



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
January 14, 2014**

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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 14, 2014, at 9:30 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 Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Penelope A. Gross, Mason 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; Ekua Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:31 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Stu Rakoff, who died last week. Mr. Rakoff was a member of the Reston community in the Hunter Mill District for many years and volunteered his service throughout the community. He was an unrelenting voice for affordable housing and mental health services; he embraced the arts and education as key to enriching the soul; and he looked forward to being on that first Silver Line train and seeing how those new services were going to improve the lives of others. He was a tireless volunteer. He suffered through Amyotrophic Lateral Sclerosis (ALS), and over the last year he chronicled his life with ALS, and as you read his blog you saw who he was because he was able to face each of his adversities and turn it into something that was able to touch others. He was poignant in his reflections of reminding others of the essentials which really give a real meaning. He had a love of life, a love of family, and a love of community.

Supervisor Cook asked everyone to keep in thoughts the family of Mr. Russel Rosen, who died on December 26, 2013. He was a subcontractor for the Virginia Department of Transportation, but is known to the County for his work in the Kings Park West community. He was an active member of the Kings Park West Civic Association and a foster parent in the County. He was also a founding member of Braddock Dogs, a citizen group that came together to advocate for Braddock District's first dog park, which will be sponsored by Braddock Dogs and will be created at the new Monticello Park on Guinea Road.

Supervisor McKay asked everyone to keep in thoughts Mr. Gregory Rodgers, a County employee, who died December 30, 2013, of a sudden heart attack, at the young age of 53. He noted that some may have read about Greg in an article in *The Washington Post*, a copy of which he distributed around the dais. Greg was an Engineer III in the Department of Public Works and Environmental Services. Supervisor McKay noted that he got to know Greg when he was a site inspector in the southern end of the County. He was also an accomplished drummer with the Washington Redskins Marching Band. Greg was a longtime dedicated employee who, during his career, "bootstrapped" his way up through the County organization and epitomized what a hard working County employee can accomplish in achieving a much higher ranking position than he ever dreamed he could have with the County just through hard work. He seemed to live a full life, even if it was not a long life. He will be sorely missed. Supervisor McKay asked everyone to keep his wife Bonnie, and daughter Gabrielle, in thoughts.

Supervisor McKay asked everyone to keep in thoughts Mr. Frederick 'Rick' Renninger, who died recently. He had been sick for several years, but was a longtime advocate in the Springfield area. Mr. Renninger served on the Springfield Civic Association, the Transportation Association of Greater Springfield (TAGS) Board, and Central-Springfield Area Revitalization Council

(C-SPARC). Supervisor McKay asked everyone to keep his wife Anne, and his children Helen and Dan, in thoughts.

Chairman Bulova asked everyone to keep in thoughts David P. Bobzien, County Attorney, and the Bobzien family. His brother, Dr. William Bobzien, was a renowned oncologist who succumbed to cancer and passed away after a brief illness. He was from North Carolina and Bridgton, Maine.

AGENDA ITEMS

2. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE WESTFIELD HIGH SCHOOL GIRLS FIELD HOCKEY TEAM**
(9:37 a.m.)

Supervisor Frey noted that, on January 1, the Westfield High School Marching Bulldogs represented the school, the County, and the Commonwealth of Virginia, in the 2014 Tournament of Roses Parade and did a fabulous job.

Supervisor Frey moved approval of the Certificate of Recognition presented to members of the Westfield High School Girls Hockey Team for a competitive spark, outstanding determination and noteworthy teamwork, resulting in winning the 2013 Virginia championship – the first State crown in this team’s history. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) FOOTBALL COACHES** (9:47 a.m.)

Supervisor Herrity moved approval of the Certificates of Recognition presented to the following individuals and football coaches for their efforts to bring the USA Football Heads Up Football program to the County:

- Bill Curran, FCPS
- Mark Meana, USA Football Board Member
- Dick Adams, Annandale High School former coach
- Mike Lalli, Chantilly High School (not present)
- Chris Haddock, Centreville High School
- The Honorable David W. Marsden, Senate of Virginia (not present)

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

Mr. Curran also recognized the following coaches who were present in the Board Auditorium and contributed to bringing the Heads Up Football program to the County:

- Ken Simon, Fairfax High School
- Jason Riley, Oakton High School

4. **CERTIFICATE OF RECOGNITION PRESENTED TO SENIOR MASTER SERGEANT TIMOTHY NICHOLSON** (9:59 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Senior Master Sergeant Timothy Nicholson, Air National Guard and Lieutenant with the Fire and Rescue Department, for rapidly assessing and quickly formulating an emergency flight plan and an evacuation tactic during an in-flight emergency aboard a C-5 military transport aircraft, resulting in the safe evacuation of all personnel and an Air National Guard 2013 Earl T. Ricks Award for the crew. Supervisor Cook and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO NOVA UNITED SENIOR WOMEN'S BASKETBALL ASSOCIATION** (10:06 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to the NOVA United Senior Women's Basketball Association for offering women 50 years of age and above opportunities to improve their basketball skills and compete, resulting in teams that qualified for the 2013 National Senior Games held in Cleveland, Ohio, July 19-August 1, 2013. Supervisor Herrity and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

6. **RESOLUTION OF RECOGNITION PRESENTED TO MR. JOHN W. PETERSON** (10:14 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Mr. John W. Peterson for his accomplishments on behalf of the environment, resulting in a National Association of Conservation Districts Distinguished Service Award. Supervisor Cook, Supervisor Gross, and Supervisor Hyland jointly seconded the motion.

Supervisor Gross thanked Mr. Peterson for the booklet "Conquest of the Land Through 7,000 years" by W.C. Lowdermilk, which was distributed around the dais.

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

7. **PROCLAMATION DESIGNATING JANUARY 14, 2014, AS "JESSICA AND RAYMOND BURMESTER DAY" IN FAIRFAX COUNTY** (10:26 a.m.)

Supervisor Cook moved approval of the Proclamation to designate January 14, 2014, as "*Jessica and Raymond Burmester Day*" in Fairfax County. Supervisor Gross, Supervisor Hudgins, and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

8. **PRESENTATION OF A BOOK TO THE CHAIRMAN** (10:41 a.m.)

Supervisor Gross said that between the Board's last meeting and Christmas, she met with a delegation from Tunisia and had a very good discussion regarding the justice system, budgeting, and how things are done in the County. She announced that the delegation brought her a book, written in French, regarding Roman mosaics in Tunisia. Supervisor Gross presented the book to Chairman Bulova to be displayed in the Chairman's Office or one of the County's libraries.

Chairman Bulova thanked Supervisor Gross for the book and noted that the County receives many visiting delegations from all over the globe. She noted that she had asked in the past if there could be some type of display somewhere near the entrance of the Government Center. She also noted that she has some things on display in the Chairman's Office.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the County Executive to renew efforts to explore ways to display gifts that are received from visitors.

Discussion ensued, and Supervisor Hyland noted that China has a separate building set aside for all of their Sister-city relationships. He asked to amend the request to direct staff to also identify, in some significant way, the existing Sister-city relationships that the County has with other delegations, so that when individuals visit the Government Center they recognize that the County has outreach programs with countries abroad.

Chairman Bulova noted that the County has Sister-city relationships with Harbin, China; Songpa-Gu, Seoul, South Korea; and Keciroen, Ankara, Turkey. She also noted that the County has had teacher and student exchanges, internships, and a blanket drive for Syrian refugees in Turkey.

Without objection, the request, as amended, was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **INTRODUCTION OF INTERN** (10:46 a.m.)

Chairman Bulova introduced Ms. Maria Bertilsson, from Ludvika, Sweden. She is studying Global Affairs and diplomacy at Northern Virginia Community College. Ms. Bertilsson is interning in the Chairman's Office for the Spring 2014 semester. On behalf of the Board, Chairman Bulova warmly welcomed her to the Board Auditorium.

AGENDA ITEMS10. **10:30 A.M. – BOARD ORGANIZATION AND APPOINTMENTS OF BOARD MEMBERS TO VARIOUS REGIONAL AND INTERNAL BOARDS AND COMMITTEES** (10:47 a.m.)

Chairman Bulova announced that the list of Appointments of Board Members to Various Interjurisdictional Committees and Inter/Intra-Governmental Boards and Committees for Calendar Year 2014 had been distributed. She noted one change to the list from last year: the addition of Supervisor Frey, as Vice-Chairman of the Audit Committee.

Supervisor Hudgins noted a correction to the VACo Board of Directors – that she is no longer the President.

Supervisor Gross noted a correction to the VACo Board of Directors – that she is the President Elect, not the Secretary/Treasurer. She also stated noted that the directors are elected by Region 8, so it should be noted that the Board of Supervisors makes recommendations for consideration.

Supervisor Hudgins moved that the Board direct staff to make the following corrections to the VACo Board of Directors:

- Add a note as follows: “Elected by Region 8. The Board of Supervisors makes recommendations for consideration.”
- List Supervisor Hudgins as “Past President” instead of “President”
- List Supervisor Gross as “President Elect” instead of “Secretary/Treasurer”

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

With regard to the Inova Health Care Services Board, Supervisor Frey said, given the recent court decision, he can no longer serve on that Board. However, he will remain on the Board until a replacement is selected.

With regard to the Inova Health Systems Board, Supervisor Gross stated that she will remain on that Board, but it is also an issue that needs to be addressed.

Chairman Bulova noted that the issue has been brought to the attention of Members of the General Assembly.

Supervisor Smyth noted that those two Boards are not the only ones impacted by the decision and expressed her hope that the issue will be addressed at a broader level.

Chairman Bulova stated that this issue can be discussed further at the Board's Legislative Committee meeting.

