



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**TUESDAY  
April 30, 2013**

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**DAL:dal**

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, April 30, 2013, at 9:36 a.m., there were present:

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

Supervisor Michael Frey, Sully District, arrived at 9:37 a.m.

Others present during the meeting were Edward L. Long Jr., County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Ekua Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of Clerk to the Board of Supervisors.

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:36 a.m.)

Supervisor Smyth asked everyone to keep in thoughts the family of Ms. Sally Liff, who died recently. She was an original owner of a unit at the Rotonda and lived there for 35 years. She was the chair of the Tenant Landlord Commission. She also represented the residential communities west of Route 123 on the Tysons Corner Transportation and Urban Design Study Coordinating Committee, and was on the task force that developed the previous Comprehensive Plan for Tysons back in the 1990s. Ms. Liff was active with the McLean Citizens Association, having chaired the Transportation Committee, and had been on the APR Task Forces for Providence District, the West Falls Church Metro Station, and the Committee of 100.

Supervisor Herrity asked everyone to keep in thoughts the family of First Lieutenant Robert Hess, who died recently. He was in the army and was killed in action in Afghanistan last week. He followed in his father's footsteps as a Black Hawk helicopter pilot. He attended Robinson Secondary School where he was a swimmer. He also attended Old Dominion University where he served in the ROTC.

**AGENDA ITEMS**2. **PROCLAMATION DESIGNATING MAY 12–18, 2013, AS "POLICE WEEK" AND MAY 15 AS "PEACE OFFICERS MEMORIAL DAY" IN FAIRFAX COUNTY** (9:40 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate May 12–18, 2013, as "*Police Week*" in Fairfax County to honor these men and women for their vital public service; and May 15 as "*Peace Officers Memorial Day*" in Fairfax County to honor those police officers and sheriff's deputies who have made the ultimate sacrifice in service to the community, including Deputy Sheriff George A. Malcolm; Police Officer Karen Bassford; Special Police Officer Hendrik "Sandy" Gideonse; Captain Tommy Bernal; Detective Vicky O. Armel; Master Police Officer Michael E. Garbarino, and Second Lieutenant Francis "Frank" J. Stecco. Supervisor McKay seconded the motion and it carried by unanimous vote.

3. **PROCLAMATION DESIGNATING MAY 5–11, 2013, AS "CHILD CARE PROFESSIONALS WEEK" IN FAIRFAX COUNTY** (9:57 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate May 5–11, 2013, as "*Child Care Professionals Week*" in Fairfax County and urges all residents to recognize child care professional for their important work in the

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

Chairman Bulova noted that later in the meeting the Board will proclaim May as Foster Care and Foster Family Recognition Month.

(NOTE: Later in the meeting, the Board presented this proclamation. See Clerk's Summary Item #7.)

4. **PROCLAMATION DESIGNATING MAY 2013 AS "OLDER AMERICANS MONTH" IN FAIRFAX COUNTY** (10:07 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2013 as "*Older Americans Month*" in Fairfax County and urges all residents to recognize the contributions made to the community by older adults. Supervisor Foust and Supervisor Smyth jointly seconded the motion.

Supervisor Herrity announced that at the end of this week the Department of Neighborhood and Community Services and the Seniors Council are having their forty-fifth ceremony to recognize the senior community.

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

Tom Bash, designated speaker, announced that the 2013 Older Americans Month theme is "Unleash the Power of Age."

5. **PROCLAMATION DESIGNATING MAY 6-10, 2013, AS "TEACHER APPRECIATION WEEK" IN FAIRFAX COUNTY** (10:18 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 6-10, 2013, as "*Teacher Appreciation Week*" in Fairfax County and thanks and congratulates all teachers in Fairfax County Public Schools for the excellent work they do. Supervisor McKay seconded the motion.

Supervisor Herrity noted that he will present a Board Matter, later in the meeting at the appropriate time, recognizing a West Springfield High School teacher.

Chairman Bulova noted that Supervisor Hudgins will present a Board Matter on Kindergarten Readiness, later in the meeting at the appropriate time.

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

(NOTE: Later in the meeting, these two Board Matters were presented. See Clerk's Summary Items #30 and #47.)

6. **PROCLAMATION DESIGNATING MAY 2013 AS "PARENTS WHO HOST LOSE THE MOST MONTH" IN FAIRFAX COUNTY** (10:29 a.m.)

Supervisor McKay moved approval of the Proclamation to designate May 2013 as "*Parents Who Host Lose the Most Month*" in Fairfax County and urges all residents to join in the campaign to educate adults about the legal, health, and safety risks of providing alcohol to those under 21. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

7. **PROCLAMATION DESIGNATING MAY 2013 AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (10:41 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 2013 as "*Foster Care and Foster Family Recognition Month*" in Fairfax County and urges all residents, during this month and throughout the year, to volunteer their time and talents on behalf of children in foster care, and to support and recognize the commitment of foster families and professional staff who work with these children. This motion was multiply seconded and carried by unanimous vote.

8. **PROCLAMATION DESIGNATING MAY 2013 AS "LYME DISEASE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:51 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2013 as "*Lyme Disease Awareness Month*" in Fairfax County. Supervisor Foust and Supervisor Gross jointly seconded the motion.

Supervisor Herrity said that early detection is the key because Lyme disease is often misdiagnosed due to the fact that the bulls-eye rash only appears about half of the time. He noted that Delegate Timothy Hugo and Delegate Barbara Comstock sponsored a bill, passed by the General Assembly and signed into law, requiring doctors to inform patients being tested for Lyme disease that early testing can lead to false negative results and they should consider being re-tested if their symptoms persist.

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

9. **PROCLAMATION DESIGNATING MAY 6–12, 2013, AS "NURSES WEEK" IN FAIRFAX COUNTY** (10:59 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 6–12, 2013, as "*Nurses Week*" in Fairfax County. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Chairman Bulova noted that her sister is the Director of Nursing at the Fairfax County Detention Center, and shared a personal story about her work.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

10. **PROCLAMATION DESIGNATING MAY 2013 AS "ASIAN/PACIFIC AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (11:12 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 2013 as "*Asian/Pacific American Heritage Month*" in Fairfax County. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

11. **PROCLAMATION DESIGNATING MAY 2013 AS "BUILDING SAFETY MONTH" IN FAIRFAX COUNTY AND PRESENTATION OF THE BUILDING SAFETY COMMUNITY PARTNERSHIP AWARD** (11:24 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 2013 as "*Building Safety Month*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Audrey Clark, Director, Building Plan Review and Inspections Division, Department of Public Works and Environmental Services, announced events on the following dates:

- May 2, there will be a kick-off brunch, presentation, and press conference in Arlington County and the theme is "Disaster Safety and Mitigation and Site Work Safety Development"
- May 4-5, staff will be working in collaboration with neighboring jurisdictions to set up building safety information booths at Home Depot stores at Seven Corners Center, Fairfax Circle, Alexandria, and Reston

Ms. Clark presented the 2013 Building Safety Community Partnership Award to the Reston Accessibility Committee (RAC), in recognition of exemplary contributions to the advancement of building safety in the County.

Ken Fredgren, Chairman, RAC, accepted the award on its behalf and gave remarks.

EBE:ebe

12. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:48 a.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 April 30, 2013,” as distributed around the dais. Supervisor McKay seconded the motion.

Supervisor Frey announced his intent to appoint Mr. Dallas “Rob” Sweezy as the Sully District Representative to the Fairfax-Falls Church Community Services Board at the May 14, 2013, meeting.

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

Appointments are as follows:

**ADVISORY PLANS EXAMINER BOARD**

Confirmation of:

- Mr. Shahab Baig as the County Employee Representative
- Mr. James H. Scanlon as the Professional Engineer/Surveyor #3 Representative
- Mr. Jack E. Rinker as the Professional Engineer/Surveyor #1 Representative

**ADVISORY SOCIAL SERVICES BOARD**

The Board deferred the appointment of the Sully District Representative.

**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 Mason District Representative and the Mount Vernon District Business Representative.

**ANIMAL SERVICES ADVISORY COMMISSION**

The Board deferred the appointment of the Mason District Representative.

**ATHLETIC COUNCIL**

Reappointment of:

- Mr. Michael Rodgers as the Lee District Representative
- Mr. Mark Heilbrun as the Springfield District Representative
- Mr. Ralph Wills as the Sully District Alternate Representative

The Board deferred the appointment of the Dranesville District Principal and Alternate Representatives.

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

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

**BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS**

The Board deferred the appointment of the Design Professional #1 Representative.

**CHILD CARE ADVISORY COUNCIL**

Appointment of:

- Mr. Eric John Rardin as the Mount Vernon District Representative

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

**CITIZEN CORPS COUNCIL**

The Board deferred the appointment of the Providence District Representative.

**COMMISSION FOR WOMEN**

Appointment of:

- Ms. Bing The Nguyen as the Dranesville District Representative

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

**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**

Reappointment of:

- Dr. Elizabeth Morton as the Dranesville District Representative
- Mr. Kyle S. Talente as the Lee District Representative
- Mr. Frank Sellers as the Mason District Representative
- Mr. Sylvester Berdux as the Mount Vernon District Representative
- Mr. Robert Mortensen as the Providence District Representative
- Mr. Michael DeLoose as the Springfield District Representative
- Mr. Dominic Taddeo as the Sully District Representative

Confirmation of:

- Mr. John N. Jennison as the Federation of Citizens Associations Representative

The Board deferred the appointment of the At-Large #1 and #2 Chairman's Representatives, and the Braddock and Hunter Mill District Representatives.

**CONSUMER PROTECTION COMMISSION**

The Board deferred the appointment of the Fairfax County Resident #12 Representative.

