



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
January 29, 2013**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, January 29, 2013, at 9:34 a.m., there were present:

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

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 9:40 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; Dianne E. Tomasek and Ekua Brew-Ewool, Administrative Assistants, Office of Clerk to the Board of Supervisors.

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

Supervisor Frey asked everyone to keep in thoughts the family of Ms. Sara Kroll, who died recently. She was well known to the private sector and staff in Land Development Services, Department of Public Works and Environmental Services (DPWES). She was an engineer and worked on numerous projects throughout the County.

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Benjamin Ettleman, who died recently. Supervisor Hyland said Mr. Ettleman was a business owner in the Lorton area and he shared a memorable story about him. Mr. Ettleman gave a lot to the community, including the Burned Children's Campaign. For years, Davis Industries has allowed the Fire Department to train with the "jaws of life" on vehicles they receive to be crushed into scrap. Supervisor Hyland noted that in 2011 Mr. Ettleman appeared before the Board in recognition of his ninetieth birthday.

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Raymond Rainwater, who died recently. He noted that the Rainwater Landfill is across the street from the business Mr. Ettleman owned. Mr. Rainwater was also well known to staff in DPWES.

Chairman Bulova asked everyone to keep in thoughts the family of Mr. Robert Thoburn, who died recently. He previously served in the General Assembly, was a strong member of the community, and at one time had run for a seat on the Board of Supervisors, even though he was not successful.

AGENDA ITEMS2. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE CHANTILLY HIGH SCHOOL BOYS' CROSS COUNTRY TEAM AND MR. SEAN MCGORTY** (9:40 a.m.)

Supervisor Frey moved approval of the Certificates of Recognition presented to:

- Members of the Chantilly High School Boys' Cross Country team for winning the Virginia AAA Cross Country Championship at Great Meadow, The Plains, VA
- Sean McGorty, as the individual State champion, and being selected as the 2012 Gatorade Virginia Boys' Cross Country Runner of the Year

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

3. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE LAKE BRADDOCK SECONDARY SCHOOL GIRLS' CROSS COUNTRY TEAM AND MS. SOPHIE CHASE** (9:47 a.m.)

Supervisor Cook moved approval of the Certificates of Recognition presented to:

- Members of the Lake Braddock Secondary School Girls' Cross Country team for winning the Virginia AAA Cross Country Championship at Great Meadow, The Plains, VA
- Ms. Sophie Chase, as the individual State champion, and being selected as the 2012 Gatorade Virginia Girls' Cross Country Runner of the Year

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

ADDITIONAL BOARD MATTER

4. **RECOGNITION OF MS. MARY ANN CANNON** (9:55 a.m.)

Supervisor Herrity recognized the presence of Mary Ann Cannon, Director of Community Outreach for Congressman Frank Wolf's Office. On behalf of the Board, he and Chairman Bulova warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

5. **CERTIFICATES OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) HELICOPTER UNIT AND K-9 NERO AND HIS HANDLER, LIEUTENANT SHAWN MARTIN** (9:55 a.m.)

Supervisor Frey moved approval of the Certificates of Recognition presented to the FCPD Helicopter Division, K-9 Nero, and his handler, Lieutenant Shawn Martin, for their lifesaving efforts. Supervisor Gross, Supervisor Herrity, and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO MR. ROBERT E. SIMON, JR., THE RESTON ASSOCIATION, AND ITS COMMUNITY PARTNERS** (10:08 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition for *Mr. Robert E. Simon Jr., the Reston Association, and its community partners for their vision and community leadership. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

*Mr. Simon was unable to attend.

7. **RESOLUTION OF RECOGNITION PRESENTED TO REPRESENTATIVES OF THE INITIATIVE FOR PUBLIC ART – RESTON AND THE RESTON HISTORIC TRUST AND MUSEUM** (10:19 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to representatives of the Initiative for Public Art – Reston and the Reston Historic Trust and Museum for their vision and efforts to celebrate the story of community through art. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

8. **RESOLUTION OF RECOGNITION PRESENTED TO MS. KAREN DIVINEY** (10:27 a.m.)

Supervisor Frey moved approval of the Resolution of Recognition presented to Ms. Karen Diviney, upon her retirement, for more than 25 years of service to the County. Ms. Diviney most recently served as the Animal Shelter director. Supervisor Hyland seconded the motion and it carried by unanimous vote.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. STEPHANIE ABBOTT** (10:48 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Stephanie Abbott for her years of service on the Fairfax County Public Library Board. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO DOMINION VIRGINIA POWER** (10:54 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to Dominion Virginia Power for its donation of land to the County to enable a safe, accessible pedestrian access to the Spring Hill Recreation Center and the Spring Hill School. Supervisor Gross, Supervisor Hyland, and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

11. **RESOLUTION OF RECOGNITION PRESENTED TO THE GREATER RESTON CHAMBER OF COMMERCE** (11 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to the Greater Reston Chamber of Commerce for its thirtieth anniversary. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

12. **PROCLAMATION DESIGNATING FEBRUARY 2012 AS "AFRICAN AMERICAN HISTORY MONTH" IN FAIRFAX COUNTY** (11:11 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate February 2013 as "*African American History Month*" in Fairfax County. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

ADDITIONAL BOARD MATTER

13. **RECOGNITION OF MS. ANNIE CARROLL** (11:30 a.m.)

Supervisor Hudgins recognized the presence of Annie Carroll, staff, Office of Human Rights and Equity Programs, and announced that this may be the last time she attends a Board meeting because she will be retiring soon. On behalf of the Board, Supervisor Hudgins and Chairman Bulova thanked Ms. Carroll for her service to the County and extended best wishes on her retirement.

AGENDA ITEMS

14. **10:30 A.M. – PRESENTATION OF THE DON SMITH AWARD**
(11:31 a.m.)

Randy R. Creller, Chairperson, Employee Advisory Council (EAC), presented the history of the Don Smith Award.

The Don Smith Award was presented to:

- Dominic Runfola, Fire and Rescue Department

Honorable Mention Awards were presented to:

- Amy Gaisor, Sheriff's Office
- Mark Kidd, Police Department

15. **10:45 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES**
(11:38 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, briefed the Board on the report distributed to Board Members at the dais. He noted that the Legislative Committee had its first meeting this year on Friday, January 18, 2013, and the report contains the bills that were discussed at that meeting.

In addition, Supervisor McKay noted that the January 25, meeting was cancelled due to concerns with the weather, so the report also includes the bills with staff recommendations that were circulated to the Board on Friday. Those bills begin

on page 18 of the report and are marked as staff recommendations. He stated that he was not aware of any objections that have been raised to these recommendations – many of them are historic.

Supervisor McKay announced that VACo/VML Day is scheduled for Thursday, January 31, 2013. He also announced that the Board will host its annual legislative reception in Richmond on Wednesday, February 13, at 5:30 p.m. in Old City Hall.

Supervisor McKay moved adoption of 2013 Legislative Report Number One, including the staff recommendations that were circulated on Friday, January 25, 2013. Supervisor Foust seconded the motion and it carried by unanimous vote.

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16. **11 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:44 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy “Appointments to be Heard January 29, 2013,” as distributed around the dais. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Gross asked unanimous consent that the Board direct the Clerk to provide information on how Board vacancies are listed for citizens. Without objection, it was so ordered.

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Reappointment of:

- Ms. Jane W. Gwinn as the Braddock District Representative
- Ms. Kerrie Wilson as the Dranesville District Representative
- Mr. Ronald Copeland as the Hunter Mill District Representative
- Mr. Joseph Blackwell as the Lee District Representative
- Ms. Eileen Garnett as the Mason District Representative
- Ms. Ernestine Heastie as the Providence District Representative

- Mr. Philip Rosenthal as the Springfield District Representative

The Board deferred the appointments of the At-Large Chairman's Representative and Mount Vernon District Representative.

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

Appointment of:

- Dr. Francine De Ferriere Kemp as the Dranesville District Representative

Reappointment of:

- Mr. George Page as the Hunter Mill Business Representative
- Mr. Samuel Thornton as the Lee District Representative
- Mr. Robert A. Peter as the Providence District Representative
- Mr. David Skiles as the Springfield District Representative
- Ms. Viki Kinsman as the Sully District Representative

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Confirmation of:

- Ms. Laura Sauer as the Fairfax-Falls Church Community Services Board Alternate Representative
- Mr. John Murray as the Commonwealth Attorney Alternate Representative

ATHLETIC COUNCIL

Reappointment of:

- Mr. Clarke Gray as the Providence District Alternate Representative

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Reappointment of:

- Ms. Yvonne Demory as the Professional #5 Representative

The Board deferred the appointment of the Professional #6 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Appointment of:

- Mr. Kanthan Siva as the Sully District Representative

CHILD CARE ADVISORY COUNCIL

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

CITIZEN CORPS COUNCIL

The Board deferred the appointment of the Providence District Representative.

COMMISSION FOR WOMEN

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

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

Reappointment of:

- Ms. Nancy Susco as the At-Large Chairman's Representative
- Dr. Howard LeRoy Kelley as the At-Large Representative
- Ms. Lilian Heizer as the At-Large Minority Representative

The Board deferred the appointment of the Lee, Mount Vernon, and Providence District Representatives, and the Religious Community Representative.

