



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
November 20, 2012**

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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, November 20, 2012, at 9:37 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 Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Gerald W. Hyland, Mount Vernon District, was absent from the entire meeting.

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

BOARD MATTERS1. **MOMENT OF SILENCE** (9:37 a.m.)

Supervisor Herrity asked everyone to keep in thoughts Mr. Leo Orsino, who died recently after a year-long fight with cancer. He was a volunteer staff member of the Springfield District Office. Supervisor Herrity said Mr. Orsino worked with him and former Springfield District Supervisor Elaine McConnell for nearly ten years. He had served the country and was immensely proud of his career in the Navy, graduating from the Naval Academy in 1954. He always went the extra mile and took care of not only constituents, but his coworkers as well. His outgoing personality and his always positive attitude earned him the endearing nickname of "Italian Stallion." He loved his family, his four children, many grandchildren, and one great-granddaughter. He truly loved life and never gave up on anything or anyone. Mr. Orsino will be greatly missed.

2. **ABSENCE OF SUPERVISOR GERALD HYLAND (MOUNT VERNON DISTRICT)** (9:40 a.m.)

Chairman Bulova announced that Supervisor Hyland was out of the area and will not be attending the meeting today.

AGENDA ITEMS3. **PRESENTATION OF A CHECK FROM DOMINION VIRGINIA POWER FOR THE WAKEFIELD RUN STREAM RESTORATION PROJECT** (9:40 a.m.)

On behalf of Dominion Virginia Power, Le-Ha Anderson, Manager for Media and Community Relations, presented the Fairfax County Soil and Water Conservation District with a check for \$35,000 in support of an environmental project, the Wakefield Run Stream Restoration.

Supervisor Cook noted that the project also received \$75,000 in funding from the High Occupancy Toll (HOT) lanes project and \$300,000 from the Department of Public Works and Environmental Services to clean and restore the whole length of the run.

4. **RESOLUTION OF RECOGNITION PRESENTED TO THOMAS A. EDISON HIGH SCHOOL** (9:46 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Thomas A. Edison High School for its fiftieth anniversary. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MS. DIANE HOFFMAN** (9:54 a.m.)

Supervisor Cook moved approval of the Resolution of Recognition presented to Ms. Diane Hoffman, upon her retirement as the Executive Director of the Northern Virginia Soil and Water Conservation District, for her many years of service. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hyland being absent.

6. **RESOLUTION OF RECOGNITION PRESENTED TO CONGRESSIONAL GOLD MEDAL OF HONOR RECIPIENTS** (10:06 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Congressional Gold Medal of Honor recipients for their service to the country. Supervisor Cook seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hyland being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **RESOLUTION OF RECOGNITION PRESENTED TO MR. BILL GIBSON AND KAREN AND BILL BROWN**

AND

PROCLAMATION DESIGNATING DECEMBER 8, 2012, AS “KRISTI CHRISTMAS DAY” IN FAIRFAX COUNTY (10:16 a.m.)

Supervisor Herrity moved approval of the:

- Resolution of Recognition presented to Mr. Bill Gibson and Karen and Bill Brown for their accomplishments and service to the community through Kristi’s Christmas, which will celebrate its twenty-fifth anniversary of providing toys, supplies, and clothes for needy children in the County, through an annual shopping trip that pairs these children with high school “big buddies.”
- Proclamation to designate December 8, 2012, as “*Kristi Christmas Day*” in Fairfax County.

Supervisor McKay seconded the motions which carried by a vote of nine, Supervisor Hyland being absent.

8. **PROCLAMATION DESIGNATING NOVEMBER 2012 AS "AMERICAN INDIAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:29 a.m.)

Supervisor Cook moved approval of the Proclamation to designate November 2012 as "*American Indian Heritage Month*" in Fairfax County and urges all residents to join in recognizing members of the American Indian community in the County and throughout the United States. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

9. **PROCLAMATION DESIGNATING DECEMBER 1, 2012, AS "HIV/AIDS AWARENESS DAY" IN FAIRFAX COUNTY** (10:36 a.m.)

Supervisor Gross moved approval of the Proclamation to designate December 1, 2012, as "*HIV/AIDS Awareness Day*" in Fairfax County and urges all residents to know their HIV status and participate in activities and observances designed to increase awareness of HIV/AIDS. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Herrity being out of the room, Supervisor Hyland being absent.

10. **PROCLAMATION DESIGNATING NOVEMBER 1, 2012, AS "GOVERNMENT CONTRACTING DAY" IN FAIRFAX COUNTY** (10:46 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate November 1, 2012, as "*Government Contracting Day*" in Fairfax County and urges all residents to recognize the significance of government contracting to the local economy and those who live in the County. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

ADDITIONAL BOARD MATTER

11. **INTRODUCTION OF INTERN IN THE CHAIRMAN'S OFFICE** (10:56 a.m.)

Chairman Bulova introduced and welcomed an intern in her office, Mr. Liam Hennelly, who is a junior at George Mason University, studying government and international politics. He plans to attend law school and hopes to work in government. He is from the Norfolk, Virginia area.

AGENDA ITEMS

12. **10:30 A.M. – PRESENTATION OF THE BARBARA VARON AWARD** (10:57 a.m.)

(BACs) This annual award was established to recognize a County resident's dedication to improving the community through volunteer service and to honor the memory of

Barbara Varon, former chairman of the Electoral Board. The award's selection criteria states that nominees must reside in the County, demonstrate an appreciation for the diversity of the community's population, exhibit patriotism, show evidence of having a positive effect on the community, and be known for encouraging others to do the same.

Chairman Bulova presented the Barbara Varon Award to **Ms. Betty Kerley**.

13. **10:40 A.M. – PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (11:04 a.m.)

(BACs) Stella Koch, Chairman, EQAC, acknowledged the presence Linda Burchfiel, At-Large Representative of EQAC, and proceeded to present its annual report which included the following recommendations that the:

- Stormwater Service District rate be increased in Fiscal Year 2014 by a half penny, from a rate of 2.0 cents per \$100 assessed real estate value to 2.5 cents per \$100.
- County fund a program to serve as follow-on to the Energy Action Fairfax (previously referred to as the Residential Energy Education and Outreach) program that was funded by a grant through the American Recovery and Reinvestment Act of 2009.
- Board provide sufficient funding to implement Phase 1, and, as the County's budget problems are eased, EQAC further recommends that the Board increase funding with an aim toward supporting the full implementation of the Natural Resource Management Plan. In the meantime, EQAC recommends that additional staff positions and support funding be found from internal Park Authority staff assets, to include funding of the two new vacant positions in the Natural Resource Management and Protection Section.

Supervisor Smyth expressed the importance of including street grid information in future reports.

Supervisor McKay called the Board's attention to the Spotlight on Fairfax County Public Schools (FCPS), and suggested that EQAC work with FCPS to develop and promote a uniformed school system policy for recycling.

With regard to the Spotlight on FCPS, Supervisor Foust noted that the schools are cooperating much more on stormwater management. He suggested that EQAC continue to look for cooperation from other County departments and report its findings to the Board.

Supervisor Foust raised a question regarding environmental legislation, with input from Noel Kaplan, Planner, Planning Division, Department of Planning and

Zoning, who noted that there is an appendix, which is in the CD attached to the inside back cover of the EQAC report, and it covers the 2012 General Assembly environmental legislation. He also noted that it is available on the EQAC website at www.fairfaxcounty.gov/eqac.

Supervisor Foust raised a question regarding the Energy Coordinator position, and discussion ensued, with input from Ms. Koch.

Chairman Bulova clarified that Supervisor Foust asked that EQAC evaluate how the team approach has worked, versus having an energy coordinator.

Supervisor Gross called the Board's attention to page 26 of the report, and noted that there is information about water quality, but not much about water quantity. She raised a question regarding whether EQAC has looked at future growth and what the water quantity needs will be for the County. Discussion ensued, with input from Ms. Koch.

Supervisor Gross called the Board's attention to page 2 of the report, regarding climate change and energy, and raised a question regarding whether EQAC has had a presentation about the Lorton Green Energy Triangle project. Discussion ensued with input from Ms. Koch, who noted that a presentation had been made but a resolution has not been made because it is still in the planning process.

With regard to the Spotlight on FCPS, Supervisor Hudgins noted the importance of sidewalks. She raised a question regarding whether EQAC is integrating enough of the tools mentioned in the report to increase transit and walkability, with input from Ms. Koch.

Supervisor Gross moved that the Board accept and approve the EQAC report and refer it to staff for further discussion and action. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Herrity being out of the room, Supervisor Hyland being absent.

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14. **10:40 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:30 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy "Appointments to be Heard November 20, 2012," as distributed around the dais with one spelling correction. Chairman Bulova seconded the motion.

Supervisor Gross noted the correct spelling of the Mason District Representative to the Child Care Advisory Council as Ms. Wynne E. Busman.

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

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Confirmation of:

- Ms. Laura Dawson as the Mothers Against Drunk Driving Representative
- Mr. Nhat Minh Nguyen as the Fairfax-Falls Church Community Services Board Representative

ARCHITECTURAL REVIEW BOARD

Reappointment of:

- Ms. Susan Notkins as the Related Professional Group #3 Representative

ATHLETIC COUNCIL

Confirmation of:

- Ms. Barbara Glakas as the Town of Herndon's Principal Representative

- Mr. Daniel Alvarado as the Town of Herndon's Alternate Representative

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Reappointment of:

- Mr. William C. Harvey as the Professional #2 Representative
- Ms. Noelle Holmes as the Professional #4 Representative

The Board deferred the appointments of the At-Large #1 Representative, and the Professional #5 and #6 Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Sully District Representative.

CHILD CARE ADVISORY COUNCIL

Appointment of:

- Ms. Wynne E. Busman as the Mason District Representative

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

CITIZEN CORPS COUNCIL

The Board deferred the appointment of the Providence District Representative.