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**

Appointment of:

- Mr. Marc Greidinger as the Braddock District Representative

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



**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT  
ADVISORY BOARD, PHASE II**

Appointment of:

- Mr. Robert J. Elliott as the At-Large #3 Representative
- Mr. Todd S. Rich as the At-Large #5 Representative

**ENGINEERING STANDARDS REVIEW COMMITTEE**

Confirmation of:

- Mr. Bryan Layman as the Association of Builders and Contractors Representative
- Mr. Mark Liberati as the Virginia Association of Surveyors Representative

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

The Board deferred the appointment of the Providence District Representative.

**FAIRFAX AREA DISABILITY SERVICES BOARD**

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

**FAIRFAX –FALLS CHURCH COMMUNITY SERVICES BOARD**

Appointment of:

- Dr. Paul V. Luisada as the Mount Vernon District Representative

Nomination of:

- Mr. Dallas “Rob” Sweezy as the Sully District Representative

(The Board is scheduled to take action on this appointment on May 14, 2013.)

**HEALTH SYSTEMS AGENCY BOARD**

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

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL**

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

**LIBRARY BOARD**

Appointment of:

- Ms. Karrie K. Delaney as the Sully District Representative

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

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

**REDEVELOPMENT AND HOUSING AUTHORITY**

Reappointment of:

- Mr. Richard Kennedy as the Hunter Mill District Representative
- Ms. Elisabeth Lardner as the Mount Vernon District Representative
- Mr. John E. Betts as the Springfield District Representative

The Board deferred the appointment of the At-Large #2 Representative.

**ROAD VIEWERS BOARD**

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

**SMALL BUSINESS COMMISSION**

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

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

Appointment of:

- Mr. Gerald Padmore as the Fairfax County #4 Representative

Reappointment of:

- Ms. Linda Diamond as the Fairfax County #8 Representative

**TENANT LANDLORD COMMISSION**

The Board deferred the appointment of the Citizen Member #1 and #3 Representatives and Tenant Member #3 Representative.

**TREE COMMISSION**

The Board deferred the appointment of the Providence District Representative.

**TRESPASS TOWING ADVISORY BOARD**

The Board deferred the appointment of the Citizen Alternate Representative.

PMH:pmh

13. **10:40 A.M. –BOARD ADOPTION OF THE FISCAL YEAR (FY) 2014 BUDGET PLAN** (11:49 a.m.)

(Rs)(FPR) **Real Property Tax Rate**

Having provided public notice and a public hearing in accordance with Virginia Code §58.1-3321 (B), and because it is necessary to set the real property tax rate higher than the lowered tax rate specified in Virginia Code §58.1-3321 to support the FY 2014 Adopted Budget, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board set the real property tax rate at \$1.085 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2013 will be increased by \$0.01 from the present rate of \$1.075 per \$100 of assessed value. Vice-Chairman Gross seconded the motion it **CARRIED** by a recorded vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, Vice-Chairman Gross, and Chairman Bulova voting “**AYE**,” Supervisor Herrity voting “**NAY**.”

**Approval of the FY 2014 Tax Rate Resolution**

Having established the real property tax rate at \$1.085 per \$100 of assessed value, Chairman Bulova moved that the Board adopt the FY 2014 Tax Rate Resolution Adopting Tax Rates for Fairfax County, as detailed in Attachment II of the Board Agenda Item dated April 29, 2013. Supervisor Foust seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, Vice-Chairman Gross, and Chairman Bulova voting “**AYE**,” Supervisor Herrity voting “**NAY**.”

**Approval of the FY 2014 Appropriation Resolutions for County Agencies/Funds and School Board Funds and the FY 2014 Fiscal Planning Resolution**

Chairman Bulova moved that the Board the FY 2014 Appropriation Resolution for County Agencies/Funds, the FY 2014 Appropriation Resolution for School Board Funds, and the FY 2014 Fiscal Planning Resolution as set forth in Attachments III, IV, and V of the Board Agenda Item dated April 29, 2013. Supervisor Foust seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, Vice-Chairman Gross, and Chairman Bulova voting “**AYE**,” Supervisor Herrity voting “**NAY**.”

**DET:det**

14. **ADMINISTRATIVE ITEMS** (11:55 a.m.)

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

Supervisor Smyth called the Board’s attention to Admin 3 – Additional Time to Establish the Use for Special Exception Amendment Application SEA 2006-PR-019, Virginia International University (Providence District), and stated that while this item had been extended on other occasions, it would not be extended again.

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**.”

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL, LEE, AND MOUNT VERNON DISTRICTS)**

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

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Browns Mill Forest	Hunter Mill	Westford Drive (Route 3859)
		Wynhurst Lane
		Browns Mill Road (Route 675) [Additional Right-of-Way (ROW) Only]

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Reston Section 904 Block 1 (Reston Crescent)	Hunter Mill	Reston Parkway (Route 602) (Additional ROW Only)
		Sunrise Valley Drive (Route 5320) (Additional ROW Only)
South County Center	Lee	Richmond Highway (Route 1) (Additional ROW Only)
		Richmond Highway (Route 1) (Additional ROW Only)
		Buckman Road (Route 836) (Additional ROW Only)
		Buckman Road (Route 836) (Additional ROW Only)
John Leary Subdivision	Mount Vernon	Virginia Terrace
		Haines Drive
		Haywood Avenue
		Ox Road (Old Alignment) (Route 10549) (Additional ROW Only)
		Ox Road (Old Alignment) (Route 10549) (Additional ROW Only)
		Ox Road (Old Alignment) (Route 10549) (Additional ROW Only)

**ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (SULLY, PROVIDENCE, MOUNT VERNON, AND MASON DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-Y13-1	Milestone Communications, Incorporated, and Verizon Wireless/ Tree Pole Ormond Middle School 5500 Sully Park Drive Centreville, Virginia Sully District	July 1, 2013
2232-P12-6	Milestone Communications, Incorporated/Clock Tower/Monopole Graham Road Community Building (former Graham Road Elementary School) 3036 Graham Road Falls Church, Virginia Providence District	July 1, 2013
2232A-V00-36-1	Department of Public Works and Environmental Services on behalf of (Non- Telecom)Department of Transportation Bus Maintenance Facility Expansion 8101 Cinder Bed Road Newington, Virginia Mount Vernon District	July 10, 2013
FS-P12-35	NextNav, LLC/Existing Structure 1800 Tysons Boulevard McLean, Virginia Providence District	July 11, 2013
FSA-M00-106-5	Sprint/Existing Building Rooftop 5881 Leesburg Pike Falls Church, Virginia Mason District	July 12, 2013

**ADMIN 3 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2006-PR-019, VIRGINIA INTERNATIONAL UNIVERSITY (PROVIDENCE DISTRICT)**

(AT) (NOTE: Earlier in the meeting, this item was discussed. See page 12.)

Approved the request for additional time to establish the use for Special Exception Amendment Application SEA 2006-PR-019 to July 29, 2013, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

15. **A-1 – APPROVAL OF THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2014** (11:58 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Gross, and carried by a vote of nine, Supervisor Herrity being out of the room, the Board concurred in the recommendation of staff and:

- Adopted the Proposed Consolidated Plan One-Year Action Plan for FY 2014 as issued by the Consolidated Community Funding Advisory Committee with funding allocations outlined in the Board Agenda Item dated April 30, 2013
- Authorized staff to sign the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by the US Department of Housing and Urban Development by May 13, 2013

16. **A-2 – APPROVAL OF A PARKING REDUCTION FOR RESTON BLOCK 16 (HUNTER MILL DISTRICT)** (11:58 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Herrity being out of the room, the Board concurred in the recommendation of staff and approved a parking reduction of 15.3 percent (88 fewer parking spaces) in required parking for Reston Block 16, 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, number 7067-PKS-010-1, on the conditions as outlined in the Board Agenda Item dated April 30, 2013.

17. **A-3 – AUTHORIZATION TO FILE COMMENTS IN RESPONSE TO THE FEDERAL COMMUNICATIONS COMMISSION (FCC) NOTICE OF PROPOSED RULEMAKING TO IMPROVE 9-1-1 RELIABILITY** (11:59 a.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and authorize staff to file comments with the FCC advocating that the FCC impose reliability requirements and require reporting and certification regarding audits of 9-1-1 circuits to ensure sufficient circuit diversity, adequate backup power for central offices, and robust monitoring capabilities. The comments also propose stronger rules regarding service provider notification to Public Safety Answering Points about outages. Supervisor Hyland and Chairman Bulova jointly seconded the motion.

Discussion ensued, with input from Steve McMurrer, 9-1-1 Systems Administrator, Department of Public Safety Communications, concerning:

- Current text to 9-1-1 limited accessibility and ensuing comments to the FCC regarding the same
- Notification that text to 9-1-1 was unavailable via a “bounce-back message” from the majority of major carriers

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

18. **I-1 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-B12-9, FAIRFAX COUNTY PARK AUTHORITY (BRADDOCK DISTRICT)** (12:05 p.m.)

The Board next considered an item contained in the Board Agenda dated April 30, 2013, announcing the PC's approval of Public Facilities Application 2232-B12-9. The PC noted that the application, as amended, met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia, as amended. The application sought approval to establish new public recreation uses and an Off Leash Dog Area at Monticello Park located on approximately 6.2 acres along Guinea Road, between Burke Road and Bronte Drive [Tax Map 69-3 ((6)) E]. The conceptual uses in the Park's Master Plan include active and passive recreation elements within Monticello Park, including the off leash dog area, playground, multi-use area, skate activity area, and loop trail with expanded parking lot.

19. **I-2 – INTERNATIONAL BUILDING SAFETY MONTH** (12:05 p.m.)