COMMUNITY POLICY AND MANAGEMENT TEAM, FAIRFAX-FALLS CHURCH (CPMT)

Confirmation of:

- Ms. Staci Jones Alexander as the Parent #1 Representative
- Ms. Cristy Gallagher as the Parent #2 Representative

CONSUMER PROTECTION COMMISSION

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

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

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

Confirmation of:

- Mr. Colin McDonald as the General District Court Representative
- Captain Derek DeGeare as the Sheriff's Office Representative
- Captain John J. Snyder as the Sheriff's Office Alternate Representative
- Mr. Muata Langley as the OAR Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Appointment of:

- Mr. Michael R. Sanio as the Hunter Mill District Representative

Reappointment of:

- Mr. Robert McLaren as the At-Large #1 Representative
- Mr. Larry J. Zaragoza as the Mount Vernon District Representative

The Board deferred the appointment of the At-Large Chairman's Representative, At-Large #2 Representative, and Providence District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Melanie Rochon Bush as a Long Term Care Provider
- Ms. Patricia Huff Velandar as a Long Term Care Provider

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Appointment of:

- Mr. Curtis Viebranz as the Mount Vernon District Representative

FAIRFAX –FALLS CHURCH COMMUNITY SERVICES BOARD

The Board deferred the appointment of the At-Large #3 Representative and the Mount Vernon and Sully District Representatives.

HEALTH SYSTEMS AGENCY BOARD

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

HUMAN RIGHTS COMMISSION

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

HUMAN SERVICES COUNCIL

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Confirmation of:

- Mr. Robert Lehman as the Fairfax County Chamber of Commerce Representative
- Mr. Luke Chung as the School Board Representative

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Reappointment of:

- Ms. Caroline Kerns as the Sully District Representative

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

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Appointment of:

- Ms. Jennifer McGarey as the Fairfax County #2 Representative

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

PARK AUTHORITY

Reappointment of:

- Mr. Kevin Fay as the Dranesville District Representative

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

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

Confirmation of:

- Captain Edward O'Carroll as the Staff Police Representative

ROAD VIEWERS BOARD

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

SMALL BUSINESS COMMISSION

Appointment of:

- Ms. H. Lillian Vogl as the Providence District Representative

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Reappointment of:

- Ms. Michelle Burchett as the Fairfax County #2 Representative

TENANT LANDLORD COMMISSION

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

TREE COMMISSION

Appointment of:

- Dr. Mékell Mikell as the Lee District Representative

The Board deferred the appointment of the Providence District Representative.

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

UPPER OCCOQUAN SEWAGE AUTHORITY(UOSA)

Confirmation of:

- Mr. John W. di Zerega as the Fairfax County #2 Representative
- Mr. Randy Bartlett as the Fairfax County Alternate #2 Representative

WETLANDS BOARD

Reappointment of:

- Ms. Glenda Booth as the Mount Vernon District #1 Representative

Appointment of:

- Mr. Gavin Carter as the Mount Vernon District #3 Representative

DET:det

17. **ADMINISTRATIVE ITEMS** (11:46 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 5 – Authorization to Advertise Public Hearings on Proposed Amendments to The Public Facilities Manual (PFM), Chapter 2 (General Subdivision and Site Plan Information), Chapter 4 (Geotechnical Guidelines), Chapter 6 (Storm Drainage), and Chapter 7 (Streets, Parking and Driveways), Regarding Testing Procedures for Infiltration Facilities and Minor Editorial Corrections. Discussion ensued concerning the availability of information at the rezoning stage, with input from Beth Forbes, Engineer IV, Code Development and Compliance Division, Land Development Services (LDS), Department of Public Works and Environmental Services (DPWES) and Michelle Brickner, Deputy Director, LDS, DPWES, regarding discussions with the Department of Planning and Zoning concerning DPWES stormwater comments.

Supervisor Frey called the Board's attention to Admin 3 – Authorization to Advertise a Public Hearing on a Proposed Agreement with the Commissioner of Highways of the Commonwealth of Virginia Regarding Sign Removal in the Public Rights-of-Way. Supervisor Frey asked unanimous consent that the Board direct staff to provide additional information prior to the public hearing concerning current efforts by the Sheriff Department's Community Labor Force and the incorporation of the duties associated with this item. Without objection, it was so ordered.

Supervisor McKay expressed a similar concern about the effect on those responsible for enforcement in the Code Development and Compliance Division as well as whether sufficient funds were being allocated.

Chairman Bulova noted that while this item authorizes a public hearing on February 26 at 4 p.m., the Board wishes to be assured that sufficient resources are available to implement and operate the program.

Supervisor Hyland inquired as to the personnel necessary to address sign removal, with input from Robert A. Stalzer, Deputy County Executive, regarding providing additional operating details to the Board including resource requirements and streets and roads already identified. Mr. Stalzer noted that the Board's reaction and comment before the public hearing would be appreciated.

Captain Sean Whitmore, Alternative Incarceration Branch, Sheriff's Department, discussed manpower and mirroring bus shelter routes. Discussion continued concerning significant progress made to-date including enforcement efforts by the Virginia Department of Transportation.

Supervisor Foust called the Board's attention to the exception to signs advertising or providing directions to a "special event" with an inquiry regarding regulating content. Discussion ensued, with input from David P. Bobzien, County Attorney, concerning the development of internal guidelines as to what constitutes a special event.

Supervisor Herrity recalled the Board's attention to Admin 5 requesting additional information as to where standards are more stringent than State law, with input from Ms. Forbes, who agreed to provide a table. Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that that information be provided to the entire Board. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor McKay asked unanimous consent that the Board direct staff to include information identifying items included in the amendments that are not currently being done specifically by industry in the field as well as the projected range of relative cost of those activities. Without objection, it was so ordered.

Discussion ensued regarding the fiscal impact and additional staff review, with input from Ms. Brickner, regarding inclusion in the PFM practices DPWES has been using for several years through a letter to industry. She added that it also provided additional flexibility for the industry as to the time of year they test.

Discussion continued concerning review of work that has been conducted by a certified engineer, with input from Ms. Brickner regarding a quality check by the County. Supervisor Herrity asked unanimous consent that the Board direct staff to provide information concerning the additional:

- Time the reviews add to the process
- Cost to both the applicant and the County

Without objection, it was so ordered.

Supervisor McKay noted that at the last Developmental Process Committee meeting, there was to be an update from staff as well as the processing of plans and applications, in particular as they related to a timeframe. He noted that the complaints he and other Board Members have heard relate to the amount of time it takes to have plans approved in comparison to past years. Supervisor McKay asked unanimous consent that the Board direct staff, when it reports at the next Developmental Process Committee, to include the provisions in this item in explaining in context the length of time it takes for plans to be reviewed. Without objection, it was so ordered.

Supervisor Smyth, noting the need for a balancing act, commented on the County's responsibility in its regulatory role to protect the community noting that mistakes can and have been made. Discussion continued on the role of oversight.

Supervisor Herrity called the Board's attention to Admin 8 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Home Child Care Facilities. Discussion ensued, with input by Leslie B. Johnson, Zoning Administrator, Department of Planning and Zoning, concerning:

- By-right numbers
- Increasing the special permit application fee
- Length of time to complete the process
- Staff resources to process and streamlining efforts
- The Board of Zoning Appeals' (BZA) calendar

Supervisor Herrity express his intent to amend the by-right numbers contained in this item. Discussion ensued concerning voting on this item separately.

Supervisor Frey moved approval of the staff recommendation for Admin 8 by adopting the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on March 20, 2013, at 8:15 p.m., and before the Board on May 14, 2013, at 4:30 p.m. to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding home child care facilities, to consider an increase in the maximum number of children that may be cared for in a home child care facility with special permit approval from 10 to 12, a reduction in the special permit filing fee for home child care facilities, and to review the appropriateness of the existing special permit standards. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Supervisor Herrity moved to amend the motion to increase the number of by-right children in a single family detached dwelling from seven to ten. Supervisor Hyland seconded the motion. The question was called on the motion and it **FAILED** by a recorded vote of eight, Supervisor Herrity and Supervisor Hyland voting “**AYE.**”

Supervisor McKay asked for clarification for the record concerning anyone who is currently in violation and files for a special permit, that enforcement action on behalf of the County would cease because they are “in the process,” and this was confirmed by Ms. Johnson who noted that the County was not currently enforcing it at this point in time pending this proposed amendment to the ordinance. She noted that that **excluded** life and safety issues.

The question was called on the motion to approve Admin 8 and it carried by unanimous vote.

The question was called on the main motion to approve the Administrative Items 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 – SUPPLEMENTAL APPROPRIATION RESOLUTION AS 13181 FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO ACCEPT GRANT FUNDING FROM THE COMMONWEALTH OF VIRGINIA – GOVERNOR’S OPPORTUNITY FUND (GOF) FOR INTELSAT CORPORATION

- (SAR) Approved SAR AS 13181 for the EDA to accept the grant funding in the amount of \$1.3 million to convey to Intelsat Corporation as the State portion of the grant. No local cash match is required. The County will provide transportation improvements in Tysons in the Providence District. The transportation improvements identified for the GOF match (i.e., the Jones Branch Connector) are already planned and funded within the Department of Transportation, and will not require any additional County expenditure.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY TO A MEMBER OF THE PUBLIC (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 5, 2013, at 4 p.m.** regarding the conveyance of Board-owned property to a member of the public and waived County policy requiring notification of adjacent property owners of the public hearing by certified mail.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AGREEMENT WITH THE COMMISSIONER OF HIGHWAYS OF THE COMMONWEALTH OF VIRGINIA REGARDING SIGN REMOVAL IN THE PUBLIC RIGHTS-OF-WAY

(A)(R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See pages 13–14.)

