



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 16, 2012**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, October 16, 2012, at 9:37 a.m., there were present:

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

Others present during the meeting were Edward L. Long Jr., County Executive; David P. Bobzien, 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** (9:38 a.m.)

Chairman Bulova asked everyone to keep in thoughts Bill Miller, Public Information Officer, Office of Public Affairs, who is recovering from surgery.

Supervisor Cook asked everyone to keep in thoughts the family of Mr. Bryan Glenn who recently died. Mr. Glenn was a student at Woodson High School and his death has resulted in difficult circumstances for his family and the community.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD)** (9:39 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to the FCPD for receiving the International Association of Chiefs of Police 2011 National Law Enforcement Award, as well as the Underage Alcohol Awareness Award in the special category awards, the Occupant Protection Award, the Underage Alcohol Awareness Award and the Commercial Motor Vehicle Safety Award in the 2011 Virginia Law Enforcement Challenge. Supervisor Gross seconded the motion.

Following discussion concerning the use and sale of alcohol to minors and deterrence programs, the question was called on the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO LINK** (9:53 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to LINK for its fortieth anniversary and years of dedicated service and outstanding commitment to the western Fairfax County and eastern Loudoun County communities. Supervisor Hyland seconded the motion and it carried by unanimous vote.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO STAFF FROM THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) AND WETLAND STUDIES AND SOLUTIONS, INCORPORATED (WSSI)** (9:59 a.m.)

Chairman Bulova noted that a number of Board Members had the opportunity to tour the Government Center Stream Restoration Project.

Supervisor Cook moved approval of Certificates of Recognition presented to DPWES Stormwater Planning Division staff for the successful public-private partnership that restored a tributary of Difficult Run at the Government Center,

and WSSI for the donation of \$100,000 worth of dredging; this successful partnership used emerging technologies and native plants to improve the habitat and biological function of this stream. Supervisor Gross seconded the motion.

Supervisor Cook called the Board's attention to a handout depicting pictures of the project before and after. Discussion ensued concerning the innovative technology used and the public-private partnership that was developed.

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

5. **PROCLAMATION DESIGNATING NOVEMBER 2012 AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (10:17 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate November 2012 as "*Adoption Awareness Month*" in Fairfax County. Supervisor McKay seconded the motion.

Following discussion of personal experience with adoption and the importance of awareness, the question was called on the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO GEORGE C. MARSHALL HIGH SCHOOL (PROVIDENCE DISTRICT)** (10:23 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to George C. Marshall High School for fifty years of service to its students and the community. Supervisor Foust seconded the motion.

Supervisor Smyth noted that the school also serves the Dranesville and Hunter Mill Districts as well as the Tysons area. Discussion ensued concerning its outstanding scholastic record.

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

7. **PROCLAMATION DESIGNATING OCTOBER 27, 2012, AS "VOLUNTEERFEST DAY" IN FAIRFAX COUNTY** (10:31 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate October 27, 2012, as "*VolunteerFest Day*" in Fairfax County. Supervisor Foust and Supervisor Hyland jointly seconded the motion.

Chairman Bulova noted that most Board Members have participated and attended recognition breakfasts for the many volunteers, both individuals and organizations, who volunteer throughout the County and that the attendance reflects the tremendous amount of volunteer engagement in the County.

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

Jeanne Sanders, Executive Director, Volunteer Fairfax, explained the ease of on-line sign up for volunteer activities and noted that each Board Member had been provided a list of projects broken down by district. She also called the Board's attention to several upcoming events including:

- Our Daily Bread's Foodraiser (Braddock District)
- Shelter House's transformation of the Patrick Henry Shelter (Mason District)
- Northern Virginia Family Services' Thrift Shops fall cleanup (Providence and Sully Districts)

8. **10:30 A.M. – PRESENTATION OF THE 2012 EXCEPTIONAL DESIGN AWARDS** (10:42 a.m.)

This is the twenty-eighth year of the Exceptional Design Awards Program. The purpose of the awards program is to recognize achievement in the total design of a building and site and to create an awareness of outstanding planning and design projects among design professionals and the general public.

Joseph J. Plumpe, ASLA PLA, Chairman of the Architectural Review Board and Chairman of the 2012 Exceptional Design Award Jury, gave a presentation regarding the history of the program and announced the recipients of the 2012 Exceptional Design Awards, as follows:

- *Honorable Mention Award:* Balfour Beatty Construction
Category: Office (Interior)
Architect: FOX Architects, LLC
Owner/Developer: Balfour Beatty Construction
Year Built: 2011
- *Honorable Mention Award:* CurvyGirls Bridal
Category: Office (Interior)
Architect: Architecture, Inc
Owner/Developer: Bob & Ruth Sutton (Owners)/ Atlantic Realty Corporation (Developer)
Year Built: 2011
- *Honorable Mention Award:* I-66 Transfer Station Operations Center
Category: Institutional
Architect: Ritter Architects
Owner/Developer: Fairfax County Department of Public Works and Environmental Services
Year Built: 2012

Honorable Mention Award: Patriot Home (Wounded Warrior Home Project)

Category: Community Benefit Project

Architect: Michael Graves and Associates

Owner/Developer: Clark Realty Capital, LLC

Year Built: 2011

- *Merit Award:* Dolley Madison Library
Category: Institutional
Architect: Bowie Gridley Architects
Owner/Developer: Fairfax County Department of Public Works and Environmental Services
Year Built: 2011
- *Honor Award:* de Laski Performing Arts Building, George Mason University
Category: Institutional
Architect: Hughes Group Architects
Owner/Developer: George Mason University
Year Built: 2010
- *Honor Award:* Fort Belvoir Community Hospital
Category: Institutional
Architect: HDR/Dewberry (Joint Venture)
Owner/Developer: US Army Corps of Engineers - Norfolk District
Year Built: 2011
- *Honor Award:* Lakefront Residence
Category: Residential
Architect: Moore Architects, PC
Owner/Developer: Alan Kick and Steve Sellick
Year Built: 2011
- *Honor Award:* Woodlawn Village Neighborhood Center
Category: Community Benefit Project
Architect: Torti Gallas and Partners, Inc
Owner/Developer: Clark Realty Capital LLC
Year Built: 2011

9. **10:45 A.M. – PRESENTATION BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) (10:56 a.m.)**

(BACs) Gerald L. Gordon, Ph.D., President and CEO of the EDA, gave a brief overview of the Authority's mission and noted that in the County today there are 400 foreign-owned businesses that directly hire approximately 25,000 people, spin off

additional jobs in the secondary and tertiary economies, encourage trade and inward investment, and generate wealth in the community, as well as increase the diversity of the County's business community.

Dr. Gordon introduced Jan Mul, Director, International Marketing, and Alan Fogg, Vice President, Communications. Mr. Mul introduced the Tysons Corner team and the following individuals who gave brief remarks regarding their operations:

- Mark White, Director, California Office
- David Wallen, Representative, London Office
- Guenther Stodiek, Director, Europe (continental) Office
- Elad Shabi, Representative, Tel Aviv Office
- Rajesh Pai, Representative, India Office
- Charles Kim, Director, Korea Office

Chairman Bulova explained the benefits of having an overseas presence particularly when the perception of a "county" is rural rather than urban in nature and asked Dr. Gordon to present information concerning staffing. Dr. Gordon noted that the EDA has (international) representatives, rather than offices, each of whom has a business of their own and effectively represent the County part-time with the cost of that representation, not the overhead, being absorbed by the EDA. He added that it is a remarkably low expense item with a very high return on the investment.

