



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
April 9, 2013**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, April 9, 2013, at 9:39 a.m., there were present:

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

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:39 a.m.)

Chairman Bulova commented on the death of former Prime Minister of Great Britain Margaret Thatcher: a friend of the United States and a strong conservative with a strong character. Supervisor Gross reminded the Board that Ms. Thatcher was in the County in 1998 when she appeared before the World Technology Conference. Supervisor Frey added that when former Chairman Tom Davis went to London with the Economic Development Authority, he returned with autographed copies of her biography for the Board.

Supervisor Frey announced that he was informed over the weekend that canine handler George McMahon lost his partner Smokey. Smokey was 12, one of the more prominent members having served at the Pentagon on 9-11, and was also involved in the search for Ms. Chandra Levy's remains. He added that Smokey had a wonderful career and was the last of the County's canines who served at the Pentagon on 9-11.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE OAKTON HIGH SCHOOL SWIM TEAM** (9:43 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to members of the Oakton High School Swim Team for its extraordinary team effort resulting in winning the Northern Regional swimming and diving championship on February 2 at Oak Marr Recreation Center and, for the second consecutive year, the AAA Virginia High School League State Championship on February 16 at George Mason University. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE MADISON HIGH SCHOOL SWIM TEAM** (9:52 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to members of the Madison High School Swim Team for its extraordinary team effort resulting in winning its fourth consecutive Liberty District title at the Audrey Moore RECenter on January 26 and its first Northern Regional swimming and diving championship on February 2 at the Oak Marr Recreation Center. Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. CAROLINE McCLEARY (DRANESVILLE DISTRICT)** (9:58 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to Ms. Caroline McCleary for her determination and athletic ability resulting in winning the one-meter diving event at the Virginia AAA Swim and Dive State Championship held at George Mason University February 15 and 16. Supervisor McKay seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. BEAU DONOHUE (SULLY DISTRICT)** (10:02 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Mr. Beau Donohue for his athletic ability and determination resulting in winning his third consecutive AAA State Wrestling Championship at Oscar Smith High School in Chesapeake, Virginia, on February 15 and 16, and for his more than 200 wins during his career at Westfield High School. Supervisor Foust seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. MARCELLA FULMORE (LEE DISTRICT)** (10:07 a.m.)

Supervisor McKay moved approval of the Certificate of Recognition presented to Ms. Marcella Fulmore for her initiative and dedication to make a difference in the lives of students, creating a mentoring group called Powerful African-American Males about Success to build social, academic, and leadership skills resulting in her selection as the 2012 Outstanding Mentor by the Virginia Mentoring Partnership. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING APRIL 2013 AS "SEXUAL ASSAULT AWARENESS MONTH" IN FAIRFAX COUNTY** (10:15 a.m.)

Supervisor Cook moved approval of the Proclamation to designate April 2013 as "*Sexual Assault Awareness Month*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

8. **PROCLAMATION DESIGNATING APRIL 14-20, 2013, AS "PUBLIC SAFETY TELECOMMUNICATIONS WEEK" IN FAIRFAX COUNTY** (10:27 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 14-20, 2013, as "*Public Safety Telecommunications Week*" in Fairfax County. Supervisor Foust, Supervisor Hyland, and Supervisor McKay jointly seconded the motion.

Discussion ensued concerning the regional 9-1-1 debacle after the derecho and the excellent work of Steve H. Souder, Director, McConnell Public Safety and Transportation Operations Center, Department of Public Safety and Communications, and the Department's responders, during the emergency.

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

Mr. Souder invited the Board to attend the awards' ceremony next Monday evening.

EBE:ebe

9. **ADMINISTRATIVE ITEMS** (10:41 a.m.)

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

Supervisor Cook asked to amend the motion to consider Admin 8 separately, and this was accepted.

The question was called on the motion, as amended, to approve the Administrative Items, with the exception of Admin 8, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 9713 WATER OAK DRIVE, FAIRFAX, VA 22031 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 14, 2013, at 4:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 9713 Water Oak Drive, Fairfax, VA, 22031, Tax Map Number 048-3 ((34)) 0028.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 4646 HOLLY AVENUE, FAIRFAX, VA 22030 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 14, 2013, at 4:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 4646 Holly Avenue, Fairfax, VA, 22030, Tax Map Number 056-3 ((02)) 0026.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (MASON AND SPRINGFIELD 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>
Saul Holdings LP (Seven Corners Shopping Center)	Mason	Leesburg Pike (Route 7) [Additional Right-of-Way (ROW) Only]
		Arlington Boulevard (Route 50) (Additional ROW Only)
		Thorne Road (Route 5612) (Additional ROW Only)
Silverbrook Farms Phase 2	Springfield	Emma Ann Way
		Silverbrook Road (Route 600) (Additional ROW Only)

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE DUNN LORING RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 3 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 30, 2013, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Dunn Loring RPPD, District 3 (Providence District). The proposed District expansion includes Walters Glen Way (Route 10548), from Cottage Street to the cul-de-sac inclusive.

ADMIN 5 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (PROVIDENCE DISTRICT)

- Endorsed a traffic calming plan for Cottage Street consisting of four speed humps and one raised crosswalk on Cottage Street (Providence District)
- Directed staff of the Department of Transportation to schedule installation of the approved measures as soon as possible

ADMIN 6 – EXTENSION OF REVIEW PERIOD FOR A 2232 REVIEW APPLICATION (BRADDOCK DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-B12-9	Montecello Park 5315 Guinea Road Fairfax, Virginia 22032 Braddock District	June 19, 2013

ADMIN 7 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE AND OFFICE OF VICTIMS OF CRIME FOR HUMAN TRAFFICKING TASK FORCE

Authorized the FCPD to apply for and accept funding, if received, in the amount of \$666,667, from the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and Office of Victims of Crime. Funding will support the Northern Virginia Human Trafficking Task Force. A 25 percent local cash match of \$166,667 is required and available in the Federal-State Grant fund.

ADMIN 8 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT

(NOTE: Earlier in the meeting, the Board voted to consider this item separately. See page 4.)

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #10.)

10. **ADMIN 8 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT** (10:42 a.m.)

(NOTE: Earlier in the meeting, the Board voted to consider this item separately. See Clerk's Summary Item #9.)

Supervisor Gross moved that the Board authorize the FRD to apply for funding in the amount of \$3,160,466 to be received over two years from the DHS for the SAFER grant program to hire an additional 19 FTE merit firefighter positions. No local cash match is required. Supervisor McKay seconded the motion.

Discussion ensued, with input from John Burke, Assistant Fire Chief, FRD, regarding:

- The application and uses earmarked for the funds
- Bringing units into compliance to meet national standards
- Funding for staff and personnel training
- Timeline for application
- Number of personnel staffing truck companies
- Justification for using the funding for staff positions
- Use of the wolftrap fire station as a training center
- Need to meet national standards in service delivery model

Supervisor Cook asked unanimous consent that the Board refer the issue to the Board's Committee meeting to meet with the new FRD Chief to discuss the FRD and what the future needs are. Without objection, it was so ordered.

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

11. **A-1 – APPROVAL OF A PARKING REDUCTION FOR HALSTEAD PHASE B, DSF/LONG METRO II, LLC AND DSF LONG METRO III, LLC (PROVIDENCE DISTRICT)** (10:58 a.m.)

On motion of Supervisor Smyth, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a 25 percent parking reduction for the proposed residential component and a 13.1 percent parking reduction for the proposed non-residential component for the Halstead Phase B mixed-use development pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraphs 4(B), 5, and 26, based on an analysis of the parking requirements for each use on the site and a parking reduction study on the conditions outlined in the Board Agenda Item dated April 9, 2013.

12. **A-2 – APPROVAL OF REVISED TRANSPORTATION FUNDING ALLOCATIONS** (10:59 a.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve reallocations of previously allocated Congestion Mitigation Air Quality and Regional Surface Transportation Program funding in the amount of \$11.2 million. This reallocation request is necessary to address underfunded project needs, and in some cases advance project close out. This approval will ensure that major County transportation projects remain funded and continue towards implementation. Supervisor Gross and Supervisor Hudgins jointly seconded the motion.

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

- Timeline for project completion
- How projects were identified
- Funding sources
- Safety of the public
- Impact on congestion relief
- Signage and timing of signal lights
- Pedestrian improvements and accessibility
- Identifying ways to educate the public on how to use sidewalks and intersection crossing safely

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

13. **A-3 – DISCLOSURE AGREEMENT RELATED TO THE ISSUANCE OF REFUNDING REVENUE BONDS, SERIES OF 2013 A, BY THE UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (SULLY DISTRICT)** (11:21 a.m.)

(BONDS) Supervisor Frey moved that the Board concur in the recommendation of staff and approve the Disclosure Agreement and authorized the Chairman to execute the Agreement on behalf of the Board in substantially the form presented. Supervisor Herrity seconded the motion.

Discussion ensued, with input from Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services, regarding the fiscal impact and the saving associated with the refunding.