The full list of appointments is as follows:

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

Gerald Hyland, Chairman
Sharon Bulova
Penelope Gross
Jeffrey McKay

ARLINGTON

Penelope Gross, Chairman
Sharon Bulova
John Foust
Linda Smyth

DISTRICT OF COLUMBIA

Sharon Bulova
Gerald Hyland
Jeffrey McKay
Linda Smyth

FAIRFAX CITY

John Cook, Chairman
Sharon Bulova
Linda Smyth

FALLS CHURCH

Penelope Gross, Chairman
Sharon Bulova
John Foust
Linda Smyth

FORT BELVOIR (Board of Advisors/Base Realignment and Closure)

Sharon Bulova
Patrick Herrity
Gerald Hyland
Jeffrey McKay

HERNDON

John Foust, Chairman
Sharon Bulova
Catherine Hudgins

LOUDOUN COUNTY

Michael Frey, Chairman
Sharon Bulova
John Foust
Catherine Hudgins

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)
Michael Frey, Chairman
Patrick Herrity
Sharon Bulova
Gerald Hyland

VIENNA

Catherine Hudgins, Chairman
Sharon Bulova
John Foust
Linda Smyth

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

Gerald Hyland

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG)

COG BOARD OF DIRECTORS

Sharon Bulova, Principal
John Foust, Principal
Penelope Gross, Principal
Michael Frey, Alternate
Patrick Herrity, Alternate
Catherine Hudgins, Alternate

COG METROPOLITAN WASHINGTON AIR QUALITY COMMITTEE

Sharon Bulova, Principal
John Cook, Principal
Linda Smyth, Principal
Gerald Hyland, Alternate (for any member)

**COG CHESAPEAKE BAY AND WATER RESOURCES
POLICY COMMITTEE**

Penelope Gross, Principal
Gerald Hyland, Principal

**COG CLIMATE, ENERGY AND ENVIRONMENTAL
POLICY COMMITTEE**

Penelope Gross – Principal
Kambiz Agazi (Staff) - Principal

COG EMERGENCY PREPAREDNESS COUNCIL

John Foust, Principal

**COG HUMAN SERVICES AND PUBLIC SAFETY
COMMITTEE**

Penelope Gross
Catherine Hudgins

COG REGION FORWARD COMMITTEE

Sharon Bulova, Principal
John Cook, Principal
Michael Frey, Principal

**COG TASK FORCE ON REGIONAL WATER SUPPLY
ISSUES**

Penelope Gross

**COG NATIONAL CAPITAL REGION TRANSPORTATION
PLANNING BOARD**

Catherine Hudgins, Principal
Linda Smyth, Principal
Sharon Bulova, Alternate
Patrick Herrity, Alternate

COLUMBIA PIKE TRANSIT INITIATIVE POLICY COMMITTEE

Sharon Bulova
Penelope Gross

FAIRFAX PARTNERSHIP FOR YOUTH, INCORPORATED

John Foust
Michael Frey

**GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY
BOARD**

Sharon Bulova
John Cook

INOVA HEALTH CARE SERVICES BOARD

Michael Frey
Gerald Hyland

INOVA HEALTH SYSTEMS BOARD

Penelope Gross

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Sharon Bulova
John Cook
Penelope Gross
Patrick Herrity
Catherine Hudgins
Jeffrey McKay
Linda Smyth

NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)

(including WMATA and VRE Representatives)
Sharon Bulova, Principal (VRE Operation)
John Cook, Principal (VRE Operation)
John Foust
Catherine Hudgins, Principal (WMATA)
Jeffrey McKay (VRE Alternate)

PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT COMMISSION

Sharon Bulova, Chairman
John Foust
Catherine Hudgins
Linda Smyth

PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT COMMISSION

Sharon Bulova
John Foust
Catherine Hudgins

POTOMAC WATERSHED ROUNDTABLE

Penelope Gross

ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT COMMISSION

Sharon Bulova
John Foust
Michael Frey
Catherine Hudgins

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

(Elected by Region 8. The Board of Supervisors makes recommendations for consideration.)

Sharon Bulova

Penelope Gross (President Elect)

Catherine Hudgins (Past President)

Gerald Hyland

Jeffrey McKay

Linda Smyth

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

Catherine Hudgins, Principal

INTRAGOVERNMENTAL AND OTHER COMMITTEES

50+ COMMITTEE

(Committee of the Whole)

Patrick Herrity, Chairman

John Cook, Vice-Chairman

AUDIT COMMITTEE

John Foust, Chairman

Sharon Bulova

Michael Frey, Vice-Chairman

Patrick Herrity

BOARD PROCEDURES COMMITTEE

Penelope Gross, Chairman

Michael Frey, Co-Chairman

BUDGET POLICY COMMITTEE

(Committee of the Whole)

Sharon Bulova, Chairman

John Foust, Vice-Chairman

COMMUNITY REVITALIZATION AND REINVESTMENT COMMITTEE

(Committee of the Whole)

Gerald Hyland, Co-Chairman

Jeffrey McKay, Co-Chairman

DEVELOPMENT PROCESS COMMITTEE

(Committee of the Whole)

Michael Frey, Chairman

Penelope Gross, Vice-Chairman

ECONOMIC ADVISORY COMMITTEE

(Committee of the Whole)

John Foust, Chairman

Patrick Herrity, Vice-Chairman

ENVIRONMENTAL COMMITTEE

(Committee of the Whole)

Penelope Gross, Chairman

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

(Committee of the Whole)

Catherine Hudgins, Chairman

John Foust, Vice-Chairman

HUMAN SERVICES COMMITTEE

(Committee of the Whole)

Catherine Hudgins, Chairman

Penelope Gross, Vice-Chairman

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)

Linda Smyth, Chairman

Catherine Hudgins, Vice-Chairman

LEGISLATIVE COMMITTEE

(Committee of the Whole)

Jeffrey McKay, Chairman

PERSONNEL AND REORGANIZATION COMMITTEE

(Committee of the Whole)

Penelope Gross, Chairman

Linda Smyth, Vice-Chairman

PUBLIC SAFETY COMMITTEE

(Committee of the Whole)

Gerald Hyland, Chairman

TRANSPORTATION COMMITTEE

(Committee of the Whole)

Jeffrey McKay, Chairman

John Foust, Vice-Chairman

Catherine Hudgins, Vice-Chairman

Supervisor McKay moved the reappointment of Supervisor Gross as Vice-Chairman of the Board. Supervisor Cook, Supervisor Foust, and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

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11. **ADMINISTRATIVE ITEMS** (10:54 a.m.)

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

Supervisor Hudgins called the Board's attention to Admin 2 - Authorization to Advertise a Public Hearing on Proposed Award of Taxicab Operator Certificates Pursuant to The Code of the County of Fairfax, Chapter 84.1 (Public Transportation). Supervisor Hudgins said that the recommendation increases the number of certificates that will be included in the advertisement and added that previously she had, with Supervisor Cook, done a joint Board Matter noting some concerns, particularly those from the Long Term Care Coordinating Committee, in terms of looking at the market, the need for community input, and concerns about wheelchair bound individuals. She expressed her hope that the Board can either expand or reach out to additional organizations to balance the input.

Supervisor Cook stated that he had spoken with industry representatives who indicated they would welcome providing public input prior to the issuance of recommendations. He added that this is an opportunity to better incorporate taxicabs as a greater part of the County's transportation infrastructure.

Supervisor McKay commended the Consumer Protection Commission (CPC) for its work as well as the County's Department of Cable and Consumer Services, and stated the overall structure, management, and oversight of the process has been very good.

Following additional comments concerning outreach and how the County might better utilize taxicabs as a transportation option, a question was raised concerning the companies that would be receiving the certificates and whether that information needed to be advertised, with input from Steve Sinclair, Chief, Public Utilities Branch, Department of Cable and Consumer Services, concerning the staff recommendation and advertisement.

Discussion continued concerning the identities of the companies recommended by the CPC, with further input from Mr. Sinclair and Edward L. Long Jr., County Executive, who recommended that the item be pulled and considered later in the meeting.

Following additional discussion regarding Admin 2, Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked to amend the

motion to approve Admin 1 and Admin 3, and this was accepted. This motion, the second to which was inaudible, carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, Acting-Chairman Hyland, and Chairman Bulova voting “AYE.”

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

Supervisor Hudgins asked unanimous consent that the Board direct staff to include information regarding wheelchair accessible cabs and the differences between the County’s guidelines for wheelchair accessibility and Metro Access guidelines. Without objection, it was so ordered.

Discussion continued regarding:

- The language of the advertisement
- The dates that the item will be advertised
- Names of the providers recommended by the CPC
- The need for a public hearing on taxicab certificates
- The advertisement of the award of taxicab operator certificates

Chairman Bulova announced that Admin 2 will be deferred until later in the day to allow staff time to include additional information in the item.

(NOTE: Later in the meeting, action was taken regarding Admin 2. See Clerk’s Summary Item #45.)

**ADMIN 1 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 14131 FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA)
TO ACCEPT GRANT FUNDING FROM THE COMMONWEALTH OF
VIRGINIA – GOVERNOR’S OPPORTUNITY FUND (GOF) FOR CVENT,
INCORPORATED (PROVIDENCE DISTRICT)**

(SAR) Approved SAR AS 14131 for the EDA to accept the grant funding in the amount of \$1 million to convey to Cvent, Incorporated, as the State portion of the grant. No local cash match is required. The County will provide transportation improvements 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 County’s Department of Transportation, and will not require any additional County expenditure.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AWARD OF TAXICAB OPERATOR CERTIFICATES PURSUANT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84.1 (PUBLIC TRANSPORTATION)

(NOTE: Earlier in the meeting, this item was discussed and consideration was deferred until later in the meeting. See pages 13-14.)

(NOTE: Later in the meeting, this item was considered. See Clerk’s Summary Item #45.)

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON 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>
Laurel Crest Drive Phase II	Mount Vernon	Laurel Crest Drive Hooes Road (Route 636) [Additional Right-of-Way (ROW) Only]
Lorton Market Street	Mount Vernon	Lorton Market Street Lorton Road (Route 642) (Additional ROW Only)
Faircrest Landbay Five	Sully	Coreopsis Court (Route 10336)
The Reserve at Oakton Phase I	Sully	Westwood Hills Drive (Route 6300)

12. **A-1 – APPROVAL OF THE BOARDS’ MEETING SCHEDULE FOR CALENDAR YEAR (CY) 2014 AND AUTHORIZATION FOR THE CHAIRMAN TO POSTPONE A SCHEDULED MEETING IN THE EVENT OF WEATHER OR OTHER HAZARDOUS CONDITIONS**
(11:12 a.m.)

- (R) On motion of Supervisor Gross, seconded by Chairman Bulova, 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:

- Approving the Board's meeting schedule for January through December 2014
- Authorizing the Chairman to defer any scheduled meeting to the Tuesday following a scheduled Board meeting if the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for Members to attend

Supervisor Gross announced that, as president of the National Association of Regional Councils, she would be absent from the February 11 Board meeting to attend its conference.

13. **A-2 – EXPRESSION OF NO OPPOSITION TO VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT TO CONSTRUCT A ROUNDABOUT AT THE PLEASANT VALLEY ROAD (ROUTE 609) AND BRADDOCK ROAD (ROUTE 620) INTERSECTION (SULLY DISTRICT)** (11:13 a.m.)

Supervisor Frey announced that a revision of this item had been distributed correcting the location of the wetlands and a street name.