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10. **11:15 A.M. – PRESENTATION OF THE FINAL REPORT AND RECOMMENDATIONS FROM THE PRIVATE SECTOR ENERGY (PSE) TASK FORCE** (11:08 a.m.)

Chairman Bulova thanked members of the task force and noted that Supervisor Frey, Supervisor Gross, Supervisor McKay were also members of the task force.

Leo Schefer, Chairman, PSE Task Force, and President of the Washington Airports Task Force, introduced the following members of the task force, and staff members, who were present in the Board Auditorium:

- Mr. Steve Walz, Northern Virginia Regional Commission
- Mr. Conrad Mehan, Enviro Solutions, Inc.

- Mr. Philip Sandino, Dominion Virginia Power
- Mr. Douglas Koelemay, SAIC
- Ms. Terry Hall, Washington Airport Task Force Staff
- Mr. Mark Thomas, Chairman's Staff

Mr. Schefer presented the final report and recommendations of the PSE Task Force. Following the presentation, discussion ensued, with input from Mr. Schefer, regarding the energy efficient buildings in Asia and how they work and the opportunity to have a pilot project in the southeastern part of the County.

Chairman Bulova indicated that the information on the building in China was featured in Part III of the series "*Evolution of Fairfax*" and can be found at: <http://www.fairfaxcounty.gov/chairman/evolution.htm>.

Discussion ensued, with input from Mr. Schefer, regarding environmental and economic savings, realistic incentives, rules and regulations, energy saving, and building codes for future projects and efforts with the concept of the Green energy triangle.

Chairman Bulova noted that the Energy Action Fairfax Program works with older neighborhoods to provide information about how to upgrade the homes with installation of energy saving devices.

Chairman Bulova recognized the presence of Ms. Priscilla Knight of NOVEC and a member of the task force in the Board Auditorium and warmly welcomed her.

11. **ADMINISTRATIVE ITEMS** (11:47 a.m.)

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

Supervisor Hudgins called the Board's attention to Admin 6 – Supplemental Appropriation Resolution (SAR) AS 13109 for Various County Agencies to Accept Department of Homeland Security (DHS) Urban Areas Security Initiative (UASI) Subgrant Awards from the Government of the District of Columbia Homeland Security and Emergency Management Agency (HSEMA) and asked for information as to whether there are opportunities to use the UASI funds for Human Services needs in emergencies.

Supervisor Foust called the Board's attention to Admin 4 – Endorsement of Applications for Fiscal Year (FY) 2019 Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) Program Funds and noted the need to use the actual names of metro stations stops. He referred to the Tysons Plan and the neighborhood and access improvements as well as the need

to focus investment on intersection improvements in the communities surrounding Tysons.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, regarding funding sources for access improvement projects.

Supervisor Smyth asked unanimous consent that the Board direct staff to ensure the correct metrorail station names are used. Without objection, it was so ordered.

Discussion ensued, with input from David McKernan, Emergency Management Coordinator, Office of Emergency Management, regarding Admin 6, and allocation of funds in dealing with the special needs population during emergencies, service delivery for the human services during emergencies, and the need to explore more avenues for funding.

Discussion ensued, with input from Edward L. Long Jr., County Executive, and Mr. McKernan, regarding the need to explore grant opportunities for funding sources to address the impact of disasters on human services in emergencies.

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

ADMIN 1 – 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 February 3, 2013, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (PROVIDENCE AND MASON DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-P12-5	Cricket Communications Antenna collocation on building screen wall 6400 Arlington Boulevard, Falls Church Providence District	December 23, 2012

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-M12-19	Cricket Communications Antenna collocation on existing monopole 7010 Braddock Road, Annandale Mason District	December 28, 2012
2232-P12-4	Fairfax County Park Authority Hartland Green Park-Proposed Urban Park 2733 Hartland Road, Falls Church Providence District	January 29, 2013

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE CULMORE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 4, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Culmore RPPD, District 9 (Mason District). The proposed District expansion includes Nevius Street (Route 1888) from Vista Drive to Leesburg Pike.

ADMIN 4 – ENDORSEMENT OF APPLICATIONS FOR FISCAL YEAR (FY) 2019 REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDS

(NOTE: Earlier in the meeting, the Board discussed this item. See pages 7–8.)

Endorsed the Department of Transportation’s applications for FY 2019 RSTP and CMAQ funds. No local cash match is required. If the applications are successful staff will return to the Board for approval of appropriate grant agreement(s).

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (LEE 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>
Highgrove Estates Section 8	Lee	Roso Street (Route 1320) Deer Ridge Trail (Route 10189)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Faircrest-Centreville Farms Lots 65-67 (Phase II Roadways)	Sully	Centreville Farms Road (Route 8285) Stringfellow Road (Route 645) [Additional Right-of-Way (ROW) Only] Leland Road (Route 7773) (Additional ROW Only) Arrowhead Park Drive (Route 10099) (Additional ROW Only)

**ADMIN 6 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 13109 FOR VARIOUS COUNTY AGENCIES TO ACCEPT
DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS
SECURITY INITIATIVE (UASI) SUBGRANT AWARDS FROM THE
GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND
SECURITY AND EMERGENCY MANAGEMENT AGENCY (HSEMA)**

(SAR) (NOTE: Earlier in the meeting, the Board discussed this item. See pages 7–8.)

Approved SAR AS 13109 in the amount of \$9,305,569, for various County agencies to accept DHS Fiscal Year 2012 UASI subgrant awards. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1 of the Board Agenda Item. All projects will be implemented in accordance with the program guidance documents. Funding will support a new grant position in the Health Department and will continue to support four existing grant positions for a total of five grant positions. The County is under no obligation to continue these positions when the grant funding expires. No local cash match is required.

12. **A-1 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE
BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF
REVENUE BONDS FOR THE BENEFIT OF VINSON HALL, LLC**
(12:02 p.m.)

(R) Supervisor Foust announced that this action does not constitute a debt obligation to the County or the Board.

Supervisor Foust moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing the EDA to issue revenue bonds in an amount up to \$120 million for the benefit of Vinson Hall, LLC. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust,

Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being out of the room.

13. **A-2 – AUTHORIZATION OF WILLOW OAKS STORMWATER POND PRO RATA SHARE REIMBURSEMENT AGREEMENT (PROVIDENCE DISTRICT)** (12:04 p.m.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and authorize staff to execute an agreement to reimburse Inova Health Care Services from pro rata share collections (Fund 316), for the County’s share of the engineering, design, and construction of the Willow Oaks Stormwater Pond (Accotink Regional Pond B) within the Willow Oaks development located within the Accotink Creek Watershed. Supervisor Gross seconded the motion.

Discussion ensued, with input from Fred Rose, Chief, Watershed Planning and Assessment Branch, Stormwater Management Division, Department of Public Works and Environmental Services, regarding the fiscal impact and the remaining balance of funds available for projects.

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

14. **A-3 – ADOPTION OF A RESOLUTION AUTHORIZING EXECUTION OF THE VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK (VA WARN) MUTUAL AID AGREEMENT** (12:06 p.m.)

(R) On motion of Supervisor Gross, seconded by Supervisor Foust, 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 adopted a Resolution authorizing the County Executive to:

- Execute the VA WARN Mutual Aid Agreement among the County and member utilities of the VA WARN
- Designate the authorized representative(s) to act on behalf of the County under this Agreement
- Execute an Event Agreement, substantially in the form of the Event Agreement contained in the Board Agenda Item, when the County Executive or his designee determines it is appropriate to request, or offer to provide, assistance in connection with a specific emergency

15. **A-4 – APPROVAL OF A PARKING REDUCTION FOR PROSPERITY METRO PLAZA (PROVIDENCE DISTRICT)** (12:07 p.m.)

