



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

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

**TUESDAY  
December 3, 2013**

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**22-13**

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**DET:det**

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, December 3, 2013, at 9:36 a.m., there were present:

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

Others present during the meeting were Edward L. Long Jr., County Executive; David P. Bobzien, County Attorney; 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; Ekua Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of Clerk to the Board of Supervisors.

**AGENDA ITEMS****1. CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE WESTFIELD HIGH SCHOOL MARCHING BAND (SULLY DISTRICT) (9:36 a.m.)**

Supervisor Frey announced that the Westfield High School Marching Bulldogs was only the third Virginia band in history and the first from the County to be asked to participate in the Tournament of Roses Parade. He added that a brass quintet from the band played holiday music in the Forum prior to the beginning of the Board meeting.

Supervisor Frey moved approval of the Certificate of Recognition presented to members of the Westfield High School marching band for noteworthy musicianship, marching ability, uniqueness and adroitness to perform field show maneuvers while marching, resulting in an invitation to participate in the 2014 Tournament of Roses Parade in Pasadena, California, on January 1, 2014. Supervisor Hudgins seconded the motion.

Following a presentation by select members of the 275 member band, discussion ensued concerning the band's fundraising efforts.

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

Chairman Bulova recognized Sully District School Board Member Kathy Smith who was in the auditorium and warmly welcomed her.

**2. RECOGNITION OF COUNTY EMPLOYERS SELECTED AS "BEST WORKPLACES FOR COMMUTERS" (9:56 a.m.)**

Chairman Bulova introduced Phil Winters, Director, Transportation Demand Management Program, Center for Urban Transportation Research, University of South Florida. Mr. Winters stated that the following ten workplaces met the National Standard of Excellence in providing commuter-friendly benefits, programs, and services to its employees; he added that this brings to 38 the total of number of "Best Workplaces for Commuters" in the County which represents about 10 percent of the national total of workplaces being recognized:

- Virginia International University at Fairfax County
- Ellucian, Fairfax
- Washington Gas
- ActioNet Incorporated
- The MITRE Corporation

- Noblis, Falls Church
- ExxonMobil
- The Corporate Office Centre, Tysons II (Best Site)
- Fair Lakes Business Park (Best Site) (not present)
- General Dynamic Information Technology (not present)

3. **CERTIFICATE OF RECOGNITION PRESENTED TO WESTBRIAR ELEMENTARY SCHOOL (HUNTER MILL DISTRICT)** (10:05 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Westbriar Elementary School for outstanding performance on State academic assessments and noteworthy gains in student achievements resulting in being designated a 2013 National Blue Ribbon School by the US Department of Education. Supervisor Foust seconded the motion and it carried by unanimous vote.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE CHANTILLY HIGH SCHOOL GOLF TEAM AND TEAM MEMBERS MR. MIKE SCIORRA AND MS. JUHEE BAE (SULLY DISTRICT)** (10:11 a.m.)

Supervisor Frey moved approval of Certificates of Recognition presented to the following:

- The Chantilly High School golf team for outstanding athletic ability and remarkable determination, motivation, and preparation resulting in winning the 2013 Virginia Championship at Meadowbrook Country Club in Richmond, Virginia
- Mr. Mike Sciorra for outstanding play at the 2013 Virginia Championship at Meadowbrook Country Club in Richmond, Virginia, resulting in winning the individual State championship
- Ms. Juhee Bae for outstanding play at the Virginia High School League Girls Open Championship tournament at Jefferson Lakeside Country Club, Richmond, Virginia, resulting in winning first place

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

5. **CERTIFICATE OF RECOGNITION PRESENTED TO COUNTY CIRCUIT COURT CLERK JOHN FREY** (10:21 a.m.)

Supervisor Cook moved approval of the Certificate of Recognition presented to County Circuit Court Clerk John Frey for his initiative to make County court opinions available to the public without charge and online, resulting in receiving an Open Government Award from the Virginia Coalition for Open Government. Supervisor Frey, Supervisor Herrity, and Supervisor Hyland jointly seconded the motion.

Following discussion concerning Mr. Frey's efforts, the question was called on the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. DAVE LAVERY** (10:29 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to Mr. Dave Lavery for his exceptional leadership; strong management skills; distinguished knowledge of robotics; technical understanding of landing requirements on Mars; and his vision of the possibilities as the National Aeronautics and Space Administration (NASA) team leader of the Curiosity Rover Mission to Mars, resulting in being awarded the 2013 Samuel J. Heyman Service to America Medal in the science and environment category by the Partnership for Public Service. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Following discussion concerning Mr. Lavery's public service, commitment to the Herndon Robotics team, as well as the accomplishments of his co-recipients, the question was called on the motion and it carried by unanimous vote.

Chairman Bulova recognized a representative from the office of Congressman Gerry Connolly who presented Mr. Lavery with recognitions that appeared in the Congressional Record.

7. **RESOLUTION PRESENTED TO MR. JOHN WHITE FOR HIS COMMUNITY OUTREACH** (10:42 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Mr. John White for his noteworthy and honorable service to the Orange Hunt community. Supervisor Hyland seconded the motion.

Following discussion concerning Mr. White's efforts to keep the community well-kept and to return lost items to the owners, the question was called on the motion and it carried by unanimous vote.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY GOVERNMENT CHANNEL 16** (10:50 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of a Certificate of Recognition presented to Government Channel 16 for creative programs addressing community needs and developing diverse community involvement, resulting in receiving a 2013 Hometown Video Award for Overall Excellence in Government Access and the prestigious Children's Program Award from the Alliance for Community Media. Vice-Chairman Gross and Supervisor Hyland jointly seconded the motion.

Following discussion concerning the Channel's professionalism, quality of work, and attention to detail, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **10:30 A.M. – ADOPTION OF THE 2014 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY, APPROVAL OF THE COUNTY'S 113<sup>TH</sup> CONGRESS FEDERAL LEGISLATIVE STRATEGY, AND ADOPTION OF PRINCIPLES FOR FEDERAL LEGISLATION FOR THE 113<sup>TH</sup> CONGRESS** (11:01 a.m.)

Supervisor McKay, Chair of the Board's Legislative Committee, stated that the Board has vetted the Legislative Package on numerous occasions, including conducting a public hearing, and noted that the first action the Board will take is to adopt the 2014 State Legislative Program and Human Services Issue Paper. He stated that the Board's basic principles remain largely the same as last year: the State must fully fund K-12 education and refrain from infringing on the County's land-use and taxing authority. He added that one key difference in the County's position is on transportation funding as the 2013 General Assembly provided the first significant infusion of State transportation dollars in over 20 years with the enactment of House Bill (HB) 2313 and, as a result, the County is ready to begin funding new transportation projects that will bring great congestion relief to the region. He noted that it is essential that Northern Virginia continue to receive its fair share of State-wide revenues from the bill in addition to the increased Northern Virginia revenues that result from the higher tax rates that the bill included and that Northern Virginians are paying.

Supervisor McKay said that the County has been particularly affected by substantial cuts to cost-of-competing adjustment funding for support staff and that the County's program urges that the State fully meet its responsibility to adequately fund K-12 education including full restoration of cost-of-competing funds.

