



# **CLERK'S BOARD SUMMARY**

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

**TUESDAY  
June 19, 2012**

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**DAL:dal**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, June 19, 2012, at 9:33 a.m., there were present:

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

Hunter Mill District Supervisor Catherine M. Hudgins and Sully District Supervisor Michael Frey arrived at 9:34 a.m.

Others present during the meeting were Edward L. Long Jr., County Executive; David P. Bobzien, County Attorney; Cynthia Tianti, Deputy County Executive, Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Dianne E. Tomasek and Ekua Brew-Ewool, Administrative Assistants, Office of Clerk to the Board of Supervisors.

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:34 a.m.)

Supervisor Gross asked everyone to keep in thoughts the family of Ms. Margaret W. “Peggy” Fisher who died recently. Ms. Fisher was a 16 year resident of the Mason District and an artist. She was also the widow of Joseph Fisher, former US Congressman and Arlington County Council Member.

Supervisor Hudgins also expressed her condolences and noted that she has one of Ms. Fisher’s paintings.

Chairman Bulova asked everyone to keep in thoughts Delbert “Bill” Sheads, whose wife died recently. She had Parkinson’s disease and a number of other ailments. Chairman Bulova noted that, at the June 5 Board meeting, Mr. Sheads was honored as the At-Large Lord Fairfax, as part of Celebrate Fairfax.

**AGENDA ITEMS**2. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE FORESTVILLE ELEMENTARY SCHOOL ODYSSEY OF THE MIND TEAM** (9:37 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Forestville Elementary School Odyssey of the Mind Team for winning a Ranatra Fusca Creativity Award at the Odyssey of the Mind World Finals competition held at Iowa State University, Ames, Iowa. Supervisor Hyland seconded the motion and it carried by unanimous vote.

3. **RESOLUTION OF RECOGNITION PRESENTED TO THE SENIOR DANCE COMPANY FROM BUFFA’S DANCE STUDIO** (9:44 a.m.)

Supervisor Cook moved approval of the Resolution of Recognition presented to members of the Senior Dance Company from Buffa’s Dance Studio for its achievements at the Contest of Champions competition held at the ESPN Wide World of Sports Complex in Orlando, Florida. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MR. STEPHEN DeBENEDITTIS** (9:56 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to Mr. Stephen DeBenedittis, for his years of service as the Mayor of the Town of Herndon, upon his retirement. Supervisor Herrity, Supervisor Hyland, and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING JUNE 17–23, 2012, AS "FIRE AND EMS SAFETY, HEALTH, AND SURVIVAL WEEK" IN FAIRFAX COUNTY** (10:09 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate June 17–23, 2012, as "*Fire and EMS Safety, Health, and Survival Week*" in Fairfax County. Supervisor Hudgins and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **PROCLAMATION DESIGNATING JUNE 23, 2012, AS "HEPATITIS AWARENESS DAY" IN FAIRFAX COUNTY** (10:20 a.m.)

Supervisor Foust moved approval of the Proclamation to designate June 23, 2012, as "*Hepatitis Awareness Day*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

7. **PROCLAMATION DESIGNATING JUNE 24–30, 2012, AS "MOSQUITO CONTROL AWARENESS WEEK" IN FAIRFAX COUNTY** (10:28 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate June 24–30, 2012, as "*Mosquito Control Awareness Week*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **10:30 A.M. – PRESENTATION OF THE A. HEATH ONTHANK AWARDS** (10:34 a.m.)

(BACs) Thomas Garnett, Civil Service Commission, gave a brief presentation regarding the history of the A. Heath Onthank Awards, the highest honor the County bestows on its employees.

Phil Rosenthal, Chairman, A. Heath Onthank Award Selection Committee, introduced Ernestine Heastie and Clifford L. Fields, committee members who were present in the Board Auditorium.

Susan Woodruff, Director, Department of Human Resources, announced the 2011 A. Heath Onthank Award recipients, while Mr. Rosenthal, Chairman Bulova, and Edward L. Long Jr., County Executive, presented the awards to the following:

- Richard Cabellos, Director, Southgate Community Center, Neighborhood and Community Services
- Judy Flaig, Management Analyst III, Office of Elections

- Steven Sinclair, Chief, Public Utilities Branch, Department of Cable and Consumer Services

9. **10:30 A.M. – PRESENTATION OF THE VOLUNTEER FIRE COMMISSION (VFC) ANNUAL REPORT** (10:46 a.m.)

Tim Fleming, Chief, Franconia Volunteer Fire Department, the Chair of the VFC, introduced Gerald B. Strider and Robert Mizer, VFC members; and Chief Ronald Mastin and Assistant Chief Garrett Dyer, Fire and Rescue Department (FRD), who were present in the Board Auditorium.

Chief Fleming presented the VFC Annual Report for calendar year 2011, outlining the following:

- Operations
- Facilities
- Recruitment and Retention
- Areas of Concern
- Volunteer Resources

Following the report, discussion ensued, with input from Chief Fleming, regarding:

- Funding for the Length of Services Award Program (LOSAP)
- The high cost of apparatus, and whether there are any national efforts to reduce the costs
- Fundraising efforts

With regard to apparatus, Supervisor Herrity asked unanimous consent that the Board direct staff to provide information regarding whether the County's current procurement standards are limiting competition. Following a brief discussion, without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff to work with the National Association of Counties, Financial Services Corporation, and United Communities to explore the subject of equipment and whether there is a way to, on a nationwide basis, enter into a contract that would be advantageous.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the request to include working with the VFC and FRD, regarding what

criteria needs to be made available during purchase deliberations, and this was accepted. Without objection, the request, as amended, was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova thanked Chief Fleming and his fellow volunteers for the good work they do in the community and their contributions to the County.

**EBE:ebe**

10.

**10:40 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:08 a.m.)

(APPTS)  
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard June 19, 2012,” as distributed around the dais. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Appointments are as follows:

**ADVISORY SOCIAL SERVICES BOARD**

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

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

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

**AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

**ATHLETIC COUNCIL**

Reappointments of:

- Mr. Michael Thompson as the Springfield District Representative
- Ms. Jenni R. Cantwell as the Women’s Sports Principal Representative

The Board deferred the appointments of the Braddock District Representative, the Dranesville District Principal Representative, and the Women’s Sports Alternate Representative.

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

Reappointments of:

- Mr. William Hanks as the Braddock District Representative
- Ms. Barbara Glakas as the Dranesville District Representative
- Ms. Olga Hernandez as the Sully District Representative

The Board deferred the appointments of the At-Large Chairman's Representative, and the Hunter Mill, Mason, Mount Vernon, Providence, and Springfield District Representatives.

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

The Board deferred the appointments of the Providence and Sully District Representatives.

**CHILD CARE ADVISORY COUNCIL**

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

**CITIZEN CORPS COUNCIL**

The Board deferred the appointments of the Dranesville, Lee, and Providence District Representatives.

**COMMISSION FOR WOMEN**

Confirmation of:

- Ms. Sakshi Chhabra as the Student Representative

**COMMISSION ON AGING**

The Board deferred the appointment of the Lee District Representative.

**COMMUNITY ACTION ADVISORY BOARD (CAAB)**

Confirmation of:

- Ms. Susannah J. Harris as the United Way Representative

The Board deferred the appointment of the Providence District Representative.