(NOTE: Earlier in the meeting, the Board proclaimed May as "*Building Safety Month*" in the County. See Clerk's Summary Item #11.)

The Board next considered an item contained in the Board Agenda dated April 30, 2013, announcing that, in observance of International Building Safety Month, May 2013, the Department of Public Works and Environmental Services (DPWES) is conducting a campaign to promote public awareness of building safety in the County. This is in keeping with DPWES' mission to enforce building codes and related County ordinances to ensure the construction of safe buildings in the County.

**DAL:dal**

**ADDITIONAL BOARD MATTERS**

20. **REQUESTS FOR RECOGNITION** (12:05 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 following offices to appear before the Board:

- The Department of Public Works and Environmental Services to accept a proclamation recognizing "*Public Works Week*" in Fairfax County.



- The Department of Transportation and community partners to accept a proclamation recognizing the Fastran Stuff the Bus Campaign.

Without objection, it was so ordered.

21. **SPRINGFEST 2013** (12:06 p.m.)

Chairman Bulova said that for those Board Members who had conflicts and were unable to attend this past Saturday, they missed a great time at SpringFest. The Lorton Workhouse proved to be the perfect host location. Jen Cole of Clean Fairfax Council did a phenomenal job pulling the event together, and she had tremendous support from her partners to provide a wide variety of fun, environmentally focused activities for County residents of all ages. Special thanks go to the SpringFest Event Partners who made it possible:

- Clean Fairfax Council
- Department of Public Works and Environmental Services
- Park Authority
- EnviroSolutions, Incorporated
- Cox Communications
- Fairfax County Park Foundation
- Northern Virginia Regional Park Authority
- Lorton Workhouse Arts Center
- Fort Belvoir
- Fairfax County Farmers Market

SpringFest is the official celebration of Arbor Day in the County and this year marks the thirtieth year in a row that the County was recognized as a Tree City USA jurisdiction. At the ceremony, to read and present the Board Resolution proclaiming Earth Day/Arbor Day, the County received a special commemorative flag which will be flown at the Government Center, as well as a \$300 check from the Virginia Urban Forest Council, in recognition of the County's commitment to trees.

Chairman Bulova asked unanimous consent that the Board direct staff to invite Ms. Cole and the Springfest Partners to appear before the Board to be thanked for their efforts. Without objection, it was so ordered.

Chairman Bulova said that next year she hopes they have more ponies because the line for pony rides was very long.

Chairman Bulova noted that, at the event, she made an announcement regarding the partnership preservation public service announcement concerning Colvin Run Mill's eligibility to receive a \$100,000 grant in a web-based competition.

A one minute public service announcement video presentation was shown. The announcement said the site to receive the most votes will win the competition and the polls are open until May 10, 2013.

Chairman Bulova announced that the grant would allow for the restoration of Colvin Run Mill and encouraged everyone to vote. For more information and to vote go to [www.partnersinpreservation.com](http://www.partnersinpreservation.com).

Supervisor Gross announced that on WTOG radio this morning, the National Cathedral, also in the competition, is running ads. There is also information in the *Washington Post* about some of the other competitors.

Supervisor Hyland said that at SpringFest he was informed that the Colvin Run Mill is in the top five. There are ten days left to vote and individuals can vote once per day.

22. **STUDY ABROAD OPPORTUNITY** (12:12 p.m.)

Chairman Bulova noted that last year, the County, with the assistance of the Mid-Atlantic Federation of Turkic American Associations, entered into a sisterhood relationship with Keçiören, a metropolitan district of Ankara, Turkey. A result of this new relationship is an educational initiative created to strengthen the friendship between the County and Keçiören.

Chairman Bulova stated that she was happy to publicize the creation of the Youth Intercultural Study Program, the result of collaboration between George Mason University, the Northern Virginia Community College, the Municipality of Keçiören, Turkish University Turgut Ozal, and the Mid-Atlantic Federation of Turkic American Associations. This program allows County college students the chance to study abroad and explore the rich culture and history of Turkey.

The program is three weeks long, from June 2–23. Students have until May 20 to apply. Accepted students will be responsible for their airfare, incidentals, and college credit rates. Once in Turkey, room, board, and excursions will be paid for by the government of Keçiören. This is a wonderful opportunity—interested students can find more information at [www.myyisp.org](http://www.myyisp.org).

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff from the Office of Public Affairs to advertise and promote this opportunity for County students. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

23. **PROPOSED PLAN AMENDMENT: EDITORIAL UPDATES TO THE COMPREHENSIVE PLAN FOR THE McLEAN COMMUNITY BUSINESS CENTER (CBC) (DRANESVILLE DISTRICT)** (12:14 p.m.)

Supervisor Foust said that in August 2012, the McLean Planning Committee, comprised of 16 members who represent the immediately surrounding homeowner associations, the McLean Citizens Association, the Greater McLean Chamber of Commerce, and the McLean Commercial Landowners Association, convened a subcommittee to review the Comprehensive Plan for the CBC. The goal of the review was to identify and evaluate language the group thought could be construed as permissive in instances where the intent for such language was to be prescriptive.

Subsequently, Supervisor Foust requested that the Department of Planning and Zoning staff work with the subcommittee to develop text that would satisfy the community's desire for clearer Plan guidance for the McLean CBC while maintaining the Plan's role as a general guide for future land use decisions.

The McLean Planning Committee has unanimously endorsed the subcommittee's draft recommendation and has requested that the text be formally considered as an amendment to the Comprehensive Plan. These recommendations clarify and strengthen Plan guidance regarding mix of land uses, character of development, urban design, pedestrian connectivity, streetscape design, parking, buffering, and screening.

Therefore, Supervisor Foust moved that the Board direct staff to prepare a proposed Comprehensive Plan amendment for the McLean CBC Plan guidance, based on the McLean Planning Committee recommendations. Editorial changes, such as formatting of text and converting black and white maps to color maps, should also be considered. Supervisor McKay seconded the motion and it carried by unanimous vote.

24. **ANNUAL McLEAN DAY EVENT (DRANESVILLE DISTRICT)** (12:16 p.m.)

Supervisor Foust said that on Saturday, May 18, from 11 a.m. until 5 p.m. the McLean Community Center (MCC) will hold its thirty-seventh annual McLean Day event. McLean Day is a festival where residents and neighbors come together at Lewinsville Park on Chain Bridge Road to celebrate the community.

McLean Day features performances, carnival rides, exhibitions, and delicious foods to engage all visitors. There is a wonderful line-up of live entertainment throughout the day on the stage organized by the Alden Theatre. Artisans showcase their wares, and local businesses, nonprofit groups, local officials, and civic organizations have booths to offer information about their group and various projects. McLean residents can meet and vote for the candidates to the MCC Governing Board. There is no

admission for the festival and free shuttle buses run the entire day. He noted that this community event is a fun-filled day within the beautiful setting of Lewinsville Park. He expressed his appreciation to the Board and staff of the MCC for their efforts to make each year's event a success.

Therefore, Supervisor Foust asked unanimous consent that the Board direct the Office of Public Affairs to distribute information publicizing this event, including County offices, libraries, public schools, and community groups. Without objection, it was so ordered.

25. **RECOGNIZING HELENE SAFFORD, 2012 SOUTHERN BUSINESS EDUCATION ASSOCIATION (SBEA) MIDDLE SCHOOL TEACHER OF THE YEAR (DRANESVILLE DISTRICT)** (12:17 p.m.)

Supervisor Foust expressed his congratulations to Ms. Helene Safford for being named the 2012 Middle School Teacher of the Year by the SBEA, an affiliate of the National Business Education Association that promotes better business education in the southern region and throughout the nation. Ms. Safford was recognized for her outstanding contributions as a Career and Technical Education teacher at Longfellow Middle School.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite Ms. Safford and representatives from Longfellow Middle School to appear before the Board on July 9 to be recognized for her outstanding achievement. Without objection, it was so ordered.

**DET:det**

26. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (12:18 p.m.)

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

27. **INTRODUCTION OF HUNTER MILL DISTRICT INTERNS** (12:18 p.m.)

Supervisor Hudgins introduced two interns who are working in the Hunter Mill District Office:

- Evan Keys, a South Lakes High School International Baccalaureate student; a member of the National Honor Society; and captain of the varsity basketball team, who will be attending Virginia Tech in the fall.
- Salvador Pendleton, also a senior in the Baccalaureate program, an honor student, and a member of the French Honor Society, who also will be attending Virginia Tech.

On behalf of the Board, Chairman Bulova warmly welcomed them to the Board Auditorium.

28. **“BIKE-TO-SCHOOL DAY”** (12:19 p.m.)

Supervisor Hudgins announced that this was a joint Board matter with Chairman Bulova and that “*Bike-to-School Day*” will be held on May 8 with the emphasis on students biking to school. She added that Hunter Mill District has a very strong bike-to-school program and that “*Bike-to-School Day*” helps promote physical activity, environmental benefits, and roadway safety education. To date, there are 18 schools participating in the County. For more information, visit <http://www.walkbiketoschool.org/>.

Supervisor Hudgins asked unanimous consent that the Board direct staff from the Office of Public Affairs to help publicize this information. Without objection, it was so ordered.

Supervisor McKay noted that there were a number of schools imbedded in communities that would be ideal candidates but are not participating in “*Bike-to-School Day*.” Supervisor McKay asked unanimous consent that Board direct staff to contact the organizers to determine how to get the word out to more schools. Without objection, it was so ordered.

Supervisor Hudgins suggested that the Safe Routes to School coordinator be contacted.