CIVIL SERVICE COMMISSION

Reappointment of:

- Mr. Ronald Copeland as the At-Large #2 Representative

COMMISSION FOR WOMEN

Reappointment of:

- Ms. Mattie Palmore as the At-Large Chairman's Representative
- Ms. Diane Hoyer as the Dranesville District Representative
- Ms. Catherine A. Baum as the Hunter Mill District Representative

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

The Board deferred the appointment of the Lee District Representative.

CONSUMER PROTECTION COMMISSION

Appointment of:

- Mr. Mehmood S. Kazmi as the Fairfax County Resident #3 Representative

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

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Appointment of:

- Mr. Howard A. Foard III as the Hunter Mill District Representative

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Reappointment of:

- Mr. Frank Crandall as the Dranesville District Representative
- Mr. Jeff Allcroft as the Springfield District Representative

The Board deferred the appointments of the Hunter Mill and Providence District Representatives.

FAIRFAX AREA DISABILITY SERVICES BOARD

Reappointment of:

- Mr. Tapan Banerjee as the Dranesville District Representative
- Ms. Michelle Hymer Blitz as the Hunter Mill District Representative
- Mr. Donald Kissinger as the Springfield District Representative

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

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Appointment of:

- Ms. Lisa L. LaCamara as the Dranesville District Representative

FAIRFAX –FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Mr. Willard Ken Garnes as the At-Large #4 Representative

The Board deferred the appointment of the Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #1 and #6 Representatives and the Provider #1 and #3 Representatives.

HISTORY COMMISSION

Reappointment of:

- Mr. Robert Beach as the Architect Representative
- Mr. Jack Hiller as the Citizen #1 Representative
- Ms. Lynne Garvey Hodge as the Citizen #4 Representative
- Ms. Deborah Robison as the Citizen #5 Representative
- Ms. Mary Lipsey as the Citizen #6 Representative

- Mr. Michael Irwin as the Citizen #8 Representative

The Board deferred the appointments of the Citizen #2 Representative and the Citizen/Minority Representative.

HUMAN RIGHTS COMMISSION

Reappointment of:

- Mr. Michael Kwon as the At-Large #1 Representative

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

HUMAN SERVICES COUNCIL

Reappointment of:

- Mr. Robert Gaudian as the Springfield District Representative

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

INDUSTRIAL DEVELOPMENT AUTHORITY

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Reappointment of:

- Mr. Bhaskar Kuppusamy as the Hunter Mill District Representative
- Ms. Emily McCoy as the Lee District Representative

Confirmation of:

- Mr. John Hanks as the Federation of Citizens Associations Representative

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

LIBRARY BOARD

Appointment of:

- Mr. Michael Cutrone as the Hunter Mill District Representative

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

Reappointment of:

- Ms. Stella M. Koch as the Fairfax County #2 Representative

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

PARK AUTHORITY

Reappointment of:

- Mr. William Bouie as the Hunter Mill District Representative
- Mr. Ken Quincy as the Providence District Representative

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

PLANNING COMMISSION

Reappointment of:

- Mr. Jay Donahue as the Dranesville District Representative
- Mr. Kenneth Lawrence as the Providence District Representative

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

ROAD VIEWERS BOARD

Reappointment of:

- Mr. Joseph Bunnell as the At-Large #1 Representative
- Mr. Marcus Wadsworth as the At-Large #3 Representative

- Mr. Micah Himmell as the At-Large #5 Representative

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

SMALL BUSINESS COMMISSION

Reappointment of:

- Ms. Elizabeth Novak as the Mason District Representative
- Mr. Marvin Powell as the Sully District Representative

The Board deferred the appointment of the At-Large #1 and #3 Representatives, and the Providence District Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #2 Representative.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Citizen Member #3 Representative, the Landlord Member #1 and #2 Representatives, and the Tenant Member #3 Representative.

TREE COMMISSION

Reappointment of:

- Mr. Robert Vickers as the Dranesville District Representative
- Mr. Ron Rubin as the Hunter Mill District Representative

Confirmation of:

- Mr. Gerald Peters as the Northern Virginia Soil and Water Conservation Representative

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

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

WETLANDS BOARD

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

YOUTH BASKETBALL COUNCIL ADVISORY BOARD

Confirmation of:

- Ms. Iris Kalman as the Reston Youth Basketball League Representative

DET:det

15. **ADMINISTRATIVE ITEMS** (11:31 a.m.)

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

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 5412 FRANCONIA ROAD, ALEXANDRIA, VA 22310 (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 8, 2013, at 4 p.m.** to consider a Spot Blight Abatement Ordinance for 5412 Franconia Road, Alexandria, VA 22310 (Lee District).

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, 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>
The Most Reverend Paul S. Loverde – St. Mary of Sorrows	Braddock	Sideburn Road (Route 653) [Additional Right-of-Way (ROW) Only]
		Zion Drive (Route 654) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Garfield Park Section 4	Dranesville	Glenhaven Drive (Route 10642) Founders Ridge Lane Meritage Lane Twincrest Court Silent Ridge Court
Palmetto Hospitality of Fort Belvoir (Hampton Inn and Suites)	Mount Vernon	Richmond Highway (Route 1) (Additional ROW Only)
Property of Hopkins House	Mount Vernon	Richmond Highway (Route 1) (Additional ROW Only)
Rugby Road Section One	Sully	Lee Jackson Memorial Highway (Route 50) (Additional ROW Only) Rugby Road (Route 750) (Additional ROW Only)

ADMIN 3 – APPROVAL TO CHANGE A PORTION OF THE PROPOSED STREET NAME FROM POPLAR TREE ROAD TO WESTFIELDS BOULEVARD (SULLY DISTRICT)

Approved a street name change in the Official County Digital Property Map and the Master Addressing Repository for the portion of Poplar Tree Road between Braddock Road (Route 620) and the intersection of Sully Station Drive (Route 6981) and Sequoia Farms Drive (Route 7324) to Westfields Boulevard on Tax Map 044-3 and 054-1.

ADMIN 4 – EXTENSION OF REVIEW PERIOD FOR A 2232 REVIEW APPLICATION (SULLY DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-Y12-5	Virginia Electric and Power Company Expand existing utility facility 14600 Compton Road Sully District	June 3, 2013

16. **A-1 – APPROVAL OF AN UPDATED MEMORANDUM OF UNDERSTANDING (MOU) WITH VOLUNTEER FAIRFAX FOR VOLUNTEER AND DONATIONS MANAGEMENT COORDINATION IN AN EMERGENCY SITUATION** (11:32 a.m.)

On motion of Supervisor Gross, seconded by Chairman Bulova, and carried by a vote of nine, Supervisor Hyland being absent, the Board concurred in the recommendation of staff and:

- Approved the updated MOU between the County and Volunteer Fairfax to identify additional responsibilities for Volunteer Fairfax in times of disaster
- Authorized the County Executive to sign the agreement

17. **A-2 – ENDORSEMENT OF LOUDOUN COUNTY'S APPLICATION FOR THE FISCAL YEAR (FY) 2014 VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REVENUE SHARING PROGRAM FUNDS (SULLY DISTRICT)** (11:33 a.m.)

(R) Supervisor Frey moved that the Board concur in the recommendation of staff and adopt a Resolution endorsing Loudoun County's application for FY 2014 VDOT Revenue Sharing Funds for improvements at the intersection of Braddock Road and Pleasant Valley Road in Fairfax County. Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Supervisor Frey said that while the intersection Loudoun County seeks to improve is in Fairfax County, there are no State secondary road funds available for the next six years. He also stated that this is not an endorsement by the County of any particular design element as there are various issues that need to be resolved. He noted the need for public input before the process moves forward. He pointed out that:

- The vast majority of traffic that goes through that intersection is from Loudoun County

- The last estimate he heard to solve this intersection improvement due to significant drainage issues was approximately six million dollars which does not begin to solve the transportation problem
- In response to a delegate's suggestion that the County would contribute funds to solving this issue, he replied "six years, zero secondary dollars that will be the extent of our (the County's) financial contribution to solving this"

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

18. **A-3 – APPROVAL OF A STANDARD PROJECT ADMINISTRATION (SPA) AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO RECEIVE FUNDING FOR THE MCLEAN GATEWAY – OLD DOMINION DRIVE TRANSPORTATION ENHANCEMENT PROJECT, AND SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 13152 (DRANESVILLE DISTRICT)** (11:37 a.m.)

(R)

(SAR)

On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being absent, the Board concurred in the recommendation of staff and:

- Authorized the Department of Transportation to enter into a construction and funding agreement with VDOT for the McLeanGateway – Old Dominion Drive project (EN12-029-024 P101, C501).
- Adopted the Resolution authorizing staff to execute the agreement.
- Approved SAR AS 13152 to accept grant funding in the amount of \$120,000 from VDOT to construct the McLean Gateway – Old Dominion Drive Project. No local cash match is required, however, a local match requirement of \$30,000 is being provided by the McLean Revitalization Corporation, which brings total funding of the project to \$150,000. Funding will support the design and construction of a median island with an identifiable McLean Gateway sign on Old Dominion Drive on the southeastern approach to the McLean Central Business District, as well as pedestrian scaled lampposts and signage for vehicle/bicycle shared use lanes.

19. **A-4 – ADOPTION OF A RESOLUTION THAT CONFIRMS THE DECLARATION OF LOCAL EMERGENCY FOR HURRICANE SANDY, APPROVES AND CONSENTS TO THOSE ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF DURING THAT EMERGENCY, AND CONFIRMS THE TERMINATION OF THAT DECLARED LOCAL EMERGENCY** (11:38 a.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution that:

- Confirms the declaration of local emergency by the County Executive on October 28, 2012, to respond to the impacts of Hurricane Sandy causing wide-spread damage and utility outages
- Approves and consents to all actions taken by the County Executive and staff pursuant to that declared local emergency
- Confirms the termination of that declared local emergency by the County Executive on October 31, 2012, at 10 a.m.

The second to this motion was inaudible.