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

14. **I-1 – DOLLEY MADISON LIBRARY, GREAT FALLS FIRE STATION, MOSAIC, AND VIRGINIA DEPARTMENT OF TRANSPORTATION/VIRGINIA STATE POLICE ADMINISTRATION BUILDING RECEIVE SUPERIOR APPEARANCE AWARDS FROM THE COMMUNITY APPEARANCE ALLIANCE OF NORTHERN VIRGINIA (DRANESVILLE, PROVIDENCE, AND SPRINGFIELD DISTRICTS)** (11:22 a.m.)

The Board next considered an item contained in the Board Agenda dated April 9, 2013, announcing that the following received Superior Appearance awards from the Community Appearance Alliance of Northern Virginia:

- Dolley Madison Library
- Great Falls Volunteer Fire Station
- Mosaic Phase I Project
- Virginia Department of Transportation/Virginia State Police Administration Building

The awards honor completed projects or specific efforts that improve the appearance of public spaces in Northern Virginia.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to release a press release regarding the awards. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Foust asked unanimous consent that the Board acknowledge the community input on the Dolley Madison Library and the Great Falls Volunteer Fire Station in the designs. Without objection, it was so ordered.

15. **I-2 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON THE RESIDENCES AT GOVERNMENT CENTER (BRADDOCK DISTRICT)** (11:24 a.m.)

This item was withdrawn by staff.

ADDITIONAL BOARD MATTERS

16. **REQUESTS FOR RECOGNITIONS** (11:24 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives from the

Department of Family Services Office for Children to appear before the Board to receive a proclamation recognizing Child Care Appreciation Month.

In addition, Chairman Bulova asked that proclamations be prepared and sent to:

- The Fairfax County Foster Care and Adoption Association recognizing “*Foster Care and Foster Family Recognition Month*”
- Volunteer Fairfax recognizing April 18, 2013, as “*Volunteer Recognition Day*”
- FACETS recognizing July 19, 2013, as “*FACETS Day*” in Fairfax County
- The Fairfax City Parkinson’s Disease Support Group, with members in Fairfax County, recognizing April as “*Parkinson’s Awareness Month*”

Without objection, it was so ordered.

17. **SPRINGFEST 2013** (11:25 a.m.)

Chairman Bulova announced that Springfest, the County's official Arbor Day/Earth Day Celebration will be held on April 27, from 10 a.m. to 4 p.m. at the Workhouse Art Center in Lorton. There will be fun and educational activities for families including free pony rides, a rock climbing wall, petting zoo, and the famous Billy B, as well as food and the kickoff of the 2013 Farmers' Market season.

18. **DYKE MARSH RESTORATION (MOUNT VERNON DISTRICT)**
(11:27 a.m.)

Jointly with Supervisor Hyland, Chairman Bulova said that, in 2008, the National Park Service developed a plan for restoring Dyke Marsh in the Mount Vernon District, which the Board supported. Unfortunately, the Park Service has not had the resources to implement its plan yet.

However, the Metropolitan Washington Airport Authority (MWAA) is planning to expand the runways at National Airport and, since this project will have impacts on the Marsh, MWAA has proposed to undertake the first phase of the restoration plan as environmental mitigation.

Therefore, Chairman Bulova moved that the Board direct staff to review MWAA’s proposal and, if it is consistent with the County’s environmental objectives, prepare a letter of support for the Board’s consideration. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

19. **HONORING MS. MARY LIPSEY AND HER WORK, “A CHRISTMAS FLIGHT”** (11:28 a.m.)

Chairman Bulova said that Mary Lipsey, a member of the Fairfax History Commission since 2006, chronicles the story of Dr. William Christmas in her new book, “*A Christmas Flight*.” She said that through Ms. Lipsey, the County learns more about a piece of history in its own backyard, Fairfax Station; a piece of history that will make it proud.

Chairman Bulova said that not only was Dr. William Christmas the third American to fly, but the first to do so in Virginia. Along with his affinity for flying, Dr. Christmas was known as an inventor, industrial and defense consultant, artist, and physician. Much of Dr. Christmas’ success can be attributed to his forward thinking and insistence on being innovative.

Chairman Bulova said that the book is a fascinating read and hoped that other Board Members have an opportunity to enjoy it. The book will be available in County libraries this summer.

Chairman Bulova said that she will ask Ms. Lipsey to consider providing copies of the book to the Board.

Chairman Bulova announced that Ms. Lipsey’s next effort will be to get a historic marker to designate the home and a field at Fairfax Station where the flight happened.

20. **HONORING MICHAEL H. LONG, DEPUTY COUNTY ATTORNEY** (11:30 a.m.)

In a joint Board Matter with the entire Board, Chairman Bulova said that Michael H. Long started his career at the County in August of 1972 and has been an instrumental part of the leadership team ever since. With his incredible knowledge of local government, Mr. Long started at the County Executive’s office where he helped to successfully lobby and address legislation pertaining to the County. During his tenure, the County went through the redistricting process three times, and benefitted immensely from his experience and vision. While in the County Executive’s office, he completed two advanced degrees, including a legal degree, which led to his move to the County Attorney’s office.

During his time working in the County Attorney’s office, Mr. Long continued to excel in his work. His role in rewriting the Business, Professional, and Occupational Tax Ordinance illustrates his dedication to his work, benefitting the County as well as its residents. With becoming the Deputy of General Law in 2009, his list of accomplishments only kept growing.

Chairman Bulova said that not only has Mr. Long been a loyal employee, but he has been faithful to his community. His efforts towards finding burial places for

those who die unaccompanied are admirable. In one instance, Mr. Long organized an entire funeral at Quantico National cemetery for a United States Army veteran, where he even attended the service “no veteran should be buried alone.” This kind of compassion and dedication in a public servant makes the County a better place for all of its residents.

Chairman Bulova said Mr. Long’s service to the Board and the County has been greatly appreciated. His many accomplishments will not be soon forgotten.

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

21. **COUNCIL OF GOVERNMENTS’ (COG) POSITION ON GUN VIOLENCE** (11:32 a.m.)

Chairman Bulova said that as Board Members might know, last month the COG Board of Directors voted to support the position of the International Association of Chiefs of Police (IACP) regarding gun violence.

Chairman Bulova noted that during debate on the motion, she moved a substitute motion which would have referred the issue to several COG Committees that she thought could best give this matter more thought and discussion prior to voting on a position. The COG’s hallmark is its ability to bring regional issues to the table for thoughtful deliberate consideration, and hopefully consensus.

Unfortunately, her substitute motion failed on a tie vote, and she voted in favor of the main motion.

Since the last COG meeting, several jurisdictions have expressed unhappiness about the vote, specifically about the lack of a process for consideration, and have asked for the matter to be revisited.

Parliamentary procedure allows someone voting affirmatively on the prevailing side to request reconsideration of the vote, which Chairman Bulova plans to do at the next COG Board of Directors’ meeting tomorrow, so long as there is no objection from the Board.

Chairman Bulova said that she, along with Alexandria Mayor Bill Euille, and Loudoun Chairman Scott York, sent a joint letter to colleagues on the COG Board indicating that approval of the IACP Resolution would be reconsidered, and that a substitute Resolution would be offered to:

- Recognize concerns about the issue of gun violence and the opinions of jurisdictions and elected officials who feel strongly about approaches which the State and Federal legislatures should take

- To reaffirm direction that the appropriate COG Committee(s) look into the other issues which are related to gun violence, including but not limited to mental health, school safety, and gun safety, and requires that the Committee(s) report to the Board on their findings and any suggested actions within six months
- To schedule discussion about this issue at COG's annual retreat in August
- The COG often deals with public safety issues. It cannot, however, mandate changes in local, State or Federal law. Gun control is a State and Federal responsibility. This issue is playing out in the federal arena and when revisited tomorrow, hopefully the Board will be able to provide the kind of thoughtful regional forum that the issue requires.

Chairman Bulova stated that she firmly believes in the work COG does. The Metropolitan Washington region shares many challenges, especially in the areas of transportation, air quality, housing, and human services. Elected officials who are members of COG do not agree on everything, but working together have been able to address many of the struggles shared across the borders. Hopefully the Board will be able to bring this approach to issues associated with gun violence, mental health, and safety within the County schools.

Discussion ensued, regarding the role of COG, what issues it should be involved in, and when it should take a position on certain issues.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

22. **RESTORATION OF FUNDING FOR STATION LOGISTICS PROGRAM (SPRINGFIELD DISTRICT)** (12 noon)

Supervisor Herrity referred to his written Board Matter and noted that the budget Consideration Item is the same as Supervisor Hyland's Board matter. Supervisor Herrity asked unanimous consent that the Board add restoration of funding for station logistics program to be included as a consideration item list.

Following discussion, regarding the amount that will be saved with this program, without objection it was so ordered.

23. **SPRINGFIELD RESIDENT COMPETING ON THE VOICE (SPRINGFIELD DISTRICT)** (12:03 p.m.)

Supervisor Herrity announced that Springfield resident Chelsea Mohindroo will be competing on the Voice. Ms. Mohindroo graduated from South County Secondary School in 2010, and qualified in the audition on April 1, 2013. He

noted that she will be mentored by R&B Artist, Usher, and wished her well in the competition.

DET:det

24. **REQUEST FOR A PROCLAMATION ON THE 180TH ANNIVERSARY OF THE FOUNDING OF THE GUM SPRINGS COMMUNITY (MOUNT VERNON DISTRICT)** (12:04 p.m.)

