



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
November 19, 2013**

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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, November 19, 2013, at 9:35 a.m., there were present:

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

Others present during the meeting were Edward L. Long Jr., County Executive; David P. Bobzien, County Attorney; Cynthia L. Tianti, Deputy County Attorney; Elizabeth Teare, 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; Ekua Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:35 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family and loved ones of Mr. Ronald Kirby, who died tragically last week. He was 69 years old, Director of Transportation Planning at Metropolitan Washington Council of Governments (COG), an expert and incredible professional. During his 26 years of service to the region, some of his major projects included the Wilson Bridge, I-95 Express Lanes, the High Occupancy Vehicles (HOV) Lanes, the I-66 Corridor, and studying the concept of telework and how it affected traffic patterns. Mr. Kirby is survived by his wife Anne, his two children Marilyn and Joseph, and a host of family, friends, neighbors, beloved coworkers, and community members.

Discussion ensued, regarding the tragic loss of Mr. Kirby, his work and legacy, and how he served the region.

Supervisor Herrity asked everyone to keep in thoughts the family of Clifton resident and Clifton Lions Club member Colonel Kenneth S. Hitch, who died recently at the age of 97. He was the Clifton Lions Club's first district governor; he served the County as a Colonel in the Army, and will be buried at Arlington National Cemetery. He was a pillar in the Clifton community and will be sorely missed. He is survived by his wife Kiyō.

Supervisor McKay noted that a keel-laying ceremony was held in San Diego early in November to mark the first milestone in the life of the mobile landing platform USNS Lewis "Chesty" Puller. His legacy is known to be one of the most decorated Marines to ever serve this County. He was the father-in-law of Senator Toddy Puller. This is a remarkable remembrance of his Military career and this mobile sea base is expected to be delivered to the Navy in 2015.

Supervisor Cook noted that today is the 150th Anniversary of the Gettysburg Address, and encouraged everyone to take three minutes out of their time to read it and remind themselves of the legacy of President Abraham Lincoln.

Supervisor Frey asked everyone to keep in thoughts the family of Mr. Francis Dall who died recently. He started his career with the County as a football coach and a teacher at Fairfax High School, before moving on to become head coach at Lake Braddock High School, where he won a State Championship. He retired from coaching and became the first director of student activities at Westfield High School. He was an outstanding coach and was good with young people and left an outstanding legacy at Westfield High School. He will be sorely missed.

Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. Arlene Whittick, who died suddenly at the age of 49. She was a resident of Reston and was part of the Reston Association's leadership, where her role was the Neighborhood Outreach Specialist. She spent a lot of time working in the

community. Supervisor Hudgins also asked that the staff members of the Reston Association be kept in thoughts as well.

Chairman Bulova asked everyone to keep in thoughts the victims of several recent weather related tragedies/events in the Philippines and the Midwest. She noted that she would present a Board Matter later in the meeting and share information on how people can help.

(NOTE: Later in the meeting, Chairman Bulova presented her Board Matter. See Clerk's Summary Item #28.)

AGENDA ITEMS

2. **RESOLUTION OF RECOGNITION PRESENTED TO THE AUXILIARY POLICE OFFICER PROGRAM** (9:48 a.m.)

Supervisor Gross moved approval of the Resolution of Recognition presented to the Auxiliary Police Officer program for its thirtieth anniversary. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Lieutenant Alan Hanson, Jr., Traffic Division, Police Department, provided a brief history on the program and volunteerism in the County.

3. **RESOLUTION OF RECOGNITION PRESENTED TO GREENSPRING** (10:02 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Greenspring for its fifteenth anniversary. Supervisor Herrity and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE PARK AUTHORITY** (10:19 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to the Park Authority for receiving reaccreditation by the Commission for Accreditation of Park and Recreation Agencies. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. EDDIE GARRETSON** (10:32 a.m.)

Supervisor Cook moved approval of the Resolution of Recognition presented to Mr. Eddie Garretson for his service to the County. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE VIRGINIA HIGH SCHOOL LEAGUE** (10:39 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to the Virginia High School League for its one-hundredth anniversary. Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING DECEMBER 1, 2013, AS "HIV/AIDS AWARENESS DAY" IN FAIRFAX COUNTY** (10:51 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate December 1, 2013, as "*HIV/AIDS Awareness Day*" in Fairfax County. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

8. **10:30 A.M. – PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (11:02 a.m.)

Stella Koch, Chairman, EQAC, presented its annual report which included the following recommendations that the:

- Stormwater Service District rate be increased in Fiscal Year 2015 by one-quarter penny from a rate of 2.0 cents per \$100 assessed real estate value to 2.25 cents per \$100.
- County continue support for funding the Environmental Improvement Program (EIP) for the upcoming fiscal year.
- Non-motorized and multi-modal transportation options receive priority as comments from the County-wide Dialogues on Transportation are considered.

Chairman Bulova thanked EQAC for its work and noted that the report has become a template for a way of capturing the County's desire to move forward with different initiatives and to keep them on track.

Discussion ensued, with input from Ms. Koch, regarding the recommendation on the multi-modal effort and the work with Fairfax County Public Schools (FCPS) on the environment.

Supervisor Smyth noted that the emphasis on the revitalizations areas and the environmental opportunities on better stormwater management in those areas, and raised a question regarding drinking water and expansion of Fairfax Water and whether EQAC has looked at the Falls Church water system.

Supervisor McKay called the Board's attention to the noise, light, and visual pollution section, and noted that this is an area where the Board would continue to need EQAC's assistance in addressing the issue.

Supervisor Foust asked unanimous consent that the Board direct staff to publicize that the report is available online at www.fairfaxcounty.gov/eqac. Without objection, it was so ordered.

Discussion ensued regarding the focus on non-motorized forms of transportation, and the environmental, transportation, public safety, and community quality of life benefits.

Supervisor Foust called the Board's attention to page three of the report, regarding the comment that the County has hired an Energy Manager, and clarified that the County has not had funding to hire a full-time Energy Manager.

Discussion ensued, regarding the recommendation to increase the Stormwater District Service rate and its challenges.

Supervisor Gross noted that Virginia Association of Counties (VACo) had a Stormwater Workshop to discuss the State's mandate that permits for stormwater have to be adopted by July 1, 2014, and the fact that not all Counties are ready to meet that requirement.

Discussion continued regarding the impacts of deer in the County and the deer management program in the parks.

Supervisor Gross raised a question regarding reverberation noise in high rise buildings and asked EQAC to consider the impacts when looking at noise issues.

Chairman Bulova thanked EQAC for being an outstanding resource and partner in helping to steer the County through those issues through implementation of the ordinance.

Supervisor Gross moved that the Board accept and approve the EQAC report and refer it to staff for further discussion and action. Supervisor Hyland seconded the motion and it carried by unanimous vote.

PMH:pmh

9. **10:45 A.M. – PRESENTATION BY THE LIBRARY BOARD** (11:26 a.m.)

(BACs) Chairman Bulova announced that the following presentation was in response to a Board of Supervisors' (Board) discussion that began in September about a reorganization that had been initiated. The Board received feedback from the community expressing concern about a number of elements, including the library discard practices and policies and the restructuring proposal. She added that the Board requested that the reorganization be suspended and that the Library Board

of Trustees, working with County staff, engage in outreach with the community. She noted that the Board also asked that the professional staff within the Library branches review the reorganizational initiatives and report with feedback.

William O. Jasper, Chairman, Fairfax County Public Library Board of Trustees, gave a presentation and referenced the reports of the ad hoc “Communication and Evaluation Committee” and the ad hoc “Floating Collections and Discards Committee”.

Also present were:

- Kristin Cabral, Dranesville District Representative to the Library Board
- Charles Fegan, At-Large Representative to the Library Board
- Mary Petersen, City of Fairfax Representative to the Library Board
- Elizabeth Clements, Mason District Representative to the Library Board
- David Molchany, Deputy County Executive
- Sam Clay, Library Director

Chairman Bulova thanked the members of the community that participated in the public outreach process, and recognized those in the audience.

Discussion ensued regarding the:

- Single-Desk Model
- “Beta Plan”, including new job classes, the Master of Library Science degree, and children’s librarians
- Floating Collections and Discard policy
- The need for additional time to review the reports

Supervisor Gross asked unanimous consent that the Board direct staff to provide the Board with a copy of Chairman Jasper’s statement. Without objection, it was so ordered.