Supervisor Smyth moved to defer action on this item until after the public hearing on the relating rezoning application later in the day. Supervisor Foust seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #44.)

16. **C-1 – 2012 VIRGINIA ASSOCIATION OF COUNTIES (VACo) ANNUAL MEETING** (12:07 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated October 16, 2012, requesting Board designation of a voting delegate and alternate voting delegate to represent the County at the VACo annual meeting to be held in Bath County, Virginia, on November 13, 2012.

Supervisor Gross moved that the Board designate:

- Supervisor Hyland as the voting delegate
- Chairman Bulova as the alternate voting delegate

Supervisor McKay seconded the motion and it carried by unanimous vote.

17. **C-2 – AMENDMENTS TO THE BYLAWS FOR THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY MANAGEMENT TEAM (CPMT)** (12:09 p.m.)

The Board next considered an item contained in the Board Agenda dated October 16, 2012, requesting Board approval of amendments to the bylaws for the Fairfax-Falls Church CPMT.

Supervisor Gross moved that the Board authorize amendments to the Fairfax-Falls Church CPMT bylaws. Supervisor Foust and Supervisor Hyland jointly seconded the motion.

Discussion ensued, regarding the changes to the bylaws and how it will help broaden collaboration and teamwork, and the work that the community does.

Supervisor Foust asked unanimous consent that the Board direct staff to provide information regarding the scope of work done by the CPMT. Without objection, it was so ordered.

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

18. **I-1 – CONTRACT AWARD – INTERIOR DESIGN ARCHITECTURE/ENGINEERING SERVICES** (12:12 p.m.)

The Board next considered an item contained in the Board Agenda dated October 16, 2012, requesting authorization for staff to award contracts to Leo A. Daly; Little Diversified Architectural Consulting; Moseley Architects, PC; Peck, Peck and Associates, Incorporated; Swanke Hayden Connell LTD; and Wisewski Blair and Associates, an HGA Co., to provide interior design and architectural and engineering services for the Facilities Management Department. The scope of work includes, but is not limited to, design, drawings, move management, cost estimating, and various other design, engineering, and architectural services. These contracts will commence on the date of award and terminate on July 31, 2017. The total estimated amount of these contracts is approximately \$1,500,000 per year.

Discussion ensued, with input from Edward L. Long, County Executive; Cathy A. Muse, Purchasing Agent/Director, Department of Purchasing and Supply Management; and Marguerite Guarino, Assistant Director, Real Estate, Facilities Management Department, regarding the projects that are included in the estimate, the type of work that is involved, and how the funds are disbursed.

Supervisor Foust asked unanimous consent that the Board direct staff to provide information on how much money was spent on such services in the past three years. Without objection, it was so ordered.

Discussion ensued, with input from Ms. Guarino, regarding the details of the contract and how it is managed.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

19. **FOLLOW UP ON PRIVATE SECTOR ENERGY TASK FORCE REPORT** (11:45 a.m.)

(NOTE: Earlier in the meeting, the Private Sector Energy Task Force presented its final report. See Clerk's Summary Item #10.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and expressed her appreciation to Leo Schefer and all the members of the Energy Task Force for the time and thoughtful work they put into this report. As a result of their efforts, the Board has an outstanding blueprint that it can work from to position the County as a leader in energy efficiency, innovation, and sustainability.

Therefore, Chairman Bulova moved that the Board:

- Direct the County Executive to engage with Task Force leadership to begin development of a private sector Energy Alliance.
- Direct staff to work with the Alliance on the recommendations in the report and ask that a response and action plan for achieving the recommendations related to County operations and policies be returned to the Board for action.

Vice-Chairman Gross seconded the motion.

Following a brief discussion regarding the recommendations, the question was called on the motion, and it carried by unanimous vote.

20. **REQUESTS FOR RECOGNITION** (12:20 p.m.)

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

- The Office of Human Rights and Equity Programs to appear before the Board to receive a proclamation recognizing American Indian Heritage Month.
- The Health Department to appear before the Board to receive a proclamation recognizing HIV/AIDS Awareness Day.

Without objection, it was so ordered.

21. **ONLINE TAX PAYMENT SERVICE OUTAGES** (12:21 p.m.)

On behalf of the County, Chairman Bulova apologized to citizens who attempted to pay their personal property taxes on October 5 either online or by automated phone payment. The County's online payment system experienced intermittent outages on the October 5 and some residents were unable to complete their payments as they had planned. Since October 5 was the due date for personal property taxes, this left many citizens inconvenienced, frustrated, and facing late fees.

Chairman Bulova explained that by the afternoon of October 5, staff from the Department of Tax Administration (DTA) and the Department of Information Technology (DIT) had arranged an alternative online payment option. She added that at her request, DTA agreed to waive late fees on all payments received by midnight on October 6. Since then, DTA has been carefully reviewing late fee waiver requests they have received related to the outages to avoid punishing residents for an internal software issue.

The online and automated payment systems were intended to make it more convenient for residents to pay their tax bills, and, unfortunately, this system failed at a critical juncture. While there were still other payment options available, there was an expectation that the service would be functional and it is unacceptable that it was not.

Chairman Bulova said that this was the first time the County had an issue like this with the online payment system and DIT staff were able to correct the issue by Friday evening. The software is scheduled for replacement under the Fiscal Year 2013 investment plan and a replacement should be in place by 2014.

Therefore, Chairman Bulova moved that the Board direct DTA and DIT to apply the lessons learned from October 5 when selecting software to replace the current system. Supervisor Cook seconded the motion.

Discussion ensued regarding the software replacement and the need to implement it early enough to avoid disruption.

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

22. **BOARD REVIEW AND REVISION OF SOLAR DEVICE TAX EXEMPTION** (12:24 p.m.)

While working with the Private Sector Energy Task Force, Chairman Bulova said that she reviewed a number of the County's existing programs that promote energy efficiency and alternative energy generation. The County currently offers free permitting and a five year real estate tax exemption for solar panels and equipment. This program is intended to reduce barriers to alternative energy.

In researching this program, Chairman Bulova learned, only a limited number of property owners have applied for the credit - less than 20 in the last three years and fewer than that for the entire preceding decade. It appears that the existing ordinance is not well used and there may be opportunities to improve it under existing State enabling legislation.

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

- Examine the possibility of extending the tax exemption beyond five years and the possibility of expanding the County ordinance to include a machinery and tools tax exemption.
- Examine the revenue and administrative impact of these options.

- Report its findings to the Board at the Environment Committee meeting in early 2013 with a draft ordinance for discussion.

Vice-Chairman Gross seconded the motion.

Vice-Chairman Gross relinquished the Chair to Acting-Chairman Hyland and asked to amend the motion to refer the motion to the Legislative Committee to review the tax exemption under existing State Legislation. This was accepted.

Acting-Chairman Hyland returned the gavel to Vice-Chairman Gross.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

23. **OCTOBER 2012 QUARTERLY REPORT OF THE OFFICE OF FINANCIAL AND PROGRAM AUDIT (DRANESVILLE DISTRICT)**
(12:28 p.m.)

Supervisor Foust noted that the Board has received the Office of Financial and Program Audit's Quarterly Report as of October 2012. Study areas addressed in the Auditor's report include the following:

- Fairfax-Falls Church Community Services Board (CSB)
- Dulles Metrorail Project
- County Workforce and Position Classification Trends
- General Fund Cost Allocations
- Information Technology Disaster Recovery

During this quarter, work on the CSB assignment was the Auditor's highest priority to meet the timeline in the County Executive's CSB Work Plan. The Auditor reports completion of those assignments and it is anticipated those reports will become part of the overall County Executive work plan for CSB that will be reviewed with the Board in the coming weeks and months.

