



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 6, 2012**

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04-12

DET:det

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, March 6, 2012, at 11:09 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 Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Patrick S. Herrity, Springfield District, arrived at 12:31 p.m.

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 1:03 p.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Cynthia L. Tianti, Deputy County Attorney; 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 MATTER1. **MOMENT OF SILENCE** (11:10 a.m.)

- (V) Supervisor Smyth, on behalf of Supervisor Hudgins, asked everyone to keep in thoughts the family of Mr. Charlie Glaze, a long-time resident of Vienna, who died last week. He was the founder and owner of Vienna Glass, a local business, for over 50 years and helped build many of the houses in town along with many of the town's office buildings and schools; as his business grew, he became involved in many parts of Vienna community life including Madison High School's sports program and his church. Last October, Supervisor Smyth said, he was honored as the grand marshal of the Vienna Halloween parade, an event he co-founded 65 years ago. Mr. Glaze is survived by his wife, Peggy, four children, and numerous grandchildren and great-grandchildren.

Supervisor Smyth asked unanimous consent that the Board direct the Clerk to the Board to send a copy of the remarks made about Mr. Glaze to his family. Without objection, it was so ordered.

Supervisor Gross announced that Mason District, the County, and all of Northern Virginia lost a wonderful dancer and dance teacher recently with the death of Ms. Christina Heimlich, a native of Germany, who established her dance school in Northern Virginia.

Supervisor Gross asked everyone to keep in thoughts the family of Chairman Bulova, whose father, Mr. Larry Schuster, died last week. Chairman Bulova noted that her father was a great man who served in the Marines during World War II on Okinawa, Iwo Jima, and Saipan and had remarkable stories. Supervisor Gross related a story on how Chairman Bulova was named Sharon.

Supervisor Cook joined the tribute to Mr. Schuster and noted that the Chairman's statement regarding her father's death was on "The Patch" last night and encouraged those present to take a look at this wonderful story.

Supervisor Cook reminded everyone that today is a voting day in Virginia, the Republican presidential primary, and encouraged those who were so inclined to get out and vote.

Following additional discussion regarding the primary, Supervisor Hyland joined the tribute to Mr. Schuster noting how often one finds out so much more about an individual at the end rather than during their lives.

Chairman Bulova asked everyone to keep in thoughts Mr. Scott Wynn and his family. Mr. Wynn is an employee in the County Attorney's office, who recently had a stroke and is recovering.

Chairman Bulova announced that Supervisor Hudgins is at a number of meetings and forums today regarding the National Association of Counties (NACo) and the Virginia Association of Counties (VACo) and will either be late or absent. She also noted that Supervisor Herrity has an appointment this morning and will be arriving later today.

2. **INTENT TO DEFER THE PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PUBLIC ENTERTAINMENT ESTABLISHMENTS** (11:17 a.m.)

Chairman Bulova announced the Board's intent, later in the meeting, at the appropriate time, to defer the public hearing on the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding public entertainment establishments, to allow for further review by the Development Process Committee, staff, and the Planning Commission (PC).

Supervisor Frey remarked on the outpouring Board offices had received from the dance community in the County on this issue. He noted that this issue will be added to the agenda of the Development Process Committee meeting scheduled for June. He expressed his intent to include in the motion direction to the PC to schedule its public hearing and action in time for the Board to hear it prior to the August recess.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to reach out to individuals who signed up to speak as well as individuals who have contacted the Board about this issue and inform them that the public hearing will be deferred. Without objection, it was so ordered.

Chairman Bulova announced the need to work with the community to bring something back that addresses the concerns of neighbors but also is fair and acknowledges the concerns of the dance organizations.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #35.)

AGENDA ITEMS

3. **PRESENTATION TO THE COUNTY BY THE UNITED WAY OF THE NATIONAL CAPITAL AREA** (11:20 a.m.)

Bill Hanbury, President and Chief Executive Officer, United Way of the National Capital Area, made a presentation to the County for grants awarded to the Fairfax/Falls Church Community Impact Fund, for \$288,000, going to

23 different non-profit organizations. Chairman Bulova read a list of representatives present from the awarded organizations.