**CONSUMER PROTECTION COMMISSION**

The Board deferred the appointment of the Fairfax County Resident #3 Representative.

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**

The Board deferred the appointments of the Hunter Mill and Mason District Representatives.

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I**

Appointment of:

- Mr. Jeffrey L. Kovach as the At-Large #3 Representative

**ECONOMIC ADVISORY COMMISSION**

The Board deferred the appointment of the Dranesville District Representative.

**ECONOMIC DEVELOPMENT AUTHORITY**

Reappointment of:

- Mr. Sudhakar Shenoy as the At-Large #1 Citizen Representative

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

Appointment of:

- Mr. Jeff Allcroft as the Springfield District Representative

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

**FAIRFAX AREA DISABILITY SERVICES BOARD**

The Board deferred the appointment of the Sully District Representative.

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS**

Reappointments of:

- Mr. Paul Gilbert of the At-Large Chairman's Representative
- Mr. David Melugin as the Lee District Representative

- Mr. Frank McNally as the Sully District Representative

The Board deferred the appointment of the Springfield District Representative.

#### **FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

Reappointments of:

- Ms. Pamela Barrett as the At-Large Chairman's Representative
- Ms. Jessica Burmester as the Braddock District Representative
- Mr. Glenn Kamber as the Hunter Mill District Representative

Re-nomination of:

- Ms. Martha Lloyd as the Lee District Representative

(The Board is scheduled to take action on this appointment on July 31, 2012.)

#### **HEALTH CARE ADVISORY BOARD**

Reappointments of:

- Ms. Ann Zuvekas as the Braddock District Representative
- Mr. David West as the Lee District Representative

The Board deferred the appointments of the At-Large Chairman's Representative, and the Springfield and Sully District Representatives.

#### **HEALTH SYSTEMS AGENCY BOARD**

The Board deferred the appointments of the Consumer #1, #3, #5, and #6 Representatives and the Provider #1 and #3 Representatives.

#### **HISTORY COMMISSION**

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

#### **HUMAN SERVICES COUNCIL**

The Board deferred the appointment of the Providence District Representative.



**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE**

The Board deferred the appointment of the Sully District Representative.

**LIBRARY BOARD**

Appointment of:

- Mr. Donald Heinrichs as the Mount Vernon District Representative

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

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

Re-appointments of:

- Ms. Amy Reif as the Dranesville District Representative
- Mr. Adam Parnes as the Hunter Mill District Representative

The Board deferred the appointment of the Braddock District Representative.

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

The Board deferred the appointment of the Fairfax County #2 Representative.

**TENANT LANDLORD COMMISSION**

The Board deferred the appointment of the Tenant Member #3 Representative.

**TRANSPORTATION ADVISORY COMMISSION**

Reappointments of:

- Mr. Edson Tennyson as the At-Large Representative
- Mr. Kevin Morse as the Braddock District Representative
- Ms. Jennifer Joy Madden as the Hunter Mill District Representative
- Mr. Harry Zimmerman as the Lee District Representative
- Mr. Roger Hoskin as the Mason District Representative
- Mr. Eric D. Thiel as the Springfield District Representative

- Mr. Jeff M. Parnes as the Sully District Representative

Appointment of:

- Ms. Carrie Nixon as the Providence District Representative

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

### **TRESPASS TOWING ADVISORY BOARD**

Re-confirmation of:

- PFC Harold Morris as the Law Enforcement #2 Representative

### **WATER AUTHORITY**

Reappointments of:

- Mr. Anthony H. Griffin as the At-Large Chairman's Representative
- Mr. J. Alan Roberson as the Braddock District Representative
- Mr. Frank Begovich as the Lee District Representative

**DET:det**

#### 11. **ADMINISTRATIVE ITEMS** (11:09 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 10 - Authorization to Advertise Public Hearings on Proposed Amendments to the Public Facilities Manual (PFM), Chapter 4 (Geotechnical Guidelines), Chapter 2 (General Subdivision and Site Plan Information), and Chapter 7 (Streets, Parking and Driveways), Regarding Testing Procedures for Infiltration Facilities and Minor Editorial Corrections.

Discussion ensued, with input from John Friedman, Chief, Site Code Research and Development Branch, Department of Public Works and Environmental Services (DPWES); and James Patteson, Director, DPWES, concerning:

- Site review and increasingly complex rezoning applications
- The feasibility of proposed stormwater management submissions

- Requirements for stormwater management computations
- Infiltration testing and devices
- Drainage
- Decisions made at site review versus at the Board
- Zoning Ordinance requirements
- Requirements needing to be met

Following additional discussion concerning scheduling of the item before the Planning Commission and the Board, Mr. Patteson suggested that DPWES withdraw the Board Agenda Item at this time as the changes that it has been asked to review would not fit in the advertisement.

Discussion continued concerning:

- The level of detail required at the rezoning level
- Appropriate zoning issues and appropriate engineering issues

Chairman Bulova noted that the suggestion was to withdraw the Board Agenda Item. Mr. Patteson stated that the practices are currently used and DPWES could report to the Board or the Environmental Committee to answer questions and talk about what the implications would be either way.

Chairman Bulova announced that the item has been withdrawn.

Supervisor Gross called the Board's attention to Admin 11 - Authorization for the Fairfax County Police Department (FCPD) to Apply for and Accept Grant Funding from the US Department of Justice, Office of Community Policing Services (COPS) – Toolkit for Police Officer Military Veterans and Admin 12 – Authorization for the Fairfax County Police Department (FCPD) to Apply for and Accept Grant Funding from the US Department of Justice, Office of Community Policing Services (COPS) – Suicide Prevention of Police Officers and expressed appreciation for the additional information concerning the timing pieces.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information regarding the County's human resource efforts and its on-going advocacy of reaching out to veterans as they return and their possible placement in the County. Without objection, it was so ordered.

The question was called on the motion to approve the Administrative Items, with the exception of Admin 10 which will be further discussed in the Environmental Committee, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

**ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 8409 LORTON ROAD, LORTON, VA 22079 (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 31, 2012, at 4:30 p.m.** to consider a Spot Blight Abatement Ordinance for 8409 Lorton Road, Lorton, VA 22079.

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 700 UTTERBACK STORE ROAD, GREAT FALLS, VA 22066 (DRANESVILLE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 31, 2012, at 4:30 p.m.** to consider a Spot Blight Abatement Ordinance for 700 Utterback Store Road, Great Falls, VA 22066.

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 115 TINNER HILL ROAD, FALLS CHURCH, VA 22046 (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 31, 2012, at 4:30 p.m.** to consider a Spot Blight Abatement Ordinance for 115 Tinner Hill Road, Falls Church, VA 22046.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING TRUCK RENTAL ESTABLISHMENTS IN THE PLANNED RESIDENTIAL COMMUNITY (PRC) DISTRICT**

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on July 19, 2012, at 8:15 p.m., and before the Board on **September 11, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding truck rental establishments in the PRC District.

