



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
December 4, 2012**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, December 4, 2012, at 9:39 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; Elizabeth Teare, Deputy County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board; Angela Schauweker, Management Analyst II, Office of the County Executive; Patti M. Hicks, Chief Deputy Clerk to the Board; Denise A. Long, Deputy Clerk to the Board; Dianne E. Tomasek and Ekua Brew-Ewool, Administrative Assistants, Office of Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:39 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family of Mr. William Foust, father of Supervisor John Foust, who died recently, and extended sympathies to the family.

Chairman Bulova asked everyone to keep in thoughts the family of Mr. Jesse Birch Wilson, III, who died recently. Mr. Wilson was a long time principal of the Fairfax Firm of McCandlish Lillard. He served as a trustee of the Claude Moore Charitable Foundation from its inception until his death. He also served as the president of the Fairfax Bar Association and was deputy commissioner of accounts in the County from 1982-1987.

Supervisor Gross asked everyone to keep in thoughts the family of Mr. Ed Strait who died recently. He was a member of the Falls Church City Council and a very active member of the community.

Supervisor Gross also asked everyone to keep in thoughts the family of Ms. Casey Schulman who was killed tragically in a boating accident in the Caribbean, while on her Semester at Sea. Ms. Schulman graduated from Jeb Stuart High School and was a senior at the University of Virginia.

AGENDA ITEMS2. **RECOGNITION OF FAIRFAX COUNTY EMPLOYERS** (9:43 a.m.)

Tom Biesiadny, Director, Department of Transportation, presented certificates of recognition to the County employers selected as "Best Workplaces for Commuters and "Best Sites."

The employers recognized were:

- American Institute of Aeronautics and Astronautics (AIAA)
- Virginia Department of Transportation (VDOT)
- SRA International (Two sites)
- Oracle
- Defense Health Headquarters
- Community Associations Institute (CAI)
- Towers Crescent (Best Sites)

- Access Tysons (Best Sites)

3. **CERTIFICATES OF RECOGNITION PRESENTED TO STUDENT VOLUNTEERS AND REPRESENTATIVES OF EMMANUEL LUTHERAN, FAIRFAX PRESBYTERIAN, AND VIENNA PRESBYTERIAN FAITH ORGANIZATIONS** (9:52 a.m.)

Supervisor Hudgins moved approval of the Certificates of Recognition presented to student volunteers and representatives of Emmanuel Lutheran, Fairfax Presbyterian, and Vienna Presbyterian faith organizations for their efforts to raise awareness of homelessness through the Fast Shacks program. Supervisor Foust and Supervisor Gross jointly seconded the motion.

Following a brief discussion regarding the efforts to end homelessness, the question was called on the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

4. **CERTIFICATE AND RESOLUTIONS OF RECOGNITION PRESENTED TO CAPTAIN PATRICK HORAN AND HIS FAMILY** (10 a.m.)

Supervisor Foust moved approval of Resolutions of Recognition presented to Captain Patrick Horan and the Rebuilding Together and Sears Heroes at Home programs. Supervisor Herrity, Supervisor Hyland, and Supervisor McKay jointly seconded the motion.

Supervisor Foust moved approval of the Certificate of Recognition presented to Captain Patrick Horan for his exemplary service to the country including a deployment in Iraq, and the extraordinary fortitude he and his family have exhibited since his return. Supervisor Herrity, Supervisor Hyland, and Supervisor McKay jointly seconded the motion.

Discussion ensued regarding the work of corporate and citizen entities that provide service to wounded warriors, housing accessibility and the impact of such programs on the community.

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

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. CARL SIVERTSEN** (10:18 a.m.)

Supervisor Gross moved approval of the Resolution of Recognition presented to Mr. Carl Sivertsen, for over 22 years of service to the County beginning in 1990 as Chief Zoning Inspector and Deputy Zoning Administrator in the Department of Planning and Zoning and retiring as an Environmental Health Specialist with the Health Department. The motion was multiply seconded, and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING DECEMBER 14, 2012, AS "JEANS DAY" IN FAIRFAX COUNTY** (10:33 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate December 14, 2012, as "*Jeans Day*" in Fairfax County. Supervisor Hyland seconded the motion.

Following a brief discussion regarding homelessness and its impact on youth under the age of 18 in the County, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **CERTIFICATE OF APPRECIATION PRESENTED TO SULLY DISTRICT SUPERVISOR MICHAEL FREY** (10:44 a.m.)

Chairman Bulova presented Supervisor Frey with a Certificate of Appreciation which she had received on his behalf. The certificate was awarded in recognition of his valuable contributions to the Centreville Immigration Forum and Centreville Labor Resource Center.

8. **10:30 A.M. – BOARD ADOPTION OF THE 2013 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY, APPROVAL OF THE COUNTY'S 113TH CONGRESS FEDERAL LEGISLATIVE STRATEGY, AND ADOPTION OF PRINCIPLES FOR FEDERAL LEGISLATION FOR THE 113TH CONGRESS** (10:49 a.m.)

(R) Supervisor McKay moved adoption of the 2013 State Legislative Program and Human Services White Paper. Supervisor Foust and Supervisor Hudgins jointly seconded the motion.

Following comments regarding the program, meals tax, transportation, and Medicaid funding, the question was called on the motion and it carried by unanimous vote.

Supervisor McKay moved adoption of the strategies and principles for the 113 Congress. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Supervisor McKay moved that the Board adopt the Federal Budget and Sequestration Resolution and direct staff to transmit it, and the letter distributed at the dais under the Chairman's signature, to the County's Congressional Delegation. Supervisor Foust seconded the motion.

Discussion ensued, regarding the resolution, impact, location, and relocation.

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

Supervisor McKay moved that the Board endorse the Urban Crescent letter and send the letter to the Delegation indicating the Board's support of this initiative. Chairman Bulova and Supervisor Foust jointly seconded the motion.

Discussion ensued, regarding the letter and the clarification of the amount of \$3 billion in the cover letter for consistency and funding for transportation.

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

Supervisor McKay announced that the Board's work session with the General Assembly Members will be held on December 11, 2012, at 3:30 p.m., in Government Center Conference Rooms 9/10.

Supervisor McKay thanked the professional staff for their work.

*Supervisor Hudgins asked unanimous consent to be recorded as voting "AYE" on the Urban Crescent letter. Without objection, it was so ordered.

9. **10:45 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:19 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy "Appointments to be Heard December 4, 2012," as distributed around the dais. Supervisor Hyland seconded the motion.

Chairman Bulova asked to amend the motion to include the reappointment of Ms. Karen Geier-Smith as the Landlord Member #1 Representative to the Tenant Landlord Commission. And this was accepted.

Supervisor Hyland asked to amend the motion to include the following reappointments to the History Commission:

- Ms. Sallie Lyons as the Citizen #2 Representative
- Ms Anne Barnes as the Citizen/Minority Representative

This was accepted.

Supervisor Hyland deferred the appointment of the Mount Vernon District #1 Representative to the Wetlands Board.

Supervisor Foust clarified the confirmation of the former Board of Supervisors Chairman Katherine Hanley and former Dranesville District Supervisor Stuart Mendelsohn as co-chairs of the Bi-Partisan Election Process Improvement Commission.

Supervisor Hyland asked to amend the motion to include the appointment of Ms. Ginny L. Peters as the Mount Vernon District Representative to the Bi-Partisan Election Process Improvement Commission. This was accepted.

Supervisor Cook asked to amend the motion to include the appointment of Dr. Keith Damon as the Braddock District Representative to the Bi-Partisan Election Process Improvement Commission. This was accepted.

Discussion ensued, regarding membership on the Bi-Partisan Election Process Improvement Commission and how the representatives of the various community seats were selected for confirmation.

Supervisor McKay asked unanimous consent that the Board include a non-voting Facilities Management Department staff representative to the Commission. Without objection, it was so ordered.

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

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Mount Vernon District Representative.

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

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

ATHLETIC COUNCIL

The Board deferred the appointment of the Dranesville District Principal Representative, Providence District Alternate Representative, and the Women's Sports Alternate Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Hunter Mill, Mason, Mount Vernon, and Springfield District Representatives.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Reappointment of:

- Mr. Thomas Parr as the At-Large #1 Representative

The Board deferred the appointment of the Professional #5 and #6 Representatives.