He indicated that another area that has experienced significant cuts over the last several years is Human Services and a Human Services Issues Paper is again a

part of the package which asks the State to begin restoring funding for a number of Human Service programs. He added that when the Board has its roundtable discussion with the General Assembly, a significant portion of the agenda will be dedicated to a discussion of the County's Human Services' needs.

Supervisor McKay noted that there are three items under consideration for initiatives this year:

- A technical correction that would allow juvenile and domestic relations court staff to view, via secure remote access, the same records that they currently view in paper form, providing significant time-savings and efficiencies for court staff
- An initiative to allow local governments to offset some of their energy consumption by generating renewable energy on their property
- A request for a study by the State's Joint Legislative Audit and Review Commission (JLARC) to address ongoing and significant problems with the State's broker for Medicaid-funded transportation services

Supervisor McKay moved that the Board adopt the 2014 Legislative Program and Human Services Issues Paper. The motion was multiply seconded.

Discussion ensued concerning:

- Baseline delivery of Human Services
- Preparation of laminated budget fact sheets
- Elimination of the Business, Professional and Occupational Licenses (BPOL) taxes and the effect on the County's tax base

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY."

Supervisor McKay, noting the uncertainty of the federal budget process, stated that the County will:

- Continue to pursue a strategic approach to federal funding opportunities
- Continue to highlight the importance of the National Capital Region and its connection to the functioning of the federal government

- Focus on funding for transportation and protecting the social safety net during difficult economic times
- Be actively working to protect existing federal investments in the County, particularly military installations, civilian federal workforce, and federal contractors which are vital to the local economy
- Continue to proactively position itself to take advantage of federal opportunities as they arise, including the relocation of the Federal Bureau of Investigation (FBI), and the growing field of cybersecurity

Supervisor McKay moved that the Board adopt the 113th Congressional Federal Funding Strategy and the Principles for Federal Legislation in the 113th Congress. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

Supervisor McKay stated that the last item for consideration was a reaffirmation of the discussion at the Board's last Legislative Committee meeting concerning Transit Service Delivery Advisory Committee (TSDAC). He said the will of the Board was to move forward with the Chairman sending a letter to the Secretary of Transportation and the Director of the Virginia Department of Rail and Public Transportation (VDRPT) outlining the Board's concerns with the TSDAC transit funding effort.

Supervisor McKay moved that the Board reaffirm its endorsement of the TSDAC letter dated November 26, 2013. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion.

Discussion ensued concerning:

- TSDAC and formula changes which would put the County and other jurisdictions in Northern Virginia at a disadvantage
- The amount of funding the County contributes
- The desire to postpone action by the CTB until critical issues for Northern Virginia can be resolved
- A TSDAC minority report reflecting the huge financial implications and bad policy precedent that would be set if it is enacted
- Setting a precedent for funding other services throughout the Commonwealth

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

EBE:ebe

10. **10:40 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:19 a.m.)

(APPTS)  
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard December 3, 2013,” as distributed around the dais. Supervisor Hyland seconded the motion.

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

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

Supervisor Hyland moved that the Board direct the County Attorney to review and report with the correspondence received regarding the Wetlands Board concerning the following issues:

- Whether it is fair and objective in its deliberations
- Whether it is anti-business in its actions
- The efficacy of the Board in its handling of cases

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

Appointments are as follows:

**ADVISORY SOCIAL SERVICES BOARD**

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

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

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



**AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)**

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

**ATHLETIC COUNCIL**

Reappointment of:

- Mr. Clement Chan as the Diversity-At-Large Principal Representative

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

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

The Board deferred the appointment of the Mason Representative.

**BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS**

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

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS**

Reappointment of:

- Mr. Joseph Blackwell as the At-Large #2 Representative

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

The Board deferred the appointment of the Sully District Representative.

**CHILD CARE ADVISORY COUNCIL**

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

**CITIZEN CORPS COUNCIL**

The Board deferred the appointment of the Providence District Representative.

**CIVIL SERVICE COMMISSION**

Reappointment of:

- Mr. Thomas Garnett as the At-Large #6 Representative

The Board deferred the appointment of the At-Large #3, #8, and #9 Representatives.

**COMMISSION ON AGING**

The Board deferred the appointment of the Hunter Mill District Representative

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION**

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

**COMMUNITY ACTION ADVISORY BOARD (CAAB)**

Confirmation of:

- Ms. Marcia McDevitt as the League of Women Voters Representative

**COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP**

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

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**

Appointment of:

- Mr. Justin E. Fairfax as the Mason District Representative
- Mr. Adam Samuel "Sammy" Roth as the Providence District Representative

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

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II**

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

**ENGINEERING STANDARDS REVIEW COMMITTEE**

Confirmation of:

- Mr. William Hicks as the Department of Public Works and Environmental Services Representative

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

Appointment of:

- Mr. Robert Alexander “Alex” Robbins as the Providence District Representative

The Board deferred the appointment of the Braddock District Representative.

**FAIRFAX AREA DISABILITY SERVICES BOARD**

Reappointment of:

- Ms. Harriet Epstein as the Providence District Representative

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

**HEALTH SYSTEMS AGENCY BOARD**

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

**HISTORY COMMISSION**

Reappointment of:

- Ms. Phyllis Walker Ford as the At-Large #3 Representative

Appointment of:

- Ms. Rachel Rifkind as the Citizen #7 Representative

**HUMAN RIGHTS COMMISSION**

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

**HUMAN SERVICES COUNCIL**

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

**INDUSTRIAL DEVELOPMENT AUTHORITY**

The Board deferred the appointment of the At-Large #3 and #5 Representatives.

**LIBRARY BOARD**

The Board deferred the appointment of the Braddock District Representative.

**MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY**

The Board deferred the appointment of the Community Representative.

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

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

**PARK AUTHORITY**

Reappointment of:

- Ms. Kala L. Quintana as the At-Large #1 Representative

**PLANNING COMMISSION**

Appointment of:

- Mr. John Ulfelder as the Dranesville District Representative (Effective January 17, 2014)

Reappointment of:

- Mr. Earl Layton Flanagan as the Mount Vernon District Representative

**ROAD VIEWERS BOARD**

Reappointment of:

- Mr. Marcus Wadsworth as the At-Large #3 Representative
- Mr. Micah D. Himmel as the At-Large #5 Representative

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

**TENANT LANDLORD COMMISSION**

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

**TREE COMMISSION**

Appointment of:

- Mr. Charles “Rick” Ayers as the Providence District Representative

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

**TRESPASS TOWING ADVISORY BOARD**

The Board deferred the appointment of the Citizen Alternate Representative.

**UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES**

Confirmation of:

- Mr. Thomas M. Simcoe as the Retiree Representative

**WETLANDS BOARD**

Appointment of:

- Ms. Anita Van Breda as the At-Large #2 Representative

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

11. **ADMINISTRATIVE ITEMS** (11:22 a.m.)