Discussion continued regarding:

- Reporting with a timeline for implementation of recommendations
- Community meeting rooms in libraries

- Library facilities and functions, now and in the future
- Budget issues and change experienced by libraries
- The role of libraries in the community
- Role of the Friends Groups

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

- Accept the Library's Communication Committee Report and Discards Committee Report and the Library Board of Trustees report
- Direct the County Executive and Board of Trustees to follow through on recommendations contained within the reports
- Directs that the Board of Trustees and Library staff report with a timeline for addressing the recommendations outlined by the Library Board of Trustees by the Board of Supervisors meeting scheduled for December 3

Discussion ensued regarding the timing of the Library Board's next meeting.

Vice-Chairman Gross suggested that the Library staff develop the timeline in consultation with the Board of Trustees; that the timeline be considered by the Trustees at their December 11 meeting; and, that it then be transmitted to the Board by December 15.

Additionally, Chairman Bulova noted that the need for increased funding was a consistent theme in the various public engagement meetings - along with a shortage of non-fiction materials. The Discards Committee Report includes data that supports this claim: The Fairfax County Public Library's Materials Budget in Fiscal Year (FY) 2000 was \$6.33 per capita; by FY 2011 it had declined to \$2.11 per capita, significantly below the \$5.90 per capita U.S. Average Materials Budget, and it is even less today.

Therefore, Chairman Bulova further moved that a Consideration Item in the amount of \$1 million be put on the list for funding as part of the FY 2015 Budget. This additional funding would strengthen the library's materials collection and be directed to the acquisition of non-fiction works. More than 10,000 additional materials could be acquired with this funding. Supervisor Hyland seconded the motion.

Discussion ensued regarding the Consideration Item.

Supervisor Foust asked to amend the motion to read as follows:

- This additional funding **could** . . . instead of would

This was accepted.

Discussion continued regarding:

- The timing of receiving the reports
- The importance of receiving the community's reaction to the reports

Vice-Chairman Gross stated Supervisor Foust's amendment to the motion as follows:

- That the Board accept the Library's Communication Committee Report and Discards Committee Report and direct the County Executive and Board of Trustees to develop a plan to follow-through on recommendations contained within the report and present the plan to the Board of Supervisors by a date certain.

Discussion continued regarding:

- The recommendations as presented by the Board of Trustees
- Concerns about the use of the proposed \$1 million
- Additional funding and further cost savings
- Preservation of the materials collection
- Library facility renovations

Following a query to Edward L. Long Jr., County Executive, he explained his understanding of how the process of follow-up on the recommendations would proceed.

Further discussion ensued about implementing the recommendations in the reports.

Chairman Bulova amended the motion as follows:

- Accept the reports of the Communication Committee, Discards Committee, and the Library Board of Trustees
- Direct the County Executive and Board of Trustees to follow-through to develop a plan regarding recommendations contained

within the reports and return to the Board of Supervisors with a timeline and specific direction by the Board's first meeting in January 2014

- Replace "would" with "could" in the sentence, to read, This additional funding could strengthen the library's . . . rather than would strengthen the library's . . .

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Frey voting "NAY."

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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10. **11 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:48 p.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard November 19, 2013," as distributed around the dais. Chairman Bulova seconded the motion.

Supervisor Foust asked to amend the motion to include the reappointment of Mr. Siddhartha Chowdhary as the Dranesville District Representative for the Information Technology Policy Advisory Committee, and this was accepted.

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

Appointments are as follows:

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the At-Large Chairman's Representative, and the Mount Vernon and Sully District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder (Single Family) Representative, and the Citizen and Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #5 Representative.

ATHLETIC COUNCIL

Reappointment of:

- Mr. Eric Sohn as the Diversity-At-Large Alternate Representative

The Board deferred the appointment of the Braddock District Alternate Representative, the Diversity-At-Large Principal, and the Member At-Large Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Mason Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

The Board deferred the appointment of the Alternate #2 Representative.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Reappointment of:

- Dr. Robert Mansker as the At-Large #3 Representative
- Mr. John M. Yeatman as the Professional #1 Representative
- Mr. Ryan Davis as the Professional #3 Representative

The Board deferred the appointment of the Alternate #2 Representative.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Appointment of:

- Mr. Peter F. Murphy, Jr. as the At-Large #4 Representative

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Sully District Representative.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Dranesville and Providence District Representatives.

CITIZEN CORPS COUNCIL

The Board deferred the appointment of the Providence District Representative.

CIVIL SERVICE COMMISSION

Reappointment of:

- Ms. Audrey F. Morton as the At-Large #1 Representative
- Mr. Jason Fong as the At-Large #4 Representative
- Mr. Robert E. Frye as the At-Large #5 Representative
- Mr. Patrick Morrison as the At-Large #7 Representative
- Mr. John C. Harris, Jr. as the At-Large #10 Representative
- Colonel. Herbert C. Kemp as the At-Large #11 Representative
- Mr. John Townes as the At-Large #12 Representative

The Board deferred the appointment of the At-Large #3, #6, #8, and #9 Representatives.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

The Board deferred the appointment of the Lee and Providence District Representatives.

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

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

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointment of the Hunter Mill, Mason, Providence, and Sully District Representatives.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Reappointment of:

- Mr. George W. Lamb as the At-Large #3 Representative

- Ms. Johna Gagnon as the Lee District Representative

The Board deferred the appointment of the Braddock and Providence District Representatives.

FAIRFAX AREA DISABILITY SERVICES BOARD

Reappointment of:

- Ms. Kelly Greenwood as the Mount Vernon District Representative

The Board deferred the appointment of the At-Large #1 Business Community Representative and Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Consumer #1, #4, and #6 Representatives, and the Provider #1 and #4 Representatives.

HISTORY COMMISSION

Reappointment of:

- Ms. Barbara Naef as the Archaeologist Representative
- Ms. Irma Clifton as the At-Large #2 Representative
- Ms. Elise Ruff Murray as the Citizen #3 Representative
- Ms. Naomi D. Zeavin as the Historian #1 Representative
- Ms. Anne G. Stuntz as the Historian #2 Representative

The Board deferred the appointment of the At-Large #3 Representative and Citizen #7 Representative.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #6 Representative.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Braddock District #1, Lee District #1, Providence District #2, and the Sully District #1 Representatives.

INDUSTRIAL DEVELOPMENT AUTHORITY

The Board deferred the appointment of the At-Large #3 and #5 Representatives.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Reappointment of:

- Mr. Siddhartha Chowdhary as the Dranesville District Representative
- Mr. John Skudlarek as the Mount Vernon District Representative
- Mr. John Kidwell as the Sully District Representative

Confirmation of:

- Ms. Anne S. Kanter as the League of Women Voters' Representative

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Appointment of:

- Mr. John W. Herold as the At-Large Chairman's Representative

LIBRARY BOARD

The Board deferred the appointment of the Braddock District Representative.

MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY

The Board deferred the appointment of the Community Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the At-Large Chairman's Representative, and the Hunter Mill, Lee, Springfield, and Sully District Representatives.

PARK AUTHORITY

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

PLANNING COMMISSION

Reappointment of:

- Mr. Frank de la Fe as the Hunter Mill District Representative

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Craig Dyson as the Citizen At-Large #1 Representative

ROAD VIEWERS BOARD

Reappointment of:

- Mr. Joseph Bunnell as the At-Large #1 Representative

The Board deferred the appointment of the At-Large #2, #3, #4, and #5 Representatives.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Citizen Member #3 Representative, the Condo Owner Representative, and the Tenant Member #3 Representative.

TREE COMMISSION

Appointment of:

- Mr. Dean Dastvar as the Springfield District Representative

The Board deferred the appointment of the Hunter Mill and Providence District Representatives.

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

Confirmation of:

- Second Lieutenant Charles Formeck as the Uniformed Employee Representative

The Board deferred the appointment of the Retiree Representative.

WETLANDS BOARD

Reappointment of:

- Mr. Clyde Wilber as the Springfield District Representative

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

YOUTH BASKETBALL COUNCIL ADVISORY BOARD

Confirmation of:

- Mr. Larry Barr as the Arlington County Alternate Representative

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11. **ORDERS OF THE DAY** (12:50 p.m.)

Chairman Bulova announced that the Board would proceed with Administrative Items, and recess at 1 p.m. So, if there is an item that requires discussion it will be deferred until later in the meeting.

12. **ADMINISTRATIVE ITEMS** (12:50 p.m.)