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 appointments of the Lee, Mount Vernon, and Providence District Representatives.

CITIZEN CORPS COUNCIL

The Board deferred the appointment of the Providence District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

The Board deferred the appointment of the Lee and Mount Vernon District Representatives.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #7 Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

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

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX –FALLS CHURCH COMMUNITY SERVICES BOARD

The Board deferred the appointment of the Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

Appointment of:

- Dr. Fizzah Z. Gocke as the Provider #3 Representative

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

HISTORY COMMISSION

Reappointment of:

- Ms. Sallie Lyons as the Citizen #2 Representative
- Ms. Anne Barnes as the Citizen/Minority Representative

HUMAN RIGHTS COMMISSION

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

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Mount Vernon District #1 Representative.

INDUSTRIAL DEVELOPMENT AUTHORITY

Reappointment of:

- Mr. Robert Surovell as the At-Large #1 Representative

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Reappointment of:

- Ms. Kathryn Walsh as the At-Large Chairman's Representative

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

PARK AUTHORITY

Reappointment of:

- Ms. Janyce Hedetniemi as the At-Large Chairman's Representative

The Board deferred the appointment of the Dranesville District Representative.

PLANNING COMMISSION

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

ROAD VIEWERS BOARD

Reappointment of:

- Mr. John W. Ewing as the At-Large #2 Representative

The Board deferred the appointment of the At-Large #4 Representative.

SMALL BUSINESS COMMISSION

Reappointment of:

- Mr. John Pellegrin as the At-Large #1 Representative
- Ms. Margaret Schottler as the At-Large #3 Representative

The Board deferred the appointment of the Providence District Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

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

TENANT LANDLORD COMMISSION

Reappointment of:

- Mr. Michael Kiffney as the Citizen Member #3 Representative
- Ms. Karen Geier Smith as the Landlord Member #1 Representative
- Mr. Christopher Kocsis as the Landlord Member #2 Representative

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

TREE COMMISSION

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

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

WETLANDS BOARD

The Board deferred the appointment of the Mount Vernon District #1 Representative.

BI-PARTISAN ELECTION PROCESS IMPROVEMENT COMMISSION

Appointment of:

- Mr. Marcus Simon as the At-Large Chairman's #1 Representative
- Mr. Jeremy Epstein as the At-Large Chairman's #2 Representative
- Dr. Keith Damon as the Braddock District Representative
- Ms. Susan S. Platt as the Dranesville District Representative
- Mr. Alex Blakemore as the Hunter Mill Representative
- Ms. Kelsey Phipps as the Lee District Representative

- Mr. William P. Kreykenbohm as the Mason District Representative
- Ms. Ginny L. Peters as the Mount Vernon District Representative
- Mr. Jeffrey M. Wisoff as the Providence District Representative
- Mr. Brian Schoeneman as the Springfield District Representative
- Mr. Jim Parmelee as the Sully District Representative

Confirmation of:

The Honorable Katherine K. Hanley as Commission Co-Chairman

The Honorable Stuart Mendelsohn as Commission Co-Chairman

- Mr. Cesar del Aguila as the Democratic Party of Fairfax County Representative
- Mr. Jay McConville as the Republican Party of Fairfax County Representative
- Ms. Lee Ann Pender as the Fairfax County Public Schools Administration Representative
- Mr. Jay Myerson as the Fairfax County Bar Association Representative
- Ms. Tania Hossain as the Federation of Citizens Associations Representative
- Ms. Olga Hernandez as the Fairfax County League of Women Voters Representative
- Mr. Owen Shortt as the African-American Community Representative
- Ms. Bettie Baca as the Hispanic Community Representative
- Mr. Michael Kwon as the Asian/Pacific Islander Community Representative

The Board deferred the confirmations of the Fairfax County Chamber of Commerce and the Disability Community Representatives.

(NOTE: Earlier in the meeting the Board confirmed the appointment of the co-chairs to the commission. See page #6.)

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10. **ADMINISTRATIVE ITEMS** (11:30 a.m.)

Supervisor Gross moved approval of the Administrative Items, noting that Admin 3 had been withdrawn by staff. 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."

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

- (R)
- Adopted the Resolution authorizing installation of “\$200 Additional Fine for Speeding” signs on Franklin Farms Road from Centreville Road to West Ox Road (Sully District).
 - Directed staff to request the Virginia Department of Transportation (VDOT) to schedule the installation of the approved signs as soon as possible.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE GEORGE MASON UNIVERSITY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 40 (BRADDOCK DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **January 8, 2013, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the George Mason University RPPD, District 40. The proposed district expansion includes University Drive (Route 383), from Santa Clara Drive to the southern boundary of 4629 University Drive.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF WESTMORELAND STREET AT HAYCOCK ROAD INTERSECTION IMPROVEMENTS (DRANESVILLE DISTRICT)

This item was withdrawn by staff.

**ADMIN 4 – STREETS INTO THE SECONDARY SYSTEM
(SPRINGFIELD AND SULLY DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Most Reverend John R. Keating (St. Raymond of Penafort Church)	Springfield	Pohick Road (Route 641) [Additional Right-of-Way (ROW) Only]
Faircrest North Section One	Sully	Calamint Court
Faircrest North Section Two	Sully	Sweet Woodruff Lane Astible Court Summit Street (Route 1022)

**ADMIN 5 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW
APPLICATIONS (DRANESVILLE, MASON, AND PROVIDENCE
DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-P12-5	Cricket Communications 6400 Arlington Boulevard, Falls Church Providence District	February 23, 2013
456A-D95-19-2	T-Mobile Northeast, LLC 9916 Georgetown Pike, Great Falls Dransville District	February 28, 2013
FSA-M97-15-3	Sprint 6200 Wilson Boulevard, Falls Church Mason District	March 2, 2013

11. **A-1 – CREATION OF A TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

AND

A-7 – ESTABLISHMENT OF THE “TYSONS-WIDE” AND “TYSONS GRID OF STREETS” TRANSPORTATION FUNDS, ADOPTION OF THEIR RESPECTIVE GUIDELINES, AND ANNUAL RATE ADJUSTMENT FOR THE EXISTING TYSONS TRANSPORTATION FUND (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS) (11:31 a.m.)

Chairman Bulova announced that the Board would have discussion on Action Items A-1 and A-7, but would defer action on these items until later in the meeting, after the public hearing on the proposed creation of a Tysons Transportation Service District.

Chairman Bulova noted that revised Action Items A-1 and A-7 had been distributed to Board Members.

Action Item A-1 concerns the creation of a Tysons Transportation Service District Advisory Board consisting of 16 members, including two members who represent adjacent communities, one member from the Dranesville District, and 13 members who own, or represent the owners of, real property within the Service District, as follows:

- Two members from the Providence District
- One member from the Hunter Mill District
- Three members to represent residential owners and homeowner/civic associations
- One member to represent apartment or rental owner associations
- Three members to represent commercial or retail ownership interests
- One member from the Fairfax County Chamber of Commerce to represent lessees of non-residential space
- Two members from the Tysons Partnership to represent that organization

Discussion ensued regarding A-1, and Supervisor McKay raised a question regarding what changes had been made, with input from Barbara A Byron, Director, Office of Community Revitalization, who noted that the change

included an increase in the membership of the proposed Tysons Transportation Service District Advisory Board from 14 members to 16 members, adding one new member from the Dranesville District, and one additional member from the Tysons Partnership.

Supervisor Hudgins expressed her concern regarding the structure of the membership and the need for an additional member from the Hunter Mill District, to balance the magisterial district representation. Discussion ensued regarding the structure of the membership and how it was derived, with input from Ms. Byron.

Chairman Bulova reiterated that the Board would consider action on this item later in the meeting.

A brief discussion continued regarding the structure of the membership, with input from Ms. Byron.

Chairman Bulova announced that Action Item A-7 concerns establishment of the “Tysons-Wide” and “Tysons Grid of Streets” transportation funds, adoption of their respective guidelines, and annual rate adjustment for the existing Tysons Transportation Fund.

Discussion ensued regarding A-7, with input from Tom Biesiadny, Director, Department of Transportation, who summarized the extensive changes that had been made to the item.

Discussion ensued, with input from Mr. Biesiadny and Ms. Byron, regarding the guidelines and the funding contributions.

