



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
January 28, 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 28, 2014, at 9:36 a.m., there were present:

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

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:36 a.m.)

Supervisor Herrity asked everyone to keep in thoughts Dr. Thomas J. Sullivan, who died after being struck by a car while walking to church on January 19, 2014. Dr. Thomas leaves behind a legacy of extraordinary accomplishments and service. He was a well-respected pediatrician; he served as president of the Virginia Chapter of the American Academy of Pediatrics, and was named a Doctor of Excellence by the *Washington Family Magazine*. He founded the Pediatric Education Foundation of Virginia and grew the pediatric research office setting into one of the largest in the nation. Dr. Sullivan leaves behind a community and country that are better off thanks to his career and service.

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO THOMAS JEFFERSON HIGH SCHOOL FOR SCIENCE AND TECHNOLOGY STUDENTS – PAST AND PRESENT, AND CERTIFICATE OF RECOGNITION PRESENTED TO ORBITAL SCIENCES CORPORATION** (9:38 a.m.)

Supervisor Gross moved approval of the:

- Resolution of Recognition presented to students – past and present, from Thomas Jefferson High School for Science and Technology for the TJ³ Satellite project.
- Certificate of Recognition presented to Orbital Sciences Corporation for its support, financial contribution, and collaboration with students of Thomas Jefferson High School for Science and Technology in their development of the TJ³ Satellite project.

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

3. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. YARA EL MOWAFY AND MS. JORDAN BIVINGS** (9:48 a.m.)

Supervisor Cook moved approval of the Certificates of Recognition presented to Ms. Yara El Mowafy and Ms. Jordan Bivings for establishing the Student Meal Assistance Fund to provide meals for homeless students at George Mason University. Supervisor Frey, Supervisor Hyland, and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO THERESA BAKER**
(9:54 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Ms. Theresa Baker for her contributions to the County and the Animal Shelter. Supervisor Frey and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING JANUARY 2014 AS "STALKING AWARENESS MONTH" IN FAIRFAX COUNTY** (10:06 a.m.)

Supervisor Cook moved approval of the Proclamation to designate January 2014 as "*Stalking Awareness Month*" in Fairfax County. Supervisor Gross, Supervisor Herrity, and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING FEBRUARY 2014 AS "AFRICAN-AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:21 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate February 2014 as "*African-American Heritage Month*" in Fairfax County. Supervisor Foust, Supervisor Herrity, and Supervisor McKay jointly seconded the motion.

Discussion ensued, regarding African-American history, and recognizing and acknowledging the importance of history and its contribution in the society, and the milestone of education and making everyone become part of the history of America.

Supervisor McKay noted that the Laurel Grove School Museum, the restored one room "colored" schoolhouse located on Beulah Road, in the Lee District, next to the Old Laurel Grove Baptist Church, is part of the curriculum of many of Fairfax County Public Elementary Schools, who take field trips through that school. He invited anyone who has not seen it to visit it to learn about what life was at that time and the rich African-American history in the County.

Supervisor Smyth announced that there is a new site to add to the African-American history heritage in the County with the addition of the Tinner Hill Historic Park that will be run by the Northern Virginia Regional Park Authority when it is completed later in the year.

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

ADDITIONAL BOARD MATTER

7. **INTRODUCTION OF INTERN** (10:37 a.m.)

Chairman Bulova introduced Ms. Lucy Rujjiero, who is interning in the Chairman's Office for the Spring 2014 semester. Ms. Rujjiero is a senior at George Mason University, and is majoring in Government and International Politics. On behalf of the Board, Chairman Bulova warmly welcomed her to the Board Auditorium.

AGENDA ITEMS**8. 10:30 A.M. – PRESENTATION OF THE DON SMITH AWARD**
(10:38 a.m.)

Avery Dotson, Vice-Chairman, Employee Advisory Council (EAC), presented the history of the Don Smith Award, and noted that this year two recipients will be receiving award.

Mr. Dotson and Chairman Bulova presented the awards, while Ellen Gilchrist, EAC Representative, announced the recipients as follows:

- The Don Smith Award:
 - Charles Keener, Pimmit Regional Library
 - Jennifer McCullough, Dolly Madison Library
- Honorable Mention Awards:
 - Sharron Cayere, Fire Technician, Fire and Rescue Department (not present)
 - Joseph Wilhelm, Facilities Management Department

DET:det**9. 10:40 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES**
(10:46 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, presented a report on General Assembly activities:

- As of Friday, January 24, over 2300 bills and resolutions have been introduced before the 2014 General Assembly.
- The County's initiatives include:
 - HB 906: a regional bill which would allow local government to generate a certain amount of renewable energy on its property and have that energy credited against usage on other properties; while this concept may not proceed in legislation this year, it is being discussed in contract negotiations with the statewide body that negotiates energy purchases on behalf of local governments.

- HJ 40: the County's request for a Joint Legislative Audit and Review Commission (JLARC) study of Medicaid-funded transportation services grows out of the numerous complaints received by Supervisors' offices and the Fairfax-Falls Church Community Services Board (CSB) about the State's current contractor; the bill has not been heard but staff has been working with the patron and JLARC staff to address concerns to help build statewide support for the study.
- A wide spectrum of bills on other issues has been introduced including a number of problematic bills that would eliminate or restrict County revenue sources or expose the County to potentially significant costs and litigation.
- Several bills have been introduced that would interfere with the Northern Virginia Transportation Authority's (NVTA) ability to issue bonds or otherwise hamper the project selection process; several of these were tabled last week.
- K-12 funding: as discussed with the delegation in December, is a key focus area as education funding has continued to fall; the proposed budget contains several significant cuts to K-12 including:
 - A decision not to recognize inflation costs in the school funding formula, even those costs are a part of operating the school system.
 - Elimination of the cost of competing adjustment factor for support positions in Northern Virginia; there is significant bi-partisan support to restore funding and the entire County delegation signed on to a budget amendment to that effect.
- The next Legislative Committee meeting is Friday, January 31, at 4:30 p.m.; the February 7 meeting will likely be cancelled as several Board Members will be in Richmond on February 6 for the Virginia Association of Counties (VACo) day.
- The County's annual reception will be held in Richmond which will provide an opportunity for productive conversations with the delegation; the reception is on Tuesday, February 18, at 5:30 p.m., in the Old City Hall. Additional information concerning details will be forthcoming.

Supervisor McKay moved that the Board adopt Legislative Committee Report Number One. Supervisor Foust seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting “NAY.”

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10. **10:50 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:52 a.m.)

(APPTS)

(BACs)

Chairman Bulova noted a correction to the date on the list as January 28, 2014.

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard January 28, 2014,” as distributed around the dais. Supervisor Foust seconded the motion.

Supervisor Hyland asked to amend the motion to defer the reappointment of the At-Large #1 Representative to the Wetlands Board, and this was accepted.

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

Appointments are as follows:

A. HEATH ONTHANK AWARD SELECTION COMMITTEE

Reappointment of:

- Ms. Jane Gwinn as the Braddock District Representative
- Ms. Kerrie Wilson as the Dranesville District Representative
- Mr. Ronald Copeland as the Hunter Mill District Representative
- Mr. Joseph Blackwell as the Lee District Representative
- Ms. Ernestine Heastie as the Providence District Representative
- Mr. Philip Rosenthal as the Springfield District Representative

The Board deferred the appointment of the At-Large Chairman’s Representative, and the Mason and Mount Vernon District Representatives.

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder (Single Family) Representative, and the Citizen and Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

Reappointment of:

- Mr. Robert Ackerman as the Dranesville Business Representative
- Mr. Edward Robichaud as the Hunter Mill District Representative

The Board deferred the appointment of the Mason District Representative.

ALCOHOL SAFETY ACTION PROGRAM (ASAP) LOCAL POLICY BOARD

The Board deferred the appointment of the At-Large #5 Representative.

ATHLETIC COUNCIL

The Board deferred the appointment of the Braddock District Alternate Representative and the Member At-Large Alternate Representative.