Supervisor Frey noted that Board Members have been contacted by individuals who are in opposition to this proposed VDOT project and proceeded to present an extensive history of the intersection and the proposal, including the following:

- VDOT's public hearing this past October regarding the project was very well attended
- Complaints regarding the intersection date back to the late 90s
- The intersection is extremely substandard, has no turn lanes and a restricted right-of-way
- The intersection has drainage issues

Supervisor Frey presented additional information about the intersection and the resulting proposed roundabout from the mid-2000s. He noted that since 2007, Loudoun County has developed tremendously and, in addition to current development, there are several thousand units that have been approved but not yet constructed in the Braddock Road corridor.

Supervisor Frey further noted:

- The County's Environmental Quality Advisory Council (EQAC) consideration of the proposal

- Route 50 development
- The potential relocation of Paul VI High School to property owned by the Catholic Diocese along Braddock Road
- Loudoun County's financial contribution to the intersection improvements

Supervisor Frey moved that the Board concur in the recommendation of staff and direct staff to convey the Board's expression of no opposition to VDOT's conceptual plans to construct a new single-lane 100 foot in diameter roundabout at the intersection of Pleasant Valley Road (Route 609) and Braddock Road (Route 620) in the County, as presented at the October 9, 2013, public hearing with the considerations as outlined in the Board Agenda Item dated January 14, 2014, including the following:

- A raised landscaped central island
- A right turn bypass lane on the northbound approach of Pleasant Valley Road (Route 609)
- Curb cut ramps
- Crosswalks
- A sidewalk tied to an existing trail along the east side of Pleasant Valley Road (Route 609) south of the intersection to enhance pedestrian access
- Lighting to enhance safety of the intersection

Supervisor Hyland seconded the motion.

Following a presentation by Jane Rosenbaum, Senior Transportation Planner, Department of Transportation (DOT), explaining the bulleted items, Tom Biesiadny, Director, DOT, noted that because there is parkland on three sides of the intersection and agricultural land on the fourth side, VDOT is required to minimize the footprint of any improvements; the installation of a traffic signal and the appropriate turn lanes would significantly impact the land around the intersection.

Supervisor Frey noted that the Comprehensive Plan (Plan) recommends that both Pleasant Valley Road and Braddock Road be four lanes. He added that several years ago the Plan was amended to redirect Braddock Road across Rock Hill District Park; one of the reasons the County purchased the property was for the right-of-way for a Braddock Road realignment.

Supervisor Gross expressed concern about the issue of wetlands and stated that she would not be supporting the motion.

Supervisor Smyth, noting current drainage issues, raised concerns about stormwater runoff. Following input from Leonard (Bud) Siegel, Jr., PE, Arlington/Fairfax Preliminary Engineering Manager, VDOT, explaining the design build delivery mechanism, Supervisor Frey noted that the northwest quadrant contains the Mountain Road District Park which has been planned for active recreation. He added that the Park Authority has been working with VDOT so that its retention is incorporated into the system as well.

Supervisor Smyth, noting the number of considerations listed, requested the inclusion of language addressing stormwater runoff and that it be appropriately addressed so that it minimizes impact downstream at the outfall. Following additional discussion concerning stormwater, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to include language that:

- Addresses the issue of stormwater outfall
- Expresses the County's concern that it be addressed as part of the project

This was accepted.

Following additional discussion concerning the Park Authority and stormwater, the question was called on the motion, as amended, and it **CARRIED** by a recorded vote of eight, Supervisor Gross and Supervisor Hudgins voting "NAY."

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Frey thanked Mr. Siegel and his staff, as well as the Park Authority, for their efforts.

14. **I-1 – RECOGNITION OF COMPREHENSIVE ANNUAL FINANCIAL REPORTS (CAFR) AND THE ANNUAL BUDGET BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA); PERFORMANCE MEASUREMENT PROGRAM BY THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION; AND INVESTMENT POLICY BY THE ASSOCIATION OF PUBLIC TREASURERS** (11:49 a.m.)

The Board next considered an item contained in the Board Agenda dated January 14, 2014, announcing that the County's CAFRs and Annual Budget were recognized with GFOA's highest forms of recognition.

Chairman Bulova thanked Susan Datta, Chief Financial Officer, her staff, and everyone that has a role in the budget and financial operation of the County and noted that the County does an exceptional job in transparency and self-evaluation.

15. **I-2 – CONTRACT AWARD – GOVERNMENT RELATIONS CONSULTANT** (11:51 a.m.)

The Board next considered an item contained in the Board Agenda dated January 14, 2014, announcing that the County Purchasing Agent is awarding a three year contract with three one-year renewal options to Alcalde and Fay for lobbyist services. The contract value for the initial three year term will be \$514,800 based on a monthly retainer fee of \$14,300 for both Federal and State lobbying.

Chairman Bulova noted that Alcalde and Fay has done an outstanding job as the County's liaison to the Federal government and now to the Commonwealth of Virginia.

Supervisor Hyland expressed appreciation for the inclusion of the reference to a possible new base realignment closure (BRAC). Supervisor McKay noted that the specific expertise to oversee BRAC activity was an issue raised when the contract was renewed. He added that the Board will be getting very specific updates about some of the Department of Defense related impacts and initiatives in the County.

16. **I-3 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-M13-14, FAIRFAX COUNTY SCHOOL BOARD (MASON DISTRICT)** (11:53 a.m.)

The Board next considered an item contained in the Board Agenda dated January 14, 2014, announcing that on December 4, 2013, the PC approved Public Facilities Application 2232-M13-14, noting that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. The application sought approval to retrofit the existing building for an elementary school. The property is located at 6245 Leesburg Pike, Falls Church, Virginia, 22044, Tax Map 51-3 ((1)) 30, 31; 51-3 ((11)) 188A; 51-3 ((13)) 5, 10, 11.

ADDITIONAL BOARD MATTERS

17. **REQUEST FOR RECOGNITIONS** (11:53 a.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:

- Office for Women and Domestic and Sexual Violence Services to accept a proclamation recognizing January 2014 as Stalking Awareness Month
- Community Services Board (CSB) and the Arc of Northern Virginia to accept a proclamation recognizing March 2014 as Including People with Intellectual and Developmental Disabilities Month.
- Office for Women and Domestic and Sexual Violence Services to accept a proclamation recognizing April 2014 as Sexual Assault Awareness Month.

Without objection, it was so ordered.

18. **ANIMAL SHELTER SUCCESS STORY** (11:54 a.m.)

Chairman Bulova said she recently received news from the County's Animal Shelter Director, Tawny Hammond, regarding the Shelter's most recent recognition as the largest municipal shelter in the nation to achieve a greater than 90 percent placement rate for animals: adopted out; transferred to rescue; or returned to owners.

The blog that researched this, www.outthefrontdoor.com, emphasized the Shelter's tireless efforts to rehome or reunite pets with owners and highlighted the Shelter's work in adopting out pit bulls. In fact, the Animal Shelter's work in the latter endeavor was noted in a *Huffington Post* article which highlights success stories pertaining to the recent adoptions of a pit bull named Bam Bam and another named Mocha. Chairman Bulova said she had the opportunity to meet Mocha this summer and is confident that she is bringing love and joy to her new family. Chairman Bulova added that Mocha attended the "Evenings on the Ellipse" concert series.

It is heartening to know that the County's Shelter serves as an animal resource center rather than the stereotypical pound and she was pleased to take this opportunity to share this wonderful update on the good work of the Animal Shelter with the community.

Chairman Bulova noted that Ms. Hammond was in the auditorium and asked that she stand and be recognized.

Supervisor McKay thanked Ms. Hammond and her staff for a host of things the shelter has been doing and the accompanying publicity and attention. He added that the bold messaging not only contributes to the high adoption rate, but also gets the message out about pet safety.

19. **CHAIRMAN'S RECEPTION AND 2014 STATE OF THE COUNTY ADDRESS** (11:58 a.m.)

Chairman Bulova invited Board Members and County residents to the annual “Chairman's New Year Reception” tomorrow, Wednesday, January 15, from 4:30 - 6:30 p.m., in the Government Center Forum. She noted that the Chairman's Reception is her opportunity to say thank you to the many County employees, volunteers and active neighbors who help make the County the exceptional place it is to live, work and play! Light fare and desserts will be served and members of her staff will be collecting canned foods for local charities. All County residents are welcome to attend.

Following the reception she encouraged all to watch the “2014 State of the County Address” which airs Wednesday, January 15, from 7:30 – 8 p.m., on Channel 16. From schools to human services to the budget and local economy, the “State of the County” will highlight the progress the County has made in the past year and preview the year ahead for residents.

Key highlights include:

- Higher education; science, technology, engineering and mathematics (STEM) degrees; and Fairfax County Public School (FCPS) enrollment
- Crime rate reduction
- An update on regional transportation improvements
- Transformation of the old Springfield Mall
- A preview of the 2015 World Police and Fire Games hosted by the County

The address also features guest appearances by newly-elected Sheriff Stacey A. Kincaid; Schools' Superintendent Karen Garza; Police Chief Ed Roessler; and Fire and Rescue Chief Richard Bowers. The address will be available on-demand starting Thursday, January 16, at www.fairfaxcountv.com/chairman.

20. **FAIRFAX COUNTY UNIFIED SYSTEM (FOCUS): POST-IMPLEMENTATION REVIEW** (11:59 a.m.)

Chairman Bulova stated that in November 2011, the County implemented a new enterprise resource planning system known as FOCUS. The FOCUS system replaced the County's prior system and was intended to provide one comprehensive system for financial, procurement, payroll, and human resources functions.

The implementation of FOCUS was a time and resource-intensive project. The Board has not received a comprehensive analysis following implementation of this project. Post-implementation reviews are a common industry practice and since it has been more than two years since the FOCUS system was implemented, such a review is warranted.

The purpose of this post-implementation review would be to provide the Board with an evaluation of the functionality and performance of FOCUS as well as its implementation. This review should include the following general topic areas:

- Needed changes or enhancements to improve business functionality
- Adequacy of user training
- Data access and security
- Audit trails and system reports

Chairman Bulova moved that the Board direct the County Executive to conduct a post-implementation review of the FOCUS system and report with his findings. Supervisor McKay seconded the motion.

Supervisor Smyth asked to amend the motion to include outstanding processes for the end-user, and this was accepted.

Supervisor Herrity asked to amend the motion to include outreach to system users as well as the Board, and this was accepted.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

21. **RECONSIDERATION AND APPROVAL OF LOCAL AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AR 87-V-001-03 - KNIPLING LOCAL AGRICULTURAL AND FORESTAL DISTRICT (MOUNT VERNON DISTRICT)** (12:02 p.m.)