4. **RESOLUTION OF RECOGNITION PRESENTED TO CAPTAIN WILL BAILEY, FIRE AND RESCUE DEPARTMENT (FRD)** (11:25 a.m.)

Supervisor McKay moved approval of a Resolution recognizing Captain Will Bailey, FRD, for his contributions to the community, including drives to provide toys, gift cards, school supplies, backpacks, and coats to children in need in the County. Supervisor Foust and Supervisor Hyland jointly seconded the motion.

Discussion ensued concerning FRD's up-close and personal involvement in the community in non-crisis situations and Captain Bailey's personal efforts in helping others in need.

The question was called on the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hudgins not yet having arrived.

5. **RESOLUTION OF RECOGNITION PRESENTED TO STEVE RORKE, EXECUTIVE DIRECTOR, LORTON COMMUNITY ACTION CENTER (MOUNT VERNON DISTRICT)** (11:44 a.m.)

Supervisor Hyland moved approval of a Resolution recognizing Steve Rorke, Executive Director, Lorton Community Action Center, for his leadership, guidance, contributions, and exceptional years of service at the Center. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hudgins not yet having arrived.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO COUNTY GOVERNMENT CHANNEL 16** (11:50 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to County Government Channel 16 for its first Emmy from the National Capital Chesapeake Chapter of the National Academy of Television Arts and Sciences for "Juggling in a Struggling Economy: The Fiscal Year 2012 Budget Process", receiving a first place award for Excellence in Government Programming by the National Association of Telecommunications Officers and Advisors, and being awarded the Best in Overall Excellence award from the Alliance for Community Media at the Hometown Video Festival for the eighth time. The motion was multiply seconded, and carried by a vote of eight, Supervisor Herrity and Supervisor Hudgins not yet having arrived.

7. **PROCLAMATION DESIGNATING MARCH 2012 AS "INCLUDING PEOPLE WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES MONTH" IN FAIRFAX COUNTY** (12 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate March 2012 as "*Including People with Intellectual and Developmental Disabilities Month*" in Fairfax County. Supervisor McKay seconded the motion.

Discussion ensued and the Board thanked Rikki Epstein, Executive Director, The Arc of Northern Virginia, for treats prepared by students at the Davis Career Center Culinary Arts Class in the County, accompanied by a recipe for community success for peoples with disabilities.

The question was called on the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hudgins not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING MARCH 2012 AS "WOMEN'S HISTORY MONTH" IN FAIRFAX COUNTY** (12:12 p.m.)

Supervisor Gross moved approval of the Proclamation to designate March 2012 as "*Women's History Month*" in Fairfax County. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hudgins not yet having arrived. Briana Neuberger, a senior at Chantilly High School and winner of the Personal Sheroes essay contest, accepted the proclamation.

9. **12 NOON – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (12:22 p.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, briefed the Board on the report from the committee meeting on Friday, March 2, 2012, and a proposed letter that was discussed during the meeting. He briefed the Board on aspects of the proposed State budgets as being considered by the House and Senate and noted that staff will provide updates to the Board.

Supervisor McKay added that the committee also received an update on the large number of bills on which the Board has taken a position, noting that the Board took a formal position on 222 bills, more than any year since at least 2004. He added that two companion bills, HB 1298 and SB 685, were discussed at the committee meeting. These bills outline a process by which a warrant may be obtained for a tracking device, and are expected to go to a conference committee.

Supervisor McKay said that due to the potential for more revisions before a bill is finally passed, the committee recommended that the Board send a letter to the

Governor requesting that certain language be retained in the bill to implement the new protocol in a manner that best achieves the desired balance. He noted that a draft of this letter was circulated to the Board. Supervisor McKay suggested that the letter be sent following the conclusion of the session.

Supervisor McKay moved adoption of Legislative Committee Report Number 3. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hudgins not yet having arrived.

Supervisor McKay moved that the Board approve, in concept, the draft letter to the Governor concerning HB 1298 and SB 685. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hudgins not yet having arrived.

