



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

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

**TUESDAY  
July 9, 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, July 9, 2013, at 9:33 a.m., there were present:

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

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

**BOARD MATTERS**1. **MOMENT OF SILENCE** (9:33 a.m.)

Supervisor Hyland announced that a delegation from the County traveled to Arizona to recognize and mourn the loss of the 19 Firefighters in the City of Prescott Valley and asked everyone to keep in thoughts the families of the fallen firefighters.

Supervisor Hyland asked unanimous consent that the Board direct staff to prepare and send a resolution to the City of Prescott expressing sincere sympathy and condolences for their loss. Without objection, it was so ordered.

Supervisor Hudgins asked everyone to keep in thoughts the family of William Nicoson, who died recently. Mr. Nicoson was a resident of Reston, an outstanding individual and involved in the community. He served as a Director of the Reston Association Board, and was co-founder of the Connection Newspaper. His commitment to Reston was rooted in his professional life. He was one of the first directors of the new communities' administrative office of Housing and Urban Development (HUD). Supervisor Hudgins extended condolences to his wife Patricia and family.

Supervisor Hudgins acknowledged the illness of Jane Seeman, Mayor of Vienna, who is being treated for cancer and sent her well wishes and hopes for a full recovery.

Supervisor Frey announced that Deputy County Executive David Molchany's mother died, and asked everyone to keep him and his family in thoughts.

Supervisor Gross announced that Alfonso Eduardo Vayra, an employee in the Department of Transportation, was killed in a car accident on Monday. She asked everyone to keep Mr. Vayra's family and co-workers in thoughts.

Supervisor McKay asked everyone to keep in thoughts the family of Richard "Dick" Pro, who died recently in a car accident at the intersection of Route 1 and Sherwood Hall Lane. Mr. Pro served on the Park Authority Board, representing Lee District from 1991-1997. He retired from the United States Air Force and the United States Civil Service.

Supervisor Smyth asked everyone to keep in thoughts Carl A. Coan, Jr., who died last month. After a distinguished career with Housing and Urban Development (HUD), Mr. Coan left the Federal Government to work with the National Association of Home Builders from 1969-1977. He was a commissioner on the Redevelopment and Housing Authority, representing the Providence District from 1970-1980. He also served as Vice-Chair from 1977-1983 and Chair from 1983-1985. After that, he represented the Providence District on the Planning Commission from 1995-1999. Coan Pond, the Housing Authority's innovative

community with studio units is also named after him because of his strong leadership and advocacy for affordable housing.

2. **INTRODUCTION OF INTERNS** (9:43 a.m.)

Supervisor Hyland introduced the following individuals who will be interning in his office this summer, and, on behalf of the Board, warmly welcomed them to the Board Auditorium:

- Kanuj Bains, who will be attending the University of Virginia in the fall
- Puja Patel, who will be attending Old Dominion University in the fall

Supervisor Hyland announced that Brett Kenney, his Chief of Staff, has finished his Masters in Public Administration, and, on behalf of the Board, congratulated him on his achievement.

Supervisor Cook introduced Jonathan Burns, a rising senior at Robinson Secondary School and a member of the County Youth Leadership Program who will be interning in his office this summer. On behalf of the Board, he warmly welcomed him to the Board Auditorium.

Supervisor Gross introduced Shareen Arshad, a rising senior at Annandale High School, and also a member of the County Youth Leadership Program who will be interning in her office this summer. On behalf of the Board, she warmly welcomed him to the Board Auditorium.

Supervisor McKay introduced the following individuals who will be interning in his office this summer, and, on behalf of the Board, warmly welcomed them to the Board Auditorium:

- Abby Chan, who will be a senior at Edison High School in the fall, and is also a member of the County Youth Leadership Program.
- Dan Joseph, who will be a senior at George Mason University in the fall. He is a conflict analysis major with a minor in Information Technology.
- Armin Haracic, who recently graduated from Edison High School and will be attending James Madison University in the fall to study Political Science.

**AGENDA ITEMS**

3. **PROCLAMATION DESIGNATING SEPTEMBER AS "DIRECT SUPPORT PROFESSIONALS APPRECIATION MONTH" IN FAIRFAX COUNTY** (9:46 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate September as "*Direct Support Professionals Appreciation Month*" in Fairfax County. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **RESOLUTION OF RECOGNITION PRESENTED TO DR. JORGE ARIAS** (9:56 a.m.)

Supervisor Gross moved approval of the Resolution of Recognition presented to Dr. Jorge Arias, upon his retirement, for his years of service to the County. Supervisor Hudgins, Supervisor McKay, and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. ROHIL BHINGE** (10:13 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Mr. Rohil Bhinge for his fundraising efforts for Chessie's BIG Backyard. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova noted that Chessie's Big Backyard is one of two parks in the County that is designed to be accessible to all people with disabilities and plays an important role in the community.

6. **RESOLUTIONS OF RECOGNITION PRESENTED TO MEMBERS OF THE SHARK TANK SWIM TEAM AND MS. PATTY FRIEDMAN** (10:23 a.m.)

Supervisor Herrity moved approval of the Resolutions of Recognition presented to members of the Shark Tank Swim Team and Ms. Patty Friedman for their service to the community and the 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.

7. **RESOLUTION OF RECOGNITION PRESENTED TO WEST SPRINGFIELD HIGH SCHOOL DRAMA STUDENTS AND MR. BERNIE DELEO**  
(10:33 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to West Springfield High School drama students and Drama Director, Bernie DeLeo, for winning the 2012-2013 Virginia High School League one-act play championship. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

8. **RESOLUTION OF RECOGNITION PRESENTED TO MR. TIM THOMAS**  
(10:41 a.m.)

Supervisor Frey moved approval of the Resolution of Recognition presented to Tim Thomas, principal of Westfield High School, congratulating him for his recognition by the *Washington Post* with a 2013 Distinguished Educational Leadership Award and selection by Fairfax County Public Schools as the 2013 Principal of the Year. Supervisor Hyland seconded the motion and it carried by unanimous vote.

#### **ADDITIONAL BOARD MATTER**

9. **INTRODUCTION OF BOY SCOUTS** (10:50 a.m.)

Chairman Bulova recognized the presence of Boy Scouts Kyle McCloskey and Will Stein, and their parents. The Scouts are working on their Citizenship and the Community Merit Badge and will be learning about issues in the community that are considered and acted on by the Board. On behalf of the Board, she warmly welcomed them to the Board Auditorium.

#### **AGENDA ITEMS**

10. **RESOLUTION OF RECOGNITION PRESENTED TO MS. HELENE SAFFORD** (10:51 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to Ms. Helene Safford of Longfellow Middle School for being named 2012 Middle School Teacher of the Year by the Southern Business Education Association. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

11. **RESOLUTION OF RECOGNITION PRESENTED TO MR. ROBERT CARLISLE** (10:58 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Mr. Robert Carlisle for 35 years of service in law enforcement, most recently as the chief of police for the Town of Vienna. Supervisor Hyland seconded the motion and it carried by unanimous vote.

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12. **ADMINISTRATIVE ITEMS** (11:07 a.m.)

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

Following a brief discussion regarding Admin 1, with input from Edward L. Long Jr., County Executive, Supervisor Gross amended her motion to defer action on Admin 1 until later in the meeting. This was accepted.

Chairman Bulova called the Board's attention to Admin 5 – Authorization to Advertise a Public Hearing on the Real Estate Exchange Agreement Between the Board of Supervisors and Rocks Engineering Company and Nugget Joint Venture, LC (Collectively, “RECO”) (Dranesville District) and noted that it is regarding an application to build a garage and station at Innovation Center as part of the Dulles Corridor Metrorail Silverline II project.

Supervisor Frey called the Board's attention to Admin 2 – Extension of Review Periods for 2232 Review Applications (Braddock and Sully Districts) and noted that the application in the Sully District was withdrawn by the applicant.