Supervisor Hyland moved to reconsider the action the Board took on Agricultural Renewal Application AR 87-V-001-03 because of a typographical error in the motion that was made at the December 3, 2013, Board meeting. Chairman Bulova seconded the motion, and it carried by unanimous vote.

Supervisor Hyland moved that the Board reconsider the approval motion for Agricultural Renewal Application AR 87-V-001-03, approved on December 3, 2013, to correct the tax map number referenced in the motion from 118-1 ((5))-Z,

which does not exist, to 118-2 ((5))-Z, as was intended and as was correctly advertised. Supervisor Herrity seconded the motion and it carried by unanimous vote.

22. **MOUNT VERNON COUNCIL RESOLUTION ON CAR TITLE LOANS**
(12:04 p.m.)

Supervisor Hyland announced that on October 29, 2013, he and Supervisor McKay brought forward a joint Board Matter directing staff to research possible regulatory or land-use strategies to potentially regulate car title loan companies. Since then, the Mount Vernon Council of Citizen's Associations has passed a resolution on this subject.

Supervisor Hyland asked unanimous consent that the Board refer the resolution to the Legislative Committee for further review and recommendations. Without objection, it was so ordered.

Supervisor McKay noted that the Board Matter of October 29 specifically directed staff to respond in advance of the General Assembly session on any possible regulatory or land-use strategies to potentially regulate these types of businesses. There is no report and the General Assembly is in session.

Supervisor McKay asked unanimous consent that the Board direct staff to comply with the original request even now that the General Assembly is in session as there is legislation in Richmond that deals specifically with this issue. The Board may want to weigh in early on those to be consistent with efforts that other jurisdictions have taken to try to regulate these because the rate at which they are growing is astronomical and interpretations come to his office weekly about locations and whether they are appropriate for these businesses. Without objection, it was so ordered.

23. **ELECTRIC FENCING AND DEER (MOUNT VERNON DISTRICT)**
(12:06 p.m.)

Supervisor Hyland said that a constituent recently approached him about the problematic deer in his yard and the many ways that he has tried to keep deer off his property to no avail. They discussed the possibility of electric fencing to keep the deer out, however Article 10-103 (5) B of the Zoning Ordinance provides that *"It shall be unlawful for any person to construct, install, maintain, or allow or cause to be constructed, installed, or maintained, an electric fence upon any lot of two (2) acres or less in area located within a subdivision as defined in Chapter 101 of The Code, The Subdivision Ordinance.*

Supervisor Hyland noted that those with less than two acres of land probably are the majority of people who are affected by deer problems. The Zoning Ordinance requires the two acres of land, but deer do not discriminate in favor of owners of

two acres of land, and smaller lot owners are plagued with deer problems and they lack an effective remedy.

Supervisor Hyland asked unanimous consent that the Board direct staff to review this issue to determine if the Board should consider amending the ordinance to provide an alternative way of keeping deer off properties that have less than two acres. He noted that the types of fencing available could be constructed and installed in a manner that would be safe and keep deer off property to prevent them from eating everything in sight. Without objection, it was so ordered.

Discussion ensued concerning the definition of an electric fence as well as the necessary height of said fence.

24. **FURNACE ASSOCIATES, SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-L/V-061-02 AND PUBLIC FACILITIES APPLICATION 2232-V13-18 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-MV-034 AND PUBLIC FACILITIES APPLICATION 2232-V13-17 (MOUNT VERNON DISTRICT)** (12:10 p.m.)

Supervisor Hyland announced that Furnace Associates has filed a Special Exception Amendment Application, SEA 80-L/V-061-02, seeking modifications to an existing construction demolition and debris landfill. The SEA also seeks to add electrical generating facilities, a radio-controlled aircraft field, baseball hitting range, and golf driving range. Concurrent with this SEA is Public Facilities Application 2232-V13-18 for solar and wind electrical generating facilities.

In addition, Furnace Associates has filed a Proffered Condition Amendment Application, PCA 2000-MV-034, which proposes the deletion of a proffered mixed-waste reclamation facility and to permit solar electrical generating facilities as the proffered use on the property. Concurrent with Proffered Condition Amendment Application PCA 2000-MV-034 is Public Facilities Application 2232-V13-17, for solar electrical generating facilities.

The 2232 applications were filed and the SEA and PCA applications were amended recently. As a result, the South County Federation and the Mount Vernon Council of Citizens' Associations have not had the opportunity to review and make their recommendations. In addition, they have not had the opportunity to review the 2232 applications. Adequate time must be provided to complete this review because these applications are relatively complex, and the Planning Commission (PC) recently deferred the public hearing on these applications as a result. It is also clear that these applications should all be heard concurrently.

Supervisor Hyland moved that the Board extend the time for the PC to act on Public Facilities Applications 2232-V13-17 and 2232-V13-18, and that such extension shall continue through the date of the PC's decision on Special

Exception Amendment Application SEA 80-L/V-061-02 and Proffered Condition Amendment Application PCA 2000-MV-034. Supervisor Foust seconded the motion.

Supervisor Gross noted that this is a very important piece of the County's green energy triangle. Discussion ensued concerning the PC's action, with input from David P. Bobzien, County Attorney, who stated that the 2232 applications have to be heard and decided 60 days from the date they were filed by the applicant.

Discussion continued regarding the motion not being date specific with additional input from Mr. Bobzien concerning linking the cases so they would be decided concurrently.

Discussion continued concerning the position of the applicant on this motion, with additional input from Mr. Bobzien concerning a pending written confirmation from the applicant; he further stated that this action must be taken today.

Discussion continued concerning action taken at the PC, the 2232 application process, and the inclusion of a date in the motion, with additional input from Mr. Bobzien, regarding action to be taken on the SEA and the PCA.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent to defer action on this item until later in the meeting to allow staff to provide additional language. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #41 and #46.)

DAL:dal

25. **MOTION TO RECONSIDER THE DULLES ROCKHILL PARTNERS, LP, REZONING AND PROFFERED CONDITION AMENDMENT APPLICATIONS (DRANESVILLE DISTRICT)** (12:20 p.m.)

Supervisor Foust said that on December 3, 2013, the Board approved four concurrent applications (Rezoning Application RZ 2012-DR-016, Conceptual Development Plan Application CDP 2012-DR-016, and Proffered Condition Amendment Applications PCA C-696-9 and PCA C-698-3) filed by Dulles Rockhill Partners, LP and Nugget Joint Venture, LC. The applications sought to rezone 4.78 acres from the PDC District to the PRM District to replace a previously approved office building with a multi-family residential building near the future Innovation Center Metrorail Station. The subject property is located within the Route 28 Highway Transportation Improvement Tax District and the Dulles Rail Phase II Transportation Improvement District. As such, there is a legal requirement for the applicant to buy out of these districts. Staff has prepared

new Conceptual Development Plan conditions ensuring that this buyout is provided.

Therefore, Supervisor Foust moved that the Board approve Conceptual Development Plan Application CDP 2012-DR-016, subject to the development conditions dated January 14, 2014, (a copy of which he attached to his written Board Matter). These conditions shall be made a part of the record of this case, which is concurrent with Rezoning Application RZ 2012-DR-016. Supervisor McKay seconded the motion.

Supervisor Smyth raised a question regarding whether the residential units will be for sale or rental.

Chairman Bulova raised a question regarding whether a reconsider motion is needed prior to this motion and discussion ensued, with input from Fred Selden, Director, Department of Planning and Zoning, concerning the process, noting that a reconsider motion is required.

Therefore, Supervisor Foust moved to reconsider the Dulles Rockhill Partners, LP, rezoning and proffered condition amendment applications which were approved by the Board at its December 3, 2013, meeting. Supervisor McKay seconded the motion and it carried by unanimous vote.

Since Supervisor Foust had already stated his motion earlier, Chairman Bulova announced that the Board would now consider Supervisor Foust's motion, which was seconded by Supervisor McKay, that the Board approve Conceptual Development Plan Application CDP 2012-DR-016, subject to the development conditions dated January 14, 2014.

Supervisor Smyth, noting that the motion specifically calls for the applicant to buy out of the Route 28 and Dulles Rail Phase II Districts, raised a question regarding the proposed use of the property, and discussion ensued, with input from Mr. Selden.

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

26. **DECEMBER 2013 QUARTERLY REPORT OF THE OFFICE OF FINANCIAL AND PROGRAM AUDIT** (12:27 p.m.)

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

- Sole Source Contracts Review
- Dulles Metrorail Project Status Report

- Employee Turnover and Recruitment Trends

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

Sole Source Contracts Review – The Auditor recommended that the Department of Purchasing and Supply Management (DPSM) maintain the required sole source documentation in the contract files, modify wording on the County's online Contracts Register to indicate the exclusion of capital construction and related services contracts, and continue to work with the FOCUS business support group to develop contract reports that meet its business needs. The Director of DPSM agreed with the findings contained in the report and will implement the recommendations.

Employee Recruitment and Turnover Trends – The Auditor found that the County's merit employee turnover rate has remained consistently below comparative national rates for State and local governments for the past five fiscal years.

Therefore, Supervisor Foust moved adoption of the December 2013 Quarterly Report of the Office of Financial and Program Audit, and approval of the list of study areas to be included in the work program of the Office of Financial and Program Audit. Chairman Bulova seconded the motion and it carried by unanimous vote.

Chairman Bulova reminded the Board that the Work Plan is being adopted and any Member of the Board who wishes to have the Audit Committee consider something they are welcome to bring it before the Board to be considered at an Audit Committee meeting.

Supervisor Hudgins, noting the recent warehouse embezzlement incident, asked unanimous consent that the Board direct staff to report with information regarding security issues and oversight of the warehouse. Without objection, it was so ordered.

With regard to the report's Employee Recruitment and Turnover Trends, Supervisor McKay raised a question regarding the recruitment trends and how it measures up to other jurisdictions, as well as the diversity of the candidates, and whether younger applicants are being attracted, and how the County compares nationally.

Supervisor McKay asked unanimous consent that the Board direct the staff to work with the Audit Committee to explore the recruitment issues and report to the Board. Without objection, it was so ordered.

Chairman Bulova clarified the requests.

Supervisor Smyth asked unanimous consent that the Board also direct staff to report with information regarding whether items that are surplus could be sold to provide additional funding for the County.

Supervisor Gross asked unanimous consent that the Board direct staff to report with information regarding security at the warehouse. Without objection, it was so ordered.