AUDIT COMMITTEE

Reappointment of:

- Mr. Christopher Wade as the At-Large #1 Representative
- Mr. Michael Hershman as the At-Large #2 Representative

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Mason Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

The Board deferred the appointment of the Alternate #2 Representative.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

The Board deferred the appointment of the Professional #2 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Sully District Representative.

CHILD CARE ADVISORY COUNCIL

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

CITIZEN CORPS COUNCIL

The Board deferred the appointment of the Providence District Representative.

CIVIL SERVICE COMMISSION

Reappointment of:

- The Honorable Rosemarie Annunziata as the At-Large #3 Representative

Appointment of:

- Mr. Broderick Coleman Dunn as the At-Large #8 Representative

The Board deferred the appointment of the At-Large #9 Representative.

COMMISSION ON AGING

Appointment of:

- Ms. Eleanor Fusaro as the the Hunter Mill District Representative

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

Reappointment of:

- Mr. Charles Dane as the Braddock District Representative
- Mr. Robert Neuman as the Donor Family Member Representative
- Ms. Lisa Kory as the Dranesville District Representative

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

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

The Board deferred the appointment of the Hunter Mill District Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Appointment of:

- Mr. Robert Gehring as the Hunter Mill District Representative

The Board deferred the appointment of the Sully District Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

Appointment of:

- Mr. Jeffrey T. Chod as the BOS At-Large #5 Representative

Confirmation of:

- Mr. Jeffrey J. Fairfield as the Town of Herndon Representative

ENGINEERING STANDARDS REVIEW COMMITTEE

Confirmation of:

- Ms. Maya Huber as the CCLUT Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the Braddock District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the At-Large #1 Business Community Representative and the Sully District Representative.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Nomination of:

- Ms. Lynn Miller as the Braddock District Representative

(The Board is scheduled to take action on this appointment on February 25, 2014.)

GEOTECHNICAL REVIEW BOARD

Confirmation of:

- Ms. Shaz Moosa as the Primary #3 Representative
- Mr. Robert F. Scheller as the Alternate #1 Representative

- Mr. James Collin as the Alternate #3 Representative

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

Appointment of:

- Ms. Sally Horwatt as the Provider #4 Representative

The Board deferred the appointment of the Consumer #1, #4, and #6 Representatives and the Provider #1 Representative.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #6 Representative.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Braddock District #1, Lee District #1, Providence District #2, and Sully District #1 Representatives.

INDUSTRIAL DEVELOPMENT AUTHORITY

Reappointment of:

- Ms. Inge Gedo as the At-Large #3 Representative

The Board deferred the appointment of the At-Large #5 Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Confirmation of:

- Mr. John George as the Northern Virginia Technology Council Representative

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

Reappointment of:

- Mr. Robert Marro as the Dranesville District Representative

- Mr. Brian Murray as the Lee District Representative
- Mr. Michael Beattie as the Providence District Representative
- Ms. Melissa Smarr as the Springfield District Representative

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

LIBRARY BOARD

Appointment of:

- Mr. Michael Donovan as the Braddock District Representative

MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY

The Board deferred the appointment of the Community Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #2 and #4 Representatives.

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

Reappointment of:

- Mr. Scott Crabtree as the Resident/Owner Route 28 District #1 Representative
- Mr. William Keech as the Resident/Owner Route 28 District #2 Representative
- Mr. Jeffrey Fairfield as the Resident/Owner Route 28 District #3 Representative

TENANT LANDLORD COMMISSION

Reappointment of:

- Mr. Michael Congleton as the Citizen Member #1 Representative

- Mr. Antonio Gomez as the Citizen Member #2 Representative
- Mr. Michael Schwarz as the Citizen Member #3 Representative

The Board deferred the appointment of the Condo Owner Representative, the Landlord Member #3 Representative, and the Tenant Member #2 and #3 Representatives.

TRAILS AND SIDEWALKS COMMITTEE

Reappointment of:

- Mr. Thomas Kennedy as the Braddock District Representative
- Mr. Wade H. B. Smith as the Dranesville District Representative
- Mr. Jeffrey Anderson as the Hunter Mill District Representative
- Mr. Robert Michie as the Lee District Representative
- Mr. Alan Young as the Springfield District Representative
- Mr. Paul Kent as the Sully District Representative

Confirmation of:

- Ms. Jackie Browne as the Fairfax Area Disability Services Board Representative

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

TREE COMMISSION

Appointment of:

- Mr. Dragan Momcilovic as the Hunter Mill District Representative

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

WETLANDS BOARD

Appointment of:

- Ms. Deana M. Crumbling as the Alternate #1 Representative

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

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11. **ADMINISTRATIVE ITEMS** (10:53 a.m.)

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

Supervisor Frey called the Board's attention to Admin 1 – Streets into the Secondary System (Dranesville, Hunter Mill, and Sully Districts) and asked to amend the motion to remove the streets in the Sully District from the item, and this was accepted.

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

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, HUNTER MILL, AND SULLY DISTRICTS)**

(R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See above.)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Marshall Property	Dranesville	Eaton Drive (Route 7367)
		Spring Hill Road (Route 684) [Additional Right-of-Way (ROW) Only]
Stuart Estates	Dranesville	Admiral Zumwalt Lane
		Shaker Woods Road (Route 680) (Additional ROW Only)
Tysons Crest	Hunter Mill	Tysons Crest Lane
		Old Courthouse Road (Route 677) (Additional ROW Only)

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF ROUTE 29 WIDENING ROAD IMPROVEMENTS (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 25, 2014, at 4 p.m.** regarding the acquisition of certain land rights necessary for the construction of Project 4YP212, also known as 5G25-052-000, Route 29 Widening, Fund 300-C30050, Transportation Improvements.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE STRATHMEADE SQUARE COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 25, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Strathmeade Square CPD. The proposed District includes the following streets:

- Beverly Drive (Route 3565), from Tobin Road to Schockey Drive
- Breckenridge Court (Route 4051), from Beverly Drive to the cul-de-sac inclusive
- Thompson Road (Route 4050), from the west end to the east cul-de-sac inclusive
- Tobin Road (Route 709), from Woodburn Village Drive to Beverly Drive, north side only

ADMIN 4 – INSTALLATION OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE, LEE, MOUNT VERNON, AND HUNTER MILL DISTRICTS)

Endorsed the installation of “Watch for Children” signs on the following roads as part of the RTAP:

- Sugarland Road (Dranesville District)
- Marilyn Drive (Lee District)
- Scotch Drive (Lee District)
- Waynewood Boulevard (2) (Mount Vernon District)

- Plymouth Road (Mount Vernon District)
- Freetown Drive (Hunter Mill District)

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO ESTABLISH PARKING RESTRICTIONS ON WILLOW OAKS CORPORATE DRIVE (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 25, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix R, to establish parking restrictions on Willow Oaks Corporate Drive (Providence District).

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 25, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the NVCC CPD (Braddock District).

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON A PORTION OF FORMER SOUTH VAN DORN STREET (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 4, 2014, at 4 p.m.** to consider a proposal to abandon a portion of former South Van Dorn Street.

ADMIN 8 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (MASON AND MOUNT VERNON DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-M00-66-1	Sirius XM by Crown Castle 6800 Versar Center Springfield, VA Mason District	March 27, 2014

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-V13-17	Lorton Solar Energy Park 10018 and 10100 Furnace Road Lorton, VA Mount Vernon District	April 10, 2014
2232-V13-18	Lorton Solar Energy Park 10001, 10201, 10209, 10215, 10219, and 10229 Furnace Road Lorton, VA Mount Vernon District	April 10, 2014

ADMIN 9 – AUTHORIZATION FOR VARIOUS COUNTY AGENCIES TO APPLY FOR AND ACCEPT FUNDING FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE CONTINUUM OF CARE PROGRAM, AND AUTHORIZATION FOR CONSOLIDATED PLAN CERTIFICATION

- Authorized the Department of Housing and Community Development (HCD), Fairfax-Falls Church Community Services Board (CSB), Department of Family Services (DFS)(on behalf of the Office to Prevent and End Homelessness who administers the grants), and the Office to Prevent and End Homelessness (OPEH) to apply for and accept, if received, grant applications as outlined in the Board Agenda Item dated January 28, 2014. Funding of \$3,733,226, including \$2,773,372 in HUD funding, \$500,837 in Local Cash Match, \$76,115 in County in-kind resources, and \$382,902 of private in-kind match will be requested to support the County grants.
- Endorsed 21 grant applications by Fairfax County non-profit organizations totaling \$4,642,420, including \$3,849,722 in HUD funding, \$445,136 in State match, and \$347,562 in match to be met with non-profit organizations cash or in-kind resources.