Supervisor Foust said that the Auditor's findings and recommendations are set forth in the report and several are summarized below.

Dulles Metrorail Project - The Metropolitan Washington Airports Authority (MWAA) Board approved a \$150 million increase to the construction budget on June 20, 2012. MWAA has not publicly identified the allocation of this increase to specific budget categories. This increase results in a \$2.9 billion construction

budget. Through September the project is considered 79 percent complete and MWAA is anticipating the start of revenue service in December of 2013.

General Fund Cost Allocation - In the public sector, the identification and allocation of costs helps local governments recover the full cost of services supported by the General Fund. The report notes that although the County has not developed a formal full cost allocation plan, it does allocate some General Fund administrative costs to the special revenue and enterprise funds. The Auditor recommends that the Department of Management and Budget review the current General Fund cost allocations to the special revenue and enterprise funds and identify additional central service costs supported by the General Fund that could be allocated to those benefitting funds and should consider developing a formal full cost allocation plan. The Audit Committee accepted and will forward the recommendations to the Budget Committee for consideration and review.

Future Study Areas - In addition to previously approved study areas listed in the report, the Audit Committee directed the Auditor to commence work on the Park Authority analysis, as presented by Chairman Bulova and approved by the Board on September 24, 2012.

The Audit Committee also approved a request for an analysis of Fairfax County Trust Funds held at the Northern Virginia Transportation Commission (NVTC) with the following objectives:

1. Determine the sources and projected uses for the reserve balances.
2. Determine the methodology and process for allocating reserve funds to projects.
3. Is there an appropriate minimum target balance for the reserve fund? Determine the basis for reserve calculations.
4. Evaluate supporting documentation for the reserve estimates and analysis.

Therefore, Supervisor Foust moved that the Board:

- Adopt the October 2012 Quarterly Report of the Office of Financial and Program Audit
- Approve the list of study areas to be included in the work program of the Office of Financial and Program Audit

Supervisor Smyth seconded the motion.

Following a brief discussion regarding the Park Authority budget, the question was called on the motion, and it carried by unanimous vote.

24. **TRAFFIC IMPACT IN THE COUNTY FROM THE POSSIBLE EXPANSION OF ARLINGTON PUBLIC SCHOOLS (DRANESVILLE DISTRICT)** (12:34 p.m.)

Supervisor Foust said that Arlington County Public Schools is in the process of evaluating several design concepts for an expansion of the Williamsburg Middle School and the construction of a new elementary school (or Learning Lab) on the middle school campus. This expansion could add 300 middle school students and 600 elementary school students to the campus, a portion of which is located adjacent to the Arlington's border with the County. Several citizens in the Dranesville District have expressed concern about this proposal and the process that is being used to examine alternatives and evaluate impacts on the surrounding communities, including those in the County. There is a great deal of concern about increased traffic through the neighborhoods as well as traffic on Old Dominion Drive which is a major thoroughfare used by commuters.

Therefore, Supervisor Foust moved that the Board authorize the Chairman to send a letter to the chairs of the Arlington County Board of Supervisors and the Arlington County School Board asking that the County's Department of Transportation and the Virginia Department of Transportation be given the opportunity to formally review and comment on the transportation analysis that is being conducted for this school expansion as well as any mitigation measures proposed to address traffic in the neighborhoods and on Old Dominion Drive. Further, nearby communities in Fairfax County should be invited to participate in the process. Supervisor Smyth seconded the motion and it carried by unanimous vote.

DET:det

25. **EXPEDITED PROCESSING OF SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-P-040-2 (PROVIDENCE DISTRICT)** (12:35 p.m.)

Supervisor Smyth said that Gannett Company, Incorporated, hereinafter referred to as the "applicant," occupies a building located on approximately 16.74 acres in the West*Park Office Park and that prior to the purchase of the property, the applicant processed a special exception application to allow specific features associated with the use and operation of its proposed building; as a building had not yet been designed, several development conditions created a limitation on the occupancy of the building by a single user. Supervisor Smyth stated that, as the office building has been built and occupied by the applicant for well over a decade, this limitation is no longer applicable; therefore, the applicant has filed a special exception amendment (SEA) application with the Department of Planning and Zoning (DPZ) to modify these conditions. No modifications are proposed to the existing physical improvements located on the applicant's property and given

the minor nature of the proposed SEA application, the applicant has requested expedited processing.

Supervisor Smyth moved that the Board direct the Director of DPZ to expeditiously process Special Exception Amendment Application SEA 94-P-040-2 as submitted by the applicant. This motion shall not be construed as a favorable recommendation by the Board on the proposed application, and does not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

26. **LAKE FAIRFAX SKATE PARK GRAND OPENING (HUNTER MILL DISTRICT)** (12:37 p.m.)

Supervisor Hudgins stated that Lake Fairfax Skate Park grand opening is occurring on October 27 and called the Board's attention to a picture of the design of the facility which is attached to her Board Matter.

Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to aid in publicizing the opening throughout the community and extended an invitation to the Board to visit the facility. Without objection, it was so ordered.

Supervisor Hudgins emphasized that skaters participated in developing the design.

27. **RESTON COMMUNITY CENTER (RCC) PREFERENCE POLL (HUNTER MILL DISTRICT)** (12:38 p.m.)

(APPTS) Supervisor Hudgins announced that the RCC has completed the annual preference poll election for its Board of Governors. With a total of 1,501 ballots entered, the following individuals were elected to serve three-year terms on the RCC Board of Governors:

- Mr. William Bouie
- Ms. Lisa Ehrhardt
- Mr. Gerald Zavala

Supervisor Hudgins moved the appointment of the above referenced members to serve on the RCC's Board of Governors. Supervisor Foust seconded the motion and it carried by unanimous vote.

28. **MESSAGE TO THE COMMUNITY (HUNTER MILL DISTRICT)**
(12:39 p.m.)

Supervisor Hudgins noted that there had been several recent fatalities in the community including one that appears to have been the result of domestic violence as well as two apparent suicides. She stated that these are very difficult times and suggested that the Fairfax-Falls Church Community Services Board develop a message to remind the public how difficult times are and the need to be able to reach out and sense what may be happening in the community. She pointed out that Metro, in response to its incident, reached out and trained staff and others who encounter individuals in these situations.

Chairman Bulova added that there had also been an incident on the VRE Manassas line.

(NOTE: Later in the meeting, during Public Comment on the Tysons Transportation Funding Plan, Supervisor Hudgins presented an additional Board Matter. See Clerk's Summary Item #47.)

PMH:pmh

29. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (12:40 p.m.)

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

30. **APPOINTMENT TO THE WATER AUTHORITY (MOUNT VERNON DISTRICT)** (12:41 p.m.)

(APPT) Supervisor Hyland moved the appointment of Mr. Joseph Cammarata, as the Mount Vernon District Representative to the Water Authority. Supervisor Frey seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor Gross, Supervisor McKay, and Chairman Bulova voting "NAY."

31. **THOMAS A. EDISON HIGH SCHOOL CELEBRATES ITS FIFTIETH ANNIVERSARY (LEE DISTRICT)** (12:44 p.m.)

Supervisor McKay said that Thomas A. Edison High School is celebrating its fiftieth anniversary of providing excellent education to the students of the County. He referred to his written Board Matter which outlined the history of the school and some of its activities.

Supervisor McKay noted that Edison also houses the Edison Academy, one of six academies in the County where junior and senior high school students can take advanced, technical, and specialized courses. Lee District residents benefit from Edison's Culinary Academy every year at my January constituent open house—

Culinary Academy students provide an array of professional and delicious desserts.