Supervisor Hyland said that historic African-American communities are a symbolic monument to the perseverance and enduring spirit of the African-American people. The Commonwealth of Virginia, commonly called the "gateway to history," houses one such community: Gum Springs, which was named after a gum tree that once marked its location near historic Mount Vernon. The community was founded by patriarchal freeman, West Ford, who allowed the land he inherited from the family of George Washington to become a refuge for freed and runaway slaves during and after the Civil War. The location became a *depot* where many newly-freed slaves came to be reunited with their separated families or to settle as newly emancipated people.

The African-Americans of Gum Springs began erecting homes and developing the life of their independent community. Supervisor Hyland noted that with the help of the Freedmen's Bureau and the Quaker community, Gum Springs' residents established means of economic survival through farming, in the lumber industry, and in trades. The small community prospered and grew. Today, Gum Springs has over 2,500 residents, many of whom are descendants of the original folk who lived there. The proud history of Gum Springs is preserved through its community and the Gum Springs Historical Society. This year, Gum Springs celebrates the 180th year of its founding at their annual community day on Saturday, June 15.

Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to prepare a proclamation commending and congratulating the Gum Springs Community, the oldest African-American community in Fairfax County, on the occasion of their 180th anniversary. Without objection, it was so ordered.

25. **CONSIDERATION ITEMS FOR THE FISCAL YEAR (FY) 2014 BUDGET** (12:06 p.m.)

Supervisor Hyland said that over the next three nights, the Board will hear from a number of County residents, employees, and interest groups on the proposed FY 2014 budget and how funding levels translate into quality of life and shared community values. Supervisor Hyland noted that he heard from the Mount Vernon Council of Citizens' Associations, the South County Federation, the Human Services Council and County employees.

Therefore, Supervisor Hyland asked unanimous consent that the Board add the following items to the Board's Consideration Item list as it deliberates the FY 2014 Budget:

- Countywide Market Rate Adjustment of 1 percent – \$11 million
- Restoration of the Station Logistic Technicians – \$234,863 (previously mentioned in Supervisor Herrity's Board Matter)
- Restoration of Public Safety Merit Increments – \$2.02 million
- Social Security offset reduction from 25 percent to 15 percent – \$228,574

Without objection, it was so ordered.

Supervisor Smyth asked unanimous consent that the Board direct staff to provide additional information concerning the Social Security Offset reduction. Without objection, it was so ordered.

Discussion ensued concerning the placement of recurring and non-recurring items on the Consideration Item list.

26. **UPDATE ON HIS HEALTH (MOUNT VERNON DISTRICT)** (12:10 p.m.)

Supervisor Hyland presented an update on his health.

27. **INOVA HEALTH CARE SERVICES (MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)** (12:11 p.m.)

In a joint Board Matter with Supervisor Frey and Supervisor Hyland, Supervisor Smyth said that Inova Health Care Services has filed proffered condition amendment applications in the Providence, Mount Vernon, and Sully Districts that propose to modify proffer text as it relates to the on-campus Child Care Centers at Fairfax, Mount Vernon, and Fair Oaks Hospitals. The proposal is to eliminate a restriction on the pool of allowable users of these child care centers that will help ensure the viability of the child care centers and Inova's continued ability to provide for their operation. The applications do not propose to expand the approved uses and they do not propose any new construction. Time is of the essence for Inova to keep the centers in operation.

Therefore, Supervisor Smyth moved that the Board direct the Department of Planning and Zoning to schedule a public hearing on each of these three applications for the earliest possible date in July 2013. She added that this motion shall not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. Supervisor Foust seconded the motion and it carried by unanimous vote.

PMH:pmh

28. **REZONING APPLICATION RZ 2012-BR-003 (BRADDOCK DISTRICT)**
(12:13 p.m.)

Supervisor Cook said that at the Board's regular meeting of March 19, it approved Rezoning Application RZ 2012-BR-003, subject to specific proffers, waivers, and modifications. That approval included a waiver of Section 6-107 of the Zoning Ordinance to allow a minimum district size of less than 2.0 acres in the PDH District.

Supervisor Cook explained that his original motion cited paragraph I of that section, but on the suggestion of staff, the motion was changed to cite paragraph 2 of that same section. Staff now reports that the correct citation is, in fact, paragraph 1.

Therefore, Supervisor Cook moved to clarify that the correct citation is Paragraph 1 of Section 6-107 for Rezoning Application RZ 2012-BR-003. Supervisor Herry and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

29. **STYROFOAM TRAYS – MOSBY WOODS ELEMENTARY SCHOOL (BRADDOCK DISTRICT)** (12:14 p.m.)

In a joint Board Matter with Supervisor Smyth, Supervisor Cook said that a group of students at Mosby Woods Elementary School sent him a letter detailing the economic and environmental consequences of using Styrofoam trays in schools. These students - Katharine Hughes, Evan Shi, Matthew Chen, and Hannah Maschino - detailed how Styrofoam trays are more expensive and environmentally harmful than some alternatives. The students also mentioned potential health hazards associated with the trays currently in use at their school.

With more than 12,000 trays used per month at the Mosby Elementary School alone, finding an alternative could have a positive impact on the budget and environment. One potential vendor has trays made from wheat straw and sugar cane fiber, allowing them to decompose in 180 days, as opposed to the 500 to 5,000 years it can take a Styrofoam tray to decompose.

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

- Forward to the Schools, with the Board's request, that School staff work with staff from the Department of Public Works and Environmental Services to see if this, or other, viable alternatives are available for use in place of Styrofoam trays.

- Examine the use of Styrofoam in County cafeterias and consider if a replacement product is feasible.

Without objection, it was so ordered.

30. **RESULTS FROM SUPERVISOR COOK'S BUDGET SIMULATION TOOL (BRADDOCK DISTRICT)** (12:17 p.m.)

Supervisor Cook shared with the Board results from the budget simulation his office created and publicized in March. Many of the budget submissions are extremely detailed, with individual cuts and reductions included in notes. Most advocated for a lower tax rate than proposed in the County Executive's budget.

Supervisor Cook expressed his appreciation to those who submitted a budget and everyone who took the opportunity to closely examine the budget documents included with the exercise. It is important to get as much feedback as possible from the citizens of the County before the Board makes changes that directly affect their well-being and wallets. He noted that he also received comments on how to improve the simulation.

Therefore, Supervisor Cook asked unanimous consent to submit the results of the budget simulation for the record. Without objection, it was so ordered.

31. **SPRINGFIELD DAYS (LEE DISTRICT)** (12:21 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity, and Chairman Bulova, Supervisor McKay announced that this year will be the twenty-fifth annual Springfield Days celebration scheduled for Saturday, June 1 and Sunday, June 2.

Saturday, June 1 will feature a party in the Park at South Run REC Center with PetFest and Paws on Parade, the Family FitnessFest, OutdoorFest, entertainment stage, pool party, and outdoor movie.

Also on Saturday, American Legion Post 176 will host a vintage car show in its parking lot from 11 a.m. until 3 p.m. The fourth annual Springfield 15K/5K returns and will start at the site of the future Springfield Town Center (formerly Springfield Mall).

Supervisor McKay said that on Sunday, June 2, the Cardboard Boat Regatta will set sail at Lake Accotink Park. This celebration has many partners that make this event possible including Safford Chrysler Jeep Dodge of Springfield, the Greater Springfield Chamber of Commerce, Springfield Town Center, Colonial Animal Hospital, Felix and Oscar, Leith Graphics, Metro Run and Walk, the Fairfax County Park Authority, the Fairfax County Police Department, and other generous sponsors.

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

- Prepare a proclamation declaring Springfield Days on June 1 and 2
- Invite the Springfield Days Steering Committee to appear before the Board on May 14 to be recognized and receive a proclamation

Without objection, it was so ordered.

32. **JOHN MARSHALL LIBRARY'S FIFTIETH ANNIVERSARY (LEE DISTRICT)** (12:23 p.m.)

Supervisor McKay announced that on April 22, John Marshall Library will mark its fiftieth anniversary and will hold a community celebration two days before on April 20.

A half century ago John Marshall opened as a storefront library in the Rose Hill Shopping Center. The day before, the library held an open house to mark the opening of the eighth branch of the County library system. The storefront had a book capacity of 20,000 volumes and could seat 18 adults and 4 children. On opening day, only 6,000 volumes were available so the librarian, Margaret Hopkins, limited circulation to one adult fiction and one adult non-fiction book per adult and one non-fiction title per child.

It was also at this time that the Rose Hill Development Corporation donated 1.8 acres of land on Rose Hill Drive next to the Rose Hill Elementary School to the Library Board as a permanent site for the library.

On Monday, February 3, 1975, the storefront closed its doors and library staff moved the collection into the new building. Two weeks later, the library opened its new doors. A far cry from the small storefront, the new library building had five times the space of the storefront and more than 24,000 adult and 14,000 children's books.

Today, John Marshall is a vibrant part of the Rose Hill and Franconia community. Visitors are greeted by beautifully landscaped gardens maintained by master gardener Carol Dickerson and her volunteers. Library patrons check out books – both paper and electronic – read magazines and newspapers, use the internet, and attend workshops, programs, and meetings. The library offers early literacy programs and works with local schools in educational partnerships.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Kathryn Alleman, her library staff and Carol Dickerson and her

volunteers be to appear before the Board for recognition on May 14. Without objection, it was so ordered.