12. **A-1 – APPROVAL OF A PROJECT AGREEMENT BETWEEN CITYLINE PARTNERS, LLC, AND FAIRFAX COUNTY FOR THE SCOTTS RUN STREAM RESTORATION AT HANOVER PARCEL (PROVIDENCE DISTRICT)** (10:55 a.m.)

On motion of Supervisor Smyth, seconded jointly by Supervisor Foust and Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved and authorized the County Executive, on behalf of the Board, to execute a project agreement between Cityline Partners, LLC, and the County, for the Scotts Run Stream Restoration at Hanover Parcel.

13. **A-2 – APPROVAL OF A PARKING REDUCTION FOR HUNTINGTON AVENUE PROPERTIES (MOUNT VERNON DISTRICT)** (10:55 a.m.)

Supervisor Hyland moved to defer action on this item until later in the meeting, following the 4 p.m. public hearing regarding Rezoning Application RZ 2013-MV-001 (A&R Huntington Metro, LLC). This motion, the second to which was inaudible, carried by unanimous vote.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #47.)

14. **A-3 – AUTHORIZATION TO SIGN MEMORANDUMS OF AGREEMENT (MOA) FOR DISTRIBUTION OF 30 PERCENT LOCAL SHARE OF NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) REVENUES** (10:56 a.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve and authorize the County Executive to execute the following MOAs which establish the terms of the transfer of the 30 percent local share of the NVTA funding, pursuant to HB 2313 (2013), and ensure that the requirements of HB 2313 are met:

- One between the County and NVTA
- One between the County, NVTA, and the Town of Herndon
- One between the County, NVTA, and the Town of Vienna

Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, who noted that the attachments to the Board Item will be revised because of minor typographical errors.

Chairman Bulova clarified that the changes will be incorporated into the motion.

Following a brief discussion, with input from Mr. Biesiadny, regarding the MOAs, the question was called on the motion and it carried by unanimous vote.

15. **A-4 – APPROVAL OF THE DEPARTMENT OF TRANSPORTATION'S (DOT) INTERIM TITLE VI PLAN FOR THE FEDERAL TRANSIT ADMINISTRATION (FTA)** (10:59 a.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve DOT's Interim Title VI Plan for the FTA. Supervisor Hudgins seconded the motion.

Supervisor Cook raised a question regarding the meaning of the term “economic status” in the issue statement, and discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation (DOT), and Brent Riddle, Coordination and Funding Division, DOT.

Discussion continued, regarding the data source, with input from Mr. Riddle and Mr. Biesiadny.

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

ADDITIONAL BOARD MATTER

16. **ABSENCE OF MASON DISTRICT SUPERVISOR GROSS** (11:03 a.m.)

Chairman Bulova announced that Supervisor Gross has an appointment outside of the Government Center and will return later in the meeting.

AGENDA ITEMS

17. **A-5 – APPROVAL OF AN AGREEMENT BETWEEN THE COUNTY AND GEORGE MASON UNIVERSITY (GMU) TO IMPLEMENT AN EMPLOYEE COMMUTER SHUTTLE POOL PROGRAM (BRADDOCK DISTRICT)** (11:03 a.m.)

On motion of Supervisor Cook, seconded jointly by Supervisor Foust and Supervisor McKay, and carried by a vote of nine, Supervisor Gross being out of the room, the Board concurred in the recommendation of staff and approved and authorized the Director of the Department of Transportation to sign an agreement between the County and GMU to provide funds for an Employee Commuter Shuttle Pool as a Transportation Demand Management strategy as part of the I-95 Express Lanes Transportation Management Plan.

18. **A-6 – AUTHORIZATION TO SIGN DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) PROJECT FUNDING AGREEMENTS** (11:03 a.m.)

With regard to the approval process, Chairman Bulova noted that it used to be much simpler, however, new language, introduced over the past year or so, complicated the review process and increased the amount of time needed for review. She expressed hopes that the process can be streamlined in the future.

Supervisor McKay moved that the Board concur in the recommendation of staff and authorize the County Executive or his designee to sign project agreements with DRPT. These agreements provide funding to Fairfax County in Fiscal Year 2014, for Washington Metropolitan Area Transit Authority (WMATA)

capital and operations projects, and for the County's transit capital projects and operations. Supervisor Foust and Supervisor Hyland jointly seconded the motion.

Following a brief discussion regarding streamlining the process for the project funding agreements, the question was called on the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

19. **A-7 – ADJUSTMENT TO FAIRFAX CENTER, CENTREVILLE, TYSONS, TYSONS-WIDE AND TYSONS GRID OF STREETS ROAD FUNDS AND APPROVAL OF PROPOSED PROJECTS AND STUDIES (DRANESVILLE, SPRINGFIELD, BRADDOCK, SULLY, AND PROVIDENCE DISTRICTS)** (11:06 a.m.)

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

- Approve the rate schedule as outlined in Attachment 1 of the Board Agenda Item dated January 28, 2014, including a 1.98 percent adjustment of the existing contribution rates in all fund areas with the new rate effective February 1, 2014.
- Approve the proposed Tysons projects and studies as outlined in Attachment 3 of the Board Agenda Item dated January 28, 2014.

Supervisor Foust seconded the motion.

Supervisor Frey raised a question regarding whether there are properties that will be subject to all three of the Tysons surcharges, and discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, who noted that there are a small number, depending on the circumstances of each particular property.

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

20. **A-8 – COMMENTS IN RESPONSE TO THE NOTICE OF PROPOSED RULEMAKING ISSUED BY THE FEDERAL COMMUNICATIONS COMMISSION (FCC) ON SEPTEMBER 26, 2013, REGARDING CO-LOCATIONS OF TELECOMMUNICATIONS EQUIPMENT AND THE TIME PARAMETERS FOR PROCESSING THE REVIEW OF TELECOMMUNICATIONS APPLICATIONS** (11:09 a.m.)

On motion of Supervisor Foust, seconded by Supervisor Smyth and Chairman Bulova, and carried by a vote of nine, Supervisor Gross being out of the room, the Board concurred in the recommendation of staff and approved the comments put forth by County staff, noting specifically, that the FCC:

- Refrain from any rule-making at this time.
- To the extent that any such rules are nonetheless issued, to do so in such a manner that preserves the ability of local governments to control land use decisions to the maximum extent possible.

21. **A-9 – APPROVAL OF TRANSPORTATION PROJECT PRIORITIES FOR FISCAL YEAR (FY) 2015 – FY 2020, AND PROJECT SUBMISSIONS FOR NORTHERN VIRGINIA TRANSPORTATION AUTHORITY’S (NVRTA) CONSIDERATION FOR FY 2014 – FY 2016** (11:10 a.m.)

Tom Biesiadny, Director, Department of Transportation (DOT), gave a presentation regarding the transportation project priorities process and recommendations.

Discussion ensued, with input from Chris Wells, DOT, and Mr. Biesiadny, regarding projects on the list.

Supervisor Smyth raised a question regarding Project 108, with input from Mr. Biesiadny, who noted that staff will provide a schematic of the proposal.

Discussion continued, with input from Mr. Biesiadny, regarding the flexibility for changes to be made to the Project list.

Chairman Bulova noted that the total of the transportation funding package is approximately \$1.4 billion, and approximately \$1 billion of it is the result of House Bill 2313.

With regard to revised Attachment II: Revised Projects Not Recommended for the Priority Project List, Supervisor Hyland noted that it would be helpful to include remarks for all of the projects.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to include remarks for all of the projects on the list. Following a brief discussion, with input from Mr. Biesiadny, without objection, it was so ordered.