Supervisor Gross recalled the Board's attention to Admin 5, and raised a question regarding page 16 of the Real Estate Exchange Agreement concerning the County's proprietary capacity, with input from Mr. Bobzien and Alan Weiss, Assistant County Attorney.

The question was called on the motion, as amended, to approve the Administrative Items, with the exception of Admin 1, 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 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN INTERIM DEVELOPMENT AGREEMENT WITH LAKE ANNE DEVELOPMENT PARTNERS LLC FOR THE REDEVELOPMENT OF THE CRESCENT APARTMENT SITE (HUNTER MILL DISTRICT)**

(NOTE: Earlier in the meeting, the Board deferred action regarding this item. See above.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #42.)

**ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR A 2232 REVIEW APPLICATION (BRADDOCK DISTRICT)**

(NOTE: Earlier in the meeting, Supervisor Frey noted that the application in the Sully District was withdrawn. See page 6.)

Authorized the extension of review period for the following Public Facility (2232) Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-B13-8	Milestone Communications/AT&T Mobility Lake Braddock Secondary School/Monopole 9200 Burke Lake Road, Burke, VA Braddock District	September 22, 2013

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3, AND 7**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 30, 2013, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, regarding technical amendments to the Employees', Uniformed, and Police Officers Retirement Systems.

**ADMIN 4 – STREETS INTO THE SECONDARY SYSTEM (MASON, 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>
Sleepy Hollow – Valley Brook Parcel C-1	Mason	Skyview Terrace (Route 2478)
Silverbrook Farms Phase 1	Springfield	Grace Isabel Way Emma Ann Way Silverbrook Road (Route 600) (Additional Right-of-Way Only)
Reserves at Oakton Phase I	Sully	Southfield Court (Route 10258)

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE REAL ESTATE EXCHANGE AGREEMENT BETWEEN THE BOARD OF SUPERVISORS AND ROCKS ENGINEERING COMPANY AND NUGGET JOINT VENTURE, LC (COLLECTIVELY, “RECO”) (DRANESVILLE DISTRICT)**

- (A) (NOTE: Earlier in the meeting, this item was discussed. See page 6.)

Authorized the advertisement of a public hearing to be held before the Board on **July 30, 2013, at 4:30 p.m.** to consider a Real Estate Exchange Agreement between the County and RECO, and for RECO to pursue Land Use Entitlement Approvals as defined in the agreement for a joint development plan, including the rezoning of the property for the Phase II Dulles Corridor Metrorail – Innovation Center Station Garage.

13. **A-1 – APPROVAL OF 2013 ZONING ORDINANCE AMENDMENT WORK PROGRAM** (11:13 a.m.)

Supervisor Frey moved that the Board concur in the recommendation of staff and approve the 2013 Zoning Ordinance Amendment Work Program, as recommended by the Development Process Committee. Supervisor Cook and Supervisor Hyland jointly seconded the motion.

Discussion ensued, with input from Leslie B. Johnson, Zoning Administrator, Department of Planning and Zoning, regarding the distinction between food trucks on park authority property and public streets.

Supervisor Foust called the Board’s attention to Attachment 3 of the Board Agenda Item, Item 22, Residential Studios, and expressed concern regarding the July 30, 2013, date for the authorization to advertise a proposed ordinance amendment. Discussion ensued, with input from Ms. Johnson.

Supervisor Foust moved to refer the issue to the Housing Committee for discussion and defer the authorization to advertise. Supervisor Herrity seconded the motion.

Following discussion regarding the motion, Supervisor Cook moved to table the motion until the July 30, 2013, meeting when the authorization to advertise item comes before the Board. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Discussion continued, with Board Members expressing their concerns regarding the advertisement date, with input from Ms. Johnson.

Supervisor Foust asked unanimous consent that the Board direct staff to provide information regarding the residential studio authorization to advertise as soon as possible, in advance of the publication of the Board Package. Without objection, it was so ordered.



Discussion ensued, with input from Ms. Johnson, regarding:

- Moveable copy/electronic signs
- Noise ordinance amendment and outreach efforts

Supervisor McKay asked unanimous consent that the Board direct staff to proactively reach out to industry and the public to solicit comments and feedback regarding noise. Without objection, it was so ordered.

The question was called on the main motion, to approve the 2013 Zoning Ordinance Amendment Work Program, and it carried by unanimous vote.

14. **A-2 – APPROVAL OF A PARKING REDUCTION FOR THE GRANDE AT HUNTINGTON (MOUNT VERNON DISTRICT)** (11:40 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a 23.2 percent parking reduction for the proposed residential component of the Grande at Huntington mixed-use development pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 5, based on an analysis of the residential parking requirements on the site and a parking reduction study on the conditions as outlined in the Board Agenda Item dated July 9, 2013.

15. **A-3 – CHANGES TO THE FAIRFAX COUNTY PURCHASING RESOLUTION** (11:40 a.m.)

- (R) On motion of Supervisor Hyland, seconded by Supervisor Herrity, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and approved changes to the Fairfax County Purchasing Resolution, to become effective on July 9, 2013. These proposed changes incorporate a modification resulting from legislation enacted during the 2013 session of the Virginia General Assembly and two administrative changes recommended by staff.

16. **A-4 – APPROVAL OF TRANSPORTATION FUNDING REALLOCATIONS (DRANESVILLE DISTRICT)** (11:41 a.m.)

On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved reallocation of \$1.161 million Commercial and Industrial funding previously allocated to a spot intersection improvement project at Old Dominion Drive and Towlston Road. The \$1.161 million will be reallocated to:

- Old Dominion Drive and Linway Terrace intersection improvement - \$400,000

- Old Dominion Drive and Bell View Road intersection improvement - \$400,000
- Idylwood Road pedestrian improvements - \$361,000

17. **A-5 – RESOLUTION OF SUPPORT FOR A BREAK IN THE LIMITED ACCESS LINE AND ADJUSTMENT OF THE LIMITED ACCESS LINE ADJACENT TO ROUTE 7 (LEESBURG PIKE) AND ROUTE 123 (CHAIN BRIDGE ROAD) (PROVIDENCE DISTRICT)** (11:41 a.m.)

(R) On motion of Supervisor Smyth, jointly seconded by Supervisor Foust and Supervisor Hyland, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution supporting a limited access break and adjustment of the limited access line adjacent to Leesburg Pike and Chain Bridge Road.

18. **A-6 – CONSOLIDATED COMMUNITY FUNDING ADVISORY COMMITTEE (CCFAC) RECOMMENDATIONS FOR THE FISCAL YEAR (FY) 2015 AND FY 2016 FUNDING PRIORITIES FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)** (11:42 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the FY 2015 and FY 2016 Funding Priorities for CCFP, as recommended by CCFAC. Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Supervisor Foust stated, for the record, that some of the programs that have not been funded in the past should be looked at very closely. Discussion ensued regarding funding priorities, with input from Telly Whitfield, Strategic Performance Manager, Neighborhood and Community Services, regarding the funding percentages and the application cycle.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information regarding the application cycle so that it can be included in Board Members’ e-newsletters and/or other methods of communication to their constituents.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked to amend the request and direct staff to also include communicating with minority organizations. Without objection, the request, as amended, was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

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

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**ADDITIONAL BOARD MATTERS**19. **NO BOARD MATTERS FOR CHAIRMAN BULOVA** (11:51 a.m.)

Chairman Bulova announced that she had no Board Matters to present today.

20. **CAMPAIGN FOR 1000 – MATCHING FOSTER KIDS WITH ADOPTIVE PARENTS (SPRINGFIELD DISTRICT)** (11:51 a.m.)

Jointly with Supervisor Gross, Supervisor Herrity said that there are approximately 4,000 children in Virginia's foster care system, many of whom are not able to return to their birth families for various reasons. Of those 4,000, approximately 1,000 are ready for adoption and waiting on a forever home. Today, and every day in Virginia, another child in foster care will become eligible for adoption. Children in foster care are there through no fault of their own, and just as much as any child, deserve a loving, secure, stable family and home environment.