33. **LEE DISTRICT BUDGET COMMITTEE RECOMMENDATIONS**
(12:25 p.m.)

Supervisor McKay said that for the fifth consecutive year, his citizen budget advisory committee has studied the proposed County budget. Almost all the members of the original group have chosen to continue, giving the budget advisory committee the advantage of continuity and knowledge. The group emphasized its respect for the work of staff and commended the County Executive and his staff for their hard work.

Their goal was two-fold: to provide recommendations specific to the Fiscal Year (FY) 2014 budget and to provide recommendations for 2014 and beyond. The nine members of the group chaired by Suzette Kern constitute an impressive array of talent with expertise in government finance, consulting, law, human services, IT, the private sector, and the Fairfax County Public School (FCPS) system. Some members of the group are retired; others are working and have children in the FCPS system. This group reflects the citizens of Lee District and the larger County.

- The budget must provide for good government—a government that is effective, efficient, sustainable, affordable, measurable and responsive to the needs of its residents.
- The "new normal" for sustainable County government means, generally, no expansion of existing programs, no creation of new programs, and no restoration of previous reductions or eliminations.
- As the FCPS system accounts for more than 52 percent of the County expenditures, it must be subject to the same good government principles and practices as the County. There must be more accountability and transparency in the FCPS budget so that County residents can understand the true cost of the school system and the impact of the decisions made by FCPS and the School Board in using County funds.
- Budget balancing reductions must take into account the value of the County's workforce in bringing the County to the position it enjoys as a top rated place to live and do business.
- All avenues of revenue enhancements must be rigorously explored and pursued.

Supervisor McKay noted that the group's report is lengthy; the full report will be posted on the Lee District website, at www.fairfaxcounty.gov/lee/.

Supervisor McKay commended the Lee District Budget Advisory Group for its hard work and its recognition of the need for a budget that can withstand the economic storms that will be with the County for some time to come.

Therefore, Supervisor McKay moved that this report be forwarded to the County Executive, FCPS Superintendent, and School Board Members for review. Supervisor Herrity and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

34. **ABANDONED DOG NAMED BISCUIT (LEE DISTRICT)** (12:28 p.m.)

Supervisor McKay announced that the abandoned Shih Tzu named Biscuit in Lee District has been rescued and is being treated for various ailments.

Supervisor McKay asked unanimous consent that the Board direct staff to invite Enna Lugo, the Animal Control Officer who rescued the dog, as well as the dog, to appear before the Board for recognition. Without objection, it was so ordered.

35. **DONATION DROP BOXES** (12:31 p.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Gross said that donation drop boxes have become epidemic in certain parts of the County, attracting donations of used clothing, shoes, and small household items as advertised, but also attracting unwanted furniture, trash, construction debris and, in one case she observed a porcelain toilet! The size of the boxes (less than 250 square feet) often exempt them from site plan designation, but there is a severe lack of accountability and enforceability under the current Zoning Ordinance, which are considered an accessory use to the principal use, such as a shopping center.

Supervisor Gross noted that there are many legitimate non-profit organizations in the community that will accept donations - Salvation Army, Goodwill, Joseph's Coat, and Treasure Trove are all located in Mason District - provide the donor with a receipt for tax-deductions, and ensure that the donated goods are used for charitable purposes, not sold overseas for large profits. Although a few of the donation drop boxes have been removed, in many cases, both the property owners and the organizations responsible for the boxes have been unresponsive.

Supervisor Gross said that the County has published guidelines for property owners about the use of donation drop boxes, but she expressed her belief that it is time to consider amending the Zoning Ordinance to rid communities of what are little more than decorated dumpsters, attracting rodents and other pests, and eliciting complaints from constituents and customers.

Therefore, Supervisor Gross moved that the issue of donation drop boxes be referred to the County Executive for review and recommendation of a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance). Supervisor McKay seconded the motion.

Following a brief discussion regarding the problems with drop boxes, the question was called on the motion and it carried by unanimous vote.

36. **EMPLOYEE HEALTH AND FITNESS WEEK** (12:37 p.m.)

Supervisor Gross said that May 2013 is Employee Health and Fitness Month (EHFM), which is a national health observance founded by the National Association for Health and Fitness. The goal of EHFM is to promote the benefits of a healthy lifestyle through worksite health promotion activities and education.

The County's Live Well Workforce Wellness Program will celebrate employee health and fitness during the week of May 13-17. Events have been planned throughout the week at worksites across the County. On May 16 at the Government Center, the Live Well Program will host a keynote presentation, wellness workshops, and a health fair. The keynote address will be presented by Jay Jacobs, a contestant from the eleventh season of the hit reality television show, *The Biggest Loser*.

Within the past year the employee-directed Live Well Advisory Council has supported access to wellness opportunities including weight management, smoking cessation, preventive flu vaccines at the workplace, and multiple wellness programs.

Therefore, Supervisor Gross moved that the Board proclaim the week of May 13-17 as "*Employee Health and Fitness Week*" in Fairfax County. The proclamation will be presented on Thursday, May 16 in the forum as part of the Employee Health and Fitness celebration. Chairman Bulova seconded the motion and it carried by unanimous vote.

37. **FORTIETH ANNIVERSARY OF THE HEALTH CARE ADVISORY BOARD (HCAB)** (12:39 p.m.)

Supervisor Gross said that 40 years ago, in 1973, the HCAB was formed to assist the Board of Supervisors in the development of a health policy for the County and to advise the Board on health and health related issues which may be expected to impact the County citizens. In that time, these volunteers have dedicated themselves to promoting the availability and accessibility of quality cost-effective health care in the County.

Therefore, Supervisor Gross moved that the Board applaud the HCAB for its enduring commitment to service for the residents of the County by issuing a

proclamation as an expression of the Board's gratitude, and direct staff to invite HCAB members to be recognized with the proclamation at the June 18 Board meeting. Without objection, it was so ordered.

38. **REPORT OF THE DRANESVILLE DISTRICT FISCAL YEAR (FY) BUDGET TASK FORCE** (12:40 p.m.)

Supervisor Foust said that he formed the Dranesville District Budget Task Force to assist him in evaluating and providing input on the County's budget. Thirteen residents from across the Dranesville District worked diligently to examine and discuss issues surrounding the budget. Many of the members have served previously including several who have served all five years. Task Force members have experience in private and public sector budgeting, public education, affordable and workforce housing, human services, and taxpayers concerns. Mr. John Ulfelder served as the very effective chairman of the group.

Over several months, the Task Force has reviewed, evaluated, and discussed the upcoming FY 2014 County budget and the community's priorities with respect to revenues and services provided. In addition to presentations from the County Public Schools and the County Executive, the Task Force heard from staff in the Departments of Transportation, Human Services, Human Resources, and the Retirement Administration. The information received helped shape the Task Force's recommendations and conclusions.

Supervisor Foust noted that a copy of the Dranesville District Budget Task Force report is included with his written Board Matter.

Therefore, Supervisor Foust asked unanimous consent that a copy of the report be included in the public record for consideration as the Board deliberates on the FY 2014 budget and that the County Executive be directed to forward a copy to the Superintendent of Schools, Chairman of the School Board, and Chairman of the School Board's Budget Committee. Without objection, it was so ordered.

39. **PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING HOME OCCUPATIONS** (12:42 p.m.)

In a joint Board Matter with Supervisor Frey, Supervisor Herrity, and Supervisor Hudgins, Supervisor Foust said that in its report to the Board in March of 2012, the Equestrian Task Force found that elements of the existing zoning regulations can act as obstacles to private horse owners as well as to commercial equestrian-related providers. The Task Force recommended that staff examine the existing zoning regulations to identify these obstacles so that horse ownership, the provision of riding lessons, and stabling may be better supported within the County.

Supervisor Foust noted that staff has responded, in part, to the recommendations of the Task Force by initiating and pursuing a Zoning Ordinance amendment to significantly reduce the filing fee for a special permit application for riding and boarding stables which is scheduled for a public hearing later in the meeting.

It has also recently been suggested that homeowners who have horses and want to offer riding lessons on a small scale should be able to do so as a home occupation. Currently the Zoning Ordinance allows private schools of special education as a permitted home occupation subject to strict limitations on the number of students permitted at any given time (no more than four) and in any one day (no more than eight). However, the definition of private school of special education specifically excludes a riding school, and riding and boarding stables are specifically prohibited as a home occupation.

Supervisor Foust pointed out that a homeowner who has a tennis court or pool would be allowed to offer lessons as a home occupation subject to the limitations on the number of students and other use limitations. Horse owners and stable operators have noted that the expense of a special permit goes beyond just the filing fee itself, and may create an undue hardship for very small operations.

Therefore, Supervisor Foust moved that:

- The Board direct staff to review the possibility of permitting small-scale riding lesson operations as home occupations, subject to specific limitations designed to minimize impact on surrounding properties, such as the prohibition of lights, limited hours of operation, and the number of students.
- This matter be included for the Board's consideration as part of the 2013 Priority 1 Zoning Ordinance Amendment Work Program.