DAL:dal

10. **12:10 P.M. – PRESENTATION ON ENDING HOMELESSNESS IN THE FAIRFAX-FALLS CHURCH COMMUNITY SNAPSHOT 2011** (12:27 p.m.)

Michael L. O'Reilly, Chairman, Governing Board of the Partnership to Prevent and End Homelessness, gave a presentation on ending homelessness in the Fairfax-Falls Church community.

Supervisor McKay called attention to page 13 of the Ending Homelessness in the Fairfax-Falls Church Community Snapshot 2011 Booklet, regarding the 875 children who experienced homelessness during Fiscal Year 2011. He stated that the number should be listed in a larger font print to draw more attention in an effort to provide housing.

Supervisor Gross raised a question regarding whether language issues have been a challenge or barrier, with input from Mr. O'Reilly and Dean H. Klein, Director, Office to Prevent and End Homelessness, concerning what is being done.

Chairman Bulova stated that the snapshot booklet was very well done in partnership with others in the community. Mr. O'Reilly noted that it was made possible by a grant from the Freddie Mac Foundation.

Chairman Bulova noted that additional information regarding the progress being made to prevent and end homelessness can be found on the County's website.

11. **ADMINISTRATIVE ITEMS** (12:52 p.m.)

Supervisor Gross moved approval of the Administrative Items, with the exception of Admin 5 and Admin 6. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins not yet having arrived.

ADMIN 1 – APPROVAL OF INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE DISTRICT)

- (R)
- Adopted the Resolution authorizing installation of “\$200 Additional Fine for Speeding” signs on the following road:
 - Kirby Road between Chesterbrook and Powhatan Street (Dranesville District)
 - Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (HUNTER MILL, MASON, AND MOUNT VERNON 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>
456A-V97-18-3	Sprint Antenna collocation on existing tower 9130 Belvoir Court, Fort Belvoir Mount Vernon District	May 19, 2012
FSA-H00-97-2	Sprint Antenna collocation on building rooftop 13861 Sunrise Valley Drive, Herndon Hunter Mill District	May 19, 2012
FS-M11-43	Department of Public Works and Environmental Services Bailey’s Fire Station renovation and expansion 3601 Firehouse Lane, Falls Church Mason District	July 9, 2012
2232-V11-25	Park Authority Westgrove Park off-leash dog area 6801 Fort Hunt Road, Alexandria Mount Vernon District	July 23, 2012

**ADMIN 3 – DESIGNATION OF PLANS EXAMINER STATUS UNDER
THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

- Designated the following individual, identified with her registration number, as a Plans Examiner:
 - Viktoriya Kurbatova 295
- Designated the following eight individuals, identified with their registration numbers, as inactive Plans Examiners:
 - Ipek Aktuglu 267
 - Timothy S. Doody 281 (requested to be inactive)
 - Charles F. Dunlap 108 (retired)
 - David R. Hall 252
 - Hiren C. Joshi 280
 - Janet S. Leavitt 43 (requested to be inactive)
 - Carol T. Nelson 244 (retired)
 - Hugh W. Turner 55 (retired)

**ADMIN 4 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, MOUNT VERNON, PROVIDENCE, SPRINGFIELD,
AND SULLY DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Foster Estates - Addition	Dranesville	Windrock Drive (Route 3609)
		Bellview Road (Route 683) [Additional Right-of-Way (ROW) Only]
Lorton Station Boulevard Lorton Town Center Phase I	Mount Vernon	Lorton Station Boulevard (Route 7768) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Lorton Station Boulevard Lorton Town Center Phase I	Mount Vernon	Lorton Station Boulevard (Route 7768) (Additional ROW Only)
		Lorton Station Boulevard (Route 7768) (Additional ROW Only)
Stream Valley Estates	Mount Vernon	Paige Glen Avenue (Route 6914)
		Deavers Run Court
		Bienville Court
Edison W. Bunch Jr. Riggs Bank 2964 Chain Bridge Road	Providence	Chain Bridge Road (Route 123) (Additional ROW Only)
		Miller Road (Route 663) (Additional ROW Only)
Marywood Estates	Providence	Sutton Road (Route 701) (Additional ROW Only)
Burke Community Church	Springfield	Old Keene Mill Road (Route 644) (Additional ROW Only)
Headquarters 2, LLC The Ellipse at Westfields	Sully	Lee Road (Route 661) (Additional ROW Only)

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2013 BUDGET AND REQUIRED TAX RATES

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #12.)