Adopted a Resolution authorizing the advertisement of a public hearing to be held before the Board on **February 26, 2013, at 4 p.m.** regarding a proposed agreement with the Commission of Highways of the Commonwealth of Virginia regarding sign removal in the public rights-of-way.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE BONNIE BRAE COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **February 26, 2013, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Bonnie Brae CPD. The proposed district includes the following street blocks:

- Allerton Road (Route 5198), from Zion Drive to Black Oak Drive
- Arrowood Street (Route 5194), from Black Oak Drive to Southport Lane
- Black Oak Drive (Route 5196), from cul-de-sac north to cul-de-sac south
- Fiesta Road (Route 5199), from Southport Lane to cul-de-sac inclusive
- Indigo Lane (Route 5197), from cul-de-sac north to cul-de-sac south
- Southport Lane (Route 5195), from Black Oak Drive to cul-de-sac inclusive

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), CHAPTER 2 (GENERAL SUBDIVISION AND SITE PLAN INFORMATION), CHAPTER 4 (GEOTECHNICAL GUIDELINES), CHAPTER 6 (STORM DRAINAGE), AND CHAPTER 7 (STREETS, PARKING AND DRIVEWAYS), REGARDING TESTING PROCEDURES FOR INFILTRATION FACILITIES AND MINOR EDITORIAL CORRECTIONS

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See pages 13–15.)

Authorized the advertisement of a public hearing to be held before the Planning Commission on February 21, 2013, at 8:15 p.m. and before the Board on **March 19, 2013, at 4 p.m.** to consider proposed amendments to the PFM, Chapter 2 (General Subdivision and Site Plan Information), Chapter 4 (Geotechnical Guidelines), Chapter 6 (Storm Drainage), and Chapter 7 (Streets, Parking, and Driveways), regarding testing procedures for infiltration facilities and minor editorial corrections.

ADMIN 6 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, MASON, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Springvale Estates	Dranesville	Springvale Meadow Lane Springvale Road (Route 674) [Additional Right-of-Way (ROW) Only]
County Investments Company Parcel B (Palace Garden Restaurant)	Mason	Frontage Road of Little River Turnpike (FR781) (Additional ROW Only) John Marr Drive (Route 2948) (Additional ROW Only)
Boyer and Cocke Subdivision Lots 1 and 2 (Hoa Nghiem Pagoda)	Mount Vernon	Backlick Road (Route 617) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Mazzello Cove	Mount Vernon	Alban Road (Route 790) (Additional ROW Only)
Lee-Brooke Section Two	Springfield	Garden Road Center Road (Route 777) (Additional ROW Only)
Fidelio Properties (Ferguson Enterprises) and Centreville Road Widening (0657-029-385, C501)	Sully	Lowe Street Centerview Drive Centreville Road (Route 657) (Additional ROW Only)
Madison Meadows	Sully	Madison Meadows Lane Vale Road (Route 671) (Additional ROW Only)
Sully North Investments Dulles Discovery	Sully	Air and Space Museum Parkway (Route 7833) Air and Space Museum Parkway (Route 7833) (Additional ROW Only) Wall Road (Route 645) (Additional ROW Only)

ADMIN 7 – DISCONTINUANCE OF PORTIONS OF OLD SPRINGHOUSE ROAD (ROUTE 3543) FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS (PROVIDENCE DISTRICT)

- (R) Adopted a Resolution requesting that the remaining portions of Old Springhouse Road (Route 3543) be discontinued from the Secondary System of State Highways.

ADMIN 8 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING HOME CHILD CARE FACILITIES

(NOTE: Earlier in the meeting, the Board approved this item. See pages 15–16.)

18. **A-1 – REVISIONS TO CHAPTERS 4, 16, AND 17 OF THE PERSONNEL REGULATIONS CLARIFYING CONFLICT OF INTEREST RESTRICTIONS, ALIGNING STANDARDS OF CONDUCT WITH VIRGINIA CODE, AND ALIGNING GRIEVANCE SUBMISSION SCHEDULES WITH VIRGINIA CODE** (12:21 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the proposed revisions to Chapters 4, 16, and 17 of the Personnel Regulations. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Discussion ensued, concerning page 164 of the Board Agenda Item dated January 29, 2013, regarding restricting what weapons can be brought onto County property by employees, including parking lots, with input from Cynthia L. Tianti, Deputy County Attorney, concerning aligning current County regulations with the new State law that allows guns and ammunition to be stored in vehicles.

Discussion continued, concerning page 172 of the Board Agenda Item dated January 29, 2013, regarding the time period for appealing a determination of non-grievability to circuit court, with additional input from Ms. Tianti concerning the time period in the regulations complying with State law and the jurisdiction of the court.

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

19. **A-2 – ENDORSEMENT OF THE FISCAL YEAR (FY) 2014 VIRGINIA DEPARTMENT OF TRANSPORTATION'S (VDOT) TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT APPLICATIONS** (12:28 p.m.)

- (R) Supervisor Foust moved that the Board concur in the recommendation of staff and adopt the Resolutions endorsing the proposed list of applications outlined in Attachment 1 of the Board Agenda Item dated January 29, 2013, with the exclusion of Phase III of the Georgetown Pike Walkway project, for the FY 2014 TAP. Supervisor McKay seconded the motion.

Supervisor Cook inquired as to the status of the Safe Routes to School grant that was received for the Burke Centre Parkway project, with input from Tom Biesiadny, Director, Department of Transportation, concerning the current solicitation of projects which would not include that project. Discussion ensued concerning the reconfiguration of the program by Federal legislation. Mr. Biesiadny noted that VDOT was only considering projects that previously received enhancement funding; however, he noted that in subsequent application periods, the parameters will be broader and Safe Routes to School types of projects could be considered.

Discussion continued regarding the total amount of Federal money, with input from Mr. Biesiadny concerning a graph on page 200 of the Board Agenda Item dated January 29, 2013. Additional discussion ensued concerning the availability of funds previously designated for Phase III of the Georgetown Pike Walkway project and funds previously designated for the Burke Centre Parkway project.

Following further discussion concerning the significance of the other applications in the queue and payment of the local match generally by the requesting organizations, Supervisor McKay inquired as to the VDOT presentation on page 199 of the Board Agenda Item dated January 29, 2013, relating to pedestrian and bicycle safety and education and the effect on Safe Routes to School. Mr. Biesiadny noted that those provisions appear on page 202 (Eligible Projects) of the Board Agenda Item dated January 29, 2013, #2 “Construction, planning and design of infrastructure-related projects and systems that will provide safe routes for non-drivers (Includes Safe Routes to Schools).

Supervisor McKay asked unanimous consent that the Board direct staff to provide additional information on the project that has been proposed at Lynnbrook Elementary School on Backlick Road. Without objection, it was so ordered.

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.”

20. **A-3 – TRANSFER OF OWNERSHIP OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) BUS SHELTERS** (12:37 p.m.)

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

- Approve the transfer of ownership and maintenance of the VDOT bus shelters listed in the Board Agenda Item dated January 29, 2013
- Authorize the Director of the Department of Transportation to execute the agreement of transfer of ownership

Supervisor Hyland seconded the motion.

Discussion ensued with input from Tom Biesiadny, Director, Department of Transportation, concerning:

- The cost to the County
- County ownership of all bus shelters with the exception of those that VDOT owned and maintained, including Park-and-Ride lots

- Coverage of maintenance by the advertising contractor
- Location of the shelters on 100 percent of VDOT right-of-way

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

21. **A-4 – AUTHORIZATION TO SIGN A LETTER OF AGREEMENT WITH THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) RELATIVE TO THE NORTH KINGS HIGHWAY MEDIAN IMPROVEMENT PROJECT (LEE DISTRICT)** (12:39 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to sign a Letter of Agreement with WMATA.

22. **A-5 – AUTHORIZATION TO FILE COMMENTS IN RESPONSE TO THE FEDERAL COMMUNICATIONS COMMISSION (FCC) FURTHER NOTICE OF PROPOSED RULEMAKING TO FACILITATE THE DEPLOYMENT OF TEXT-TO-911 AND OTHER NEXT GENERATION 911 APPLICATIONS** (12:40 p.m.)

Supervisor Herrity moved that the Board concur in the recommendation of staff and authorize staff to file comments with the FCC regarding technical and education requirements wireless carriers and interconnected text message providers must properly assume to clearly notify their customers when the ability to text to 911 for emergency situations is not available within a geographic area. Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Following comments concerning the County taking a lead role, Supervisor Frey inquired about the late arrival of this item, with input from Michael H. Long, Deputy County Attorney, and Steve McMurrer, Public Safety Communicator III, Fairfax County 911 Systems Administrator, Department of Public Safety Communications, regarding the time schedule for bringing this item before the Board, as well as the County's efforts in next generation 911 and text-to-911.

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

23. **A-6 – APPROVAL OF A RESOLUTION AUTHORIZING THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) TO ISSUE A FAIRFAX COUNTY LICENSE PLATE** (12:45 p.m.)

- (R) Supervisor Herrity moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing DMV to issue a County license plate. Chairman Bulova seconded the motion.

Discussion ensued concerning the number of pre-applications that are necessary before DMV will begin the process and the number of applications needed before the County begins to share the revenue. Discussion ensued, with input from Barry H. Biggar, President and Chief Executive Officer, Visit Fairfax, who addressed the issues and made remarks, which included information concerning the use of the license plates on local hotels' shuttle vans, marketing plans, and costs.

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."

Supervisor Herrity moved that the Board select color mock-up number two (the middle example) which had been distributed separately from the Board package. The motion died for the lack of a second.

Supervisor Hyland moved that the Board select color mock-up number three. Supervisor Herrity seconded the motion. Supervisor McKay asked to amend the motion to change the order of the URL designations as follows:

- www.fxva.com
- www.fairfaxcounty.gov

This was accepted.

Discussion ensued concerning the use of the County seal versus the use of another County icon, with further input from Mr. Biggar regarding the selection of the design.

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

24. **I-1 – MID COUNTY HUMAN SERVICES CENTER AND I-66 TRANSFER STATION OPERATIONS CENTER RECEIVE AWARDS OF EXCELLENCE FROM THE NATIONAL ASSOCIATION OF INDUSTRIAL AND OFFICE PROPERTIES (NAIOP) (PROVIDENCE AND SPRINGFIELD DISTRICTS)** (1:01 p.m.)