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

40. **REFLECTION COMMUNITY PARKING DISTRICT (CPD) FEE ADJUSTMENT AND PUBLIC HEARING (DRANESVILLE DISTRICT)**
(12:45 p.m.)

Supervisor Foust said that in March 2012 the Reflection Home Owners Association (HOA) began the process to create a CPD to address concerns regarding the parking of watercraft, trailers, and motor homes on community streets. The Department of Transportation has determined that the community has successfully obtained the number of required petition signatures to initiate a public hearing.

In March 2013, the HOA submitted a petition with 340 signatures, 86 more than the 254 required, to satisfy the CPD petition requirement. Citing the financial burden of the fee, the HOA has requested that the fee be based on the minimum number of

signatures required to satisfy the petition requirement instead of the number of petitions they submitted. Doing this would set the fee at \$2,540 and save the community \$860.

Supervisor Foust said that a \$10 fee per petition signature is required as part of a CPD application. There is no correlation between the fee and staff time to process the application or the sign costs. The purpose of the fee is simply to assure that petitioners are serious about their request. The fee is returned if the Board does not approve the creation of the CPD.

Further, the HOA has requested that the Board authorize a public hearing to consider the matter on May 14 so that the CPD can be in place before the community's pool opens at the end of May.

Therefore, Supervisor Foust moved that the:

- Reflection CPD fee be based on the minimum number of signatures required.
- Board direct staff to schedule a public hearing for May 14 for the public hearing.

This motion should not be construed as a favorable recommendation on the CPD application by the Board. Supervisor Hyland seconded the motion and it carried by unanimous vote.

41. **RBP AND M, LLC AND BOZZUTO DEVELOPMENT - CONCURRENT PROCESSING REQUEST (HUNTER MILL DISTRICT)** (12:48 p.m.)

Supervisor Hudgins said that RBP and M, LLC, Section 913 Limited Partnership, and the Bozzuto Development Company (collectively, the "applicant") intend to develop the properties identified on the Tax Map as 17-4 ((19)) 1, 2, 3, 4, 5A, and 6A with a mixed-use, transit-oriented development project consisting of 421 multi-family residential units and up to 10,000 square feet of support retail as proposed under Rezoning/Final Development Plan Application RZ/FDP 2010-HM-008.

Supervisor Hudgins said that the applicant has worked diligently with staff and the Reston Planning and Zoning Committee, and the Planning Commission has recommended approval of the rezoning application. She noted that a public hearing is scheduled to be held before the Board on April 30, 2013, and the applicant is eager to submit a site plan for the proposed development.

Therefore, Supervisor Hudgins moved that the Board direct the Director of the Department of Public Works and Environmental Services to process the site plan and other associated plans concurrently with Rezoning/Final Development Plan Application RZ/FDP 2010-HM-008. This motion should not be construed as a

favorable recommendation by the Board on the proposed applications and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

42. **PRE-KINDERGARTEN PROGRAMS IN FAIRFAX COUNTY** (12:50 p.m.)

Supervisor Hudgins said that last Friday's *NewsLink* included a timely news piece that contrasted access to pre-kindergarten programs among the municipalities of the Washington, DC metropolitan area. This report was unique in that it was not authored by educators but rather by a group of retired military officers.

Supervisor Hudgins explained that the report estimates that 75 percent of all young Americans are unable to join the military and poor educational skills are the leading reason. The authors identify the link between early school success and opening the doors to college, careers, and military service success later in life.

The report focused on the opportunities for quality pre-kindergarten programs in Washington and the surrounding counties. Fairfax County is not on par with its peers in this effort. The "Pre-K Around the Beltway" report is available at <http://media.nbcwashington.com/documents/PreK+Beltway+report.pdf>.

Supervisor Hudgins urged Board Members and their counterparts on the School Board to read the report and share it with community leaders and constituents. She added that this report provides a good foundation for developing targets for expansion of pre-k programs and encouraging innovation on how the County can obtain better outcomes in early education.

43. **CONSIDERATION ITEM TO ALLOCATE FUNDING FOR MAILROOM SERVICES PROVIDED BY SERVICE SOURCE** (12:53 p.m.)

Supervisor Hudgins said the reduction of \$133,068 to the Department of Administration for Human Services budget will eliminate all funding for mailroom services. At the Pennino Building, those mail operations are currently provided by Service Source. The mailroom employs six Service Source persons with disabilities. As a result of the reduction, all human services departments located in the Pennino Building will be affected. Furthermore, the elimination of this contract will disrupt the employment of the six employees.

Supervisor Hudgins said that Deputy County Executive Pat Harrison has been working with Service Source to address the Service Source contract with the County. Should funding be made available, \$118,068 would be the required amount to fulfill the contract.

Therefore, Supervisor Hudgins asked unanimous consent that the Board, as part of the Fiscal Year 2012 Budget process, consider restoring \$118,068 in funding to continue the Service Source contract. Without objection, it was so ordered.

Discussion ensued, with input from Edward L. Long Jr., County Executive, Pat Harrison, Deputy County Executive, and David Molchany, Deputy County Executive, regarding the:

- Cost savings
- Timeline
- Next generation of mail rooms
- Collaboration with Service Source
- Scanning documents
- Strategy for the future

44. **SEVENTIETH WEDDING ANNIVERSARY FOR MANNY AND RUTH HERSHKOWITZ (HUNTER MILL DISTRICT)** (1:08 p.m.)

Supervisor Hudgins announced that on April 4 former Reston residents Manny and Ruth Hershkowitz celebrated their seventieth wedding anniversary. Back in 1942, they met on a blind date at a Brooklyn Dodgers game. The game was rained out but the date continued into dinner. Three children, five grandchildren, and four great-grandchildren later, the couple celebrates their successful marriage.

Supervisor Hudgins noted that the couple lived in Reston for over 30 years. Mr. Hershkowitz was active in the Senior Olympics and has displayed his needlework at the Reston Community Center. He holds a Guinness World Record as the oldest ball boy in history – he worked the US Tennis Open at Flushing Meadow, New York, in 1999, at the age of 82. Mr. and Mrs. Hershkowitz now reside at a retirement community in Ashburn.

Therefore, Supervisor Hudgins asked unanimous consent that the direct staff to send a letter of congratulations to the Mr. and Mrs. Hershkowitz from the Board commemorating their seventieth anniversary. Without objection, it was so ordered.

45. **TIM THOMAS FROM WESTFIELD HIGH SCHOOL NAMED ONE OF THE OUTSTANDING PRINCIPALS OF THE YEAR BY THE WASHINGTON POST (SULLY DISTRICT)** (1:09 p.m.)

Supervisor Frey announced that Tim Thomas from Westfield High School was chosen as one of the principals of the year by the *Washington Post*.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Thomas to appear before the Board to be recognized for his outstanding contributions to the school system. Without objection, it was so ordered.

46. **FEE WAIVER (LEE DISTRICT)** (1:10 p.m.)

Supervisor McKay said that he is requesting a waiver of the application fees for permits associated with the flea markets held by the Alexandria Asian-American Lions Club. The Board has approved waiver requests for the Lions annually since 1994. Because of high demand from the vendors and shoppers, the Alexandria Asian-American Lions Club has been asked by the Springfield Franconia Host Lions Club to operate a flea market on April 27 and November 9, 2013, at the VRE Parking lot off Backlick Road. The Alexandria Asian-American Lions Club flea market will not conflict with the Springfield Franconia Host Lions Club's regular twice a month schedule.

All net proceeds from these flea markets are returned to the community. The Alexandria Asian-American Lions Club supports organizations such as ECHO, ADA, and the Juvenile Diabetes Foundation, and assists indigent citizens with eye glass prescriptions and hearing aids.

Therefore, Supervisor McKay moved that the Board waive the application fees for permits associated with the Alexandria Asian-American Lions Club April 27 and November 9, 2013, flea markets. Supervisor Gross seconded the motion and it carried by unanimous vote.

47. **RECESS/CLOSED SESSION** (1:12 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. *Board of Supervisors of Fairfax County, Virginia and Eileen M. McLane, Fairfax County Zoning Administrator v. SNSA, Inc. d/b/a Fast Eddie's Billiard Café*, Record No. 121700 (Va. Sup. Ct.)