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2012 REVISED BUDGET PLAN

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #13.)

12. **ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2013 BUDGET AND REQUIRED TAX RATES**
(12:53 p.m.)

(A) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the advertisement of the following items for public hearings to be held before the Board on April 10-12, 2012:

- A brief synopsis of the FY 2013 Budget
- Proposed tax rates for Tax Year 2012, including a real estate tax rate of \$1.08
- Advertised Capital Improvement Program for FYs 2013 – 2017 (with Future FYs to 2022)

Supervisor Hyland seconded the motion.

Following discussion regarding the proposed tax rate, the question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “NAY,” Supervisor Hudgins not yet having arrived.

Following a brief discussion regarding the tax rate, Vice-Chairman Gross returned the gavel to Chairman Bulova.

13. **ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2012 REVISED BUDGET PLAN** (1:03 p.m.)

(A) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the advertisement of a public hearing to be held before the Board on **April 10, 2012, at 6 p.m. and April 11 and 12, at 3 p.m.** to consider amending the current appropriation level in the FY 2012 Revised Budget Plan. Supervisor Hyland seconded the motion.

Supervisor Cook raised a question regarding the contribution for the pension plan, and discussion ensued, with input from Susan Datta, Director, Department of Management and Budget, who noted that it pertains to retiree health benefits.

Following clarification that this is an authorization to advertise, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova noted that Budget Mark-up will be held at the April 24, 2012, meeting and the Board will formally adopt the budget on May 1, 2012.

14. **I-1 – 2011 VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT ANNUAL REPORT FOR FAIRFAX COUNTY, VIRGINIA** (1:07 p.m.)

The Board next considered an item contained in the Board Agenda dated March 6, 2012, requesting authorization for the County Executive to forward the 2011 VPDES Permit Annual Report with attachments to the Virginia Department of Conservation and Recreation, and others as requested, and publish it on the County's Website.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

15. **METROPOLITAN WASHINGTON AIRPORT AUTHORITY (MWAA) PRESS RELEASE REGARDING PHASE II OF THE DULLES RAIL PROJECT** (1:08 p.m.)

Chairman Bulova said that MWAA issued a press release today announcing the preliminary engineering cost estimates to Fairfax and Loudoun County officials for Phase II of the Dulles Rail project to build the 11.4 miles of rail through the Dulles corridor to Dulles International Airport and into Loudoun County.

Chairman Bulova noted that at the February 28, 2012, Board meeting she announced the following dates for community outreach meetings:

Monday, March 12, 6:30-8:30 p.m.

South County Government Center, Community Room 221 A/B
8530 Richmond Highway, Alexandria, VA 22309

Wednesday, March 14, 6:30-9:30 p.m.

Hutchison Elementary School Cafeteria
13209 Parcher Avenue, Herndon, VA 20170

Thursday, March 15, 6:30-8:30 p.m.

Westgate Elementary School Cafeteria
7500 Magarity Road, Falls Church, VA 22043

Monday, March 19, 7-9 p.m.

Fairfax County Government Center Conference
Room 9/10 (Lobby Level)
12000 Government Center Parkway, Fairfax, VA 22035

Chairman Bulova also noted that:

- Comments may be submitted on the County's Webpage.
- The Board will hold a public hearing regarding the Phase II Dulles Rail project on Tuesday, March 20, at 5 p.m. in the Board Auditorium, located at 12000 Government Center Parkway, Fairfax, VA 22035. Individuals may register to speak online or by calling the Office of the Clerk to the Board.

(NOTE: Later in the meeting, Chairman Bulova provided the phone number for the Office of the Clerk to the Board. See below.)

Anthony H. Griffin, County Executive, clarified that MWAA's press release has been embargoed until 3 p.m. He stated that he will provide the Board with a printout of additional information.