Supervisor Herrity stated that the School Board should consider hiring an independent auditor that reports to the School Board.

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

27.

RECOGNIZING LANGLEY HIGH SCHOOL'S GIRLS VOLLEYBALL TEAM 2013 STATE CHAMPIONSHIP (DRANESVILLE DISTRICT)
(12:37 p.m.)

Supervisor Foust congratulated the Langley High School Girls Volleyball Team for winning the Virginia High School League's 6A State Championship last November in Richmond. The Saxons clinched the title with a 3-0 victory over the First Colonial Patriots. Along with the honor of being this year's State champions, the team became the first from the County to win the highest classification level in girls' volleyball.

Supervisor Foust noted that throughout its 15-year history, the Saxons have been a volleyball powerhouse, having won multiple district and regional titles, and in 2007, were the State tournament runner-ups.

Winning the State title was particularly sweet to Coach Susan Schifflett, who became the coach of the evolving volleyball club program in 1998. In 1999, the sport achieved varsity status.

The Saxons finished the 2013 season with a school-record 27 wins.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite members of the Langley High School Girls Volleyball Team, Coach Schifflett, and other school officials to appear before the Board on February 11 to be recognized for their outstanding achievement. Without objection, it was so ordered.

28. **RECOGNIZING HERNDON HIGH SCHOOL BAND'S PARTICIPATION IN THE 2013 PEARL HARBOR MEMORIAL PARADE AND MR. BLAKE MORGAN'S SELECTION AS THE ALL-AMERICAN DRUM MAJOR FOR THE US ARMY BAND (DRANESVILLE DISTRICT)** (12:38 p.m.)

Supervisor Foust congratulated the Herndon High School Band for participating in the 2013 Pearl Harbor Memorial Parade on December 7. The "Pride" was selected by the US Congress and the Marine Corps Marching Band to perform in the parade and serve as Virginia's official ambassador. Very few schools in the country have earned this honor. The theme of the Pearl Harbor Memorial Parade is "Remembering Our Past and Celebrating Our Future." The purpose of the parade is to honor and pay respect to the Pearl Harbor Survivors, veterans, active duty military, and their families. The band is under the direction of Ms. Kathleen Jacoby.

Supervisor Foust also congratulated Mr. Blake Morgan for being selected as the All-American Drum Major for the US Army Band. Mr. Morgan, a senior at Herndon High School, conducted the band during halftime of the All-American Bowl football game in San Antonio on January 4. The bowl game is the premiere high school football game. More than 1,000 students were nominated for the band; only 125 were selected. Selection criteria include performance ability, grade point average, community service, and demonstrated school leadership.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite the Herndon High School Band, Mr. Morgan, Ms. Jacoby, and other school officials to appear before the Board on February 25 to be recognized for their outstanding achievements. Without objection, it was so ordered.

29. **RECOGNIZING THE LEGO LEGION FOR WINNING FIRST PLACE IN THE STATE COMPETITION (DRANESVILLE DISTRICT)** (12:39 p.m.)

Supervisor Foust congratulated the Lego Legion team from Longfellow Middle School in McLean for winning first place in its age group at the 2013 Virginia/DC First Lego League Championship Tournament held at James Madison University this past December. At the regional tournament held in November, team members took home first place for their robot design.

First Lego League is an international competition created in 1998, designed to generate excitement about science and technology for individuals 9 to 16 years of age.

This year's theme for the competition was Nature's Fury. The team developed a mobile app prototype called the "Road Condition Reporter" that allows people to report all kinds of traffic issues, even the presence of dead animals. The app has maps that show alternative routes and frequently asked questions.

The judges at the State competition were very impressed with the app and expressed interest in how the Virginia Department of Transportation (VDOT) might use some of the concepts. As a result of their accomplishments, team members will be meeting with VDOT officials on January 24.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite the Lego Legion Team, their coaches, Mr. Chris Hunter and Ms. Jennifer Simpson, and other school officials to appear before the Board on February 11 to be recognized for their outstanding achievement. Without objection, it was so ordered.

30. **SALT LEGISLATIVE AGENDA** (12:41 p.m.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to refer the SALT Legislative Agenda to the Legislative Committee for its consideration and recommendations. Without objection, it was so ordered.

PMH:pmh

31. **RECOGNIZING MR. HOWARD HOUGHTON** (12:42 p.m.)

Supervisor Cook recognized a recent retiree of the County, Mr. Howard Houghton. Throughout his 22 years of service as Manager for the Virginia Insurance Counseling and Assistance Program, he treated his career not as a job, but as a calling, using his expertise to improve and even save the lives of others in the community.

Supervisor Cook referred to his written Board Matter and outlined Mr. Houghton's many accomplishments.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite Mr. Houghton to appear before the Board on a date to be determined to be recognized for his dedication and service to County residents. Without objection, it was so ordered.

32. **CENTREVILLE HIGH SCHOOL WINS THE VIRGINIA HIGH SCHOOL LEAGUE STATE CHAMPIONSHIP (SULLY DISTRICT)** (12:44 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Frey announced that on December 14, 2013, the Centreville High School Wildcats made history finishing the football season 15-0 and winning the Virginia High School League State Championship, beating Oscar Smith 35-6. At the time, Oscar Smith was ranked eighth in the country and Centreville fifteenth.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite the Centreville Football team to appear before the Board in recognition of this great accomplishment. Without objection, it was so ordered.

33. **LEE DISTRICT NEW YEAR'S OPEN HOUSE** (12:44 p.m.)

Supervisor McKay announced that on Saturday, January 25, he and his staff will host the traditional Lee District New Year's open house, 1 p.m. to 3 p.m., in the community room of the Franconia Governmental Center.

Supervisor McKay noted that students from Edison High School's Culinary Academy will prepare the refreshments. The Springfield Art Guild will also display the work of local artists.

Supervisor McKay invited Board Members and staff to attend and enjoy Lee District hospitality.

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

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

35. **HONORING CONGRESSMAN FRANK WOLF (SPRINGFIELD DISTRICT)** (12:46 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McKay, and Chairman Bulova, Supervisor Herrity said that on December 17, 2013, Congressman Frank Wolf announced his retirement after serving northern Virginia in Congress for 34 years. Congressman Wolf leaves behind a legacy that should inspire us all. He fought for human rights across the world; serving as Co-Chair of the Congressional Human Rights Caucus. He reached across the aisle to build consensus for common sense solutions. He has been a consistent advocate for issues near and dear to the hearts of northern Virginians such as I-66 congestion relief, Lyme disease awareness, and combatting human trafficking. He was one of the drivers behind funding solutions for the Silver Line. Congressman Wolf truly leaves big shoes to fill.

Supervisor Herrity noted that when Congressman Wolf was first elected in 1981, the County's population was just over 600,000, and the Orange Line stopped at Ballston. Now, northern Virginia is the economic engine of the state and serves as the premier technology corridor of the east coast. Congressman Wolf was able to lead the region forward in the rapid advancements that came with development, and represented vastly different constituencies in Congress; from rural counties out west to urban corridors inside the beltway. He has partnered with the County on local issues ranging from gang prevention to transportation.

Supervisor Herrity noted that Congressman Wolf will be remembered as a statesman in the truest sense of the word. He successfully navigated the complex political halls of Washington on behalf of the residents of the tenth Congressional District, at times bucking his own party, while sticking to his principles. His

conviction to be the voice of the voice-less around the world, to fight for those who would never know he was fighting for them, serves as a shining example of what a servant-leader is.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Congressman Frank Wolf to appear before the Board to receive a resolution honoring him for his 34 years of tireless service to the County, northern Virginia, the Unites States, and the world. Without objection, it was so ordered.

36. **ADDRESSING THE INEQUITIES IN THE “CADILLAC” TAX FOR EMPLOYEES, BUSINESSES AND RESIDENTS** (12:51 p.m.)

Supervisor Herrity said that the Fairfax County Water Authority recently announced its intentions to terminate healthcare coverage for its employees due to the impending tax increases associated with the Affordable Care Act. In particular, the "Cadillac" tax, which targets healthcare plans that are viewed to offer too much coverage in an attempt to encourage employers to reduce benefits. However, the tax is based on plan premiums, not plan coverage. In effect, a plan is labeled "Cadillac" because of its high premiums, and not because of its high coverage; not what the policy was intended to target.

Since healthcare premiums are largely determined by the local economies in which the plans are bought and sold, the local cost of living plays a large role in the cost of the premiums. The federal governments own website, HealthCare.gov, characterizes geographic location as a "big effect" on premiums. What this means for those individuals, businesses and governments in high cost of living regions, such as the Washington metropolitan area, is an unfair classification of healthcare plans as "Cadillac", and thus being subject to an inequitable tax—a tax that has and will result in employers terminating coverage.

To remedy this lack of equity, Supervisor Herrity said that there is an effort underway to propose indexing the classification of a plan as "Cadillac" by applying a local cost of living measure to adjust for high healthcare premiums associated with some metropolitan regions cost of healthcare. The inequitable "Cadillac" tax will impact County health plans and budgets significantly if this inequity is not addressed. Not only will it unfairly impact the County but it will unfairly impact businesses and residents. It will also result in employers being at a competitive disadvantage when providing healthcare benefits to potential employees; businesses in other regions with lower costs of living are less likely to be subject to this tax and can provide better healthcare benefits. It is clearly a basic fairness issue.

Therefore, Supervisor Herrity moved that the Board direct staff to:

- Draft a Board position on the indexing of the designation of plans as subject to the "Cadillac" tax based on the regions health care cost for discussion at an upcoming Legislative Committee meeting for possible inclusion in the Federal Legislative agenda

- After such discussion, if appropriate, draft a letter for Board approval to send to the Federal Delegation

Supervisor Frey and Chairman Bulova jointly seconded the motion.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board address this issue at the Personnel Committee. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Herrity stated for the record that he is not a supporter of the Affordable Care Act.

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

37. **LYME DISEASE IN NORTHERN VIRGINIA** (1 p.m.)

Supervisor Herrity noted the following negative impacts that overpopulated deer herds have on the County:

- The public health impacts of Lyme Disease
- The public safety impacts caused by deer/car or deer/motorcycle collisions
- The environmental concerns with damage to underbrush and ecosystem
- The health of the deer themselves due to malnourishment

Supervisor Herrity noted that the County has been a leader in addressing these negative impacts - from managed hunts, to the nationally recognized deer archery program, to the four poster deer bait station pilot.