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

Supervisor Gross called the Board’s attention to Admin 3 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5A, and Appendix G (Residential Permit Parking Districts) Related to Administration and Eligibility and asked what changes were made to the revised item distributed around the dais. Discussion ensued with input from Maria Turner, Transportation Planner, Department of Transportation, who clarified the two changes on the revised item.

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

**ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (MASON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-S13-23	AT&T Mobility Telecommunications co-location on Hyatt-Fair Lakes rooftop 12777 Fair Lakes Circle, Fairfax Springfield District	February 21, 2014
2232-P13-13	Facilities Management Department Tinner Hill historic site 108 Tinner Hill Road, Falls Church Providence District	June 9, 2014
2232-M13-14	Fairfax County School Board Retrofit existing office building use as an elementary school 6245 Leesburg Pike, Falls Church Mason District	June 15, 2014

**ADMIN 2 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING HOME CHILD CARE FACILITIES AND CHILD CARE CENTERS FOR OCCASIONAL CARE**

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 8, 2014, at 8:15 p.m., and before the Board on **February 11, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding home child care facilities and child care centers for occasional care.

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5A, AND APPENDIX G (RESIDENTIAL PERMIT PARKING DISTRICTS) RELATED TO ADMINISTRATION AND ELIGIBILITY**

- (A) (NOTE: Earlier in the meeting, this item was discussed. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **January 14, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5A, and Appendix G (Residential Permit Parking Districts), related to administration and eligibility.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON A PART OF LYLES ROAD AND CONVEY THE ABANDONED RIGHT-OF-WAY TO ECHO, INCORPORATED (LEE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 14, 2014, at 4 p.m.** regarding a proposal to abandon a part of Lyles Road and convey the abandoned right-of-way to Echo, Incorporated.

**ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (SULLY DISTRICT)**

- (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>
Addition to Fair Lakes Crossing	Sully	Cochran Place
		Scotch Run Court
		Stringfellow Road (Route 645) (Additional Right-of-Way Only)

12. **A-1 – REINSTATEMENT OF FUNDING FOR OPA/TEAM/MANAGERIAL AWARDS PROGRAM AND IMPLEMENTATION OF AN INCENTIVE REINVESTMENT INITIATIVE FOR EMPLOYEE DEVELOPMENT**  
(11:25 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the reinstatement of funding for the OPA/Team/Managerial Excellence Awards program and the implementation of an Incentive Reinvestment Initiative for employee development. Supervisor Hyland seconded the motion.

Supervisor McKay asked unanimous consent that the Board direct staff to provide information about the Cross-County Workgroup which worked on this program and how the membership was established. Without objection, it was so ordered.

Edward L. Long Jr., County Executive, noted that the information will be provided to the Board.

Chairman Bulova noted that it was Mr. Long who suggested that the Board resume the program and thanked him for making sure staff is properly rewarded for their exemplary work.

Following a brief discussion, regarding the memorandum, the question was called on the motion and it carried by unanimous vote.

13. **A-2 – APPROVAL OF MEMORANDUM OF AGREEMENT (MOA) WITH THE SHERIFF CONCERNING PERSONNEL ADMINISTRATION AND GRIEVANCE PROCEDURE** (11:27 a.m.)

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

- Approve entering into a MOA with the Sheriff, memorializing the agreement between the Board and the Sheriff regarding the placement of her employees under the County's Personnel System and Grievance Procedure
- Authorize the County Executive to sign the revised MOA on behalf of the Board

Supervisor Gross noted a date change in the agreement from September 30, 2013 to November 25, 2013, the swearing in date of Stacey Kincaid as the Sheriff.

Supervisor McKay seconded the motion.

Chairman Bulova acknowledged the presence of Sheriff Kincaid in the Board Auditorium and warmly welcomed her.

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

14. **A-3 – APPROVAL OF LETTER TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) REGARDING THE REPORT ON CAPITAL ASSISTANCE ALLOCATION METHODOLOGY FOR TRANSIT FUNDING** (11:30 a.m.)

(NOTE: Earlier in the meeting, this item was addressed in the Legislative package. See Clerk's Summary Item #9.)



Chairman Bulova confirmed that the Board has already taken action on this item as part of the Legislative package.

15. **A-4 – APPROVAL TO AUTHORIZE THE SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND PUBLIC IMPROVEMENT REFUNDING BONDS** (11:31 a.m.)

(R)  
(BONDS)

On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution authorizing the issuance of the General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. This resolution:

- Delegates to the County Executive or Chief Financial Officer authority to award the bonds to the lowest responsive bidder. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions
- Approves the form of the notice of sale and the Official Statement for the Public Improvement Bonds
- Authorizes the Chairman, Vice Chairman, County Executive or Chief Financial Officer to sign the Official Statement for the Public Improvement Bonds
- Provides the flexibility that Public Improvement Refunding Bonds (or public improvement bonds) may be sold in a negotiated transaction with a County chosen underwriter(s)

16. **A-5 – ACTION ON A PARKING REDUCTION FOR HUNTINGTON AVENUE PROPERTIES (MOUNT VERNON DISTRICT)** (11:31 a.m.)

Chairman Bulova announced that this item will be considered with the decision on Rezoning Application RZ 2013-MV-001 (A&R Huntington Metro LLC) later in the meeting.

Supervisor Hyland announced that this item will be deferred to a later date.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk’s Summary Item #31.)

17. **A-6 – APPROVAL OF A REVOLVING LINE OF CREDIT AND DIRECT LOAN** (11:32 a.m.)

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

- Adopt a Resolution authorizing the execution and delivery of a Master Credit Agreement with the Economic Development Authority (EDA) which also authorizes a Line of Credit of up to \$100 million. This resolution delegates to the County Executive and Chief Financial Officer authority to determine details and execute and deliver documents and agreements relating to these transactions. Bond Counsel has advised that this form of authorization is acceptable.
- Authorize the execution and delivery of a Master Credit Agreement and Loan Agreement with the EDA which also authorizes a Direct Loan of \$35 million.

Supervisor Smyth seconded the motion. Discussion ensued, with input from Susan Datta, Chief Financial Officer and Director, Department of Management and Budget, and Edward L. Long, Jr., County Executive, regarding the line of credit contract expiration date and effects on County services.

Discussion continued, with input from Mr. Long, regarding the approval process if there was the need to draw down on the line of credit, and the process for doing it in case of an emergency.

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.”

18. **I-1 – PRESENTATION OF THE FISCAL YEAR (FY) 2013 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (11:35 a.m.)

The Board next considered an item contained in the Board Agenda dated December 3, 2013, regarding the FY 2013 CAFR.

Edward L. Long, Jr., County Executive thanked the Department of Finance and everyone else involved for a job well done in ensuring a sound financial base in the County.

Discussion ensued, with input from Susan Datta, Chief Financial Officer and Director, Department of Management and Budget, regarding the Management letter referenced on Pages 4 and 5 of the Required Communications Letter tab of the report.

Ms. Datta noted that this is the final audit for Victor Garcia, Director of Finance, who will be retiring from the County in a few months.

Chairman Bulova congratulated and thanked Mr. Garcia for a job well done and his service to the County.

19. **I-2 – PLANNING COMMISSION (PC) ACTION ON APPLICATION 2232A-D01-4-1, SIRIUS XM (DRANESVILLE DISTRICT)** (11:38 a.m.)