Supervisor Foust raised a question regarding how information will be made available to the public, with input from Mr. Griffin, who noted that information, generated by MWAA and County staff, will be posted on the website.

Supervisor Hudgins stated that the public should also be made aware of the history of the project and that it was the local preferred alternative which was developed earlier on the Environmental Impact Study (EIS), with input from Mr. Griffin.

Supervisor Herrity raised a question regarding his previous request for information on the operating cost. Discussion ensued, with input from Mr. Griffin, who noted that the operating and maintenance cost will be shared by all the partners of the Washington Metropolitan Area Transit Authority (WMATA) system.

Tom Biesiadny, Director, Department of Transportation, noted that staff has been communicating with WMATA regarding the operating costs and should have the information in time for the public meetings.

Chairman Bulova announced that the individuals who wish to testify at the public hearing on March 20 may contact the Clerk's Office at 703-324-3151, in addition to signing up online.

16. **REANNOUNCEMENT OF THE MASON DISTRICT BUDGET TOWN MEETING** (1:16 p.m.)

Supervisor Gross noted that last week she announced that the Mason District Budget Town meeting will be held on Wednesday, March 14, 2012, at 7 p.m. at the Mason District Governmental Center. County Executive Anthony H. Griffin

will be the featured speaker. She announced that there will also be a question-and-answer period.

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

DET:det

17. **NO BOARD MATTERS FOR LEE DISTRICT SUPERVISOR JEFFREY C. MCKAY** (1:17 p.m.)

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

18. **CELEBRATING THE ENGINEERS AND SURVEYORS INSTITUTE'S (ESI) 25 YEARS OF SERVICE IN THE COMMUNITY** (1:17 p.m.)

Supervisor Cook recognized one of the County's most noteworthy organizations, the ESI, which is celebrating its Silver Anniversary this year. He said that for 25 years, ESI has been serving the community through its partnership with the County, as well as other jurisdictions and private sector organizations within the Northern Virginia area, to insure that only the highest quality plans are submitted to the County for development projects established within the local region.

Supervisor Cook noted that through its intensive quality review process, professional accreditation and development education programs, and collective industry experience and expertise, the Institute has been a major factor in the process resulting in outstanding residential and commercial developments within the County. It has played a key role in assisting the County agencies responsible for managing the appropriate growth in keeping with Board objectives while judiciously using constrained resources. He added that through specific ESI programs and County partnership, the plan design and submission process has been improved such that only quality plans that comply with County requirements are submitted for review. Because of this, the County enjoys the reputation of being a jurisdiction in which plans can be approved consistently with only two submissions due to the trust and expedition of plans that this partnership has developed.

Therefore, Supervisor Cook moved that the Board direct staff to invite representatives from ESI to appear before the Board to be recognized for the outstanding cooperative effort of Institute members in insuring the highest level of quality development plan production for all projects in the County. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

PMH:pmh

19. **INTERNATIONAL BUILDING SAFETY MONTH** (1:20 p.m.)

Supervisor Frey said that, for many years, International Building Safety Week has observed in the nation to increase public awareness of the importance of building codes and construction safety. The importance of building safety and the need to increase public awareness have increased significantly in recent years. This importance has made it necessary for code officials to now observe a whole month as Building Safety Month. Code officials across the country actively endorse Building Safety Month as a good way to improve communication between their building departments and community residents, as well as local builders and developers. It also increases public education on a wide range of issues including safety devices such as carbon monoxide detectors, smoke detectors, and ground fault circuit interrupters, which save lives and protect property.

Supervisor Frey noted that this year, International Building Safety Month will be observed during the month of May 2012. To mark the event, the Department of Public Works and Environmental Services (DPWES) has scheduled public outreach efforts in several local hardware and building material supply retail stores. In addition, DPWES will honor a worthy individual or corporate resident with the 2012 Building Safety Community Partnership Award. The award was first presented in 1998 to recognize County and corporate citizens who have made significant contributions to the promotion of the goal of building safety in Fairfax County.