(NOTE: Later in the meeting, action was taken regarding these items. See Clerk’s Summary Item #51.)

12. **A-2 – ADJUSTMENT TO FAIRFAX CENTER ROAD FUND CONTRIBUTION RATE AND AUTHORIZATION OF CORRESPONDING RATE ADJUSTMENT IN THE CENTREVILLE FUND AREA (SULLY, BRADDOCK, PROVIDENCE, AND SPRINGFIELD DISTRICTS)** (11:59 a.m.)

On motion of Supervisor Frey, jointly seconded by Supervisor Herrity and Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the revised Procedural Guidelines for the Annual Review Process, including a 2.88 percent adjustment of the existing contribution rates in the Fairfax Center and Centreville Fund areas with the new rate effective January 1, 2013.

13. **A-3 – APPROVAL OF A PARKING REDUCTION FOR MIDATLANTIC REALTY PARTNERS, LLC, 2550 HUNTINGTON AVENUE (MOUNT VERNON DISTRICT)** (12 noon)

Supervisor Hyland noted that he distributed revisions to the Action Item and moved that the Board concur in the recommendation of staff and the proposed revisions and approve a parking reduction of 18.8 percent (117 fewer parking spaces) in required parking for the residential uses for MidAtlantic Realty Partner, LLC, for its development at 2550 Huntington Avenue, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, Paragraph 5, based on an analysis of the parking requirements for the use on the site and a parking study, 1302-PKS-001-1, on the conditions as outlined in the revised Board Agenda Item dated December 4, 2012. Supervisor McKay seconded the motion.

Supervisor McKay raised a question regarding condition number three, which pertained to the parking space requirements. Discussion ensued, with input Beth Forbes, Engineer IV, Site Code Research and Development Branch, Land Development Services, Department of Public Works and Environmental Services, who noted that the applicant would not be able to provide three bedroom units, based on the condition.

Supervisor McKay suggested that, in the future, staff look at having some flexibility, incumbent upon the applicant demonstrating that the change in the number of bedroom units will not affect the overall parking tabulation.

Supervisor Gross raised a question regarding condition number four, and the reason for the deletion of the first sentence. Discussion ensued, with input from Ms. Forbes, who noted that by deleting the sentence it keeps the parking reduction from impacting the other uses on the site.

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

14. **A-4 – APPROVAL TO AUTHORIZE THE SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND PUBLIC IMPROVEMENT REFUNDING BONDS** (12:05 p.m.)

(R)

(BONDS)

Supervisor Gross moved that the Board concur in the recommendation of staff and:

- Approve the sale of General Obligation Public Improvement Bonds that will generate \$249.23 million to fund construction of capital facilities and infrastructure as previously approved by the Board.

- Adopt a Resolution authorizing the issuance of the General Obligation Public Improvement Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. The resolution:
 - Delegates to the County Executive or Chief Financial Officer authority to award the bonds to the lowest responsive bidder. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions.
 - Approves the form of the notice of sale and the Official Statement for the Public Improvement Bonds.
 - Authorizes the Chairman, Vice Chairman, County Executive or Chief Financial Officer to sign the Official Statement for the Public Improvement Bonds.
 - Provides the flexibility that Public Improvement Refunding Bonds (or public improvement bonds) may be sold in a negotiated transaction with a County chosen underwriter(s).

Supervisor Hyland seconded the motion.

Discussion ensued, with input from Leonard P. Wales, Financial Advisor, regarding the sale of the bonds.

The question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,”

15. **A-5 – APPROVAL OF PUBLIC SALE FOR ROLL-OVER OF BOND ANTICIPATION NOTE FOR CRESCENT APARTMENTS** (12:07 p.m.)

(R) On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution relating to the issuance of a Fairfax County Redevelopment and Housing Authority (FCRHA) 2-year BAN (Affordable Housing Acquisition), which authorizes the following actions:

- Requests FCRHA to issue the BAN

- Approves the form of a payment agreement between FCRHA and the Board
- Approves the form of the lease agreement
- Approves the form of the Preliminary Official Statement and the Notice of Sale
- Approves the form of the notes
- Approves the form of the Continuing Disclosure Agreement
- Authorizes the execution and delivery of the payment agreement, lease agreement, and continuing disclosure agreement

16. **A-6 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS (CAO) TASK FORCE’S RECOMMENDATION REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2014 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET** (12:07 p.m.)

Tom Biesiadny, Director, Department of Transportation, clarified that the recommendation of the CAO Task Force had been amended, to reflect a four percent fare increase, instead of a three percent.

A brief discussion ensued, with input from Mr. Biesiadny, who clarified the Task Force’s recommendation for the subsidy increase.

In an effort to help VRE produce a balanced budget for FY 2014, Supervisor Cook moved that the Board concur in the recommendation of staff and:

- Amend the CAO Task Force’s primary recommendation and support a **zero** percent jurisdictional subsidy increase and a **four** percent fare increase
- Endorse flexibility for the VRE Operations Board to consider the revenue sources.

Following discussion regarding the motion, Supervisor Hyland seconded the motion.

Supervisor Herrity raised a question regarding the subsidy, and discussion ensued, with input from Mr. Biesiadny, who clarified that the recommendation is to support a zero percent jurisdictional subsidy increase, and a four percent fare increase.

Supervisor McKay noted that at the last Board meeting, the Board endorsed sending a letter to Commonwealth Transportation Secretary Sean Connaughton

regarding VRE track access funding and raised a question regarding whether an update or response had been received. Discussion ensued regarding the track access fee and the fare increase.

Supervisor McKay said the jurisdictions that are a part of VRE, should send a joint letter to Secretary Connaughton expressing their concerns and asking for clarification.

Chairman Bulova stated that she would be willing to coordinate a letter amongst the affected jurisdictions, to the Commonwealth Transportation Board or Secretary Connaughton, requesting an increase in subsidy, or increases in fares, or drastic reductions in service, to try to address the lack of funding that ordinarily jurisdictions would be receiving regularly from the Federal government, through the Department of Rail and Public Transportation.

Supervisor Foust raised a question regarding the makeup of the CAO Task Force, with input from Mr. Biesiadny. Discussion continued regarding the subsidy, the fare increase, and the fare box recovery.

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

17. **A-7 – ESTABLISHMENT OF THE “TYSONS-WIDE” AND “TYSONS GRID OF STREETS” TRANSPORTATION FUNDS, ADOPTION OF THEIR RESPECTIVE GUIDELINES, AND ANNUAL RATE ADJUSTMENT FOR THE EXISTING TYSONS TRANSPORTATION FUND (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (No Time)

(NOTE: Earlier in the meeting, the Board discussed this item. See Clerk’s Summary Item #11.)

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

18. **I-1 – PRESENTATION OF THE FISCAL YEAR (FY) 2012 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (12:20 p.m.)

The Board next considered an item contained in the Board Agenda dated November 20, 2012, regarding the FY 2012 CAFR.

Discussion ensued regarding the report and internal control, with input from Victor Garcia, Director, Department of Finance.

19. **I-2 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-P12-4, FAIRFAX COUNTY PARK AUTHORITY (PROVIDENCE DISTRICT)** (12:25 p.m.)

The Board next considered an item contained in the Board Agenda dated November 20, 2012, announcing the PC's approval of Public Facilities Application 2232-P12-4. The PC noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. Application 2232-P12-4 sought approval for the Fairfax County Park Authority to establish a local park (Hartland Green Park) for public use on two parcels of approximately 1.1 acres located at 2733 Hartland Road, between Lee Highway (south), I-495 (east) and I-66 (north). This park will address the increasing need for recreation and open space within the Merrifield area with a combination of active and passive recreation elements, Tax Map 49-2 ((16)) 2 and 3.

20. **I-3 – CONTRACT AWARDS DURING THE PERIOD BETWEEN THE DECEMBER BOARD MEETING AND THE FIRST BOARD MEETING IN JANUARY** (12:25 p.m.)

The Board next considered an item contained in the Board Agenda dated November 20, 2012, requesting authorization for the County Executive or the appropriate Deputy County Executive to continue to award contracts during the period between the December meeting and the first meeting in January. Whenever a contract exceeds the estimate by 10 percent, it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive notification of all contracts awarded.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

21. **REQUEST TO RECOGNIZE “MENTORING MONTH” IN FAIRFAX COUNTY** (12:26 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives from the Fairfax Partnership for Youth to appear before the Board to receive a proclamation recognizing “*Mentoring Month*” in Fairfax County. Without objection it was ordered.