(Mount Vernon District)

2. *Edward Akowuah v. County of Fairfax, Fairfax County Police Department, Officer G.A. Waked and Does*, Case No. 1:13cv83 (E.D. Va.)
3. *Carla Thomas v. Fairfax County, Fairfax County Department of Tax Administration, Howard Goodie, and Bruce Schuette*, Case No. CL-2013-0004770 (Fx. Co. Cir. Ct.)
4. *Fairfax County, Virginia v. Landamerica Property Corporation, Inc.*, Case No. CL-2012-0019454 (Fx. Co. Cir. Ct.) (Lee District)
5. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. James J. Hodges*, Case No. CL-2012-0007873 (Fx. Co. Cir. Ct.) (Providence District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nahid Amiri*, Case No. CL-2011-0009631 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Esther Schwartz, Morris Goldberg, Rose Goldberg, Alvin Peck, Stella Peck, Melvin Zweig, Kathryn Zweig, M. A. M. Enterprises, and the Heirs of Alvin Peck*, Case No. CL-2012-0004129 (Fx. Co. Cir. Ct.) (Providence District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup*, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter A. Knick and Phyllis E. Knick*, Case No. CL-2011-0009274 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County*,

Virginia v. Charilene N. Lucas, a/k/a Christine N. Lucas, Case No. CL-2011-0012915 (Fx. Co. Cir. Ct.) (Lee District)

11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Freddie L. Gaskins and Sandra M. Gaskins*, Case No. CL-2010-0002572 (Fx. Co. Cir. Ct.) (Providence District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. M-G Apartments, LLC*, Case No. CL-2011-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ruben R. Nunez and Lucila N. Nunez*, Case No. CL-2012-0013470 (Fx. Co. Cir. Ct.) (Braddock District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas A. Samuelson*, Case No. CL-2012-0006356 (Fx. Co. Cir. Ct.) (Braddock District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phuong T. Le*, Case No. CL-2012-0007066 (Fx. Co. Cir. Ct.) (Mason District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kenneth A. Price and Imelda G. Price*, Case No. CL-2012-0014520 (Fx. Co. Cir. Ct.) (Mason District)

20. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Alex Gomez*, Case No. CL-2013-0000222 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert F. Blakemore*, Case No. CL-2013-0002868 (Fx. Co. Cir. Ct.) (Providence District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carlomagno O. Katindig and Maria Rosalina G. Katindig*, Case No. CL-2013-0003526 (Fx. Co. Cir. Ct.) (Lee District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert D. Edmonds, Jr.*, Case No. CL-2012-0011472 (Fx. Co. Cir. Ct.) (Dranesville District)
24. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard Morato and Elizabeth G. Weber*, Case No. CL-2012-0018122 (Fx. Co. Cir. Ct.) (Providence District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Beverly J. Geraghty*, Case No. CL-2013-0004121 (Fx. Co. Cir. Ct.) (Braddock District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Weiqing Gu and Shenjung Jiang*, Case No. CL-2013-0004204 (Fx. Co. Cir. Ct.) (Lee District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Patrick McLein and Toui Emanivong*, Case No. CL-2013-0004456 (Fx. Co. Cir. Ct.) (Providence District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert L. Gelles and Anita A. Gelles*, Case No. CL-2013-0004820 (Fx. Co. Cir. Ct.) (Springfield District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Amy Junhong Long*, Case No. CL-2013-0005065 (Fx. Co. Cir. Ct.) (Providence District)

30. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Elise Ann Brandenburger Brown*, Case No. CL-2013-0005149 (Fx. Co. Cir. Ct.) (Dranesville District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carl M. Mazzan*, Case No. CL-2013-0005230 (Fx. Co. Cir. Ct.) (Hunter Mill District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Muhammad Shafiq and Rubina Shafiq*, Case No. CL-2013-0005293 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Donald E. Pless*, Case No. CL-2013-0005408 (Fx. Co. Cir. Ct.) (Braddock District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rafael Antonio Carbajal and Maria Delmi Carbajal*, Case No. CL-2013-0005404 (Fx. Co. Cir. Ct.) (Mount Vernon District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdul B. Usmani*, Case No. CL-2013-0005425 (Fx. Co. Cir. Ct.) (Mason District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Theresa C. L. Hung*, Case No. CL-2013-0005423 (Fx. Co. Cir. Ct.) (Mason District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vy Q. Bui*, Case Nos. GV12-026798 and GV12-026799 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Patience Hann*, Case No. GV13-003212 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lawrence J. Quinn, Jr., and Cynthia*

- M. Quinn*, Case Nos. GV13-003515 and GV13-003542 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Andreas S. Kolas and Irene Tsiourouti*, Case No. GV12-027590 (Fx. Co. Gen. Dist. Ct.) (Lee District)
 41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria E. Gutierrez*, Case No. GV13-000326 (Fx. Co. Gen. Dist. Ct.) (Mason District)
 42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roger L. Jones and Erma G. Jones*, Case No. GV12-028599 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
 43. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Clifton Kenney*, Case Nos. GV13-004015 and GV13-004017 (Fx. Co. Gen. Dist. Ct.) (Sully District)
 44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Consuelo R. Perez and Juan Jose Mariscal Alvarez*, Case No. GV13-004756 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
 45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Susy A. Ortega*, Case No. GV12-026100 (Fx. Co. Gen. Dist. Ct.) (Providence District)
 46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Susy A. Ortega*, Case No. GV12-026049 (Fx. Co. Gen. Dist. Ct.) (Providence District)
 47. *Angela Achu v. D.G. Head*, Case No. GV13-003636 (Fx. Co. Gen. Dist. Ct.)
 48. *Mark Boudreau v. Detective Jeremy Hoffman*, Case No. GV13003768-00 (Fx. Co. Gen. Dist. Ct.)
 49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Charles P. Dull, Trustee, and Laura W. Dull, Trustee*, Case No. GV13-004918 (Fx. Co. Gen. Dist. Ct.) (Mason District)

50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jeanne Rovics Mexic*, Case No. GV13-005628 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Adam J. Kimmich*, Case No. GV13-005796 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mirtha Tapia*, Case No. GV13-005797 (Fx. Co. Gen. Dist. Ct.) (Mason District)
53. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gang Wang and Di Fan*, Case No. GV13-005795 (Fx. Co. Gen. Dist. Ct.) (Providence District)
54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Paul A. Spiegelblatt*, Case Nos. GV13-006459 and GV13-006460 (Fx. Co. Gen. Dist. Ct.) (Mason District)

And in addition:

- Lorton Debris Landfill, DEQ Permit Number 331

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

DAL:dal

At 3:21 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

48. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:21 p.m.)

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

Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

AGENDA ITEMS

49. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX Q, REGARDING ADJUSTMENT OF THE FEES CHARGED BY LAND DEVELOPMENT SERVICES (LDS) FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES**
(3:22 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 March 22 and March 29, 2013.

Jan Leavitt, Engineer IV, Site Code Research and Development Branch, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Frey moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Appendix Q, as set forth in the staff report dated February 12, 2013, regarding editorial changes and adjustment of the fees charged by LDS for plan review, permits, and inspection services, as recommended by the Planning Commission.
- That action on the fees take place on April 23 and April 30, 2013, as part of the mark-up and adoption of the FY 2014 Advertised Budget Plan, and that the proposed amendments become effective at 12:01 a.m. on July 1, 2013, and that the revised fees shall be applicable to any submissions on or after this date.

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

50. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE ZONING APPLICATION FEE SCHEDULE**
(3:25 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 March 22 and March 29, 2013.

Donna Pesto, Zoning Administration Division, Department of Planning and Zoning, presented the staff report.

Discussion ensued, with input from Ms. Pesto, regarding the proposed amendment.

Following the public hearing, Supervisor Hyland stated that he had items for the record. One being a petition, signed by members of a group called Chickens for Fairfax, supporting a change concerning the right to try to have a chicken in the County. Another being an ordinance that the City Council in Richmond passed on April 8 in which owners can obtain an annual permit to have as many as four chickens (hens, not roosters).

Supervisor Frey asked a question regarding the chicken figurines which had been distributed around the dais. Supervisor Hyland stated that they were a gift from him for Board Members having tolerated and put up with the subject of chickens.

(NOTE: Later in the meeting, Chairman Bulova re-gifted her chicken figurine. See Clerk's Summary Item #61.)

Supervisor Frey moved to defer decision on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the zoning application fee schedule, until after the budget hearings, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearing. Action will be taken on the Fiscal Year 2014 budget on April 23 and April 30, 2013. Supervisor Hyland seconded the motion.

With regard to the proposed amendments, if and when adopted, Supervisor Hyland asked unanimous consent that the Board direct staff to report in approximately six months with information regarding whether or not it is working. Without objection, it was so ordered.

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

51. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), TO INCREASE THE BASE CHARGE, AND MAINTAIN THE SEWER SERVICE CHARGES, CONNECTION CHARGES, AND AVAILABILITY CHARGES, AND CLARIFY THE METER READING DATE ON WHICH THE BASE CHARGES WILL TAKE EFFECT** (3:32 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 March 22 and March 29, 2013.

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor McKay called the Board's attention to the Board Agenda Item, page 181, regarding the base charge for non-residential customers who have sub-meters for irrigation and other water users, and raised a question regarding homeowner associations who irrigate common areas. Discussion ensued, with input from Mr. Mohsenin, regarding the charges for sub-meters.

Supervisor Gross moved to close the public hearing and defer decision on the proposed amendments until April 23, 2013, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearing. Chairman Bulova seconded the motion, noting that the record will remain open to receive testimony and action will be taken as part of the Budget Mark-up process on April 23, 2013.

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

52. **3 P.M. – PH ON THE PROPOSED INCREASE IN THE RATE FOR THE TRANSPORTATION TAX IMPOSED ON CERTAIN COMMERCIAL AND INDUSTRIAL (C&I) PROPERTIES** (3:36 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 March 22 and March 29, 2013.

Susan Datta, Chief Financial Officer, Department of Management and Budget, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved to close the public hearing and defer decision on the proposed increase in the rate for transportation tax until April 23, 2013, as part of the Budget Mark-up process. Supervisor Foust seconded the motion.

Chairman Bulova noted that that the record will remain open to receive testimony and to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings, Action will be taken as part of the Budget Mark-up process on April 23, 2013, with formal adoption on April 30, 2013.