When foster children turn 18, they age out of the system; leaving them with little help and few resources as they transition into adulthood. 'Aging out' means they do not have a stable place to call home for the holidays, no one to walk them down the aisle, or be there when they have families of their own. Statistics show that children who age out of the foster care system without being adopted are less likely to finish high school, much less likely to start or finish college, less likely to have stable housing, more likely to commit crimes, and more likely to have a child out of wedlock.

It is truly saddening that for every 100 kids who age out of foster care, 54 become homeless, and 94 will not graduate from college.

Governor McDonnell has initiated the "Campaign for 1,000" in an effort to match 1,000 adoptive families to 1,000 children in foster care. In support of that goal the General Assembly approved \$1.5 million in this year's budget for this effort and to provide post-adoption support for adoptive parents and children. Support services include: access to staff specializing in adoption records, assistance with adoption searches, help with the legal finalization of adoption, and much more.

The campaign will have a special Northern Virginia kick off at 12 noon on July 30, 2013, at the County Government Center.

Therefore, Supervisor Herrity moved that the Board direct the Office of Public Affairs and the Department of Family Services to advertise this worthy campaign to residents, and that a resolution be prepared for the Northern Virginia Kick Off recognizing July 30, 2013, as "*Campaign for 1000 Day*" in Fairfax County.

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

Chairman Bulova pointed out that the Board will briefly recess at 12 noon during the July 30 meeting to participate in the kick off program.

21. **CONGRATULATING THE FAIRFAX CIRCUIT COURT ON THE DEDICATION OF THE NEW HISTORIC RECORDS CENTER AT THE FAIRFAX HISTORIC COURTHOUSE (SPRINGFIELD DISTRICT)**  
(11:53 a.m.)

Jointly with Supervisor Smyth, Supervisor Herrity said that, on September 28, 2013, the Historic Records Center at the Fairfax Historic Courthouse located at the corner of Main Street and Chain Bridge Road will officially be opened. This new space, which is the result of a complete renovation to the building, will be home to dozens of the County's most historic documents such as George and Martha Washington's original will, deeds to pews for Pohick Church signed by George Mason and George Washington, Civil War soldiers' graffiti from their occupation of the site during Mosby's Raid, and many more. While the historic courthouse is not as heavily used as it once was, the original courtroom, which dates back to 1799, is used occasionally by the Circuit Court for trials.

Supervisor Herrity said that what makes the County special, and what sets this archive apart from those similar to it across the nation, is the fact that founding documents are signed by those who authored the Declaration of Independence, the Articles of Confederation, the Constitution of the United States, the Virginia Declaration of Rights, the Bill of Rights, and many more. Before the Founding Fathers laid quill to parchment and signed the documents that gave life to this nation, they simply went about their business right here and signed wills, land grants, deeds, letters, and other documents. These documents were the basic reality of life for the Founders centuries ago, and are now archived for future generations to appreciate.

The ribbon cutting ceremony on September 28 will be kicked off by the Sheriff's Honor Guard, who will be joined by the Mayor and City Council of the City of Fairfax, Sheriff Mark Sites, and Clerk of the Court John T. Frey. Members of the Board are invited to attend this special occasion.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff of the Office of Public Affairs to:

- Prepare a proclamation for presentation on September 28 to the Fairfax Circuit Court congratulating them on the completion of this new Historic Records Center.
- Assist the Circuit Court in publicizing the ceremony.

- Invite members of the history community to attend.

Without objection, it was so ordered.

22. **RECOGNIZING MS. CAROL ANN CORYELL FOR 35 YEARS OF SERVICE TO THE COUNTY** (11:58 a.m.)

Supervisor Herrity announced that on June 30, 2013, Carol Ann Coryell retired as Secretary of the County Electoral Board. Her community involvement spans decades and took her to the farthest corners of the globe.

In 1977, Ms. Coryell served as Co-Chair of the Mount Vernon Council and served on the Education Committee. At the same time, she was appointed to the Fairfax-Falls Church Community Board for Mental Health, now the Community Services Board, where she served for two years as a committee chairman. Using her experience as a Registered Nurse, she organized the first countywide health fair in 1982. Later, she helped organize the celebration of the 250<sup>th</sup> birthday of George Washington. Ms. Coryell served as Chair of the Virginia Board of Social Services from 1999 to 2004, including a year as chairman. She once stood as a candidate for the County Board of Supervisors.

Supervisor Herrity said that, beginning in 1997, Ms. Coryell was a member of the County Electoral Board for 10 years; two as Chairman, two as Vice-Chairman, and three as Secretary. Her accomplishments during those years are numerous and included organizing 2,400 volunteer election officers, implementing the first Election Day page program for high school students, traveling to Russia to teach election policies, establishing the first election results web site in Virginia, and publishing Virginia's first elections officer training manual and video.

Ms. Coryell has also served as an election consultant, on the Virginia Electoral Board Association, on the Northern Virginia Health System Agency, and as an advisor to numerous political campaigns. She graduated from Harvard Medical School and has been a Registered Nurse for more than 50 years.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Ms. Coryell to appear before the Board to receive a resolution honoring her for 35 years of service to the County. Without objection, it was so ordered.

23. **CONGRATULATING THE WEST SPRINGFIELD HIGH SCHOOL GIRLS TRACT DISTANCE MEDLEY RELAY TEAM ON A NATIONAL TITLE (SPRINGFIELD DISTRICT)** (11:58 a.m.)

Supervisor Herrity said that, on June 16, 2013, the West Springfield High School Girls Track Distance Medley Relay Team brought home the first national title for female track in the school's history. The team competed at the New Balance Outdoor National Championship organized by the National Scholastics Athletic Foundation. After two days competing in Greensboro, North Carolina, the girls

distance medley relay team finished in first place, roughly two seconds ahead of the runner up. The distance medley relay team, comprising of Katie Kennedy, Michelle Lipka, Reagan Bustamante, and Caroline Alcorta, beat out eight other teams with a final time of 11:51.46. Throughout the race, the girls lagged behind and seemed to be stuck in fourth place overall. However, during the last leg of the race, the girls pulled through and surged from fourth to first. While individual runners all performed above par, a team effort was the secret to the girls' success.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite the West Springfield Girls Track Distance Medley Relay Team to appear before the Board to receive a resolution congratulating them on their national title. Without objection, objection it was so ordered.

24. **PARK AUTHORITY POLICY REGARDING MONOPOLES** (11:59 a.m.)

Supervisor Herrity noted that on June 26, 2013, the Park Authority Board approved a revision to its policies bringing them in line with the County's Comprehensive Plan with respect to monopoles. These monopoles are a good source of revenue and can offset the need to raise user fees. They can be placed and not detract the quality of the Parks. He thanked staff of the Park Authority Board and Michael Thompson, Jr., Springfield District Representative to the Park Authority Board, for their hard work.

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25. **REQUEST FOR EXPEDITED PROCESSING AND AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS FOR PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION PCA/FDPA 87-C-060-18 (STEPHEN M. DEFRANK, JR.) (HUNTER MILL DISTRICT)** (12 noon)

Supervisor Hudgins said that Stephen M. DeFrank, Jr. has filed Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 87-C-060-18 to add a covering to the 17.4 x 19 foot portion of the existing deck at 2465 Iron Forge Road, Oak Hill, Virginia 20171, Tax Map 015-1 ((14)), Parcel 16. The existing deck will remain. However, since the rear yard backs to a floodplain, the PCA is required to reduce the 15 foot setback to recognize the existing setback. No new construction is proposed.

Because of an affidavit matter, the Planning Commission (PC) public hearing currently scheduled for July 25, 2013, is being deferred to September. The applicant has requested expedited processing to minimize time loss for construction purposes.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to expeditiously review this application and schedule the required public hearings before the PC and the Board to the earliest date possible

in September. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Supervisor Hyland seconded the motion and it carried by unanimous vote.

26. **REQUEST FOR RECOGNITION OF FAIRFAX COUNTY 4-H FAIR'S SIXTY-FIFTH ANNIVERSARY** (12:02 p.m.)

