairfax County Restoration Project website at: <http://www.fcrpp3.org>. A copy of the brochure is available at <http://www.fairfaxcountv.gov/nvswcd/restore-your-property.pdf>

Without objection, it was so ordered.

74. **RESTON POLICE STATION AND GOVERNMENTAL CENTER REDEVELOPMENT PROJECT - BOARD'S OWN MOTION APPLICATIONS - AUTHORIZATION, CONCURRENCE AND EXPEDITED PROCESSING (HUNTER MILL DISTRICT)** (6:59 p.m.)

Supervisor Hudgins said the existing Reston Police Station and Hunter Mill District Supervisor's office is located on Tax Map Parcel 17-1 ((1)) 14B. The adopted CIP identifies the Reston Police Station and Governmental Center for redevelopment to address its aging building systems and the existing overcrowded conditions. Funding for this project was included in the 2006 Public Safety Bond Referendum. She added that over the past year, staff has been developing the site design and periodically briefing community representatives and her office. The most recent community briefing was held on August 3, 2011. She said that it is her understanding that staff has filed the necessary zoning applications. The goal of the project is to begin construction of the new facility in the fall of 2012. Due to the construction timeline, it is important that the necessary land use applications are processed as expeditiously as possible.

Therefore, Supervisor Hudgins moved that the Board:

- Authorize and concur in the filing of all necessary Board's Own Motion zoning applications, including the determination under Section 15.2-2232 of the Code of Virginia.
- Designate staff from the Department of Public Works and Environmental Services (DPWES) to act on behalf of the Board as its representative agent to expeditiously file and process these applications with the Department of Planning and Zoning (DPZ).
- Authorize the County Executive to execute any proffers that may be required with such applications.
- Authorize the Director of the Zoning Evaluation Division, DPZ, to expeditiously process the zoning applications and schedule the public hearings before the Planning Commission and Board.
- Authorize the Director of DPWES to concurrently process any related site plans.

This motion should not be construed as a favorable recommendation on the applications by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. This action in no way prejudices the substantive review of the applications. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

75. **ALZHEIMER'S WALK** (7 p.m.)

Supervisor Hudgins noted that Alzheimer's disease is an escalating health epidemic, and is the nation's sixth leading cause of death. Currently, more than 5 million Americans are living with Alzheimer's, and nearly 15 million more act as caregivers for loved ones with the disease. By 2050, as many as 16 million Americans will develop the disease.

Supervisor Hudgins invited all to join her as she participates in the 2011 Northern Virginia Walk to End Alzheimer's and Candlelight Rally at the Reston Town Center, Sunday, September 25, to fight against this devastating disease. The one mile walk will be followed by a candlelight rally where family and friends can pay tribute to those they have lost or are losing to Alzheimer's or other dementia.

5 p.m. – Check-in begins
6 p.m. - Program and Walk Begin
7 p.m. - Candlelight Rally

All Walk to End Alzheimer's donations benefit the Alzheimer's Association, the leading voluntary health organization in Alzheimer care, support and research. Walk to End Alzheimer's is the nation's largest event to raise awareness and funds for Alzheimer's care, support and research.

For more information about Walk to End Alzheimer's, please contact 800-272-3900 or www.alz.org/nca.

76. **HEAD START AWARENESS MONTH** (7:01 p.m.)

Supervisor Hudgins said that established in May 1965, Head Start has provided health, educational and social services to more than 22 million children and their families in every state and territory of the US for the last 45 years. The County established its first Head Start program in 1974 and provides services to 1800 children per year.

The Head Start/Early Head Start program promotes school readiness by enhancing the social and cognitive development of infants, toddlers, and preschoolers through the provision of educational, health, nutritional, social and other services. Moreover, parents are able to build individual capacity participating in program governance, making decisions on policies and procedures via committees and the Head Start Policy Council.

The Department of Family Services' (DFS), Office for Children, and US Office of Head Start nationwide will be recognizing Head Start children, families and staff in October.

Therefore, Supervisor Hudgins asked unanimous consent that the Board designate October as "*Head Start Awareness Month*" in Fairfax County, and direct staff to

invite staff from DFS, Office for Children, and the Head Start Policy Council to appear before the Board. Without objection, it was so ordered.

77. **RESTON NATIONALS CAPTURE STATE LITTLE LEAGUE CROWN (HUNTER MILL DISTRICT)** (7:03 p.m.)

Supervisor Hudgins said that this summer the Reston National Little League team clinched the District Championship by defeating a talented Vienna American team. Reston advanced to the State tournament where it defeated another dominant powerhouse, Southwestern Youth Association (SYA) East for the State crown. This is first title for Reston League Little in 13 years.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the Reston National Little League team to appear before the Board and be recognized for its winning season. Without objection, it was so ordered.

78. **BOARD ADJOURNMENT** (7:04 p.m.)

The Board adjourned.

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