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

53. **3 P.M. – PH ON THE FISCAL YEAR (FY) 2014 EFFECTIVE TAX RATE INCREASE** (3:41 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 March 22 and March 29, 2013.

Susan Datta, Chief Financial Officer, Department of Management and Budget, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved to close the public hearing and keep the record open to receive written testimony until April 23, 2013, to permit persons wishing to testify on this matter to provide such written testimony. Supervisor Foust seconded the motion.

Chairman Bulova noted that action will be taken on April 23, 2013, as part of the Budget Mark-up process, with formal adoption on April 30, 2013.

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

54. **3:30 P.M. – DECISION ONLY ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS) RELATING TO ELECTION PRECINCTS AND POLLING PLACES (BRADDOCK DISTRICT)** (No Time)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #56.)

55. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-PR-019 (KETTLER SANDBURG, LLC) (PROVIDENCE DISTRICT)** (3:45 p.m.)

- (O) (NOTE: On January 8, 2013, the Board deferred this public hearing until January 29, 2013. On January 29, 2013, the Board deferred this public hearing until April 9, 2013.)

The application property is located on the west side of Sandburg Street, south of Elm Place and north of Idylwood Road, Tax Map 39-4 ((1)) 46 and 47.

Mr. David Gill reaffirmed the validity of the affidavit for the record.

William Mayland, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a description of the application while showing a PowerPoint slide presentation depicting the size and scope of the site location.

Mr. Gill 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, which included testimony by one speaker, Mr. Mayland presented the staff and Planning Commission (PC) recommendations.

Discussion ensued, with input from Mr. Gill, regarding issues raised by the speaker regarding restoration of the property and stormwater detention.

Supervisor Smyth noted that there was a typo in Proffer Number 34, and clarified, for the record, that it should read **Dunn Loring Parks**, not Dunn Loring Park.

Supervisor Smyth moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-PR-019, from the R-1 District to the PDH-3 District, and approval of the associated Conceptual Development Plan, subject to the proffers dated April 14, 2013 (*sic*).

Following a brief discussion, with input from Mr. Mayland, Supervisor Smyth clarified that the proffers were dated April 4, 2013.

Supervisor Smyth further moved:

- Deviation of the tree preservation target requirement in favor of that shown on the CDP/FDP.
- Waiver of Section 11-302 (1) of the Zoning Ordinance that private streets within a development be limited to those which are not designed to provide access to adjacent developments.

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

(NOTE: On September 13, 2012, the PC approved Final Development Plan Application FDP 2010-PR-019, subject to the development conditions dated August 30, 2012.)

56. **3:30 P.M. – DECISION ONLY ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS) RELATING TO ELECTION PRECINCTS AND POLLING PLACES (BRADDOCK DISTRICT)** (4:02 p.m.)

(NOTE: On March 19, 2013, the Board held a public hearing regarding this item and deferred decision on the Braddock District portion until April 9, 2013.)

Supervisor Cook noted that the polling place move was initiated by George Mason University (GMU), which owns both the current and proposed polling place for University precinct. He noted that GMU staff notified his office, as well as the General Registrar, that GMU needed additional time to consider the proposed move, in response to student concerns.

GMU sent a letter to the General Registrar withdrawing its request to relocate the polling place at this time, therefore, Supervisor Cook moved to withdraw proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to move the polling place for University precinct in Braddock District. Supervisor McKay seconded the motion and it carried by unanimous vote.

57. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-PR-010 (CITYLINE PARTNERS, LLC) (PROVIDENCE DISTRICT)**

AND

PH ON REZONING APPLICATION RZ 2011-PR-011 (CITYLINE PARTNERS, LLC) (PROVIDENCE DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-001-09 (CITYLINE PARTNERS, LLC) (PROVIDENCE DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-001-10 (CITYLINE PARTNERS, LLC) (PROVIDENCE DISTRICT) (4:03 p.m.)

(Os) The Rezoning Application RZ 2011-PR-010 property is located on the east and west sides of Old Meadow Road, near its intersection with Dolley Madison Boulevard, Tax Map 29-4 ((6)) 101A and 102.

The Rezoning Application RZ 2011-PR-011 property is located on the south side of Dolley Madison Boulevard between Scotts Run Park and ramp from Dulles Airport Access Road to Dolley Madison Boulevard, Tax Map 30-3 ((1)) 6A, 6B, 6C, and 6D; 30-3 ((28)) A, C1, 4B, and 4C and portions of Route 123 and Colshire Drive public right-of-way to be vacated and/or abandoned.

The Proffered Condition Amendment Application PCA 92-P-001-09 property is located on the south side of Dolley Madison Boulevard between the Capital Beltway (1-495) and the ramp from the Dulles Airport Access Road, Tax Map 29-4 (((6)) 101A and 102; 30-3 ((1)) 6A, 6B, 6C, and 6D; 30-3 ((28)) A, C1, 4B, and 4C.

The Proffered Condition Amendment Application PCA 92-P-001-10 property is located at 1766 Old Meadow Lane, McLean, 22102, Tax Map 29-4 ((6)) C and 96A.

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

Chairman Bulova disclosed that the applicants, Cityline Partners, LLC, sponsored a three-part series entitled "Evolution of Fairfax," which she hosted last year, and the face value of their contribution towards sponsorship exceeded \$100.

Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a description of the application while showing a PowerPoint slide presentation depicting the size and scope of the site location.

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

Following the public hearing, which included testimony by one speaker, Ms. Lin presented the staff and Planning Commission (PC) recommendations.

Discussion ensued, with input from Ms. Lin, regarding issues raised by the speaker, Ben Wales of the Mitre Corporation, concerning depiction of the office building.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 92-P-001-09.
- Approval of Proffered Condition Amendment Application PCA 92-P-001-10, subject to the proffers dated March 25, 2013.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Applications RZ 2011-PR-010 and RZ 2011-PR-011, from the C-3 and HC Districts to the PTC and HC Districts, subject to the proffers dated April 4, 2013.
- Modification of all trails and bike trails in favor of the streetscape and on-road bike lane system shown on the Plans and as proffered.
- Approval of waiver number 6835-WPFM-005-1 to allow the use of underground stormwater detention facilities in a residential development, subject to the conditions dated February 6, 2013, as contained in Attachment A of Appendix 11 of the staff report.
- Modification of Section 7-0802.2 of the Public Facilities Manual (PFM) to allow for the projection of structural columns into parking stalls (no more than 4 percent of the stall area).

- Modification of the PFM and/or Zoning Ordinance to allow tandem/valet parking spaces, controlled by building management, and that such spaces may count toward the parking requirements.
- Modification of Section 12-0601.1B to permit the reduction of the minimum planter opening area for trees used to satisfy the tree cover requirement, in favor of that shown on the Plans and as proffered.
- Modification of the Zoning Ordinance and PFM for required tree preservation target and ten percent canopy coverage on individual lots/land bays to allow for tree preservation to be calculated on the overall CDP development area.
- Modification of the Zoning Ordinance to allow for a parapet wall, cornice, or similar projection to exceed the height limit established by more than three feet; as may be indicated on the Final Development Plan (FDP) to screen mechanical equipment.
- Modification of the maximum fence height requirements from 7 feet to 14 feet around accessory uses/structures located within the rear yard for those areas of fencing associated with any proposed sports courts and urban plaza areas, as indicated on the Conceptual Development Plan (CDP), or as may be indicated on the FDP.
- Modification of Paragraph 4 of Section 11-202 of the Zoning Ordinance requiring a minimum distance of 40 feet of loading space in proximity to drive aisles, to that shown on the CDP, and when shown on an approved FDP.
- Waiver of Section 11-302 of the Zoning Ordinance to allow a private street to exceed 600 feet in length as shown on the CDP.
- Modification of the interior and peripheral parking lot landscape requirements for interim surface lots and on private streets to that shown on the CDP and FDP.
- Waiver of Section 16-403 of the Zoning Ordinance requiring a FDP as a prerequisite to the site plan in the PTC District to permit public improvement plans associated with public streets and parks.
- Waiver of a service drive on Route 123.
- Waiver of Paragraph 4 of Section 17-201 of the Zoning Ordinance to provide any further dedication and construction for widening of existing roads to address Comprehensive Plan requirements beyond that which is indicated in the Plans and proffers.

- Waiver of Paragraph 3 of Section 17-201 of the Zoning Ordinance to provide any additional interparcel connections to adjacent parcels beyond that shown on the Plans and as proffered.
- Modification of Section 12-0515.6B of the PFM to allow for trees located above any proposed percolation trench or bio-retention areas to count towards county tree cover requirements;
- Modification of Paragraph 7 of Section 17-201 of the Zoning Ordinance to permit the applicant to establish parking control, signs, and parking meters along private streets within and adjacent to the development in coordination with the Department of Transportation.
- Modification of the 10-year tree canopy requirements in favor of that shown on the Plans and as proffered.

Supervisor Foust seconded the motion.

Following a brief discussion regarding the proffers and proposed amenities, Chairman Bulova and Supervisor Smyth thanked Cityline Partners for its collaboration.