22. **RECOMMENDATIONS FOR IMPROVEMENTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT AND WASHINGTON DULLES INTERNATIONAL AIRPORT** (12:26 p.m.)

Chairman Bulova said that the Fairfax County Airports Advisory Committee recently sent her a letter regarding its recommendations for some improvements that could be implemented at Ronald Reagan Washington National Airport and Washington Dulles International Airport. The committee's concerns center on cell phone waiting areas, noting their importance as a "staple at most, if not all, American airports in the past decade." These suggestions focus on increased information on its website, better signage, and increased security measures, to include better lighting and cameras.

Also, in this fast paced world, it is important to remember to greet and thank those who visit the region. The final recommendation is for the airports to have "WELCOME" and "THANK YOU" signage installed.

Therefore, Chairman Bulova asked unanimous consent that the Board approve a letter, a copy of which she attached to her written Board Matter, to be sent to the Metropolitan Washington Airports Authority voicing the Board's support for the recommended measures. Without objection, it was so ordered.

Supervisor Hyland raised a question regarding a parking area at Ronald Reagan Washington National Airport, in the middle of a circle in front of the terminal that was designated for temporary or limited parking for the public and now it is designated as employee parking. He wanted to know how that serves the public.

Following a brief discussion, Supervisor Hyland asked unanimous that the Board direct staff to refer this issue to the Airports Advisory Committee for review and report its findings and recommendations to the Board. Without objection it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

23. **THE OFFICE OF FINANCIAL AND PROGRAM AUDIT REPORT ON STRATEGIES TO REDUCE COUNTY GENERAL FUND SUPPORT OF THE PARK AUTHORITY – FISCAL YEAR (FY) 2014/2015** (12:30 p.m.)

Chairman Bulova said that the Park Authority Board, at its meeting on September 12, voted unanimously to request that the Board of Supervisors enlist the help of the Office of Financial and Program Audit (Auditor to the Board) to review the Park Authority list of potential budget reductions and to identify other potential strategies or alternative recommendations to reduce General Fund support, without impacting citizen utilization of programs, facilities, and services. This study was to include a review of reserves that could assist in finding savings and/or reductions.

On September 25 the Board of Supervisors directed the Audit Committee include this review in its work plan and the results be shared with the Board and the Park Authority Board as development of the FY 2014 Budget continues. The Auditor of the Board was directed to complete the study by early December.

The final report details strategies for reducing General Fund support of the Park Authority by approximately \$3.5 million in FYs 2014 and 2015, without negatively impacting programs and services.

Therefore, jointly with Supervisor Foust, Chairman Bulova moved that the Board accept the Office of Financial and Program Audit report, and forward it to the Park Authority Board for consideration. Supervisor Foust seconded the motion.

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

24. **REQUEST FOR A RESOLUTION DECLARING DECEMBER 27, 2012, AS “POHANKA CHANTILLY BASKETBALL CLASSIC DAY” IN FAIRFAX COUNTY (SPRINGFIELD AND SULLY DISTRICTS)** (12:39 p.m.)

In a joint Board Matter with Supervisor Frey, Supervisor Herrity said that on December 27, the twentieth Annual Pohanka Chantilly Basketball Classic will kick off its three day competition at Chantilly High School. This marks a special milestone for the tournament. With this year’s tournament, the Pohanka Chantilly Basketball Classic will become the longest running winter tournament in the region.

This event is very special in the Chantilly community and one which brings together athletes, volunteers, parents, and neighbors. It is a great end to the holiday season and one that is much anticipated every year. It is also important to note that the Pohanka Automotive Group makes this event possible. It has been a long standing supporter of the community and for 20 years it has been a part of this event.

Therefore, jointly with Supervisor Frey, Supervisor Herrity asked unanimous consent that the Board:

- Adopt a Resolution declaring December 27, 2012, as “*Pohanka Chantilly Basketball Classic Day*” in Fairfax County.
- Direct the Office of Public Affairs to prepare the Resolution, to be presented at the opening ceremony, to be held on December 27 at Chantilly High School, congratulating them for this milestone.

Without objection, it was so ordered.

EBE:ebe

25. **RECOGNIZING DOMINION VIRGINIA POWER (DVP) FOR DONATION OF PROPERTY TO THE COUNTY (DRANESVILLE DISTRICT)** (12:40 p.m.)

Supervisor Foust said that DVP owns a parcel of land at the intersection of Lewinsville and Spring Hill Roads, one of the busiest intersections in McLean. Until 1992, the property was the site of an electric station.

Supervisor Foust explained that as long ago as 1993 and continuing for many years, elected officials and citizen groups have undertaken efforts to have DVP cede the property or provide a public easement to the County so that a pedestrian trail could be constructed. Because the property is located in the middle of the intersection, it creates an obstacle to adults and children wanting to have access to the Spring Hill Recreation Center and to trails on the east side of Spring Hill Road and north side of Lewinsville Road.

Recently there have been a number of new pedestrian trails built on Spring Hill and Lewinsville Roads; a critical missing link will soon be under construction, and ground will be broken for another one next spring.

Because access over the DVP property is another critical element in making this part of McLean more pedestrian friendly, Supervisor Foust said that his office reopened discussions earlier this year with DVP. He announced that recently DVP has decided to deed the property to the County without compensation.

Supervisor Foust said that the Park Authority will be given the land and will construct the trail as part of its project to construct a gymnasium at the Spring Hill Rec Center. Funding for the gymnasium project was approved last month by voters as part of the 2012 Park Authority bond.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite Caroline Moss, Managing Director, State and Local Affairs of DVP, to appear before the Board on January 8, 2013, to be recognized for the company's donation that will enable safer accessible pedestrian access at an extremely busy intersection. Without objection, it was so ordered.

26. **NAVAL RESEARCH LAB (NRL) FEDERAL CREDIT UNION (MASON DISTRICT)** (12:42 p.m.)

Supervisor Gross said that NRL Federal Credit Union (the applicant) is proposing to relocate its headquarters from Maryland to the County. This relocation, will result in additional employment opportunities, as well as serve County residents. The applicant has purchased approximately 2.41 acres located at 5440 Cherokee Avenue that is developed with an existing office building. During the processing of a site plan to renovate the office building and provide additional parking in

accordance with Zoning Ordinance requirements, it was determined that a special permit is necessary to allow a reduction of a minimum required front yard. The applicant has submitted a special permit application and will be diligently processing that application, to maintain its relocation schedule. To ensure that the site plan remains pending while the special permit is being processed, the applicant has requested concurrent processing.

Therefore, Supervisor Gross moved that the Board direct the Director of the Department of Public Works and Environmental Services to accept for concurrent and simultaneous processing any site plans, architectural drawings, or other drawings as may be necessary in conjunction with Special Permit Application SP-2012-0269. Chairman Bulova, Supervisor Hyland, and Supervisor Foust jointly seconded the motion and it carried by a unanimous vote.

27. **AGAPE HEALTH MANAGEMENT ADULT DAYCARE (MASON DISTRICT)** (12:43 p.m.)

Supervisor Gross said Agape Health Management recently filed Special Exception Application SE 2012-MA-018, which encompasses two parcels along Lincolnia Road in the Mason District. The parcels are located on Tax Map 72-1 (01), parcels 50A and 50B. These parcels are also identified as 6359 and 6353 Lincolnia Road, Alexandria. The subject property is comprised of a total of 2.9 acres and is currently developed under R-2 zoning. The present development consists of a school on parcel 50A and a residential house on parcel 50B.

Agape Health Management seeks to redevelop the property by removing the existing school and replacing it with a facility that will maintain a similar footprint. The new facility will be used as an adult daycare center, while the residential building on parcel 50B will be maintained in its current state and be used as an office for the main facility.

The Planning Commission public hearing is currently scheduled for February 28, 2013. To meet lease and construction constraints, the applicant has requested concurrent and expedited processing.

Therefore, Supervisor Gross moved that the Board authorize concurrent and expedited processing for Special Exception Application SE 2012-MA-018. The applicant is aware that the expediting of this application should not be construed to prejudice the consideration of the application, in any way. The applicant is also aware that a favorable recommendation by the Board on the proposed application does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova and Supervisor Hyland jointly seconded the motion and it carried by a unanimous vote.