Supervisor McKay asked unanimous consent that the Board direct staff to invite Pamela Brumfeld, principal of Edison High School, and her team to appear before the Board for recognition on November 20. Without objection, it was so ordered.

32. **REQUEST FOR CONCURRENT PROCESSING FOR VTLC, LLC (LEE DISTRICT)** (12:44 p.m.)

Supervisor McKay said that VTLC, LLC has recently acquired property located at 6309 Grovedale Drive in Alexandria and the company intends to file a proffered condition amendment and special exception application and a site plan to develop the property with an educational child care center called the Children's Lighthouse Learning Center. The applicant has requested concurrent processing of the zoning applications and site plan, noting that a rezoning of this property is not required to accommodate the proposed development and accepting the risks involved with concurrent processing.

Therefore, Supervisor McKay moved that the Board approve concurrent processing of the zoning applications and site plan for the proposed educational child care center at 6309 Grovedale Drive, provided that this motion does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards and does not prejudice in any way the consideration of the special exception and proffered condition amendment applications for this use. Supervisor Foust seconded the motion and it carried by unanimous vote.

33. **APPRECIATION TO THE COUNTY'S URBAN SEARCH AND RESCUE TEAM** (12:46 p.m.)

Supervisor McKay said that he recently traveled to Taiwan and noted that it has been over ten years since the County's Urban Search and Rescue Team visited Taiwan after an earthquake. He added that several individuals expressed their enormous thanks to the County and its Urban Search and Rescue Team.

Chairman Bulova noted that a number of trips were taken by Board Members **not** at County expense.

Supervisor McKay noted that Urban Search and Rescue Team is funded by Federal grant funds.

34. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)** (12:48 p.m.)

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

35. **RECOGNIZING KRISTI'S CHRISTMAS - KAREN AND BILL BROWN AND BILL GIBSON (SPRINGFIELD DISTRICT)** (12:48 p.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Herrity said that on December 8 Kristi's Christmas will celebrate its twenty-fifth anniversary of providing toys, supplies, and clothes for needy children in the County. Kristi's Christmas is a charity born from tragedy. In 1987, Kristi Brown, a West Springfield High School graduate, was tragically killed in a car accident. Following the accident, a fund was established in her memory to provide for basic needs of the County's neediest children.

Supervisor Herrity noted that one of the earliest and biggest supporters of Kristi's Christmas was Mr. Bill Gibson. He was Kristi's marketing teacher at West Springfield and every year since 1987 he has helped facilitate their annual shopping trip where high school "big buddies" are paired with the selected children. As the Girls Basketball coach, Mr. Gibson encourages his team to get involved in this cause. This past September, Bill was honored for his work with Kristi's Christmas with the Karen Brown Citizen of the Year Award from the West Springfield Rotary Club.

Supervisor Herrity said that Kristi's Christmas was established by Kristi's parents, Karen and Bill Brown. The Brown's have poured time and energy into this cause and because of their leadership in their daughter's honor, hundreds of the community's most needy children have a Christmas experience they will never forget. Because of the Brown's work, children have received thousands of dollars in support that they otherwise would not have seen. From their website, the Brown's recall the saying "God gave us memories so that we would have roses in December" and hope that their work gives at least some children a rose in December.

Therefore, Supervisor Herrity moved that the Board:

- Declare December 8, 2012, as "*Kristi's Christmas Day*," in Fairfax County and that a resolution be presented to them at their Annual Shopping Trip.
- Direct staff to invite Mr. Gibson and Mr. and Mrs. Brown to appear before the Board at a meeting in November to receive a resolution recognizing them for their accomplishments and service to the community.

Supervisor McKay seconded the motion and it carried by unanimous vote.

36. **REQUEST FOR RECOGNITION OF MR. CARL SIVERTSEN**
(12:50 p.m.)

Supervisor Gross asked unanimous consent that the Board direct staff to invite Mr. Carl Sivertsen, from the Health Department, to appear before the Board to be recognized for his years of service. Without objection, it was so ordered.

37. **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. Repeal of Fairfax County Code Section 5-1-7(b)
 2. Application of Reston Lake Anne Air Conditioning Corp., PUE-2011-00130 (Va. State Corp. Comm'n) (Hunter Mill District)
 3. *Dagne Engeda v. Edward Carpenter and Leo Mayer*, Case No. GV12007441-00 (Fx. Co. Gen. Dist. Ct.)
 4. *Allstate Insurance Co. a/s/o Narcisa Moreira v. Fairfax County, Virginia*, Case No. GV1218832-00 (Fx. Co. Gen. Dist. Ct.)
 5. *Jennifer Logan v. Fairfax County Department of Family Services*, Record No. 2608-11-4; *Kevin Logan v. Fairfax County Department of Family Services*, Record No. 2751-11-4 (Va. Ct. App.)

6. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melba B. Clarke*, Case No. CL-2009-0016978 (Fx. Co. Cir. Ct.) (Mason District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Russell J. Young and Kathryn L. Young*, Case No. CL-2012-0003527 (Fx. Co. Cir. Ct.) (Mason District)
8. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nahid Amiri*, Case No. CL-2011-0009631 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young Ho Kim and Wulsoon Kim, Trustees of the Kim Living Trust*, Case No. CL-2011-0013420 (Fx. Co. Cir. Ct.) (Mason District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emilio Herbas and Maria Rojas*, Case No. CL-2010-0016246 (Fx. Co. Cir. Ct.) (Providence District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hui Son Pak, Hae Bon Kang, and Jin Ja Kang*, Case No. CL-2012-0009481 (Fx. Co. Cir. Ct.) (Lee District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jaime R. Rueda*, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)

14. *Eileen M. McLane, Fairfax County Zoning Administrator v. David L. Coy and Christy L. Coy*, Case No. CL-2012-0002584 (Fx. Co. Cir. Ct.) (Springfield District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald R. Goodwin and Teresa Ann Goodwin*, Case No. CL-2012-0009833 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *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)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Springfield Petroleum Realty, LLC*, Case No. CL-2012-0001239 (Fx. Co. Cir. Ct.) (Mason District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Francis R. Baffa, Jr. and Shui Ching Kao-Baffa*, Case No. CL-2012-0010168 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Martin N. Argueta*, Case No. CL-2012-0010368 (Fx. Co. Cir. Ct.) (Braddock District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mark S. Beall and Karen L. Beall*, Case No. CL-2012-0003709 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samreen Mansoor and Shaheen Sultan*, Case No. CL-2012-0010165 (Fx. Co. Cir. Ct.) (Dranesville District)

22. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Julia Aparacio and Enrique Aparacio, Case No. CL-2012-0007395 (Fx. Co. Cir. Ct.) (Mason District)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nicolas D. Parada and Luisa A. Parada, Case No. CL-2012-008793 (Fx. Co. Cir. Ct.) (Lee District)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sanan Pecthry and Cesaria Pecthry, Case No. CL-2012-0009022 (Fx. Co. Cir. Ct.) (Providence District)*
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Randal S. Cordes, Case No. CL-2012-0009999 (Fx. Co. Cir. Ct.) (Dranesville District)*
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Redpath Development, LLC, Case No. CL-2012-0008908 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia Anne Crepeau, a/k/a Patricia Anne Ashland, Case No. CL-2011-0001649 (Fx. Co. Cir. Ct.) (Braddock District)*
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rotonna L. Mullen, Case No. CL-2012-0008992 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Barbara A. Grayson and Christopher William Thompson, Case No. CL-2012-0008575 (Fx. Co. Cir. Ct.) (Providence District)*