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

(NOTE: On April 3, 2013, the PC approved Final Development Plan Application FDP 2011-PR-011, subject to development conditions dated March 14, 2013 and Final Development Plan Application FDP 2011-PR-011-2, subject to development conditions dated April 2, 2013.)

58. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-MA-017 (SHELTER DEVELOPMENT, LLC) (MASON DISTRICT)** (4:39 p.m.)

The application property is located at 3440, 3444, 3450, and 3454 Gallows Road, Annandale, 22003, Tax Map 59-2 ((1)) 47, 48, 49 pt. and 59-2 ((10)) 1 pt.

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

Brent Krasner, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a description of the application while showing a PowerPoint slide presentation depicting the size and scope of the site location.

Discussion ensued, with input from Mr. Krasner, regarding the curb cuts.

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

Discussion ensued, with input from Ms. Greenlief, regarding Woodburn Elementary School's access onto Gallows Road at Aston Street, and whether a traffic signal is being considered at the location.

Following the public hearing, which included testimony by one speaker, Ms. Greenlief presented rebuttal and addressed issues regarding the vegetation and stormwater management which were raised by the following:

- Mr. Daniel Gallagher (Speaker One)
- Ms. Pam Miller, via a letter addressed to the Planning Commission, dated March 23, 2013, regarding the proposed application

With regard to the vegetation, Chairman Bulova noted that the facility will be required to keep the vegetation in good condition and should a neighbor or someone notice non-compliance, the Department of Planning and Zoning will ensure that the agreements are enforced.

Discussion ensued, with input from Mr. Krasner, regarding the rules and regulations for the application.

Supervisor Gross submitted items for the record.

Mr. Krasner presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2012-MA-017, subject to the development conditions dated March 14, 2013.
- Modification of transitional screening and barrier requirements along all property lines, in favor of the plantings and fencing shown on the SE Plat.
- Modification of the loading space requirement to permit the location shown on the SE plat.

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

Discussion ensued regarding certified letters which are sent to citizens who live near a location which is going to be the subject of a rezoning, special exception, et cetera.

Supervisor Gross asked unanimous consent that the Board direct staff to review whether there is a way to make the legal notices less onerous. Following discussion, with input from Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning, without objection, it was so ordered.

59. **4 P.M. – PH ON PROPOSED COMPREHENSIVE PLAN AMENDMENT S12-CW-1CP REGARDING REVISIONS TO THE COMPREHENSIVE PLAN TO UPDATE INFORMATION ON HERITAGE RESOURCES**
(5:07 p.m.)

Laurie Turkawski, Heritage Resource Specialist, Policy and Plan Development Branch, Department of Planning and Zoning, presented the staff report and the staff and Planning Commission recommendations.

Following the public hearing, Supervisor Gross moved approval of Comprehensive Plan Amendment S12-CW-1CP, as recommended by the Planning Commission on February 28, 2013. The recommendation updates the Comprehensive Plan to provide the most accurate and current information on the County's heritage resources. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

60. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT ST09-IV-MV1 LOCATED WEST OF NORTH KINGS HIGHWAY, EAST OF MONTICELLO ROAD, SOUTH OF JEFFERSON DRIVE, AND NORTH OF FORT DRIVE (LEE DISTRICT)** (5:12 p.m.)

Jennifer Lai, Planner III, Policy and Plan Development Branch, Department of Planning and Zoning, presented the staff report.

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

Supervisor McKay submitted an item for the record.

Supervisor McKay moved approval of the Planning Commission recommendation for Plan Amendment ST09-IV-MV1, with the additional staff modifications as shown in Attachment II of the Board Agenda Item dated April 9, 2013. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

61. **4 P.M. – PH TO CONVEY BOARD-OWNED PROPERTY TO EASTWOOD PROPERTIES, INCORPORATED (LEE DISTRICT)** (5:23 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 March 22 and March 29, 2013.

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

Following the public hearing, which included testimony by one speaker, Chairman Bulova, noting that the speaker Kay Dubb, President of Devonshire Townhomes, introduced herself as the “mother hen,” presented her chicken figurine (which Supervisor Hyland had gifted to her earlier in the meeting) to Ms. Dubb.

(NOTE: Earlier in the meeting, Supervisor Hyland gifted Board Members with the chicken figurines. See Clerk’s Summary Item #50.)

Supervisor McKay moved adoption of the Resolution authorizing the conveyance of Board-owned property to Eastwood Properties, Incorporated. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

62. **BOARD RECESS** (5:31 p.m.)

Chairman Bulova announced that the Board would recess until 6 p.m., at which time the School Board will give a presentation, followed by the public hearing on the Fiscal Year 2014 Advertised Budget.

At 5:31 p.m. the Board recessed briefly and at 6:05 p.m., reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

DET:det/PMH:pmh/DAL:dal/EBE:ebe

63. **6 P.M. – PH ON THE COUNTY EXECUTIVE’S PROPOSED FISCAL YEAR (FY) 2014 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYs 2014-2018 (WITH FUTURE FYs TO 2023) AND THE CURRENT APPROPRIATION IN THE FY 2013 REVISED BUDGET PLAN** (6:05 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notices of said public hearings were duly advertised in that newspaper in the issues of March 22 and March 29, 2013.

Chairman Bulova announced that tonight is the first of three nights of public hearings on the FY 2014 Budget as proposed by the County Executive. She announced that

the public hearing would begin with a presentation by the School Board and called upon Ilryong Moon, Chairman, Fairfax County School Board.

Mr. Moon introduced the following members of the School Board who were present in the Board Auditorium:

- Tamara Derenak Kaufax, Lee District
- Jane Strauss, Dranesville District
- Sandy Evans, Mason District
- Megan McLaughlin, Braddock District
- Kathy Smith, Sully District
- Dan Storck, Mount Vernon District
- Ted Velkoff, At Large

Mr. Moon delivered the School System's annual presentation.

Chairman Bulova introduced the following members of the School Board who were now present in the Board Auditorium:

- Pat Hynes, Vice Chairman and Hunter Mill District
- Ryan McElveen, At Large

Discussion ensued, with input from Mr. Moon and Jack Dale, Superintendent, Fairfax County School Board, concerning:

- Head Start expansion
- Closing the student achievement gap
- The Priority Schools Initiative and how it is impacted in the requested budget
- Funding priorities meeting goals
- "Pre-K Around the Beltway" report
- Presentation of the School Board's challenges in real, concrete terms
- Percentage of community college students in remedial classes

- School psychologists providing assessments and testing versus counseling
- Hiring of advocates to work through the Individual Evaluation Program (IEP) procedure
- Use of trailers for classrooms
- Proffer system
- Class size formula
- Teacher compensation
- Independent auditor
- Remediation

DAL:dal

Discussion continued, with input from Mr. Moon and Dr. Dale regarding the State match for compensation.

Supervisor Herrity asked the School Board to provide information regarding the compensation for half the year.

Supervisor Foust also asked the School Board to provide a narrative with the numbers.

Following discussion regarding temporary trailers, Supervisor Gross asked the School Board and County budget staff to provide information from the early 1990's regarding a comparison of the number of trailers versus the number of students and where those trailers are now.

Discussion continued, with input from Mr. Moon and Dr. Dale, regarding temporary trailers.

Chairman Bulova noted that this is Dr. Dale's last budget hearing and meeting before the Board, and thanked him for his years of service to the Fairfax County School System and the County. She also noted that the Board will have the opportunity at a later date to formally express thanks.

Chairman Bulova also thanked Mr. Moon for his presentation.

Chairman Bulova announced that the Board would proceed with the public hearing on the proposed FY 2014 budget, and provided instructions regarding the rules of order for the meeting.

(7:26 p.m.)

Following the testimony of Mark Lowham (Speaker Two), Member of the Economic Development Authority (EDA), Chairman Bulova recognized the presence of Dr. Gerald L. Gordon, President and Chief Executive Director of the EDA, and, on behalf of the Board, warmly welcomed him to the Board Auditorium.

(7:32 p.m.)

Following the testimony of Arthur Purves (Speaker Three), Representative of the Fairfax County Taxpayers Alliance, Chairman Bulova recognized and introduced Boy Scout Troop 1523 from the Annandale area, and, on behalf of the Board warmly welcomed them to the Board Auditorium.

(7:52 p.m.)

Following the testimony of Suzette Kern (Speaker Eight), Chair of the Lee District Budget Advisory Group, Supervisor McKay thanked Ms. Kern for her leadership on the Budget Committee and the Community Services Board. He also noted that he circulated copies of the FY 2014 Lee District Budget Advisory Group Report to Board Members earlier in the meeting and there is a link to the report on the Lee District website <http://www.fairfaxcounty.gov/lee/>.

(9:30 p.m.)

Following the testimony of Michele Menapace (Speaker 29), Supervisor McKay thanked Ms. Menapace for her work with the Lee District Budget Advisory Group.

64. **BOARD RECESS** (9:42 p.m.)

Chairman Bulova announced that the Board would recess until 3 p.m. on April 10, 2013, at which time the budget public hearings will continue regarding the:

- Proposed adoption of the County Executive's Fiscal Year (FY) 2014 Advertised Budget Plan
- Capital Improvement Program for FY 2014–2018 (with future FYs to 2023)
- Current appropriation level in the FY 2013 Revised Budget Plan

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