Supervisor McKay asked unanimous consent that the Board direct staff to provide additional information from staff as to:

- How the program gets started
- Who is responsible for it
- How to get the word out

Without objection, it was so ordered.

29. **“BIKE-TO-WORK DAY”** (12:21 p.m.)

Supervisor Hudgins announced that May 17 is “*Bike-to-Work Day*” in the County and the Metropolitan region and it is an exciting opportunity for bicycle commuters to be joined by car commuters, who get out of their cars and onto their bikes. Bicycle commuting is an effective means to improve air quality, to reduce traffic congestion and to promote wellness. The National Capital Region Transportation Planning Board reported that over 12,000 individuals participated in the 2012 “*Bike-to-Work Day*.”

Supervisor Hudgins stated that there are 11 “*Bike-to-Work*” events in the County this year; including the locations of Reston, Alexandria, Vienna, Springfield,

Tysons, Fairfax Corner, Herndon, Mount Vernon, Burke, Merrifield, and the City of Fairfax.

Supervisor Hudgins, noting this was a joint Board Matter with Supervisor Smyth, asked unanimous consent that the Board direct staff to invite Department of Transportation staff and members of the bicycling community to appear before the Board to be recognized for their hard work making a successful “*Bike-to-Work Day*” event in Fairfax County. Without objection, it is so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to publicize the opportunity, especially involving the ceremonies and events that are being held throughout the day on Friday, May 17. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

30. **KINDERGARTEN READINESS** (12:23 p.m.)

Supervisor Hudgins stated that she had referred to this Board Matter at the Board’s Budget Markup meeting to emphasize the importance that the Board needs to stress with early childhood education programs. She referenced the written Board Matter and said she wanted to draw attention to the fact that the Board has a lot of information telling it that the right direction is early education in moving forward to provide success for children and their long-term future. She added that staff is already participating in the School Readiness Community Collaborative Council in developing a plan to build an integrated comprehensive system for the County to support school readiness: Ready Children, Ready Families, Ready Schools, and Ready Communities which emphasizes all of the agencies that are working together for this to happen.

Supervisor Hudgins stated that she had selected the following specifics for the Board to address:

- Set a goal that all County preschoolers have access to quality kindergarten readiness program by 2018
- Reflect funding in both the County and Schools budgets for facilities (via the Capital Facilities and Debt Management Working Group) and programs that will lead to an increase in the number of children served and to plan for the growth in subsequent budget years
- Better address pay equity issues between County, Schools, and private Head Start providers
- Explore efficiency models in Head Start programs being implemented in other jurisdictions

Supervisor Hudgins moved that the Board:

- Direct staff to forward this motion to the School Board requesting them to join the Board in adopting the principles in this item.
- Meet with the School Board at the start of Fiscal Year (FY) 2014 to begin a joint discussion and strategic work plan to address the matter.

Supervisor Gross seconded the motion.

Chairman Bulova noted that this was a joint motion among Supervisor Hudgins, Supervisor Gross, Supervisor McKay, and Supervisor Cook.

Supervisor McKay clarified that this motion does not mean the Board has until 2018 to address this, but rather the Board needs to immediately look at creative ways to deal with the current waiting list and future budget cycles. The goal is, by 2018, that everyone will have the opportunity to have access to early childhood education. This needs to be made clear to the School Board, that actions and efforts will be taken immediately to address the waiting list as well as the overall goal.

Discussion continued concerning:

- Varying degrees of readiness in children
- The integral role of parents in the process
- Head Start tools for parents and children
- Creation of opportunities and access
- The importance of a discussion with the School Board
- Existing partnerships that are already working on this issue
- Working with a new School Board superintendent

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

31. **RESTON POLICE DISTRICT STAFFING (HUNTER MILL DISTRICT**  
(12:33 p.m.)

Supervisor Hudgins noted that as Phase One of the Dulles Corridor Rail Project comes to closure, preparations are being made for the opening of the new

facilities. Several of the transportation and land-use planning efforts along the Dulles Corridor are moving into the implementation phase.

However, one specific challenge that has not been adequately addressed is that of public safety concerns in Reston; specifically, how the increase of residential and commercial development in Reston correlates with an increase of service calls for the Reston District Police station.

She noted that the Phase One projects encompass Tysons and Reston; and public safety planning should reflect this dual reality as well. While the McLean District Police Station will receive additional officers, Reston Police District staffing levels are projected to remain at their present levels.

Supervisor Hudgins moved that the Board direct the County Executive and the Deputy County Executive of Public Safety to develop a staffing plan for the Reston District Police Station to meet future demands of the new Metrorail stations. Supervisor McKay seconded the motion.

Supervisor McKay noted that there was Budget Guidance language to provide an analysis of public safety staffing levels County wide. Supervisor McKay asked to amend the motion to broaden this to include transit stations and the implications of the growth around them are considered, and this was accepted.

Supervisor Hudgins noted that the station in Reston is scheduled to open in December.

Discussion continued regarding Budget Guidance, with input from Edward L. Long Jr., County Executive, concerning the intent to look at Countywide needs at transit stations in redeveloping areas and report in late Fall for guidance.

Discussion continued concerning:

- Placing growth where it can be supported by mass transit
- Mall-focused policing at Tysons Corner

Supervisor Smyth asked unanimous consent that the Board direct staff to provide data concerning:

- Changes in crime percentages and whether it corresponds to projections
- Where the crime is happening

Without objection, it was so ordered.



Mr. Long stated that staff will be meeting with all Board Members to obtain their insight as well as what the needs are and where activity is so that that can be included in the report.

Chairman Bulova stated the motion had been expanded to include other locations throughout the County to ensure there is sufficient staffing, particularly in the redeveloping areas of the County.

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

32. **CANDACE LEYTON INNOVATIVE LEARNING LAB (HUNTER MILL DISTRICT)** (12:39 p.m.)

Supervisor Hudgins referred to her written Board Matter and said that Wolf Trap Elementary School had been given the wonderful gift of an innovative learning lab. It was the contribution of a former student who had fallen in love with the goodness of an early elementary school teacher. She said he gave \$800,000 in funding this lab as a personal gift to Wolf Trap; the first of this type of lab and one of the few such personal gifts that have been received in the area. She noted that its focus is on technology and is a wonderful opportunity for the students.

Supervisor Hudgins noted that included with her written Board Matter is a letter, and asked unanimous consent that the Board direct staff to send the letter to the donor for the contribution he has made. Without objection, it was so ordered.

33. **SOUTH LAKES HIGH SCHOOL DEBATE TEAM FIRST IN THE STATE (HUNTER MILL DISTRICT)** (12:40 p.m.)

Supervisor Hudgins announced South Lakes High School students excelled at the Virginia High School League State Debate tournament earlier this month. For the first time in the history of the State tournament, there was a tie for first place in the team results. South Lakes High School tied with Thomas Jefferson Science and Technology.

She added that South Lakes students Jeffrey DiSanto-Ranney and Kshitij Kumar won first and second places respectively in the Lincoln-Douglas event. In addition, several team members qualified for a trip to the national competition this summer including: DiSanto-Ranney, Grace Erard, Andrew Kropp-Sullivan, Reuben Levy-Myers, Allyson Paiwonsky, Anna Stormoen, and Chiara Sauvage.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite representatives of the South Lakes High School Debate Team, as well as representatives from the Thomas Jefferson High School Debate Team, to appear before the Board to receive recognitions for a successful season and to extend the Board's best wishes for success in the upcoming competition at the National

Forensics League National Speech and Debate tournament this June. Without objection, it was so ordered.

34. **SUPERVISOR HUDGINS HEALTH UPDATE** (12:42 p.m.)

Supervisor Hudgins stated that she has always believed in the importance of maintaining good health and taking care of herself. It was at her regular health screening last month that she was given some good news and bad news.

The bad news was a diagnosis of early onset of breast cancer, Stage 0. The good news is it was identified early and the prognosis is excellent.

She has selected a treatment plan, which will be implemented over the coming weeks. In preparing for this, she has missed a few meetings and events, and stated that occasionally one may see her empty chair at the dais, committee or community meetings.

She will remain in contact with the Hunter Mill District office, and the staff will continue to provide constituent services at the same excellent level. Fortunately, today's technology allows her to keep track of Board activities and other official responsibilities and still be involved.

She noted that she is fortunate to have access to excellent health professionals and medical care. She stressed the importance of regular, routine health screenings. As the saying goes, 'An ounce of prevention is worth a pound of cure.'

While this is expected to take a short time, she expressed her appreciation for everyone's understanding and patience during this time.

**PMH:pmh**

35. **REQUEST TO AUTHORIZE A REFERENDUM ON A FOOD AND BEVERAGE TAX** (12:44 p.m.)

Supervisor Hyland said that the Board has cleared its plate with the approval of the Fiscal Year (FY) 2014 Budget. As was clearly evidenced during budget discussions, the County is still over reliant on the real estate tax rate to provide revenues for schools, public safety, human services, and other critical services and programs. The Board, after its Retreat, established a priority that it would keep taxes affordable for residents. The Board also has a goal to diversify the tax base and revenue sources.

Supervisor Hyland asked Board Members to support a motion to place a food and beverage tax on the November ballot for residents to vote on. A food and beverage tax would net between \$80–100 million a year in new revenue. Almost all surrounding jurisdictions have implemented a food and beverage tax. In the FY 2014 budget, one penny on the tax rate equates to \$20.65 million. The Board

could make a commitment to lower the real estate tax rate by one or two cents and still have funding for critical projects.

Supervisor Hyland expressed his belief that the Board should pledge to residents that if this motion passes, and if it approves a food and beverage tax referendum, the Board will lower the real estate tax rate, help support schools, build new artificial turf fields, expand Head Start, support transit networks, or do any combination of tax relief, construction, renovation, or programmatic support, or expansion of facilities/programs that residents, staff, and the Board support.