Jointly with Chairman Bulova, Supervisor McKay moved that the Board concur in the recommendation of staff and take the following action to establish the major County transportation projects for the next six years:

- Approve transportation project priorities for FY 2015 – FY 2020
- Approve projects selected for NVRTAs consideration for FY 2014 – FY 2016 regional funding
- Direct staff to report with project timelines

- Direct staff to pursue funding for these projects from regional, State, and federal sources

Supervisor Foust seconded the motion.

Supervisor Herrity raised a question regarding the percentage of the project list which has funding sources identified and discussion ensued, with input from Mr. Biesiadny.

Discussion continued, with several Board Members expressing their concerns with the project list and thanking staff for their work.

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

22. **A-10 – AMENDMENT TO DEED OF LEASE WITH COMSTOCK RESTON STATION HOLDINGS, LC REGARDING PRIVATE DEVELOPMENT ABOVE COUNTY-OWNED GARAGE AT WIEHLE-RESTON EAST METRORAIL STATION** (11:37 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve an amendment to the existing Deed of Lease between the Board and Comstock Reston Station Holdings, LC, of County-owned property adjacent to the Wiehle-Reston East Metrorail Station, to advance the timing of the initial base rent reset, contingent on Comstock commencing construction of a building at the site by June 1, 2014. Supervisor Foust and Supervisor Herrity jointly seconded the motion.

Following a brief discussion regarding the deed of lease, the question was called on the motion and it carried by a vote of eight, Supervisor Gross and Supervisor McKay being out of the room.

ADDITIONAL BOARD MATTERS

23. **REQUESTS FOR RECOGNITION** (11:40 a.m.)

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct staff to invite representatives from the following offices to appear before the Board:

- Commission for Women and Office for Women and Domestic and Sexual Violence Services to accept a proclamation recognizing March 2014 as “*Women’s History Month*”
- Fairfax-Falls Church Community Services Board, Health Department, and other County and community agencies that

employ nurses to accept a proclamation recognizing May 6–12, 2014, as “*Nurses Week*”

- Commission on Organ and Tissue Donation and Transplantation and the Health Department to accept a proclamation recognizing April 2014 as “*Donate Life Month*”
- Health Department to accept proclamations recognizing the following:
 - March 2014 as “*Tuberculosis Awareness Month*”
 - April 7-13, 2014, as “*Public Health Week*”
 - June 2014 as “*Fight the Bite Awareness Month*”
 - September 2014 as “*Direct Support Professional Appreciation Month*”
 - August 2014 as “*Immunization Awareness Month*”
 - September 14-20, 2014, as “*Food Safety Awareness Week*”
 - December 1, 2014, as “*HIV/AIDS Awareness Day*”

Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

24. **SCHOOL TOURS ANNOUNCED (LEE DISTRICT)** (11:41 a.m.)

Supervisor McKay said that as the County enters its Fiscal Year (FY) 2015 budget season, the Fairfax County Public School (FCPS) system is very much on his mind, not only from the perspective of an elected official but also as a parent. His daughter began her journey through FCPS this September when she started kindergarten at Hayfield Elementary School; his son isn't far behind.

Education is the County's highest priority; and Supervisor McKay stated that he can't remember a time when education was not the Board's priority. With substantially more than half of the General Fund every year dedicated to the school transfer, he stated his belief that it is crucial to get the view from the sidewalk level, not the 30,000 foot level where the day-to-day needs of teachers and students are not sharply focused. Year after year in the months that lead up to adoption of the fiscal year budget, FCPS provides a list of programs risking the chopping block. However much sense those lists may make to school administrators, for the Board, many parents, and the more than 70 percent of the

County's residents without children in schools they lack context. They do not show how the learning routine of children will be affected and they never tie back to how student achievement goals are affected.

Supervisor McKay said that between now and April 29 when the County adopts its budget for FY 2015, he intends to visit every school in Lee District, to sit down with every principal, and hear, first hand, about the challenges they face every day. He will be launching this tour at Hayfield Elementary, his daughter's school, on January 29. Following that, he will be visiting the 27 additional elementary, middle, and high schools that serve the children of Lee District.

Supervisor McKay said that he is a product of FCPS and he wants every child in his district to have the same opportunity to learn that he did. He will be particularly focused on the needs of Lee District's Priority and Title One schools. He stated his belief that in some ways, these are the invisible schools and the ones where historically the County hears from the fewest parents at budget public hearings.

Through his involvement with the County and Schools joint Successful Children and Youth Policy Team (SCYPT) he has seen that many of Lee District's challenges are also seen in every corner of the County. Helping children to become successful learners is a cornerstone of the SCYPT charter and his discussions with principals will help to better understand the challenges to work more collaboratively and efficiently.

Supervisor McKay said these are difficult budget times and are not likely to get easier, especially when rhetoric seems to trump common sense. His goal is to find the road that leads to practical solutions and he wants to view those solutions through principals' eyes. By going beyond a budget cut list to understand how County schools, programs, communities, and elected officials can all work together, he is hoping to make the budget process a little less fraught.

At the end of his school tour, he plans to speak with Superintendent Garza, members of the County School Board, Lee District PTAs, his citizen budget committee, and his colleagues on the Board of Supervisors about what he heard and observed. His goal is to help ensure that FCPS continues to be the best in the country.

Supervisor McKay invited Board Members to join him in his outreach efforts.

Chairman Bulova applauded Supervisor McKay for his efforts and noted that she would be happy to join him on some of his visits and is looking forward to his report to the Board regarding the discussions.

Discussion continued, with several Board Members commending Supervisor McKay for his outreach efforts.

Supervisor Herrity asked unanimous consent that the Board direct staff, when preparing the agenda for the next Board of Supervisors/School Board joint meeting, to include some unstructured communication time. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct Susan Datta, Legislative Director, to provide the timeline for the School budget. Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

A brief discussion continued regarding Supervisor McKay's outreach efforts.

(NOTE: Later in the meeting, the timeline was provided. See Clerk's Summary Item #38.)

EBE:ebe

25. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (11:57 a.m.)

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

26. **REQUEST FOR RECOGNITION OF MR. MICHAEL KNAPP (PROVIDENCE DISTRICT)** (11:57 a.m.)

Supervisor Smyth announced that Michael Knapp, Director, Urban Forest Management, Department of Public Works and Environmental Services, will be retiring.

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

PMH:pmh

27. **BEST OF RESTON HONOREES (HUNTER MILL DISTRICT)** (11:58 a.m.)

Supervisor Hudgins said that every year Reston remembers the individuals and organizations that contribute to the exceptional quality of life and sense of community. The Best of Reston Gala celebrates their many fine accomplishments. The event not only recognizes exceptional individuals, it also brings together Cornerstones, the Reston Chamber of Commerce and residents to acknowledge outstanding public service, while raising significant funds with which to support local community members.

The real challenge is to identify those who have truly gone the distance; whose philanthropy stands the test of time. By either measure the 2014 honorees are such individuals and organizations.

Supervisor Hudgins noted that the list of 2014 honorees were included in her written Board Matters.

The Best of Reston Gala is one of many celebrations honoring two monumental milestones - Reston's 50 years as a planned community and the founder, Robert E Simon, Jr.'s one-hundredth birthday.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to provide Certificates of Distinguished Service for each of the honorees to be presented at Best of Reston Gala on April 10, 2014, and that they include her signature. Without objection, it was so ordered.

28. **HUNTER MILL DISTRICT COMMUNITY SUMMIT** (12 Noon)

Supervisor Hudgins announced that the Hunter Mill District Community Summit will be held on Saturday, March 1, 2014.

Supervisor Hudgins noted that the meeting site, Frying Pan Park, is an opportunity to showcase one of Hunter Mill District's wonderful facilities.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in publicizing this community outreach event. Without objection, it was so ordered.

29. **VIENNA TOWN MAYOR NOT SEEKING RE-ELECTION** (12 Noon)

Supervisor Hudgins announced that Vienna Town Mayor M. Jane Seeman will not be seeking re-election and she asked unanimous consent that the Board direct staff to invite Mayor Seeman to appear before the Board to be recognized for her years of service. Without objection, it was so ordered.

30. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (12:01 p.m.)

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

31. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)** (12:01 p.m.)

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

32. **DECLARING MARCH AS NATIONAL NUTRITION MONTH (NNM)** (12:01 p.m.)

Supervisor Cook announced that March is NNM. Throughout the month, the Academy of Nutrition and Dietetics annually sponsors a nutrition education and information campaign designed to focus attention on the importance of making informed food choices and developing sound eating and physical activity habits.

"Enjoy the Taste of Eating Right" is the theme for National Nutrition Month® 2014. This year's key messages for NNM will focus on how to combine taste and nutrition to create healthy meals that follow the Dietary Guidelines recommendations.

Supervisor Cook said that often as a result of hectic schedules and a lack of planning, we fall into the trap of eating quickly prepared, processed foods that do not meet even the minimum nutrition requirement. Being overweight and obesity in children are rising. Kids who are obese are at a much greater risk for health problems now and later in life. A key to reducing the prevalence of childhood obesity is good nutrition and portion control.

Supervisor Cook said that he recently taped a Braddock Neighborhood News program on Channel 16 on this topic. The show will air in March and addresses some of the opportunities and challenges facing Fairfax as we work towards being a healthier community. Partnership for Healthy Fairfax, a diverse coalition working together to improve community health, and Real Food for Kids, a nonprofit organization dedicated to providing nutritious, wholesome food for children at schools, highlighted some of the daily, healthy decisions we can make. Another local nonprofit making a difference is Arcadia. Through fieldtrips to its farm at Woodlawn Estates and other educational opportunities, Arcadia offers students the unique, hands on, educational experience of farming and food production, helping kids understand the health benefits of fresh food.

To highlight the importance of such public and nonprofit partnerships and to encourage the community as a whole to improve nutrition and wellness efforts, Supervisor Cook asked unanimous consent that the Board:

- Declare March as "*NNM Month*" in Fairfax County.
- Direct staff to invite representatives from the three organizations: The Partnership for Healthy Fairfax, Real Food for Kids, and Arcadia, to appear before the Board on March 4 to be recognized for their efforts to create a healthier Fairfax.

Without objection, it was so ordered.

33. **RECOGNITION OF CONGRESSMAN JAMES P. MORAN** (12:04 p.m.)

In a joint Board Matter with the Board, Supervisor Hyland said that on January 15, 2014, Congressman Jim Moran announced his retirement from Congress after 23 years as a member of the House of Representatives and 35 years as a civil servant. He referred to his written Board Matter outlining Congressman Moran's many accomplishments.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to invite Congressman Jim Moran to appear before the Board to receive a resolution honoring him for his tireless public service to the County, Northern Virginia, the United States, and the world. Without objection, it was so ordered.

34. **RECOGNITION OF MS. EARLINE AUGUSTUS (MOUNT VERNON DISTRICT)** (12:05 p.m.)

Supervisor Hyland referred to his written Board Matter and asked with unanimous consent, that the Board direct the Office of Public Affairs to prepare a proclamation recognizing the accomplishments of Ms. Earline Augustus to be presented at the Gum Springs Community Center on February 13. Without objection, it was so ordered.

35. **KUDOS TO THE HEALTH CARE ADVISORY BOARD (HCAB)** (12:06 p.m.)

(BACs) Supervisor Hyland said that on January 6, 2014, the HCAB completed a thorough review and analysis of Inova's Fiscal Year 2014 budget. The HCAB did an excellent job in its review and provided the Board with a valuable service.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to prepare a letter to be sent to the Chairman of the HCAB with thanks for its continuing review of the Inova budget and for its service to the County. Without objection, it was so ordered.

36. **MOUNT VERNON DISTRICT TOWN HALL MEETING** (12:07 p.m.)

Supervisor Hyland announced that Mount Vernon District's Twenty-Seventh annual Town Hall meeting is scheduled for February 1 at Mount Vernon High School, from 7:45 a.m. until 1 p.m.

(NOTE: Later in the meeting, Supervisor Gross presented her Board Matters. See Clerk's Summary Items #41 and #42.)

37. **RECESS/CLOSED SESSION** (12:08 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. *Augusta E. Jackson v. Fairfax County Government*, Record No. 2244-13-2 (Va. Ct. App.) *Augusta E. Jackson v. Fairfax County Government*, Record No. 2244-13-2 (Va. Ct. App.)
 2. *Sheila E. Frace, Trustee v. John F. Ribble, III*, Case No. CL-2013-0017108); *Leslie B. Johnson v. Sheila E. Frace, Trustee*, Case No. CL-2014-0000128 (Fx. Co. Cir. Ct.) (Dranesville District)
 3. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charilene N. Lucas, a/k/a Christine N. Lucas*, Case No. CL-2011-0012915 (Fx. Co. Cir. Ct.) (Lee District)
 4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)
 5. *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)
 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John B. Gardiner and Patricia S. Compton*, Case No. CL-2011-0010554 (Fx. Co. Cir. Ct.) (Braddock District)
 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Apolonia G. Fuentes*, Case No. CL-2009-0008361 (Fx. Co. Cir. Ct.) (Providence District)
 8. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Robert D.*

Edmonds, Jr., Case No. CL-2012-0011472 (Fx. Co. Cir. Ct.) (Dranesville District)

9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wal-Mart Real Estate Business Trust*, Case No. CL-2014-0000288 (Fx. Co. Cir. Ct.) (Lee District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank L. Stevens and Mary E. T. Stevens*, Case No. CL-2012-0005051 (Fx. Co. Cir. Ct.) (Providence District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tatjana Ute Fernandez and Gil Blanco Benitez*, Case No. CL-2012-0008162 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David J. Soltis and Barbara J. Soltis*, Case No. CL-2013-0003833 (Fx. Co. Cir. Ct.) (Sully District)
13. *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)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Zulma J. Funes*, Case No. CL-2013-0016706 (Fx. Co. Cir. Ct.) (Mason District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. John T. Wasdi*, Case No. CL-2013-0015808 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Gregg Riddiford*, Case No. CL-2013-0015905 (Fx. Co. Cir. Ct.) (Providence District)

17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan A. Salguero and Sandra P. Salguero*, Case No. CL-2013-0014901 (Fx. Co. Cir. Ct.) (Providence District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Fred R. Torrez, Eulogia Torrez, Rodrigo Rojas Jaimes, and Judith S. Mendoza*, Case No. CL-2014-0000125 (Fx. Co. Cir. Ct.) (Providence District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jacob Young and Eunmi Song*, Case No. GV13-012670 (Fx. Co. Gen. Dist. Ct.) (Sully District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Karl A. Eickmeyer*, Case No. GV13-023914 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
21. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Karl A. Eickmeyer*, Case No. GV13-023913 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. William O. Robinson, Jr.*, Case Nos. GV13-023476 and GV13-023477 (Fx. Co. Gen. Dist. Ct.) (Sully District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis Escalona and Lidia Escalona*, Case No. GV13-023860 (Fx. Co. Gen. Dist. Ct.) (Lee District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose L. Zambrano*, Case No. GV13-023859 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David J. Moore, Jr., and Sterling E. Moore*, Case No. GV13-022462 (Fx. Co. Gen. Dist. Ct.) (Mason District)

26. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. David J. Moore, Jr., and Sterling E. Moore*, Case No. GV13-022463 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Candace K. Noonan*, Case Nos. GV12-014862 and GV13-025682 (Fx. Co. Cir. Ct.) (Hunter Mill District)
28. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Mark J. A. Nolen*, Case No. GV13-023475 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John L. Butterfield and Nancy S. Butterfield*, Case No. GV13-018973 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
30. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Doris Harwitz Trust, Doris Harwitz and Stuart Harwitz, Trustees*, Case Nos. GV13-023473 and GV13-023474 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Larry H. Wimer and Carolyn J. Wimer*, Case No(s). GV13-025813 & GV13-025817 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
32. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Larry H. Wimer and Carolyn J. Wimer*, Case Nos. GV13-025811 and GV13-025815 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jarvis Barnwell Investments, LLC*, Case No. GV13-011602 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
34. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Helen M.*