30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibrahim I. Abdullah and Amany Abdullah*, Case No. CL-2012-0008578 (Fx. Co. Cir. Ct.) (Mason District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mary Ann L. Stewart*, Case No. CL-2012-0008796 (Fx. Co. Cir. Ct.) (Braddock District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bhupinder Kaur Saini and Jaswinder Singh Saini*, Case No. CL-2012-0008993 (Fx. Co. Cir. Ct.) (Sully District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Linda L. LaFever*, Case No. CL-2012-0008507 (Fx. Co. Cir. Ct.) (Lee District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kim Living Trust, Hie C. Kim, Trustee, Hea J. Kim, Trustee, and Best Therapeutics, Inc.*, Case No. CL-2012-0013484 (Fx. Co. Cir. Ct.) (Sully District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farah Ahmad*, Case No. CL-2012-0008504 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Giron Caballero*, Case No. CL-2012-0006510 (Fx. Co. Cir. Ct.) (Lee District)
37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas V. Leffler*, Case No. CL-2012-0010430 (Fx. Co. Cir. Ct.) (Lee District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edwin M. Hirschfield*, Case No. CL-2012-

- 0011844 (Fx. Co. Cir. Ct.) (Mount Vernon District)
39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tai Jang Chiao and Nancy Chiao*, Case No. CL-2012-0012779 (Fx. Co. Cir. Ct.) (Springfield District)
 40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Pen-Lin Yin and Huey-Er Hwang*, Case No. CL-2012-0013624 (Fx. Co. Cir. Ct.) (Dranesville District)
 41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ronald S. Federici*, Case No. CL-2012-0013715 (Fx. Co. Cir. Ct.) (Springfield District)
 42. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Howard R. Moon, III*, Case No. CL-2012-0013714 (Fx. Co. Cir. Ct.) (Providence District)
 43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Linh T. Hoang and Sen V. Tran*, Case No. CL-2012-0013718 (Fx. Co. Cir. Ct.) (Braddock District)
 44. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael E. Bacha*, Case No. CL-2012-0013717 (Fx. Co. Cir. Ct.) (Dranesville District)
 45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Davaasuren Tsendoo, Bolor-Erdene Ganbold, and Anar-Erdene Ganbold*, Case No. CL-2012-0013712 (Fx. Co. Cir. Ct.) (Dranesville District)
 46. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax*

County, Virginia v. Judi D. Raphael, Case No. CL-2012-0006715 (Fx. Co. Cir. Ct.) (Braddock District)

47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jonathan L. Cleck and Stephanie S. Cleck*, Case No. CL-2012-0013736 (Fx. Co. Cir. Ct.) (Mount Vernon District)
48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chambers Contracting Company*, Case No. CL-2012-0013778 (Fx. Co. Cir. Ct.) (Mount Vernon District)
49. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Helen Bartlett*, Case No. CL-2012-0014136 (Fx. Co. Cir. Ct.) (Mason District)
50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. BLC, Limited Partnership*, Case No. CL-2012-0014277 (Fx. Co. Cir. Ct.) (Providence District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Yun Sook Lee*, Case No. CL-2012-0014519 (Fx. Co. Cir. Ct.) (Braddock District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official v. Reina Meza and Silvio Meza*, Case No. CL-2012-0014556 (Fx. Co. Cir. Ct.) (Providence District)
53. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. U.S. Bank National Association*, Case No. CL-2012-0014517 (Fx. Co. Cir. Ct.) (Providence District)
54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kenneth A. Price and Imelda G.*

Price, Case No. CL-2012-00014520 (Fx. Co. Cir. Ct.) (Mason District)

55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Henry K. Williams, Trustee, and Betty A. Williams, Trustee*, Case No. CL-2012-0014586 (Dranesville District)
56. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ngoc-Van Thi Nguyen*, Case No. CL-2012-0014625 (Fx. Co. Cir. Ct.) (Lee District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mayra Hernandez*, Case No. GV12-018722 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stephen P. Williams and Linda J. Williams*, Case No. GV-12-0021520 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
59. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mun Su Chun and Kan Nan Chun*, Case No. GV-2012-0022839 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
60. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mervin R. Greenwood*, Case Nos. GV12-023821 and GV12-023821 (Fx. Co. Gen. Dist. Ct.) (Sully District)
61. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John Philip Short and Marilyn S. Short*, Case No. GV12-023823 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
62. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Raymond J. Rybicki*, Case Nos. GV12-023819 and GV12-023819 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
63. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Silvia R. Sanchez*, Case

No. GV12-023824 (Fx. Co. Gen. Dist. Ct.)
(Mason District)

64. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ernest M. Gearhart, Jr., and Audrey J. Gearhart*, Case No. GV12-023825 (Fx. Co. Gen. Dist. Ct.) (Providence District)
65. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose L. Roman Vargas and Pedro Roman Soliz*, Case No. GV12-023951 and GV12-023952 (Fx. Co. Gen. Dist. Ct.) (Mason District)
66. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ashok Darwin Cates and Rita Takahashi*, Case Nos. GV12-023969 and GV12-023970 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- *City of Falls Church v. County of Fairfax*
- Discussion under Virginia Code Section 2.2-3711 A. 19
- Discussion regarding Virginia Code Sections 15.2-2400 to -2403.3

Supervisor Foust seconded the motion and it carried by unanimous vote.

DAL:dal

At 3:38 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

38. **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 Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey,

Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

39. **CODE OF THE COUNTY OF FAIRFAX, CHAPTER 5 (OFFENSES), SECTION 5-1-7(b)** (3:39 p.m.)

- (A) Supervisor Hyland moved that the Board authorize the Clerk to the Board to provide notice in a newspaper, having general circulation in the County, of the intention of the Board to propose the repeal of the Code of the County of Fairfax, Chapter 5 (Offenses), Section 5-1-7(b) relating to the participating in an unlawful assembly with a firearm or other deadly weapon. The Board will consider repeal of that subsection on October 30, 2012, with a reason that such a provision in a local ordinance is not presently authorized by Virginia law. In taking this action, Supervisor Hyland noted that such behavior is made unlawful by Virginia Code Section 18.2-405 and that prohibition in State law will remain in force and effect. Chairman Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

40. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-MA-004 (JOAN PEACE, INCORPORATED) (MASON DISTRICT)** (3:40 p.m.)

(NOTE: On September 11, 2012, the Board deferred the public hearing on this item until September 25, 2012. On September 25, 2012, the Board deferred the public hearing on this item until October 16, 2012.)

The application property is located at 4119 Hummer Road, Annandale, 22003, Tax Map 59-4 ((6)) 20B.

Mr. Ajay K. Sharma reaffirmed the validity of the affidavit for the record.

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

- Daniel H. Shin, Joan Peace, Incorporated

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

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

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

Supervisor Gross moved:

- Approval of Special Exception Application SE 2012-MA-004, subject to the development conditions dated October 15, 2012.
- Modification of the transitional screening requirement along the northern property line in favor of the SE plat and development conditions.
- Modification of the transitional screening requirement along the western property line in favor of the SE plat.
- Waiver of the barrier requirements along the western property line.

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

41. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-PR-044 (TYSONS CORNER PROPERTY HOLDING, LLC & TYSONS CORNER HOLDINGS LLC) (PROVIDENCE DISTRICT)** (3:46 p.m.)

(O) The property is located at 1961 Chain Bridge Road, McLean, 22102, Tax Map 29-4 ((1)) 35A pt.

Mr. Ben I. Wales reaffirmed the validity of the affidavit for the record.