Therefore, Supervisor Hyland moved that the Board:

- Add a meals tax referendum to the November 2013 ballot in accordance with § 58.1-3833.
- Direct staff to file the proper petitions and plain English statement with the Courts and Department of Justice.
- Should the above motions pass, direct staff to prepare a list of projects or programs the Board could select for funding with new revenues in addition to a reduction in the real estate tax rate for the FY 2015 budget.

Supervisor Hudgins seconded the motion.

Following discussion regarding:

- Funding employee compensation
- Diversifying tax revenues
- Expectations of where the money would go
- Higher sales tax
- Cigarette tax
- Development of a list of things that would be funded by this tax
- Efforts to work with the community and the industries involved
- The need for additional time to develop a strategy

Following a query from Supervisor Gross regarding the meals tax, Edward L. Long Jr., County Executive, stated that a four percent meals tax would generate \$80 million.

Chairman Bulova relinquished the Chair to Vice Chairman Gross and moved a substitute motion that the Board, working with County staff, develop an opportunity or opportunities for a community discussion regarding the potential for putting a meals tax to referendum. Supervisor Hudgins seconded the motion.

There was a brief discussion regarding the meals tax.

Chairman Bulova clarified that community discussions would begin at the Economic Advisory Commission meeting on May 7.

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

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

36. **WHERE THE SIDEWALK ENDS** (1:20 p.m.)

Supervisor Hyland said that recently the Mount Vernon District Trails and Sidewalks Representative wrote to him to express his concern about how staff is interpreting the Public Facilities Manual (PFM) regarding the construction of trails or sidewalks. In the Mount Vernon District, residents have submitted simple subdivision plans in older, established neighborhoods where no trails or sidewalks exist. The Department of Public Works and Environmental Services (DPWES) staff has not signed off on sidewalk waivers for these two developments citing a recent amendment to the PFM that requires an “undue hardship” before staff can approve a waiver. In these two neighborhoods new trails or sidewalks would be out of character with the surrounding community. No other large lots exist that would permit sidewalk connections nor could be developed without the intervention of a public works project.

Supervisor Hyland stated that he supports trails and sidewalks, but not in locations where the community does not want them or where they will not connect to anything. He noted that he would rather have the developer escrow the cost of construction and use that money elsewhere to build sidewalks near schools or to fulfill the comprehensive trails plan. He expressed the belief that staff needs to take action on these applications. If the PFM is overly restrictive, they should bring the item to the Development Process Committee for discussion.

Therefore, Supervisor Hyland moved that the Board direct the County Executive to review this issue and the PFM amendment and report with his recommendations. Supervisor Foust and Supervisor Smyth seconded the motion and it carried by unanimous vote.

Following discussion regarding an immediate remedy, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to expedite and respond to situations that might be immediate in nature. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

37. **CHANTILLY DAY (SULLY DISTRICT)** (1:22 p.m.)

Supervisor Frey said this year the second annual Chantilly Day will take place on Saturday, May 4, at the Sully Place Shopping Center. The Dulles Chamber of Commerce along with Westfield Business Owners Association and Kaiser Permanente is sponsoring Chantilly Day, a family friendly event with the purpose of building community spirit in western Fairfax County. The festivities will include a business expo, children's activities, live entertainment, community groups, and a Taste of Chantilly celebration.

Chantilly Day is an opportunity to showcase the businesses in Chantilly and bring the community together for a day of family fun. Chantilly Day will highlight Chantilly as "The Air and Space Capital of Virginia." In keeping with that theme, honorary co-Chairmen and guests of honor will be former NASA astronauts Frank Culbertson and Carl Walz.

Therefore, Supervisor Frey moved that the Board proclaim May, 4, 2013, as "*Chantilly Day: The Air and Space Capital of Virginia*," in Fairfax County. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

38. **NEW BALANCE HIGH SCHOOL INDOOR NATIONAL CHAMPIONSHIPS (SULLY DISTRICT)** (1:23 p.m.)

Supervisor Frey announced that the New Balance High School Indoor National Championships were held in New York City. He added that only one team from the County won a National Championship and the winner was Nathan Kiley from Westfield High School.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Kiley to appear before the Board to be recognized for this feat. Without objection, it was so ordered.

39. **ANNOUNCING TECHNOLOGY TOWN-HALL MEETING ON JUNE 1 (BRADDOCK DISTRICT)** (1:25 p.m.)

Supervisor Cook announced that he will be hosting a technology focused town-hall meeting on June 1. There will be community leaders there to explain how they use the Internet to keep their communities more civically engaged, and there

will be speakers from the County to let people know about all the services available online - including how to pay your taxes without ever having to leave your home. There will also be breakout sessions on how to use the Internet and social media during emergency situations. The town-hall will be a great opportunity to learn how to connect with your government in all areas. Finally, renowned futurist Rick Smyre will help us peer into the future to see where rapidly advancing technology will take the County.

Therefore, Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs to publicize the event. Without objection, it was so ordered.

40. **RECOGNIZING MR. CHRIS MAYHEW FOR HIS OUTSTANDING ACT OF BRAVERY** (1:27 p.m.)

Supervisor Cook expressed his congratulations to Chris Mayhew, from Boy Scout Troop 1131, for being awarded the Medal of Merit from the Boy Scout's National Court of Honor.

Mr. Mayhew, whose troop is located in Braddock District, was returning with his family from a trip to Virginia Beach. While driving on I-64, a car in front of his family's car swerved off the road and flipped over as it went down an embankment. Mr. Mayhew immediately told his mother to stop the car so he could go help. He then directed his mom to call 9-1-1 while he ran down the embankment to the car. Thankfully, the car had landed right side up and the driver was able to exit under his own power. However, the driver had some serious cuts that required first aid attention. Mr. Mayhew ran back to his car, grabbed a bottle of water and napkins to help clean the driver's cuts and stanch bleeding from one particularly deep cut. When first responders arrived about 10 minutes later, Mr. Mayhew gathered the driver's personal belongings and put them into the ambulance with the driver.

Supervisor Cook noted that Mr. Mayhew is a sophomore at Robinson Secondary School and was awarded the Medal of Merit for an "outstanding act of service or a rare or exceptional character that reflects an uncommon degree of concern for the well-being of others."

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite Mr. Mayhew to appear before the Board to be congratulated for his achievement and to be formally recognized. Without objection, it was so ordered.

41. **REQUEST FOR HUMAN SERVICES COMMITTEE BRIEFING REGARDING SUICIDES** (1:28 p.m.)

Supervisor Cook said in 2012 the Board declared September 9–15 "Suicide Prevention Week" in Fairfax County. But last year 86 people still committed suicide in the County, while another 293 people attempted to take their life. On

average the police are responding to calls regarding suicide or an attempted suicide once a day. The numbers are equally disturbing across the U.S., with approximately one person committing suicide every 18 minutes. There is also an average of 18 suicides per day among veterans.

Supervisor Cook noted that this week, the *Washington Examiner* noted the tragic deaths over the last couple of years of three students attending W.T. Woodson High School. The article noted all three were suspected suicides.

Therefore, Supervisor Cook moved that the Board direct County staff, the Community Services Board and the Public Schools to provide the Board with a briefing at a future Human Services Community meeting regarding:

- The incidences of suicides in the County, especially those involving children
- What is already being done to prevent suicides
- What is needed to stop more suicides in the future

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

42. **REQUEST FOR RECOGNITION OF DR. JORGE ARIAS** (1:31 p.m.)

Supervisor Gross announced that Dr. Jorge Arias, Health Department, is retiring.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite Dr. Arias to appear before the Board to be recognized for his years of service. Without objection, it was so ordered.

43. **ARMED ROBBERY (MASON DISTRICT)** (1:31 p.m.)

Supervisor Gross announced that there was an attempted armed robbery in Annandale last night. She said that while on patrol in the shopping center an officer noticed a car creeping toward him without its lights on. Unbeknownst to the officer, a robbery involving a gun, a 15-year-old boy, and his Nike sneakers was in progress.

Supervisor Gross explained that the teen had placed an online ad selling the tennis shoes and had scheduled to meet a prospective buyer at the shopping center at around 10:50 p.m. Monday, April 29. The teen was a passenger in the vehicle and signaled his distress to the officer. The officer, along with back-up, enacted a high-risk stop. All four suspects were taken into custody. All of the suspects were from Prince Georges County, Maryland, and were arrested.

Police remind buyers and sellers using online services to proceed with caution. Meet during daylight hours, never alone, and in a public place. Transactions with strangers can be risky and all those involved need to take precautions to protect their safety.

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

44. **NATIONAL DEFENSE AUTHORIZATION ACT OF 2013** (1:33 p.m.)

In a joint Board Matter with Supervisor Gross and Supervisor Hyland, Supervisor McKay noted that he and Supervisor Gross were at a NVRC BRAC Committee meeting. He said they were briefed on the National Defense Authorization Act of 2013:

- The National Defense Authorization Act of 2013, Subtitle D - Readiness, Section 331, "Intergovernmental Support Agreements with State and Local Governments" provides that *the Secretary may enter into an intergovernmental support agreement with a State or local government to provide, receive, or share installation-support services if the Secretary determines that the agreement will serve the best interests of the department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs.*

This new and powerful legislation will allow Fort Belvoir and the County to consider many more ways to support each other. By tapping into the expertise of department directors and staff, new ways to partner with Fort Belvoir that will benefit the County and the Army could be developed.