Discussion ensued concerning the impact of Hurricane Sandy on New York, New Jersey, North Carolina, and Assateague Island, as well as a past presentation by the Northern Virginia Regional Commission (NVRC) on the impacts of storm surges. In light of the storm, Supervisor Hudgins asked unanimous consent that the Board direct staff to provide an update of what the impacts could be. Without objection, it was so ordered.

Chairman Bulova added that the NVRC presentation spoke to climate change, rising water tables, and where the effects of that would be seen.

The question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being absent.

ADDITIONAL BOARD MATTERS

20. **REQUESTS FOR RECOGNITION** (11:42 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite the following to appear before the Board:

- Representatives from the Office for Women and Domestic and Sexual Violence Services to receive a proclamation recognizing Stalking Awareness Month in Fairfax County.
- Representatives from the Fire and Rescue Department and sponsors to receive a proclamation recognizing them for having the most successful Fill the Boot Campaign in the nation for 2012, raising over half a million dollars for the Greater Washington Muscular Dystrophy Association.

Without objection, it was so ordered.

21. **VIRGINIA RAILWAY EXPRESS (VRE) TRACK ACCESS FUNDING**
(11:42 a.m.)

Chairman Bulova said that recent changes to federal transportation funding streams have left the VRE without a dedicated source of funding to pay for the track access required to run County service. Historically, track access leases were funded with pass-through funds received by the Commonwealth under the federal Equity Bonus Program.

The new MAP-21 initiative included the funding needed for track access fees but eliminated the Equity Bonus program, creating uncertainty about how VRE will afford its track leases. If VRE does not receive this vital support, drastic steps like eliminating 12 trains, raising fares 28 percent or increasing support from jurisdictions by as much as 58 percent, would be required to cover the lost revenue.

To avoid these draconian measures, VRE has contacted the Commonwealth Transportation Secretary (the Chairman noted that she has personally spoken with Secretary Sean Connaughton) to request that track access funding be provided. While MAP-21 eliminated the Equity Bonus Program, the total amount of federal funding received by the Commonwealth is the same in Fiscal Year (FY) 2013 and higher in FY 2014.

Therefore, Chairman Bulova moved that the Board:

- Support VRE's request by sending a letter to Secretary Connaughton prior to the 2013 General Assembly session.
- Direct the Department of Transportation to prepare a letter similar to the letters from VRE Chairman Covington and City of Manassas Mayor Parrish.

Supervisor McKay seconded the motion.

Supervisor Cook stated that there was an extensive discussion of this matter at the VRE Operations Board meeting last Friday and that these funds are crucial to the future of the VRE. He added that, at the meeting, the State's representative to the Board made statements about consideration of the funds that were open-ended and that the issue had not been resolved, which was contrary to what many believed.

Supervisor Cook noted that the best timing on resolving this is at the Commonwealth Transportation Board (CTB) meeting on December 5 and asked to amend the motion so that the letter goes out prior to the CTB meeting. This was accepted.

He also asked that Board Members, who have relationships with State officials and Members of the General Assembly, contact them before the meeting as well.

Discussion ensued concerning:

- Clarification of the current process
- Non-assurance that the funds would continue to come to VRE

Supervisor McKay noted that there will be an on-going audit at VRE and the audit and this issue are totally different subjects.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Hyland being absent.

22.

AUTHORIZATION OF COMPREHENSIVE PLAN AMENDMENT FOR THE "MOBILE AND LAND-BASED SERVICES" ELEMENT OF THE POLICY PLAN (11:52 a.m.)

Chairman Bulova, referring to her written Board Matter, noted that on September 15, 2010, the Planning Commission (PC) convened its Telecommunication Committee and has completed its work. The proposed Policy Plan amendment was approved and the PC is recommending that the Policy Plan element of the Comprehensive Plan be amended to provide additional guidance for locating telecommunication facilities to allow for expedited processing of where installations have little or no visual presence and for clarifying and expanding plan guidance concerning administrative review locations.

Chairman Bulova moved that the Board authorize the advertisement of a Comprehensive Plan amendment for the "Mobile and Land-Based Services" element of the Policy Plan and authorize the setting of public hearings for this amendment. Supervisor Foust seconded the motion.

Supervisor Smyth noted that staff has advised that a monopole becomes a transmission tower when it is disguised which requires a special exception and

asked to amend the motion to include defining the difference between a monopole and a transmission tower. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Hyland being absent.

23. **BEST WORKPLACES/WORK SITES FOR COMMUTERS AWARDS**
(11:54 a.m.)

Chairman Bulova, referring to her written Board Matter, noted that a growing number of businesses in the County are offering employees alternatives to traveling to work in single occupant vehicles. Several County employers received the nationally acclaimed "Best Workplaces for Commuters" award last year and she announced that additional employers have since qualified. In addition, several locations in the County may be designated as "Best Work Sites for Commuters."

Chairman Bulova asked unanimous consent that the Board direct staff to invite this year's recipients of the Best Workplaces/Work Sites for Commuters award to appear before the Board on December 4, 2012, to formally receive their awards. Without objection, it was so ordered.

24. **BI-PARTISAN ELECTION PROCESS IMPROVEMENT COMMISSION**
(11:55 a.m.)

Chairman Bulova said that right on the heels of Hurricane Sandy, the election of 2012 was also something of a storm. The 80.5 percent voter turnout exceeded the 78.7 percent turnout in 2008. The 2012 election saw 12,667 more people cast ballots in the County than four years ago.

The fact that so many people came out to exercise their right to vote is a good thing; that so many people had to wait in long lines for several hours was not. We will never know how many people gave up, and that is definitely not a good thing.

She noted that, while elections in Virginia are the responsibility of State and local electoral boards, and the General Registrar is not appointed by the Board but by the County Electoral Board, and the Board of Supervisors helps to provide the funding required for elections. Additionally, employees in the Office of Elections are technically County employees.

Chairman Bulova stated that with the heat of the election over, the County should take this opportunity to examine what went well, what did not, and what can be done to improve the electoral process in the County. To address these questions she proposed the establishment of a bi-partisan commission tasked with:

- Reviewing operations during the 2012 general election

- Identifying improvements and efficiencies to ensure access and convenience for voters in future elections

Chairman Bulova said that Katherine Hanley, former chairman of the Board of Supervisors, and Stu Mendelsohn, former Dranesville District Supervisor and former chairman of the Fairfax County Chamber of Commerce, have both agreed to co-chair this commission.

Chairman Bulova said that the commission should examine the following issues, as well as any other issues that commission members may deem appropriate:

- Considering optimal locations for precincts, the adequacy of parking at each precinct and whether sufficient space is available for stacking lines and carrying out operations effectively.
- Analyzing the size of precincts to determine if some precincts should be divided.
- Analyzing a variety of issues associated with equipment, including number of voting machines, types of voting equipment, electronic poll books, and back-up machines. There should also be a review of accepted industry standards for how many machines per voter should exist at precincts.
- Examining practices for ensuring a sufficient number of election workers on Election Day as well as how the Registrar identifies and trains election workers. Consideration should be given to the barriers to becoming an election worker, appropriate training, instructional materials, and reporting forms.
- Evaluating the process by which election officials are approved and dispatched to polls.
- Reviewing the County's Absentee Voting policy, including a review of both the by-mail and in-person voting processes.

Chairman Bulova also suggested that the membership on the commission consist of:

- The chair, or his/her designee, of both the Republican and Democratic Party of the County
- One appointee from each District Supervisor, with the Chairman having two appointees
- A representative from the County Public Schools administration

- Organizations such as:
 - The Federation of Citizens' Associations
 - The Fairfax County Chamber of Commerce
 - The League of Women Voters
 - The Fairfax Bar Association
 - Representatives from the major minority populations in the County

Chairman Bulova added that the commission should receive staff support from the County Executive's Office, the County Attorney's Office, and County Legislative staff, with support, as needed, from the office of Elections and the Registrar, and other offices, as required. She also recommended that the Commission begin work in January 2013 after appointments have been made and that recommendations be presented to the Board in May 2013.

Chairman Bulova asked unanimous consent that the Board direct the Clerk to the Board to develop and present the list of appointments to the Board at the next Board meeting. Without objection, it was so ordered.

Chairman Bulova noted that Board Members should be prepared to nominate a District appointee at its December 4 meeting.

Vice-Chairman Gross stated that this is a motion to create a bi-partisan election processing commission and that Supervisor Foust seconded the motion. Chairman Bulova noted that this is not an audit or an investigation but a comprehensive review of what went well, what did not, and what can be done differently.

Discussion ensued concerning:

- Forwarding emails that Supervisors received about time-in-line, etcetera to the commission
- Analyzing the size of precincts
- Staff support and budget

Discussion continued regarding questions raised concerning budgetary implications of supporting the commission, with input from County Executive Edward L. Long Jr., who stated that he will have to see how this evolves but will keep the Board apprised if there are large costs.

Chairman Bulova added that she has spoken to Cameron P. Quinn, General Registrar; Carol Ann Coryell, Secretary, Electoral Board; and Seth Stark, Chairman, Electoral Board, who are supportive of this approach.

Supervisor Herrity noted voter preference of electronic ballots over paper ballots and referenced legislation, Section 24.2-626, that prohibits the County from buying additional election machines. He reminded the Board that he chairs the Governor's Task Force on Local Mandates and that this issue will be taken up in Richmond.

Supervisor Herrity stated that he had a number of concerns and asked unanimous consent that the matter be:

- Postponed until after closed session
- Included in closed session

Without objection, it was so ordered.

Following input from David P. Bobzien, County Attorney, who stated that this had been placed on the closed session agenda, discussion continued concerning staff participation with a commission during a legal suit, with further input from Mr. Bobzien.

Vice-Chairman Gross announced there would be additional discussion on the motion.

Supervisor McKay brought the following to the Board's attention:

- Paper ballots and the need to better educate voters on what it means to cast a paper ballot
- Satellite voting locations, the status of some of the buildings containing these locations following Hurricane Sandy, and the recommendation that the Facilities Maintenance Department be involved
- The need to properly identify lines in locations where precincts have been combined and to encourage that those lines, to the extent possible, be indoors
- Incomplete or unfinished electronic ballots
- The variation on the number of paper stations and voting machines from precinct to precinct

Supervisor McKay added that he would be submitting a list to the Chairman's office for transmission to the commission and expressed his hope that this will be pursued expeditiously.