Supervisor Gross moved approval of the Administrative Items, noting that Admin 7 was revised with a change to the date from 2014 to 2013. Supervisor McKay seconded the motion.

Supervisor McKay called the Board's attention to Admin 7 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 5 (Offenses) to Add a New Article 6 (Excessive Sound Generation in Residential Areas and Dwellings) and Repeal Chapter 108 (Noise), Article 5 (Nuisance Noise) and noted that the sound issue was raised earlier in the meeting during the presentation of the Environmental Quality Advisory Council Annual Report. He also noted that this proposed amendment is only tweaking a portion of the sound issue to deal with a seasonal problem. Additional amendments to the ordinance will be proposed, hopefully, in the first quarter of next year.

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

ADMIN 1 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 14109 FOR THE POLICE DEPARTMENT TO ACCEPT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUBGRANT AWARD FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

(SAR) Approved SAR AS 14109 in the amount of \$1,950,000 for the Police Department to accept a DHS Fiscal Year 2012 UASI subgrant award from the State Administrative Agency. These funds will be used by the Police Department to upgrade computer hardware for the National Capital Region's Automated Fingerprint Identification System project to enhance security and overall preparedness to the region.

ADMIN 2 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

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

- Daniel John Heil (305)

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (SULLY DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Realty Diversified Services, Parcel D-1-B (EZ Storage Chantilly)	Sully	Centreville Road (Route 657) Additional Right-of-Way (ROW) Only
		Lowe Street (Route 2528) (Additional ROW Only)

ADMIN 4 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MASON DISTRICT)

- (Rs)
- Endorsed a traffic calming plan for Old Columbia Pike consisting of the following:
 - Seven speed humps on Old Columbia Pike (Mason District)
 - Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-H-022, THE ACADEMY OF CHRISTIAN EDUCATION, INCORPORATED (HUNTER MILL DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Amendment Application SEA 99-H-022 to August 3, 2014, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 2 (PROPERTY UNDER COUNTY CONTROL), ARTICLE 2 (DISPOSAL OF PROPERTY SEIZED BY POLICE)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 14, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 2 (Property Under County Control), regarding the disposal of weapons by the Police Department.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 5 (OFFENSES) TO ADD A NEW ARTICLE 6 (EXCESSIVE SOUND GENERATION IN RESIDENTIAL AREAS AND DWELLINGS) AND REPEAL CHAPTER 108 (NOISE), ARTICLE 5 (NUISANCE NOISE)

- (A) (NOTE: Earlier in the meeting, there was a brief discussion regarding this item. See page 15.)

Authorized the advertisement of a public hearing to be held before the Board on **December 3, 2013, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 5 (Offenses), to add a new Article 6 (Excessive Sound Generation in Residential Areas and Dwellings), and the proposed repeal of Chapter 108 (Noise), Article 5 (Nuisance Noise).

13. **A-1 – INDUSTRIAL DEVELOPMENT AUTHORITY HEALTH CARE REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT) SERIES 2013 REFUNDING BOND ISSUE** (12:52 p.m.)

- (R)
(BONDS) Following a query to David P. Bobzien, County Attorney, regarding disclosures, Supervisor Gross disclosed that she represents the County on the Inova Health Systems Board of Trustees.

Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution approving the issuance of Health Care Revenue Bonds (Series 2013) by the Industrial Development Authority, to be issued in one or more series in an aggregate principal amount not to exceed \$250 million. Supervisor Herrity seconded the motion.

Supervisor Frey disclosed that he is a member of the Inova Health Care Services Board.

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

14. **A-2 – APPROVAL OF STATE LITTER PREVENTION AND RECYCLING GRANT FUNDING TRANSFER TO CLEAN FAIRFAX COUNCIL, INCORPORATED** (12:53 p.m.)

On motion of Supervisor Gross, seconded by Chairman Bulova, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and approved the transfer of State Litter Prevention and Recycling grant funding in the amount of \$128,207 to Clean Fairfax Council, Incorporated.

15. **A-3 – ACTION ON A PARKING REDUCTION FOR HUNTINGTON AVENUE PROPERTIES (MOUNT VERNON DISTRICT)** (12:54 p.m.)

Chairman Bulova announced that this item is deferred until later in the meeting following the public hearing regarding the Huntington property.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #39.)

16. **A-4 – APPROVAL OF COMMENTS ON THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG) REGIONAL TRANSPORTATION PRIORITIES PLAN (RTTP) FOR THE NATIONAL CAPITAL REGION** (12:54 p.m.)

Following a brief discussion regarding the revised item, Chairman Bulova announced that this item is deferred until later in the meeting.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Items #42 and #57.)

17. **A-5 – AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE INSTALLATION AND MAINTENANCE OF "WATCH FOR CHILDREN" SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)** (12:57 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize the County Executive to execute a program agreement, in substantial form, between VDOT and the County for the transfer of installation and maintenance responsibilities for the program from the State to the County. Supervisor McKay seconded the motion.

Supervisor McKay raised a question regarding implementation flexibility and discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation (DOT), and Steven Knudsen, Transportation Planner, Traffic Operations Section, DOT.

Supervisor McKay asked unanimous consent that the Board direct staff, in the future when assuming fiscal responsibilities of operations for VDOT, to seek flexibility in the standards. Without objection, it was so ordered.

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

18. **I-1 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FEE SCHEDULE** (12:57 p.m.)

The Board next considered an item contained in the Board Agenda dated November 19, 2013, informing the Board that on October 23, 2013, the CSB approved a Fee Schedule with updates or additions to charges based on cost, new contracted rates, and comparative data from other CSBs. The new fee schedule will become effective January 1, 2014.

Supervisor Hudgins noted that in a prior year action was taken by the Board to approve changes to the fines for nonpayment of services and asked unanimous consent that the Board direct staff to provide information regarding the fines impact. Without objection, it was so ordered.

19. **RECESS/CLOSED SESSION** (12:58 p.m.)

Following a query to David P. Bobzien, County Attorney, regarding the amount of time needed for closed session, 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. *Minh-Sang Nguyen v. Fairfax County Department of Family Services*, Record No. 131594 (Va. Sup. Ct.); *Tyrus H. Thompson and Ja'Ree C. Thompson v. Fairfax County Department of Family Services*, Record No. 131577 (Va. Sup. Ct.); *B.N., a Minor Child v. Fairfax County Department of Family Services*, Record No. 131578 (Va. Sup. Ct.)
2. *Sitta Luseni v. Fairfax County Department of Family Services*, Rec. No. 1003-13-4 (Va. Ct. App.); *Edebiri Aihevba v. Fairfax County Department of Family Services*, Rec. No. 1004-13-4 (Va. Ct. App.)
3. *Jeffrey T. Gattozzi v. Sean Regan*, Case No. 1:12-cv-1215 (E.D. Va.); *Jolene Sloan v. Sean Regan*, Case No. 1:12-cv-1216 (E.D. Va.)
4. *Virginia Ann Brown v. County of Fairfax, Brian Joseph Byerson, Delvine John Egan, and John Doe*, Case No. CL13008303-00 (Pr. Wm. Co. Cir. Ct.)
5. *Steve T. Tran, Sheila M. Tran, Tricia L. Cooper, and Trustees of the Falls Church Church of Christ v. Fairfax County Board of Supervisors and CG Peace Valley, LLC*, Case No. CL-2013-0010098 (Fx. Co. Cir. Ct.) (Mason District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tania Soto-Yapura*, Case No. CL-2013-0008359 (Fx. Co. Cir. Ct.) (Mason District)
7. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Joseph Powers*, Case No. CL-2012-0003924 (Fx. Co. Cir. Ct.) (Lee District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert L. Gelles and Anita A. Gelles*, Case No. CL-2013-0004820 (Fx. Co. Cir. Ct.) (Springfield District)

9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gustavo A. Veliz and Veronica Darcy Cortez-Veliz*, Case No. CL-2009-0014879 (Fx. Co. Cir. Ct.) (Mason District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Freddie L. Gaskins and Sandra M. Gaskins*, Case No. CL-2013-0002780 (Fx. Co. Cir. Ct.) (Providence District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Reynaldo C. Medrano and Carla Munoz-Lopez*, Case Nos. CL-2006-0010659 and CL-2011-0002181 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gary C. Smith and Carolyn W. Smith, Trustees of the Smith Living Trust*, Case No. CL-2009-0004848 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Song Bok Lee, Jae Hwa Lee, and Aeree Lee*, Case No. CL-2013-0007058 (Fx. Co. Cir. Ct.) (Mason District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mohammad S. Khan and Sunawar Khan*, Case No. CL-2013-0011848 (Fx. Co. Cir. Ct.) (Providence District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. The Key Building Partnership and NAFS Food Services, Inc.*, Case No. CL-2013 -0011950 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. John T. Wasdi*, Case No. CL-2013-0015808 (Fx. Co. Cir. Ct.) (Hunter Mill District)

17. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Robert N. Jacobi*, Case No. CL-2013-0016587 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. James C. Benton*, Case No. CL-2013-00016586 (Fx. Co. Cir. Ct.) (Lee District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose Yanez and Luisa D. Palma*, Case No. GV13-021188 (Fx. Co. Gen. Dist. Ct.) (Lee District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eriberto L. Jose and Angelita C. Jose*, Case No. GV13-021058 (Fx. Co. Gen. Dist. Ct.) (Lee District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary Ann Torregrossa*; Case No. GV13-020137 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jack Burton Miller*, Case No. GV13-011597 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jack Burton Miller*, Case No. GV13-011598 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marcus Robinson and William Robinson*, Case No. GV13-018969 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
25. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Marcus Robinson and William Robinson*, Case No. GV13-018970 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edwin H.*

Funk, Jr., Case Nos. GV13-003199 and GV13-003355 (Fx. Co. Gen. Dist. Ct.) (Lee District)

27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mohammed S. Alam and Lutfunnessa P. Alam*, Case No. GV13-003793 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Salvador Garcia*, Case No. GV13-016925 (Fx. Co. Gen. Dist. Ct.) (Lee District)
29. *Noel Arguelles v. Amanda Wallace*, Case No. GV13-012458 (Fx. Co. Gen. Dist. Ct.); *Amanda Wallace v. Dora Alicia Navarro*, Case No. GV13-023570 (Fx. Co. Gen. Dist. Ct.)
30. *Jeffrey L. Blackford , Property Maintenance Code Official for Fairfax County, Virginia v. Mark J. A. Nolen*, Case No. GV13-023475 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. William O. Robinson, Jr.*, Case Nos. GV13-023476 and GV13-023477 (Fx. Co. Gen. Dist. Ct.) (Sully District)
32. *Jeffrey L. Blackford , Property Maintenance Code Official for Fairfax County, Virginia v. Doris Harwitz Trust, Doris Harwitz and Stuart Harwitz, Trustees*, Case Nos. GV13-023473 and GV13-023474 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose Salome Portillo and Francisca E. Portillo*, Case Nos. GV13-023469 and GV13-023470 (Fx. Co. Gen. Dist. Ct.) (Providence District)
34. *Jeffrey L. Blackford , Property Maintenance Code Official for Fairfax County, Virginia v. Jose Salome Portillo and Francisca E. Portillo*, Case Nos. GV13-023471 and GV13-023472 (Fx. Co. Gen. Dist. Ct.) (Providence District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose L. Zambrano*, Case No. GV13-023859 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis Escalona and Lidia Escalona*, Case No. GV13-023860 (Fx. Co. Gen. Dist. Ct.) (Lee District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Karl A. Eickmeyer*, Case No. GV13-023914 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
38. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Karl A. Eickmeyer*, Case No. GV13-023913 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Keun Hoon Lee and Yong Ja Lee*, Case No. GV13-024383 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- Transportation Infrastructure Finance and Innovation Act
- Board of Zoning Appeals Case Number A2013-SU-022
- Proposed Zoning Ordinance Amendments to Articles 10 and 20
- *Christopher Thompson, et al. v. County of Fairfax, Va.*

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

At 3:35 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

20. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:36 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Foust, Supervisor Hyland, and Chairman Bulova jointly 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."

21. **APPOINTMENT OF MS. JESSICA TUCKER AS THE ACTING AUDITOR TO THE BOARD** (3:36 p.m.)

Supervisor Foust moved that the Board approve the appointment of Ms. Jessica Tucker as Acting Auditor to the Board, with an annual salary of \$111,150 effective December 2, 2013. Supervisor McKay seconded the motion and it carried by unanimous vote.

22. **APPOINTMENT OF MR. KIRK KINCANNON AS DIRECTOR OF THE PARK AUTHORITY** (3:37 p.m.)

Supervisor Gross moved that the Board approve the Fairfax County Park Authority's recommendation to appoint Mr. Kirk W. Kincannon to the position of Director, with an annual salary of \$169,000 effective January 27, 2014. Supervisor Foust seconded the motion.

Chairman Bulova noted that Mr. Kincannon was a former County employee and it will be great to have him back. He is currently director of parks and recreation for the City of Boulder, Colorado.

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

AGENDA ITEMS

23. **3:30 P.M. – PH TO ADOPT AN ORDINANCE TO ADJUST THE BOUNDARY LINE OF FAIRFAX COUNTY WITH THE CITY OF FALLS CHURCH TO ANNEX AND INCORPORATE 13 PARCELS AND OTHER LAND INTO THE CITY OF FALLS CHURCH AND TO ADOPT A VOLUNTARY BOUNDARY ADJUSTMENT AGREEMENT WITH THE CITY OF FALLS CHURCH** (3:38 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 November 1 and November 8, 2013.

Cynthia L. Tianti, Deputy County Attorney, presented the staff report.

Following the public hearing, Supervisor Gross moved that the Board adopt:

- An Ordinance adjusting the boundary line of the County with the City of Falls Church to annex and incorporate 13 parcels and other land into the City.
- A voluntary settlement agreement with the City of Falls Church.

Supervisor Hyland and Supervisor Smyth jointly 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.”

24. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, ESTABLISHING AGRICULTURAL APPLICATION AF 2013-SU-002 (CHARLES KULBOK) (SULLY DISTRICT)** (3:43 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 November 1 and November 8, 2013.

The application property is located at 7100 Bull Run Post Office Road, Centreville, 20120, Tax Map 64-1 ((1)) 33.

Brent Krasner, Planner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Mr. Krasner presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Agricultural Application AF 2013-SU-002, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, establishing the Kulbok Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 10, 2013. Supervisor Hudgins 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.”

25. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 2005-SU-002 (J. DAVID SANDERS, TRUSTEE AND KIMBERLY ANN SANDERS, TRUSTEE) (SULLY DISTRICT)** (3:48 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 November 1 and November 8, 2013.

The application property is located at 16009 Lee Highway, Centreville, 20121, Tax Map 63-2 ((1)) 9Z; 64-1 ((1)) 32Z and 64-3 ((1)) 1A.

Brent Krasner, Planner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Mr. Krasner presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Agricultural Renewal Application AR 2005-SU-002, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Sanders Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 30, 2013. Supervisor Gross and Supervisor Hudgins jointly 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."

26. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 87-V-001-03 (GARY D. KNIPLING AND CHARLOTTE J. KNIPLING) (MOUNT VERNON DISTRICT)** (3:52 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 November 1 and November 8, 2013.

The application property is located at 11807 Harley Road, Lorton, 22079, Tax Map 118-1 ((3)) Z; 118-2 ((1)) 6Z; 118-2 ((2)) 10Z; 118-2 ((5)) Z, 1Z, 2Z and 7Z.

Michael Lynskey, Planner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Mr. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Hyland recognized the presence of the applicant, Mr. Gary Knipling, and, on behalf of the Board, warmly welcomed him to the Board Auditorium.

Supervisor Hyland moved approval of Agricultural Renewal Application AR 87-V-001-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Knipling Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 30, 2013. Supervisor McKay 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."

27. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-PR-007 (EYA DEVELOPMENT, LLC) (PROVIDENCE DISTRICT)** (3:57 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2013-PR-007 until **January 14, 2014, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

28. **SYRIAN REFUGEE BLANKET DRIVE** (3:58 p.m.)

Chairman Bulova reminded the Board that the County has a Sisterhood relationship with the City of Kecioren in Ankara, Turkey which has included a college student exchange.

Recently, a delegation from Northern Virginia visited Turkey as part of a cultural exchange organized by the American Turkish Friendship Association. The Delegation, among others included Purcellville Mayor Bob Lazaro and Northern Virginia Regional Commission Director Mark Gibb. The delegation's itinerary included a visit to a Syrian refugee camp. It was a powerful experience for members of the delegation.

Upon his return home, Mayor Lazaro updated his blog about his experience and initiated a blanket drive for the Syrian refugees being sheltered in Turkey. The blog entry can be found online at <http://boblazaro.blogspot.com/2013/11/what-i-saw-in-syrian-refugee-camp-how.html>.