Parker-Smith, Case Nos. GV13-019039 and GV13-019040 (Fx. Co. Gen. Dist. Ct.) (Providence District)

35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carl William Gaston, Sr.*, Case No. GV13-0265681 (Fx. Co. Gen. Dist. Ct.) (Lee District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose Salome Portillo and Francisca E. Portillo*, Case Nos. GV13-023469 and GV13-023470 (Fx. Co. Gen. Dist. Ct.) (Providence District)
37. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Jose Salome Portillo and Francisca E. Portillo*, Case Nos. GV13-023471 and GV13-023472 (Fx. Co. Gen. Dist. Ct.) (Providence District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gul Nabi*, Case No. GV13-026060 (Fx. Co. Gen. Dist. Ct.) (Providence District)
39. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Gul Nabi*, Case No. GV13-026059 (Fx. Co. Gen. Dist. Ct.) (Providence District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kenneth L. Mobley and Magnolia M. Mobley*, Case Nos. GV13-007301 and GV13-025678 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
41. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Janak R. Sachdev and Neelam Sachdev*, Case Nos. GV13-025812, GV13-025814, and GV13-025816 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
42. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. 6440 Divine Street, LLC*, Case No. GV13-025680 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdul H. Ebadi and Abdul M. Ebadi*, Case No. GV13-025685 (Fx. Co. Gen. Dist. Ct.) (Mason District)
44. *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)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Stephanie C. Ataide*, Case No. GV13-027578 (Fx. Co. Gen. Dist. Ct.) (Mason District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wilfredo Bermudez and Carranza Romero*, Case No. GV13-027015 (Fx. Co. Gen. Dist. Ct.) (Lee District)
47. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Audrey J. Gearhart*, Case No. GV13-024989 (Fx. Co. Gen. Dist. Ct.) (Providence District)
48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ebrahim A. Babazadeh Family Trust*, Case No. GV13-027378 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Raleigh W. Knight and Joyce M. Knight*, Case No. GV13-027178 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
50. *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)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edwin Hercules Funk, Jr.*, Case No. GV13-015379 (Fx. Co. Gen. Dist. Ct.) (Lee District)

52. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edwin Hercules Funk, Jr.*, Case Nos. GV13-003199 and GV13-003355 (Fx. Co. Gen. Dist. Ct.) (Lee District)
53. *Leslie B. Johnson, Fairfax County Zoning Administrator, Virginia v. Elizabeth Rojas*, Case No. GV14-000430 (Fx. Co. Gen. Dist. Ct.) (Lee District)
54. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Elizabeth Rojas*, Case No. GV14-000429 (Fx. Co. Gen. Dist. Ct.) (Lee District)
55. *Leslie B. Johnson, Fairfax County Zoning Administrator, Virginia v. Haji Noor Ahmad and Tahera Ahmad*, Case Nos. GV14-000602 and GV14-001013 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
56. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Haji Noor Ahmad and Tahera Ahmad*, Case Nos. GV14-000601 and GV14-001015 (Fx. Co. Gen. Dist. Ct.) (Lee District)
57. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sidney J. Silver, Trustee of the Special GST Tax Exemption Trust for the Benefit of Amanda Moorman*, Case No. GV13-027380 (Fx. Co. Gen. Dist. Ct.) (Providence District/Town of Vienna)

And in addition:

- Special Exception Amendment Application SEA 2009-DR-008
- *Westpark Corporate Center, LLC, v. Board of Supervisors of Fairfax County, Virginia*, Case Number 2012-0019577
- *Gerard Morrison, et al. v. County of Fairfax*, Civil Action Number 1:14-cv-5 CMH/A

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

ADDITIONAL BOARD MATTER**38. PROCESS AND TIMELINE FOR THE SCHOOL BUDGET PROCESS**
(12:10 p.m.)

(NOTE: Earlier in the meeting there was discussion regarding the School Budget process. See Clerk's Summary Item #24.)

Edward L. Long Jr., County Executive, announced that staff was ready to respond to Chairman Bulova's earlier question regarding the School budget process.

Susan Datta, Director, Department of Management and Budget and Chief Financial Officer, responded that the School Board is currently reviewing the School Superintendent's budget. She noted that on February 6 the School Board will adopt its advertised budget. She reminded Board Members that the County Executive's budget comes out February 25, followed by a series of work sessions and meetings. The School Board and the Board of Supervisors will have a joint work session on March 18. Public hearings on the budget are scheduled for April 8-10, and adoption of the budget and the School Transfer level on April 29. Ms. Datta explained that the School Board will again consider its budget when the transfer level is known and the School Board will adopt its 2015 budget on May 22.

DAL:dal/PMH:pmh

At 3:44 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION**39. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:44 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 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."

40. WESTPARK CORPORATE CENTER, LLC (3:45 p.m.)

Supervisor Smyth moved that the Board approve the settlement of Westpark Corporate Center, LLC versus Board of Supervisors of Fairfax County, Virginia, Case Number 2012-0019577, on the terms and conditions outlined by County

Attorney in closed session. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

41. **AUTHORIZATION FOR A COMPREHENSIVE PLAN AMENDMENT FOR 5600 COLUMBIA PIKE (MASON DISTRICT)** (3:46 p.m.)

Supervisor Gross said there is an opportunity to revitalize a parcel with a vacant office building in the Baileys Crossroads Community Business Center (CBC) through a development proposal.

Supervisor Gross explained that Tax Map Parcel 62-1 ((1)) 7 is an approximately 4 acre parcel located on the northwest corner of Columbia Pike and Carlin Springs Road. Most of the parcel is located in the County; .18 acre is located in Arlington County. To facilitate redevelopment of this site, Supervisor Gross moved the Board authorize an amendment to the Comprehensive Plan for this parcel to consider multi-family residential with limited retail. The Plan analysis should weigh the benefits and constraints of the proposal while considering its ability to meet streetscape guidelines, provide appropriate buffering to residential uses and address Baileys Crossroads planning objectives including those related to transportation, and high quality design and architecture at this gateway location. Supervisor Foust seconded the motion and it carried by unanimous vote.

42. **REUNION MUSIC SOCIETY (RMS)** (3:48 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Gross said that the RMS was founded in 1992 by Dr. Claiborne T. Richardson. A partnership between the Annandale Campus of Northern Virginia Community College and the newly founded RMS ensued, and the orchestra was officially established in 1994. Within two years, the orchestra was named "Orchestra in Residence" for the Richard J. Ernst Cultural Center, and has rehearsed and performed in the center since its founding. Dr. Richardson and Dr. Jim Faye were the first co-conductors of the orchestra. Christopher Johnston joined as a conductor in 1996 and became music director approximately two years later.

This year marks the twentieth anniversary of the foundation of the Annandale Symphony Orchestra. The orchestra now has approximately 80 members and continues to be a mixture of music students from the college and members of the community.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite the present conductor and music director of the Annandale Symphony Orchestra, Christopher Johnston, past conductors Dr. Claiborne T. Richardson and Dr. Jim Fay, Reunion Music Society board members, and appropriate representatives from the Northern Virginia Community College, to appear before

the Board to be recognized for this historic milestone for the music community. Without objection, it was so ordered.

DAL:dal

AGENDA ITEMS

43. **3 P.M. – ANNUAL MEETING OF THE SOLID WASTE AUTHORITY**
(3:49 p.m.)

At 3:49 p.m., the annual meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Bulova in accordance with Article III, Section I of the bylaws.

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

OFFICERS

Sharon Bulova Chairman, Fairfax County Board of Supervisors	– Chairman
Penelope A. Gross Vice-Chairman, Fairfax County Board of Supervisors	– Vice-Chairman
Catherine A. Chianese Clerk to the Fairfax County Board of Supervisors	– Secretary
Christopher Pietsch Director, Department of Finance	– Treasurer
David P. Bobzien County Attorney	– Attorney
Edward L. Long Jr. County Executive	– Executive Director
John Kellas Director, Solid Waste Management Program Operations Division, Department of Public Works and Environmental Services (DPWES)	– Authority Representative

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

Supervisor Gross moved approval of the minutes from the January 29, 2013, meeting of the Fairfax County Solid Waste Authority. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the fiduciary report for the Authority. Supervisor Hyland seconded the motion and it carried by unanimous vote.