**ADMIN 5 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (SPRINGFIELD AND SULLY DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-S01-57-1	Sprint Antennas collocated on an existing tower 7325 Kincheloe Road, Clifton Springfield District	August 31, 2012
2232-Y11-9	NewPath Networks LLC/New Cingular Wireless PCS LLC Distributed Antenna System Vale and Fox Mill Roads, Oakton Sully District	September 3, 2012

**ADMIN 6 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2006-PR-019, VIRGINIA INTERNATIONAL UNIVERSITY (PROVIDENCE DISTRICT)**

- (AT) Approved the request for six months of additional time to establish the use for Special Exception Amendment Application SEA 2006-PR-019 to August 3, 2012, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 7 – STREETS INTO THE SECONDARY SYSTEM (LEE, MASON, AND SULLY DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
1998, LTD (VW Springfield)	Lee	Backlick Road (Route 617) [Additional Right-of-Way (ROW) Only]
Land of the Kroger Company (Lambros Jewelry)	Mason	Little River Turnpike Service Drive (FR 781) (Additional ROW Only)
Magnolia Manor	Mason	Magnolia Manor Way

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Kensington Parc	Sully	Rugby Road (Route 750) (Additional ROW Only)
Parcel 4-A-1 Warehousing Company, Incorporated (2900 Towerview Road)	Sully	McLearen Road (Route 668) (Additional ROW Only)  Towerview Road (Route 3861) (Additional ROW Only)  Park Center Road (Route 3865) (Additional ROW Only)

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO ELECTION PRECINCTS AND TO CONSIDER TEMPORARILY RELOCATING TWO ABSENTEE VOTING SATELLITES**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 10, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), relating to election precincts and to consider temporarily relocating two absentee voting satellites.

**ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF LORTON ROAD IMPROVEMENTS (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 31, 2012, at 4 p.m.** regarding the acquisition of certain land rights necessary for the construction of Project 4YP213, also known as 5G25-053-000, Lorton Road, Fund 304, Transportation Improvements.

**ADMIN 10 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), CHAPTER 4 (GEOTECHNICAL GUIDELINES), CHAPTER 2 (GENERAL SUBDIVISION AND SITE PLAN INFORMATION), AND CHAPTER 7 (STREETS, PARKING AND DRIVEWAYS), REGARDING TESTING PROCEDURES FOR INFILTRATION FACILITIES AND MINOR EDITORIAL CORRECTIONS**

(NOTE: Earlier in the meeting, following discussion, this item was withdrawn. See page 11.)

**ADMIN 11 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY POLICING SERVICES (COPS) – TOOLKIT FOR POLICE OFFICER MILITARY VETERANS**

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 11.)

Authorized the FDCP to apply for and accept funding, if received, from COPS in the amount of \$400,000 to support the “Veterans Toolkit for Law Enforcement Agencies” program, including psychological consultants, training, and overtime for field training officers to assist current employees returning from active duty as well as newly hired veterans. No local cash match is required.

**ADMIN 12 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY POLICING SERVICES (COPS) – SUICIDE PREVENTION OF POLICE OFFICERS**

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 11.)

Authorized the FDCP to apply for and accept funding, if received, from COPS in the amount of \$200,000 to support the “Resources to Address Officer Suicide” program, including psychological consultants, training, and overtime for police officers providing peer support. No local cash match is required.

12. **A-1 – RESOLUTION ADOPTING CHANGES TO THE VIRGINIA RETIREMENT SYSTEM (VRS) PLAN** (11:25 a.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution, as required by the Virginia General Assembly, accepting new VRS plan rules effective July 1, 2012. Supervisor Hyland seconded the motion.

Supervisor Gross noted that by adopting the Resolution, the Board is approving the anticipated five percent cost increase, unlike the school system which is phasing it in. Chairman Bulova added that the County had far fewer employees (67) affected than the schools, and the County’s employees were mostly in the Health Department and the Fairfax-Falls Church Community Services Board.

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,”

13. **A-2 – APPROVAL OF AN UPDATED STANDARD PROJECT ADMINISTRATION (SPA) AGREEMENT BETWEEN THE COUNTY AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO ACCEPT CONGESTION MITIGATION AND AIR QUALITY (CMAQ) AND REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) FUNDING FOR THE ROUTE 50 PEDESTRIAN INITIATIVE (PROVIDENCE AND MASON DISTRICTS)** (11:27 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the updated SPA Agreement, in substantial form, between the County and VDOT to use previously approved CMAQ and RSTP funding in the amount of \$1,974,159 to administer the preliminary engineering of the Route 50 Pedestrian Initiative between Jaguar Trail and the Seven Corners area. No local cash match is required.

14. **A-3 – APPROVAL OF 2012 ZONING ORDINANCE AMENDMENT WORK PROGRAM** (11:27 a.m.)

Supervisor Frey moved to defer consideration of this item until after testimony is received at Public Comment later today about potential inclusion of an additional item in the Work Program. Supervisor Hyland seconded the motion.

Supervisor Smyth called the Board's attention to Item 15 on the Priority I list of the Board Agenda Item dated June 19, 2012, concerning Site Plan Exemptions with input from Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning, concerning clarification that this applies to commercial property only.

Supervisor Cook called the Board's attention to Item 16 on the Priority I list of the Board Agenda Item dated June 19, 2012, concerning home professional offices and a new requirement for submitting a certified floor plan with input from Ms. McLane, concerning a waiver of some of the requirements. Discussion ensued concerning inclusion of waiver language in the item.

The question was called on the motion to defer consideration of this item until after Public Comment and it carried by unanimous vote.

(Note: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #56.)



15. **A-4 – APPROVAL OF A COOPERATIVE AGREEMENT RENEWAL – A WATER RESOURCES MONITORING NETWORK FOR THE COUNTY IN PARTNERSHIP WITH THE UNITED STATES GEOLOGICAL SURVEY (USGS)** (11:32 a.m.)

On motion of Supervisor Gross and Supervisor Hyland, seconded by Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized a Joint Funding Agreement between the County and the USGS in the amount of \$217,000 for the continuation of the water resources monitoring network. At the County's option, the agreement may be extended annually to continue the monitoring program at a cost of approximately \$220,000 per year for a term of five years, as outlined in Table 1 of Attachment 1 to the Board Agenda Item dated June 19, 2012.

16. **A-5 – APPROVAL OF AN AGREEMENT BETWEEN THE TOWN OF HERNDON AND THE COUNTY TO CONSTRUCT A POND RETROFIT AT THE HERNDON CENTENNIAL PARK GOLF COURSE (DRANESVILLE DISTRICT)** (11:33 a.m.)

On motion of Supervisor Foust, jointly seconded by Supervisor Gross and Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized an agreement with the Town of Herndon to fund the construction of a pond retrofit to the stormwater management facility at the Herndon Centennial Park Golf Course which is located within the Town of Herndon limits. Funding is currently available in Project Number SD-000031, Streams and Water Quality, Fund 400-C40101 (Fund 125).

17. **A-6 – APPROVAL OF A STANDARD PROJECT ADMINISTRATION (SPA) AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO RECEIVE FUNDING FOR THE BURKE CENTRE PARKWAY SCHOOL SAFE ROUTES TO SCHOOL PROJECT AND SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 12127 (BRADDOCK DISTRICT)** (11:33 a.m.)

(SAR) (R) On motion of Supervisor Cook, seconded by Supervisor Hyland, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," the Board concurred in the recommendation of staff and:

- Authorized the County to enter into a SPA Agreement with VDOT for the median refuge improvement component of the Burke Centre Parkway project (SRTS-029-993, P101, RW201, C501). Funding of \$150,000 is available as part of the Safe Routes to School Grant Program and would support preliminary engineering and construction costs for installation of a pedestrian refuge island at the intersection of Burke Center Parkway and Marshall Pond

Road in the vicinity of Terra Centre Elementary School. This project is required to be completed within three years of execution of this agreement.