The Board next considered an item contained in the Board Agenda dated December 3, 2013, announcing that the PC approved Public Facilities Application 2232A-D01-4-1. The PC noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. The application sought approval of the following modifications: Install one new panel antenna on the rooftop (Dimensions: Height: 38", Width: 21", Depth: 8"); relocate one existing dish on the rooftop; install one new dish with GPS on the rooftop; and replace one existing cabinet on existing steel platform that is located on the rooftop with one new cabinet. The property is located at 1350 Beverly Road, Tax Map 30-2 ((1)) 0030B.

20. **I-3 – CONTRACT AWARDS DURING THE PERIOD BETWEEN THE DECEMBER BOARD MEETING AND THE FIRST BOARD MEETING IN JANUARY** (11:38 a.m.)

The Board next considered an item contained in the Board Agenda dated December 3, 2013, announcing that the County Executive or the appropriate Deputy County Executive will continue to award contracts during the period between the December meeting and the first meeting in January. Whenever a contract exceeds the estimate by 10 percent, it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive notification of all contracts awarded.

**DET:det**

**ADDITIONAL BOARD MATTERS**

21. **REQUEST FOR RECOGNITIONS** (11:39 a.m.)

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

- Department of Public Works and Environmental Services and engineering representatives from other County departments to accept a proclamation recognizing February 16–22, 2014, as “*Engineers Week*,” in Fairfax County

- Human Rights and Equity Programs to accept proclamations recognizing:
  - February 2014 as “*African American Heritage Month*” in Fairfax County
  - April 27, 2014 as “*Holocaust Remembrance Day*” in Fairfax County
  - April 2014 as “*Fair Housing Month*” in Fairfax County
  - May 2014 as “*Asian/Pacific American Heritage Month*” in Fairfax County
  - September 2014 as “*Hispanic Heritage Month*” in Fairfax County
  - October 2014 as “*Disability Employment Awareness Month*” in Fairfax County
  - November 2014 as “*American Indian Heritage Month*” in Fairfax County

Without objection, it was so ordered.

22. **STUDENT MEAL ASSISTANCE FUND** (11:40 a.m.)

In a joint Board Matter with Supervisor Cook, Chairman Bulova said that the County makes a tremendous effort to prevent and end homelessness in the County. Recently, this trend has caught on at George Mason University (GMU). After finding that there is a small but real population of homeless college students on GMU's campus, two GMU seniors set up a Student Meal Assistance Fund which allows students and the community to donate to an account that provides meals to students in need.

Chairman Bulova noted that the two students, Yara El Mowafy and Jordan Bivings, collected over 2,000 signatures from peers who said they would donate meals to their fellow classmates in need. Now, in partnership with the GMU Foundation, Incorporated, and other organizations, Yara and Jordan are working hard to solicit donations to the fund and making a real difference in the GMU community.

Interested parties can support the fund by donating online at [www.give.gmu.edu](http://www.give.gmu.edu).

Chairman Bulova asked unanimous consent that the Board direct staff to invite Yara El Mowafy and Jordan Bivings to appear before the Board and be recognized for their outstanding efforts and commitment to aiding homeless individuals in the County and particularly at GMU. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

**EBE:ebe**

23. **THOMAS JEFFERSON HIGH SCHOOL FOR SCIENCE AND TECHNOLOGY (TJ) TJ<sup>3</sup> SAT LAUNCH (MASON DISTRICT)**  
(11:43 a.m.)

In a joint Board Matter with Supervisor Foust, Supervisor Gross said that in 2006, students at TJ, started what became a multi-year project to design a small, cube shaped satellite. Initially started as an extracurricular club, the TJ<sup>3</sup>Sat project evolved into a Systems Engineering class, and then a senior research project. Over the years, roughly 50 students worked on the project. It has survived school budget cuts, a recession, and even delays from the government shutdown. Finally, seven years later, the TJ<sup>3</sup>Sat project came to fruition. On November 19, 2013, the satellite was attached to an Orbital Minotaur I rocket and launched from NASA's Wallops Island on the Virginia Eastern Shore. The TJ<sup>3</sup>Sat is the first satellite designed and built by high school students.

Supervisor Gross also recognized the support provided by the Orbital Sciences Corporation, for its initial donation of \$30,000, its continued collaboration with the students in the development of this project, and for launching the TJ<sup>3</sup>Sat with its rocket's payload.

Therefore, Supervisor Gross moved that the Board:

- Applaud this achievement
- Direct staff to invite TJ Principal Evan Glazer, TJ<sup>3</sup>Sat Project Advisor Adam Kemp, and representatives from Orbital Science Corporation to be recognized by the Board
- Direct staff to also invite any and all TJ students or alumni who have worked on this project

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

24. **WAIVER OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) CONNECTION FEE FOR SILVER LINE STATIONS AND PROPERTIES IN THE COUNTY (DRANESVILLE DISTRICT)** (11:45 a.m.)

In a joint Board Matter with Supervisor Hudgins, Supervisor Foust said that during construction of Phase 1 of the Silver Line, WMATA approved a revision to its direct connection policy to WMATA stations and properties. Under the policy change, WMATA was able to waive connection fees for the four Silver Line stations in Tysons Corner. That change was in consideration of real estate proffers and funding provided for transit infrastructure by private landowners adjacent to the four stations.

Supervisor Foust explained that WMATA's policy change did not address connection fees for Phase 1 and Phase 2 stations and facilities located outside the Tysons Corner area even though private landowners adjacent to these stations and facilities, like its Tysons Corner counterparts, are contributing to the Silver Line infrastructure. The County stations outside Tysons Corner are: Wiehle–Reston East, Reston Town Center, Herndon and Innovation Center.

Therefore, Supervisor Foust moved that the Board direct staff to prepare a letter for the County Executive's signature to WMATA, requesting that WMATA waive connection fees for all Silver Line stations and facilities located in the County consistent with the already approved waiver of fees granted to the Tysons Corner stations. Supervisor Hudgins seconded the motion.

Following a brief discussion regarding the waiver, the question was called on the motion and it carried by unanimous vote.

**PMH:pmh**

25. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (11:47 a.m.)

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

26. **CHRISTOPHER LAND, LLC – REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2013-SU-010 (SULLY DISTRICT)** (11:48 a.m.)

Supervisor Frey said that Christopher Land, LLC has filed Rezoning/Final Development Plan Application RZ/FDP 2013-SU-010 to rezone 3.7 acres from the R-1 District to the PDH-2 District to permit seven single family detached homes on property known as Tax Map 44-4 ((1)) parcel 18. Last month the Board approved a date certain for the Board public hearing. Unfortunately, affidavit issues will preclude the case from being reviewed by the Board this year.

Consequently, the applicant has requested the ability to concurrently process the subdivision plans with the zoning application.