PMH:pmh

28. **TASTE OF BRADDOCK (BRADDOCK DISTRICT)** (12:46 p.m.)

Supervisor Cook announced that the annual Taste of Braddock is scheduled for Wednesday, December 5, in his office from 5 p.m. until 7:30 p.m. He noted that over 20 restaurants were donating food and he invited everyone to attend.

29. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (12:46 p.m.)

Supervisor Smyth announced that she had no Board Matters to present today.

30. **REQUEST FOR INFORMATION ON CURRENT LEGAL AUTHORITY REGARDING EMPLOYMENT PRACTICES AND FACILITY MAINTENANCE RELATED TO SMOKING IN THE COUNTY** (12:47 p.m.)

Supervisor Hyland referred to an article contained in the *Washington Post* concerning smoking, and, for the record, he said that he did not propose any Board action at the last Board meeting. He said that his comments at the October 30 Board meeting are similar to Board Matters that he has introduced throughout the 1990s and early 2000s to encourage employees to live a healthier lifestyle. He added that since he posed questions to have the County Attorney review permissible actions that the Board may take to encourage smokers to quit, the media reports have run the gambit from telling him to butt-out of people's personal lives, to others saying how it is a drag they do not get frequent breaks from work, and further that they have to pay higher health insurance premiums.

Supervisor Hyland noted that many chronic diseases are preventable and are one of the major drivers in the steadily increasing health care costs. Encouraging employees to live healthier lifestyles has a direct impact on costs to carry out government functions. Many other jurisdictions across the country have taken action to regulate smoking. Montgomery County, Maryland is considering a prohibition from smoking on government property. The Virginia Indoor Clean Air Act prohibits smoking in many public buildings and places. The County prohibits public safety employees from using any tobacco products and also prohibits smoking in County owned vehicles. Additionally, the County offers smoking cessation classes to employees with moderate success.

Expanding on his requests of October 30, Supervisor Hyland asked that the County Attorney respond to the following questions:

- Does Virginia law authorize Fairfax County to prohibit smoking on all County property, not limited to inside government buildings?

- May the County consider the applicants use of tobacco products in hiring decisions?
- May the County require, as a condition of employment, the abstinence and use of tobacco products?
- May the County require a new employee who smokes to agree to participate in a program designed to help smokers quit?

Supervisor Hyland said that many people may object to these suggestions; however the goal should be to find more ways to discourage County employees from smoking, reduce the overall costs as a County, and encourage and support healthy habits.

Therefore, Supervisor Hyland moved that the Board direct the County Attorney to respond and advise the Board on the aforementioned questions. Supervisor McKay seconded the motion.

Following discussion of the proposal, Supervisor Frey asked to amend the motion, to direct the County Attorney to review other risky behaviors, and this was accepted.

Following input, from David P. Bobzien, County Attorney, the question was called on the motion, as amended, and it carried by unanimous vote.

31. **AUTHORIZATION AND CONCURRENCE FOR THE NEWINGTON BUS FACILITY LOCATED AT 8101 CINDER BED ROAD (MOUNT VERNON DISTRICT)** (1:09 p.m.)

Supervisor Hyland said that the Department of Public Works and Environmental Services (DPWES) is currently working with the Department of Transportation (DOT) on construction plans for the renovations and minor addition to the existing Newington Bus Facility at 8101 Cinder Bed Road in Newington [Tax Map 99-2((15)) 2]. The Newington Bus Facility is operated by DOT's Fairfax Connector and the property is owned by the Board. A special permit is required to allow a 2,200 square foot building addition to be located within the front yard lot set back limits along Allen Park Road. The addition will enclose the existing fueling lanes and fare removal area to enhance the efficiency of bus processing operations. The property is zoned I-5 and is located in the Springfield Planning District.

Therefore, Supervisor Hyland moved that the Board:

- Authorize and concur in the filing of any and all necessary zoning applications/permits, including the determination under Section 15.2-2232 of the Code of Virginia, to facilitate the construction of this facility.

- Designate staff from DPWES to act on behalf of the Board as its representative agent to file and process these applications with the Department of Planning and Zoning.

This motion should not be construed as a favorable recommendation on any application by the Board, and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Chairman Bulova seconded the motion and it carried by unanimous vote.

32. **KIDS SENDING SMILES (LEE DISTRICT)** (1:10 p.m.)

Supervisor McKay said that the County was very fortunate and escaped the worst of Hurricane Sandy. Other areas along the East Coast north were not so lucky. While many have stepped up to provide assistance, he noted that he was particularly impressed by the work of some elementary school students.

In the Landesdowne neighborhood, a group of 8-and 9-year-old girls recently spent a Saturday morning raising money for Hurricane Sandy victims. They raked their neighbors' lawns, sold baked goods, and made Thanksgiving cards to send up north. As a result of their work on that Saturday, the girls raised more than \$1,000 for Hurricane Sandy's victims.

Supervisor McKay noted that these girls belong to an organization called Kids Sending Smiles, started by Samantha Underwood, a fourth-grader at Springfield Estates Elementary School, and her mother, Laurie Underwood.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Laurie and Samantha Underwood and the other members of Kids Sending Smiles to appear before the Board for recognition on February 12, 2013. Without objection, it was so ordered.

33. **WAIVER OF FEES FOR SPRINGFIELD HOST LIONS CLUB CHARITIES 2013 FLEA MARKET (LEE DISTRICT)** (1:11 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor McKay said that he is requesting a waiver of the application fees for permits associated with the flea markets held by the Springfield-Franconia Host Lions Club Charities, Inc. The Board has approved this waiver request annually since 1994. He added that the Springfield Franconia Host Lions Club Charities, Inc. recently contacted him to express appreciation for the Board's help in the past and to ask that support of a waiver again this year.

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

Therefore, Supervisor McKay moved waiver of the application fees for 21 day permits associated with the Springfield Host Lions Club Charities 2013 flea markets. Supervisor Gross seconded the motion and it carried by unanimous vote.

34. **RECOGNITION OF MR. JOHN HOREJSI (HUNTER MILL DISTRICT)**
(1:12 p.m.)

Supervisor Hudgins said that the Virginia Interfaith Center for Public Policy in Richmond, honored John Horejsi, a Vienna resident and founder of Social Action Linking Together (SALT), as one of the top 30 Social Justice Makers in Virginia.

Supervisor Hudgins referred to her written Board Matter which outlined Mr. Horejsi's many accomplishments including his work with SALT, a group of concerned citizens that has grown to a network of over 1,200 social justice volunteers.

Supervisor Hudgins noted Mr. Horejsi's volunteer service with the Advisory Social Services Board, with the Fairfax Alliance for Human Services, and with charitable activities, such as Catholic Charities.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Horejsi to appear before the Board and be recognized for this honor and his many contributions to vulnerable populations in the County and the Commonwealth. Without objection, it was so ordered.

35. **GREATER RESTON CHAMBER OF COMMERCE (GRCC) THIRTIETH ANNIVERSARY (HUNTER MILL DISTRICT)** (1:14 p.m.)

Supervisor Hudgins said the GRCC is a significant catalyst for business growth and entrepreneurship. It provides quality programs, education, connections and advocacy for members and organizations in the Dulles Corridor. As the leader of a thriving business community, the GRCC seeks to positively impact the growth and prosperity of the vibrant and collaborative Region and offers the membership ongoing opportunities for business development and marketing. It equally serves as a voice for an inclusive, high quality community, by embracing such programs as Ethics Day in high schools, employer child care and the many Reston Interfaith programs, as integral to successful business practices.

Supervisor Hudgins said the GRCC is a significant catalyst for business growth and entrepreneurship. For the past 30 years, the GRCC has been a cornerstone of

business and community. On December 1, the anniversary celebration will commemorate the magnificent milestone.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite representatives from GRCC to appear before the Board on January 29, 2013, to be recognized for outstanding community leadership and contributions. Without objection, it was so ordered.

36. **CHANTILLY BOYS' CROSS COUNTRY TEAM AND SEAN McGORTY (SULLY DISTRICT)** (1:15 p.m.)

Supervisor Frey asked unanimous consent that the Board direct staff to invite the Chantilly Boys' Cross Country team to appear before the Board with the Lake Braddock Cross Country Team to be recognized as State Champions with special recognition to Sean McGorty who was the individual State Champion. Without objection, it was so ordered.