Therefore, Supervisor Frey asked unanimous consent that the Board:

- Direct staff to prepare a proclamation for the Board's meeting on April 10 declaring the month of May 2012 as "*Building Safety Month*" in Fairfax County.
- Also, recognize the 2012 Community Partnership Award recipient at that time.

Without objection, it was so ordered.

20. **COMMUNITY MEETING (PROVIDENCE DISTRICT)** (1:20 p.m.)

Supervisor Smyth announced that the Providence District community meeting is scheduled for Wednesday, March 7, at Thoreau Middle School at 7 p.m. in the library.

21. **TOWN OF VIENNA WAIVER REQUEST (HUNTER MILL DISTRICT)**
(1:20 p.m.)

Supervisor Hudgins said that the Town of Vienna is preparing to start renovation of the Vienna Town Hall, located at 127 Center Street South, to include new windows, lights, carpets, and mechanical systems. The Town has submitted plans and an application for the project which will require building permits and subsequent inspections by the Department of Public Works and Environmental Services (DPWES). The cost of applicable permit and inspection fees are approximately \$2,500. The Town has requested a waiver of all County building and inspection fees for the renovation of the Vienna Town Hall.

Therefore, Supervisor Hudgins moved that the Board direct DPWES to exempt the Town of Vienna from all building and inspections fees applicable to the Town of Vienna – Town Hall renovations at 127 Center Street South, Vienna. Chairman Bulova seconded the motion and it carried by unanimous vote.

22. **FIRE AND RESCUE DEPARTMENT'S (FRD) ACQUIRED STRUCTURE PROGRAM** (1:22 p.m.)

Supervisor Hyland referred to his written Board Matter regarding the FRD'S Acquired Structure.

Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite Ms. Jennifer Gale, Battalion Chief Kendrick, Captain Hessel, Lieutenant Macinyak, FRD employees, and the residents of Lee Avenue to appear before the Board to be recognized for their donation, training, and interest in FRD service. Without objection, it was so ordered.

23. **VENISON CHILI** (1:22 p.m.)

Supervisor Hyland said that, in the event of another Board retreat, he was suggesting that the Board request the *Washington Post* reporter to prepare his Venison Chili. He noted that it was a "mean" Venison Chili.

24. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (1:23 p.m.)

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

25. **SPRINGFIELD DISTRICT BUDGET TOWN HALL MEETINGS**
(1:23 p.m.)

Supervisor Herrity said that the Springfield District Budget Town Hall meetings are scheduled as follows:

- March 15, Government Center, Rooms 9 and 10, at 7 p.m.

- March 19, West Springfield Government Center, Community Room, at 7 p.m.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs include a schedule of all of the town meetings on the County's website. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

26. **CONCURRENT PROCESSING FOR DOMINION VIRGINIA POWER (SPRINGFIELD DISTRICT)** (1:24 p.m.)

Supervisor Herrity said that Dominion Virginia Power is planning to rebuild a 1.5 mile portion of its existing 115 kV overhead transmission line in the County to support load growth and ensure future electric system reliability in the area. The Special Exception Application SE 2011-SP-015 and Public Facilities 2232 applications are scheduled for a public hearing before the Planning Commission on April 26.

Therefore, since early indicators reveal community support for this application and to ensure that this application, if approved by the Board, can be implemented as quickly as possible to meet the anticipated completion date for this project currently scheduled for May 2013, Supervisor Herrity moved that the Board direct staff to concurrently process the site plan with this application. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the Board's consideration of this application in any way. Supervisor McKay seconded the motion and it carried by unanimous vote.

27. **LYME DISEASE AWARENESS MONTH** (1:24 p.m.)

Supervisor Herrity said that Lyme Disease affects many families in the County and has been on the increase over the last couple of years. Several hundred cases have been reported in the County in the last few years and many also went unreported as the testing for the disease is only 50 percent accurate and many victims do not show obvious symptoms like the "Bulls-eye rash." It is a terrible disease that can take many forms in its victim from muscle pain to arthritis, to heart disease and Bell's Palsy. Lyme Disease Awareness month is officially recognized in May and offers an opportunity to bring this issue to the public's attention and to recognize County staff for their work.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Dr. Arias of the Health Department, and his co-workers, to appear before the Board in April to receive a resolution declaring May 2012 as "*Lyme Disease Awareness Month*," in Fairfax County. Without objection, it was so ordered.