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

- John G. Lavoie, Cooley, LLP

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

Mr. Wales 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. Katai presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 2004-PR-044, subject to the proffers dated August 13, 2012. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hyland,

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

42. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2012-DR-006 (BOARD OF SUPERVISORS’ OWN MOTION) (DRANESVILLE DISTRICT)**
(3:51 p.m.)

- (O) The property is located on the south side of Lewinsville Road, approximately 300 feet west of its intersection with Spring Hill Road, Tax Map 29-1 ((1)) 33, 33A, 34, 34A, 35, 35A pt., 36, 37, 37A, 38, 39, 40B and 41 and portions of Odrick’s Lane and Gordon’s Lane.

Regina Coyle, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning, reaffirmed the validity of the affidavit for the record.

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

- Gary W. Weaver, Managing Member of 8333 Lewinsville LLC, the Title Owner of Tax Map 029-1((1)) parcel 35

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

Following the public hearing, Supervisor Foust submitted items for the record.

Ms. Brady presented the staff and Planning Commission recommendations.

Supervisor Foust moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-DR-006, be amended from the PDH-3 District to the R-1 District. Supervisor Smyth 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 being out of the room.

43. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2012-PR-009 (PROSPERITY METRO PLAZA OF VIRGINIA, LLC) (PROVIDENCE DISTRICT)**
(3:57 p.m.)

The property is located east of Dorr Avenue and south of Prosperity Avenue, Tax Map 49-1 ((13)) 19B pt. and a portion of Dorr Avenue public right-of-way to be vacated and/or abandoned.

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

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Ms. Hall had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Mr. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Supervisor Smyth moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-PR-009, be amended from the PDC and PRM Districts to the PDC District, and approval of the associated Conceptual Development Plan, subject to the proffers dated October 3, 2012. Supervisor Foust 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 being out of the room.

(NOTE: On October 4, 2012, the PC approved Final Development Plan Application FDP 2012-PR-009, subject to development conditions dated September 9, 2012.)

44. **A-4 – APPROVAL OF A PARKING REDUCTION FOR PROSPERITY METRO PLAZA (PROVIDENCE DISTRICT)** (4:05 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action regarding this item. See Clerk's Summary Item #15.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and approve a parking reduction of 25.4 percent (258 fewer parking spaces) in required parking for Prosperity Metro Plaza pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, Paragraphs 5 and 26, based on an analysis of the parking requirements for each use on the site and a parking reduction study, Number 1891-PKS-001-1, on the conditions outlined in the Board Agenda Item dated October 16, 2012. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

45. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE SUNSET MANOR RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 18 (MASON DISTRICT)** (4:06 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 28 and October 5, 2012.

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

Following the testimony of Robert Curry (Speaker Ten), discussion ensued regarding suspected overcrowding and whether the appropriate County agencies are aware of the problem.

Following the public hearing, which included testimony by 12 speakers, Supervisor Gross submitted items for the record.

A brief discussion ensued, with input from Mr. Majdi, regarding whether the proposal meets the criteria for the establishment of expanding the RPPD.

Supervisor Gross raised a question regarding the process for applying for a parking permit as a resident of the area and the number of parking permits allowed, with input from Mr. Majdi.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Sunset RPPD, District 18. The proposed District expansion includes the following street blocks:

- Magnolia Lane (Route 1869) from Seminary Road to the western boundaries of 5620 and 5627 Magnolia Lane
- North Rosser Street (Route 2781) from Bouffant Boulevard to the northern boundaries of 3717 and 3718 North Rosser Street
- Paul Street (Route 1844) from Bouffant Boulevard to Dannys Lane

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

A brief discussion ensued and Supervisor Gross asked Mr. Curry to contact her office regarding issues raised following his testimony.

46. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84.1 (PUBLIC TRANSPORTATION), PERTAINING TO TAXICAB RATES** (4:47 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 28 and October 5, 2012.

Steve Sinclair, Chief, Public Utilities Branch, Department of Cable and Consumer Services, presented the staff report and the staff and Consumer Protection Commission (CPC) recommendations.

Following the testimony of Charles King (Speaker Four), discussion ensued regarding:

- The percentage of Yellow Cab's taxi fleet that are rented by independent operators and the daily rental rate
- The average number of miles driven daily and the gas expenditure
- Average number of hours taxicab drivers work
- Fare rates and whether the drivers receive return trip fares
- Amount of revenue the taxicab drivers receive
- The gasoline surcharge

Following the public hearing, which included testimony by four speakers, Mr. Sinclair reiterated the staff and CPC recommendations.

Discussion continued regarding the proposed rate increase, with input from Mr. Sinclair, who also noted the number of years a taxicab can be used before it has to be replaced.

Supervisor Hudgins moved adoption of amendments to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation), pertaining to an increase in the mileage charge for taxicab rates, to increase the rate to \$2.25 per mile. Supervisor Hyland seconded the motion.

Chairman Bulova called the Board's attention to the Board Agenda Item, page 213, Table 8, Taxicab Fares Metro DC Regions: August 2012, Staff and Drivers Association Proposed Rates, and discussion ensued regarding the rate comparison.

Discussion continued, with input from Mr. Sinclair, regarding taxicab trips.

Supervisor Foust asked unanimous consent that the Board direct staff to provide additional information regarding:

- Taxicab drivers income
- The cost structure for the rate comparison table of the other jurisdictions in the region

Following discussion, with input from Mr. Sinclair, without objection, the request was so ordered.

Supervisor Gross moved a substitute motion to adopt proposed amendments to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation), pertaining to an increase in the mileage charge for taxicab rates from \$2.00 per mile to \$2.10 per mile, an increase of 4.7 percent. Supervisor Smyth seconded the motion.

Following discussion regarding the rule of order for the substitute motion, the question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “**AYE**,” Supervisor Cook, Supervisor Hudgins, and Supervisor Hyland voting “**NAY**.”

The question was called on the main motion, as substituted, and it **CARRIED** by a recorded vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “**AYE**,” Supervisor Hudgins and Supervisor Hyland voting “**NAY**.”

47. **4 P.M. – PUBLIC COMMENT ON TYSONS TRANSPORTATION FUNDING PLAN** (5:43 p.m.)

Barbara A. Byron, Director, Office of Community Revitalization, presented the staff report and introduced a new staff member, William Marsh, Tysons Urban Center Coordinator, Land Development Services, Department of Public Works and Environmental Services.

Walter Alcorn, At-Large Member of the Planning Commission (PC), and Chairman of the PC Tysons Committee, gave a presentation regarding the Tysons Transportation Funding Plan and presented the PC recommendation.

Tom Biesiadny, Director, Department of Transportation, distributed to the Board, a handout entitled Tysons Transportation Improvements, Cash Flow Project Priority Summary, and gave a presentation regarding it.

Supervisor Herrity called the Board’s attention to the Tysons Table 7 Funding Summary and raised a question regarding the State Aid and Federal Funding differences, with input from Mr. Biesiadny.

Following the public hearing, which included testimony by 24 speakers, Chairman Bulova stated that she had items for the record, mostly from businesses in the Tysons area, the majority were positive and some expressing their concerns regarding the phasing.

Supervisor Smyth noted that the Board received numerous emails from the Office of the Clerk to the Board.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of the Clerk to include all correspondence it received for the record. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova said the Transportation Funding Plan recommendation that has been set forth by the PC not only recognizes the importance that Tysons has to the County, but also recognizes that the needs of Tysons must be balanced with the needs of other places in the County, particularly those activity areas and centers identified in the concept for future development which has guided planning decisions for the past two decades. For example, the funding recommendations for non-rail transportation infrastructure to serve people living and working in and around Tysons, integrate the guidance in the adopted Comprehensive Plan, with the County's long-term financial plans and fiscal policies. By adopting this philosophy the recommendations will benefit not only Tysons but the County as a whole.