Therefore, Supervisor Frey moved that the Board direct the Director of the Department of Public Works and Environmental Services to accept for concurrent processing, the site and subdivision plans and plats associated with Rezoning/Final Development Plan Application RZ/FDP 2013-SU-010. The applicant understands that this motion should not be considered as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards. Supervisor Foust and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

27. **REQUEST FOR RECOGNITION OF FORMER SHERIFF STAN BARRY**  
(11:48 a.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor Smyth, and Chairman Bulova, Supervisor McKay said that now that the election is over it is important to recognize the great work of Sheriff Stan Barry.

Supervisor McKay referred to his written Board Matter which outlined Sheriff Berry's many accomplishments to the County and he asked unanimous consent that the Board direct staff to invite Sheriff Barry to appear before the Board to be recognized at a future date for his outstanding service to the citizens of the County. Without objection, it was so ordered.

28. **FAIRFAX SYMPHONY ORCHESTRA** (11:51 a.m.)

Supervisor Smyth announced that next year space will be made available for the offices of the Fairfax Council of the Arts and Fairfax Symphony Orchestra. She said that with the Fairfax Symphony Orchestra moving its offices to Merrifield it is looking for opportunities to introduce the Symphony to the neighborhood. The first opportunity is next week in a joint project between the Symphony and the Angelika Theater. The Symphony will present "Christmas in Black and White" on Thursday, December 12 at 6 p.m. and 8 p.m. showings at the Angelika Film Center.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to help publicize this event. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

29. **NO BOARD MATTERS FOR SUPERVISOR HUDGINS (HUNTER MILL DISTRICT)** (11:53 a.m.)

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

30. **RECOGNIZING JESSICA AND RAYMOND BURMESTER FOR THEIR SERVICE ON THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB)** (11:53 a.m.)

(BACs) In a joint Board Matter with Chairman Bulova, Supervisor Cook said that it has come to his attention that Mrs. Jessica Burmester will be resigning her position on the CSB.

Supervisor Cook said that Jessica and Raymond Burmester have served on the CSB for a total of nine terms, equaling more than two decades of service. To honor their service, Supervisor Cook asked unanimous consent that the Board direct staff to:

- Direct staff to invite them to appear before the Board to be recognized for their service
- Declare “*Jessica and Raymond Burmester Day*” in Fairfax County.

Without objection, it was so ordered.

**DET:det**

31. **WITHDRAWAL OF AND NEXT STEPS FOR REZONING APPLICATION RZ 2013-MV-001 (A&R HUNTINGTON METRO, LLC (MOUNT VERNON DISTRICT))** (11:56 a.m.)

Supervisor Hyland said that on November 19, 2013, the Board held a public hearing on Rezoning Application RZ 2013-MV-001 filed by A&R Huntington Metro LLC, to rezone approximately 1.04 acres of land from the C-5 District to the PRM District to permit the development of a multi-family building containing up to 139 residential units and up to 35,324 square feet of ground floor retail at a 2.99 floor area ratio (FAR). The Board was also scheduled to hear a companion request for a parking reduction to permit the applicant to provide fewer parking spaces in the proposed development than the Zoning Ordinance otherwise would require. Several Members of the Board raised questions at the public hearing about the extent of the proposed parking reduction and how that would affect the project's viability and the neighborhood around it. Based on these concerns, Supervisor Hyland said that the Board deferred decision on the rezoning application and associated parking reduction to give time for his office to coordinate with the applicant to respond to the stated concerns.

Supervisor Hyland stated that in the intervening weeks, the applicant has decided to pursue expansion of the below-grade parking to provide an additional 30 parking spaces beyond the 161 currently proposed. The additional level of parking would bring the total number of parking spaces to 191, representing a parking ratio of approximately 1.3 spaces per residential unit and providing 10 spaces available to support the retail uses. The change primarily would occur



below grade and would not affect any of the streetscape, landscape, or other design elements of the project, as the principal impact is the amount of excavation required to expand the below-grade garage. Given the changes to the development plan and proffers, these changes will require a new public hearing before the Board and approval of the amended Final Development Plan (FDP) by the Planning Commission (PC).

Therefore, Supervisor Hyland moved that the Board:

- Remove Rezoning Application RZ 2013-MV-001 from the Board's current agenda.
- Pursuant to Section 18-204(1) of the Zoning Ordinance, direct the Department of Planning and Zoning and the Clerk to the Board to work with the applicant to prepare notices for and establish a new public hearing for Rezoning Application RZ 2013-MV-001, A&R Huntington Metro LLC, to be held on **January 28, 2018,\* at 4 p.m.**, to consider revisions to the CDP and associated proffers.
- Defer decision on the associated parking reduction proposal to that same date to give the applicant time to update its request to reflect the changes described today.
- Refer Final Development Plan Application FDP 2013-MV-001 back to the PC for further action in light of the changes to the CDP and proffers the applicant proposes to make.
- Direct the PC to complete its review of the amended FDP prior to the Board's public hearing on January 28, 2014.

This motion should not be construed to prejudice the consideration of the application in any way nor does it relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Supervisor McKay seconded the motion.

Supervisor Smyth noted that the motion misstated the date of the new public hearing and it was corrected to January 28, 2014.\*

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

32. **MOUNT VERNON COUNCIL RESOLUTION ON INVESTING IN SUCCESSFUL YOUTH (MOUNT VERNON DISTRICT)** (12:01 p.m.)

Supervisor Hyland said that on November 20, 2013, the Mount Vernon Council passed a resolution entitled *Investing in Successful Youth*. This in-depth resolution provides detailed recommendations on how to strengthen the way the

County provides support for human services through funding, collaboration, and redesign efficiencies. The resolution recommends continued and expanded support for the Community Services Board, Juvenile and Domestic Relations District Court, Housing Blueprint, and other human service and public safety service providers. Ultimately, the resolution seeks to ensure that the youth population of the County continues to have access to services that make them successful and self-sustaining members of society.

Supervisor Hyland moved that the Board refer the resolution to the County Executive for review and recommendations. Chairman Bulova seconded the motion.

Supervisor Hudgins asked unanimous consent that the Board direct staff to share the resolution with members of the Successful Children and Youth Policy Team (SCYPT). Without objection, it was so ordered.

Following discussion, with input from Edward L. Long Jr., County Executive, regarding potential budget implications, the question was called on the motion and it carried by unanimous vote.

33. **INTENT TO DEFER PUBLIC HEARINGS** (12:04 p.m.)

Supervisor McKay announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Rezoning Application RZ 2013-LE-008 later in the meeting.

Chairman Bulova announced that the public hearing on Rezoning Application RZ 2013-SU-010 will also be deferred.

Supervisor Smyth announced that the applicant for Rezoning Application 2009-PR-022 may be delayed and had asked that the Board allow him some flexibility in presenting his case to the Board.

34. **RECESS/CLOSED SESSION** (12:05 p.m.)