The Board next considered an item contained in the Board Agenda dated January 29, 2013, announcing that the Mid County Human Services Center and I-66 Transfer Station Operations Center received awards from the NAIOP.

ADDITIONAL BOARD MATTERS25. **ORDERS OF THE DAY** (1:01 p.m.)

Following an inquiry to David Bobzien, County Attorney, regarding the amount of time needed in closed session, Chairman Bulova announced that Board Matters would be presented later in the meeting, following public hearings.

(NOTE: Later in the meeting, Board Matters were presented. See pages 42–56.)

26. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2010-PR-019 (PROVIDENCE DISTRICT)** (1:02 p.m.)

Supervisor Smyth announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2010-PR-019.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #39.)

27. **DEFERRAL OF REZONING APPLICATION RZ 2012-SU-010 (SULLY DISTRICT)** (1:02 p.m.)

Supervisor Frey announced that Rezoning Application RZ 2012-SU-010 will be formally deferred, as indicated on the schedule. (See Clerk's Summary Item #40.)

AGENDA ITEMS28. **RECESS/CLOSED SESSION** (1:02 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. Damage to the Fairfax County Courthouse Complex (Providence District)
2. *Gary Pisner v. Board of Supervisors of Fairfax County, Virginia*, Record No. 121399 (Va. Sup. Ct.) (Springfield District)
3. *Christopher Wills v. Charles P. Rosenberg, Donna Marie Stephenson, John Robert Stone, Cindy Lundberg, Michael Feightner, Nathaniel McFadden, Reginald A. Johnson, Maurice Simmons, James Black, Mr. Hamed, Mr. Asib, and Hellen Fayeh [sic]*, No. 12-6690 (U. S. Ct. of Appeals for the Fourth Cir.)
4. *Louise Root v. County of Fairfax*, Case No. 1:12-CV-1148 (E.D. Va.)
5. *Jennifer Logan v. Fairfax County Department of Family Services*, Record No. 2608 11-4; *Kevin Logan v. Fairfax County Department of Family Services*, Record No. 2751-11-4 (Va. Ct. App.)
6. *Tyrus H. Thompson v. Fairfax County Department of Family Services*, Record No. 2185-12-4 (Va. Ct. App.); *Jasmine Vanderplas v. Fairfax County Department of Family Services*, Record No. 2216-12-4 (Va. Ct. App.); *Minh-Sang Nguyen v. Fairfax County Department of Family Services*, Record No. 2217-12-4 (Va. Ct. App.); *Brielle Nguyen v. Fairfax County Department of Family Services*, Record No. 2232-12-4 (Va. Ct. App.)
7. *Beatriz Karina Roa v. Fairfax County, Chairman Sharon Bulova, David Bobzien, Oakton Fire and Rescue Department, Jason G. Pryor and Man Y. Li*, Case No. CL-2011-0016728 (Fx. Co. Cir. Ct.)
8. *ELCON Enterprises, Inc. v. County of Fairfax, Virginia and Department of Purchasing and Supply Management, and Cathy Muse*, Case No. 2012-0018243 (Fx. Co. Cir. Ct.)
9. *Lin Tran v. Lori Labarea and County of Fairfax Virginia Police Department*, Case No. 2012-0018380 (Fx. Co. Cir. Ct.)

10. *Fairfax County, Virginia v. Landamerica Property Corporation, Inc.*, Case No. CL-2012-0019454 (Fx. Co. Cir. Ct.) (Lee District)
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John M. Michaely*, Case No. CL-2012-0008722 (Fx. Co. Cir. Ct.) (Providence District)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charilene N. Lucas, a.k.a. Christine N. Lucas*, Case No. CL-2011-0012915 (Fx. Co. Cir. Ct.) (Lee District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup*, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter A. Knick and Phyllis E. Knick*, Case No. CL-2011-0009274 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Armulfo Argueta and Rosa Isabel Crick*, Case No. CL-2010-0005805 (Fx. Co. Cir. Ct.) (Mason District)

18. *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)
19. *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)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolyn A. Studds*, Case No. CL-2010-0017283 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tavares Family Limited Partnership*, Case No. CL-2013-0000220 (Fx. Co. Cir. Ct.) (Lee District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tavares Family Limited Partnership*, Case No. CL-2013-0000198 (Fx. Co. Cir. Ct.) (Lee District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Joseph Powers*, Case No. CL-2012-0003924 (Fx. Co. Cir. Ct.) (Lee District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charles Yeh and Mary Yeh*, Case No. CL-2012-0002343 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Winkal Holdings, LLC, Burcin Kalendar*, Case No. CL-2011-0010764 (Fx. Co. Cir. Ct.) (Lee District)

27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sherry Worsham Harlow*, Case No. CL-2012-0005224 (Fx. Co. Cir. Ct.) (Springfield District/Town of Clifton)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bryce A. Schwarzmans*, Case No. 2012-0006422 (Fx. Co. Cir. Ct.) (Mason District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Parrish and Maria P. Tungol*, Case No. CL-2012-0009121 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duc Dang*, Case No. CL-2012-0011237 (Fx. Co. Cir. Ct.) (Providence District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilder B. Montano*, Case No. CL-2012-0015051 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Osob Farah*, Case No. CL-2012-0011473 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Miklos I. Bitter and Terri L. Bitter*, Case No. CL-2012-0016412 (Fx. Co. Cir. Ct.) (Hunter Mill District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Laura E. Taylor*, Case No. CL-2012-0016312 (Fx. Co. Cir. Ct.) (Lee District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Grace Y. Hurr*, Case No. CL-2012-0009757 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax*

- County, Virginia v. Loren J. Thompson*, Case No. CL-2012-0008006 (Fx. Co. Cir. Ct.) (Providence District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Susy A. Ortega*, Case No. CL-2012-0016011 (Fx. Co. Cir. Ct.) (Providence District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Linh Dang Huu Vu and Linh Thao Dang Vu*, Case No. CL-2012-0016767 (Fx. Co. Cir. Ct.) (Braddock District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John V. Kearney*, Case No. CL-2012-0012916 (Fx. Co. Cir. Ct.) (Lee District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jefferson Investment Company, L.P., d/b/a Jefferson Investment Company, LLC*, Case No. CL-2012-0014850 (Fx. Co. Cir. Ct.) (Providence District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bernadette Boka and James L. Leslie*, Case No. CL-2012-004058 (Fx. Co. Cir. Ct.) (Mason District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Cadima*, Case No. CL-2012-0018955 (Fx. Co. Cir. Ct.) (Mason District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2012-0019078 (Fx. Co. Cir. Ct.) (Dranesville District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Reston Zoo, LLC*, Case No. CL-2012-0019076 (Fx. Co. Cir. Ct.) (Hunter Mill District)

45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kim Mai*, Case No. CL-2012-0019077 (Fx. Co. Cir. Ct.) (Providence District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Zahir Ahmed*, Case No. CL-2012-0019602 (Fx. Co. Cir. Ct.) (Mount Vernon District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mariano C. Evangelista and Armida A. Evangelista*, Case No. CL-2013-000221 (Fx. Co. Cir. Ct.) (Mason District)
48. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Alex Gomez*, Case No. CL-2013-0000222 (Fx. Co. Cir. Ct.) (Mount Vernon District)
49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ashley Nicole Le*, Case No. CL-2012-0019078 (Fx. Co. Cir. Ct.) (Lee District)
50. *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)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carole A. LeBlanc*, Case No. CL-2013-0000242 (Fx. Co. Cir. Ct.) (Mason District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Randal S. Cordes*, Case No. CL-2013-0000441 (Fx. Co. Cir. Ct.) (Dranesville District)
53. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. M. Mehdi Rashidian and Joyce Elaine Rashidian*, Case No. GV12-027592 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael Ternisky*, Case No. GV12-026045 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
55. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melissa S. Malone*, Case No. GV12-026048 (Fx. Co. Gen. Dist. Ct.) (Lee District)
56. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert F. Blunt, Jr.*, Civil Case Nos. GV12-026998 and GV12-026999 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
57. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rashid Aquil*, Case No. GV12-029079 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
58. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harlan Y.M. Lee and Mary Jane Lee*, Case No. GV12-026231 (Fx. Co. Gen. Dist. Ct.) (Providence District)
59. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nargis A. Lipi and Mohammed Maniruzzaman*, Case No. GV12-0027591 (Fx. Co. Gen. Dist. Ct.) (Mason District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stephen P. Williams and Linda J. Williams*, Case No. GV-12-0021520 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
61. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Linh Thuy Dang and Tam Thanh Kha*, Case No. GV12-026502 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
62. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eagle Tattoo, Ltd., Giovan V. Nguyen, and Nhat T. Nguyen*, Case No. GV12-021957 (Fx. Co. Gen. Dist. Ct.) (Mason District)

63. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Katerina Francis*, Case No. GV12-0026043 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
64. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Daniel Bahta and Lishan Kassa*, Case No. GV12-026044 (Fx. Co. Gen. Dist. Ct.) (Lee District)
65. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mohammad S. Choughtai, a/k/a Mohammed S. Choughtai*, Case No. GV12-027589 (Fx. Co. Gen. Dist. Ct.) (Mason District)
66. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marcus S. Eder and Renee H. Eder*, Case No. GV12-027525 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
67. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James A. Steele and Kelly J. Steele*, Case Nos. GV12-025843 and GV12-025844 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
68. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jerry L. Coffey and Gretchen L. Coffey*, Case No. GV12-026047 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
69. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdel-Hamid Mohammed Eqab*, Case No. GV12-026042 (Fx. Co. Gen. Dist. Ct.) (Lee District)
70. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wayne F. Sandross and Lisa L. Sandross*, Case No. GV12-028906 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
71. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mervin R. Greenwood*, Case Nos. GV12-023821 and GV12-023821 (Fx. Co. Gen. Dist. Ct.) (Sully District)

72. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rotanna L. Mullen*, Case No. GV13-000202 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
73. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria A. Obando*, Case No. GV13-000261 (Fx. Co. Gen. Dist. Ct.) (Lee District)
74. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Moody, Jr., and Sonja A. Moody*, Case No. GV13-000262 (Fx. Co. Gen. Dist. Ct.) (Lee District)
75. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hamazasb Sardarbegians*, Case No. GV13-000324 (Fx. Co. Gen. Dist. Ct.) (Mason District)
76. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hamazasb Sardarbegians*, Case No. GV13-000324 (Fx. Co. Gen. Dist. Ct.) (Mason District)
77. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Maria Perez, Leandro Andres Perez, Jenny Milena Castillo Lancheros*, Case No. GV13-000629 (Fx. Co. Gen. Dist. Ct.) (Sully District)
78. *Board of Supervisors of Fairfax County, Virginia v. Equity Homes, LLC, Ray Yancey, Trustee, and Arch Insurance Company*, Case No. CL-2012-0003600 (Fx. Co. Cir. Ct.) (Braddock District)

And in addition:

- *Rose C. Merchant v. Fairfax County, Virginia, et al.*, Case Number 1:10-cv-376-TSE-TRJ
- Article 10, Section .10-102 of the Zoning Ordinance
- *Manchester Oaks Homeowners Association, Inc. v. Patrick K. Batt, et al.*, Record Number 111949
- Affordable Dwelling Unit Program
- *City of Fairfax v. County of Fairfax*

- Virginia Code Section 15.2-1414.2 and Fairfax County Code Section 3-2-57

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

EBE:ebe

At 4:08 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

29. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:08 p.m.)

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

30. **AUTHORIZATION OF SETTLEMENT IN THE CASE OF ROSE C. MERCHANT VERSUS FAIRFAX COUNTY, VIRGINIA ET AL.** (4:08 p.m.)

Supervisor Gross moved that the Board authorize a settlement of *Rose C. Merchant versus Fairfax County, Virginia, et al.*, Case No. 1:10-cv-376-TSE-TRJ, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous.

31. **AUTHORIZATION TO FILE A LAWSUIT** (4:09 p.m.)

Supervisor Smyth moved that the Board authorize the filing of a lawsuit regarding the collapse of a portion of the soffit in the main colonnade of the main entrance to the Fairfax County Courthouse, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous vote.

32. **AUTHORIZATION OF SETTLEMENT OF BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA VERSUS EQUITY HOMES, LLC, ET AL.** (4:10 p.m.)

Supervisor Cook moved that the Board authorize a settlement of *Board of Supervisors of Fairfax County, Virginia versus Equity Homes, LLC, et al., Case No. CL-2012-0003600*, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

33. **3 P.M. – ANNUAL MEETING OF THE SOLID WASTE AUTHORITY**
(4:10 p.m.)

At 4:10 p.m., the annual meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Bulova in accordance with Article III, Section I of the bylaws.

Supervisor Gross moved that the Board appoint the following officers and officials to the Fairfax County Solid Waste Authority:

OFFICERS

Sharon Bulova Chairman, Fairfax County Board of Supervisors	– Chairman
Penelope A. Gross Vice-Chairman, Fairfax County Board of Supervisors	– Vice-Chairman
Catherine A. Chianese Clerk to the Fairfax County Board of Supervisors	– Secretary
Victor Garcia Director, Office of Finance	– Treasurer
David P. Bobzien County Attorney	– Attorney
Edward L. Long Jr. County Executive	– Executive Director

Joyce M. Doughty – Authority Representative
Director, Division of Solid Waste
Disposal and Resource Recovery,
Department of Public Works and
Environmental Services (DPWES)

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

Supervisor Gross moved approval of the minutes from the May 22, 2012, special meeting of the Fairfax County Solid Waste Authority. Supervisor Foust seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the financial statements as contained in the Board Agenda Item dated January 29, 2013. Supervisor Foust seconded the motion and it carried by unanimous vote.

Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, DPWES, provided a status report on the Solid Waste Planning, and alternatives for solid waste management planning in the future and expressions of interest to look at alternatives for recycling disposal and innovative technologies that are available.

Supervisor Gross moved to adjourn the Annual Meeting of the Fairfax County Solid Waste Authority. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

At 4:13 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was adjourned.

34. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-S-083-05 (BRANCH BANKING AND TRUST COMPANY (SULLY DISTRICT))**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-Y-032 (BRANCH BANKING AND TRUST COMPANY) (SULLY DISTRICT) (4:14 p.m.)

(O) (NOTE: On January 8, 2013, the Board deferred this public hearing until January 29, 2013.)

The application property is located in the southeast quadrant of the intersection of Braddock Road and Stone Road, Tax Map 54-1 ((17) E.

Mr. Robert Lawrence 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.

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

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

Mr. Krasner presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 86-S-083-05, subject to the proffers dated November 9, 2012. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

Supervisor Frey moved:

- Approval of Special Exception Amendment Application SEA 93 Y-032, subject to the development conditions dated January 28, 2013.
- Waiver of paragraph 6 of Section 11-203 of the Zoning Ordinance to allow a waiver of the loading space requirement in favor of the layout shown on the PCA/SEA Plat.
- Waiver of the tree preservation target pursuant to Section 12-0508 of the Public Facilities Manual in favor of the proposed vegetation shown on the PCA/SEA Plat.

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

35. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX E, TO ESTABLISH STATEWIDE AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AA 83-S-004-02 (NADINE C. VAZQUEZ, JEFFREY O. WATERS, JEREMY M. VAZQUEZ, AND LEE J. VAZQUEZ, IRREVOCABLE TRUST) (SPRINGFIELD DISTRICT)** (4:24 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 January 11 and January 18, 2013.

The application property is located at 6200 and 6390 Newman Road, Fairfax, 22030, Tax Map 66-4 ((1)) 21Z, 75-2 ((1)) 5Z and 19Z.

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

Discussion ensued, with input from Mr. Krasner, regarding the provisions and incentives to convert to a Statewide district.

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

Supervisor Herrity moved approval of Agricultural Application AA 83-S-004-02 and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix E, establishing the Whitehall Statewide Local Agricultural and Forestal District, subject to the Ordinance provisions dated January 3, 2013. Chairman Bulova and Supervisor Foust jointly seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Cook and Supervisor Hyland being out of the room.

36. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-M-038 (PAOLOZZI INVESTMENTS, INCORPORATED) (MASON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-019 (PAOLOZZI INVESTMENTS, INCORPORATED) (MASON DISTRICT)

(4:33 p.m.)

- (O) The Proffered Condition Amendment Application PCA 92-M-038 is located on the south side of Columbia Pike, approximately 300 feet north of Lacy Boulevard, Tax Map 61-2 ((1)) 117.

The Special Exception Application SE 2008-MA-019 is located at 5901 Columbia Pike, Falls Church, 22041, Tax Map 61-2 ((1)) 117.

Mr. Keith Martin 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.

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

Following testimony of Ashraf Masoud (Speaker One), discussion ensued, with input from Mr. Krasner, regarding the requirements for notifying neighboring properties.

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

Supervisor Gross moved:

- Approval of Proffered Condition Amendment Application PCA 92-M-038, subject to the proffers dated January 15, 2013.
- Approval of Special Exception Application SE 2008-MA-019, subject to the development conditions dated December 18, 2012.
- Modification of the parking requirement in a commercial revitalization district pursuant to Paragraph 3A of Section A7-209 of the Zoning Ordinance to allow 18 parking spaces where 22 are required.
- Modification of Section 13-303 of the Zoning Ordinance for transitional screening from the adjacent residential properties to the south and west, in favor of the plantings and barriers shown on the GDP/SE Plat.
- Waiver of the tree preservation target requirement, pursuant to Section 12-0508 of the Public Facilities Manual (PFM), in favor of the proposed plantings shown on the GDP/SE Plat.
- Waiver of Section 7-0104 of the PFM for the service drive requirement along Columbia Pike, in favor of the frontage improvements shown on the GDP/SE Plat.

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."

37. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-P-040-02 (GANNETT COMPANY, INCORPORATED) (PROVIDENCE DISTRICT)** (4:48 p.m.)

The application property is located at 7950 Jones Branch Drive, McLean, 22102, Tax Map 29-2 ((15)) C1.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Mary Ann Tsai, 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 Ms. Tsai, regarding the revised development conditions.

Ms. Strobel 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.

A brief discussion ensued, with input from Ms. Strobel, regarding the previous request for a helistop and the withdrawal of that request.

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

Supervisor Smyth moved:

- Approval of Special Exception Amendment Application SEA 94-P-040-02, subject to the development conditions dated January 17, 2013.
- Modification of paragraph 1B of Section 2-414 of the Zoning Ordinance, to permit existing structures to be located 65 feet from the Dulles International Airport Access Highway and the Dulles Toll Road.

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

38. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-HM-009 (INSITE REAL ESTATE INVESTMENT PROPERTIES, LLC) (HUNTER MILL DISTRICT)** (5:02 p.m.)

The application property is located in the northwest quadrant of the intersection of Centreville Road and West Ox Road, Tax Map 25-1 ((1)) 18F.

Mr. Eric Pederson reaffirmed the validity of the affidavit for the record.

St. Clair Williams, 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. Williams, regarding the conditions of the waiver of the lot width requirements and what the options are.

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

Discussion ensued, with input from Mr. Pederson, regarding traffic issues, queuing, and access to the site.

Following the public hearing, which included testimony by one speaker, Supervisor Hudgins submitted items for the record.

Mr. Williams presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. Williams and Ariel Yang, Transportation Planner II, Department of Transportation, regarding the traffic study and timing regulations of the traffic light at the intersection.