- Adopted a Resolution authorizing the County to enter into the SPA agreement.
- Approved SAR AS 12127 to accept funding in the amount of \$150,000 from VDOT under the Safe Routes to School Grant Program for the median refuge improvement component of the Burke Centre Parkway project.

18. **A-7 – APPROVAL OF AN AGREEMENT BETWEEN THE TOWN OF HERNDON AND THE COUNTY TO CONSTRUCT A POND RETROFIT AT THE HERNDON PUBLIC WORKS MAINTENANCE FACILITY (DRANESVILLE DISTRICT)** (11:34 a.m.)

On motion of Supervisor Foust, jointly seconded by Supervisor Gross and Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County to enter into an agreement with the Town of Herndon to provide funding to construct a stormwater management facility retrofit to the Herndon Public Works Maintenance Facility, which is located in the Town of Herndon and the Horsepen Creek watershed. Funding is currently available in Project Number SD-00031, Streams and Water Quality, Fund 400-C40101 (Fund 125).

19. **A-8 – ADOPTION OF A CORRECTED RESOLUTION OPTING OUT OF THE LINE OF DUTY ACT FUND** (11:35 a.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt the corrected Resolution opting out of the VRS Line of Duty Act Fund which changes the effective date to July 1, 2010, instead of July 1, 2012, at the request of the VRS. Supervisor McKay seconded the motion.

Supervisor Smyth clarified that the action the Board is taking was mandated by the State. Discussion ensued noting that this action will save taxpayers' dollars by eliminating State administrative costs.

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."

20. **A-9 – ENDORSEMENT OF REGIONAL COMMENTS REGARDING THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) CHANGE FOR DISBURSING TRANSIT ASSISTANCE IN NORTHERN VIRGINIA** (11:36 a.m.)

Chairman Bulova noted that Board Members who belong to the Northern Virginia Transportation Commission (NVTC) are familiar with this issue as the Commission has had lengthy discussions on it and that some Board Members have also met with the VDRPT Director.

Supervisor McKay moved that the Board concur in the recommendation of staff and endorse the draft regional letter regarding VDRPT's decision to change the way transit assistance in Northern Virginia is disbursed. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, concerning:

- The fiscal impact on the County
- State Code requirement of the Subsidy Allocation Model (SAM) for Washington Metropolitan Area Transportation Authority (WMATA) jurisdictions
- SAM's coverage of both operating and capital expenses and its use of a rolling average for capital
- The amount of funds being held in the NVTC

Supervisor Herrity asked unanimous consent that the Board direct staff to provide additional financial data, including the running balance, for the last two years. Without objection, it was so ordered.

Supervisor Herrity discussed his concerns with the accuracy of the letter and advised that he would not be supporting it.

Following comments by Chairman Bulova concerning legal counsel, Mr. Biesiadny provided input on budget language. Discussion continued concerning workload balancing and changing dynamics dependent on different roles being played by different organizations.

Discussion continued concerning:

- The effective ramifications of the letter
- The 10-day response period

- The desire for a better working relationship with the VDRPT

Following Chairman Bulova's reading from the conclusion of the letter, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY."

21. **I-1 – MINOR SERVICE ADJUSTMENTS AND IMPLEMENTATION OF TRANSIT DEVELOPMENT PLAN (TDP) RECOMMENDATIONS FOR FAIRFAX CONNECTOR ROUTES EFFECTIVE JUNE 2012** (11:54 a.m.)

The Board next considered an item contained in the Board Agenda dated June 19, 2012, requesting authorization for the Department of Transportation to implement changes to the Fairfax Connector service effective June 30, 2012.

The staff was directed administratively to proceed as proposed.

22. **I-2 – CONTRACT AWARD – PRESCRIPTION AND NONPRESCRIPTION MEDICATIONS FOR INMATES IN THE ADULT DETENTION CENTER** (11:54 a.m.)

The Board next considered an item contained in the Board Agenda dated June 19, 2012, requesting authorization for staff to award a term contract to Contract Pharmacy Services, Incorporated to provide for medications both prescription and nonprescription to be purchased and dispensed to the inmates within the scope of all State and federal laws and regulations. The contract has a term of five years with no renewal options. The estimated annual amount of this contract is \$550,000.

The staff was directed administratively to proceed as proposed.

23. **I-3 – 2012 OFFICE OF JUSTICE PROGRAMS EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT APPLICATION REQUIREMENT TO PRESENT THE PROPOSAL TO THE BOARD AND THE PUBLIC FOR REVIEW** (11:54 a.m.)

The Board next considered an item contained in the Board Agenda dated June 19, 2012, regarding the grant application process, and in accordance with the special conditions of the JAG program, which requires that the grant application be made available for review by the governing body of the local government during a scheduled meeting open to the public, and made available to provide an opportunity for citizens to comment.

The staff was directed administratively to proceed as proposed.

24. **I-4 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-P12-1, NEWPATH NETWORKS, LLC AND NEW CINGULAR WIRELESS PCS, LLC (PROVIDENCE DISTRICT)** (11:54 a.m.)

The Board next considered an item contained in the Board Agenda dated June 19, 2012, announcing the PC's approval of Public Facilities Application 2232-P12-1. The Commission noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. The application sought approval for a telecommunications distributed antenna system node in the Oakton area to include three panel antennas and one equipment cabinet attached to one replacement utility pole located on a portion of Hunter Mill Road; equipment hub located inside an existing commercial building; and an aerial fiber-optic cable connecting the node to the hub (portion of the public right-of-way on Tax Map 37-4).

#### **ADDITIONAL BOARD MATTERS**

25. **REQUESTS FOR RECOGNITION** (11:55 a.m.)

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

- The Office of Public Affairs to recognize and publicize September as National Ovarian and Uterine Cancer Month.
- Staff to prepare and send a proclamation recognizing Ms. Lillie Moriarity. This Saturday, she will be honored by the Women of the National Association for the Advancement of Colored People (NAACP) for her lifetime of outstanding leadership and dedication to the NAACP, and to her community.

Without objection, it was so ordered.

26. **STATE LICENSING AND ZONING FOR HOME CHILD CARE PROVIDERS** (11:56 a.m.)

In a joint Board Matter with Supervisor Cook and Supervisor Hudgins regarding the State licensing and zoning for home care providers, Chairman Bulova said that there are citizens signed up to speak, later in the meeting at public comment, on this issue. Therefore, she asked unanimous consent that the Board direct staff to provide copies of this item to be handed out at that time. Without objection, it was so ordered.

Chairman Bulova said that she was recently made aware of an administrative change by the Virginia Department of Social Services (VDSS) that will affect home child care providers in the County. Beginning July 1, 2012, people

applying for a State license to provide child care in their homes will be required to demonstrate that they are complying with local zoning ordinances.

Chairman Bulova explained that to ensure the safety of children, the Commonwealth issues licenses for home child care providers. The license allows providers to care for between six and twelve children. Similarly, the Zoning Ordinance sets standards for home child care sites for the benefit of the children in care as well as the neighboring homeowners. The Zoning Ordinance limits how many children can be under care in a home and requires a special permit or special exception use permit if more than seven children will be under care in a single family detached home.