These recommendations could include services provided by the County to Fort Belvoir and services provided by Fort Belvoir to the County that would eliminate duplication or result in cost savings or other efficiencies. Ideas should include the universe of existing services provided by the County including transportation, housing, education, human services, health and wellness, public works and utilities, waste management and recycling, libraries, parks and recreation, et cetera.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the County Executive to work with staff to develop a possible list of recommendations for consideration by the Board and the Army and report by the July 9 Board meeting. Without objection, it was so ordered.



45. **NEW CHIEF OF STAFF (LEE DISTRICT)** (1:35 p.m.)

Supervisor McKay introduced his new Chief of Staff, Taylor Holland.

Supervisor McKay announced that Mr. Mike McClanahan's last day is Friday, May 3, and he noted that he has done a great job serving the residents of Lee District. He expressed his appreciation to Mr. McClanahan for his good service to the residents of Lee District.

46. **AMERICAN CANCER SOCIETY DAY** (1:36 p.m.)

Supervisor Herrity said that on May 22 the American Cancer Society will celebrate its one-hundredth birthday, and 100 years of accomplishments in the fight against all forms of cancer. It's the largest non-governmental, not-for-profit funder of cancer research in the country. Some highlights of the Society's accomplishments include: discovering the link between smoking and cancer, funding more than 40 Nobel Laureate researchers, and serving more than one million callers annually through its National Cancer Information Center, the nation's only 24 hour cancer hotline.

In 1985, the American Cancer Society launched one of its most successful and recognized events, the Relay for Life. Since then, Relays for Life have raised more than \$4 billion and raises more than \$400 million annually in support of cancer research. In the County, there are nearly a dozen Relays for Life held every year. These events bring together survivors, care givers, loved ones, and the community in a day-long show of support and solitude.

Therefore, Supervisor Herrity asked unanimous consent that the Board recognize May 22 as "*American Cancer Society Day*," in Fairfax County, and direct staff to prepare a proclamation to be presented at the May 14 Board meeting to representatives from the American Cancer Society and Relay for Life. Without objection, it was so ordered.

47. **RECOGNIZING WEST SPRINGFIELD HIGH SCHOOL TEACHER AND DRAMA STUDENTS (SPRINGFIELD DISTRICT)** (1:37 p.m.)

Supervisor Herrity said that last month drama students from West Springfield High School competed in the Virginia High School League state one-act finals in Charlottesville, Virginia, and for the first time in 15 years they came back champions of the competition. The play was not only award winning, but was well received by the community; including an encore performance earlier this month.

The team was lead and coached by Bernie DeLeo, who was brought to the school by new principal Mark Greenfelter. Under Mr. DeLeo's tutelage the team put on an outstanding performance of the play "The Other Room" which deals with the

topic of autism, and portrays the stresses and struggles of a teenage protagonist who has autism.

Amazingly, Mr. DeLeo used his life experiences of having a son with Asperger's to train his students, often showing them gestures he would use, or reactions to certain situations. The result was a compelling and revealing performance, which both won the NVSL's and also saw sophomores Bonnie McClellan and William Shipley chosen in the tournament's "Outstanding Performers" for their roles as Lilly and Austin, the lead characters.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Mr. DeLeo and his drama team to appear before the Board to be recognized for this accomplishment and to receive a resolution highlighting their achievements of being crowned 2012-2013 NVSL State one-act champions as well as recognition for Ms. McClellan and Mr. Shipley for their outstanding performance. Without objection, it was so ordered.

48. **RECESS/CLOSED SESSION** (1:40 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. *Professional Foreclosure Corporation of Virginia, Substitute Trustee, and Federal National Mortgage Association v. Fairfax County Redevelopment and Housing Authority, the Board of Supervisors of Fairfax County, Prospero M. Torres, and Maria C. Torres*, Case No. CL-2012-0017567 (Fx. Co. Cir. Ct.) (Providence District)

*Equity Trustees, Substitute Trustee, and DLJ Mortgage Capital, Inc. v. Fairfax County Equity Trustees, Substitute Trustee, and DLJ Mortgage Capital, Inc. v. Fairfax County Redevelopment and Housing Authority, the Board of Supervisors of Fairfax County, and Alaaedien M. Imam, Case No. CL-2013-0000520 (Fx. Co. Cir. Ct.) (Sully District)*

2. *Kristin L. Burns, OBO Emma S. Burns-Sullivan, OBO Liam P. Burns-Sullivan v. Kenneth W. Sullivan, Kathryn D. Leckey, FCPD, CPS, FCPS, The Morgan Center, FCSO, Domestic Relations, Farrell Pediatrics, Reston Pediatrics, INOVA, Jennie McKinnie of the Arbor Center, Fairfax County Office of the Clerk, Restons Pediatrics Case No. 2013-0003528 (Fx. Co. Cir. Ct.)*
3. *Suli Wang and Renni Zhao v. Board of Supervisors of Fairfax County, Virginia, Case No. CL-2012-0011367 (Fx. Co. Cir. Ct.) (Providence District)*
4. *In Re: February 13, 2013, Decision of the Fairfax County Board of Zoning Appeals; Trang P. Mai v. Fairfax County Department of Planning and Zoning, Case No. CL-2013-0005213 (Fx. Co. Cir. Ct.) (Mason District)*
5. *Board of Supervisors of Fairfax County, Virginia v. Lakewood Hills No. 1 Community Association, Case No. CL-2012-0018227 (Fx. Co. Cir. Ct.) (Springfield District)*
6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Clyde E. Nishimura, Case No. CL-2012-0005565 (Fx. Co. Cir. Ct.) (Lee District)*
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ruben R. Nunez and Lucila N. Nunez, Case No. CL-2012-0013470 (Fx. Co. Cir. Ct.) (Braddock District)*
8. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Milagro Velasquez Romero, Case No. CL-2012-0006600 (Fx. Co. Cir. Ct.) (Mount Vernon District)*

9. *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)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Freddie L. Gaskins and Sandra M. Gaskins*, Case No. CL-2010-0002572 (Fx. Co. Cir. Ct.) (Providence District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rotonna L. Mullen*, Case No. CL-2012-0008992 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Ayala and Olimpia T. Amaya, a/k/a Olimpia T. Ayala*, Case No. CL-2011-0004001 (Fx. Co. Cir. Ct.) (Springfield District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Satish Amin*, Case No. CL-2010-0011816 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patrick McAlee and Barbara McAlee*, Case No. CL-2012-0010063 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Jane W. Gwinn, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Steven L. Kohls and Virginia L. Kohls*, Case No. CL-2011-0003175 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *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)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibrahim I. Abdullah and Amany Abdullah*, Case No. CL-2012-0008578 (Fx. Co. Cir. Ct.) (Mason District)
  20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John Hicks, Betty Pearson-Pavone, Dallas Hicks, Harold E. Pearson, Alice Hicks, and Edward Hicks*, Case No. CL-2012-0013536 (Fx. Co. Cir. Ct.) (Providence District)
  21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edward E. Ankers, Jr., and Edward E. Ankers, III*, Case No. CL-2006-0010511 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rajendra Bernard Edwards*, Case No. CL-2012-0008576 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)
  23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lawrence G. Rich and Vanessa C. Rich*, Case No. CL-2011-0000231 (Fx. Co. Cir. Ct.) (Providence District)
  24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lubna F. Ahmed*, Case No. CL-2012-0015342 (Fx. Co. Cir. Ct.) (Dranesville District)
  25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Cadima*, Case No. CL-2012-0018955 (Fx. Co. Cir. Ct.) (Mason District)
  26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Randal S. Cordes*, Case No. CL-2013-0000441 (Fx. Co. Cir. Ct.) (Dranesville District)
  27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Muhammad Shafiq and Rubina Shafiq*, Case No. CL-2013-0005293 (Fx. Co. Cir. Ct.) (Mount Vernon District)

28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ida Medina and Jesus Medina*, Case No. CL-2012-0013482 (Fx. Co. Cir. Ct.) (Lee District)
29. *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)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Deutsche Bank National Trust Company as Trustee for BCAP 2007-AA4*, Case No. CL-2013-0000442 (Fx. Co. Cir. Ct.) (Mason District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald M. Douglas and Louise L. Douglas*, Case No. CL-2013-0003838 (Fx. Co. Cir. Ct.) (Springfield District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Great World Plaza, LLC, and 7031 JK, Inc.*, Case No. CL-2013-0000348 (Fx. Co. Cir. Ct.) (Mason District)
33. *Board of Supervisors of Fairfax County, Virginia v. Kenan Yamaner and Stacy Yamaner*, Case No. CL-2012-0018217 (Fx. Co. Cir. Ct.) (Mount Vernon District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tai Jang Chiao and Nancy Chiao*, Case No. CL-2012-0012779 (Fx. Co. Cir. Ct.) (Springfield District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. MBK Properties, LLC*, Case No. CL-2012-0017865 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kim Mai*, Case

- No. CL-2012-0019077 (Fx. Co. Cir. Ct.) (Providence District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Delfin Farfan and Maria I. Farfan*, Case No. CL-2013-0005662 (Fx. Co. Cir. Ct.) (Providence District)
  38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Saul Llamas and Claudia K. Ramos*, Case No. CL-2013-0005664 (Fx. Co. Cir. Ct.) (Mason District)
  39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David Joseph Moore and Sterling E. Moore*, Case No. CL-2013-0005661 (Fx. Co. Cir. Ct.) (Mason District)
  40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Naiqing Dong*, Case No. CL-2013-0005660 (Fx. Co. Cir. Ct.) (Dranesville District)
  41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. King Tyree Lodge 292, et al.*, Case No. CL-2013-0005715 (Fx. Co. Cir. Ct.) (Providence District)
  42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Talat Hassanein and Kariman Hassanein*, Case No. CL-2013-0005717 (Fx. Co. Cir. Ct.) (Lee District)
  43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lilian H. Lopez*, Case No. CL-2013-0005807 (Fx. Co. Cir. Ct.) (Mason District)
  44. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jean E. Riggs, Trustee, or Successor Trustee(s), as Trustee(s) of The Jean E. Riggs Trust 16SEP10*, Case No. CL-2012-0006045 (Fx. Co. Cir. Ct.) (Providence District)
  45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. The Seoane Limited Partnership*,