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

At 3:51 p.m., the Annual meeting of the Fairfax County Solid Waste Authority was adjourned.

44. **3:30 P.M. – DECISION ONLY 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) (3:52 p.m.)**

(NOTE: On January 14, 2014, the Board held a public hearing regarding this item and deferred decision until January 28, 2014.)

Supervisor Hyland gave remarks regarding the previous deferral and density, with input from Elizabeth Teare, Deputy County Attorney.

Supervisor Hyland moved:

- Adoption of the Planning Commission recommendation for APR Nominations 09-IV-1MV and 09-IV-15MV, dated November 14, 2013, and found in Attachment II of the Board Item with two modifications, all shown in italics. The first is to replace the word “full” on pages 2 and 6 of the handout, with the word “substantial” with regard to consolidation. The second modification involves the proposed recommendation that the subject area may be appropriate for higher intensity use when area-wide transportation issues can be addressed. To emphasize the importance of this guidance, Supervisor Hyland proposed to move the text from page 6 to page 2 near the heading of Sub-unit A-1.
- That the Board direct staff to prepare a traffic study to consider land uses at an intensity up to 2.0 FAR. It is imperative that all aspects of this study be expedited to respond to evolving market conditions. Because this study is needed to support on-going revitalization efforts, it must be undertaken immediately and completed expeditiously.

Supervisor McKay seconded the motion.

Following a brief discussion regarding density, the question was called on the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

45. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-SU-010 (CHRISTOPHER LAND, LLC) (SULLY DISTRICT)** (4 p.m.)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2013-SU-010 until **February 11, 2014, at 3:30 p.m.** Supervisor Herrity seconded the motion and it carried by unanimous vote.

DET:det

46. **4 P.M. – PH ON REZONING APPLICATION RZ 2013-MV-001(A&R HUNTINGTON METRO, LLC (MOUNT VERNON DISTRICT)** (4:01 p.m.)

(O) The application property is located at 2338, 2340, 2342, and 2344 Glendale Terrace and 2317 Huntington Avenue, Alexandria, 22303, Tax Map 83-1 ((8)) 92A, 92B, 93A, 93B, and 94A.

Mr. Mark C. Looney 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 concerning residential permit parking with input from Ms. Duca and Elizabeth Teare, Deputy County Attorney, concerning a potential amendment to the Code of the County of Fairfax, Virginia, concerning residential permit parking districts and the exclusion of multi-family buildings.

Discussion continued concerning the possible conversion of retail space to residential with further input from Ms. Duca.

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.

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

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2013-MV-001, from the C-5 District to the PRM District, and approval of the

Conceptual Development Plan, subject to the proffers dated January 27, 2014.

- Approval of Waiver Number 25678-WPFM-001-1 to locate underground facilities in a residential area (PFM Section 6-0303.8), subject to the conditions dated July 10, 2013, contained in Appendix 8 as Attachment A.
- Waiver of Paragraph 1 of Section 6-407 of the Zoning Ordinance for the minimum district size for the PRM District.
- Waiver of Section 13-303 of the Zoning Ordinance for transitional screening and Section 13-304 for the barrier requirements between the uses within the proposed development, and modification of the transitional screening and waiver of the barrier requirements for the surrounding properties.
- Modification of Section 12-0510.4E(5) of the PFM to permit a reduction of the minimum four-foot planting distance from a restrictive barrier.
- Waiver of Paragraph 3 of Section 8-0201 of the PFM and Paragraph 2 of Section 17-201 of the Zoning Ordinance for the requirement to construct an on-road bike lane in favor of a contribution for future funding.
- Waiver of Paragraph 3 of Section 17-201 of the Zoning Ordinance for the requirement to provide inter-parcel connections to adjoining parcels.
- Waiver of Paragraph 4 and 10 of Section 17-201 of the Zoning Ordinance for further construction and/or widening of existing roads surrounding the applicants property and of the requirement for undergrounding the existing utilities.
- Modification of Section 11-203 of the Zoning Ordinance for required loading spaces to permit the loading space depicted on the CDP/FDP.
- Waiver of Section 6-1307.2E in the PFM for the minimum setbacks of bioretention filter/basins from building foundations and property lines.
- Waiver of Section 7-0802.2 of the PFM for parking geometric standards to allow projections of the structural columns within the parking structures into the required parking stall area.
- To direct the Director of the Department of Public Works and Environmental Services to approve a deviation from the tree preservation target, pursuant to Section 12-0508 of the PFM.

Supervisor McKay seconded the motion.

Discussion ensued concerning:

- Distributing, at the dais, copies of motions with lengthy waivers
- The retail component of mixed-use needs

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

(NOTE: On November 14, 2013, the PC approved Final Development Plan Application FDP 2013-MV-001, subject to the development conditions dated October 10, 2013.)

47. **A-2 – APPROVAL OF A PARKING REDUCTION FOR HUNTINGTON AVENUE PROPERTIES (MOUNT VERNON DISTRICT)** (4:22 p.m.)

(NOTE: Earlier in the meeting, this item was deferred. See Clerk's Summary Item #13.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve a reduction of 18.8 percent (42 fewer spaces) of the required parking for the residential component of the proposed development and a 37.5 percent reduction (6 fewer spaces) for the community-serving secondary/retail component. Overall, the applicant's request is for a 20.1 percent reduction (48 less spaces) pursuant to Paragraph 5 of Section 11-102 of Chapter 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia, as detailed in the attached Parking Reduction Study (#25678-PKS-001). The approval of the requested reduction is subject to the conditions outlined in the Board Agenda Item dated January 28, 2014.

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

48. **ORDERS OF THE DAY** (4:23 p.m.)

Chairman Bulova announced the following order for the 4:30 p.m. public hearings:

- PH on Proposed Reston Master Plan Special Study (Phase I) Plan Amendment Item ST09-III-UP1(A), Consisting of the Reston-Herndon Suburban Center (Hunter Mill and Dranesville District)
- PH on Special Exception Amendment Application Sea 2009-DR-008 (Oakcrest School) (Hunter Mill District)

Chairman Bulova stated that the Board would take a brief dinner break after 6 p.m.

49. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, TO ADOPT A NEW CHAPTER 124 (STORMWATER MANAGEMENT ORDINANCE), REPEAL CHAPTERS 105 (POLLUTION OF STATE WATERS) AND 106 (STORM DRAINAGE), AND PROPOSED AMENDMENTS TO CHAPTERS 101 (SUBDIVISION ORDINANCE), 104 (EROSION AND SEDIMENTATION CONTROL), 112 (ZONING ORDINANCE), 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), AND APPENDIX Q (LAND DEVELOPMENT SERVICES FEES), REGARDING IMPLEMENTATION OF THE VIRGINIA STORMWATER MANAGEMENT ACT (VA. CODE ANN. § 62.1-44.15:24, ET SEQ.) AND VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) REGULATION (9 VAC 25-870 ET SEQ.)**

AND

4 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), CHAPTER 6 (STORM DRAINAGE) AND CHAPTER 12 (VEGETATION PRESERVATION AND PLANTING), REGARDING WATER QUALITY CONTROLS, ADEQUATE OUTFALL, DETENTION, MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES, AND REPLANTING OF DISTURBED AREAS (4:26 p.m.)

- (Os) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 10 and January 17, 2014.

Chairman Bulova stated these items have been the subject of numerous discussions during Environmental Committee meetings and because the State has delayed its expected implementation of these changes, the recommendation is to delay implementation of the new regulations until the State does.

Paul M. Shirey, Director, Code and Compliance Division, Land Development Services, Department of Public Works and Environmental Services, presented the staff reports.