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2012-HM-009, subject to the development conditions dated January 16, 2013, with the addition of the following condition, all construction vehicles shall access the site from Centreville Road and or from the east along West Ox Road. All construction personnel including contractors shall be informed of this restriction with a new development condition dated January 29, 2013.
- Waiver of the minimum lot area and lot width requirements for the R-1 and C-5 Districts.
- Modification of the eight-foot wide trail requirement along Centreville Road to allow the existing five-foot wide concrete sidewalk to remain.
- Waiver of construction of the on-road bike lane and road improvements due to constraints on the property.
- Modification of the interior parking lot landscaping requirement to that shown on the SE Plat and as conditioned.
- Waiver of the barrier requirement along the northern and western boundaries of the subject property.
- Waiver of the tree preservation target requirement in favor of the proposed landscaping shown on the SE Plat.

Supervisor Frey seconded the motion.

Following a brief discussion regarding access to the parking lot, the question was called on the motion and it carried by unanimous vote.

39. **4 P.M. – PH ON REZONING APPLICATION RZ 2010-PR-019 (KETTLER SANDBURG, LLC) (PROVIDENCE DISTRICT)** (5:31 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2010-PR-019 until **April 9, 2013, at 3:30 p.m.** Supervisor Foust seconded and it carried by unanimous vote.

40. **4 P.M. – PH ON REZONING APPLICATION RZ 2012-SU-010 (NORTHERN VIRGINIA HEALTH INVESTORS, LLC) (SULLY DISTRICT)** (5:32 p.m.)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2012-SU-010 until **March 19, 2013, at 3:30 p.m.** Supervisor Hyland seconded the motion and it carried by unanimous vote.

41. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) AND CHAPTER 10 (CONSUMER PROTECTION)** (5:33 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 January 11 and January 18, 2013.

David R. Reidenbach, Towing Analyst, Department of Cable and Consumer Services, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Smyth submitted an item for the record.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) and Chapter 10 (Consumer Protection), regarding removal, immobilization, and disposition of vehicles unlawfully parked on private or County property. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

Vice-Chairman Gross returned the gavel to Chairman Bulova.

DET:det

ADDITIONAL BOARD MATTERS42. **REQUESTS FOR RECOGNITION** (5:40 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 to be recognized:

- The Office of Human Rights and Equity Programs to accept a proclamation recognizing “*Fair Housing Month*”
- The Office of Human Rights and Equity programs to accept a proclamation recognizing “*Asian Pacific American Heritage Month*”
- The Alternative Dispute Resolution and Appeals Office to accept a proclamation recognizing March as “*Alternative Dispute Resolution Month*”
- The Health Department to accept a resolution recognizing “*Tuberculosis Awareness Month*”
- The Health Department to accept a resolution recognizing “*Public Health Week*”
- The Health Department to accept a resolution recognizing “*’Fight the Bite’ Awareness Month*”
- The Health Department to accept a resolution recognizing “*Nurses Week*”
- The Commission on Organ and Tissue Donation and Transplantation and the Health Department to accept a resolution recognizing “*Donate Life Month*”

Without objection, it was so ordered.

43. **RECOGNITION OF THE BHINGE FAMILY** (5:42 p.m.)

Chairman Bulova announced that even at the young age of nine, Rohil Bhinge saw an opportunity to make a difference in this community: he and his family, including his younger brother, Samik, organized a Children’s Challenge fun-run that took place this past October to raise money toward future phases of Chessie’s BIG Backyard, a fully-accessible park in the Lee District. She added that over 50 individuals participated in the run, combining healthy activity and

philanthropy, and the effort raised over \$1,000 for the County's Park Foundation. (and a "Partakes" article regarding this effort is included with her Board Matter).

Chairman Bulova asked unanimous consent that the Board direct staff to invite Mr. Bhinge and his family to appear before the Board to be recognized for his fundraising efforts on behalf of Chessie's BIG Backyard. Without objection, it was so ordered.

44. **RECOGNITION OF ANNANDALE HIGH SCHOOL AND ITS SKILLSUSA** (5:43 p.m.)

Chairman Bulova, jointly with Supervisor Gross, announced that Annandale High School has a lot to be proud of: six extraordinary County students of the culinary Arts Program competed in the SkillsUSA competition this past weekend. SkillsUSA, a non-profit organization, prepares America's youth for careers in trade, technical and skilled service occupations. She added that two of these students will be moving on to the State competition later this year.

Chairman Bulova asked unanimous consent that the Board direct staff to invite these students, their mentor, Chef Christine Gloninger, and Principal Vincent Randazzo, to appear before the Board and be recognized for their achievements. Without objection, it was so ordered

45. **100,000 HOMES CAMPAIGN KICK-OFF** (5:44 p.m.)

Chairman Bulova, jointly with Supervisor Hudgins, asked that the Board join them in declaring February 23 as the kickoff of the "*100,000 Homes Campaign*" in the County; the campaign is a national movement of communities working together to find permanent homes for 100,000 of the country's most vulnerable and chronically homeless individuals and families by July 2014. She noted that while homelessness continues to be an urgent priority in the County, through its 10-year plan and partnership to Prevent and End Homelessness, the County has been able to decrease its homelessness rate by moving families and individuals into housing. She added that those who are chronically homeless still need help.

The "*100,000 Homes Campaign*" will kick off on February 23 with Registry Week which will help the County, the Governing Board, and the Office to Prevent and End Homelessness create a registry of everyone experiencing homelessness in the community which will help to prioritize and make important decisions on allocating housing and services for the County's homeless population.

Chairman Bulova moved that the Board authorize the Office of Public Affairs to:

- Work with the Office to Prevent and End Homelessness to disseminate the Helping Our Neighbors Find Their Way Home public service announcement that was created by the Governing Board

- Publicize all volunteer opportunities for Registry Week, February 23-27, of the “100,000 Homes Campaign”

Supervisor Herrity and Supervisor Hudgins jointly seconded the motion.

Following the presentation of a two minute public service announcement, discussion ensued concerning the Board using its offices and electronic social media to get the word out.

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

46. **SPRINGFEST FAIRFAX** (5:51 p.m.)

Chairman Bulova announced that the 2013 Springfest Fairfax, a new and improved Earth Day/Arbor Day celebration, will be held at a new location, the Lorton Workhouse Arts Center, on April 27 from 10 a.m. until 4 p.m. She noted that there are new partners and new sponsors and lots of activities that families and young people especially will enjoy.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

47. **RECOGNITION OF COUNTY POLICE DEPARTMENT ATHLETIC TRAINER NANCY BURKE (SPRINGFIELD DISTRICT)** (5:52 p.m.)

Supervisor Herrity stated that keeping the men and women of the police department in top shape and helping them recover from injury is no walk in the park; with over 1,300 officers in the force that could at any moment have to chase a criminal or defend themselves, it is essential that the Police Department have an athletic trainer that can prepare and treat officers for the daily rigors of their job. Fortunately in Nancy Burke there is an athletic trainer in the department that not only excels on the job, but in the community as well.

Supervisor Herrity noted that on Saturday, January 12, Nancy Burke was inducted into the Virginia Athletic Trainers’ Association’s (VATA) Hall of Fame in Richmond. He added that nominees are selected from candidates who have made significant contributions to the athletic training profession and that Ms. Burke was a worthy winner having served a notable career earning several national recognitions: she started as an athletic trainer in a secondary school after graduating from James Madison University in 1973; after earning a master’s degree from Eastern Kentucky University, she started her career with the County. He noted that in addition to her service in the County, she served as the head athletic trainer for World Cup Sabre Fencing in 1992 and 1994; as a site medical director for the Atlanta Olympic Games in 1996; and chaired the U.S. Lacrosse Association Safety Committee, where her contributions helped result in the mandate of protective eyewear and new safety standards for goalkeepers’ helmets.

It was for these accomplishments and her excellent work with the police department that she was recognized by VATA.

Supervisor Herrity asked unanimous consent that the Board direct staff to invite Ms. Burke to appear before the Board, on March 5, to be presented with a resolution recognizing her accomplishments and for her induction into the Virginia Athletic Trainers' Association Hall of Fame. Without objection, it was so ordered.

DAL:dal

48. **KEEP IN THOUGHTS INDIVIDUALS WHO DIED RECENTLY (HUNTER MILL DISTRICT)** (5:54 p.m.)

Supervisor Hudgins, noting that she was not present at the start of today's meeting during the moment of silence, asked everyone to keep in thoughts the family of Mr. Charles "Dan" McGuire, who died recently. He was a long-time Reston resident and involved in the Reston community. He served on the Reston Transportation Advisory Committee and was a former member of the Reston Association Board. Supervisor Hudgins asked that her comments be entered into the record and forwarded to his family.

Supervisor Hudgins also asked everyone to keep in thoughts the family of Mr. Fred Naef, who died recently. His spouse, Barbara Naef, was a former Park Authority employee who retired. A memorial for Mr. Naef is scheduled for Saturday. He was a long term Restonian who worked in the community and was a former Reston Association Board Chair.

49. **NOTICE OF POSSIBLE RECLASSIFICATION AS A PERENNIAL STREAM (DRANESVILLE DISTRICT)** (5:56 p.m.)

Supervisor Foust said that as set forth in the County Executive's April 21, 2009, memorandum to the Board, when a stream is identified for possible reclassification as a perennial stream, the entire Board is to be notified.

The property known as "Salona" is located in McLean at 1235 Dolley Madison Boulevard (Dranesville). In 2005 the Park Authority acquired a 41.6 acre perpetual conservation easement on the property.

Supervisor Foust said that a citizen task force formed as part of the Park master planning process for Salona has recommended that the locations of all mapped perennial streams on the property be investigated and verified. In response, his office asked staff from the Department of Public Works and Environmental Services (Stormwater Planning Division) to verify the existence and location of all perennial water bodies on the Salona property.