Vice-Chairman Gross noted that the list of groups submitted by Chairman Bulova was not meant to be exclusive.

Supervisor Cook stated that he needed to make the following disclosure:

“My two law partners represent the General Registrar and the members of the Electoral Board in a lawsuit currently pending in Fairfax County Circuit Court. That lawsuit, which was filed by the Fairfax County Democratic Committee, challenges certain actions allegedly taken by the General Registrar and the Electoral Board with respect to the 2012 General Election. The issues that the Chairman proposes to have the Bi-partisan Commission examine overlap with the issues in the lawsuit.

Under State law, my partners' representation can be imputed to me and can be considered a personal interest in the Board's consideration of the Chairman's proposal. However, since I do not personally represent or provide services to any of the parties in the litigation, the State law allows me to participate in the consideration of the matter so long as I can affirm my objectivity. Therefore, in accordance with Virginia Code Section 2.2-3115(I), I declare as follows:

- (i) This declaration covers both the matter of whether to establish a Bi-partisan Commission and the appointment of members to such a commission.
- (ii) The General Registrar and the Electoral Board are clients of Cook, Craig and Francuzenko, the law firm of which I am a partner.
- (iii) I do not personally represent or provide services to any of the parties in the lawsuit.
- (iv) I am able to participate in the Board's consideration of these matters fairly, objectively, and in the public interest.”

Supervisor Cook asked unanimous consent that the Board direct the Clerk to the Board to ensure that this declaration is recorded in the written minutes of this Board meeting. Without objection, it was so ordered.

Supervisor Foust called the Board's attention to several concerns including:

- Long waits to cast ballots
- The need for more election workers and voting machines
- The County's absentee voting policy and delays in mailing absentee ballots

Supervisor Foust also suggested that someone who is an expert at finding volunteers, such as Volunteer Fairfax, could serve on the commission.

Vice-Chairman Gross asked unanimous consent that the Board direct staff to provide a tape of this discussion to the commission, once it is established, so it can get the flavor of the conversation. She also noted that it will be allowed to set up its own process for outreach.

Discussion continued concerning:

- The amount of reading material on the ballot and the need to have sample ballots with the full text of the issues
- Scheduling teacher workshop days during presidential elections and the impact on parking at schools
- Polling place entrances being changed
- Program audits
- The need for signs at old polling locations informing voters of the new location
- The need for an "after action" after every election
- The absence of paper ballots at satellite advance voting locations
- The need for additional advance planning to prepare for some of the issues that arose
- The need for additional training
- Dealing with curbside voting
- Accommodations for the elderly and the disabled to facilitate the process

Vice-Chairman Gross announced that the Board would continue consideration of this motion after closed session.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

25. **ORDERS OF THE DAY** (12:34 p.m.)

Following a query regarding the amount of time needed for closed session, with input from David P. Bobzien, County Attorney, Chairman Bulova announced that the Board would proceed with Board Matters until approximately 1 p.m. then get lunch and go into closed session.

26. **RECOGNIZING HERNDON HIGH SCHOOL'S CO-ED VARSITY CHEER TEAM - 2012 STATE CHAMPIONS** (12:35 p.m.)

In a joint Board Matter with Supervisor Hudgins, Supervisor Foust congratulated the members of the Herndon High School Co-Ed Varsity Cheer Team for winning the top spot at the Virginia High School League State Cheer Championships at Virginia Commonwealth University on November 10. This is the first State championship for the team. He said that over the past two years, the team has won three Concorde District titles and placed second and third at the State championships.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite the Herndon High School Co-Ed Varsity Cheer Team, Coach Jenny Goff and other school officials to appear before the Board at a future date to be recognized for their outstanding achievement. Without objection, it was so ordered.

DAL:dal

27. **NO BOARD MATTERS FOR SUPERVISOR McKAY (LEE DISTRICT)** (12:35 p.m.)

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

28. **TAKING FULL ADVANTAGE OF THE EXPRESS CONNECTOR BUS ROUTES** (12:35 p.m.)

In a joint Board Matter with Supervisor Hyland and Chairman Bulova, Supervisor Cook said in January, the Department of Transportation (DOT) will launch the first of what will eventually be three new bus lines that seek to take advantage of the 495 Express Lanes. The initial line will provide commuters in the Burke community with quick, reliable access to Tysons Corner. The two other lines,

opening soon thereafter, will service commuters in the Lorton and Springfield areas.

These new bus routes offer County residents new options to reach Tysons, but they offer even greater potential than that. Currently, residents of Prince William County, Manassas, and Manassas Park have only one option for reaching Tysons - driving on traffic choked I-66 or, worse, clogging up Route 50, Lee Highway, or other primary or even secondary roads, like Braddock. With the Express Bus service, however, these residents have, for example, the option of taking the Virginia Rail Express (VRE) to Burke Centre, disembarking, and continuing to Tysons via transit. This opportunity is not only of benefit to residents of other jurisdictions, but County residents will benefit every time one of those drivers, currently adding to the road congestion, opts to take the train and bus instead. Consequently, DOT should market these routes not just to County residents, but those in other jurisdictions as well.

In many transit systems riders are given a financial incentive on train to bus routes, where a transfer ticket from the train to the bus saves funds off the full price of each. Such benefits encourage riders to stick with transit. He suggested that the Board encourage the same on both the Burke VRE and Lorton VRE Express Connector routes. This suggestion was made at last week's VRE Operations Board meeting and merits consideration.

Therefore, Supervisor Cook moved that the Board direct staff to initiate discussions with the VRE on whether a system of transfer tickets can be established, along with a joint marketing campaign, to encourage current drivers in other jurisdictions who commute to Tysons to consider the new, joint option of using both the VRE and Fairfax Connector. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

29. **RECOGNIZING THE LAKE BRADDOCK GIRLS' CROSS COUNTRY TEAM AS THE AAA CROSS COUNTRY STATE CHAMPIONS (BRADDOCK DISTRICT)** (12:38 p.m.)

Supervisor Cook congratulated the young women of the Lake Braddock Secondary School's Cross Country Team for winning the AAA Cross Country championship at the Virginia High School League (VHSL) State Meet on November 10 at Great Meadow.

In addition to their win this year the Lake Braddock girls' team captured the State title in 2009 and this marks coach Mike Mangan's fourth girls' State title since he took over the program in 2000.

Supervisor Cook said that the Bruins achievement was assisted by the hard working and talented Sophie Chase, now a junior at Lake Braddock. Miss Chase finished with a time of 17:24, which is nine seconds better than the State meet record that she set last year.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite the Girls' Cross Country team from Lake Braddock Secondary School to appear before the Board to be acknowledged for their tremendous achievement. Without objection, it was so ordered.

PMH:pmh

30. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (12:40 p.m.)

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

31. **KOREAN-AMERICAN DAY** (12:40 p.m.)

Supervisor Herrity said that for over a century Korean-Americans have been migrating to this country, bringing with them their own unique history and culture, and making America that great melting-pot that it is. The Korean-American community in Northern Virginia is a thriving one, with a strong sense of community, family, and an entrepreneurial spirit that epitomizes the values that Americans all share.

Supervisor Herrity noted that January is an important month for Korean-Americans in the community, for in December of 1902 a group of 56 men, 21 women, and 25 children traveled from Korea across the Pacific Ocean, landing in Honolulu, Hawaii, on January 13, 1903. This event marked the first entry of Korean immigrants onto US soil, and the date of January 13 has since been recognized as national Korean-American Day.

Celebrations will take place all over the country, and in the County the date will be celebrated in one of the large epicenters of the local Korean community - Annandale - at the Northern Virginia Community College (NVCC), in the Ernst Cultural Center, on Sunday, January 13, at 5 p.m. The celebration is being hosted by the Korean American Foundation of Greater Washington.

Therefore, Supervisor Herrity asked unanimous consent that the Board:

- Recognize January 13 as "*Korean-American Day*" in Fairfax County.
- Direct staff to prepare the proclamation included with his written Board Matter to be presented at the Korean-American Day celebration at NVCC on January 13.

Without objection, it was so ordered.

32. **REVIEW OF BEREAVEMENT LEAVE POLICY** (12:41 p.m.)

Supervisor Hudgins said that it has come to her attention that a review of the Bereavement Leave Policy is needed.

Supervisor Hudgins explained that according to the Bereavement Leave Policy, in Chapter 10.25 of the Personnel Regulations and available on the County's internal website: fairfaxNET, under Leave Options:

- *In the event of a death occurring in the employee's immediate family or household, full-time merit employees are eligible for 16 hours (Fire & Rescue, 24 hours) bereavement leave per calendar year.*

For full time merit employees, 16 hours equates to two work days. For Public Safety (Police and Fire and Rescue Departments) in certain cases, 16 hours of Bereavement Leave may not be sufficient to cover even one entire shift.

In recognition of the fact that public safety employees routinely work 12 or 24 hour shifts, 24 hours of bereavement leave may be given for full time 24-hour shift fire protection employees, which would allow one day of leave.

Therefore, Supervisor Hudgins moved that the Board direct staff and the Personnel Committee to review the existing Bereavement Leave Policy with a goal of making that policy equitable for all employees. Supervisor Cook seconded the motion.

Following discussion of the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being absent.

33. **DULLES TOLL ROAD RAMP STUDY (HUNTER MILL DISTRICT)** (12:43 p.m.)

Supervisor Hudgins noted that Department of Transportation (DOT) staff has been conducting a study of ramp connections from the Dulles Toll Road into Tysons, as a follow up to the Board's approval of the Tysons Comprehensive Plan Amendment in June 2010. There are three additional access points from the Toll Road into Tysons identified in the Plan amendment. Two of these access points have multiple options. One of the options for the connection from the Toll Road to Boone Boulevard Extended is adjacent to a Resource Protection Area. This option is one of four being studied for the connection from the Toll Road to Boone Boulevard Extended; it has raised significant concern among the adjacent communities, particularly to the west of Tysons.