Chairman Bulova stated that it is her understanding that there had not been any formal interaction between Department of Planning and Zoning (DPZ) staff and State child care licensing staff before the new policy was enacted. Anyone interested in providing home child care that contacts the Office for Children (OFC) has been advised that they are required to comply with the County Zoning Ordinance in addition to obtaining a State license. This new policy is the result of an administrative change at VDSS and is not the result of a change in State code or regulations, or any change in the County Zoning Ordinance. Nonetheless, this is a change from the licensing process local care providers are accustomed to and some providers may be caught unaware.

Therefore, Chairman Bulova asked unanimous consent that the Board direct:

- Staff from OFC and DPZ to brief the Board, at the Human Services Committee meeting on July 24, about the actions taken thus far and a strategy to proactively engage with the home child care provider community to make them aware of this change.
- In the interim, that the zoning review associated with this new policy give County providers sufficient time to come into compliance with the Zoning Ordinance.

Without objection, it was so ordered.

Discussion ensued concerning sending a letter to VDSS to delay the administrative change to allow for education and compliance. Supervisor Cook noted that discussions had occurred and State officials stated that they had a legal opinion from the Attorney General that the State Agency should get from the applicant some indication that they had been in contact with local zoning before a State permit would be issued.

Discussion continued concerning whether consideration of a potential letter would come following the afternoons public comment where there would be more opportunity to hear from providers.

Following input from Anne-Marie Twohie, Director, Office for Children, Department of Family Services, concerning the Attorney General's Office recent

opinion, Vice-Chairman Gross stated that the Board Matter is a without objection request for a briefing and a zoning review.

27. **DULLES CORRIDOR METRORAIL PROJECT** (12:03 p.m.)

In a joint Board Matter with Supervisor McKay, Chairman Bulova said that the Dulles Corridor Metrorail Project has been a top County priority for many years; this critical transportation project will extend Metro to Tysons Corner, Reston, Herndon, Dulles International Airport and beyond. It will bring transit to the major international airport, provide connections to some of the County's major business centers, and serve as a gateway to Washington, DC, and the national capital region. She noted that the Dulles Rail extension is not simply a County project or even a regional project - it is a project of national significance. As US Transportation Secretary LaHood has stated, the Metro system is "America's system" providing access for millions of riders to the nation's capital.

Chairman Bulova noted that construction of Phase I of the project, extending Metro through Tysons Comer to Reston is well underway, with completion expected in 2013. Demonstrating the national importance of the Dulles Rail project, \$900 million in federal funds have been committed to Phase I. Unfortunately, there currently is no federal funding committed to Phase II of the project which will extend the Silver Line from Reston to Herndon, Dulles International Airport and into Loudoun County. However, many at the federal level have signaled the value of this project to federal employees, federal contractors and economic development efforts, as well as to the millions of tourists who visit the region every year.

She said that as a result, there are many potential federal funding options for Dulles Rail Phase II that the County and its project partners should explore. Congress is currently engaged in the Fiscal Year (FY) 2013 appropriations process, and is also in the process of reauthorizing federal transportation programs. Additionally, several states have refused billions of federal dollars for various transportation projects which could be reprogrammed. Finally, the President is currently formulating his FY 2014 budget request. Given the national scope and importance of this project to the National Capital Region and to the federal workforce, the County should explore every opportunity for obtaining federal funding for this essential project.

Therefore, Chairman Bulova moved that the Board direct staff to:

- Prepare a letter for the Chairman's signature to the County's Congressional delegation requesting that it pursue possible avenues for federal funding for Dulles Rail Phase II.
- Work with the County's federal lobbyists, Alcalde and Fay, and with the County's Congressional delegation, on possible options for such federal funding.

Supervisor McKay seconded the motion.

Discussion ensued concerning:

- Tolls and funding
- Phase 2 being the only heavy and light weight rail transit project in the country funded entirely at the local level
- New opportunities for federal funding
- Tolling the access road which would require Congressional action
- Other revenue sources including taxing airport passengers and air rights

The question was called on 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.

28. **RECOGNIZING LANGLEY HIGH SCHOOL'S GIRLS' TENNIS TEAM 2011 STATE CHAMPIONS (DRANESVILLE DISTRICT)** (12:16 p.m.)

Supervisor Foust expressed his congratulations to the members of the Langley High School Girls' Tennis Team for winning the Virginia AAA State Championship, its first since 1992. The Saxons clinched the title in Newport News on June 2 by beating Mills Godwin, a school in Richmond.

Supervisor Foust said that the State Championship was the highlight in a season which saw the team finish with a perfect 20-0 record. The team also captured the Liberty District and the Northern Region tournament titles.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite the Langley High School Girls' Tennis Team, Coach Sarah Vincent and other school officials to appear before the Board on July 10 to be recognized for their outstanding achievement. Without objection, it was so ordered.

**DAL:dal**

29. **FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA): MOVING TO WORK** (12:17 p.m.)

Supervisor Hudgins said the Housing Committee met on Tuesday, June 12, and received a presentation from the Department of Housing and Community Development (HCD) on Total Housing Reinvention for Individual Success, Vital Services, and Economic Empowerment (THRIVE). HCD will implement the



THRIVE program if the FCRHA application to the US Department of Housing and Urban Development (HUD) is approved to become a Moving to Work agency. Currently, only 34 housing authorities nationwide have the Moving to Work designation.

Therefore, Supervisor Hudgins moved that the Board direct staff to forward a letter, signed by the Chairman, supporting the application designating the FCRHA as a Moving to Work agency. Because this is a Federal program, copies of the letter should also go to the Congressional delegation. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

30. **REQUEST FOR RECOGNITION OF MS. STEPHANIE AVID (HUNTER MILL DISTRICT)** (12:19 p.m.)

Supervisor Hudgins said Ms. Stephanie Abbott has served on the Library Board for over a decade and has been a great support in her role.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Ms. Abbott to appear before the Board to be recognized for her service. Without objection, it was so ordered.

31. **NO BOARD MATTERS FOR SUPERVISOR MCKAY (LEE DISTRICT)** (12:20 p.m.)

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

**PMH:pmh**

32. **APPOINTMENT TO THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (PROVIDENCE DISTRICT)** (12:20 p.m.)

(APPT) Supervisor Smyth said that each spring EQAC solicits applications from rising high school juniors and seniors for the EQAC Student Member position for the next academic year. EQAC reviews all applications, selects its preferred applicant, and transmits its recommendation to the Board for appointment. For the July 1, 2012, through June 30, 2013, term, EQAC is recommending the appointment of Miss Talia Schmitt, who is a rising senior at Woodson High School and resides in the Providence District.

Therefore, Supervisor Smyth moved the appointment of Miss Talia Schmitt as the student member of the EQAC for a term to run from July 1, 2012, through June 30, 2013. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

33. **REQUEST FOR RECOGNITION FOR DR. PAMELA JONES (MASON DISTRICT)** (12:21 p.m.)

Supervisor Gross asked unanimous consent that the Board direct staff to invite Dr. Pamela Jones, principal, Stuart High School to appear before the Board to be recognized for her years of service. Without objection, it was so ordered.

34. **PHASE II HUMAN CAPITAL MANAGEMENT COMPONENT OF FOCUS** (12:22 p.m.)

Supervisor Gross announced that Phase II, HCM went live today for the managers and payroll contacts. Thursday, the system opens for all employees. She added that conversion and cut-over activities went exceptionally well.