Following the public hearing, which included testimony by two speakers, discussion ensued with input from Mr. Shirey concerning:

- Implementation
- Disclosure of the presence of stormwater detention facilities on a for-sale property

Discussion ensued concerning the amendments Supervisor Gross would be proposing.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct staff to provide copies of the motions. Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

Supervisor Gross moved adoption of the following amendments to the Code of the County of Fairfax:

- #1 - That the Board adopt the proposed amendments to Chapter 101 (Subdivision Ordinance), Chapter 112 (Zoning Ordinance), and Appendix Q of the Code of the County of Fairfax, Virginia, as contained in the Staff Report dated September 10, 2013, as recommended by the Planning Commission (PC).
- #2 - That the Board repeal existing Chapter 105 (Pollution of State Waters) and Chapter 106 (Storm Drainage) of the Code of the County of Fairfax, Virginia, as contained in the Staff Report dated September 10, 2013, as recommended by the PC.
- #3 - That the Board adopt the proposed amendments to Chapter 104 (Erosion and Sedimentation Control) of the Code of the County of Fairfax, Virginia, with the revisions recommended by staff as contained in revised Attachment C dated November 14, 2013, to the Staff Report addendum dated January 28, 2014, as recommended by the PC.
- #4 - That the Board adopt the proposed amendments to Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code of the County of Fairfax, Virginia, with the revisions recommended by staff as contained in revised Attachment G dated January 28, 2014, to the Staff Report addendum dated January 28, 2014, as recommended by the PC.
- #5 - That the Board adopt Chapter 124 (Stormwater Management Ordinance) of the Code of County of Fairfax, Virginia, with the revisions recommended by staff as contained in revised Attachment A dated January 28, 2014, to the Staff Report addendum dated January 28, 2014, and that the exemption for single family homes in Section 124-7-1.3 be adopted as advertised without any changes.
- #6 - That the Board adopt the amendments to the Public Facilities Manual (PFM) as contained in the Staff Report dated September 10, 2013, selecting Alternative #1 throughout the amendments, which retains the current provisions for public maintenance of residential Best Management Practices (BMPs), and with the revisions to Section 6-0203 (Analysis of Downstream Drainage Systems) recommended by staff dated November 14, 2013, contained in Attachment II to the Board Agenda Item dated January 28, 2014.

- #7 - That, as requested by the PC, staff monitor the caseload of the Chesapeake Bay Exception Review Committee for a period of one year following the Board's adoption of the amendment package, and make appropriate recommendations to the PC and the Board for any further procedural amendments at that time. These recommendations need not necessarily include abolition of the committee, but also consideration of the number of members or alternates, or procedures to simplify quorum, or other administrative recommendations to facilitate timely and efficient processing of these applications.
- #8 - That the Board authorize staff to review plans, at the request of an applicant, based on the new Stormwater Management Ordinance and amendments to the PFM beginning two months in advance of the effective date. Plans could not be approved under the new Stormwater Management Ordinance and amendments to the PFM prior to the effective date.
- #9 - That the Board approve use of the list of suggested civil penalty amounts, as contained in the Staff Report dated September 10, 2013, in administering the violations and penalties provisions of the Stormwater Management Ordinance.
- #10 - That the new Stormwater Management Ordinance and the associated amendments to the Code of the County of Fairfax, Virginia, and the PFM become effective at 12:01 a.m. on July 1, 2014, or at such later time and date as may be determined by the Board prior to the July 1, 2014, effective date should the Virginia General Assembly adopt changes to the Stormwater Management Act extending the time by which localities must comply with the act and associated regulations.

Chairman Bulova seconded the motion.

Supervisor Smyth asked to amend the motion regarding #6 as follows: That the Board adopt the amendments to the PFM as contained in the Staff Report dated September 10, 2013, selecting Alternative #1 throughout the amendments, which retains the current provisions for public maintenance of residential Best Management Practices (BMPs), and with the revisions to Section 6-0203 (Analysis of Downstream Drainage Systems) recommended by staff dated November 14, 2013, contained in Attachment II to the Board Agenda Item dated January 28, 2014, and with the following replacement text for footnote one (1) of the proposed Table 6.3 of the PFM:

- 1. The Director may approve the use of these BMPs on lots in residential subdivisions of no more than seven lots, provided, however, that approval by the Board of Supervisors is required for use of such BMPs on lots in residential subdivisions of no more than seven lots in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment.

This was accepted.

Supervisor Cook, jointly with Supervisor Herrity, asked to amend the motion regarding #5 (Article 1 Section 124-1-7.3b) (pages 530 and 531 of the Board Agenda Item) to add the following exception:

- The total lot area is one-half acre or less and no more than 500 square feet of new impervious area will be added.

This was accepted.

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

50. **4:30 P.M. – PH ON PROPOSED RESTON MASTER PLAN SPECIAL STUDY (PHASE I) PLAN AMENDMENT ITEM ST09-III-UP1(A), CONSISTING OF THE RESTON-HERNDON SUBURBAN CENTER (HUNTER MILL AND DRANESVILLE DISTRICTS)** (5:01 p.m.)

Faheem Darab, Planner II, Planning Division, Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, which included testimony by 17 speakers, the last being Mr. Robert Simon, the founder of Reston, who will be celebrating his one hundredth birthday in a few months, Supervisor Hudgins submitted items for the record.

Mr. Darab presented the staff and Planning Commission recommendations.

Supervisor Hudgins read from an email she received concerning the selection of Reston as a 2014 MetLife Foundation/Generations United Best Intergenerational Community, and acknowledged the contributions of Mr. Simon to Reston.

Supervisor Hudgins, noting the importance of the implementation process, moved to defer decision on Proposed Reston Master Plan Special Study (Phase I) Plan Amendment Item ST09-III-UP1(A) to **February 11, 2014, at 3:30 p.m.** Supervisor Hyland seconded the motion.

Supervisor Herrity expressed concern regarding the funding plan for transportation improvements and asked unanimous consent that the Board direct staff to provide additional information concerning funding prior to the decision. Without objection, it was so ordered.

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

Supervisor Hudgins thanked staff for their efforts and noted the work of Heidi T. Merkel, Planner III, Planning Division, DPZ.

51. **BOARD RECESS** (6:33 p.m.)

At 6:33 p.m., the Board recessed briefly for dinner, and at 6:54 p.m. reconvened in the Board Room with all Members present and with Chairman Bulova presiding.

52. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2009-DR-008 (OAKCREST SCHOOL) (HUNTER MILL DISTRICT)** (6:54 p.m.)

The application property is located on the south side of Crowell Road, approximately 1,200 feet east of its intersection with Hunter Mill Road and North of Dulles Toll Road, Tax Map 18-4 ((1)) 26C; 18-4 ((8)) A and 4.

Mr. Gregory A. Riegle 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.

Mr. Riegle 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 concerning:

- Pursuit of a condemnation application
- The original development conditions
- The roundabout right-of-way
- The current proposed right-of-way
- Easement rights to Hunter Mill Road

- Traffic management on Crowell Road

Chairman Bulova presented instructions for conducting the public hearing.

Following the presentation of Ms. Rea Patton, Speaker #16, discussion ensued concerning the topic of a meeting facilitated by Supervisor Hudgins.

Following the public hearing, which included testimony by 48 speakers, Supervisor Hudgins read into the record an item submitted by Mr. John French, representing the Victoria Farms community, regarding agreed upon concessions with the school.

Supervisor Hyland stated, for the record, that in his 20 years of experience with Supervisor Hudgins, her engagement with citizens is that which few can match.

Mr. Riegle presented rebuttal.

Mr. Gorney presented the staff and Planning Commission recommendations.

Supervisor Hudgins, noting the complexity of the case, moved to defer decision on Special Exception Amendment Application SEA 2009-DR-008 until **February 11, 2014, at 4 p.m.**, in an effort to provide clarity to reach the end of the process. Chairman Bulova seconded the motion.

Following an inquiry from Supervisor McKay, Chairman Bulova confirmed that the record would be kept open to receive written testimony.

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

53. **BOARD ADJOURNMENT** (10:22 p.m.)

The Board adjourned.

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