Chairman Bulova read an excerpt from his blog:

“During our visit I met a gentleman who fled Syria. He served his hometown for 17 years as a Policeman. In a little more than 100 square feet he, his wife and four children live in a tent. They cannot contact relatives remaining in Syria as they are afraid if they contact them their remaining family will be lulled. They left their home with little more than what is on their backs and have no idea if they will be able to return if ever.

These folks need our help. With the onset of cold weather blankets are in desperate need. As such a number of my local government colleagues in Northern Virginia are organizing a blanket drive.

My request is simple; please drop off either new or gently used blankets. Please deliver them clean and folded. Our goal is to fill a shipping container that will then be delivered to Turkey where a local relief agency (we met them on our trip) will distribute them to the refugee families. We ask that donations of blankets be made no

later than December 5th to ensure they are delivered in time for the winter weather.”

Chairman Bulova said the County has a strong Faith Communities in Action coalition and she has asked the Office of Community and Faith liaison to help mobilize assistance for this humanitarian effort. She stated that several of her colleagues have already agreed to have their offices serve as blanket donation collection points and she asked that other Members of the Board consider doing the same. A number of Faith communities have already agreed to serve as collection points, including the Church of the Latter Day Saints Stake in Chantilly and several County mosques.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs and the Office of Community and Faith Liaison to help share information about this opportunity to help. Without objection, it was so ordered.

Additionally, with the recent events in the Philippines and tornadoes in the Midwest, she shared information about the best ways to be of assistance. She asked everyone to please consider donating to the Red Cross by visiting www.redcross.org or calling 1-800-REDCROSS.

(NOTE: Earlier in the meeting, Chairman Bulova mentioned the victims of weather related events. See Clerk's Summary Item #1.)

Vice-Chairman Gross returned the gavel to Chairman Bulova.

DET:det

AGENDA ITEMS

29. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-LE-003 (DDR SOUTHEAST SPRING MALL, LLC) (LEE DISTRICT)** (4:02 p.m.)

The application property is located at 6717 Spring Mall Road, Springfield, 22150, Tax Map 90-2 ((1)) 51.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Ms. Stagg 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. Williams presented the staff and Planning Commission recommendations.

Supervisor McKay moved approval of Special Exception Application SE 2013-LE-003, subject to the development conditions dated November 18, 2013. Supervisor Foust seconded the motion.

Discussion ensued concerning:

- Development Condition 15, which does not permit donation drop boxes used for the collection of clothing and/or other donated materials on the subject property
- The improper relocation of said drop boxes from one property to another
- Consideration of the drop box issue by the Development Process Committee

Discussion continued concerning the drop box issue and the applicability of the issuance of temporary permits, with input from Mr. Williams and Barbara Berlin, Director, ZED, DPZ. Supervisor Hyland asked unanimous consent that the Board refer this matter to the Zoning Administration Director for review. Without objection, it was so ordered.

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

30. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-M-026 (THOMAS LAPHAM AUTOSTOP SERVICE CENTER) (MASON DISTRICT)** (4:14 p.m.)

The application property is located at 5635 Leesburg Pike, 22041-2902, Tax Map 61-2 ((1)) 96.

Mr. Ronald C. McCormack reaffirmed the validity of the affidavit for the record.

Brent Krasner, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

Following the public hearing, Mr. Krasner presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 99-M-026, subject to the development conditions dated October 23, 2013.
- Modification of the parking requirement in a Commercial Revitalization District to allow 27 parking spaces where 31 spaces are required.
- Modification of the open space requirement to allow 12 percent where 15 percent is required.

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

31. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL APPLICATION AA 01-H-001 (HIU NEWCOMB FAMILY, LLC, MARIETTE HIU NEWCOMB, SARAH NEWCOMB, HANA NEWCOMB, LANI NEWCOMB, ANNA NEWCOMB, BRADFORD AND CHARLES NEWCOMB) (HUNTER MILL DISTRICT)**
(4:20 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 November 1 and November 8, 2013.

Chairman Bulova announced that no affidavit or disclosures were required.

The application property is located at 9627 Leesburg Pike, Vienna, 22182, Tax Map 19-1 ((14)) Z, 20A, 20Z, 21A, 21Z, 22A, 22Z, 23A, 23Z; 19-3 ((1)) 42Z2.

Michael Lynskey, Planner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Chairman Bulova noted that the property is currently located in the Hunter Mill District but previously had been in the Dranesville District.

Supervisor Hudgins moved approval of Agricultural Application AA 01-H-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Potomac Vegetable Farm II Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 30, 2013. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross,

Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

32. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-MV-006 (MOHAMMAD I. MANSOOR) (MOUNT VERNON DISTRICT) (4:28 p.m.)**

(NOTE: On October 29, 2013, the Board deferred the public hearing regarding this item until November 19, 2013.)

The application property is located at 8476 Wasdale Head Drive, Lorton, 22079, Tax Map 107-3 ((6)) 9.

Mr. Mohammad Mansoor reaffirmed the validity of the affidavit for the record.

Megan Duca, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Mansoor 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.

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

Supervisor Hyland moved approval of Special Exception Application SE 2013 MV-006, subject to the development conditions dated September 19, 2013. Supervisor Foust seconded the motion and it carried by unanimous vote.

33. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE DEAD RUN DRIVE SIDEWALK FROM CARPER STREET TO CONGRESS LANE (DRANESVILLE DISTRICT) (4:33 p.m.)**

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 1 and November 8, 2013.

Stephen M. Bailey, Right-of-Way Agent, Land Acquisition Division, Capital Facilities, Department of Public Works and Environmental Services, presented the staff report.

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

Noting that this project was initiated 16 years ago, Supervisor Foust moved adoption of the Resolution authorizing the acquisition of certain land rights

necessary for the construction of the Dead Run Drive sidewalk from Carper Street to Congress Lane. Supervisor Gross 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.”

34. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE OLD MILL STATION COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (4:45 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 November 1 and November 8, 2013.

Maria Turner, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by four speakers, Chairman Bulova noted that a number of Old Mill Station residents were in the auditorium and asked them to stand and be recognized.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Old Mill Station CPD, in accordance with current CPD restrictions. The proposed District encompasses Old Mill Road from Mount Olive Road north to the cul-de-sac inclusive. Supervisor Foust and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Smyth being out of the room.

35. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE GREAT MEADOW RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 46 (HUNTER MILL DISTRICT)** (4:59 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 November 1 and November 8, 2013.

Maria Turner, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the testimony of Mr. Michael Gilham (Speaker One), discussion ensued concerning the boundary of the proposed RPPD, with input from

Supervisor Hudgins and Ms. Turner, regarding guidelines used to establish the boundary.

Following the testimony of Mr. Mike Foxworth (Speaker Two), discussion ensued concerning the effect of an RPPD on parking for residents of adjacent courts and options for creating additional parking. Supervisor Hudgins noted that a parking problem exists in many of the cluster communities built in the 70s and earlier.

Following the public hearing, which included testimony by three speakers, discussion continued concerning expansion, deferral, and a temporary permit parking solution, with input from Ms. Turner.

Discussion continued concerning options available to resolve parking problems on adjacent courts. Ms. Turner noted that if this proposal was deferred, a temporary permit could be put in place and then proceed with the RPPD once rail comes.

Supervisor Hudgins moved to defer decision on the establishment of the Great Meadow RPPD. Supervisor Hyland seconded the motion. Chairman Bulova stated that the intent is for Supervisor Hudgins to work with staff and the community in a manner to:

- Expand the RPPD boundary
- Address the issue of narrow streets and parking challenges

Discussion continued concerning whether two of the affected streets are public or private, with input from Ms. Turner.

Following additional discussion concerning parking minimums, particularly in older townhouse communities, parking maximums in high density residential, and the ensuing challenges, the question was called on the motion to defer decision and it carried by a vote of nine, Supervisor Frey being out of the room.

36. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S13-II-M3 FOR THE MCLEAN COMMUNITY BUSINESS CENTER AT THE INTERSECTION OF OLD DOMINION DRIVE AND CHAIN BRIDGE ROAD, SOUTH OF DOLLEY MADISON BOULEVARD (ROUTE 123) (DRANESVILLE DISTRICT)** (5:25 p.m.)

(NOTE: On October 29, 2013, the Board deferred the public hearing regarding this item until November 19, 2013.)