Supervisor Hudgins said that each summer the County celebrates its agricultural roots with the annual 4-H Fair held at Frying Pan Farm Park. This year, the County's 4-H Fair will celebrate its sixty-fifth anniversary.

The members of the 4-H community and the Park Authority work cooperatively to host the old-fashioned country fair and carnival. This year's event begins on August 1-2 with carnival rides, an outdoor family movie, big truck night, and an outdoor concert. On August 3-4, the 4-H clubs add exhibits and demonstrations, along with horse, livestock, and dog shows.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite leaders of the County's 4-H program and Park Authority representatives to appear before the Board at its July 30, 2013, meeting to receive congratulations on the 4-H Fair's sixty-fifth anniversary. Without objection, it was so ordered.

27. **REQUEST FOR PROCLAMATION RECOGNIZING NATIONAL NIGHT OUT'S THIRTIETH ANNIVERSARY** (12:03 p.m.)

Supervisor Hudgins said that on August 6 National Night Out will celebrate its thirtieth anniversary. County residents are asked to turn on their porch lights and to join with their neighbors and local police in a variety of activities. Throughout the County there will be crime prevention block parties, cookouts, ice-cream socials, flashlight walks, safety fairs, and neighborhood meetings.

National Night Out is designed to:

- Heighten awareness of crime prevention, drugs and violence
- Generate support for and participation in local crime-fighting programs
- Strengthen neighborhood spirit and police-community partnerships
- Send a message to criminals letting them know that neighborhoods are organized and fighting back

National Night Out activities not only bring residents together to strength their relationships with the local police, but also send a message that County neighborhoods are not “easy pickings.”

The Fairfax County Police Department (FCPD) has made it easy for groups to participate with a new on-line registration on its website. To register for National Night Out, residents should contact their local FCPD District station.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff from the Office of Public Affairs to:

- Invite representatives from FCPD to appear before the Board at its July 30 meeting to receive a proclamation encouraging all residents to participate in the National Night Out.
- Work with the Police Department to publicize this event.

Without objection, it was so ordered.

28. **RESOLUTION RECOGNIZING “DAY TO SERVE”** (12:04 p.m.)

(R) In a joint Board Matter with Supervisor Cook, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova, Supervisor Gross said “Day to Serve” provides an opportunity for people to set aside their differences and come together to address basic human needs in the region, such as collecting food to restock food pantries, environmental protection projects, and increasing volunteerism. September 15–19, 2013, marks the second year for this remarkable effort.

Supervisor Gross noted that the Northern Virginia Regional Commission (NVRC) adopted a resolution for “Day to Serve” at its meeting on June 27, and all local jurisdictions are encouraged to adopt a similar resolution for their community.

Therefore, Supervisor Gross moved that the Board:

- Adopt a Resolution recognizing “*Day to Serve*” in Fairfax County.
- Direct the Office of Public Affairs and Volunteer Fairfax to work together on messaging and coordination of volunteer opportunities through “*Day to Serve*.”

Chairman Bulova 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.”



PMH:pmh

29. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (12:06 p.m.)

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

30. **RECOGNIZING THE SIXTIETH ANNIVERSARY OF THE ARMISTICE ENDING THE KOREAN CONFLICT** (12:06 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Cook announced that July 27, 2013, marks the sixtieth anniversary of the signing of the armistice which ended military action in the Korean conflict. While the Korean peninsula officially remains a war zone, the demilitarized zone between North and South Korea has remained relatively free of violence for 60 years. The worldwide advance of communism was stopped in Korea, and today South Korea is a vibrant, prosperous, and democratic ally. North Korea stands in stark contrast and serves, every day, as a reminder of what could have been if not for the brave and courageous efforts of the South Korean, American, and United Nations forces.

The Korean War is often called the "Forgotten War" by popular historians. More than 35,000 Americans lost their lives, and hundreds of thousands of American GIs served there. The war raged for three years, moving north and south over the Korean peninsula before finally ending with the signing of the Korean Armistice Agreement on July 27, 1953. American soldiers are still stationed in the Republic of Korea, helping keep the peace and ensuring the safety.

Therefore, to commemorate the sixtieth anniversary of the signing of the Korean Armistice Agreement, Supervisor Cook asked unanimous consent that the Board direct staff to invite County veterans from the Korean War and members of the Korean community to appear before the Board on July 30, 2013, to celebrate the occasion. Without objection, it was so ordered.

31. **EVERGREENE COMPANIES (BRADDOCK DISTRICT)** (12:08 p.m.)

Supervisor Cook said that on January 24, 2013, Rezoning/Final Development Plan Application RZ/FDP 2013-BR-003 were accepted for review and comment by the County. The applicant, Evergreene Companies, LLC, proposes to construct 10 single family homes on a 4.26 acre parcel known as the Penn property, located at the end of Banting Drive in the Braddock District. Supervisor Cook said that on May 1, 2013, he held a community information meeting on the project which received a generally positive response from the community. The project has also recently received a positive staff recommendation.

Due to scheduling difficulties, the applicant does not yet have a formal date for a public hearing before the Board. The applicant has requested authorization to process a concurrent site plan for the project in advance of that hearing next fall.

Therefore, Supervisor Cook moved that the Board direct the Director of the Department of Public Works and Environmental Services to accept for concurrent and simultaneous review a site plan, architectural drawings, and other plans as may be necessary to implement the improvements contemplated by the applicant with the rezoning applications. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Supervisor Hyland seconded the motion and it carried by unanimous vote.

32. **SUNOCO, INCORPORATED (R&M) (SULLY DISTRICT)** (12:09 p.m.)

Supervisor Frey said that Sunoco, Incorporated (R&M) has filed Proffered Condition Amendment Application PCA 88-S-026-03 and Special Exception Amendment Application SEA 88-S-077-06 on tax map reference 44-1 ((9)) E2 (part) and F2 (part). The property is zoned to the C-6 and Water Supply Protection Overlay Districts. A portion of the subject property has been developed with a 1,571 square foot mini-mart, 6 fuel pumps, and a single-bay car wash. The applicant has worked with the owner of the property to lease additional land area to allow for redevelopment of the existing service station and now proposes an approximately 3,159 square foot quick service food store, 10 fuel pumps, and a single bay car wash. The location of the existing canopy and access points will not change. The applicant's use of additional land area will better accommodate customer demand and provide for more convenient circulation.

Supervisor Frey noted that the Planning Commission (PC) public hearing is scheduled for October 3, 2013, and the applicant is anxious to complete the renovation/expansion as soon as possible. To that end, they have requested concurrent processing and a date certain for the Board public hearing.

Therefore, Supervisor Frey moved that the Board authorize the Director of:

- The Department of Public Works and Environmental Services to concurrently and simultaneously process the site plans associated with Proffered Condition Amendment Application PCA 88-S-026-03 and Special Exception Amendment Application SEA 88-S-077-06.
- The Department of Planning and Zoning to schedule a public hearing to be held before the Board to occur as soon as practicable after the PC hearing.

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.

33. **RETIREMENT OFFICE** (12:12 p.m.)

Supervisor Frey announced that the County retirement systems have done extraordinarily well in the face of difficult financial situations and a very difficult economy. He said that *Institutional Investor* has recognized as “Small Public Plan Manager of the Year,” Lurnz Swartz, Chief Investment Officer and as “Rising Star,” Ryan J. Randall, CFA, Senior Investment Manager.

Supervisor Frey noted that Mr. Swartz and Robert Mears, Executive Director, Retirement System Administration, will be retiring soon.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite:

- Mr. Swartz and Mr. Randall to appear before the Board to be recognized for the recognition they received.
- Mr. Mears and Mr. Swartz to wish them well as they embark on the next stage of their careers.

Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to invite the trustees on the three Retirement Boards to attend. Without objection, it was so ordered.

34. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:14 p.m.)