Supervisor Hudgins explained that while the current study is a precursor to a full Environmental Impact Study (EIS), staff expects to have initial results regarding

the alternatives by the end of this calendar year. In addition, staff will be discussing the results with the Virginia Department of Transportation (VDOT).

Supervisor Hudgins noted the following:

- Green space has been a critical need in Tysons. Staff advocated to developers and other entities the value and benefit of green space in Tysons. Ramp Option 3 would effectively take away green space at a time where the County is looking for additional green space to add to its assets. Hunter Mill District Planning Commissioner Frank De la Fe explicitly directed staff to protect this natural buffer. It is a no brainer that the RPA area is not the right place for a ramp; if anything the stream valley should be enhanced.
- A ramp from the Dulles Toll Road would dump hundreds of vehicles a day onto the future local grid of streets. The ramp would be a visual detriment to the transit oriented development being built and conceived at the Spring Hill metro station. In an effort to build a livable, walkable community, we need to reevaluate whether this is the best means to our goal.

As a result, Supervisor Hudgins moved that the Board direct staff to summarize its findings and recommendations on the options for a ramp to Boone Boulevard Extension by the end of calendar year 2012 and present these findings/ recommendations comparing the options to the Board at its Transportation Committee meeting scheduled for January 15, 2013. She urged that the Option 3, through the RPA area, be excluded as a viable option. Supervisor Foust and Supervisor McKay jointly seconded the motion.

Following discussion, regarding Option 3, Supervisor Herrity recognized the presence of Delegate Barbara J. Comstock, in the Board Auditorium. He noted that she presented a letter in support of the motion.

Following a question regarding a letter from the Trails and Sidewalks Committee, Supervisor Hudgins stated that she would distribute it to Board Members.

The question was called on the motion and it **CARRIED** by a recorded vote of five, Supervisor Frey voting “NAY,” Supervisor Cook, Supervisor Herrity, and Supervisor Smyth abstaining, Supervisor Hyland being absent.

34. **RESTON DESIGNATED ONE OF THE BEST SMALL COMMUNITIES IN THE UNITED STATES (HUNTER MILL DISTRICT)** (12:57 p.m.)

Supervisor Hudgins referred to her written Board Matter which outlined the history of Reston.

Supervisor Hudgins said that, designated one of the “Best Places to Live” by *CNN Money Magazine* in 2007, Reston was again selected in 2012 as the “Seventh Best Small Community in the United States.”

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Robert E. Simon, Jr., representatives from Reston Association, and its community partners to appear before the Board to be recognized for visionary creation and for outstanding community leadership. Without objection, it was so ordered.

35. **REQUEST FOR RECOGNITION OF THE TOWN OF VIENNA POLICE CHIEF ROBERT CARLISLE** (12:58 p.m.)

Supervisor Hudgins said that after 35 years in law enforcement, Town of Vienna Police Chief Robert Carlisle is retiring. Chief Carlisle started his career with the Fairfax County Police Department, moved on to become assistant chief with Falls Church, and eventually as Chief of Police in Vienna where he has served since 2001.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Chief Carlisle to appear before the Board to be recognized for his distinguished service. Without objection, it was so ordered.

36. **MEADOWLARK BOTANICAL GARDENS (HUNTER MILL DISTRICT)** (12:59 p.m.)

Supervisor Hudgins noted that Meadowlark Gardens have been transformed into a winter wonderland, including a flowing stream of softly glowing lights, a two story animated fountain, and a Gingerbread Village.

Supervisor Hudgins asked unanimous consent that the Board direct staff to assist in publicizing this event. Without objection, it was so ordered.

37. **FESTIVAL OF LIGHTS AT BULL RUN PARK (SPRINGFIELD DISTRICT)** (1 p.m.)

Supervisor Herrity announced that there is a festival of lights at Bull Run Park.

38. **REQUEST FOR RECOGNITION OF ANIMAL SHELTER DIRECTOR KAREN DIVINEY** (1 p.m.)

In a joint Board Matter with Supervisor Hyland, Supervisor Frey asked unanimous consent that the Board direct staff to invite Dr. Karen Diviney to appear before the Board to be recognized for her years of service. Without objection, it was so ordered.

39. **HELICOPTER DIVISION AND NERO SAVE LIVES OF TWO CHILDREN (SULLY DISTRICT)** (1:01 p.m.)

Supervisor Frey said that on Saturday, October 13, the helicopter division coordinated two efforts in the Sully District that saved the lives of young children. The first little boy was found standing in a creek after wandering away from home. Officers allowed the boy to pet Nero and were able to get him to safety. The second child was rescued after choking and losing consciousness while visiting Cox Farms.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Nero, his handler, and the Helicopter Unit to appear before the Board to be recognized for these efforts. Without objection, it was so ordered.

40. **HOUSE BILL 1277** (1:02 p.m.)

Supervisor Frey said that House Bill 1277, which was approved and signed by the Governor, gives the County the possibility of greater authority for overseeing contractors, particularly small home improvement contractors and also the ability to fine them.

Supervisor Frey asked unanimous consent that the Board direct staff to review this bill and report its findings. Without objection, it was so ordered.

41. **INTENT TO DEFER PUBLIC HEARINGS AND THE WITHDRAWAL OF A PUBLIC HEARING (DRANESVILLE, LEE, AND MOUNT VERNON DISTRICTS)** (1:02 p.m.)

Supervisor McKay announced his intent, later in the meeting, at the appropriate time, to defer the following public hearings:

- Proffered Condition Amendment Application PCA 89-L-008
- Spot Blight Abatement Ordinance for 11388 Dorsey Place, Lorton, VA 22312

Chairman Bulova announced that the public hearing on Spot Blight Abatement Ordinance for 1830 Peabody Drive, Falls Church, VA 22043, has been withdrawn. Supervisor Foust clarified that it was withdrawn because the house has been demolished.

42. **RECESS/CLOSED SESSION** (1:05 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. 1:12-CV-1148 (E.D. Va.)
 - 2. *Michael Nelson Martino v. County of Fairfax, Virginia Department of Public Works and Environmental Services*, Civil Action No.1:12cv1116 (E.D. Va.); *Michael Nelson Martino v. County of Fairfax, Virginia Department of Public Works and Environmental Services*, Case No. CL-2012-0014777 (Fx. Co. Cir. Ct.)
 - 3. *Joseph F. and Juliana Campagna, Fairfax Christian School, Inc., Hunter Mill East, LLC, Hunter Mill West, LLC, Robert L. and Rosemary S. Thoburn, and Thoburn Limited Partnership v. Fairfax County Board of Supervisors*, Case No. CL-2010-0005862 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manote Auandee, Sandra Auandee, and Amnart Tic Auandee*, Case No. CL-2009-0007328 (Fx. Co. Cir. Ct.) (Mason District)
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bahram Sadeghian and Shahrzad Marzban*, Case No. CL-2012-0005049 (Fx. Co. Cir. Ct.) (Dranesville District)

6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Russell J. Young and Kathryn L. Young*, Case No. CL-2012-0003527 (Fx. Co. Cir. Ct.) (Mason District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup*, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)
8. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michele Ann Von Kelsch*, Case No. GV12-014861 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael A. Agge and Annabel M. Agge*, Case No. CL-2012-0008511 (Fx. Co. Cir. Ct.) (Lee District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard D. Green*, Case No. CL-2012-0009832 (Fx. Co. Cir. Ct.) (Braddock District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joaquin A. Villagomez and Eliana M. Villagomez*; Case No. CL-2012-0009080 (Fx. Co. Cir. Ct.) (Providence District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Home Properties Huntington Metro, LLC*, Case No. CL-2012-0011235 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Git Rid of It, LLC, and Michael L. Barnes*, Case No. CL-2012-0012708 (Fx. Co. Cir. Ct.) (Providence District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucy W. Berkebile*, Case No. 2011-0012842 (Fx. Co. Cir. Ct.) (Dranesville District)

15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rajendra Bernard Edwards*, Case No. CL-2012-0008576 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard C. Hayward*, Case No. CL-2012-0011387 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, 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)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kevin R. Ankney and Roxanne L. Ankney*, Case No. CL-2012-0002740 (Fx. Co. Cir. Ct.) (Braddock District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Orlando Camacho and Yolanda Camacho*, Case No. CL-2012-0012541 (Fx. Co. Cir. Ct.) (Lee District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. T & C Foods, Inc., 3 "W" Inc., Lindsay Foods, and Home Depot U.S.A., Inc.*, Case No. CL-2012-0015617 (Fx. Co. Cir. Ct.) (Mason District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Seven Corners Center, LLC, and Home Depot U.S.A., Inc.*, Case No. CL-2012-0015618 (Fx. Co. Cir. Ct.) (Mason District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Janice A. York-Brown and Willie I. Brown*, Case No. CL-2012-0015616 (Fx. Co. Cir. Ct.) (Lee District)

23. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jihyon Kim*, Case No. CL-2012-0015616 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. R. Joun Enterprises, LLC, Roland G. Joun, Trustee, Maria Joun, Trustee, Roland G. Joun Revocable Living Trust, and Maria Joun Revocable Living Trust*, Case No. CL-2012-0015804 (Fx. Co. Cir. Ct.) (Lee District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marisol Ferrel*, Case No. CL-2012-0016071 (Fx. Co. Cir. Ct.) (Providence District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis Alonso Cueva, Adan Francisco Castillo, and Blanca E. Lopez*, Case No. CL-2012-0015862 (Fx. Co. Cir. Ct.) (Lee District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hoang Yen Tham*, Case No. CL-2012-0015938 (Fx. Co. Cir. Ct.) (Providence District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert H. Pearson, Jr.*, Case No. CL-2012-0016266 (Fx. Co. Cir. Ct.) (Providence District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Laura E. Taylor*, Case No. CL-2012-0016312 (Fx. Co. Cir. Ct.) (Lee District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Candace K. Noonan*, Case No. GV12-014862 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Blanca Ramirez, Ruth G. Chavez-Ramirez, and Moises A. Chavez*, Case No. GV12-016492 (Fx. Co. Gen. Dist. Ct.) (Providence District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Silvia R. Sanchez*, Case No. GV12-023824 (Fx. Co. Gen. Dist. Ct.) (Mason District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John Philip Short and Marilyn S. Short*, Case No. GV12-023823 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Raymond J. Rybicki*, Case Nos. GV12-023819 and GV12-023819 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melissa S. Malone*, Case No. GV12-026048 (Fx. Co. Gen. Dist. Ct.) (Lee District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Florina G. Reynoso*, Case No. GV12-002498 (Fx. Co. Gen. Dist. Ct.) (Providence District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James A. Steele and Kelly J. Steele*, Case Nos. GV12-025843 and GV12-025844 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas J. Eaddy, Jr.*, Case No. GV12-026005 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Daniel Bahta and Lishan Kassa*, Case No. GV12-026044 (Fx. Co. Gen. Dist. Ct.) (Lee District)

40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Francoise Trudeau Martin*, Case No. GV12-026101 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdel-Hamid Mohammed Eqab*, Case No. GV12-026042 (Fx. Co. Gen. Dist. Ct.) (Lee District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael Ternisky*, Case No. GV12-026045 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hardev Singh Aulakh and Kuntie Aulakh*, Case No. GV12-026046 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jerry L. Coffey and Gretchen L. Coffey*, Case No. GV12-026047 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
45. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Randee K. Wilson*, Case No. GV12-026428 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District/Town of Vienna)

And in addition:

- *Elena Norfolk v. Detective Douglas Middlebrooks*
- *Carolyn McKay Sydnor v. Fairfax County, Virginia*
- Administrative Order from the U.S. Environmental Protection Agency Regarding the MS4 Audit
- *Fairfax County Democratic Committee v. Cameron Quinn, et al*
- *City of Falls Church v. County of Fairfax*

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

DET:det

At 3:29 p.m., the Board reconvened in the Board Auditorium with all Board Members present, with the exception of Supervisor Hyland, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

43. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:29 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 a vote of, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being absent.

44. **AUTHORIZATION OF SETTLEMENT IN THE CASE OF CAROLYN MCKAY SYDNOR VERSUS FAIRFAX COUNTY, VIRGINIA** (3:29 p.m.)

Supervisor Gross moved that the Board authorize the settlement offer in the matter of *Carolyn McKay Sydnor versus Fairfax County, Virginia*, Civil Action No. 1:10-cv-934, according to the terms and conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

45. **AUTHORIZATION OF SETTLEMENT IN THE MATTER OF ELENA NORFOLK VERSUS DETECTIVE DOUGLAS MIDDLEBROOKS** (3:30 p.m.)

Supervisor Gross moved that the Board of Supervisors authorize the settlement offer in the matter of *Elena Norfolk v. Detective Douglas Middlebrooks*, Case No. CL-2010-0013912, according to the terms and conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

46. **APPROVAL OF SETTLEMENT IN CITY OF FALLS CHURCH, ET AL. VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, ET AL** (3:30 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board approve the terms of the settlement in *City of Falls Church, et al. v. Board of Supervisors of Fairfax County, Virginia, et al.*, Civil Action No. 1:12-cv-487, according to the terms and conditions outlined by the County Attorney in

closed session, subject to Fairfax Water's satisfactory due diligence regarding its acquisition of certain water system properties' financial and engineering conditions, and subject to this Board's final review and approval, in its discretion, of the terms of all related acquisition documents and any other written agreement. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

ADDITIONAL BOARD MATTER

47. **APPROVAL OF A BI-PARTISAN ELECTION PROCESS IMPROVEMENT COMMISSION** (3:32 p.m.)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item #24.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and announced that earlier in the day, a motion was discussed that would establish a bi-partisan election process improvement commission, which was seconded by Supervisor Foust. Vice-Chairman Gross stated that there was a request to discuss this issue in closed session and the motion is viable.

Chairman Bulova clarified that the motion is for the Board to:

- Establish the commission
- Receive recommendations from the commission
- Refer those recommendations to staff and appropriate entities such as the Electoral Board

Vice-Chairman Gross noted that this would be a change to the second to the last paragraph of the motion.

Supervisor Hudgins asked to amend the motion to include a representative of the disability community, and this was accepted.

Supervisor Herrity stated that he would support the motion but restated his earlier concerns and noted that the areas being addressed by the commission are the direct purview of the Board of Elections and that this is a forum for a discussion for those recommendations to go to Board of Elections for action.

Vice-Chairman Gross reminded the Board to be prepared to nominate District appointees at its December 4 meeting. She also asked the Offices of Public Affairs and the Clerk to the Board ensure that as many representatives from the

various organizations as possible are ready to begin meeting so that the commission can bring forth its recommendations by May 2013.

The question was called on the motion, as clarified by Chairman Bulova, and it carried by a vote of nine, Supervisor Hyland being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

DAL:dal

AGENDA ITEMS

48. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-PR-007 (STERLING JEWELERS, INCORPORATED D/B/A JARED THE GALLERIA OF JEWELRY) (PROVIDENCE DISTRICT)** (3:37 p.m.)

(NOTE: On October 30, 2012, the Board deferred this public hearing until November 20, 2012.)

The application property is located at 8113 Leesburg Pike, Vienna, 22182, Tax Map 39-2 ((2)) 52.

Mr. Michael McDowell reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2012-PR-007, subject to the development conditions dated September 6, 2012.
- Reaffirmation of the waiver of frontage improvements and dedication of right-of-way along Leesburg Pike, in favor of that shown on the SE plat.

Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

49. **3 P.M. – PH ON REZONING APPLICATION RZ 2011-PR-023 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-D-005-07 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT) (3:42 p.m.)

(O's) (NOTE: On October 30, 2012, the Board deferred these public hearings until November 20, 2012.)

The Rezoning Application RZ 2011-PR-023 property is located in the southeast and southwest quadrant of the intersection of Westbranch Drive and Westpark Drive, Tax Map 29-4 ((7)) 1, 2, 3, 5A, 9, 10, and a portion of Westbranch Drive public right-of-way to be vacated and/or abandoned.

The Proffered Condition Amendment Application PCA 88-D-005-07 property is located on the north and south sides of Westpark Drive, east and west of Westbranch Drive, bounded on the north and east by Jones Branch Drive, Tax Map 29-2 ((15)) B2; 29-4 ((7)) A4, C1, C2, 1, 1A1, 1A2, 2, 3, 5A, 6, 7A1, 7B, 8, 9, 10, and 11A.

Supervisor Frey disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Mr. Thomas D. Fleury, Cityline Partners, LLC

Supervisor Cook disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Mr. Thomas D. Fleury, Cityline Partners, LLC

Supervisor Herrity disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Mr. Francis A. McDermott, Hunton and Williams, Attorney for the applicant

Supervisor Gross disclosed an in-kind campaign contribution in excess of \$100 which she had received from the following:

- Mr. John G. Lavoie, Cooley LLP

Chairman Bulova disclosed that:

- The applicant, Cityline Partners LLC, sponsored a three-part series entitled “Evolution of Fairfax,” that she hosted, the value of which exceeded \$100

Mr. John C. McGranahan, Jr. reaffirmed the validity of the affidavit for the record.

Matt Ladd, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a brief description of the application and site location.

Chairman Bulova stated that, earlier in the meeting when she called the public hearing for Rezoning Application RZ 2011-PR-023, she failed to announce that it was also a public hearing for Proffered Condition Amendment Application PCA 88-D-005-07, and proceeded to announce it.

Supervisor Gross clarified that the disclosures, which were made earlier in the meeting, pertained to both the applications.

Supervisor Cook called the Board’s attention to the proffer provisions, paragraph 106, Bird-friendly design, and raised a question regarding whether other cities in the country with historically tall buildings have ordinances or proffer conditions to engage in bird-friendly designs. Discussion ensued, with input from Mr. Ladd, who stated that he was unaware of what other cities do, but noted that this concept came from the urban design guidelines for Tysons Corner, which was endorsed by the Board earlier this year. Following further discussion, Supervisor Smyth stated that she would refer this issue to Providence District Planning Commissioner Ken Lawrence for a response.

With regard to green building design, Supervisor Cook called the Board’s attention to Proffers 25-32, and raised a question concerning the hotels LEED Gold requirements and the escrow, with input from Mr. Ladd and Cathy Lewis, Branch Chief, ZED, DPZ.

Supervisor Herrity expressed his concerns regarding the amount of contributions going to other priorities and not being applied to the transportation needs.

Mr. McGranahan 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, which included a slide presentation highlighting various aspects of the application.

Following the presentation, Supervisor Cook raised a question regarding the challenge of meeting the proffer requirements, with input from Mr. McGranahan.

Following further discussion regarding the proffers, Supervisor McKay raised a question regarding the cash value of the in-kind contributions and the cash contributions towards transportation, with input from Mr. McGranahan.

Discussion continued, regarding the contributions.

Following the public hearing, Mr. Ladd presented the staff and Planning Commission (PC) recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-PR-023, from the C-3, HC, and SC Districts to the PTC, HC, and SC Districts, subject to the proffers dated October 26, 2012.
- Approval of Proffered Condition Amendment Application PCA 88-D-005-07, subject to proffers dated September 14, 2011.
- Approval of the following modifications and waivers for Rezoning Application RZ 2011-PR-023:
 - Modification of Section 2-506, Paragraph 2 of the Zoning Ordinance to permit the proposed roof/roof screen feature element in Block F, as depicted on the Conceptual Development Plan/Final Development Plan (CDP/FDP).
 - Waiver of Section 16-403 of the Zoning Ordinance to permit a public improvement plan for frontage improvements along Westpark and Westbranch Drive to be filed without the need for an FDP.
 - Waiver of Section 6-505, Paragraph 7 of the Zoning Ordinance to permit outdoor displays and seating associated with a permitted use without the need for an FDP.
 - Modification of Section 10-104, Paragraphs 3E and G of the Zoning Ordinance to permit the maximum fence height associated with outdoor recreation/sports courts on Block C to be between 7 and 14 feet high as depicted on the CDP.
 - Modification of Section 11-102, Paragraph 12 of the Zoning Ordinance and Section 7-0800 of the Public Facilities Manual (PFM) to permit tandem and valet

spaces to be counted toward the required parking only in those instances contained in the proffers.