Aaron Klibaner, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Foust submitted an item for the record.

Mr. Klibaner presented the staff and Planning Commission recommendations.

Supervisor Foust moved that the Board adopt the Planning Commission recommendation for Plan Amendment S133-II-M3 for the McLean Community Business Center, as found in Attachment One of the Board Agenda Item dated November 19, 2013, with three minor modifications which are highlighted in yellow on pages 2 and 3 of his handout dated November 19, 2013, and which would replace the word “neighboring” with the word “neighborhood” in three instances of the proposed Plan language. Supervisor Smyth seconded the motion and it carried by unanimous vote.

37. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER EXPANDING THE NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)** (5:30 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 1 and November 8, 2013.

Maria Turner, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Chairman Bulova and Supervisor Cook submitted items for the record.

Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the NVCC RPPD, District 39. The proposed District includes the following streets: Ardfour Lane from Lorene Lane to Bonnie Drive, and Bonnie Drive from Ardfour Lane to Wakefield Drive. Supervisor Frey 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.”

38. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), TO AMEND ARTICLES 2 AND 3 REGARDING UNIFORMED AND EMPLOYEES’ RETIREMENT SYSTEMS – CHANGE IN SOCIAL SECURITY OFFSET TO SERVICE-CONNECTED DISABILITY BENEFITS** (5:34 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 1 and November 8, 2013.

Jeffrey Weiler, Executive Director, Fairfax County Retirement Systems, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2 and 3, regarding uniformed and employees' retirement systems – change in social security offset to service-connected disability benefits. 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. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2013-MV-001 (A&R HUNTINGTON METRO LLC) (MOUNT VERNON DISTRICT)**

AND

A-3 - ACTION ON A PARKING REDUCTION FOR HUNTINGTON AVENUE PROPERTIES (MOUNT VERNON DISTRICT) (5:38 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on A-3, see Clerk's Summary Item #15.)

(NOTE: On October 29, 2013, the Board deferred the public hearing regarding this item until November 19, 2013.)

The application property is located at 2338, 2340, 2342, and 2344 Glendale Terrace and 2317 Huntington Avenue, Alexandria, 22303, Tax Map 83-1 ((8)) 92A, 92B, 93A, 93B and 94A.

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

Megan Duca, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Discussion ensued, with input from Ms. Duca, concerning:

- The number of spaces provided by the applicant for residential and retail parking and the number that would be required by the Zoning Ordinance
- Availability of additional retail parking
- Compatibility with surrounding uses

- The ratio of residential to retail square footage

Mr. Looney 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.

Discussion ensued, with input from Mr. Looney, concerning:

- Retail parking
- The status of an existing Residential Permit Parking District (RPPD) once the development is completed
- The lease and use of retail space
- The lack of retail on Huntington Avenue and the need for more
- The ratio of residential to office to retail square footage
- Consideration of a reduction of residential space to increase parking availability
- Community impact
- The Planning Commission vote

Discussion continued concerning:

- The RPPD boundary as it relates to the building address/individual unit addresses
- Pedestrian access to retail from the Metro

Following the public hearing, Chairman Bulova and Supervisor Hyland submitted items for the record. Ms. Duca presented the staff and Planning Commission recommendations.

Supervisor Hyland stated that, in view of the number of questions that had been raised by Members of the Board, and particularly the discussion concerning the parking around the building and the RPPD rules, it would be appropriate to defer this matter until the next meeting in December so the Board would have an opportunity to discuss the issues that have been raised.

Supervisor Hyland moved that the Board defer decision on Rezoning Application RZ 2013-MV-001 until **December 3, 2013, at 4 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

Supervisor Hyland moved that the Board defer A-3 - Action on a Parking Reduction for Huntington Avenue Properties to **December 3, 2013, at 4 p.m.** This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Herrity being out of the room.

40. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2011-PR-005 (NV COMMERCIAL INCORPORATED AND CLYDE’S REAL ESTATE GROUP, INCORPORATED) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2008-MD-036 (NV COMMERCIAL INCORPORATED) (PROVIDENCE DISTRICT) (6:37 p.m.)

- (O) (NOTE: On October 29, 2013, the Board deferred the public hearing regarding this item until November 19, 2013.)

The Rezoning Application RZ 2011-PR-005 property is located in the northeast quadrant of the intersection of Leesburg Pike and Chain Bridge Road, Tax Map 29-3 ((1)) 65, 71, 71A pt., 72, 73, 75, 76, and 78A.

The Special Exception Amendment Application SEA 2008-MD-036 property is located at 8348 Leesburg Pike, Vienna, 22182, Tax Map 29-3 ((1)) 32 and 71A pt. and Route 7 public right-of-way to be vacated and/or abandoned.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

Supervisor Cook disclosed that one of his law partners currently handles cases for the Risk Management Division of the Department of Treasury for the Commonwealth of Virginia and another department of the Commonwealth is identified as one of the title owners in Special Exception Amendment Application SEA 2008-MD-036. As a result Supervisor Cook recused himself from the public hearings on Rezoning/Final Development Plan Application RZ/FDP 2011-PR-005 and Special Application Amendment Application SEA 2008-MD-036 and has not and will not be participating in these applications in any way. Supervisor Cook left the room.

Chairman Bulova stated that the affidavit contains a disclosure for Supervisor Herrity and added that he would not be participating. (Supervisor Herrity was not in the room.)

Supervisor Smyth noted that proffers were redistributed this afternoon along with the modifications and waivers.

Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Ms. Baker 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.

Discussion ensued concerning:

- Parking
- The location and ownership of the nearby water tower

Following the public hearing, Supervisor Foust submitted an item for the record.

Ms. Lin presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-PR-005, from the C-8, HC, and SC Districts to the PTC, HC, and SC Districts, subject to the proffers dated November 12, 2013.
- Approval of Special Exception Amendment Application SEA 2008-MD-036, subject to the development conditions dated October 2, 2013.
- Approval of the modifications and waivers, as listed in the handout dated November 6, 2013, which shall be made part of the record of the case.

Supervisor Foust seconded the motion and pointed out that the Board needs to stay focused on the 14,500 square foot public facility proffer to discuss potential users of the site to maximize the value.

The question was called on the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Cook and Supervisor Herrity having recused themselves.

(NOTE: On November 6, 2013, the PC approved Final Development Plan Application FDP 2011-PR-005, subject to the Development Conditions dated November 6, 2013.)

41. **4:30 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2014 VIRGINIA GENERAL ASSEMBLY** (7:12 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 November 1 and November 8, 2013.

Supervisor McKay, Chairman of the Board's Legislative Committee, detailed highlights of the proposed legislative package as they relate to:

- The Board's position on transportation funding
- Restoration of Commonwealth funding to other programs, specifically education and human services

Supervisor McKay announced that the last Legislative Committee meeting for the calendar year will be on November 26, to finalize the County's State Legislative Program in preparation for Board adoption on December 3.

Following the public hearing, Supervisor McKay announced that in addition to the previously mentioned dates, the annual legislative work session with the delegation will be held on December 9, and the reception with the General Assembly Delegation in Richmond will be February 18, 2014.

DAL:dal

42. **A-4 – APPROVAL OF COMMENTS ON THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG) REGIONAL TRANSPORTATION PRIORITIES PLAN (RTTP) FOR THE NATIONAL CAPITAL REGION** (7:17 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action regarding this item. See Clerk's Summary Item #16.)

Chairman Bulova noted that this item was revised.

Supervisor McKay moved that the Board concur in the recommendation of staff and approve and authorize the Chairman, on behalf of the Board, to sign a letter transmitting comments and suggestions on the Transportation Planning Board's Draft RTTP. Supervisor Foust and Supervisor Gross jointly seconded the motion.

Supervisor Herrity expressed his view that the letter from the Board should include a statement retracting language on pages 53-55. He also raised a question regarding staff's estimate for the first bulleted item for pages 53-55, regarding Express Toll Lanes.

Discussion ensued, with input from Todd Wigglesworth, Acting Director, Coordination and Funding Division, Department of Transportation (DOT), who noted that any suggested changes can be made to the comments.

Chairman Bulova raised a question regarding whether the item should be deferred until the next meeting to allow for revisions to the language. Discussion ensued, with input from Mr. Wigglesworth, who noted that the comment period ends tomorrow. However, there will be another comment period.

Supervisor Cook suggested that all comments for pages 53-55 be deleted until revisions can be made.