28. **TEACHER APPRECIATION WEEK 2012** (1:26 p.m.)

Supervisor Herrity said that the County schools are consistently ranked as the best in the nation. This is due in no small part to the many outstanding teachers that work tirelessly with our children to set them on a path of excellence towards college and/or the workforce.

Supervisor Herrity noted that since 1984, the National Parent Teacher Association (PTA) has designated the first full week in May as PTA Teacher Appreciation Week, a special time to honor the men and women who lend their passion and skills to educating our children. PTA events at the national, State, and local levels celebrate the outstanding contributions teachers make. This year, National Teacher Appreciation Week will be celebrated May 7–11.

Therefore, Supervisor Herrity moved that the Board declare May 7–11 as “*Teacher Appreciation Week*,” in Fairfax County and direct the Office of Public Affairs to disseminate information on the declaration and the positive impact teachers have on the school system. Supervisor McKay seconded the motion and it carried by unanimous vote.

29. **RECOGNITION OF CHAIRMAN BULOVA’S DAUGHTER** (1:28 p.m.)

Chairman Bulova announced the presence of her daughter in the Board Auditorium and noted that she and her family were visiting from Seattle, Washington. She warmly welcomed her to the Board Auditorium.

30. **RECESS/CLOSED SESSION** (1:29 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. *Marilyn Orange v. Berkshire Property Advisors, LLC, et al.*, Case No. CL-2010-11571 (Fx. Co. Cir. Ct.)
2. Application of XO Virginia, LLC., Case No. PST-2011-00031 (Va. State Corp. Comm'n) (Countywide)
3. *Emmanuel Kwame Boateng v. Fairfax County Police Department*, No. 1:12-cv-55-TSE-TRJ (E.D. Va.)
4. *Christopher Wills v. Charles P. Rosenberg, Donna Marie Stephenson, John Robert Stone, Cindy Lundberg, Michael Feightner, Nathaniel McFadden, Reginald A. Johnson, Maurice Simmons, James Black, Mr. Hamed, Mr. Asib, and Hellen Fayeh*, Civil Action No. 1:09-cv-2558-RMU (D.D.C.)
5. *Board of Supervisors of Fairfax County, Virginia v. D and J Real Estate, LLC, and L & M Body Shop, Inc.*, Case No. CL-2011-0016596 (Fx. Co. Cir. Ct.) (Lee District)
6. *Paul A. Moreno and Asha D. Bhandari v. William L. Hampton, Barbara A. Hampton, and Fairfax County*, Case No. CL-2011-0006678 (Fx. Co. Cir. Ct.) (Lee District)
7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Adane G. Meles*, Case No. CL-2011-0015632 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Winfred Taylor and Jan A. Taylor*, Case No. CL-2011-0016422 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip W. Bradbury*, Case No. CL-2011-0009319 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. AM of Northern Virginia, LLC*,

Case No. CL-2011-0015325 (Fx. Co. Cir. Ct.)
(Mason District)

11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Associated Acquisitions, LLC*, Case No. CL-2011-0015689 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raheen Properties, LLC*, Case No. CL-2011-0015887 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tai Lai and Kent Lai*, Case No. CL-2011-0014968 (Fx. Co. Cir. Ct.) (Lee District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samuel S. Gonzales and Terri Lynn Gonzales*, Case No. CL-2011-0017700 (Fx. Co. Cir. Ct.) (Braddock District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosa E. Martinez*, Case No. CL-2010-0011285 (Fx. Co. Cir. Ct.) (Mason District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Everth Quezada and Rosmery Vega*, Case No. CL-2011-0016598 (Fx. Co. Cir. Ct.) (Springfield District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Washington Gastroenterology, PLLC*, CL-2012-0001759 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brian K. Fleck and Terri R. Fleck*, Case No. CL-2012-0001755 (Fx. Co. Cir. Ct.) (Providence District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derek B. Vereen and Angelique H.*