35. **LORTON COMMUNITY CENTER (LCM) (MOUNT VERNON DISTRICT)** (12:22 p.m.)

Supervisor Hyland said that a proposed LCM has been part of the five-year Capital Improvement Plan (CIP) since FY 2007. The proposed facility would house the Lorton Community Action Center and the Lorton Senior Center. Both of these programs are currently housed in leased space arrangements that are becoming increasingly untenable. In addition, targeted youth programming is in great demand in the Lorton area and the presence of a community center would help meet that need. A feasibility study was completed in FY 2008 based upon the pre-existing Lorton Library site. This location, combined with the planned collocation of services within the community center facility, aligns with the County's strategic efforts in developing and promoting multi-service sites.

Supervisor Hyland said that capital funding for design and construction has not been allocated for this project. In accordance with the community's need for this facility, Supervisor Hyland moved the Board direct staff to review options for funding the LCM. Staff should include possible timing options for this funding, with a focus on an expedited schedule, and return to the Board with specific options to consider. Supervisor McKay seconded the motion and it carried by unanimous vote.

36. **REQUEST TO RECOGNIZE THE SOUTH COUNTY SECONDARY SCHOOL CREW TEAM (MOUNT VERNON DISTRICT)** (12:24 p.m.)

Supervisor Hyland moved that the Board direct the Office of Public Affairs to invite the South County Secondary School Crew Team to appear before the Board at an appropriate time to be recognized for their incredible efforts and winning the Scholastic National Championships. Without objection, it was so ordered.

37. **REQUEST FOR COMMENTS ON THE DYKE MARSH ENVIRONMENTAL IMPACT STATEMENT (EIS) (MOUNT VERNON DISTRICT)** (12:24 p.m.)

Supervisor Hyland said that the National Park Service (NPS) released an EIS on the restoration and long-term management of Dyke Marsh with four different alternatives. The National Park Service and local environmental organizations have asked the County to provide comments on the proposed no action, minimum, moderate, and maximum restoration alternatives. The Mount Vernon Council is currently debating a resolution supporting one alternative and should vote on a preference at its upcoming meeting on June 27. The EIS and public comment can found at [www.parkplanning.nps.gov/gwmp](http://www.parkplanning.nps.gov/gwmp).

Therefore, Supervisor Hyland moved that the Board direct the Department of Planning and Zoning to review the EIS and submit comments from the Board to the National Park Service. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

38. **URBAN COUNTY CAUCUS MEETING** (12:25 p.m.)

Supervisor Hyland said that he attended the Urban County Caucus meeting in Colorado Springs and he distributed to Board Members a citizens' guide from El Paso County. He also expressed interest in a short document which includes a list of all agencies in Colorado and noted that it was the size of a small folded up business card.

39. **RECOGNIZING THE LAKE BRADDOCK SECONDARY SCHOOL BASEBALL TEAM FOR WINNING THE VIRGINIA STATE CHAMPIONSHIPS (BRADDOCK DISTRICT)** (12:25 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Cook congratulated the Lake Braddock Secondary School Baseball Team for capturing the State Championship on Saturday, June 9, at Westfield High School. Led by the strong pitching of Thomas Rogers, Lake Braddock was able to capture the first State championship title in program history with a 4-0 victory over the Kellam Knights. Rogers, who is in his junior year, played an excellent game striking out 10 players, and hitting a solo home run in the top of the third inning.

Supervisor Cook noted that this win is especially significant to Lake Braddock after three hard fought attempts in 1997, 1993, and 1988 to win the State Championship title. Finishing their season with a record of 26 and 3, Lake Braddock is the only team in the Washington DC metro area to be ranked by ESPN's FAB 50, where they are currently ranked Number 42.

Supervisor Cook and Supervisor Herrity jointly asked unanimous consent that the Board:

- Congratulate the Lake Braddock Baseball Team for its tremendous accomplishment in winning the State Championship.
- Direct staff to invite team and its coach to appear before the Board at a date to be determined to be formally recognized.

Without objection, it was so ordered.

40. **GOVERNMENT CENTER STREAM RESTORATION PROJECT  
(BRADDOCK DISTRICT)** (12:29 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor Cook referred to a project recently designed and constructed by the Stormwater Planning Division. This project is an innovative stream and pond restoration of an unnamed tributary of Difficult Run at the Government Center. This project has been a unique and cooperative public/private partnership between several County agencies and Wetland Studies and Solutions, Incorporated (WSSI). WSSI donated services in excess of \$ 100,000 to explore a new technology which may be able to be successfully duplicated on other sites.

Therefore, Supervisor Cook asked unanimous consent that the Board direct:

- Staff to invite WSSI and the multi-staff team who participated in this project to appear before the Board to be recognized and to provide the Board with more details on the important aspects of this construction.
- The Office of Public Affairs to arrange a guided tour for Board Members to see this beautifully restored stream.

Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to submit this project to the National Association of Counties (NACo) and other organizations as an example of what can be accomplished. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board explore naming the unnamed tributary. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

41. **REQUEST FOR STAFF TO DEVELOP A MULTI-FACETED EFFORT TO COMBAT SPEEDING AND UNSAFE DRIVING IN NEIGHBORHOODS** (12:34 p.m.)

In a joint Board Matter with Supervisor Hyland and Supervisor McKay, Supervisor Cook said that in recent months they have heard from residents a high level of anxiety over traffic safety in the County - particularly speeding through the neighborhoods. Citizens also raised this concern at the recent Citizen Governance Conference and it was the number one community problem noted in response to an issue survey conducted by the Braddock District Council.

Supervisor Cook noted that so far in 2012, police officers have issued 11,906 speeding citations, or more than 50 a day. Statistics also show a rise in other unsafe violations, such as disregarding stop signs and reckless driving, both of which increased in 2011, over 2010 levels. Unsafe driving not only makes roads dangerous, but parents are hesitant to allow their children to walk down the sidewalk, or play in the front yard, because they may wander into streets that seem to have become raceways.

Supervisor Cook said that they met with representatives from the Police Department to discuss ways to address this problem in the context of building stronger neighborhoods. He referred to the Police Department's Operation Summer HEAT (Help Eliminate Aggressive Traffic), the new traffic safety campaign targeting unsafe, aggressive, driving behaviors. He added that the conversation went beyond stepping-up enforcement. While HEAT and other similar enforcement efforts are very important components to keep neighborhood streets safe, the discussion highlighted the need for a vigorous awareness and educational campaign that involves and empowers communities.

Therefore, Supervisor Cook moved that the Board direct staff to develop a multi-faceted campaign to combat neighborhood speeding and unsafe driving. This campaign could include the following:

- Coordination between the Police Department and the Office of Public Affairs to publicize widely a strong County policy against speeding and unsafe driving
- Publication of speeding and unsafe driving convictions and other means to raise public consciousness
- Working with homeowner associations, civic associations, schools, community groups, and other neighbors to establish a community value system that discourages speeding and unsafe driving
- Hiring a consultant to develop a professional public service media campaign including radio, television, internet, and print media

- Increased police enforcement, including highly visible speed check points
- Coordination with the Commonwealth's Attorney for stricter prosecution of unsafe driving
- Consideration for funding traffic calming with County funds, and seeking greater authority from the General Assembly to implement traffic calming measures
- Other related efforts

Supervisor Hyland seconded the motion.

Supervisor Cook further asked that recommendations for this campaign be prepared for a meeting of the Public Safety Committee meeting this fall, and funding proposals including for the Board's consideration in this Fall's Carryover package.