Following further discussion, Supervisor Herrity moved to amend the motion to:

- Delete all of the comments on pages 53-55
- Revise the letter, dated November 1, 2013, which was sent to the director of the Department of Transportation Planning, to include a statement noting that the comments originally submitted on pages 53-55 are withdrawn and additional comments will be provided before the next meeting.

Supervisor Cook seconded the motion.

Supervisor McKay asked for input from Tom Biesiadny, Director, DOT, who had just returned to the Board Auditorium after attending a meeting in Tysons.

Following discussion, with Mr. Biesiadny addressing the Board's concerns regarding the proposed comments on the express toll lanes, Supervisor McKay asked unanimous consent that the Board direct staff to reword the comments and report to the Board later in the meeting, after Board Matters are presented. Following a brief discussion, with input from Mr. Biesiadny, regarding the rewording of the comments, without objection, the request was so ordered.

Both the original motion and the amended motion were withdrawn.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #57.)

ADDITIONAL BOARD MATTERS

43. **EVENT PLANNING WORKSHOP** (7:42 p.m.)

Chairman Bulova announced that on Wednesday, January 8, 2014, her office will be hosting an event planning workshop; Professional Secrets on Producing Successful Events. This FREE workshop is organized through a partnership with the Workhouse Arts Foundation and Celebrate Fairfax, Incorporated.

The event will begin at 5 p.m. at the Workhouse Arts Center in Lorton with networking and a tour. From 6–9 p.m., registrants will have the opportunity to learn the basics of event planning. Some topics may include:

- Basic Operations Strategy
- How to inexpensively promote your event
- Risk Management, Local Regulations and Permitting
- Crowd Management and Site Design
- Site Selection
- Resources for Event Producers
- Sustaining Event Quality through Leadership Transition

Barry Feil, President and CEO of Celebrate Fairfax is developing and leading the educational component of this workshop and Executive Director John Mason from the Workhouse Arts Center will showcase the Center as an events destination. This event is open to all County residents and organizations interested in learning the basics of putting on a successful community event. Chairman Bulova said she is especially interested in reaching out to representatives of the County's ethnic, minority, and artistic communities and would welcome suggestions of names and organizations to contact.

Chairman Bulova said space is limited and workshop enrollment is first come/first served. Interested parties will be able to find registration details, along with information on the blanket drive, on the Chairman's website at www.fairfaxcounty.gov/chairman within the next week.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to assist with outreach and promotion as details become complete. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

44. **REQUEST FOR WAIVER OF APPLICATION FEES FOR THE SPRINGFIELD HOST LIONS CLUB CHARITIES 2014 FLEA MARKETS (LEE AND MASON DISTRICTS)** (7:45 p.m.)

Supervisor McKay said this Board Matter is jointly with Supervisor Gross, requesting a waiver of the application fees for permits associated with the flea markets held by the Springfield-Franconia Host Lions Club Charities, Incorporated. The Board has approved this waiver request annually since 1994.

He said the Springfield-Franconia Host Lions Club Charities, Incorporated recently contacted him to express appreciation for help in the past and to ask for support of a waiver again this year.

The flea markets are held twice a month on Saturdays from April through November at the Virginia Railway Express parking lot off Backlick Road. All net proceeds from the flea markets are returned to the community. The Springfield-Franconia Host Lions Club Charities, Incorporated supports organizations such as Koinonia, ECHO, and the Juvenile Diabetes Foundation, and assists indigent citizens with eye glass prescriptions and hearing aids.

Therefore, Supervisor McKay moved that the Board waive the application fees for 21-day permits associated with the Springfield Host Lions Club Charities 2014 flea markets. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

EBE:ebe

45. **REQUEST FOR RECOGNITION OF KOREAN-AMERICAN DAY (SPRINGFIELD DISTRICT)** (7:46 p.m.)

Supervisor Herrity said that for over a century Korean-Americans have been immigrating to this country, bringing with them their own unique history and culture, and making America that great melting-pot that it is. The Korean-American community here in Northern Virginia is a thriving one, with a strong sense of community, family, and an entrepreneurial spirit that epitomizes the values that we as Americans all share.

January is an important month for Korean-Americans in the community, for in December of 1902 a group of 56 men, 21 women, and 25 children traveled from Korea across the Pacific Ocean, landing in Honolulu, Hawaii, on January 13, 1903. This event marked the first entry of Korean immigrants onto US soil, and the date of January 13 has since been recognized as national Korean-American Day.

Celebrations will take place all over the country, and here in the County the date will be celebrated in one of the large epicenters of our local Korean community (Annandale) at the Northern Virginia Community College (NVCC), in the Ernst Cultural Center, on Sunday January 12, 2014. The celebration is being hosted by the Korean American Foundation of Greater Washington.

Therefore, Supervisor Herrity moved that Board recognize January 13, 2014, as “*Korean-American Day*” in Fairfax County and direct staff to prepare a proclamation, which he attached to his written Board Matter, to be presented at the Korean-American Day celebration at NVCC on the January 12, 2014.

Supervisor Herrity invited Board Members to attend the celebration of the Korean-American Day.

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

46. **NO BOARD MATTERS FOR SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (7:47 p.m.)

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

PMH:pmh

47. **ACQUIRE SURPLUS LAND FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR FUTURE TRANSPORTATION USES IN MERRIFIELD (PROVIDENCE DISTRICT)** (7:47 p.m.)

Supervisor Smyth referred to VDOT's plans to relinquish residual surplus property associated with the Gallows Road/Lee Highway intersection project under the requirements of Section 33.1-223.2:2 of the Code of Virginia, as amended. The 0.31.0 acres of land, located on the west side of Gallows Road and south of Strawberry Lane may be needed in the future to accommodate a turning lane for a new road connection anticipated, in the Merrifield Comprehensive Plan. The County needs to formally notify VDOT that this land is needed for future transportation uses no later than November 21, 2013.

Therefore, Supervisor Smyth moved that the Board direct the Chairman, in consultation with Department of Transportation and the County Attorney's office, send VDOT a letter expressing the County's desire to acquire the surplus property for future road transportation use. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

48. **WESTFIELD HIGH SCHOOL GIRLS' FIELD HOCKEY TEAM (SULLY DISTRICT)** (7:49 p.m.)

Supervisor Frey announced that the Westfield High School Girls' Field Hockey team won the State Championship.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite the team to appear before the Board to be recognized for its outstanding accomplishment. Without objection, it was so ordered.

49. **RESIDENTIAL STUDIO UNITS (RSU)** (7:49 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Gross said that the draft RSU Ordinance currently is the subject of many community meetings and outreach by the Planning Commission's (PC) ad hoc RSU subcommittee. The draft ordinance language would provide for small, efficiency-style, rental

apartments, predominately for low-income persons, and the use would be allowed by special exception in most zoning districts. This summer, when the Board considered language for the advertisement of the public hearings for the RSU amendment, there was very pointed discussion about whether to include lower density zoning districts. Ultimately, the Board decided to include all districts in order to hear from the community, and the community has spoken. While there is support for the RSU concept overall, there is deep-seated opposition to allowing them as a use in lower density residential districts or single family detached neighborhoods. Supervisor Gross noted that she has heard from many residents who are very concerned, even angry, that the RSU ordinance, as currently drafted, might exacerbate overcrowding in some areas and dramatically change the character of their neighborhoods.

The PC's formal consideration of the RSU amendment was postponed until the spring, and it established a special RSU Committee to do additional outreach. The County Attorney has advised that, legally, the proposed amendment can be modified to eliminate RSUs as an option in the lower density residential districts and still adhere to the "uniformity requirement" codified in *Va. Code Ann. 15.2-2282* (2012) and the Equal Protection Clause of the United States' Constitution as long as the minimum number of RSUs permitted in a development is increased from 3 to at least 30 units, and onsite property management and/or supportive services are provided. Removing from consideration F. Option 1, (which would allow conversion of a single family detached residence into RSUs) listed on page 10 of the August 27, 2013, staff report, would address the many concerns raised by constituents. F. Option 2, also on page 10, is the better choice.

At its November 14 meeting, the Chairman of the PC's RSU Committee announced his intent to recommend that the ongoing review of the proposal should focus the location of RSUs in the upper R-Districts, as well as commercial, industrial, and mixed-use planned development districts. That recommendation would eliminate the lower R-Districts from consideration.

Supervisor Gross moved that the PC be notified that the Board concurs with this amended approach. Chairman Bulova seconded the motion.