Supervisor Herrity included with his written Board Matter a draft bill being proposed by Delegate David Ramadan of Virginia's 87th House District. The draft bill will amend Section 29.1-521 of the Code of Virginia to allow any person to hunt or kill wild animals, but not birds, on Sunday, on private lands in the Counties of Fairfax, Fauquier, Loudoun, and Prince William.

This amendment could aid in efforts to keep deer herd sizes proportionate to the area to minimize the negative public health, safety, and environmental impacts of excessive deer population as well as improve the health of the deer themselves and help prevent herds from developing chronic wasting disease.

It is important to note that this legislation is a "local option", which would allow the Board to decide as a County to either allow or prohibit the kind of hunting permissible on Sundays. He noted that the other three county Boards are supporting the legislation.

Therefore, Supervisor Herrity asked unanimous consent that the Board refer this bill to staff to review and to be presented at the next Legislative Committee meeting for discussion. Without objection, it was so ordered.

38. **CONVERSION OF SEGMENTS OF BRADDOCK ROAD FROM A SECONDARY ROAD TO A PRIMARY ROAD (SPRINGFIELD DISTRICT)** (1:01 p.m.)

Supervisor Herrity said that at the Board meeting on October 8, 2013, he requested that the Board direct staff to investigate the possibility, the pros and the cons of converting Braddock Road from a Secondary Road to a Primary Road as was recently done on the Fairfax County Parkway. Board Members amended the request to have staff address several additional concerns on segments of Braddock Road that lie in their districts and whether the conversion would impact improvement projects currently being undertaken on this roadway.

Last month, the Department of Transportation (DOT) staff provided the Board with its completed review. The review identified sections of the roadway which met the majority of the Virginia Department of Transportation's (VDOT) criteria for conversion: Route 236 to I-495, I-495 to Route 123, and Route 123 to Route 28. Other sections (Columbia Pike to Lincolnia Road, Lincolnia Road to Route 236, and Route 28 to the Loudoun County line) did not meet many of VDOT's criteria for conversion. Staff also confirmed that the conversion could be done for parts of Braddock and not others as appropriate. Staff also determined that should this transfer take place, it would not impact any transportation projects in Braddock District that are currently being undertaken or planned for Braddock Road.

Supervisor Herrity said that as stated in his October 8 motion and reiterated in the DOT analysis there are very clear benefits to converting segments of Braddock from a Secondary to a Primary Road from a financing, construction, and maintenance standpoint. The only drawback seems to be the changing of the route number as seen on the Fairfax County Parkway.

Therefore, Supervisor Herrity moved that the Board direct the County Executive to draft a resolution requesting transfer of the section of Braddock/New Braddock Road from I-495 to Route 28 from a Secondary Road classification to Primary Road classification. Supervisor Frey seconded the motion.

Following discussion of the motion, Supervisor Frey asked to amend the motion to refer this issue to the Transportation Committee as soon as possible, and this was accepted.

Following input from Tom Biesiadny, Director, DOT, the question was called on the motion, as amended, and it carried by unanimous vote.

39. **UPDATE ON THE 50+ PLAN** (1:12 p.m.)

Supervisor Herrity said that since the Board's 50+ Committee meeting was canceled on December 11, 2013, and not rescheduled with the other meeting scheduled that day, he is providing a brief status on the 50+ Plan revisions.

Supervisor Herrity said that over the past couple of years, several speakers attended the 50+ Committee meetings providing an overview of the state and local demographics with regard to the aging population and many of the needs these trends will drive. The Commission on Aging then did a strengths, weaknesses, opportunities and threats (SWOT) analysis of the County's "readiness" for the silver tsunami. This Board, at one of the 50+ meetings, had a brief discussion and performed a shortened SWOT analysis as well.

Supervisor Herrity said that the planning process was opened to citizens. He said that extensive opportunities were provided for community comment on how to create a more aging-friendly community. Fourteen forums were held throughout the County which attracted over 750 participants. Residents were also able to comment online, through e-mail and phone. After these forums, a steering committee and five subcommittees were created — housing, transportation, health and safety, community engagement, and services.

These subcommittees are composed of members from the non-profit community, our business community, Commission on Aging members, citizens as well as County staff. They have been tasked to develop initiatives which will be recommended to the Committee for inclusion into the plan based on the many recommendations from the SWOT analysis by the Commission on Aging and this Board, the many recommendations and input received from citizens and their own expertise. They are hard at work and have each met on at least three occasions. Their work will be forwarded to the steering committee shortly.

There are several that list the current subcommittees and their members which reflect the breadth of participation on these subcommittees. The other attachment is a few of the initiatives under consideration which provides a flavor of some of the work that is being produced by the committees.

40. **NON-MOTORIZED OBJECTS IN RIGHTS-OF-WAY** (1:15 p.m.)

Supervisor Gross said that for many years, construction companies have been using large dumpsters, also known as roll-off containers, to assist in home renovations and additions. Many times, the construction companies place the

large, unlit, dumpsters in the Virginia Department of Transportation (VDOT) right-of-way, which causes line of sight issues, is aesthetically unpleasing, and often damages the roadway. She explained that when constituents have complained about dumpsters in their neighborhoods, the dumpsters are sometimes moved to the driveway via voluntary compliance, but it has been brought to her attention that there is no County Code that covers placement of these large dumpsters. The majority of them are poorly marked, if at all, with safety reflectors, or reflective tape, paint, or glass. This lack of reflective marking is hazardous to drivers and pedestrians alike.

Supervisor Gross said that currently, the Maintenance and Stormwater Division of the Department of Public Works and Environmental Services, has assumed responsibility for notifying the construction company or homeowner of the problem. In other jurisdictions, models have been successful to create incentives for using these dumpsters, such as a permit fee. This would generate revenue for the County as well as making sure the construction companies are responsible for keeping them off the roadways. It appears that, in the County, the problem is the term "vehicle." A dumpster is not a vehicle and there is no definition in the code for traffic or parking of a dumpster. Complaints have also been received about other long-term stationary objects such as trailers and boats that create similar hazards in the right-of-way.

In light of repeated complaints about dumpsters and other non-self-powered objects, Supervisor Gross asked unanimous consent that this issue be referred to the Board's Legislative Committee for review and recommendation for a possible legislative remedy. Without objection, it was so ordered.

41. **FURNACE ASSOCIATES, SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-L/V-061-02 AND PUBLIC FACILITIES APPLICATION 2232-V13-18, PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-MV-034 AND PUBLIC FACILITIES APPLICATION 2232-V13-17 (MOUNT VERNON DISTRICT)** (1:18 p.m.)

(NOTE: Earlier in the meeting, action was taken regarding Furnace Associates. See Clerk's Summary Item #24.)

Chairman Bulova noted that there was a re-worded proposed motion regarding Furnace Associates and that staff was in the process of contacting the applicant. She added that action would be taken later in the meeting.

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Summary Item #46.)

42. **INTENT TO DEFER PUBLIC HEARINGS** (1:20 p.m.)

Supervisor Foust announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Proffered Condition Amendment Application PCA 86-D-108 (William Weiss).

Supervisor McKay announced his intent, later in the meeting at the appropriate time, to defer the public hearing on the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5A and Appendix G (Residential Permit Parking Districts) related to administration and eligibility.

(NOTE: Later in the meeting, these public hearings were deferred. See Clerk's Summary Items #51 and #56.)

43. **RECESS/CLOSED SESSION** (1:20 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. *Louise Root v. County of Fairfax*, Case No. 12-2545 (U.S. Ct of App. for the Fourth Cir.)
 2. 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. 131348 (Va. Sup. Ct.) (Mason District)
 3. *Carla Thomas v. Fairfax County, Fairfax County Department of Tax Administration, Howard Goodie, and Bruce Schuette*, Case No. CL-2013-0004770 (Fx. Co. Cir. Ct.)

4. In Re: July 31, 2013, Decision of the Fairfax County Board of Zoning Appeals Denying Application of New Cingular Wireless, PCS, LLC, and Parklawn Recreation Association, Inc., for an Amendment to Special Permit No. 76-M-088 (Fx. Co. Cir. Ct.) (Mason District)
5. *Virginia Ann Brown v. County of Fairfax, Brian Joseph Byerson, Delvine John Egan, and John Doe*, Case No. CL13008303-00 (Pr. Wm. Co. Cir. Ct.)
6. *Manuel J. Sandoval v. Fairfax County, Virginia and Officer J. Luety*, Case No. CL-2013-0007609 (Fx. Co. Cir. Ct.)
7. *Kohl's Department Stores, Inc. and Rocks Dulles, LLC v. Board of Supervisors of Fairfax County, Virginia, and Fairfax County, Virginia*, Case No. 2012-0019486 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *MEPT 1660 International Drive LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. 2013-0015435 (Fx. Co. Cir. Ct.) (Providence District)
9. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Joseph Powers*, Case No. CL-2012-0003924 (Fx. Co. Cir. Ct.) (Lee District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Reynaldo C. Medrano and Carla Munoz-Lopez*, Case Nos. CL-2006-0010659 and CL-2011-0002181 (Fx. Co. Cir. Ct.) (Mason District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Christine A. Bucierka*, Case No. CL-2007-0004195 (Fx. Co. Cir. Ct.) (Sully District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official v. Reina Meza and Silvio Meza*, Case No. CL-2012-0014556 (Fx. Co. Cir. Ct.) (Providence District)
13. *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)

14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George L. Karsadi and Trisha D. Karsadi*, Case No. CL-2012-0010272 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sidney B. Hill and Wanda C. Hill*, Case No. CL-2012-0011053 (Fx. Co. Cir. Ct.) (Hunter Mill District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald M. Douglas and Louise L. Douglas*, Case No. CL-2013-0003838 (Fx. Co. Cir. Ct.) (Springfield District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Apolonia G. Fuentes*, Case No. CL-2009-0008361 (Fx. Co. Cir. Ct.) (Providence District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phillip Shane Blevins and Denise Clare Blevins*, Case No. CL-2011-0018229 (Fx. Co. Cir. Ct.) (Springfield District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sun Ja Yoon*, Case No. CL-2012-0004128 (Fx. Co. Cir. Ct.) (Sully District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Elise Ann Brandenburger Brown*, Case No. CL-2013-0005149 (Fx. Co. Cir. Ct.) (Dranesville District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tania Soto-Yapura*, Case No. CL-2013-0008359 (Fx. Co. Cir. Ct.) (Mason District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property*

Maintenance Code Official for Fairfax County, Virginia v. Freddie L. Gaskins and Sandra M. Gaskins, Case No. CL-2013-0002780 (Fx. Co. Cir. Ct.) (Providence District)

24. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Francis R. Baffa, Jr., and Shui Ching Kao-Baffa*, Case No. CL-2012-0010168 (Fx. Co. Cir. Ct.) (Lee District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John W. Schmeling*, Case No. CL-2012-0017864 (Fx. Co. Cir. Ct.) (Mason District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert E. Barnes and Dale A. Barnes*, Case No. CL-2013-0011895 (Fx. Co. Cir. Ct.) (Mount Vernon District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Afkhamolmolook Khamnei, and Ming, LLC d/b/a B & M Therapy*, Case No. CL-2013-0009085 (Fx. Co. Cir. Ct.) (Providence District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Milagros B. Iglesias, Trustee, or Successor Trustee(s), as Trustee(s) of The Milagros B. Iglesias Trust 25AUG10*, Case No. CL-2012-0018398 (Fx. Co. Cir. Ct.) (Providence District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Heirs of Dorothy E. Pounders, Darlyn Elaine Sandgren, Dwight David Pounders, and Lori L. Pounders*, Case No. CL-2013-0003258 (Fx. Co. Cir. Ct.) (Dranesville District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Adnan A. Ashkar*, Case No. CL-2013-0012524 (Fx. Co. Cir. Ct.) (Mason District)
31. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Francine S.*

Liem, Case No. CL-2013-0017624 (Fx. Co. Cir. Ct.)
(Providence District)

32. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Albert E. Mays*, Case No. CL-2013-0017866 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. In Re: November 6, 2013, Decision of the Board of Zoning Appeals of Fairfax County; *Board of Supervisors, Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. NRG EV Services, LLC, d/b/a eVgo, and Westview Associates, LLC* (Fx. Co. Cir. Ct.) (Sully District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Helen Ruth Carlson, Trustee of the Helen Ruth Carlson Revocable Trust, and Mark Gunnard Carlson, Trustee of the Helen Ruth Carlson Revocable Trust*, Case No. CL-2013-0018743 (Fx. Co. Cir. Ct.) (Mount Vernon District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gary S. Pisner*, Case No. CL-2013-0018994 (Fx. Co. Cir. Ct.) (Springfield District)
36. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Ted J. Fares*, Case No. CL-2013-0019056 (Fx. Co. Cir. Ct.) (Mason District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard C. Arnold*, Case No. GV13-021384 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator, Virginia v. John M. King and Jaime L. Schisler*, Case No. GV13-019695 (Fx. Co. Gen. Dist. Ct.) (Lee District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Salvador Garcia*, Case No. GV13-016925 (Fx. Co. Gen. Dist. Ct.) (Lee District)

40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Keun Hoon Lee and Yong Ja Lee*, Case No. GV13-024383 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Orlando Torrez*, Case No. GV13-022999 (Fx. Co. Gen. Dist. Ct.) (Lee District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Potomac Relocation Services, LLC*, Case No. GV13-019826 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
43. *Noel Arguelles v. Amanda Wallace*, Case No. GV13-012458 (Fx. Co. Gen. Dist. Ct.); *Amanda Wallace v. Dora Alicia Navarro*, Case No. GV13-023570 (Fx. Co. Gen. Dist. Ct.)
44. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Myla M. Archer*, Case No. GV13-025142 (Fx. Co. Gen. Dist. Ct.) (Mt. Vernon District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harry F. Kendall, III, and Laura P. Kendall*, Case No. GV13-024608 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hyung Kon Kim and Eun Hee Kim*, Case No. GV13-024988 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert T. Hancasky and Marianne L. Hancasky*, Case No. GV13-024607 (Fx. Co. Gen. Dist. Ct.) (Lee District)
48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. William Garcia and Flor Garcia*, Case No. GV13-025141 (Fx. Co. Gen. Dist. Ct.) (Mason District)
49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edson J. Barbosa and Michele P. Meloni-Barbosa*, Case No. GV13-025143 (Fx. Co. Gen. Dist. Ct.) (Mason District)

50. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Ali H. Shwikhat and Anisa H. Sayoud*, Case No. GV13-027579 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
51. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Christopher Brinsko*, Case No. GV13-027580 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Danielle M. Pletka and Stephen G. Rademaker*, Case No. GV13-019696 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
53. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Irving Bernstein, Trustee of the Irving Bernstein Revocable Trust*, Civil Case No. GV13-012357 (Fx. Co. Gen. Dist. Ct.) (Providence District)
54. *Alfred William Massey by GEICO, as subrogee v. Shawn C. Carroll, Fairfax County, and David Bobzien*, Case No. GV13-019232 (Fx. Co. Gen. Dist. Ct.)
55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wilfredo Bermudez and Carranza Romero*, Case No. GV13-027015 (Fx. Co. Gen. Dist. Ct.) (Lee District)
56. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Roger W. Webb, Jr.*, Case No. GV13-027242 (Fx. Co. Gen. Dist. Ct.) (Providence District)
57. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gregory A. Hutton and Vera A. Kochanowsky*, Case No. GV13-027244 (Fx. Co. Gen. Dist. Ct.) (Mason District)
58. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Waldo Pinto-Lopez*, Case No. GV13-027243 (Fx. Co. Gen. Dist. Ct.) (Mason District)

59. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ebrahim A. Babazadeh Family Trust*, Case No. GV13-027378 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
60. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Stephanie C. Ataide*, Case No. GV13-027578 (Fx. Co. Gen. Dist. Ct.) (Mason District)
61. *Leslie B. Johnson v. Richard E. During and Eugenia F. During*, Case No. GV13-027244 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

And in addition:

- In Re: November 20, 2013, Decision of the Board of Zoning Appeals of Fairfax County; BZA Appeal Application No. A-2013-DU-024, Case No. CL-2013-0018953
- Use of International Mobile Subscriber Identity Locators

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

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At 4:02 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

44. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:03 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. Chairman Bulova and Supervisor Foust 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 ITEM

45. **ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AWARD OF TAXICAB OPERATOR CERTIFICATES PURSUANT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84.1 (PUBLIC TRANSPORTATION)** (4:03 p.m.)

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

Chairman Bulova noted that earlier in the meeting, the Board directed staff to amend the item to include the names of the operators recommended by the Consumer Protection Commission.

Supervisor Hyland moved to authorize the advertisement of a public hearing to be held before the Board on **February 11, 2014, at 4 p.m.** regarding the award of taxicab operator certificates pursuant to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation). Supervisor Gross seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

46. **FURNACE ASSOCIATES, SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-L/V-061-02 AND PUBLIC FACILITIES APPLICATION 2232-V13-18 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-MV-034 AND PUBLIC FACILITIES APPLICATION 2232-V13-17 (MOUNT VERNON DISTRICT)** (4:05 p.m.)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk’s Summary Items #24 and #41.)

Supervisor Hyland moved that the Board extend the time for the Planning Commission, (PC) to act on Public Facilities Applications 2232-V13-17 and 2232-V13-18, and that such extension shall continue through the date of the PC’s decision on Special Exception Amendment Application SEA 80-L/V-061-02 and Proffered Condition Amendment Application PCA 2000-MV-034, provided that such 2232 applications shall be decided at the same time as the special exception amendment and proffered condition amendment applications and no later than March 14, 2014. Supervisor Foust and Supervisor Herry jointly seconded the motion.

Supervisor Gross asked to amend to motion to include a sentence to read: “The Board schedule the public hearing on Public Facilities Applications 2232-V13-17 and 2232-V13-18, Special Exception Amendment Application SEA 80-L/V-061-02 and Proffered Condition Amendment Application PCA-2000-MV-034 to a date certain of March 25, 2014.”

Following a brief discussion, the amendment was not accepted, and it became a separate motion, seconded by Chairman Bulova. Discussion ensued with Supervisor Gross expressing her views regarding a date certain.

The question was called on Supervisor Hyland's motion and it carried by unanimous vote.

Following a brief discussion, with input from David P. Bobzien, County Attorney and Elizabeth Teare, Deputy County Attorney, regarding the timing for deciding the applications, Supervisor Gross withdrew her motion.

AGENDA ITEMS

47. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-022 (JAMES HOLLINGSWORTH) (PROVIDENCE DISTRICT)** (4:10 p.m.)

(O) (NOTE: On December 3, 2013, the Board deferred this public hearing until January 14, 2014.)

The application property is located on the west side of Cedar Lane approximately 150 feet north of its intersection with Willowmere Drive, Tax Map 49-1 ((4)) 16A.

Mr. James Hollingsworth reaffirmed the validity of the affidavit for the record.

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

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

Supervisor Smyth stated that she had submitted items for the record.

Following the public hearing, Mr. Williams 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 2009-PR-022, from the R-1 District to the R-4 District, subject to the proffers dated November 26, 2013.

- Approval of a modification of the Comprehensive Plan Trail Requirement to allow an eight-foot-wide trail.

Supervisor Foust and Supervisor Herrity 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.”

48. **3:30 P.M. – PH ON SE 2013-SU-018 (THE CENTREVILLE PRE-SCHOOL, INCORPORATED) (SULLY DISTRICT)** (4:17 p.m.)

The application property is located at 13916 Braddock Road, Centreville, 20120, Tax Map 54-4 ((1)) 32.

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

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

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.

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

Supervisor Frey moved approval of Special Exception Application SE 2013-SU-018, subject to the development conditions dated January 14, 2014. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

Supervisor Frey moved:

- Approval of a waiver of the trail requirement along Braddock Road in favor of the striping of a pedestrian path across the existing pavement, as shown on the Special Exception (SE) plat
- Modification of the transitional screening and barrier requirements along the southeastern lot line, in favor of the treatment shown on the SE plat
- That the Board direct the Director to waive the dustless surface requirement to allow the continued use of a gravel driveway and parking area

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

Supervisor Frey moved that the Board direct the Director of the Department of Public Works and Environmental Services to waive the fees associated with the filing and processing of the minor site plan that will be submitted by the applicant to implement this SE. Supervisor Hyland seconded the motion and it carried by unanimous vote.

49. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-PR-007 (EYA DEVELOPMENT, LLC) (PROVIDENCE DISTRICT)** (4:27 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2013-PR-007 indefinitely. Supervisor Foust seconded the motion and it carried by unanimous vote.

50. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-PR-006 (FAIRFAX PLAZA, LLC) (PROVIDENCE DISTRICT)** (4:28 p.m.)

- (O) The application property is located on the west side of Lee Highway, approximately 300 feet south of its intersection with Blake Lane, Tax Map 48-3 ((1)) 31.

Mr. William B. Lawson, Jr., reaffirmed the validity of the affidavit for the record.