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

35. **REQUEST TO ELIMINATE THE FEE FOR POLICE INCIDENT VERIFICATION REPORTS** (12:15 p.m.)

Supervisor Hyland said that a constituent contacted his office seeking assistance in obtaining an incident verification report from the Police Department. She was upset that the Police Department’s Police Citizen Aide and Central Records would not give her the crime report number, which is required to obtain the report. Staff advised her to drive to Central Records in Fairfax to obtain the report number and pay a \$10 fee to obtain an incident verification report for insurance purposes. The County does not charge a fee for incident reports for traffic accidents or for victims of domestic violence. However, every other crime requires the victim to pay \$10 to obtain a report.

Supervisor Hyland said that this is a disservice to constituents who have already been victimized once. Last year, the Police Department collected approximately \$28,000 from the issuance of incident verification reports. If the Department is serious about cost recovery there should be a charge for accident reports, which occur more frequently than incident reports.

Therefore, Supervisor Hyland moved that the Board direct the County Executive to review this issue and report with recommendations on ending the fee for incident verification reports. Chairman Bulova seconded the motion and it carried by unanimous vote.

36. **REQUEST TO INCREASE COORDINATION WITH THE ZONING EVALUATION DIVISION, DEPARTMENT OF PLANNING AND ZONING (DPZ) AND THE FIRE MARSHAL ON ZONING APPLICATIONS** (12:15 p.m.)

Supervisor Hyland said that it has come to his attention that two rezoning applications in the Mount Vernon District have been delayed due to site plan deficiencies in meeting minimum Fire Code requirements. In Huntington, one application had to reduce the number of trees planted along the roadway so a ladder truck would be able to access higher floors. Another application on Richmond Highway was delayed when the applicant failed to include a required fire truck turn around. Both of these issues could have potentially been addressed during pre-staffing when representatives from DPZ, the Department of Public Works and Environmental Services, and the Department of Transportation meet to discuss newly filed zoning applications.

Supervisor Hyland said that recently, staff in the Fire Marshal's office has started to attend these meetings. He commended staff for working to address this issue. The Fire Marshal needs to share its expertise with DPZ staff so the design and layout of new developments comport with the Fire Code.

Therefore, Supervisor Hyland moved that the Board direct the Director of DPZ and the Fire Chief to make the attendance of Fire Marshal staff at all necessary meetings standard operating procedure. Supervisor Cook seconded the motion.

Following discussion regarding attendance at meetings, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to direct staff to review this issue and report with recommendations, and this was accepted.

Supervisor Herrity asked to amend the motion that the Board direct staff to review the issue of staffing and how the proposal might impact inspections and delay projects, and this was accepted.

Supervisor Smyth asked unanimous consent that the Board direct staff to remind the private sector that it should be checking with the Fire Marshall on its plans. Without objection, it was so ordered.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

37. **HOMELAND SECURITY EXECUTIVE EDUCATION SEMINAR**  
(12:23 p.m.)

Supervisor Hyland said that on Tuesday, July 2, the Board and senior County staff held a very productive discussion on the topic of emergency management hosted by the Naval Postgraduate School, Center for Homeland Defense and Security (CHDS). It is important for the County's elected officials have a frank and open discussion about threats, vulnerabilities, and capability, to prevent, protect, mitigate, respond, and recover to emergencies. But even more important, to the point raised by Supervisor Cook and the Board, the public must be well versed in the fundamentals of emergency management, make it part of the culture, and strengthen the community bonds in doing so.

Supervisor Hyland expressed his belief that the Board would benefit from a continued dialogue and facilitated discussion with CHDS on the role of the elected official during an emergency or disaster, the requirements and expectations during the response and recovery stage of emergency operations, and the ability to assist vulnerable populations, among other topics.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct:

- Staff to send a letter of thanks to the staff of CHDS for its presentation
- The County Executive to work with staff and CHDS to hold a second discussion at an appropriate time and date
- Staff to add the issue of preparedness to the next Public Safety Committee meeting agenda

Without objection, it was so ordered.

38. **REQUEST FOR RECOGNITION FOR MS. KAILEY TURNER AND MS. ARIANA HANAITY (LEE DISTRICT)** (12:31 p.m.)

Supervisor McKay said that on July 1, two quick thinking employees at the Lee District REC Center averted what could have been a double tragedy.

Supervisor McKay explained that Ms. Kailey Turner had just finished taking a reading from the spa pump room and while returning to the guard office, she checked the ramp area to make sure everything was safe and running smoothly. Ms. Turner saw a child at the bottom of the ramp who was clearly in distress. She immediately jumped in the pool and rescued the child. Ms. Turner then found the child's parents, explained how quickly a problem can happen and how important it is to keep a close eye on children. Once the child was safe and returned to the parents, Ms. Turner then advised her supervisor of the situation.

Supervisor McKay said that Ms. Ariana Hanaity was a rover in the shallow end of the REC center pool when she saw a child following his mother and a number of other children down the sloped area into the pool.

The water depth changes at the bottom of the slope and the child was unable to stand and began to sink. Ms. Hanaity immediately recognized the danger, activated the pool's emergency action plan, and rescued the child. She explained to the parent how quickly an accident can happen and emphasized the importance of keeping an adult with a child at all times.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Ms. Turner and Ms. Hanaity to appear before the Board on September 24 for recognition of their quick and professional responses that saved two children from what could have been tragic consequences. Without objection, it was so ordered.

39. **COMMENTS ON I-66 TIER 1 ENVIRONMENTAL IMPACT STATEMENT (EIS) RECOMMENDATIONS FOR TIER 2** (12:34 p.m.)

Supervisor McKay referred to a letter discussed at the Board's last Transportation Committee meeting, to the Honorable Sean T. Connaughton, Secretary of Transportation, regarding the comments on I-66 Tier 1 EIS Recommendations for Tier 2. The changes that the Board had suggested are included in the new draft letter that was distributed around the dais.

Therefore, Supervisor McKay moved that the Board direct the Chairman to sign the draft letter, on behalf of the Board, and send it to Secretary Connaughton. Supervisor Foust and Supervisor Hyland jointly seconded the motion.

Supervisor Herrity asked to amend the motion to modify the language on page two of the letter as follows:

- As one of the two jurisdictions directly affected by this process and any subsequent projects, Fairfax County urges the Commonwealth to ~~rescind the resolution passed by the CTB that included BRT as the only transit mode for additional consideration, and to reopen the Tier 1 EIS process in order to add~~ advance Metrorail (long-term) and VRE (short-term) as improvement concepts ~~to be advanced~~ for further consideration in Tier 2 studies.

Following a brief discussion, regarding a tiered EIS, this was accepted.

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

- The acknowledgment that bus rapid transit (BRT) was in the Tier 1 EIS
- Advancing Metrorail long term and VRE short term
- Continuing to look at BRT as improvement concepts for further consideration in Tier 2 studies
- The impact of VRE as part of the evaluation for I-66
- Advancing to a Tier 2 EIS

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

40. **RECESS/CLOSED SESSION** (12:52 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. *Vienna Metro, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2011-0006322 (Fx. Co. Cir. Ct.) (Providence District)
2. *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.)
3. *Tonita Hall a/k/a Louise Redditt Toni v. Robert Mueller, Eric Holder, Albert L. Lord, Albert Murray, Tanja Gilmore, Harold W. Clarke, B. Meyers, R. Wenmoth, Debra Wiley, John Frey, FSA Ombudsman U.S. Dept. of Education, Fairfax County Board of Supervisors, Jessi Vannalli, Lieutenant T. Crabtree, Officer Bauer, Fairfax County Police Dept., David M. Rohrer, Fairfax County Sheriff's Dept., Magistrate Garcia, Deputy Sheriff Wayne Hannah, Hank W. Chao, Kathleen Tighe, Jason Williams, Joan Zanders, Joe Kuebler, Juanita Ford, Northern Virginia Community College, Ian Rodway, Raymond F. Morrogh, Theophani Stamos, U.S. Office of the Inspector General, Patricia Tucker, Robert Templin, Jr., Sallie Mae, Arne Duncan, Sharon Bulova, Nathan Deal, Unknown Transportation Company, U.S. Dept. of Justice, William W. Muse, William D. Hamel*, Civil Action No. 13-1704 (U.S. Ct. of Appeals for the Fourth Cir.)
4. *Khadija Ahmed v. Phimmery Muongkhoth*, Case No. CL 2012-0002136 (Fx. Co. Cir. Ct.) (Providence District)
5. *Mark Boudreau v. Detective Jeremy Hoffman*, Case No. GV13-003768 (Fx. Co. Gen. Dist. Ct.)
6. *MGA Virginia 86-1 Limited Partnership v. Board of Supervisors of Fairfax County, Virginia*, Case