Vereen, Case No. CL-2012-0001757 (Fx. Co. Cir. Ct.) (Lee District)

21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sharon U. Hoxie*, Case No. CL-2011-0002138 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alexander Canas and Roxana G. Barrera*, Case No. CL-2012-0002216 (Fx. Co. Cir. Ct.) (Lee District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charles Yeh and Mary Yeh*, Case No. CL-2012-0002343 (Fx. Co. Cir. Ct.) (Dranesville District)
24. *Board of Supervisors v. Myra D. Miller and Western Surety Company*, Case No. CL-2011-0015901 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- Briefing Authorized by Virginia Code Section 2.2-3711 (19)

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

ADDITIONAL BOARD MATTER

31. **INTENT TO DEFER THE PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PUBLIC ENTERTAINMENT ESTABLISHMENTS** (1:30 p.m.)

(NOTE: Earlier in the meeting, the Board announced its intent to defer the public hearing regarding this item. See Clerk's Summary Item #2.)

Chairman Bulova announced that later in the meeting, at the appropriate time, the Board would defer the public hearing on a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding public entertainment establishments.

Supervisor Frey noted that the Board's intent is to defer a public hearing on an ordinance that deals with dance halls and he clarified that the County does **not** have an ordinance regulating dancing.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #35.)

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At 4:23 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, and with Chairman Bulova presiding.

CLOSED SESSION

32. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:24 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. Chairman Bulova seconded the motion and it carried by vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

Supervisor Cook noted that Supervisor Hyland was not present for closed session.

AGENDA ITEMS

33. **4 P.M. – PH ON PROPOSED COMPREHENSIVE PLAN AMENDMENT S11-CW-4CP REGARDING REVISIONS TO THE COMPREHENSIVE PLAN TO UPDATE INFORMATION ON HERITAGE RESOURCES** (4:25 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 February 17 and February 24, 2012.

Laurie Turkawski, Historian, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Gross moved approval of Plan Amendment S11-CW-4CP dated February 9, 2012, as recommended by the Planning Commission. The recommendation would update the Comprehensive Plan to provide the most accurate and current information on the County's heritage resources. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTER34. **FUNDING FOR FAIRFAX FAMILIES FOR KIDS PROGRAM** (4:29 p.m.)

Supervisor Hudgins said that as part of the Fiscal Year 2010 Human Services budget reduction, the Department of Family Services reduced its budget by over \$6 million and was able to do so by reducing service levels, redesigning programs, and restructuring staff to support the mandated and most critical operations of the agency. Fairfax Families 4Kids was one of the programs impacted. It provides group mentoring services for youth in foster care. Because of the value of mentoring services to youth, efforts were made to seek alternative approaches and alternative funding sources to continue mentoring for at-risk youth.

Therefore, Supervisor Hudgins moved that the Board direct staff to provide additional information on how this service and, specifically, the Fairfax Families 4Kids model would be offered and the status of those efforts. Supervisor Frey seconded the motion.

A brief discussion ensued regarding the program and whether there are other ways to continue with the program.

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

AGENDA ITEM35. **4 P.M. – PH ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PUBLIC ENTERTAINMENT ESTABLISHMENTS** (4:32 p.m.)

(NOTE: Earlier in the meeting, the Board announced its intent to defer this public hearing. See Clerk's Summary Items #2 and #31.)

Supervisor Frey moved that the Board:

- Defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding public entertainment establishments.
- Direct staff to coordinate with the travel industry, Virginia Hospitality, travel associations, as well as the Convention Visitors Bureau, and the public.

- Direct staff to report with a revised draft for discussion at the Development Process Committee meeting scheduled for May 15, 2012, at 1 p.m.
- Refer the proposed amendment to the Planning Commission for recommendations in time for the Board to act prior to the August recess.

Discussion ensued regarding the proposed amendment and the issue of public safety associated with it.

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

36. **BOARD ADJOURNMENT** (4:39 p.m.)

The Board adjourned.

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