- Modification of Section 11-201 and 11-203 of the Zoning Ordinance to permit the minimum required loading spaces to be two spaces per building as depicted on the CDP.
- Modification of Section 11-202, Paragraph 4 of the Zoning Ordinance to permit the loading space in Building A-2 as shown on the CDP.
- Modification of Section 13-202, Paragraph 8 of the Zoning Ordinance to permit the depicted trellises and/or vegetated arbors, as shown on the CDP, in lieu of the required interior parking lot landscaping.
- Modification of Section 13-202, Paragraph 8 of the Zoning Ordinance to permit the existing parking lot landscaping, as depicted on the CDP and described in the proffers, to serve as the interior parking lot landscaping on an interim basis.
- Modification of Section 13-202, Paragraph 8 of the Zoning Ordinance to permit the landscaping within the amenity courtyard of Block E in lieu of the interior parking lot landscaping requirement.
- Modification of Section 13-203, Paragraph 5 of the Zoning Ordinance to permit the landscaping depicted on the above-grade parking structures and within the interim surface parking lots, as shown on the CDP and described in the proffers.
- Modification of Section 17-201, Paragraphs 2 and 4 of the Zoning Ordinance to permit the interim road improvements along the Block F frontage as shown on the CDP.
- Waiver of Section 17-201, Paragraph 3B of the Zoning Ordinance to permit only those areas of interparcel access shown on the CDP/FDPs and described in the proffers to be provided.
- Waiver of Section 17-201, Paragraphs 3B, 4, 12, 13, and 14 of the Zoning Ordinance to permit the proposed Jones Branch Drive frontage improvements along Tax

Map Parcel 29-2 ((15)) B2, as depicted on Exhibit A of the proffers.

- Modification of Section 7-0802.2 of the PFM to allow up to 1.5 feet of structural columns to project into the required parking stall area for no more than 10 percent of the total parking spaces provided.
- Modification of the tree preservation target in favor of that shown on the plans and as proffered.
- Waiver to allow the use of underground stormwater management and best management practices in a residential development, subject to Waiver Number 6377-WPFM-004-1.

Supervisor Foust seconded the motion. Following a brief discussion regarding the application, the question was called on the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being out of the room, Supervisor Hyland being absent.

(NOTE: On October 17, 2012, the PC approved Final Development Plan Applications FDP 2011-PR-023, FDP 2011-PR-023-02, and FDP 2011-PR-023-03.)

50. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2006-SU-007 (TIMBER RIDGE AT EDS, LLC) (SULLY DISTRICT)** (4:40 p.m.)

(O) (NOTE: On October 30, 2012, the Board deferred this public hearing until November 20, 2012.)

The application property is located west of Centreville Road, between Wall Road and EDS Drive, Tax Map 24-4 ((1)) 6C3 and 6C4.

Ms. Sara V. Mariska reaffirmed the validity of the affidavit for the record.

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

Ms. Mariska 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, Supervisor Frey noted that Franklin Farm Foundation Board of Directors sent an item for the record to the Clerk's Office.

Mr. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 2006-SU-007, with the associated Conceptual Development Plan Amendment, subject to the proffers dated October 24, 2012. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Hudgins and Supervisor Smyth being out of the room, Supervisor Hyland being absent.

Supervisor Frey further moved:

- Reaffirmation of previously-approved waivers and modifications as follows:
 - Modification of the loading space requirement to allow fewer spaces, as shown on the tabulations of the Conceptual Development Plan Amendment/ Final Development Plan Amendment (CDPA/ FDPA).
 - Modification of the transitional screening along Centreville Road, in favor of the landscape buffer treatment shown on the CDPA/FDPA.
 - Waiver of the barrier requirements along the eastern property boundary, between the proposed multi-family residential uses and nonresidential uses and the off-site single-family detached houses, in favor of that shown on the CDPA/FDPA.
 - Modification to permit private streets in excess of 600 linear feet.
 - Waiver of the interparcel access requirement to the EDS campus to the west, at Tax Map 24-4 ((1)) 6B and to the office uses on the Cox property to the north, on Tax Map Parcels 24-4 ((1)) 6E and 6F.
 - Modification of the 200 square foot minimum privacy yard requirements for the single family

attached dwellings in favor of the open space shown on the CDPA/FDPA.

- Modification of the trail requirements for Centreville Road in favor of the existing and proposed trail network as shown on the CDPA/FDPA.

Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Smyth being out of the room, Supervisor Hyland being absent.

(NOTE: On October 17, 2012, the PC approved Final Development Plan Amendment Application FDPA 2006-SU-007, subject to development conditions dated October 16, 2012.)

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-HM-006 (TYSONS WEST RESIDENTIAL, LLC) (HUNTER MILL DISTRICT)**
(4:54 p.m.)

(NOTE: On October 30, 2012, the Board deferred this public hearing until November 20, 2012.)

The application property is located in the northwest quadrant of the intersection of Leesburg Pike and Westwood Center Drive, Tax Map 29-3 ((1)) 1B and 29-3 ((20)) C1.

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

Supervisor Frey disclosed a campaign contribution in excess of \$100 which he had received from the following:

- 4501 Daly LP, although 4501 Daly LP is not associated with this application, its General Partner, William H. Gordon, is also a shareholder of William H. Gordon Associates, Incorporated, which corporation is an agent of the applicant listed in Paragraph 1(a)

Supervisor Foust disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Mr. Grant M. Ehat, an agent for the applicant, Tysons West Residential, LLC

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

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.

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

Supervisor Hudgins moved approval of Special Exception Application SE 2012-HM-006, subject to the development conditions dated September 6, 2012. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Cook being out of the room, Supervisor Hyland being absent.

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-L-014-02 (BURGUNDY FARM COUNTRY DAY SCHOOL, INCORPORATED) (LEE DISTRICT)** (5 p.m.)

(NOTE: On October 30, 2012, the Board deferred this public hearing until November 20, 2012.)

The application property is located at 3700 Burgundy Road, Alexandria, 22303, Tax Map 82-2 ((1)) 5, 6, and 8; 82-2 ((11)) 1.

Mr. G. Evan Pritchard reaffirmed the validity of the affidavit for the record.

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

Mr. Pritchard 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. Brady presented the staff and Planning Commission recommendations.

Supervisor McKay noted that in 1950 Burgundy Farm County Day School became the first integrated school in the State, years before the *Brown versus Board of Education* decision.

Supervisor McKay moved:

- Approval of Special Exception Amendment Application SEA 93-L-014-02, subject to the development conditions dated October 25, 2012.
- Modification of the transitional screening and barrier requirements around the perimeter of the site in favor of a six-foot chain link

fence and the existing vegetation and supplemental plantings shown on the SE/SEA plat.

- Waiver of the loading space requirement.
- Waiver of the peripheral parking lot landscaping requirements.

Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

53. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, TO ESTABLISH AGRICULTURAL APPLICATION AF 2012-SU-001 (JON AND KIM HICKOX) (SULLY DISTRICT)** (5:07 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 October 12 and October 19, 2012.

(NOTE: On October 30, 2012, the Board deferred this public hearing until November 20, 2012.)

The application property is located at 15950 Lee Highway, Centreville, 20120, Tax Map 64-1 ((4)) 7C.

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

Following the public hearing, Supervisor Gross raised a question regarding the map, with input from Mr. Krasner and Kris Abrahamson, Branch Chief, ZED, DPZ, concerning the pond and quarry surrounding the property.

Discussion continued, regarding the grape vines and winery, and whether the applicant, in the future, would be able to expand agriculturally if the application is approved, with input from Mr. Krasner and Ms. Abrahamson.

Mr. Krasner presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Agricultural Application AF 2012-SU-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, establishing the Hickox Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 14, 2012. Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Following a brief discussion regarding the winery, the question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust,

Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being absent.

54. **3:30 P.M. – PH TO AUTHORIZE THE CONVEYANCE OF A PORTION OF BOARD-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE LEESBURG PIKE WIDENING PROJECT (HUNTER MILL DISTRICT)** (5:19 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 12 and October 19, 2012.

(NOTE: On October 30, 2012, the Board deferred this public hearing until November 20, 2012.)

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

Supervisor Hudgins submitted an item for the record from Jenifer Joy Madden, Transportation Advisory Commission, and noted that, while it does not convey any information regarding the conveyance, it conveys a message urging the Board to consider looking at the Route 7 Corridor, and as capacity increases that the County consider the transit opportunities.

Following the public hearing, Supervisor Hudgins moved adoption of the Resolution authorizing the conveyance of a portion of Board-owned property to VDOT. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being out of the room, Supervisor Hyland being absent.

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55. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2012-MA-012 (TITAN AMERICA LLC) (MASON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2012-MA-011 (TITAN AMERICA LLC) (MASON DISTRICT) (5:23 p.m.)

- (O) The Rezoning Application RZ 2012-MA-012 property is located on the east side of Industrial Drive, north of Iron Place, north and south of Electronic Drive, Tax Map 80-2 ((1)) 33pt.

The Special Exception Application SE 2012-MA-011 property is located at 6600 Electronic Drive, Springfield, 22151, Tax Map 80-2 ((1)) 33 and 33A.

Mr. Andrew Painter reaffirmed the validity of the affidavits for the record.

