

Minutes of the Fairfax County Consumer Protection Commission

September 17, 2019

7:30 PM
Government Center, Conference 2/3
12000 Government Center Parkway
Fairfax, Virginia 22035
Chairman Fee, presiding

Attendance:

Commissioners: Belkowitz, Callender Fee,
Gulakowski, Hargraves, Hine, Kratovil, Kirk,
Lynch, Roark, Rosier

Absent:

Commissioners: Javed, Omeish

Staff:

Michael S. Liberman, Director
Cable and Consumer Services
Rebecca L. Makely, Director
Consumer Services Division
Susan C. Jones, Branch Chief
Consumer Affairs Branch
Carl Newcomb, Manager
Regulation and Licensing Branch
Chris Wells, Active Transportation Program
Manger, Fairfax County Department of
Transportation
Joanna L. Faust, Assistant County Attorney
Office of the County Attorney

The meeting was called to order at 7:32 PM by Chairman Fee.

Minutes

The minutes for the August 20, 2019, meeting were approved.

Report of the Chairman

Chairman Fee had no matters to bring before the Commission.

Report of the Director

Director Liberman informed the Commission of the postponed submission of Chapter 33 Precious Metals and Gem Dealers and Pawnbrokers to the Board of Supervisors for action pending possible legislative amendments during the upcoming General Assembly session.

Commission Matters

Commissioner Roark had no matters to bring before the Commission.

Commissioner Hargraves spoke of frequent power outages in his neighborhood. Staff will address this issue with Dominion Energy.

Commissioner Hine had no matters to bring before the Commission.

Commissioner Callender had no matters to bring before the Commission.

Commissioner Kirk spoke about a wave of car break-ins in the Bailey Crossroads area.

Commissioner Gulakowski had no matters to bring before the Commission.

Commissioner Rosier mention the construction project in the Route 7 area.

Commissioner Lynch had no matters to bring before the Commission.

Commissioner Belkowitz had no matters to bring before the Commission.

Chairman Fee had no matters to bring before the Commission.

Old Business

There was no old business before the Commission.

New Business

1. Public Hearing on Adoption of a New Chapter of the County Code, Shared Mobility Devices.

Chairman Fee read the following statement of Commission Responsibility. *All hearings or other public proceedings conducted by the Commission shall be conducted in an informal manner. The Commission shall have the discretion to admit all evidence which may be of probative value even if that evidence is not in accord with formal rules of legal practice and procedure. Applicants and appellants may appear, either by personal appearance, legal counsel, or other representation, to present argument and evidence on their behalf. In addition, the Commission may establish rules of procedure for the conduct of hearings which are consistent with law. Any interested party may record all public proceedings of any hearing in any manner which will not impede the orderly conduct of the hearing.*

Rebecca Makely, Director, Consumer Services Division, presented the staff report on Shared Mobility Devices (SMD). Director Makely introduced the SMD Work Group, discussed House Bill 2752, and the current SMD status in Fairfax County. She reviewed the proposed Fairfax County Code new Chapter 86, Shared Mobility Devices:

- Article 1 - In General
- Article 2 - Operator's Permit and Shared Mobility Device Certificates
- Article 3 - Appeals
- Article 4 - Records and reports
- Article 5 - Requirements and standards
- Article 6 - Penalties.

In addition, Director Makely presented industry common themes, other SMD programs in Northern Virginia, staff recommendation, and timeline to adopt SMD ordinance.

Public Comment:

1. Mark Mehrespand spoke as a small local scooter business owner about the importance of maintaining the fleet due to the cost of each scooter and the insurance. He had no objection to the 10 mph and shared information on SMD in other states.
2. Wil Burns, Director, Government Partnerships East Coast for Spin, spoke briefly about the e-scooters in surrounding jurisdictions. He had no objection to the number of SMD certificates or the 10 mph speed limit. He also spoke about the improvement of the battery for longer use.

A discussion ensued on the miles per hour allowed in the City of Fairfax, safety concerns, data record keeping, 24 hours accessibility, signs posted on private property, shared personal information, and analyzing data by staff.

Public Hearing ended at 9:01 PM and the Commission took a brief recess.
The Commission resumed its meeting at 9:08 PM.

A discussion ensued on the maximum limit of Shared Mobility Devices permitted, entry fees, process for amendments, helmets, age requirement, safety standards, information reasonably requested by the Director, staff support, requirement to notify SMD riders of the safety and etiquette rules and regulations, records provided in a reasonable period of time, self-policing, process for fee increases, and roll call training for police.

Director Makely made a closing statement reiterating the regulation of the operators and staff time in processing data and complaints.

Chairman Fee made the motion that the Consumer Protection Commission recommend that the Board of Supervisors amend the Fairfax County Code by adding a new Chapter 86, related to Shared Mobility Devices. Commissioner Kirk seconded the motion.

Staff asked the Commission to accept an administrative edit in Article 5, page 9, line 32 to strike **within**. Line 33, strike **4 hours, if** and replace with **if** and strike **within** and replace with **between** and add **, within 4 hours, or**.

Without objection, Chairman Fee made motion to accept the changes. The motion passed unanimously.

The meeting adjourned at 9:48 PM.