Supervisor Smyth moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *Mohammed R. Sarmadi v. Fairfax County Department of Family Services*, Record No. 131470 (Va. Sup. Ct.)
  2. *Joseph F. and Juliana Campagna, Fairfax Christian School, Inc., Hunter Mill East, LLC, Hunter Mill West, LLC, Robert L. and Rosemary S. Thoburn, and Thoburn Limited Partnership v. Fairfax County Board of Supervisors*, Case No. CL-2010-0005862 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  3. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Joseph Powers*, Case No. CL-2012-0003924 (Fx. Co. Cir. Ct.) (Lee District)
  4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald M. Douglas and Louise L. Douglas*, Case No. CL-2013-0003838 (Fx. Co. Cir. Ct.) (Springfield District)
  5. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sidney B. Hill and Wanda C. Hill*, Case No. CL-2012-0011053 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George L. Karsadi and Trisha D. Karsadi*, Case No. CL-2012-0010272 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tatjana Ute Fernandez and Gil Blanco Benitez*, Case No. CL-2012-0008162 (Fx. Co. Cir. Ct.) (Mason District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christine A. Bucierka*, Case No. CL-2007-0004195 (Fx. Co. Cir. Ct.) (Sully District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Angula L. Mitchell*, Case No. CL-2012-0009690 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump*, Case No. CL-2010-0010469 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chom Sun Cholihan*, Case No. CL-2013-0012453 (Fx. Co. Cir. Ct.) (Sully District)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Blanka Krizek*, Case No. CL-2013-0008510 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard Chiu*, Case No. CL-2013-0007284 (Fx. Co. Cir. Ct.) (Mason District)
14. *Board of Supervisors of Fairfax County, Virginia v. John G. Hanchin, Jr., and Lucinda L. Hanchin*, Case No. CL-2012-0012184 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Silvio A. Diaz and Amalia D. Jesus Diaz*, Case No. CL-2013-0011448 (Fx. Co. Cir. Ct.) (Mason District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Devin L. Battley*, Case No. CL-2013-0012500 (Fx. Co. Cir. Ct.) (Mason District)

17. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Gregg Riddiford*, Case No. CL-2013-0015905 (Fx. Co. Cir. Ct.) (Providence District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Zulma J. Funes*, Case No. CL-2013-0016706 (Fx. Co. Cir. Ct.) (Mason District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Rui C. Domingues and Bright Masonry, Inc.*, Case No. CL-2013-0016964 (Fx. Co. Cir. Ct.) (Providence District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Grand Shopping Center, LLC, and Amkim, Inc.*, Case No. CL-2013-0017032 (Fx. Co. Cir. Ct.) (Mason District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Grand Shopping Center, LLC, and BRJ Kim, Inc.*, Case No. CL-2013-0017062 (Fx. Co. Cir. Ct.) (Mason District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Nasreen Chowdhury and Anwaruz Zaman*, Case No. CL-2013-0017123 (Fx. Co. Cir. Ct.) (Springfield District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marjorie M. Hayes and George F. Hayes*, Case No. GV13-010168 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
24. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Samya Ahmed Salih and Mustafa Abdel Magee Younis*,

Case No. GV13-018971 (Fx. Co. Gen. Dist. Ct.)  
(Mason District)

25. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Charles V. Stanley, Jr.*, Case Nos. GV13-019037 and GV13-019038 (Fx. Co. Gen. Dist. Ct.) (Lee District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tammy L. Umbel*, Case No. GV13-018555 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
27. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. John M. King and Jaime L. Schisler*, Case No. GV13-020765 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Janet L. Perry*, Case No. GV13-021966 (Fx. Co. Gen. Dist. Ct.) (Mason District)
29. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Richard C. Arnold*, Case No. GV13-021277 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jeffrey A. Maisel*, Case No. GV13-020398 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Barbara A. Rojas*, Case No. GV13-020768 (Fx. Co. Gen. Dist. Ct.) (Lee District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hyung Kon Kim and Eun Hee Kim*, Case No. GV13-024988 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
33. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Audrey J. Gearhart*, Case No. GV13-024989 (Fx. Co. Gen. Dist. Ct.) (Providence District)

34. *Fairfax County Board of Supervisors v. Alisha Wilkerson*, Case No. GV13-016397 (Fx. Co. Gen. Dist. Ct.)
35. *Naveed Kaymanesh v. Fairfax County Police Department and County of Fairfax*, Case No. GV13-014159 (Fx. Co. Gen. Dist. Ct.)
36. *Virginia Ann Brown v. County of Fairfax, Brian Joseph Byerson, Delvine John Egan, and John Doe*, Case No. CL13008303-00 (Pr. Wm. Co. Cir. Ct.)
37. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Beverly K. Lester*, Case No. GV13-020155 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
38. *Noel Arguelles v. Amanda Wallace*, Case No. GV13-012458 (Fx. Co. Gen. Dist. Ct.); *Amanda Wallace v. Dora Alicia Navarro*, Case No. GV13-023570 (Fx. Co. Gen. Dist. Ct.)
39. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Brian Walsh*, Case No. GV13-023000 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David J. Moore, Jr., and Sterling E. Moore*, Case No. GV13-022462 (Fx. Co. Gen. Dist. Ct.) (Mason District)
41. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. David J. Moore, Jr., and Sterling E. Moore*, Case No. GV13-022463 (Fx. Co. Gen. Dist. Ct.) (Mason District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harry F. Kendall, III, and Laura P. Kendall*, Case No. GV13-024608 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert T. Hancasky and Marianne L. Hancasky*, Case No. GV13-024607 (Fx. Co. Gen. Dist. Ct.) (Lee District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Yang S. Gillis*, Case Nos. GV13-025047 and GV13-025046 (Fx. Co. Gen. Dist. Ct.) (Lee District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edson J. Barbosa and Michele P. Meloni-Barbosa*, Case No. GV13-025143 (Fx. Co. Gen. Dist. Ct.) (Mason District)
46. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Myla M. Archer*, Case No. GV13-025142 (Fx. Co. Gen. Dist. Ct.) (Mt. Vernon District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. William Garcia and Flor Garcia*, Case No. GV13-025141 (Fx. Co. Gen. Dist. Ct.) (Mason District)
48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tam Thanh Tran and Andrew Tran*, Case No. GV13-025272 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edwin H. Funk, Jr.*, Case No. GV13-025173 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- *Erroneous Real Estate Tax Assessment Appeals filed by Wilkes Artis, Chartered v. Board of Supervisors of Fairfax County*
- *MGA Virginia 85-1 Limited Partnership and Boston Properties Limited Partnership v. Board of Supervisors of Fairfax County*

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



DAL:dal

At 4:29 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

**ACTIONS FROM CLOSED SESSION**

35. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:29 p.m.)

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

36. **CHRIS PIETSCH APPOINTED AS DIRECTOR OF THE DEPARTMENT OF FINANCE** (4:30 p.m.)

Supervisor Gross moved the appointment of Mr. Chris Pietsch as Director, Department of Finance, E-12, with an annual salary of \$158,000 effective December 30, 2013. Supervisor Herrity seconded the motion and it carried by unanimous vote.

Chairman Bulova recognized the presence of Mr. Pietsch in the Board Auditorium and, on behalf of the Board, congratulated him on his appointment.

37. **SETTLEMENT OF MGA VIRGINIA 85-1 LIMITED PARTNERSHIP, ET AL., V. BOARD OF SUPERVISORS OF FAIRFAX COUNTY** (4:31 p.m.)