The results of the Salona streams investigation indicate that there are perennial streams on the property that are not depicted on the County's current Chesapeake Bay Preservation Area (CBPA) maps – also known as RPA maps. Therefore, staff will be proposing an amendment to the current CBPA map to include the two newly identified sections of perennial stream on the Salona property and their accompanying RPAs.

Therefore, Supervisor Foust asked unanimous consent that this Board Matter be deemed notice to the entire Board that the two recently identified sections of stream on the Salona property may be reclassified as perennial. Any proposed map amendment will require a public hearing before both the Planning Commission and the prior to adoption. Without objection, it was so ordered.

50. **PROPOSED PLAN AMENDMENT - 6862 ELM STREET (DRANESVILLE DISTRICT)** (5:58 p.m.)

Supervisor Foust said that a rezoning application has been submitted for Tax Map parcel 30-2 ((1)) 61. The property is located within the McLean Community Revitalization District and the McLean Community Business Center. The redevelopment proposal does not conform to the Comprehensive Plan guidance for Subarea 29 of the CBC, in which the parcel is located. Recognizing established policy that supports concurrent consideration of a Comprehensive Plan amendment with a zoning application as an incentive in revitalization districts, I believe a review of the adopted plan guidance for the property is warranted.

Supervisor Foust noted that Tax Map Parcel 30-2 ((10)) (6) 1, located at the corner of Elm Street and Fleetwood Road, also located within Subunit 29 and adjacent to the rezoning proposal, should be reviewed as part of the amendment. The proposed redevelopment on Parcel 61 would separate Parcel 1 from the remainder of the subunit, and the future plan for this parcel should be evaluated.

Therefore, Supervisor Foust moved that the Board authorize a Plan amendment to evaluate mixed-use development on Tax Map parcel 30-2 ((1)) 61 to include multifamily residential use with ground floor retail and office uses and its effect on the future plan for Tax Map parcel 30-2((10))(6)1. Among other considerations, the Plan amendment should assess increased pedestrian and vehicular connections from the subject property to surrounding properties as appropriate and consistency with the McLean CBC Open Space Design Standards. Supervisor Hyland seconded the motion and it carried by unanimous vote.

51. **PROPOSED PLAN AMENDMENT - ASHBY APARTMENTS REDEVELOPMENT (DRANESVILLE DISTRICT)** (6 p.m.)

Supervisor Foust said that a rezoning application has been submitted for the Ashby Apartments, located on Tax Map Parcel 30-2 ((1)) 30B. The property is

located within the McLean Community Revitalization District and the McLean Community Business Center. The rezoning application includes multifamily residential use with ground floor retail uses, but the redevelopment proposal conflicts with Comprehensive Plan guidance for Subarea 29 of the CBC, in which the parcel is located. Recognizing established policy that supports concurrent consideration of a Comprehensive Plan amendment with a rezoning application as an incentive in revitalization districts.

The Ashby apartments about the property subject to the previously mentioned Plan amendment and will also consider similar mixed-use residential development, and taken together, these two amendments may present an opportunity to create a more coordinated site design, better circulation, shared open space and more comprehensive analyses of the impacts. However, the amendments should remain separate due to the separate rezoning applications.

Therefore, Supervisor Foust moved that the Board authorize a Plan amendment to evaluate multifamily residential use with ground floor retail uses on Tax Map 30-2 ((1)) 30B. The evaluation should be coordinated to the extent possible with the Plan amendment on the adjacent property. Among other considerations for the Plan amendment, the evaluation should include improved pedestrian and vehicular connections from the subject property to surrounding properties, work to mitigate adverse transportation impacts, and achieve consistency with the McLean CBC Open Space Design Standards, as appropriate. Supervisor Hyland seconded the motion and it carried by unanimous vote.

52. **JANUARY 2013 QUARTERLY REPORT - OFFICE OF FINANCIAL AND PROGRAM AUDIT** (6:03 p.m.)

Supervisor Foust announced that the Board has received the Office of Financial and Program Audit's Quarterly Report as of January 2013. Study areas addressed in the Auditor's report include the following:

- Dulles Metrorail Project
- Park Authority Budget Review
- Fairfax-Falls Church Community Services Board
 - Infant and Toddler Connection Billing Practices
 - Lead Agency Analysis
 - Copay and Fee-for Service Policies and Practices
- Northern Virginia Transportation Commission - County Trust Funds

The Auditor's findings and recommendations are set forth in the report and several are summarized below:

Dulles Metrorail Project. As of October 2012, MWAA reports that approximately \$2.3 billion of the Phase I budget has been expended. The construction budget is \$2.9 billion. MWAA assesses the main construction component of the Project as 83 percent complete through October 2012. Project expenditures and the completion rate are running in parallel.

MWAA has not changed the official start of revenue service for Phase I from December 4, 2013. The West Falls Church Yard is not included in the main project schedule. The Yard's completion date is anticipated as December 2013. The report notes that Project costs have been increased by recent WMATA system requirements. These requirements were established after the original design for the Project was complete and are called Concurrent Non-Project Activities or CNPAs. In other areas of the Metro system these upgrades will be treated as capital improvements/replacements. If these costs were to be treated as system improvement/replacements they would not be apportioned to the Fairfax County (16.1 percent) or the Toll Road users (54 percent) share of the final Project construction costs.

Park Authority Budget Review. This is the report presented to the Board of Supervisors jointly with Chairman Bulova on December 4, 2012. They directed the Office of Financial and Program Audit to identify potential strategies or alternative recommendations to reduce the County's General Fund support of the Park Authority without impacting citizen utilization of programs, facilities and services. The goal was a five percent reduction in General Fund support representing \$1.13 million. The Auditors report details three potential strategies for reducing General Fund support by approximately \$3.5 million in the fiscal year 2014/2015 budget.

Fairfax-Falls Church Community Services Board. The Board directed the Auditor to conduct a review of certain activities in support of the County Executive's CSB Work Plan. OFPA was assigned 2 of the 27 work plan tasks. As requested, OFPA identified contracting and billing best practices for ITC, determined the fiscal impact of being a lead agency, and analyzed existing CSB co-pay and fee for service policies and practices. It is anticipated that OFPA's work on these items will be incorporated in the work plan updates and reports provided by the Office of the County Executive to the Board.

Northern Virginia Transportation Commission Reserves Review. Public transit funds are received through the Northern Virginia Transportation Commission (NVTC) and maintained in trust for Fairfax County. OFPA reviewed NVTC and Fairfax County Department of Transportation (DOT) trust fund information for fiscal years 2009 to 2012 and DOT budget projections for fiscal years 2013 to 2018. Based on the information reviewed, OFPA determined that the balances in the Fund were maintained within the goals established by the

Departments of Transportation and the Department of Management and Budget (DMB). Those goals are set forth on page 26 of the Report.

Therefore, Supervisor Foust moved that the Board adopt the January 2013 Quarterly Report of the Office of Financial and Program Audit, and approve the list of study areas to be included in the work program of the Office of Financial and Program Audit as contained in his written Board Matter. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Foust moved that the Board direct staff to report with recommendations regarding the nature and costs of the Silver Line CNPAs, noted earlier, and their impact on the Project budget. The recommendations should contain alternatives aimed at relieving the Project Funding Partners (both the County and Toll Road users) of these costs. The completed reported is requested by March 1, 2013. Supervisor Herrity and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

Supervisor Foust moved that the Board direct staff to consider and implement as appropriate, the best practices and recommendations made by the Auditor of the Board as part of the County Executive's Restoring Fiscal Stability Work Plan for CSB contained in this report. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Foust moved that the Board concur with the goals established by the Department of Transportation and the Department of Management and Budget for the management of the Northern Virginia Transportation Commission County Trust Funds as set forth on page 26 of the OFPA report. Supervisor McKay seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY."

PMH:pmh

53. **CODE ENFORCEMENT** (6:10 p.m.)

Supervisor McKay said that the County has made significant strides in streamlining code enforcement and making it more responsive to community needs. The General Assembly has supported the Board's efforts by passing legislation that reduced appeal periods on some zoning violations from 30 to 10 days, saved time by immediately posting violations on the property instead of mailing notices, and made inspection warrants easier to obtain.

However, there is an outstanding area where there are deficiencies, specifically in the building code. Currently, upon written request by the holder of a building permit, the County building official may grant one or more extensions of time, not to exceed one year per extension. In the Lee District, as well as across the County, these extensions can leave communities with partially built structures that

are both eyesores and hazards. There are several such properties in Lee District – the Calamo Street and Grace Street examples are well known – where unfinished structures have been the subject of neighborhood complaints for many years. The impact of these unfinished structures on a community is more than cosmetic. They affect property values, invite criminal activity, vagrants and squatters, and animal infestation. Furthermore, they can be a fire risk. They send a message that the community doesn't care and that the County cannot or will not enforce its zoning and building code. It is time to tighten up unlimited building permits and extensions.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the County Attorney to review the Board's ability to act in this matter and report on whether it can limit building permit extensions or if it needs General Assembly enabling authority. Should the Board already have the authority to act, Supervisor McKay asked unanimous consent that the Board direct staff to report with recommendations for updating the building permit and permit extension process. Without objection, it was so ordered.

54. **REQUEST FOR RECOGNITION** (6:10 p.m.)

Supervisor McKay said that in the large and increasingly urban County, the job of keeping residential properties from deteriorating into dangerous storage lots and junkyards is an ongoing challenge overseen by the Department of Code Compliance, the Department of Solid Waste Collection and Recycling and the Department of Public Works and Environmental Services, Storm Water Management Division.

One such junkyard property in Lee District was in an area zoned R-1 and was originally estimated to have 375 vehicles parked on site in various states of disrepair, junk yard dogs, feral cats, oil and gasoline, old appliances and a steel girder bridge used to get across portions of the property. With all this, there was no residential structure left on the property.