37. **WILD WEST IRISH TOURS** (1:16 p.m.)

Supervisor Frey said that a small business, Wild West Irish Tours, is being honored by the Irish Embassy for their work in promoting the culture and tradition of Ireland. He said that Kathy Jordan will be the guest of honor at the Irish Embassy.

Therefore, Supervisor Frey moved that the Board designate December 13 as "*Wild West Irish Tours/Kathy Jordan Day*," in Fairfax County and authorize the Chairman to sign a proclamation to be presented at the Irish Embassy. Chairman Bulova seconded the motion and it carried by unanimous vote.

38. **RECESS/CLOSED SESSION** (1:19 p.m.)

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

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

requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *The Newberry Station Homeowners Association, Inc., Brandon Farlander, and Michael Miller v. Board of Supervisors of Fairfax County, Virginia, Iskalo CBR LLC, and the Washington Metropolitan Area Transit Authority*, Case No. CL-2011-0005030 (Fx. Co. Cir. Ct.) (Lee District)
2. Application of XO Virginia, LLC., Case No. PST-2011-00031 (Va. State Corp. Comm'n) (Countywide)
3. *Virginia Electric and Power Company v. State Corporation Commission, et al.*, Record Nos. 120519 and 120520 (Va. Supreme Court) (Countywide)
4. *Shirley Brown-Cuffee v. Fairfax County, Virginia*, Case No.1:12cv1072 (E.D. Va.)
5. *Tonita Hall a/k/a Louise Redditt Toni v. Albert L. Lord, Debra Wiley, John T. Frey, FSA Ombudsman U.S. Dept. of Education, Jessi Vannalli, Lieutenant T. Crabtree, Officer Bauer, Fairfax County Police Dept., David M. Rohrer, Fairfax County Sheriff's Dept., Magistrate Garcia, Deputy Sheriff Wayne Hannah, Hank W. Chao, Jason Williams, Joan Zanders, Juanita Ford, Ian Rodway, Theophani Stamos, Raymond F. Morrogh, Kathlee Tighe, Patricia Tucker, Robert G. Templin, Jr., Sallie, Mae, Arne Duncan, Sharon Bulova, Unknown Transportation Company, Eric Holder, Robert Mueller, U.S. Dept. of Education, U.S. Dept. of Justice, William D. Hamel*, Civil Action No. 1:12cv1037 (E.D. Va.)
6. *Manuel J. Sandoval v. Fairfax County, Virginia and Officer J. Luety*, Case No. GV12018761-00 (Fx. Co. Gen. Dist. Ct.)
7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frederick L. Yontz and Kay L. Yontz*, Case No. CL-2011-0013839 (Fx. Co. Cir. Ct.) (Hunter Mill District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emilio Herbas and Maria Rojas*, Case No. CL-2010-0016246 (Fx. Co. Cir. Ct.) (Providence District)
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter A. Knick and Phyllis E. Knick*, Case No. CL-2011-0009274 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sherry Worsham Harlow*, Case No. CL-2012-0005224 (Fx. Co. Cir. Ct.) (Springfield District/Town of Clifton)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tony Marks*, Case No. CL-2011-0015540 (Fx. Co. Cir. Ct.) (Mason District)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gail K. Etherton and Debora S. Etherton*, Case No. CL-2011-0013547 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Winkal Holdings, L.L.C., Burcin Kalendar*, Case No. CL-2011-0010764 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge F. Landivar and Patricia J. Landivar*, Case No. CL-2011-0006715 (Fx. Co. Cir. Ct.) (Dranesville District)

17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose E. Lainez*, Case No. CL-2011-0013803 (Fx. Co. Cir. Ct.) (Mason District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young Ho Kim and Wulsoon Kim, Trustees of the Kim Living Trust*, Case No. CL-2011-0013420 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melba B. Clarke*, Case No. CL-2009-0016978 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose I. Pardo and Hilda C. Pardo*, Case No. CL-2011-0006092 (Fx. Co. Cir. Ct.) (Lee District)
21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michele Ann Von Kelsch*, Case No. GV12-014861 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Parrish and Maria P. Tungol*, Record No. 120240 (Va. Sup. Ct.) (Lee District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John M. Michaely*, Case No. CL-2012-0008722 (Fx. Co. Cir. Ct.) (Providence District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Woodland Park Parcel I, LP*, Case No. CL-2012-0005987 (Fx. Co. Cir. Ct.) (Hunter Mill District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Helen Bartlett*, Case No. CL-2012-0014136 (Fx. Co. Cir. Ct.) (Mason District)

26. *Eileen M. McLane, Fairfax County Zoning Administrator v. MY Leesburg Pike, LLC*, Case No. CL-2012-0011300 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibrahim Abdullah*, Case No. CL-2012-0008381 (Fx. Co. Cir. Ct.) (Mason District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Heirs of Heno Barnes*, Case No. CL-2012-0006269 (Fx. Co. Cir. Ct.) (Mason District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. 8428 Richmond Highway, LLC, and Cuco Lindo, Inc.*, Case No. CL-2012-0012780 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Veronica Lim*, Case No. CL-2012-0009702 (Fx. Co. Cir. Ct.) (Braddock District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Susy A. Ortega*, Case No. CL-2012-0016011 (Fx. Co. Cir. Ct.) (Providence District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Debra King and Michael A. Iacovacci, II*, Case No. CL-2012-0016411 (Fx. Co. Cir. Ct.) (Dranesville District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Miklos I. Bitter and Terri L. Bitter*, Case No. CL-2012-0016412 (Fx. Co. Cir. Ct.) (Hunter Mill District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Aurora Loan Services, LLC*, Case No. CL-2012-0016433 (Fx. Co. Cir. Ct.) (Mason District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Peter W. Baker*, CL-2012-0016435 (Fx. Co. Cir. Ct.) (Lee District)

36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Linh Dang Huu Vu and Linh Thao Dang Vu*, Case No. CL-2012-0016767 (Fx. Co. Cir. Ct.) (Braddock District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cedric David Lack*, Case No. CL-2012-0016766 (Fx. Co. Cir. Ct.) (Lee District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. VNP Investments, LLC, and Village Square at Crosspointe, L.C.*, Case No. CL-2012-0017001(Fx. Co. Cir. Ct.) (Springfield District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David Whedon and Calvin Williams*, Case No. CL-2012-0017070 (Fx. Co. Cir. Ct.) (Mount Vernon District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John T. Myers and Carol V. Myers*, Case No. GV12-024694 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mun Su Chun and Kan Nan Chun*, Case No. GV12-0022839 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose L. Roman Vargas and Pedro Roman Soliz*, Case No. GV12-023951 and GV12-023952 (Fx. Co. Gen. Dist. Ct.) (Mason District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Florina G. Reynoso*, Case No. GV12-002498 (Fx. Co. Gen. Dist. Ct.) (Providence District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hardev Singh Aulakh and Kuntie Aulakh*, Case No. GV12-026046 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

45. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Temesgen M. Bitew*, Case No. GV12-024876 (Fx. Co. Gen. Dist. Ct.) (Mason District)
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ernest M. Gearhart, Jr., and Audrey J. Gearhart*, Case No. GV12-023825 (Fx. Co. Gen. Dist. Ct.) (Providence District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Susy A. Ortega*, Case No. GV12-026100 (Fx. Co. Gen. Dist. Ct.) (Providence District)
48. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Susy A. Ortega*, Case No. GV12-026049 (Fx. Co. Gen. Dist. Ct.) (Providence District)
49. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Katerina Francis*, Case No. GV12-0026043 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vladimir H. Altamirano and Sandra Z. Altamirano*, Case No. GV12-026232 (Fx. Co. Gen. Dist. Ct.) (Providence District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harlan Y.M. Lee and Mary Jane Lee*, Case No. GV12-0026231 (Fx. Co. Gen. Dist. Ct.) (Providence District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Linh Thuy Dang and Tam Thanh Kha*, Case No. GV12-026502 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
53. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Larry D. Harris and Gloria A. Harris*, Case Nos. GV12-026997 and GV12-026796 (Fx. Co. Gen. Dist. Ct.) (Mason District)