Supervisor Hudgins moved that the Board authorize the settlement of *MGA Virginia 85-1 Limited Partnership, et al., v. Board of Supervisors of Fairfax County*, on the terms recommended by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

38. **THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN FAIRFAX COUNTY** (4:31 p.m.)

Supervisor Hudgins moved that the Board authorize the acquisition of certain real property located in Fairfax County, Virginia, and the related actions necessary thereto, as outlined by the County Attorney in closed session. Chairman Bulova seconded the motion.

Supervisor Herrity stated that he would not be supporting the motion and proceeded to share his reason.

A brief discussion ensued, with input from David P. Bobzien, County Attorney, regarding legal concerns of the discussion.

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

### **ADDITIONAL BOARD MATTER**

39. **RECONSIDERATION OF LOCAL AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AR 87-V-001-03 (MOUNT VERNON DISTRICT)** (4:34 p.m.)

Supervisor Hyland said that on November 19, 2013, the Board approved Agricultural Renewal Application AR 87-V-001-03 to renew the Knipling Local Agricultural and Forestal District, subject to Ordinance provisions dated October 30, 2013. Subsequent to the approval, staff discovered that the Tax Map Number for one of the District parcels was inadvertently omitted from the parcel that is included in the approved Ordinance provisions. All of the parcel numbers were, however, advertised correctly for the hearing and all were correctly cited on the location map and all the graphics contained within the staff report of this application. To resolve the discrepancy in the approved Ordinance and Provisions, Supervisor Hyland moved that the Board reconsider the approval of AR 87-V-001-3 and amend the approved Ordinance provisions dated October 30, 2013, to include a Tax Map Number 118-1((5))-000Z in the list of affected parcel numbers. The Ordinance remains the same in all other respects. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

### **AGENDA ITEMS**

40. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-LE-008 (PENNDAW ASSOCIATES LIMITED PARTNERSHIP) (LEE DISTRICT)** (4:36 p.m.)

Supervisor McKay moved to defer the public hearing on Rezoning Application RZ 2013-LE-008 until **January 14, 2014, at 4 p.m.** Supervisor Hyland seconded the motion.

Following a brief discussion regarding the reason for the deferral, the question was called on the motion and it carried by unanimous vote.

41. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-SU-010 (CHRISTOPHER LAND, LLC) (SULLY DISTRICT)** (4:37 p.m.)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2013-SU-010 until **January 28, 2014, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

42. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-022 (JAMES M. HOLLINGSWORTH) (PROVIDENCE DISTRICT)** (4:38 p.m.)

Following a brief discussion regarding whether the applicant was present, Chairman Bulova announced that this public hearing will be held later in the meeting.

(NOTE: Later in the meeting, this public hearing was deferred. See Clerk's Summary Item #48.)

43. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-LE-005 (FRANCONIA SQUARE, LLC) (LEE DISTRICT)** (4:38 p.m.)

The application property is located at 6136 Franconia Road, Alexandria, 22310, Tax Map 81-3 ((4)) 4A.

Mr. John Manganello reaffirmed the validity of the affidavit for the record.

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

A brief discussion ensued regarding the development conditions, with input from Ms. Tsai.

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

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

Supervisor McKay moved:

- Approval of Special Exception Application SE 2013-LE-005, subject to the development conditions dated October 24, 2013.
- Modification of the Countywide trails plan for a major paved trail along Franconia Road in favor of the existing five-foot wide concrete sidewalk.

- Modification of Section 13-303 of the Zoning Ordinance for the transitional screening requirement along the northern property line to that shown on the Special Exception plat.
- Waiver of Section 13-203 of the Zoning Ordinance for peripheral parking lot landscaping along Franconia Road and Valley View Drive.

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

44. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-MA-007 (SOUTH BAYLO UNIVERSITY) (MASON DISTRICT) (4:45 p.m.)**

The application property is located at 7535 Little River Turnpike, Annandale, 22003, Tax Map 71-1 ((42)) 310E; 71-1 ((42)) 325A, 325B, 325C and common areas associated with 7535 Little River Tnpk.

Mr. Frederick R. Taylor reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Gross moved:

- Approval of Special Exception Application SE 2013-MA-007, subject to the development conditions dated October 23, 2013.
- Modification of the transitional screening requirements along the eastern and southern boundaries, in favor of the existing vegetation.
- Modification of the barrier requirements along the northern, eastern, and southern boundaries in favor of the existing barriers and vegetation.

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

45. **4 P.M. – DECISION ONLY ON REZONING APPLICATION RZ 2013-MV-001 (A&R HUNTINGTON METRO LLC) (MOUNT VERNON DISTRICT)**  
(4:52 p.m.)

(NOTE: On November 19, 2013, the Board held a public hearing regarding this item and deferred decision until December 3, 2013.)

(NOTE: Earlier in the meeting action was taken regarding this item. See Clerk's Summary Item #31.)

A brief discussion ensued, with a query to David P. Bobzien, County Attorney, regarding whether any additional action was required at this time.

46. **4 P.M. – PH ON REZONING APPLICATION RZ 2012-DR-016 (DULLES ROCKHILL PARTNERS, LP AND NUGGET JOINT VENTURE, LC) (DRANESVILLE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-698-3 (NUGGET JOINT VENTURE, LC) (DRANESVILLE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-696-9 (DULLES ROCKHILL PARTNERS, LP) (DRANESVILLE DISTRICT)** (4:53 p.m.)

- (O's) The Rezoning Application RZ 2012-DR-016 property is located north of Sayward Boulevard and west of Dulles Station Boulevard, Tax Map 15-2 ((1)) 13 pt. and 15-4 ((5)) 5A. (Concurrent with PCA C-698-3 and PCA C-696-9)

The Proffered Condition Amendment Application PCA C-698-3 is located to the south and east of Sunrise Valley Drive, Tax Map 15-2 ((1)) 13.

The Proffered Condition Amendment Application PCA C-696-9 is located north of Sayward Boulevard and west of Dulles Station Boulevard, Tax Map 15-4 ((5)) 5A.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavits for the record.

A brief discussion ensued, with input from Mr. Riegle and William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, regarding clarification of the date for the affidavits.

Mr. O'Donnell gave a PowerPoint slide presentation depicting the application and site location.

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

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

Supervisor Foust moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-DR-016, from the PDC District to the PRM District, and approval of the associated Conceptual Development Plan, subject to the proffers dated November 19, 2013.
- Approval of Proffered Condition Amendment Application PCA C-696-9.
- Approval of Proffered Condition Amendment Application PCA C-698-3.
- Approval of the list of modifications and waivers dated December 3, 2013, that were provided to the Board today and further discussed in the staff report. The list shall be made a part of the record of this case.

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

(NOTE: On November 21, 2013, the PC approved Final Development Plan Application FDP 2012-DR-016.)

47.

**4 P.M. – PH ON PLAN AMENDMENTS ST09-III-DS1, S07-III-UP2, AND S09-III-UP2 LOCATED IN THE VICINITY OF THE INNOVATION CENTER METRORAIL STATION AND THE DULLES TOLL ROAD AND CENTREVILLE ROAD INTERSECTION (DRANESVILLE AND HUNTER MILL DISTRICTS)** (5:05 p.m.)