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

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

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-MA-012, from the C-8 and R-2 Districts to the I-6 District, subject to the proffers dated November 13, 2012.
- Approval of Special Exception Application SE 2012-MA-011, subject to the development conditions dated November 15, 2012.
- Waiver of the transitional screening and barrier requirements along all sides of the subject property, subject to the treatments on the GDP/SE Plat and as conditioned.
- Waiver of the requirements for right-of-way dedication and construction of curb, gutter, and sidewalk along Industrial Drive, Electronic Drive, and Iron Place, in favor of that shown on the GDP/SE Plat and as conditioned.

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

56. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-L-008 (FAIRFAX COUNTY SCHOOL BOARD) (LEE DISTRICT) (5:35 p.m.)**

Supervisor McKay moved to defer the public hearing on Proffered Condition Amendment Application PCA 89-L-008 until December 4, 2012. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

57. **3:30 P.M. – SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 87-A-086-03 (COLLEGE TOWN ASSOCIATES LIMITED
PARTNERSHIP) (BRADDOCK DISTRICT) (5:36 p.m.)**

The application property is located at 10697 Braddock Road, Fairfax, 22032, Tax Map 68-1 ((1)) 9 pt. and 9A.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Cook moved:

- Approval of Special Exception Amendment Application SEA 87-A-086-03, subject to the development conditions dated September 27, 2012.
- Reaffirmation of the modification of the peripheral parking lot landscaping requirements (to provide a ten foot minimum distance along the frontage of the northern and western property lines).
- Reaffirmation of the modification of the lot area, lot width, and open space requirements for the property zoned R-1 (Rezoning Application RZ 2009-BR-015) to permit the consolidation of this lot into the existing shopping center site.
- Reaffirmation of the modification of the transitional screening and barrier requirements along the western and southern property lines.

Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

58. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-MV-031 (MIDATLANTIC REALTY PARTNERS, LLC) (MOUNT VERNON DISTRICT)** (5:43 p.m.)

(O) (NOTE: On October 30, 2012, the Board deferred the public hearing on this item until December 4, 2012. Subsequently, the public hearing was re-advertised to be held on November 20, 2012.)

Chairman Bulova announced that Supervisor Hyland had asked Supervisor McKay to handle this application in his absence.

The application property is located in the northwest quadrant of the intersection of Huntington Avenue and Metroview Parkway, Tax Map 83-1 ((1)) 34C.

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

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

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

Discussion ensued, with input from Ms. Stagg and Mr. Mayland, regarding:

- The issue of the shadows study that was conducted
- Timeline and data of the study
- Industry standards
- The outreach methods used in contacting the neighboring homeowners associations

Following the public hearing, which included testimony by four speakers, Mr. Mayland presented the staff and Planning Commission (PC) recommendations.

On behalf of Supervisor Hyland, Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-MV-031, from the I-5 District to the PRM District, and approval of the associated Conceptual Development Plan, subject to the proffers dated October 4, 2012.

- Modification of Section 11-203 of the Zoning Ordinance to permit the loading spaces as depicted on the CDP/FDP.
- Waiver of Section 13-303 of the transitional screening and Section 13-304 for barrier requirements between the residential and commercial uses within the property and along the southern and eastern property boundaries.
- Waiver of the requirement to construct a bicycle lane along Huntington Avenue.

Supervisor Hudgins seconded the motion.

Following a brief discussion regarding the application, the question was called on the motion, and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being absent.

(NOTE: On September 20, 2012, the PC approved Final Development Plan Application FDP 2011-MV-031, subject to the conditions contained in Appendix 2 of the staff report.)

59. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO ESTABLISH PARKING RESTRICTIONS ON DRACO STREET, THUNDERBOLT PLACE, AND FLINT LEE ROAD (SPRINGFIELD AND SULLY DISTRICTS)** (6:20 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 November 2 and November 9, 2012.

Maria Turner, Senior Transportation Planner, Department of Transportation presented the staff report.

Following the public hearing, which included testimony by six speakers, Supervisor Frey and Supervisor Herrity stated that they had already submitted items for the record.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, to prohibit commercial vehicles, as defined in the Chapter 82 (Motor Vehicles and Traffic), Section 82-5-7, recreational vehicles, and all trailers from parking on the following streets seven days per week:

- South side of Draco Street along the northern property line of Rolling Valley Mall (Springfield District)

- The entire length of Thunderbolt Place, from 9 p.m. to 6 a.m. (Sully District)
- The entire length of Flint Lee Road, from 7 p.m. to 6 a.m. (Sully District)

Supervisor Herrity seconded the motion.

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

- Required Board action to expand boundaries
- Unauthorized and often-times unsavory vehicles parking in commercial areas
- State-regulated parking restrictions

Supervisor Herrity noted that:

- The rest of Draco Street is residential
- The process to address that portion of the street would be different
- His office would work with those affected

The question was called on the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Cook and Supervisor McKay being out of the room, Supervisor Hyland being absent.

60. **4 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 1830 PEABODY DRIVE, FALLS CHURCH, VIRGINIA 22043 (DRANESVILLE DISTRICT) (6:35 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2012.

Supervisor Foust announced that the owner has demolished the structure and, therefore, moved that the request for a Spot Blight Abatement Ordinance be withdrawn. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Cook and Supervisor McKay being out of the room, Supervisor Hyland being absent.

61. **4 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7239 DELL AVENUE, CLIFTON, VIRGINIA 20124 (SPRINGFIELD DISTRICT)** (6:36 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 November 2 and November 9, 2012.

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Herrity submitted an item for the record.

Supervisor Herrity moved:

- Adoption of the Ordinance declaring 7239 Dell Avenue blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7239 Dell Avenue.

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

62. **4 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 11388 DORCEY PLACE, LORTON, VIRGINIA 22079 (MOUNT VERNON DISTRICT)** (6:42 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2012.

Supervisor McKay, on behalf of Supervisor Hyland, moved to defer the public hearing on Spot Blight Abatement Ordinance for 11388 Dorcey Place, Lorton, Virginia, until **December 4, 2012, at 3:30 p.m.** Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor Foust, Supervisor Herrity, and Supervisor Hudgins being out of the room, Supervisor Hyland being absent.

63. **4 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6629 SPRING VALLEY DRIVE, ALEXANDRIA, VA 22312 (MASON DISTRICT)** (6:43 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 November 2 and November 9, 2012.

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross asked that the petition be included in the public record.

A brief discussion ensued, with input from Ms. Dzierzek, concerning ownership of the property.

Supervisor Gross moved:

- Adoption of the Ordinance declaring 6629 Spring Valley Drive blighted, constituting a nuisance.
- Approval of the blight abatement plan for 6629 Spring Valley Drive.

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

Supervisor Gross stated that in the legal package, which was discussed in closed session, there was an item regarding this property. She noted that the County was suing the owners on the basis of property maintenance and the County's declaration of blight gives the property owner(s) the opportunity to put forward a blight abatement plan; however if that is not done, she understood that the County could continue to pursue them in court and asked for clarification from David P. Bobzien, County Attorney. Mr. Bobzien stated that if the County is not able to obtain relief through the enforcement action, it will proceed with blight abatement.

64. **4 P.M. –PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 30 (HOME CHILD CARE FACILITIES ORDINANCE), ARTICLES 1 AND 3, AND CHAPTER 112 (ZONING ORDINANCE), SECTION 10-103** (6:53 p.m.)

(O's) 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 November 2 and November 9, 2012.

Ann-Marie Twohie, Director, Office for Children, Department of Family Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from Ms. Monica Jackson (Speaker One), regarding the idea of a mentorship program where new home child care providers are paired with experienced home child care providers.

Supervisor Cook asked unanimous consent that the Board direct staff to work with the Child Care Advisory Council to provide information on setting up a mentorship program. Without objection, it was so ordered.

Supervisor Cook submitted an item for the record.

Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), and Chapter 30 (Home Child Care Facilities Ordinance), regarding home child care facilities, to become effective February 1, 2013. Supervisor Smyth seconded the motion.

Following a brief discussion regarding the costs associated with the land line requirements, Supervisor Herrity moved to amend the motion to delete Section A as it is written currently and replace it with a Section A as follows:

- “Telephone service shall be available, operable, and accessible during the home child care facility’s hours of operation.”

Supervisor Cook and Supervisor McKay jointly seconded the amendment to the motion.

Discussion ensued, with input from Ms. Twohie and Captain George Hollingsworth, Inspections, Fire and Rescue Department (FRD), regarding:

- The land line requirements and the FRD’s recommendations regarding the enhanced 911 system’s ability to locate an address with calls from land line and emergency response time
- Costs associated with the requirement
- Safety and communicating with emergency personnel
- Increased use of cell phones portability and reliability
- State Child Care Regulations

The question was called on the amendment to the motion and it **CARRIED** by a recorded vote of six, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor McKay, and Chairman Bulova voting “**AYE**,” Supervisor Gross, Supervisor Hudgins, Supervisor Smyth voting **NAY**, Supervisor Hyland being absent.

Discussion ensued, with input from Captain Hollingsworth, regarding:

- The 911 sticker label requirement
- Number of hours for training

Erin Ward, Assistant County Attorney, asked that the language requiring 911 labels be clarified to specify that the 911 stickers are required for land lines and not for cell phones.

The question was called on the main motion as amended, and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being absent.

65. **4:30 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2013 VIRGINIA GENERAL ASSEMBLY** (7:26 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 November 2 and November 9, 2012.

Supervisor McKay announced that the Board will adopt the Legislative Program at the next Board meeting on December 4, 2012. He also announced that the Board's work session with the General Assembly Members will be held on December 11, 2012, at 3:30 p.m. at the Government Center Conference Rooms 9/10.

Following the testimony of Ken Fredgren (Speaker One), Supervisor Hudgins commended him for his work and noted the impact of his work in making buildings accessible for everyone.

Following the public hearing, which included testimony by five speakers, discussion ensued, regarding the medication expansion, accessibility issues, and the agenda for the next Legislative Committee meeting, which is scheduled for November 27, 2012, at 10 a.m.

66. **BOARD ADJOURNMENT** (7:54 p.m.)

The Board adjourned.