Discussion ensued regarding the motion and the process.

Supervisor Herrity asked unanimous consent that the Board direct staff to report with information and justification for the 80 percent figure. Without objection, it was so ordered.

Chairman Bulova referred to the language in the Board Matter and clarified that it now reads:

- While there is support for the RSU concept overall, there is deep-seated opposition to allowing them as a use in lower density residential districts or single family neighborhoods.

Supervisor Hudgins stated for the record that she would not support the motion.

The question was called on the motion and it **CARRIED** by a recorded vote of of nine, Supervisor Hudgins voting “NAY.”

50. **ANNANDALE HIGH SCHOOL MARCHING ATOMS (MASON DISTRICT)** (8:06 p.m.)

Supervisor Gross asked unanimous consent that the Board applaud the achievement of excellence of Annandale High School Marching Atoms and direct the Office of Public Affairs to invite the Annandale High School Marching Band Director, Adam Hilkert, and the Atoms’ Drum Majors, to appear before the Board for recognition. Without objection, it was so ordered.

51. **CHARLES STREET COMPREHENSIVE PLAN AMENDMENT AUTHORIZATION (MASON DISTRICT)** (8:06 p.m.)

Supervisor Gross said that at the October 29 Board meeting, a Board Matter was supported unanimously to authorize a Comprehensive Plan amendment to consider additional commercial uses that may include drive-through services and expansion of the Community Business Center (CBC) for Tax Map Parcels 61-2 ((17)) (D) 1, 3, 4, and 5 and 61-2 ((18)) 1, 2, 3, and 4 in the Bailey's Crossroads’ CBC, and stated that she would like to amend the previously supported language to also include Tax Map parcel 61-2 ((18)) 5, a contiguous parcel, for consideration of the same aforementioned uses.

Supervisor Gross moved that Tax Map parcel 61-2 ((18)) 5 be added to the Comprehensive Plan amendment. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

52. **DEFERRAL OF PUBLIC HEARINGS RELATED TO THE PROPOSED COUNTY STORMWATER MANAGEMENT ORDINANCE** (8:07 p.m.)

Supervisor Gross said that on September 10, 2013, the Board authorized advertising of amendments to the Code of the County of Fairfax, and the Public Facilities Manual (PFM) to implement the Virginia Stormwater Management Program (VSMP) Permit Regulations. Public hearings were scheduled before the Board on December 3, 2013. The State Water Control Board is considering adopting additional changes to the VSMP Permit Regulations and the General Permit for Discharges of Stormwater from Construction Activity at its meeting on December 17, 2013. Therefore, it is necessary to postpone the Board hearings until January to give staff the opportunity to fully evaluate the State's changes, provide a full explanation to the Board of what is going on in a revised staff report, and incorporate any needed changes to the County's advertised amendments.

Supervisor Gross moved to defer the public hearing scheduled for December 3 until **January 28, 2014, at 4:30 p.m.** on proposed amendments to the following chapters of the Code of the County of Fairfax:

- Chapter 124 (Stormwater Management Ordinance)
- Repeal of Chapters 105 (Pollution of State Waters) and Chapter 106 (Storm Drainage)
- Chapter 101 (Subdivision Ordinance)
- Chapter 104 (Erosion and Sedimentation Control),
- Chapter 112 (Zoning Ordinance)
- Chapter 118 (Chesapeake Bay Preservation Ordinance)
- Appendix Q (Land Development Services Fees) of *The Code of the County of Fairfax, Virginia*, regarding implementation of the Virginia Stormwater Management Act (*Va. Code Ann. § 62.1-44.15:24, et seq.*)
- Virginia Stormwater Management Program (VSMP) Permit Regulations (9 VAC 25-870)
- Chapter 6 (Storm Drainage) and Chapter 12 (Vegetation Preservation and Planting) of the PFM regarding water quality controls, adequate outfall detention, maintenance of stormwater management facilities, and replanting of disturbed areas

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

53. **HUNTER MILL DISTRICT HOLIDAY OPEN HOUSE AND THE 2013-2014 WINTER COAT CLOSET** (8:10 p.m.)

Supervisor Hudgins referenced her written Board Matters that included announcements of the Hunter Mill District Holiday Open House (December 12, 2013, from 4:30 p.m. to 6:30 p.m. at the Jo Anne Rose Gallery at Reston Community Center at Lake Anne) and the 2013-2014 Hunter Mill Winter Coat Closet (November 9 through March 15 at the Community Room of the North County Government Center).

54. **RECOGNIZING JOHN T. FREY, CLERK, COUNTY CIRCUIT COURT, FOR HIS EFFORTS TO PROMOTE TRANSPARENT GOVERNMENT** (8:10 p.m.)

In a joint Board Matter with Supervisor Frey and Supervisor Herrity, Supervisor Cook announced that County Circuit Court Clerk, John T. Frey, was recently given an open government award from the Virginia Coalition for Open Government.

Supervisor Cook noted that Mr. Frey was given the honor for making court records available online. The Virginia Coalition for Open Government is a nonprofit alliance formed to promote expanded access to government records, meetings, and other proceedings at the state and local level. Founding members of the coalition include *USA Today*, *Associated Press*, *the Freedom Forum*, *the Virginia Genealogical Society*, *Library of Virginia*, and more.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite Mr. Frey to appear before the Board at a later date to be recognized for his recent award as well as his long history of service to the County. Without objection, it was so ordered.

55. **LONG TERM CARE COORDINATING COUNCIL (LTCCC)**
RECOMMENDATIONS ON TAXI CAB CERTIFICATES (8:11 p.m.)

In a joint Board Matter with Supervisor Hudgins, Supervisor Cook said that on November 14, 2013, the LTCCC submitted a series of recommendations in response to the Consumer Protection Commission (CPC) and the Department of Cable and Consumer Services (DCCS) proposed increase of 39 taxicab certificates in the County.

Supervisor Cook noted that its report puts forth many worthwhile suggestions and highlights the following general concerns with the current taxi cab system in the County:

- It does not adequately meet the needs of residents who need accessible taxis
- It does not fully incorporate taxis as an element of the transportation system

The LTCCC response stands in stark contrast to the recommendations of staff; plainly stating that the proposed 39 additional taxicab certificates, which includes only two wheelchair accessible taxis, is not nearly enough to meet current demand. It cites as an example Springfield Yellow Cab who state that at least two hours notice is necessary to secure an accessible cab and that 24 hours is really what is needed. Readily accessible and affordable transportation is a critical need for older adults and people with disabilities if they are to be able to remain independent and stay in communities. The lack of available, accessible cabs has long been common knowledge for people with disabilities. According to the 2010 census, almost 17 percent of County residents 65+ in age and living independently have difficulty walking. One specific request made by LTCCC in this regard is that taxi companies operating 25 or more taxis have 6 percent of those taxis accessible and subject to periodic staff adjustment recommendations, as opposed to the current 4 percent requirement.

Another interesting suggestion offered is that the Transportation Advisory Commission (TAC) be included in the process. While acknowledging that the

CPC is well equipped to regulate the business aspects of the taxi industry in the County the LTCC recommendations state that the TAC may be better qualified for determining the number of taxis required to supplement transit and provide the mobility needed by County residents, employees and visitors. The LTCCC paper asks that, moving forward, the Board explore what the role of taxis will be in the creation of a multi-faceted transportation model and how taxis can encourage diverse and accessible transportation choices.

Therefore, Supervisor Cook moved that the Board direct the County Executive to review and respond to the LTCCC's proposed recommendations prior to the Board's vote on the increase of taxicab certificates. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

56. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (8:17 p.m.)

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

AGENDA ITEMS

57. **CONTINUATION OF A-4 – APPROVAL OF COMMENTS ON THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG) REGIONAL TRANSPORTATION PRIORITIES PLAN (RTTP) FOR THE NATIONAL CAPITAL REGION** (8:17 p.m.)

(NOTE: Earlier in the meeting, this item was deferred until later in the meeting. See Clerk's Summary Items #16 and #42.)

Supervisor McKay moved approval of and authorized the Chairman, on behalf of the Board, to sign a letter transmitting comments and suggestions on the Transportation Planning Board's Draft RTTP with the changes to the bullet points and the cover letter as distributed around the dais. Supervisor Foust seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to correct the list of "ccs" on the letter. Without objection, it was so ordered.

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

58. **BOARD ADJOURNMENT** (8:19 p.m.)

The Board adjourned.

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