Case No. CL-2013-0006043 (Fx. Co. Cir. Ct.)  
(Providence District)

46. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carlos E. Perdomo and Stella Perdomo*, Case No. CL-2013-0006078 (Fx. Co. Cir. Ct.) (Mount Vernon District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ibrahim I. Abdullah and Amany Abdullah*, Case No. CL-2013-0006294 (Fx. Co. Cir. Ct.) (Mason District)
48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Guido Uriona and Beatriz Nogales*, Case No. CL-2013-0006349 (Fx. Co. Cir. Ct.) (Mason District)
49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdul B. Jahani and Masooma Jahani*, Case No. CL-2013-0006606 (Fx. Co. Cir. Ct.) (Braddock District)
50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kam Saykhamphone and Thong B. Saykhamphone*, Case No. CL-2013-0007059 (Fx. Co. Cir. Ct.) (Braddock District)
51. *Manuel J. Sandoval v. Fairfax County, Virginia and Officer J. Luety*, Case No. GV12018761-00 (Fx. Co. Gen. Dist. Ct.)
52. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Candace K. Noonan*, Case No. GV12-014862 (Fx. Co. Cir. Ct.) (Hunter Mill District)
53. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maximiliano M. Saavedra and Marie F. Saavedra*, Case Nos. GV13-003200 and GV13-003299 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. GV13-003197 (Fx. Co. Gen. Dist. Ct.) (Providence District)



55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Antonio Vigil Cruz*, Case Nos. GV12-0028029 and GV12-0028029 (Fx. Co. Gen. Dist. Ct.) (Mason District)
56. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Adam J. Kimmich*, Case No. GV13-005796 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
57. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jeanne Rovics Mexic*, Case No. GV13-005628 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
58. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gang Wang and Di Fan*, Case No. GV13-005795 (Fx. Co. Gen. Dist. Ct.) (Providence District)
59. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Khaisy Vonarath*, Case No. GV13-003213 (Fx. Co. Gen. Dist. Ct.) (Providence District)
60. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mirtha Tapia*, Case No. GV13-005797 (Fx. Co. Gen. Dist. Ct.) (Mason District)
61. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Peggy Shannon Bryant Starke Trust, and Peggy Shannon Bryant Starke, Trustee of the Peggy Shannon Bryant Starke Trust*, Case Nos. GV13-006880, GV13-006881 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
62. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Christopher Bao Le*, Case No. GV13-006989 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
63. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Raj B. Samtani and Pushma Raj Samtani*, Case No. GV13-006988 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

64. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Henry A. Novak and Shirley L. Novak*, Case No. GV13-007103 (Fx. Co. Gen. Dist. Ct.) (Mason District)
65. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald L. Brown*, Case No. GV13-007102 (Fx. Co. Gen. Dist. Ct.) (Sully District)
66. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Negash Tsigie, Hirut Hailegiorgis, and Dong Kim*, Case Nos. GV13-007294 and GV-2013-007295 (Fx. Co. Gen. Dist. Ct.) (Lee District)
67. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kenneth L. Mobley and Magnolia M. Mobley*, Case No. GV13-007301 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
68. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Laura C. Menez and Don Ernani Menez*, Case No. GV13-007298 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
69. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edgar Molina*, Case No. GV13-007302 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
70. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eileen Ludden*, Case Nos. GV13-007292 and GV13-007293 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
71. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaime W. Zambrana*, Case No(s). GV13-007296 and GV13-007297 (Fx. Co. Gen. Dist. Ct.) (Mason District)
72. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phyllis A. Murphy*, Case No. GV13-007299 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

73. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Larissa Omelchenko Taran*, Case No. GV-2013-007300 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
74. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norma Guerrero and Leslie Jeninne Huertas*, Case No. GV13-007303 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
75. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose N. Del Cid and Vilma Del Cid*, Case No. GV13-007340 (Fx. Co. Gen. Dist. Ct.) (Providence District)
76. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jerry Komorowski*, Case No. GV13-007341 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

And in addition:

- *The Newberry Station Homeowners Association, Inc., et al. v. Board of Supervisors of Fairfax County, Virginia, et al.*; Virginia Supreme Court Case Number 121209
- Milestone Construction Services Project at the Fair Oaks Police and Fire Station
- Cox Cable Television Franchise Renewal
- *City of Falls Church v. County of Fairfax*

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

**EBE:ebe/DAL:dal**

At 3:53 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

#### **ACTIONS FROM CLOSED SESSION**

49. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:53 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session

was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

50. **AUTHORIZATION OF SETTLEMENT FOR PROFESSIONAL FORECLOSURE CORPORATION OF VIRGINIA, SUBSTITUTE TRUSTEE, ET AL. VERSUS FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY, ET AL, AND EQUITY TRUSTEES, SUBSTITUTE TRUSTEE, ET AL., VERSUS FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY** (3:54 p.m.)

Supervisor Hudgins moved that the Board authorize settlement of Professional Foreclosure Corporation of Virginia, Substitute Trustee, et al., versus Fairfax County Redevelopment and Housing Authority, et al., Case Number CL-2012-0017567, and Equity Trustees, Substitute Trustee, et al., versus Fairfax County Redevelopment and Housing Authority, et al., Case Number CL-2013-0000520, as outlined by the County Attorney in closed session. Supervisor Frey seconded the motion and it carried by unanimous vote.

51. **RESOLUTION TO APPROVE A VOLUNTARY BOUNDARY ADJUSTMENT AGREEMENT AND MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN FAIRFAX COUNTY, VIRGINIA AND THE CITY OF FALLS CHURCH, VIRGINIA AND REQUEST THAT THE COMMISSION ON LOCAL GOVERNMENT REVIEW AND PROVIDE A FAVORABLE RECOMMENDATION ON THE AGREEMENT AND NOTICE OF VOLUNTARY SETTLEMENT AGREEMENT** (3:55 p.m.)

- (R) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved adoption of the following Resolution:

**WHEREAS**, the Board of Supervisors of Fairfax County, Virginia ("County"), and the City of Falls Church, Virginia ("City") have entered into negotiations to seek a voluntary settlement agreement regarding, *inter alia*, incorporation and annexation of certain real property into the City; the future use of such incorporated and annexed real property, most of which is owned by the City or the City's School Board; and settlement of the lawsuit *City of Falls Church, et al. v. Board of Supervisors of Fairfax County, et al.*, No. 1:12-cv-487 (E.D. Va.); and

**WHEREAS**, the County and the City are now prepared to enter into a voluntary boundary adjustment agreement ("Agreement"), which provides for the settlement of the aforementioned matters on terms acceptable to both the City and the County, attached hereto as Exhibit A; and

**WHEREAS**, Va. Code Ann. §§ 15.2-3400 requires that the Commission on Local Government ("Commission) review and provide a recommendation on the

Agreement before it can be reviewed, validated, affirmed, and given full force and effect by a special court appointed for that purpose; and a notice initiating such review under Va. Code § 15.2-2907 has been prepared by the Parties' attorneys, with a copy of the form attached hereto as Exhibit B ("Notice"); and the Notice actually sent to the Commission shall be in substantially this form; and

**WHEREAS**, the Rules of the Commission require that the parties to such an agreement adopt a resolution requesting review of such agreement; and

**WHEREAS**, the County and the City have negotiated a Memorandum of Understanding ("MOU"), attached hereto as Exhibit C, to clarify and govern their relations regarding this matter because the Agreement is not effective until it is approved and given full force and effect by a Special Court.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Fairfax County, Virginia, that:

1. The County approves the substance of the Agreement, a copy of which together with its Appendices 1, 2, 3, and 4, is attached hereto as Exhibit A, and hereby authorizes and directs the County Executive to execute the Agreement on behalf of the County; and
2. The County requests the Commission to review the Agreement pursuant to Va. Code Ann. §§ 15.2-3400 and 15.2-2907; and
3. The County Executive and the County Attorney are directed to take all necessary steps to effectuate this Resolution, including, but not limited to, referring the Notice, attached hereto as Exhibit B (or a notice in substantially the same form), along with the final Agreement, together with all necessary data and materials, to the Commission and to take all other actions that may be required to accomplish the Commission's review of the Agreement; and
4. The County hereby designates Cynthia L. Tianti, Deputy County Attorney, Office of the County Attorney for Fairfax County, at 12000 Government Center Parkway, Suite 549, Fairfax, Virginia 22035-0064; phone number 703-324-2421; fax number 703-324-2665; and email address [cynthia.tianti@fairfaxcounty.gov](mailto:cynthia.tianti@fairfaxcounty.gov), as its contact person for communications with the Commission regarding the review of the Agreement; and
5. It is the County's intention to readopt the final Agreement, and to adopt the Ordinance that is attached to the Agreement as Appendix 3, and thereafter petition for appointment of a Special Court for the purpose of reviewing, validating, and affirming the final Agreement and giving it full force and effect following the Commission's review; and

6. The County hereby approves the MOU, a copy of which is attached hereto as Exhibit C, and hereby authorizes and directs the County Attorney to execute the MOU on behalf of the County as its counsel.

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."