Discussion ensued regarding the motion and Supervisor Hudgins asked unanimous consent that the Board direct staff to provide an update on what it takes to have red light cameras. Without objection, it was so ordered.

Discussion continued regarding the need for more education about traffic issues in neighborhoods.

Supervisor McKay asked unanimous consent that the Board direct staff to work with school staff regarding safety issues and traffic laws. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to provide an update on the money that fines generate and the results from court action. Without objection, it was so ordered.

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

42.

**INFORMATION CONCERNING THE REPEAL OF STATE MANDATES ON LOCAL GOVERNMENTS** (12:46 p.m.)

Supervisor Herrity said that two weeks ago he attended the bill signing ceremony for legislation that came as a result of the work of the Governor's Task Force for Local Mandate Review.

Supervisor Herrity said that the Task Force received suggestions from dozens of local governments across the Commonwealth and from those suggestions recommended more than 80 mandates be eliminated or significantly modified. He added that he solicited staff's direct input on mandates that make their jobs harder and he reported that many of them were eliminated.

Supervisor Herrity said that the work of the Task Force is continuing. He added that it will be examining several key issues such as the:

- General relationship between the state and local governments
- Issue of devolution of secondary roads, and broad reaching programs such as the Line of Duty Act and the Comprehensive Services Act

43. **STUART-MOSBY CIVIL WAR CAVALRY MUSEUM (SULLY DISTRICT)** (12:47 p.m.)

Supervisor Frey announced that the Stuart-Mosby Civil War Cavalry Museum recently opened and asked unanimous consent that the Board direct staff to publicize the opening of the museum. Without objection, it was so ordered.

44. **RECESS/CLOSED SESSION** (12:51 p.m.)

Supervisor Smyth moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *Rose Merchant v. Robert M. Bauer*, Case No. 11-1392 (U.S. Ct. of App. for the Fourth Cir.)

2. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlaez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
3. In Re: November 16, 2011, Decision of the Fairfax County Board of Zoning Appeals, Case Nos. CL-2011-0017565 and CL-2011-0017701 (Fx. Co. Cir. Ct.) (Mount Vernon District)
4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noel J. Gueugneau*, Case No. CL-2011-0006975 (Fx. Co. Cir. Ct.) (Mason District)
5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roberta Couver*, Case No. CL-2011-0007717 (Fx. Co. Cir. Ct.) (Sully District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case No. CL-2007-0014495 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gail K. Etherton and Debora S. Etherton*, Case No. CL-2011-0013547 (Fx. Co. Cir. Ct.) (Springfield District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abbas Atash-Sobh and Alireza Bijan Atash-Sobh*, Case No. CL-2012-0004227 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kenneth N. Good*, Case No. CL-2012-0004127 (Fx. Co. Cir. Ct.) (Sully District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Honglian Chi and Zheyu Li*, Case No. CL-2012-0004053 (Fx. Co. Cir. Ct.) (Braddock District)



11. *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)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thomas A. Love and Lora L. Love*, Case No. CL-2012-0004440 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robin Potter*, Case No. CL-2011-0014039 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Imran Mushtaq and Mary Frances Barry*, Case No. CL-2012-0003708 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gonzalo M. Camberos and Yolanda Camberos*, Case No. CL-2011-0015711 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ramiro Z. Herrera*, Case No. CL-2012-0002678 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucy W. Berkebile*, Case No. 2011-0012842 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Louis A. Bonfiglio and Cristina M. Bonfiglio*, Case No. CL-2012-0007806 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eliodoro Guzman*, Case No. CL-2012-0007927 (Fx. Co. Cir. Ct.) (Mason District)

20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Loren J. Thompson*, Case No. CL-2012-0008006 (Fx. Co. Cir. Ct.) (Providence District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul J. Gayet, Trustee of the Gayet Living Trust*, Case No. CL-2012-0008003 (Fx. Co. Cir. Ct.) (Dranesville District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Akmal Ghani and Hamida Ghani*, Case No. CL-2012-0008004 (Fx. Co. Cir. Ct.) (Braddock District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bertha Postigo-Paredes*, Case No. CL-2012-0008163 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Li Yan*, Case No. CL-2012-0008158 (Fx. Co. Cir. Ct.) (Dranesville District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tatjana Ute Fernandez and Gil Blanco Benitez*, Case No. CL-2012-0008162 (Fx. Co. Cir. Ct.) (Mason District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roy Melvin Perry*, Case No. CL-2012-0008161 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Randall Frederick Lambert*, Case No. CL-2012-0008160 (Fx. Co. Cir. Ct.) (Dranesville District)

28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phu Khac Do and Tuyen N. Le*, Case No. CL-2012-0008223 (Fx. Co. Cir. Ct.) (Lee District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne Kreiser*, Case No. CL-2012-0008224 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Ramos*, Case No. CL-2012-0008222 (Fx. Co. Cir. Ct.) (Mason District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard O. Dean and Teresa R. Dean*, Case No. CL-2012-0008382 (Fx. Co. Cir. Ct.) (Lee District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Frank W. Paul, Janet M. Gallo, and Martin G. Gallo*, Case No. CL-2012-0008380 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dilnawaz A. Baig*, Civil Case Nos. GV12013834-00, GV12013835-00, GV12013836-00 (Fx. Co. Gen. Dist. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thao Van Nguyen and Moon T. Nguyen*, Case No. GV12013342 (Fx. Co. Gen. Dist. Ct.) (Providence District)

And in addition:

- *City of Falls Church, et al. v. Board of Supervisors, et al.*, Case Number CL-2012-03411
- Virginia Department of Social Services' Licensing Requirements for Home-Based Child Care

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

EBE:ebe

At 3:37 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Herrity and Supervisor Hyland, and with Chairman Bulova presiding.

### ACTIONS FROM CLOSED SESSION

45. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:38 p.m.)

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

### AGENDA ITEM

46. **3:30 P.M. – PH ON, AND APPROVAL OF, THE SALE OF SEWER REVENUE BONDS, SERIES 2012** (3:38 p.m.)

(R)

(BONDS)

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 June 1 and June 8, 2012.

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

Following the public hearing, Supervisor Gross moved approval of the sale of Sewer Revenue Bonds Series 2012 as outlined in the Board Agenda Item dated June 19, 2012. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Herrity and Supervisor Hyland being out of the room.

**ADDITIONAL BOARD MATTER**

47. **ABSENCE OF SPRINGFIELD DISTRICT SUPERVISOR HERRITY AND MOUNT VERNON DISTRICT SUPERVISOR HYLAND** (3:40 p.m.)

Chairman Bulova announced that:

- Supervisor Herrity is attending a Graduation Ceremony and will be returning later in the meeting.
- Supervisor Hyland had to leave for travel and will not be returning to the meeting.

**AGENDA ITEMS**

48. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2011-HM-019, CORESITE REAL ESTATE 12100 SUNRISE VALLEY DRIVE, LLC TO PERMIT AN INCREASE IN FLOOR AREA RATIO (HUNTER MILL DISTRICT)** (3:41 p.m.)

The application property is located at 12100 Sunrise Valley Drive, Reston, VA 20191, Tax Map 17-3 ((8)) (3A) 1A.

Mr. Gregory Riegle reaffirmed the validity of the affidavit for the record.