- No. CL-2012-0018812 (Fx. Co. Cir. Ct.) (Hunter Mill District)
7. *MGA Virginia 85-1 Limited Partnership and Boston Properties Limited Partnership v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2013-0000015 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  8. *MGA Virginia 86-2 Limited Partnership and Boston Properties Limited Partnership v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2013-0000016 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  9. *In Re: February 13, 2013, Decision of the Fairfax County Board of Zoning Appeals; Trang P. Mai v. Fairfax County Department of Planning and Zoning*, Case No. CL-2013-0005213 (Fx. Co. Cir. Ct.) (Mason District)
  10. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Edward Caine and Susan Power*, Case No. CL-2013-08131 (Fx. Co. Cir. Ct.) (Dranesville District)
  11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fred F. Khamnei, Afkhamolmollk Khamnei, and Ming, LLC d/b/a B & M Therapy*, Case No. CL-2013-0009085 (Fx. Co. Cir. Ct.) (Providence District)
  12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Deochand Narish Lawkaran and Mahabal Leelawattee*, Case No. CL-2012-0006262 (Fx. Co. Cir. Ct.) (Mason District)
  14. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charilene N. Lucas, a/k/a*

*Christine N. Lucas*, Case No. CL-2011-0012915  
(Fx. Co. Cir. Ct.) (Lee District)

15. *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)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rajendra Bernard Edwards*, Case No. CL-2012-0008576 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)
17. *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)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucy W. Berkebile*, Case No. 2011-0012842 (Fx. Co. Cir. Ct.) (Dranesville District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank L. Stevens and Mary E. T. Stevens*, Case No. CL-2012-0005051 (Fx. Co. Cir. Ct.) (Providence District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Linda L. LaFever*, Case No. CL-2012-0008507 (Fx. Co. Cir. Ct.) (Lee District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rotonna L. Mullen*, Case No. CL-2012-0008992 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*,

- Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.)  
(Providence District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jorge A. Ayala and Olimpia T. Amaya, a/k/a Olimpia T. Ayala*, Case No. CL-2011-0004001 (Fx. Co. Cir. Ct.) (Springfield District)
  24. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Helen Bartlett*, Case No. CL-2012-0014136 (Fx. Co. Cir. Ct.) (Mason District)
  25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Akmal Ghani and Hamida Ghani*, Case No. CL-2012-0008004 (Fx. Co. Cir. Ct.) (Braddock District)
  26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Patrick McLein and Toui Emanivong*, Case No. CL-2013-0004456 (Fx. Co. Cir. Ct.) (Providence District)
  27. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George W. Spicer, Agnes G. Spicer, and Abiy Bisrat*, Case No. CL-2013-0008289 (Fx. Co. Cir. Ct.) (Mason District)
  28. *Board of Supervisors of Fairfax County, Virginia v. D and J Real Estate, LLC, and L & M Body Shop, Inc.*, Case No. CL-2011-0016596 (Fx. Co. Cir. Ct.) (Lee District)
  29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Groveton Office, LLC, and SPUSO5 Wood Groveton, LLC*, Case No. CL-2013-0003609 (Fx. Co. Cir. Ct.) (Lee District)
  30. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carl H. Richmond, Jr., and Elizabeth S. Richmond, Trustees of the Carl H. Richmond, Jr. Revocable Trust and the Elizabeth*

- S. Richmond Revocable Trust*, Case No. CL-2013-0001344 (Fx. Co. Cir. Ct.) (Lee District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Amy Junhong Long*, Case No. CL-2013-0005065 (Fx. Co. Cir. Ct.) (Providence District)
  32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kam Saykhamphone and Thong B. Saykhamphone*, Case No. CL-2013-0007059 (Fx. Co. Cir. Ct.) (Braddock District)
  33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wayne E. Lloyd and C & L Mulching and Lawn Maintenance, Inc.*, Case No. CL-2013-0009604 (Fx. Co. Cir. Ct.) (Lee District)
  34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Manzoor Ul Haq Sheikh and Shagufta A. Sheikh*, Case No. CL-2013-0009607 (Fx. Co. Cir. Ct.) (Lee District)
  35. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kevin A. Curry and Laura C. Curry*, Case No. CL-2013-0009606 (Fx. Co. Cir. Ct.) (Providence District)
  36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel C. Robinson*, Case No. CL-2013-0010319 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Peter Komtzamanys*, Case No. CL-2013-0010321 (Fx. Co. Cir. Ct.) (Sully District)
  38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gloria R. Dean*, Case Nos. GV13-001114 and GV13-001116 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose Bracamonte Castillo*, Case Nos. GV12-014032 and GV12-014033 (Fx. Co. Gen. Dist. Ct.) (Lee District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Fairfax Investors Limited Partnership, LLP*, Case No. GV13-009848 (Fx. Co. Gen. Dist. Ct.) (Mason District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mark Skrinski and Maria Skrinski*, Case No. GV13-009846 (Fx. Co. Gen. Dist. Ct.) (Lee District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. The Peel Family Revocable Trust, and Charles A. Peel and Jane E. Peel, Trustees of the Peel Family Revocable Trust*, Case No. GV13-010739 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roger L. Vasilas and Karen B. Vasilas*, Case No. GV13-010487 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Peggy Shannon Bryant Starke Trust, and Peggy Shannon Bryant Starke, Trustee of the Peggy Shannon Bryant Starke Trust*, Case Nos. GV13-011059 and GV13-011060 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gloria Cruz and Jose Santana Escobar*, Case Nos. GV13-011000 and GV13-011001 (Fx. Co. Gen. Dist. Ct.) (Mason District)
46. *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)

47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sergio Luna Lozano*, Case No. GV13-009800 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sam K. Yoon*, Case No. GV13-009706 (Fx. Co. Gen. Dist. Ct.) (Mason District)
49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vivian Villaroel*, Case No. GV13-012764 (Fx. Co. Gen. Dist. Ct.) (Mason District)
50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hector V. Flores and Sara E. Ventura*, Case No. GV13-012763 (Fx. Co. Gen. Dist. Ct.) (Lee District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Karen A. Kallio*, Case No. GV13-012768 (Fx. Co. Gen. Dist. Ct.) (Mason District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edgar Molina and Hilda Crespo De Molina*, Case No. GV13-013006 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
53. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kiet Nguyen and Jenny Nguyen*, Civil Case No. GV13-013293 (Fx. Co. Gen. Dist. Ct.) (Mason District)
54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Byung Young Kim and Myung Sook Kim*, Civil Case No. GV13-013294 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Miguel A. Orellana*, Case No. GV13-013434 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- *WP Company LLC vs. Board of Supervisors*, CL-2012-18455

Supervisor Foust and Supervisor Hyland jointly seconded the motion.

Following a brief discussion, with input from David P. Bobzien, County Attorney, regarding the inclusion of Admin 1 in closed session, the question was called on the motion and it carried by unanimous vote.

**DET:det**

At 4:06 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

**ACTIONS FROM CLOSED SESSION**

41. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:06 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 and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

**AGENDA ITEMS**

42. **ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN INTERIM DEVELOPMENT AGREEMENT WITH LAKE ANNE DEVELOPMENT PARTNERS, LLC, FOR THE REDEVELOPMENT OF THE CRESCENT APARTMENT SITE (HUNTER MILL DISTRICT)** (4:07 p.m.)