After years of attempts to make the property owner clean up the site, legal action, fines, and finally the prospect of jail, it became clear that the owner could not or would not meet the timeline for compliance. At that point the County took on the site cleanup. The County Attorney obtained a court order to allow staff to clear the property and perform environmentally safe cleanup so that the land might be restored to a green space. Now the owner is required to build a residence on the site before returning anything to the property.

After this final clearing of the property, the tally of materials removed is impressive: almost 20 tons of auto parts, old appliances and scrap metal, six and a half tons of tires, 135 tons of trash and debris, 200 gallons of oil and 150 gallons of gasoline.

Team members who worked on this cleanup include:

- Department of Solid Waste Collection and Recycling (DSWCR): Robert Scott, Assistant Director for Solid Waste, Robbie Glenn, Assistant Superintendent for DSWC, Robert Swithenback, Adam Churcher, Garri Jackson, Bradley Cogniet, Carlos Molina, Harold Galindo, Milton Baltimore, Christopher Kardelis, Derrick Ross, Derrian Williams, Eric Vick and Kenneth Bush
- Department of Public Works and Environmental Services, Storm Water Management Division: Donnie Harris, Kevin Beach, Matt Burke, Dave Soria, Russell Hicks and Noe Villatoro
- Code Compliance: W. B. (Chip) Moncure and Suzanne (Cat) Lunsford
- County Police Department: Lieutenant P. D. Hicks
- Office of Sheriff: Deputy First Class Robert (Butch) Cameron
- County Attorney's Office: Assistant County Attorney Cherie Halyard

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite members of the multi-department County agencies who cleared this property on January 9 and 10 appear before the Board for recognition on February 26 and to bring pictures. Without objection, it was so ordered.

55. **REQUEST FOR RECOGNITION FOR MR. RICK TAUBE** (6:16 p.m.)

Supervisor McKay said that following almost 30 years of service that began in January 1984, Rick Taube, Northern Virginia Transportation Commission's (NVTC) Executive Director is retiring.

Because of his expertise in public transit combined with his in-depth knowledge of the Metropolitan Area's transportation needs, Mr. Taube is widely considered to have been instrumental in developing and furthering public transit in Northern Virginia.

Supervisor McKay referred to his written Board Matter which outlined his many accomplishments and he asked unanimous consent that the Board direct staff to invite Mr. Taube to appear before the Board on February 26 to be recognized for his long service to the County and the region. Without objection, it was so ordered.

56. **RECOGNITION OF ROY LOUNSBURY, RETIRED COLONEL, US ARMY (MASON DISTRICT)** (6:18 p.m.)

Supervisor Gross said that Roy Lounsbury is a retired Colonel of the US Army and a 37 year resident of the Mason District. For the past 23 years, Mr. Lounsbury has served on the Mason District Land Use Committee, acting as Chairman for much of that period. Mr. Lounsbury dedicated countless evenings to the community for over 23 years, and soon he and his wife will be moving to Williamsburg, VA, for what he calls "his next adventure."

Therefore, Supervisor Gross asked unanimous consent that the Board applaud Mr. Lounsbury for his efforts and leadership with Mason District Land Use Committee by directing the Office of Public Affairs to prepare a proclamation with the Chairman's signature to be presented to Mr. Lounsbury at the Board meeting on February 26, 2013. Without objection, it was so ordered.

57. **REQUEST FOR RECOGNITION OF PRS, INCORPORATED (PROVIDENCE DISTRICT)** (6:19 p.m.)

Supervisor Smyth said PRS, Incorporated (formerly Psychiatric Rehabilitation Services) was established in 1963 so individuals with mental illness, emotional and/or behavioral disorders can achieve personal wellness, recovery, and community integration. PRS now serves clients with mild intellectual disabilities, pervasive developmental disorders, and substance use disorders in addition to living with mental illness and persons with Autism Spectrum Disorders.

This year, PRS celebrates its fiftieth anniversary of helping clients with the proper services and support to increase their independence and self-sufficiency leading to strong and fulfilling lives.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff to invite representatives from PRS, Incorporated to appear before the Board on May 14 to be recognized for their contributions to the County community. Without objection, it was so ordered.

58. **OPERATION OF FOOD TRUCKS IN THE COUNTY** (6:20 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Smyth said that a mobile food truck is, essentially, a restaurant on wheels. Foods trucks may sell prepackaged foods, fresh-cooked foods that were prepared at another location or - if the truck is equipped with a kitchen - foods made right inside the vehicle itself. Food trucks have a variety of applications and sell many different kinds of food, from ice cream to gourmet meals and have enjoyed a revival in recent years. These trucks often appear near office parks and are now appearing in areas like Tysons.

The food truck trade, especially in the Tysons area, raises a number of issues that need to be examined from the general health department issues to sales tax collection as well as competition they present to established brick and mortar restaurants that are required to pay real estate taxes, C&I taxes, Dulles Rail taxes, and now the Tysons Transportation Service District tax as well.

Therefore, Supervisor Smyth moved that the relevant agencies within the County, including, but not limited to, the Department of Tax Administration, the Office of the County Attorney, the Department of Consumer Protection, the Health Department and the Department of Planning and Zoning consider all issues associated with the operation of food trucks in the County and report with its findings not later than the spring of this year. Supervisor Foust, Supervisor McKay, and Chairman Bulova seconded the motion and it carried by unanimous vote.

59. **CENTREVILLE PRESCHOOL, INCORPORATED - SPECIAL PERMIT AMENDMENT APPLICATION SPA 90-S-091 (SULLY DISTRICT)**
(6:23 p.m.)

Supervisor Frey said that Centreville Preschool, Incorporated (the "School") is a cooperative preschool run by parents which has been a part of the Centreville community for over two decades. It provides a valuable community service to the parents who live in that area. The School has been leasing an existing building located on Braddock Road. Due to a high turnover of parents who oversee the School's operations, the School was unaware that the special permit under which the School operated had expired. The School now must secure a special exception to allow its continued operation.

The requirement to file a special exception application was unexpected. To be proactive in the submission process, the School has met with County representatives to understand the scope of potential requirements, including the submission of a minor site plan. The School is close to submitting a document that will serve as both a special exception plat and a minor site plan. To remedy the situation quickly, the School has asked for concurrent and expedited processing. In addition, the School has also requested a waiver of filing fees.

Therefore, Supervisor Frey moved that the Board direct the:

- Director of the Department of Public Works and Environmental Services concurrently process any plans or documents associated with this application.
- Director of the Department of Planning and Zoning (DPZ) to schedule a date certain for the Board public hearing.

- DPZ to waive the filing fee for the special exception given the unique circumstances of this application.

Finally, the review of this application will raise again the issue of the Leland Connector. As a result of recent Plan amendments and ownership changes of the surrounding properties, Supervisor Frey expressed his belief that the connection of Leland Road is no longer desirable.

Therefore, he further moved that the Board authorize staff to process an out-of-turn Plan Amendment to evaluate removing the connection from the Plan. The applicant understands that this motion should not be considered as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/ or adopted standards. Supervisor Hyland seconded the motion and it carried by unanimous vote.

60. **CIVIL WAR BOOK** (6:25 p.m.)

Supervisor Frey said that Civil War soldier Thomas Smith Taylor left behind over 100 letters about his experiences fighting alongside his fellow Alabamians.

Supervisor Frey noted that County author Harlan Eugene Cross, Jr. has put together a book entitled *Letters Home: Three Years Under General Lee in the 6th Alabama* and Mr. Cross would like to present each Board Member with a copy of the book.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite him to appear before the Board at its March 19 Board meeting to present copies of the book to the Board. Without objection, it was so ordered.

61. **WESTFIELD HIGH SCHOOL BAND TO PARTICIPATE IN ROSE BOWL PARADE (SULLY DISTRICT)** (6:27 p.m.)

Supervisor Frey announced that on January 1, 2014, the Westfield High School band will participate in the history of the Rose Bowl Parade.

62. **REQUEST TO WITHDRAW PROFFERED CONDITION AMENDMENT APPLICATION PCA 81-S-075 (MOUNT VERNON DISTRICT)** (6:28 p.m.)

Supervisor Hyland said that Proffered Condition Amendment Application PCA 81-S-075 was initiated by a Board's Own Motion in 1994 to permit a proffered condition amendment on 5.64 acres zoned I-5 located on Tax Map 98-2 ((15)) G, H, and I to allow access between Fullerton Road and Rolling Road. The application was deferred indefinitely in July 1994 and the need for the application has been superseded by construction of the Fairfax County Parkway.

Therefore, Supervisor Hyland moved that the Board withdraw Proffered Condition Amendment Application PCA 81-S-075. Chairman Bulova seconded the motion and it carried by unanimous vote.

63. **REQUEST FOR RECOGNITION OF MR. EDDIE GARRETSON (SPRINGFIELD DISTRICT)** (6:30 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Cook said that on December 13, 2012, Mr. Eddie Garretson was honored by the Greater Springfield Chamber of Commerce and named the 2012 Hebert C. Hunter Citizen of the Year. Mr. Garretson's service to the County is remarkable. Supervisor Cook referred to his written Board Matter which outlined Mr. Garretson's many accomplishments.

Therefore, jointly with Supervisor Herrity, Supervisor Cook asked unanimous consent that the Board direct staff to invite Mr. Garretson to appear before the Board to receive a resolution honoring him for his service to the County. Without objection, it was so ordered.

64. **TWENTY-SIXTH ANNUAL TOWN MEETING (MOUNT VERNON DISTRICT)** (6:33 p.m.)

Supervisor Hyland announced that the annual Mount Vernon District Town meeting will be held this Saturday. He noted that the meeting would be more interactive with question-and-answer sessions and not formal presentations. He added that the virtual bus tour would be held and there would be stew for lunch.

65. **BOARD ADJOURNMENT** (6:34 p.m.)

The Board adjourned.

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