EBE:ebe

### AGENDA ITEMS

52. 3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-108 (ARLINGTON BOULEVARD DEVELOPMENT, LLC) (PROVIDENCE DISTRICT)

#### AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2012-PR-005 (ARLINGTON BOULEVARD DEVELOPMENT, LLC) (PROVIDENCE DISTRICT) (4:01 p.m.)

- (O) The application property is located on the north side of Arlington Boulevard approximately 500 feet east of its intersection with South Street, Tax Map 51-3 ((1)) 1D.

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

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

Discussion ensued with input from Mr. Krasner, regarding:

- Access to Route 50 from the service road
- Access to the garage from the alleyway and the service road
- Signalized intersection and plans for a regular signal versus a blinking signal
- Traffic issues and safe access
- Projected number of children and which schools they will be attending

- Building height and color pallet

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.

Following the public hearing, which included testimony by two speakers, Supervisor Smyth stated she had submitted items for the record.

Mr. Krasner presented the staff and Planning Commission (PC) recommendations.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA C-108, subject to the proffers dated April 19, 2013.
- Approval of the following waivers and modifications as provided by staff and listed below:
  - Approval of Special Exception Application SE 2012-PR-005, subject to the development conditions dated April 9, 2013.
  - Waiver to allow the total length of a group of single-family attached dwellings to measure 245 feet where a maximum of 240 feet is permitted.
  - Waiver of frontage improvements along Arlington Boulevard in favor of the frontage improvements shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment/Special Exception (CDPA/FDPA/SE) Plat.
  - Modification of the trail requirements along Arlington Boulevard and South Street in favor of the sidewalks shown on the CDPA/FDPA/SE Plat.
  - Modification of loading space requirements in favor of the loading space shown on the CDPA/FDPA/SE Plat.
  - Reaffirmation of the increase in floor area ratio (FAR) above 1.5 in the PDC district.

- Waiver of the privacy yard requirements for single-family attached dwellings in the PDC district in favor of the open space shown on the CDPA/FDPA/SE Plat.
- Modifications and waivers of the transitional screening and barrier requirements in favor of the plantings shown on the CDPA/FDPA/SE Plat.
- Approval of the modification of the PFM requirements at the time of site plan approval to locate underground stormwater management facilities in a residential area (PFM Section 6-0303.8) subject to the waiver conditions contained in Attachment A of Appendix 15 (Waiver Number 24549-WPFM-001-1).
- Modification of the Tree Preservation Target Area requirement in favor of the plantings shown on the CDPA/FDPA/SE plat.
- Modification of the PFM for drive aisles and parking space geometrics to allow structural columns to extend by no more than four percent into the required stall area in parking structures and to allow 22-foot-wide aisles and ramps in areas indicated with no parking on the CDPA/FDPA/SE plat.

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

(NOTE: On April 18, 2013, the PC approved Final Development Plan Amendment Application FDPA C-108-4.)

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2012-MA-022 (CG PEACE VALLEY LLC) (MASON DISTRICT)** (4:27 p.m.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2012-MA-022 until **May 14, 2013, at 3:30 p.m.** Chairman Bulova and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.



54. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-HM-008 (RBP & M LLC, SECTION 913, LP AND BOZZUTO DEVELOPMENT COMPANY) (HUNTER MILL DISTRICT)** (4:29 p.m.)

(O) The application property is located north of Route 267, south of Sunset Hills Road and west of Wiehle Avenue, Tax Map 17-4 ((19)) 1-4, 5A and 6A; 17-4 ((24)) 4B.

Mr. Brian Winterhalter reaffirmed the validity of the affidavit for the record.

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

Mr. Winterhalter 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.

Supervisor Hudgins submitted items for the record.

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

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-HM-008, from the I-4 District to the PRM District, and approval of the Conceptual Development Plan (CDP), subject to the proffers dated April 11, 2013.
- Modification to paragraph 1 of Section 16-102 of the Zoning Ordinance for yard regulations, setbacks, bulk regulations, and building heights, in favor of that shown on the CDP/Final Development Plan (FDP).
- Modification of the transitional screening and a waiver of the barrier requirements, in favor of that shown on the CDP/FDP.
- Modification of the loading requirement, in favor of the loading spaces depicted on the CDP/FDP.
- Modification to paragraph 4 of Section 17-201 of the Zoning Ordinance for the widening of Sunset Hills Road, in favor of that shown on the CDP/FDP and as proffered.

- Approval of a deviation from the tree preservation target percentage, in favor of the proposed landscaping shown on the CDP/FDP and as proffered.
- Waiver of paragraph 1(b) of Section 2-414 to permit the existing office building to be set back approximately 70 feet from the Dulles Toll Road.
- Waiver to locate underground stormwater management facilities in a residential area (PFM Section 6-0303.8), subject to the conditions dated October 9, 2012, for Waiver Number 2615-WPFM 003-1.

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.”

Following a brief discussion with input from Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning, Supervisor Smyth asked unanimous consent that the Board direct staff to standardize the process for presenting motions. Without objection, it was so ordered.

55. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S12-CW-2CP (MOBILE AND LAND-BASED SERVICES POLICY PLAN AMENDMENT) TO REVISE THE MOBILE AND LAND BASED TELECOMMUNICATION PROVISIONS AND REVIEW PROCESSES**  
(4:44 p.m.)

Chris Caperton, Public Facilities Branch Chief, Planning Division, Department of Planning and Zoning, presented the staff report.

The public hearing was held and included testimony by two speakers.

Following testimony of Frank Stearns (Speaker One), discussion ensued, with input from Elizabeth Teare, Deputy County Attorney, regarding minimizing visual impacts and identifying alternative sites in the Comprehensive Plan.

Mr. Caperton presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Plan Amendment S12-CW-2CP, as recommended by the Planning Commission (PC). The plan language reflects the recommendations of the PC telecommunications committee to provide approved direction and incentive for minimizing visual impacts in locating telecommunication facilities and improving the clarity and organization of objectives and policies related to wireless telecommunication uses. Supervisor Herrity seconded the motion.

Discussion ensued, with input from Mr. Caperton and Catherine A. Chianese, Assistant County Executive and Clerk to the Board, regarding the backup documents, edits to the PC recommendations, and corrections.

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

56. **4 P.M. – PH TO CONSIDER THE FAIRFAX FORWARD PLANNING PROCESS AND ASSOCIATED PILOT COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM** (5:04 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved to defer the public hearing to consider the Fairfax Forward Planning Process and Associated Pilot Comprehensive Plan Amendment Work Program until **July 9, 2013, at 4 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

57. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112 (ZONING ORDINANCE), REGARDING EDITORIAL CHANGES TO THE FIRE REGULATIONS, MANHOLE PLATE REFERENCES, AND VERTICAL DATUM REQUIREMENTS** (5:05 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 April 12 and April 19, 2013.

Jan Leavitt, Engineer IV, Department Public Works and Environmental Services, presented the staff report.

Discussion ensued, with input from Michael T. Riley, Fire Prevention Division, Fire and Rescue Department, Ms. Leavitt, and Sara Silverman, Assistant County Attorney, Office of County Attorney regarding:

- Parking around fire lanes
- Fire Code Laws and enforcements
- State and County Fire Code Standards
- The current Fire Code and its impact on existing neighborhoods
- Compliance of fire codes and implementation

- Signage and modifications of posting of signs
- Access to neighborhoods in an emergency

Following the public hearing, Supervisor Frey moved:

- Adoption of the proposed amendments to the PFM, and the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), and Chapter 112 (Zoning Ordinance), regarding proposed changes to the fire regulations, manhole plate references, and the vertical datum requirements, as recommended by the Planning Commission with the following additional changes:
  - Strike “or waiver” in PFM 9-0202.2I(1)
  - Strike “waiver” and replace it with “modification” in PFM 9-0202.2I(2)
  - Edit Plate #3-10, in the enlarged box, to strike “ASTM C-361” and replace it with “ASTM C-443”
- That the proposed amendments shall become effective at 12:01 a.m. on May 1, 2013.

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.”

58. **4 P.M. – PH ON A PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL (PFM), REGARDING TYSONS CORNER URBAN CENTER** (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 April 12 and April 19, 2013.

Jan Leavitt, Engineer IV, Department Public Works and Environmental Services, presented the staff report.

Discussion ensued, with input from Ms. Leavitt, who clarified that the proposed amendment is for permissive use and not required use.

Following the public hearing, Supervisor Smyth moved:

- Adoption of the proposed amendments to the PFM, regarding Tysons Corner Urban Center as recommended by the Planning Commission.
- That proposed amendments shall become effective at 12:01 a.m. on May 1, 2013.

Supervisor Foust seconded the motion.

Discussion ensued, with input from Ms. Leavitt, regarding the minimum standards and exceptions for the Fire Prevention Code.

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.”

59. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE DUNN LORING RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 3 (PROVIDENCE DISTRICT)** (5:38 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 April 12 and April 19, 2013.

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

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

60. **4:30 P.M. – A JOINT PH FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION’S (VDOT) FISCAL YEAR (FY) 2014 – 2019 SECONDARY SIX-YEAR PROGRAM AND THE FY 2014 BUDGET**  
(No Time)

The joint public hearing for VDOT’s FY 2014-2019 Secondary Six-Year Program and the FY 2014 Budget was rescheduled to **June 4, 2013, at 4:30 p.m.**

61. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:40 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 April 12 and April 19, 2013.

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. Christine Adams, regarding the high occupancy toll (HOT) lanes terminus being built between Edsall Road and Duke Street
- Mr. Greg Soltis, regarding the 395 Hot lanes terminus

Following the testimony of Mr. Soltis, a brief discussion ensued regarding the construction of the terminus.

62. **BOARD ADJOURNMENT** (5:50 p.m.)

The Board adjourned.

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