(A) (NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item 12#.)

Supervisor Hudgins moved that the Board authorize the advertisement of a public hearing to be held before the Board on **July 30, 2013, at 4:30 p.m.**, regarding an interim development agreement with Lake Anne Development Partners, LLC, for the redevelopment of the Crescent Apartment site. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

43. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX E, DISTRICT ORDINANCES FOR AGRICULTURAL AND FORESTAL DISTRICTS OF STATEWIDE SIGNIFICANCE, APPLICATION AF 2013-SP-001 (JOHN T. KINCHELOE; MARY T. KINCHELOE, TRUSTEE; JOHN T. KINCHELOE, TRUSTEE; JEAN NELSON KINCHELOE SWIM, 13219 YATES FORD ROAD, LLC) (SPRINGFIELD DISTRICT)** (4:08 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 June 21 and June 28, 2013.

The application property is located at 7821 Kincheloe Road, 7900 My Way, and 13219 Yates Ford Road, Clifton, 20124, Tax Map 85-1 ((6)) 1, 2Z, 4; 85-3 ((1)) 5Z, 6Z, 7Z; 85-3 ((2)) 18Z, 19Z, 20Z, 48Z-53Z; 85-4 ((1)) 1Z, 10Z, 20Z, 21Z, 22Z, 23Z; 85-4 ((6)) 2Z and 3Z.

Chairman Bulova stated that no affidavit is required for an AF application.

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

Mr. John Kincheloe, an applicant, made a statement.

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

Supervisor Herrity moved approval of Agricultural and Forestal Application AF 2013-SP-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix E, establishing the Kincheloe Statewide Agricultural and Forestal District, subject to the Ordinance provisions dated May 15, 2013. Supervisor Hyland seconded the motion.

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.”



44. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 2004-SP-001 (MARK A. AND LISA K. KOSTERS, MARVIN H. KOSTERS AND BONNIE M. KOSTERS) (SPRINGFIELD DISTRICT)**

(4:15 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 June 21 and June 28, 2013.

The application property is located at 13120 Cedar Ridge Drive, Clifton, 20124, Tax Map 75-1 ((8)) 6Z; 75-1 ((10)) 7Z, 8Z and 9Z.

Chairman Bulova stated that no affidavit or disclosures are required for an AR application.

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

Mr. Mark A. Kosters, an applicant, made a statement.

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

Supervisor Herrity moved approval of Agricultural Renewal Application AR 2004-SP-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Kosters Local Agricultural and Forestal District, subject to the Ordinance provisions dated May 15, 2013. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

45. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC-C-377, (FAIRFAX COUNTY PUBLIC SCHOOLS) (HUNTER MILL DISTRICT)** (4:20 p.m.)

The application property is located in the southeast quadrant of the intersection of Sunrise Valley Drive and Cross School Road, Tax Map 27-1 ((3)) 2.

Chairman Bulova stated that no affidavit is required for a PRC application.

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

Supervisor McKay raised a question concerning the number of children who walk or ride bikes to school and what is being done to discourage drop-offs and pickups. Discussion ensued, with input from Steve Nicholson, Coordinator, Capital Projects and Sustainable Design, Office of Design and Construction, Fairfax County Public Schools

Discussion continued, with input from Mr. Nicholson, concerning the location of a construction staging area.

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

Discussion ensued, with additional input from Mr. Nicholson, concerning bike amenities and maintenance of same.

Discussion continued concerning:

- Walking distance, particularly for young children
- Pedestrian safety
- Enhancements to pedestrian facilities to reduce traffic around schools

Mr. Rogers presented the staff and Planning Commission recommendations.

Following remarks concerning land use guidance for approval of the construction and renovation of schools and the need for better collaboration between the County and the Schools, Supervisor Hudgins moved:

- Approval of Planned Residential Community Application PRC-C-377, subject to the development conditions dated July 1, 2013.
- Modification of the Public Facilities Manual's trail requirement in favor of the proposed walkway along Cross School Road to allow reductions in the minimum clear zone in accordance with the development conditions.

Supervisor Herrity and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Chairman Bulova noted the larger question of encouraging children to walk, bike, or take the bus, rather than use a Kiss-and-Ride, is a discussion the Board will continue to have with the School Board.

46. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-MV-019 (SEYED M. FALSAFI) (MOUNT VERNON DISTRICT)** (4:56 p.m.)

The application property is located at 835 Herbert Springs Road, Alexandria, 22308, Tax Map 102-4 ((1)) 77B

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

Nicholas Rogers, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented a PowerPoint slide presentation depicting the application and site location.

Discussion ensued, with input from Mr. Rogers and Barbara Berlin, Director, ZED, DPZ, concerning:

- The need for a new Water Quality Impact Statement
- The impact of denying a SE application on the property and the subsequent environmental impact
- Timing of the replanting of overstory/understory trees and shrubs because of the disturbance in the Resource Protection Area (RPA)
- Deferral of a building permit
- Payment of a Wetlands Board fine

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

Discussion continued, with input from Ms. Stagg and Mr. Rogers, concerning:

- Enforcement mechanisms
- Residence of the applicant

During the public hearing, which included testimony by one speaker, discussion ensued concerning proposed development conditions dated May 9, May 21, and July 9, with input from Mr. Rogers concerning the change from Non-Residential Use to Residential Use in the second-to-the-last-paragraph in the July 9 conditions.

Following the public hearing, discussion ensued concerning conditions related to construction in a flood plain/RPA and demolition, with input from Mr. Rogers.

Additional discussion ensued concerning a Hold Harmless agreement condition with input from Ms. Berlin, Mr. Rogers, and David P. Bobzien, County Attorney.

Following rebuttal by Ms. Stagg, discussion ensued concerning tree removal on the adjoining property and possible violations, with input from Mr. Rogers. Supervisor Hyland asked unanimous consent that the Board direct staff to look into this matter. Without objection, it was so ordered.

Discussion continued concerning application for the Water Quality Impact Statement and commitment to the necessary plantings within a prescribed amount of time, with input from Ms. Stagg regarding a geotechnical report that was done on the fill which would require repair before the plantings can occur.

Mr. Rogers presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2012-MV-019, subject to the development conditions dated July 9, 2013, subject to the following modifications/additions to Condition Number 6 as follows:
  - Within ~~60~~ 30 days of this SE Exception's approval (Modification)
  - Landscaping in the RPA shall be installed within 90 days of the Water Quality Impact Assessment approval unless the Urban Forestry Management Division determines a later planting date is necessary to ensure the health of the landscaping (addition at the end of the Condition).

Supervisor Herrity seconded the motion.

A lengthy discussion ensued concerning:

- The egregiousness of an application in an historic and environmentally sensitive area
- Lack of compliance with State and local law
- The need for County inspectors to be extremely vigilant
- The use of an SE to enforce compliance
- The Chesapeake Bay Ordinance and the need for water quality attention

- The applicant and the prior contractor

Discussion continued concerning other consequences of denying the case, with input from Ms. Berlin regarding court action to determine the appropriate recourse.

Further discussion ensued concerning the determination that additional environmental damage would occur from the removal of the riprap revetment, with input from Mr. Rogers concerning analyses by the Department of Public Works and Environmental Services and DPZ environmental planners as well as the Geotechnical Review Board.

Discussion continued concerning:

- Ensuring that the applicant meets its requirements
- Consideration of a forgiveness cost and the need for accountability
- The need for the County rather than the Courts to resolve the matter
- Lack of an application to the Wetlands Board
- The absence of the applicant
- The importance of staff being fully involved in whatever is done on the property and that no construction occur in the flood plain of the RPA

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

47. **4 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY AMENDMENT APPLICATION PRCA-B-846 (JBG/RIC, LLC AND RIC RETAIL, LLC) (HUNTER MILL DISTRICT) (5:59 p.m.)**

The application property is located on the west side of Sunrise Valley Drive, approximately 900 feet northwest of its intersection with Reston Parkway, Tax Map 17-3 ((3)) 1C and 1D.