54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vy Q. Bui*, Civil Case Nos. 12-026798 and 12-026799 (Fx. Co. Gen. Dist. Ct.) (Lee District)
55. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert F. Blunt, Jr.*, Civil Case No. GV 12-026999 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
56. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yolanda Argueta and Jose Rivas*, Case Nos. GV12-026997 and GV12-027954 (Fx. Co. Gen. Dist. Ct.) (Lee District)
57. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Elmer Portillo*, Case Nos. GV12-026996 and GV12-027955 (Fx. Co. Gen. Dist. Ct.) (Lee District)
58. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gholamreza Djauadkhani and Ashrafolsadat Miraghapourtarah*, Case No. GV12-027154 (Fx. Co. Gen. Dist. Ct.) (Mason District)
59. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ramay Family Partnership*, Case No. GV12-0027526 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
60. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marcus S. Eder and Renee H. Eder*, Case No. GV12-027525 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
61. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. M. Mehdi Rashidian and Joyce Elaine Rashidian*, Case No. GV12-027592 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
62. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mohammad S. Choughtai, a/k/a Mohammed S. Choughtai*, Case No. GV12-027589 (Fx. Co. Gen. Dist. Ct.) (Mason District)

63. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nargis A. Lipi and Mohammed Maniruzzaman*, Case No. GV12-0027591 (Fx. Co. Gen. Dist. Ct.) (Mason District)
64. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Margaret M. Lyons*, Civil Case No. GV 12-027588 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
65. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Andreas S. Kolas and Irene Tsiourouti*, Case No. GV12-0027590 (Fx. Co. Gen. Dist. Ct.) (Lee District)
66. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oscar Fernando Velasco and Ybis Jovana Velasco-Lopez*, Case Nos. GV12-028029 and GV12-028030 (Fx. Co. Gen. Dist. Ct.) (Mason District)
67. *Board of Supervisors of Fairfax County, Virginia, v. Woodland Palace, LLC*, Case No. CL-2012-0017152 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- *Elena Norfolk v. Detective Douglas Middlebrooks*, Case Number CL-2010-0013912
- Section 7302 of the National Intelligence Reform and Terrorism Prevention Act of 2004
- *Town of Vienna v. Board of Supervisors*, et al, Civil Action Number 1:12-cv-514

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

DET:det

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

ACTIONS FROM CLOSED SESSION**39. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION (3:37 p.m.)**

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

AGENDA ITEMS**40. 3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC C-203 (FAIRFAX COUNTY PUBLIC SCHOOLS) (HUNTER MILL DISTRICT) (3:38 p.m.)**

The application property is located on the South side of Ridge Heights Road, approximately 400 feet east of its intersection with Soapstone Drive, Tax Map 26-2 ((2)) 6.

Chairman Bulova announced that:

- No affidavit is required for PRC applications
- John Cummings, Project Manager/Principal for the applicant engineering firm, Rinker Design Associates, was present

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

Mr. Cummings made a brief presentation and noted that, on the PRC plan, a soccer field was stripped out but that was in error and there would not be a permanent soccer field at the facility but rather a grassed play area.

Additional discussion ensued with input from Mr. Cummings concerning:

- Proposed Development Condition 11

- Use of athletic fields for a construction staging area
- Proximity of public/County-owned land to the school site and the feasibility of the use of such land for construction staging rather than using athletic fields as the first choice for construction staging

Following the public hearing, which included testimony by two speakers, Mr. Cummings presented rebuttal.

Ms. Brady presented the staff and Planning Commission recommendations.

Supervisor Hudgins noted the absence of a representative from Fairfax County Public Schools (FCPS) to respond to the numerous questions being asked.

Supervisor Hudgins discussed:

- The capacity to provide the program learning that needs to take place and how it will occur
- The growth of the school system and renovations that become necessary to meet that capacity
- Tree cover, screening/buffering, and stormwater concerns

Following additional input from Mr. Cummings regarding mitigation of tree loss, Supervisor Hudgins stated that she would defer decision on this item to have a conversation with the FCPS on issues that were raised and how to coordinate the development of these facilities while meeting the needs of the community, the County, and the Schools.

Therefore, Supervisor Hudgins moved to defer decision until **January 8, 2013, at 4:30 p.m.** Supervisor Hyland seconded the motion.

Additional discussion ensued regarding:

- Board support of a school renewal/renovation without having major impacts on the surrounding community
- The need to refocus efforts on the Schools being a part of the community and to work with that community in a constructive way

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

41. **3:30 P.M. – PH ON PLAN AMENDMENT S12-IV-MV1 (PENN DAW CBC, LAND UNITS D AND F-1) (MOUNT VERNON DISTRICT) (4:08 p.m.)**

The application property is located east of North Kings Highway, south of Jamaica Drive and west of Richmond Highway, Tax Map Parcels 83-3 ((1)) 22B, 22C, 22D are located at 6228 and 6220 Richmond Highway and 6117 North Kings Highway, Alexandria, 22303. Tax Map Parcels 83-3 ((9)) (1) B1 located at 6200 Richmond Highway; 83-3 ((9)) (1) 1, 2, 3, 4, located at 2515, 2513, 2511 and 2509 Jamaica Drive, Alexandria, 22303 and Tax Map Parcels 83-3 ((9))(1) A, B, B2, 4A, 5 and 5A in the Mount Vernon Supervisor District. Parcels 83-3 ((1)) 22B, 22C, 22D are planned for retail use up to .50 FAR, Parcels 83-3 ((9)) (1) B, B1, B2, 4A, 5, 5A are planned for office use up to .35 FAR and Parcels 83-3 ((9)) (1) A, 1, 2, 3, 4, are planned for residential use at 3-4 dwelling units per acre.

Marianne R. Gardner, Director, Planning Division, Department of Planning and Zoning, presented a description of the proposed Comprehensive Plan amendment application.

Following the public hearing, which included testimony by one speaker, discussion ensued concerning the applicant's commitment to existing tenants, including Fast Eddy's and Rick's Carpet, for inclusion in future redevelopment with input from Ms. Lynne J. Strobel of Walsh, Colucci, Lubeley, Emrich and Walsh, the speaker, and Mr. Stephen A. Bannister, Managing Partner, Capital Investment Advisors.

Ms. Gardner presented the staff and Planning Commission (PC) recommendations.

Supervisor Hyland moved approval of Plan Amendment S12-IV-MV1, as recommended by the PC, to add an option for mixed-use development to include a maximum of 360 multifamily residential units with up to 40,000 square feet of ground floor retail and office uses at an intensity of up to 1.8 floor area ratio (FAR); and conditions related to consolidation, urban design, building height, buffering and screening, open space, parking, stormwater management and transportation. The proposed plan amendment supports the goals of the Comprehensive Plan and the Commercial Revitalization District (CRD) by directing growth to a Central Business Center (CBC) within the Richmond Highway Corridor, with a design that protects the character of the surrounding single family neighborhoods. Supervisor McKay seconded the motion.

Discussion ensued regarding revitalization of the Richmond Highway corridor.

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

42. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2012-DR-017 (CHRISTOPHER AND KAREN BARTH) (DRANESVILLE DISTRICT)**
(4:21 p.m.)

Supervisor Foust moved to defer the public hearing on Rezoning Application RZ 2012-DR-017 until **January 8, 2013, at 4 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

43. **3:30 P.M. – PH ON PROPOSED PLAN AMENDMENT S11-IV-LP2 FOR THE LAUREL HILL ADAPTIVE REUSE AREA, LOCATED WEST OF SILVERBROOK ROAD, SOUTH OF WHITE SPRUCE WAY AND NORTH OF LORTON ROAD (MOUNT VERNON DISTRICT)** (4:22 p.m.)

Leanna H. O'Donnell, Planner III, Planning Division (PD), Department of Planning and Zoning (DPZ), presented a description of the proposed Comprehensive Plan amendment application.

Discussion ensued concerning possible use of the tunnels under the prison, with input from Chris Caperton, Laurel Hill Project Coordinator, PD, DPZ.