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

Mr. Lawson 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, Ms. Tsai 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 2013-PR-006, from the R-2, C-8, and HC Districts to the C-8 and HC Districts, and approval of the Generalized Development Plan, subject to the proffers dated December 11, 2013.
- Modification of Section 13-303 of the Zoning Ordinance for the transitional screening along the western property line to that shown on the Generalized Development Plan (GDP).

- Waiver of Section 4-806 of the Zoning Ordinance for the 40,000 square foot minimum lot area requirement of the C-8 district.
- Deviation of the tree preservation target, pursuant to Public Facilities Manual Section 12-0508.3a.
- Modification of Section 10-104 of the Zoning Ordinance to increase the height of a fence located in the rear yard to that shown on the GDP.

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.”

51. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-D-108 (WILLIAM WEISS) (DRANESVILLE DISTRICT)** (4:36 p.m.)

Supervisor Foust moved to defer the public hearing on Proffered Condition Amendment Application PCA 86-D-108 until **February 11, 2014, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by unanimous vote.

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-HM-012 (BLUE OCEAN DEVELOPMENT, INCORPORATED) (HUNTER MILL DISTRICT)** (4:37 p.m.)

The application property is located at 9805 Leesburg Pike, Vienna, 22182, Tax Map 19-1 ((1)) 27.

Mr. Jonathan Puvak reaffirmed the validity of the affidavit for the record.

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

Discussion ensued, with input from Hugh Whitehead, Urban Forrester, Urban Forrest Management Division, Department of Public Works and Environmental Services, regarding the tree preservation easement, circumstances, conditions, and the process for removing trees under the preservation.

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

Supervisor Hudgins submitted items for the record.

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

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2013-HM-012, subject to the development conditions dated January 14, 2014.
- Approval of a waiver of Section 17-201 of the Zoning Ordinance and Section 8-0201 of the Public Facilities Manual requiring a trail along Leesburg Pike.

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

53. **4 P.M. – PH ON REZONING APPLICATION RZ 2013-LE-008 (PENN-DAW ASSOCIATES LIMITED PARTNERSHIP) (LEE DISTRICT)**
(4:46 p.m.)

(O) (NOTE: On December 3, 2013, the Board deferred this public hearing until January 14, 2014.)

The application property is located in the southwest quadrant of the intersection of Kings Highway and Poag Street, Tax Map 83-3 ((1)) 7.

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

Mary Ann Tsai, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

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

Discussion ensued, with input from Mr. Looney, regarding the:

- Commitment to pursue grocery anchor and eating establishment
- Points of access to the property
- Transportation improvements proffers and points of access
- Improvements being made and uses for allocated retail space
- Additional right-of-way and flow of traffic

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

Following remarks regarding the application, Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2013-LE-008, from the R-4, C-8, CRD and HC Districts to the PDH-40, CRD, and HC Districts, and approval of the associated Conceptual Development Plan, subject to the proffers dated January 10, 2014.
- Modification of Section 13-303 and 13-304 of the Zoning Ordinance for the transitional screening planting materials and barrier requirement along the northeastern property line.
- Waiver of the transitional screening requirement along the southeastern property line.
- Modification of the transitional screening requirement along the northwest property line.
- Waiver of the transitional screening requirement between the multi-family and single family attached uses.
- Waiver of the transitional screening requirement between multi-family and retail uses pursuant to Section 13-305 of the Zoning Ordinance to that shown on the CDP/FDP.
- Waiver of Section 13-202 of the Zoning Ordinance for dispersing of the interior parking landscaping for the surface parking lot area and landscaping on the top level of the parking structure.
- Modification of the Countywide Trails Plan along North Kings Highway to permit six foot wide sidewalks as shown on the CDP/FDP.
- Waiver of Section 2-505 of the Zoning Ordinance on use limitation on corner lots for a corner of a building.
- Waiver of Section 17-201 of the Zoning Ordinance and Section 7-0104.1 of the Public Facilities Manual for a service drive.

Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay,

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

(NOTE: On November 21, 2013, the PC approved Final Development Plan Application FDP 2013-LE-008.)

54. **4 P.M. – PH ON REZONING APPLICATION RZ 2012-BR-020 (EASTWOOD PROPERTIES, INCORPORATED) (BRADDOCK DISTRICT)** (5:16 p.m.)

- (O) The application property is located on the east side of Ox Road, approximately 100 Feet north of its intersection with Adare Drive, Tax Map 77-1 ((1)) 36, 37 and 38.

Ms. Lori Greenlief reaffirmed the validity of the affidavit for the record.

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

Discussion ensued, with input from Mr. Krasner, regarding shared driveways in the application.

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

Following the public hearing, which included testimony by three speakers, Ms. Greenlief presented rebuttal.

Discussion ensued with input from Ms. Greenlief, regarding the formula used for school contributions.

Supervisor Cook submitted items for the record.

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

Following comments regarding the application, Supervisor Cook thanked staff, neighbors, and applicant for their work.

Supervisor Cook moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-BR-020, from the R-1 District to the PDH-3 District, and approval of the

Conceptual Development Plan, subject to the proffers dated January 10, 2014.

- Waiver of the service drive requirement along Route 123 in favor of the frontage improvements shown on the CDP/FDP.
- Modification of the trail requirement along Route 123 in favor of the eight-foot wide asphalt trail shown on the CDP/FDP.
- Waiver of the on-road bike trail requirement along Route 123 in favor of the asphalt trail shown on the CDP/FDP.
- Waiver of the parallel crushed stone pedestrian path along Route 123 in favor of the asphalt path shown on the CDP/FDP.
- Modification of the sight distance requirement for corner lots to allow the entry feature and sound wall to be located as shown on the CDP/FDP.

Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

(NOTE: On November 21, 2013, the PC approved Final Development Plan Application FDP 2012-BR-020.)

55. **4 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) NOMINATIONS 09-IV-1MV AND 09-IV-15MV, LOCATED NORTHWEST OF RICHMOND HIGHWAY, AND NORTHEAST HUNTINGTON AVENUE (MOUNT VERNON DISTRICT)** (5:52 p.m.)

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

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from Ms. Katherine Ward (Speaker), and Mr. Klibaner regarding the Staff and Planning Commission’s alternate recommendation limiting the Floor Area Ratio (FAR) and the need to complete the traffic study before increasing the density.

Discussion continued, with input from Mr. Klibaner and Meghan Van Dam, Chief, Policy and Plan Development Branch, PD, DPZ, regarding traffic studies, “no interim use” term, the proposed staff recommendations, and transportation impacts.

Mr. Klibaner presented the staff and Planning Commission recommendations.

Supervisor Hyland moved to defer decision on APR Items 09-IV-1MV and 09-IV-15MV until **January 28, 2014, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

56. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5A, AND APPENDIX G (RESIDENTIAL PERMIT PARKING DISTRICTS), RELATED TO ADMINISTRATION AND ELIGIBILITY** (6:10 p.m.)

Supervisor McKay moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5A and Appendix G (Residential Permit Parking Districts) indefinitely. Supervisor Gross and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

57. **4 P.M. – PH ON A PROPOSAL TO ABANDON A PART OF LYLES ROAD AND CONVEY THE ABANDONED RIGHT-OF-WAY TO ECHO, INCORPORATED (LEE DISTRICT)** (6:11 p.m.)

- (O) (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 December 27, 2013, and January 3, 2014.

Donald Stephens, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor McKay moved adoption of the:

- Order abandoning a part of Lyles Road
- Resolution conveying the abandoned right-of-way to ECHO, Incorporated

Supervisor Gross and Supervisor Herrity 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.”

Supervisor McKay acknowledged the Representatives of ECHO who were present in the Board Auditorium and thanked them for their work as they continue to serve the community.

58. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 2 (PROPERTY UNDER COUNTY CONTROL), ARTICLE 2, DISPOSAL OF PROPERTY** (6:14 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 December 27, 2013, and January 3, 2014.

David Ferris, Police Department, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 2 (Property Under County Control), Article 2, Disposal of Property, regarding the disposal of weapons by the Police Department. Chairman Bulova and Supervisor Frey 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.”

ADDITIONAL ACTION FROM CLOSED SESSION

59. **A-3 – BOARD ACTION TO RESTRUCTURE THE FINANCING AND GOVERNMENTAL STRUCTURE OF THE WORKHOUSE ARTS CENTER TO ENSURE ITS LONG-TERM SUSTAINABILITY** (6:16 p.m.)

- (R) Supervisor Hyland moved adoption of a Resolution authorizing the Board to enter into:

- A purchase contract with Lorton Arts Foundation, LLC (LAF) to acquire the leasehold interest of LAF in the Lorton Workhouse Arts center for a purchase price of \$30 million, which leasehold interest shall be free and clear of the existing debt obligations of LAF in approximate amount of \$60 million
- A settlement agreement with Wells Fargo Bank National Association (“Wells”) whereby Wells agrees to release all indebtedness associated with the Lorton Workhouse Arts Center

Supervisor Gross seconded the motion.

Following discussion on the motion, and the role the Arts Center plays in the community, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, Vice-Chairman Gross, and Chairman Bulova voting “AYE,” Supervisor Herrity voting “NAY.”

Supervisor Hyland moved adoption of a Resolution authorizing the use of a draw on the Economic Development Authority line of credit to provide interim financing for County acquisition of the leasehold interest in the Workhouse Arts Center. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Herrity being out of the room.

Supervisor Hyland moved adoption of a Resolution authorizing the Board to enter into a license agreement with LAF permitting LAF temporarily to continue operating an arts facility at the Lorton Workhouse Arts Center. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Herrity being out of the room.

Chairman Bulova thanked Edward L. Long, County Executive, and staff for their work. She also commended John Mason, Chief Executive Office, for his work at the Workhouse Arts Center.

ADDITIONAL BOARD MATTER

60. **FEE WAIVER FOR LAUREL HILL ADAPTIVE REUSE PLAN (MOUNT VERNON DISTRICT** (4:49 p.m.)

Supervisor Hyland said that the Alexander Company and Elm Street Development have asked for a waiver for the application and escrow fees associated with the Laurel Hill Adaptive Reuse Plan. Since the County continues to work in partnership with these companies on the adaptive reuse of the prison property, staff has recommended this waiver.

Therefore, Supervisor Hyland moved that the Board waive the application and escrow fees associated with the Laurel Adaptive Reuse Plan. This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, adopted standards, or proffers. This action in no way prejudices the substantive review of the application. Chairman Bulova seconded the motion and it carried by unanimous vote.

61. **BOARD ADJOURNMENT** (6:51 p.m.)

The Board adjourned.

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