Chairman Bulova stated that no affidavit is required for a PRC application.

Nicholas Rogers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented a PowerPoint slide presentation depicting the application and site location.

Discussion ensued, with input from Mr. Rogers, concerning the proximity to the Metro station and the use and proposed use of other properties.

Mr. Benjamin F. Tompkins, agent for the applicant, gave a presentation.

Following the public hearing, which included testimony by three speakers, Supervisor Hudgins stated that she had submitted items for the record.

Mr. Tompkins noted comments made Mr. Bruce Wright (Speaker Two), regarding adoption of urban design guidelines, particularly as it relates to a sorely needed crossing of Reston Parkway. Discussion ensued regarding the applicant being in support of an at-grade crossing.

Mr. Rogers presented the staff and Planning Commission recommendations.

Following remarks by Supervisor Hudgins which included the need for urban roadway design guidelines for all high density areas and transit-oriented development (TOD) areas, she read the following statement into the record:

The applicant will cooperate with the Virginia Department of Transportation (VDOT) and the Fairfax County Department of Transportation in studying and implementing: (i) an at-grade crossing of Reston Parkway and associated intersection improvements generally to match up with the existing entrance to the Brookfield property west of Reston Parkway (Tax Map 17-3-((8))2A), or (ii) an at-grade crossing of Reston Parkway and associated intersection improvements generally as shown as Intersection 31 in the "RMAG Study" and the applicant shall participate on a pro rata basis with other property owners in the vicinity of the property in the construction of such at-grade intersection improvements (but excluding costs for right-of-way and easements). This shall not prevent the applicant from obtaining site plan approvals consistent with the PRCA plan prior to such time as the intersection improvements are approved by VDOT and the Fairfax County Department of Transportation. The construction of such improvements shall not require an amendment of the PRCA plan.

Supervisor Hudgins moved approval of Planned Residential Community Amendment Application PRCA-B-846, subject to the development conditions dated May 21, 2013. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

48. **4 P.M. – PH ON REZONING APPLICATION RZ 2011-PR-018  
(CHRISTOPHER LAND, LLC) (PROVIDENCE DISTRICT)** (6:29 p.m.)

- (O) The application property is located on the north side of Courthouse Road, approximately 500 feet east of the intersection with Sutton Road, Tax Map 48-1 ((1)) 62 and 64.

Mr. Scott E. Adams reaffirmed the validity of the affidavit for the record.

William Mayland, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented a PowerPoint slide presentation depicting the application and site location.

Supervisor Smyth clarified that the illustration shown in the PowerPoint presentation was not the most recent and that changes had been made to the conservation easement, rearrangement of driveways as well as the fire lane. Mr. Mayland added that those changes were noted in the addendum to the staff report.

Discussion ensued concerning the driveway turnaround area and input from the Fire Marshal's office.

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

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

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-PR-018, from the R-1 District to the PDH-3 District, and approval of the associated CDP, subject to the proffers dated June 5, 2013.
- Modification of Section 13-303 for the transitional screening and Section 13-304 of the Zoning Ordinance for the barrier requirements of Land Bay A to permit the transitional screening and barrier requirements shown on the CDP/FDP.
- Waiver of the sidewalk requirement along the frontage of Courthouse Road, east of the site entrance.

Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herry,

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

(NOTE: On April 25, 2013, the PC approved Final Development Plan Application FDP 2011-PR-018.)

49. **4 P.M. – PH TO CONSIDER FAIRFAX FORWARD PLANNING PROCESS AND ASSOCIATED PILOT COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM** ( p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 21 and June 28, 2013.

Meghan Van Dam, Planner III, Policy and Plan Development Branch (PDB), Planning Division (PD), Department of Planning and Zoning (DPZ), presented a PowerPoint presentation.

A brief question-and-answer period ensued with input from Marianne Gardner, Director, PD, DPZ; Ms. Van Dam and Fred Selden, Director, DPZ, regarding:

- An indigent cemetery
- An update regarding the recommendations for Comprehensive Plan changes in the Seven Corners area
- Status of how proposals made in an area not scheduled for review would occur
- Draft recommendations for updates to the Work Program
- Public comment period for suggestions for changing the order of the studies on the Work Program
- Tracking submitted ideas and having them posted for the public

Discussion continued regarding how Plan amendments would be handled.

Following the public hearing, which included testimony by seven speakers, Ms. Van Dam presented the staff and Planning Commission (PC) recommendations.



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

- Adopt the revised Comprehensive Plan review process, outlined in the Fairfax Forward staff report dated February 20, 2013, subsequent Addendum dated April 3, 2013, and Board item dated July 9, 2013, which uses a Comprehensive Plan Amendment Work Program to schedule future planning studies.
- Adopt the Pilot Comprehensive Plan Amendment Work Program, dated June 11, 2013, and attached to the July 9, 2013, Board item, as a formal test of program operations.
- Direct staff to evaluate the efficiency, effectiveness, accessibility, and impact of the new process, especially public participation in the new process, and the Pilot Work Program after two years of its operation. Measurement criteria should be developed by staff in concert with the PC and the Board of Supervisors (BOS) to include public review and comment, and should be assessed utilizing surveys, interviews, or other methods to reach all parties involved. The evaluation should conclude with recommendations to the PC and the BOS on modifications and improvements.
- Rescind the outstanding Board-authorized amendments listed within Attachment VII of the staff report dated February 20, 2013.

Supervisor Hyland seconded the motion.

Supervisor Cook asked to amend the motion that the Board direct staff to develop:

- A formal process to gather Comprehensive Plan proposals outside of the scheduled staff work plan. Such proposals should be publicly available for review and comment.
- For Board consideration, a written procedure describing how such proposals would be reviewed for possible inclusion in future work plans.

This was accepted.

Supervisor Hyland asked to amend the motion to rescind the authorization for Plan Amendment S2-CW-5CP to make distributed antenna systems (DAS) a feature shown on the Comprehensive Plan in addition to the other items listed on Attachment VII of the staff report. This was accepted.

Following a query by Supervisor Smyth regarding the Plan Amendment number, Supervisor Hyland clarified that the Plan Amendment number is **S11-CW-5CP**, not S2-CW-5CP.

Following a brief discussion regarding the motion, the question was called on the motion, as amended, and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

50. **4 P.M. – PH ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82, (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF STATE LAW** (7:40 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 June 21 and June 28, 2013.

David J. Ferris, Manager, Policy and Planning, Chief's Office of Research and Support, Police Department, presented the staff report.

Following the public hearing, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, Adoption of State Law. Supervisor McKay seconded the motion and it carried by a vote of six, Supervisor Cook, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Foust, Supervisor Frey, Supervisor Gross, and Supervisor Hudgins being out of the room.

51. **4 P.M. – PH TO CONVEY BOARD-OWNED PROPERTY TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (PROVIDENCE DISTRICT)** (7:43 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 21 and June 28, 2013.

Michael Lambert, Property Manager, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, Chairman Bulova stated that she had received a letter from the Gates of McLean in support of a deferral.

Supervisor Smyth, noting an oversight in the design of the station as well as an issue with the boundary, moved that the Board:

- Authorize staff to convey Board-owned property to WMATA on all of the Tysons stations, except for the McLean station
- Defer decision on the conveyance of Board-owned property to WMATA for the McLean station until July 30, 2013.

Supervisor Herrity seconded the motion and it carried by a vote of six, Supervisor Foust, Supervisor Frey, Supervisor Gross, and Supervisor Hudgins being out of the room.

52. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO ELECTION PRECINCTS AND POLLING PLACES** (7:53 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 June 28 and July 5, 2013.

Cameron P. Quinn, General Registrar, Electoral Board, presented the staff report.

Following the public hearing, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections). Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey and Supervisor Hudgins being out of the room.

53. **BOARD ADJOURNMENT** (7:58 p.m.)

The Board adjourned.

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