Discussion continued, with input from Ms. O'Donnell and Edward L Long Jr., County Executive, concerning:

- A \$9 to \$13 million gap identified in the Master Plan which includes the use of new development as well as both State and federal historic tax credits
- Development of the Master Plan
- Review of a rezoning for the property
- A Master Development Agreement
- Board consideration of the financial issues
- Current spending (mostly staff costs)

Leonard P. Wales, Financial Advisor, Department of Management and Budget, explained the selection of the Alexander Company to develop the Master Plan as well as the Master Development Agreement. He added that the previously discussed gap is focused on infrastructure for the site including:

- Demolition
- Stabilizing certain of the existing site conditions

- Providing streets, sidewalks, and storm drainage among other things

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

Ms. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Supervisor Hyland moved approval of Plan Amendment S11-IV-LP2, as recommended by the PC. The Plan language reflects the recommendations of the Laurel Hill Adaptive Reuse Area Master Plan to provide a mix of uses at the former prison site, and for the redevelopment of a majority of the historic structures as well as new development. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

44. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-L-008 (FAIRFAX COUNTY SCHOOL BOARD) (LEE DISTRICT)** (4:42 p.m.)

(O) (NOTE: On November 20, 2012, the Board deferred the public hearing on this item until December 4, 2012.)

The application property is located at 7101 Old Keene Mill Road, Springfield, 22150, Tax Map 90-1 ((1)) 52.

Ms. Susan K. Yantis reaffirmed the validity of the affidavit for the record.

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

- Theodore J. “Ted” Velkoff, At-Large School Board member

Discussion ensued concerning the affidavit with input from Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning. Following additional input from David P. Bobzien, County Attorney, concerning the affidavit, discussion ensued concerning the ramifications of a deferral on the renovations, with input from Ms. Yantis.

Supervisor McKay moved to defer the public hearing on Proffered Condition Amendment Application PCA 89-L-008 until **January 8, 2013, at 4:30 p.m.**, the second to which was inaudible, and it carried by a vote of nine, Supervisor Hudgins being out of the room.

45. **3:30 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 11388 DORCEY PLACE, LORTON, VA 22079 (MOUNT VERNON DISTRICT)** (4:53 p.m.)

(O) (NOTE: On November 20, 2012, the Board deferred the public hearing on this item until December 4, 2012.)

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland noted the history of the log cabin and its original owner, Mr. Joseph T. Flakne. He stated that the property had previously been deeded to the Northern Virginia Park Authority.

Supervisor Hyland moved:

- Adoption of the Ordinance declaring 11388 Dorcey Place blighted, constituting a nuisance.
- Approval of the blight abatement plan for 11388 Dorcey Place.

Supervisor Gross seconded the motion. She noted that Mr. Flakne was one of the first recipients of the Elly Doyle Park Service Award.

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

46. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF HUNTSMAN LAKE DAM REHABILITATION (SPRINGFIELD DISTRICT)** (5:05 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 16 and November 23, 2012.

John R. Honnick, Senior 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 one speaker, Supervisor Herrity moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project SD-000033-023, also known as Project FX4000-PC014, Huntsman Lake Dam Rehabilitation, Fund 400-C40101, Stormwater Services. Supervisor Foust seconded 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.

47. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE CULMORE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT)** (5:11 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 16 and November 23, 2012.

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

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

Supervisor Gross reviewed the area under consideration as well as other previous RPPDs that have been expanded bit by bit over the years because of the tremendous over-parking. She noted that the parking demand study was done at night, between 11 p.m. and 12 a.m., as concern had been expressed about the impact on teacher parking at Bailey's Elementary School, and the study showed a severe overnight issue.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Culmore RPPD, District 9. The District expansion includes Nevius Street (Route 1888), from Vista Drive to Leesburg Pike. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland and Supervisor McKay being out of the room.

Supervisor Gross asked that if the over-parking migrates to the next stretch of Nevius, that the individuals who testified before the public hearing serve as a resource for their neighbors.

48. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE DUNN LORING RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 3 (PROVIDENCE DISTRICT)** (5:25 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 16 and November 23, 2012.

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

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

Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Dunn Loring RPPD, District 3. The District expansion includes Cottage Street (Route 2401), from Bucknell Drive to Marymount Lane. Supervisor Foust seconded the motion and it carried by a vote of six, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Cook, Supervisor Frey, Supervisor Hyland, and Supervisor McKay being out of the room.

49. **ORDERS OF THE DAY** (5:28 p.m.)

Chairman Bulova announced that the Board would proceed with public comment and then hold the public hearing on Proposed Amendments to the Code of the County of Fairfax, to Create a New Appendix U, Creating a Tysons Transportation Service District.

50. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:29 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 16 and November 23, 2012.

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

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

- Ms. Linda Chernisky regarding the Affordable Health Care Act and Medicaid expansion
- Ms. Sue Okubo regarding the planned ramp at Turkey Cock Run
- Ms. Mary Hasty regarding the planned ramp at Turkey Cock Run

Supervisor Gross reminded the Board that the planned ramp at Turkey Cock Run is a State project built on a State right-of-way and there is no County funding involved. She suggested that individuals meet with the State delegates and senators and noted that the Virginia Department of Transportation (VDOT) website contains a number of documents that discuss the environmental assessment that was done.

Chairman Bulova asked Mr. Troy Manos of her staff to get contact information from the speakers so her office could facilitate a meeting with the appropriate representatives to work on pollution issues associated with the project.

51. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, TO CREATE A NEW APPENDIX U, CREATING A TYSONS TRANSPORTATION SERVICE DISTRICT**

AND

A-1 - CREATION OF A TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

AND

A-7 – ESTABLISHMENT OF THE “TYSONS-WIDE” AND “TYSONS GRID OF STREETS” TRANSPORTATION FUNDS, ADOPTION OF THEIR RESPECTIVE GUIDELINES, AND ANNUAL RATE ADJUSTMENT FOR THE EXISTING TYSONS TRANSPORTATION FUND (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS) (5:42 p.m.)

- (O) (NOTE: Earlier in the meeting, the Board discussed and deferred action on A-1 and A-7 until after the public hearing. See Clerk’s Summary Item #11.)

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 9, November 16, and November 23, 2012.

Chairman Bulova announced that earlier in the meeting, during consideration of Action Items, there was discussion and a presentation on the creation of

guidelines as well as the creation of an advisory board for the transportation service district.

Barbara Byron, Director, Office of Community Revitalization, gave a brief presentation regarding the public hearing.

Chairman Bulova announced that following the public hearing, the Board would consider A-1 - Creation of a Tysons Transportation Service District Advisory Board and A-7 - Establishment of the “Tysons-wide” and “Tysons Grid of Streets” Transportation Funds, Adoption of Their Respective Guidelines, and Annual Rate Adjustment for the Existing Tysons Transportation Fund.

Following a presentation by Mr. Michael Bogasky (Speaker Two), discussion ensued concerning a change in law with input from James McGettrick, Assistant County Attorney, regarding when the change was adopted.

Following a presentation by Mr. Michael Caplin (Speaker Four), discussion ensued concerning the Tysons Partnership vote.

Following a presentation by Mr. Shane Murphy (Speaker 17), Vice-Chairman Gross recognized the presence of Mayor M. Jane Seeman of the Town of Vienna, in the auditorium. On behalf of the Board, she warmly welcomed her.

Following the public hearing, which included testimony by 21 speakers, Chairman Bulova stated that the earlier deferral of action on Agenda Items A-1 and A-7 allowed the Board the opportunity to hear from the public. She relinquished the Chair to Vice-Chairman Gross and moved to defer decision on A-1 and A-7 until January 8, 2013. Supervisor Foust seconded the motion.

Following clarification of the timing of the creation of a service district by Mr. McGettrick, discussion ensued concerning:

- Additional discussion with State delegates regarding a sophisticated long-term planning effort, including financing the infrastructure
- Focusing of a majority of proffer dollars into critical priorities including transportation
- Infrastructure upgrades and funding of same
- A review of boundaries
- Use of proffers
- Transportation funding

- Study of proffer dollars and where they are being spent
- Workforce housing and density credits
- \$1.3 million check from the Governor's Opportunity Fund

Following further discussion, Chairman Bulova stated that the public hearing was closed, but the record will remain open until the January 8 meeting to receive written testimony.

Following additional input from Ms. Byron concerning deferral of the Board decision, Chairman Bulova restated the motion to defer until January 8, 2013, the following:

- Action on A-1 and A-7
- Decision on the public hearing to create the service district

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

52. **BOARD ADJOURNMENT** (7:35 p.m.)

The Board adjourned.

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