Chairman Bulova also said the Board must be sure to consider the benefits of growth in Tysons to the County's tax base when making future decisions regarding funding decisions. The County will be receiving a tremendous amount of benefit because of the transformation of Tysons. All of the Tysons-wide road improvements included in Table 7 should be addressed in the funding plan, as all are needed to support the future growth. All sources of funding should be used in a way that is efficient and effective to maximize the use of those resources and to minimize the cost to the greatest extent possible. It is imperative that transportation infrastructure improvements occur in a timely manner and in partnership with the private sector. The Board continues to believe in the importance of transit services to the success of Tysons. Current public and private investment plays a large role in creating infrastructure and transit projects such as the new Metrorail Silverline with eight new stations in the County, as well as expanded regional and local transit services and the Tysons circulator service. Such investments also play a paramount role in the near term and the long term transportation improvements, such as a grid of streets and new connections to the toll road.

Following additional remarks by Chairman Bulova, Supervisor Foust moved that the Board:

- Endorse the PC's transportation funding plan for Tysons as a comprehensive strategy for funding the set of infrastructure improvements identified in the Tysons Plan to support the 113 million square feet of development anticipated to occur by 2050; that allows for flexibility in funding options and sources, as well as for adjustments to be made based upon pace of development; that provides reliable funding mechanisms to

implement the visionary plan; and, that recognizes that transportation infrastructure problems exist in Tysons today.

- Direct staff to:
 - a. Incorporate within the next Tysons-wide plan amendment consideration of a change to the current Interim Development Level (IDL) of 45 million square feet of office use and the criteria for evaluating any such change to the IDL.
 - b. Return to the Board with an item that transitions the current Tysons Road Fund so that it will be used to implement the Grid of Street, and that establishes the rate and guidelines for the implementation of the Tysons Road Fund in a manner that is consistent with the PC's recommendations.
 - c. Return to the Board with an item that establishes Tysons-wide Road Improvements Fund and establishes the rate and guidelines for the implementation of the fund in a manner that is consistent with the PC's recommendations.
 - d. Maintain a Tysons' Transportation Funding Plan to include priorities, a schedule of construction, and a cash flow analysis for the Tysons-wide Road Improvements, based upon the recommendations in Table 7 of the Tysons Plan and the recommendations of the PC.
 - e. Continue to proactively seek Federal, State, and other funding opportunities not dependent upon Countywide funding sources and to maximize revenue from State and Federal funding partners, so as to minimize the impacts of funding the transportation infrastructure on County taxpayers.
 - f. Review the pace and location of residential and non-residential development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, as part of the annual CIP and budget processes, to ensure a sustainable balance between development and transportation infrastructure. It is understood that this review may result in adjustments to ensure that: the estimated funding

levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

- g. This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders.
- h. Return to the Board with an item to authorize a public hearing on the establishment of a Transportation Service District for Tysons, consistent with the recommendations of the PC, and with an item that identifies the anticipated priorities for the six Tysons-wide improvements scheduled to be constructed by 2027, as presented in the latest cash flow analysis that was presented today.
- i. Continue to pursue interim parking opportunities at the Tysons Metrorail stations.

Chairman Bulova seconded the motion.

Following discussion regarding the motion, Supervisor Smyth moved that the Board add to the County's legislative program a request that would permit residential property to be exempt from inclusion within a service district. The motion died for lack of a second.

Discussion ensued, with input from Ms. Byron, regarding the Plan language.

Following remark expressing his concerns regarding the Plan, Supervisor Herrity moved to amend the motion as follows:

- Section C be replaced in its entirety with the following: “Return to the Board with an item that establishes a Tysons-wide Road Improvements Fund. Contributions to this fund should be made by residential and commercial developers. The value of such contribution would increase the original PC recommendation by

the value of the workforce housing contribution as defined in Section H, as amended.”

- Section H be replaced in its entirety with the following: “Return to the Board with an item that reduces the residential and commercial Workforce Housing requirements of the plan for Tysons projects by 50 percent.”

Supervisor Frey seconded the motion.

Following discussion regarding the amendment, the question was called on the motion and it **FAILED** by a recorded vote of seven, Supervisor Frey and Supervisor Herrity voting “**AYE**,” Supervisor Hyland being out of the room.

Discussion continued with Board Members giving remarks and expressing their concerns regarding the funding plan.

Supervisor Gross raised a question regarding the funding plan and whether the estimates are based on 2012 dollars, with input from Mr. Biesiadny, concerning the rate stability.

Supervisor Gross raised a question regarding the Real Estate Tax Relief for senior citizens and whether that would be applicable for senior citizens in the special tax district and discussion ensued, with input from James V. McGettrick, Assistant County Attorney, who stated that he would report with that information.

Supervisor Cook raised a question regarding the advertisement for a public hearing for a service district, phased approaches, and refinancing aspects of the various rates, with input from Ms. Byron, who noted that it is anticipated that the rate would be established with the budget process when all the rates for taxes are established in the County. Discussion continued regarding the service district and the tax rate, with input from Ms. Byron.

Supervisor Hudgins presented her Board Matter on the Tysons Transportation Funding Plan. She said the Tysons Corner Transportation Plan is a good plan, but acknowledged that there is a problem with it, that it is not a Phase I Plan. The Plan offered for adoption is premised on the redevelopment of Tysons Corner and the presence of MetroRail. The significance of this is that there are five stations in the MetroRail of Phase I with the end of the line station being Wiehle. While there is substantial differences and needs for the Tysons area, the basis for the need of the Tysons Plan are the same for all the station areas, including Wiehle.

Supervisor Hudgins said Wiehle Station in Reston is equally in need of Transportation Infrastructure Improvements. Page 7 of the Plan notes the following improvements: Grid of Streets; Neighborhood Improvements; Transit and Tyson-wide improvements. These challenges exist in Reston as well. She noted that the magnitude is not the same as in Tysons Corner, but the conditions

are also critical. Reston is nearly 60, 000 residents and 58,000 or more jobs. Phase I of the MetroRail Project will land in Reston and an already well built community. Unlike Tysons Corner, upon arrival of the MetroRail, the impact will be such that the grid of streets, neighborhood improvements, and increased transit will be needed immediately to maintain the quality of life and allow the community to continue to thrive.

Supervisor Hudgins noted it is unfortunate that the Plan does not include the need for funding for the transportation improvement for all of Phase I. The PC sees the economic benefits of Tysons to the Commonwealth, but comparable value comes also from the Reston area. Most importantly, the benefits for doing so are simple. The synergies that will be created between Reston and Tysons Corner will be exciting and there will be enormous benefits to be reaped that are too important to allow addressing the Wiehle Station separately and ad hoc.

Following a brief discussion, regarding Supervisor Hudgins' Board Matter, she stated that she would present a motion later in the meeting.

The question was called on the motion (Supervisor Foust's) and it **CARRIED** by a recorded vote of seven, Supervisor Herrity and Supervisor Smyth voting "NAY," Supervisor Hyland being out of the room.

Supervisor Hudgins moved that the Board direct staff to return with a strategy of how resources and funding tools, identified in the Tysons Transportation Plan, could be applied to funding a plan for the Wiehle Avenue and Phase II Stations. Chairman Bulova and Supervisor Cook jointly seconded the motion.

Chairman Bulova noted that the motion is made with the understanding that a comprehensive planning process is taking place now for the Reston area and the Phase II area, including the Innovation Station area.

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

48. **BOARD ADJOURNMENT** (8:16 p.m.)

The Board adjourned.

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