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

Mr. Riegle 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, Mr. Krasner presented the staff and Planning Commission recommendations.

Supervisor Hudgins submitted items for the record.

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2011-HM-019, subject to the development conditions dated June 12, 2012.
- Waiver of the barrier requirement along Sunrise Valley Drive and the northern property line in favor of the existing and proposed fencing and plantings depicted on the SE Plat.

- Modification of the peripheral parking lot landscaping requirements in favor of the existing conditions and proposed vegetation depicted on the SE Plat.
- Modification of the trails requirement along Sunrise Valley Drive in favor of the existing asphalt sidewalk.

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

49. **BOARD RECESS** (3:49 p.m.)

At 3:49 p.m. the Board briefly recessed, and at 4:02 p.m. reconvened in the Board Auditorium with all Members present, with the exception of Supervisor Herrity and Supervisor Hyland, and with Chairman Bulova presiding.

50. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S11-CW-1CP REGARDING UPDATES TO THE COMPREHENSIVE LAND USE PLAN MAP** (4:02 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 June 1 and June 8, 2012.

Meghan D. Van Dam, Planner III, Policy and Plan Development Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued, with input from Ms. Van Dam, regarding the application.

Following the testimony of Fran Wallingford (Speaker One), discussion ensued, with input from Ms. Van Dam, regarding issues raised by the speaker and how the map will be updated.

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

Further discussion ensued, with input from Ms. Van Dam and Marianne R. Gardner, Director, PD, DPZ, regarding the map and the need for better explanations to changes on the map, and the update process to reflect changes and corrections when they are identified.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved:

- Approval of proposed Plan Amendment S11-CW-1CP, as recommended by the PC, and found on pages 10-12 of the staff report dated April 26, 2012, as amended, to incorporate a revised Comprehensive Plan land use plan map dated May 17, 2012.
- That the Board supports the PC recommendation for staff to pursue work on the follow-on considerations listed on pages 12-13 of the staff report dated April 26, 2012, and to review and evaluate the category of private/open space for consistency and clarity. Staff should assess their considerations and provide recommendations to the PC and the Board about the next steps to address these items.

Supervisor Smyth seconded the motion.

Supervisor Hudgins asked to amend the motion to examine the terminology used and see how the definitions work with the plan. Discussion ensued, with input from Ms. Gardner, who clarified that the Supervisor Hudgins amendment directly pertains to the next public hearing on Proposed Plan Amendment S11-CW-2CP on the concept of future development and she should make the motion after that hearing.

(NOTE: Later in the meeting, the public hearing was held. See Clerk's Summary Item #51.)

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

51. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S11-CW-2CP, UPDATE TO THE CONCEPT FOR FUTURE DEVELOPMENT**  
(4:22 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 June 1 and June 8, 2012.

Clara Johnson, Planner III, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Discussion ensued, with input from Ms. Johnson, Fred Selden, Director, PD, DPZ, regarding density levels and the revised plans.

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

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved:

- Approval of the Planning Commission (PC), recommendations for Plan Amendment S11-CW-2CP, found in Attachment 2 of the Board Agenda item dated June 19, 2012 with the six modifications as shown on the handout included as part of her written Board Matter dated June, 19, 2012.
- That the Board direct staff to pursue the follow-on considerations found on pages 14-15 of the staff report dated April 26, 2012, also described in the PC verbatim dated May 17, 2012.

Supervisor Smyth and Vice-Chairman Gross jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

52. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-37 AND APPENDIX R, RELATED TO RESTRICTING PARKING IN NON-RESIDENTIAL AREAS** (4:32 p.m.)

Supervisor Gross moved to defer the public hearing on the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-37 and Appendix R, regarding restricted parking in non-residential areas, and repealing Section 82-5-37.1 until **July 31, 2012, at 5 p.m.** Chairman Bulova seconded the motion.

A brief discussion ensued, regarding the reason for the deferral and late notification to citizens.

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

53. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF STATE LAW** (4:34 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 June 1 and June 8, 2012.

David J. Ferris, Police Department, 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 82 (Motor Vehicles and Traffic), Section 82-1-6, and Adoption of State Law. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey and Supervisor Hyland being out of the room.

54. **BOARD RECESS** (4:37 p.m.)

At 4:37 p.m. the Board briefly recessed, and at 4:59 p.m. reconvened in the Board Auditorium with all Members present, with the exception of Supervisor Hyland, and with Chairman Bulova presiding.

55. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:02 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 June 1 and June 8, 2012.

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

The public hearing was held and included testimony by the following individuals:

- Ms. Rebecca Ballo, regarding Route 1 Bypass at Woodlawn
- Ms. Shelley Castle, regarding Route 1 Widening at Woodlawn
- Ms. Susan Gallier, regarding Home Day Care Issues
- Ms. Lourdes Alvarez, regarding Zoning for Home Day Care
- Ms. Kirsten Lukas, regarding Zoning for Home Day Care
- Ms. Cary Cucinelli, regarding Zoning Issues Relating to In-Home Day Care
- Mr. Jason Ha, regarding construction in Merrifield

Following the presentation by Ms. Ballo and Ms. Castle, Chairman Bulova announced that Supervisor Hyland had to leave the meeting for travel, but staff will forward a copy of the testimony to him.

Following the presentation by Ms. Lukas, Chairman Bulova announced that the Board will take action on the Zoning issue and asked staff to distribute copies of a Board Matter discussed earlier in the meeting to citizens.

Following the presentation by Mr. Ha, Supervisor Smyth explained that the issue of noise made by the road constructions projects are under State construction and not County construction and has State oversight.

Chairman Bulova acknowledged the presence of some of the home day care providers who came to show support, and, on behalf of the Board, warmly welcomed them to the Board Auditorium.

56. **A-3 – APPROVAL OF 2012 ZONING ORDINANCE AMENDMENT WORK PROGRAM** (5:32 p.m.)

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

Following a brief explanation on the Work Program, Supervisor Frey moved that the Board concur in the recommendation of staff and approve the 2012 Zoning Ordinance Amendment Work Program as recommended by the Development Process Committee, and as set forth in Attachments 2, 3, and 4 of the Board Agenda Item dated June 19, 2012. Supervisor Gross seconded the motion.

Supervisor Cook asked to amend the motion to include an additional item on the Priority 1 list and moved that the Board direct staff to:

- Review the number of children who can be cared for in a home child care facility to be consistent with the currently authorized State maximum of 12 children. The revised ceiling would be considered as part of a special permit application which would consider the specific circumstances of each property. The existing maximum under the Zoning Ordinance is 10 children.
- Examine whether the current fee for such a permit of \$1,100 is appropriate or whether it should be reduced.
- Review County standards to see whether they should be revised in light of current circumstances.

Supervisor Herrity seconded the motion.

Discussion ensued, with input from Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning, regarding the impact on home child care Providers, the State application requirements, and the assistance available by County staff with the process.

Discussion continued, with input from Ms. McLane, regarding how the process works, the State involvement to allow a grace period to prevent shutting down providers during the application process.

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

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

**ADDITIONAL BOARD MATTER**

57. **RETIREMENT OF MS. EILEEN McLANE** (5:49 p.m.)

Supervisor Frey announced that Eileen McLane, Director, Zoning Administration, Department of Planning and Zoning, is retiring and recognized her for her dedication and valuable years of service to the Board and the community.

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

The Board adjourned.

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