Clara Q. Johnson, Planner III, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Supervisor Foust said that he received a letter from Loudoun County staff concerning the bridge over the Dulles Toll Road and whether the proposed plan designates the width of the bridge and the number of lanes, and discussion ensued with input from Ms. Johnson.

Jeffrey Fairfield, Chairman, Route 28 Station South Work Group, gave a presentation regarding the proposed plan amendments.

Supervisor Hudgins raised a question regarding whether an analysis was performed concerning the anticipated amount of traffic for the bridge connection between Loudoun County and Fairfax County. Discussion ensued, with input from Michael Garcia, Transportation Planner, Transportation Planning Section, Department of Transportation.

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

Supervisor Foust recognized members of the Route 28 Station South Work Group who were present in the Board Auditorium.

Supervisor Foust moved approval of the PC recommendation for Plan Amendments ST09-III-DS1, S07-III-UP2, and S09-III-UP2, as found in Attachment 1, with some revisions intended to enhance parks and schools guidance. The PC recommendation adds Plan guidance for a balanced mix of uses that are integrated with the south side of the Innovation Center Metrorail station. This plan is consistent with the County's transit oriented development policies and focuses growth in the transit station area. Urban design guidance is included to emphasize the creation of a high quality walkable environment. The plan text also includes recommendations for creating a multimodal transportation system, environmental stewardship, urban parks, and recreation at schools.

Supervisor Foust said that his proposed revisions enhance the parks guidance for Land Unit A-5, which includes the largest vacant area in Land Unit A. The revisions also expand on the schools guidance to include examples of schools facilities that may be appropriate in the study area. Supervisor Foust noted that the revisions are shown in his handout dated December 3, 2013. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion.

Following remarks by Supervisor Herrity, he moved to amend the motion to:

- Eliminate the paragraph beginning on page six of the staff report under the bullet point "Affordable and Workforce Housing"
- Insert a new sixth bullet point entitled "Public School Construction and Renovation Fund" with the following wording:

**"Non-residential development in the TSA should contribute \$3 per non-residential square foot. This amount is to be adjusted annually based on the Consumer Price Index and may be contributed to a**

**public school construction and renovation trust fund that will be used to build and renovate public school facilities. The contribution may be made over a period of time to be determined at the time of rezoning but not less than 25 cents per non-residential square foot each year. Such developments may provide an equivalent contribution of land in lieu of a cash contribution. If non-residential floor area is achieved through a bonus for providing WDU's, the bonus floor area should not be included when calculating the contribution amount. Ground level retail located in office, hotel, and residential buildings should also not be included when calculating the contribution amount."**

Supervisor Frey seconded the motion. Discussion ensued regarding the amendment to the motion.

Supervisor Gross stated that she would not be supporting the motion.

Following further discussion regarding the amendment to the motion, Supervisor McKay stated that he would not be supporting the motion.

Following further discussion regarding the amendment, Supervisor Cook, Co-Chair of the Infrastructure Financing Committee, noted that the Committee will be meeting tomorrow at 3 p.m. to discuss financing of infrastructure and invited Board Members with an interest in this issue to attend or submit ideas.

Following further discussion regarding the amendment, the question was called on the amendment to the motion and it **FAILED** by a recorded vote of eight, Supervisor Frey and Supervisor Herrity voting "AYE."

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

48. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-022 (JAMES M. HOLLINGSWORTH) (PROVIDENCE DISTRICT)** (5:48 p.m.)

(NOTE: Earlier in the meeting this public hearing was deferred. See Clerk's Summary Item #42.)

Supervisor Smyth stated that the affidavit is dated August 31, 2011, and there is a legal issue for Board Members to make disclosures in relation to the affidavit. Since the Board does not have a list of the engineers and/or consultants who performed work for the applicant, the application cannot be considered today.



James M. Hollingsworth, the applicant, addressed the Board noting that he filed the proper affidavits.

Discussion ensued, with input from Cynthia L. Tianti, Deputy County Attorney, who reiterated that the application is deficient and cannot be considered today.

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2009-PR-022 until **January 14, 2014, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

49. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 5 (OFFENSES) TO ADD A NEW ARTICLE 6 (EXCESSIVE SOUND GENERATION IN RESIDENTIAL AREAS AND DWELLINGS) AND REPEALING CHAPTER 108 (NOISE), ARTICLE 5 (NUISANCE NOISE)** (5:53 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 22 and November 29, 2013.

Cynthia L. Tianti, Deputy County Attorney, presented the staff report.

Supervisor Hyland called the Board's attention to Section 5-6-5 Exceptions, Item 7, Operation of public transportation facilities, and raised a question regarding whether it was exempted in the other ordinance, and, if not, why it was added to this proposed ordinance. Discussion ensued, with input from Ms. Tianti and Leslie B. Johnson, Zoning Administrator, Department of Planning and Zoning.

Supervisor Foust raised a question regarding special exception exemptions on noise, and discussion ensued, with input from Ms. Tianti.

Following the public hearing, which included testimony by 10 speakers, Chairman Bulova asked Edwin C. Roessler, Jr., Chief of Police, to address concerns regarding enforcement.

Mr. Roessler gave remarks, noting that this is an interim measure for the Police Department to educate the community and enforce compliance to the Code.

Major Mike Kline, Commander of Patrol Bureau Division Three, gave remarks regarding the noise issue and provided examples of incidents regarding noncompliance.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, as follows:

- Chapter 5 (Offenses) – Adding a new Article 6 (Excessive Sound Generation in Residential Areas and Dwellings)
- Chapter 108 (Noise) – Repealing Article 5 (Nuisance Noise)

The proposed amendments become effective at 12:01 a.m. on the day following adoption. Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Discussion ensued regarding the proposed amendments.

Supervisor Hudgins, with regard to the issue of dog barking which was raised by several of the speakers, asked what the proposed ordinance does for them and how long and to what length is the County able to go to address their issue in the future. Discussion ensued, with input from Ms. Tianti, who noted that if a person is inside their residence with the doors and windows closed and can still hear the noise audible and discernible, and a police officer responds and can hear the noise from within your residence, then it would be a violation under the proposed ordinance.

Supervisor Hyland raised a question regarding transportation facilities (including a repair facility) in a residential community, and whether it would be subjected to any noise limitations and discussion ensued, with input from Ms. Johnson and Ms. Tianti.

Noting that the proposed ordinance deals with the Police Department's ability to deal with nuisance noise in residential areas, Supervisor McKay raised a question regarding when the Board will see an amendment that deals with the other issues concerning noise. Discussion ensued, with input from Ms. Johnson, who noted that staff would like to reach out to the community to get feedback before another ordinance is proposed.

Supervisor McKay asked unanimous consent that the Board direct staff to report to the Board in the March/April 2014 timeframe with a proposed ordinance that targets the broader issue of noise.

Discussion ensued, and Supervisor Foust raised a question regarding the ability to consider certain dog barking a noise violation, given the language in the proposed ordinance, and discussion ensued, with input from Ms. Tianti and Mr. Kline.

After sharing a childhood story regarding noise, Supervisor Gross asked to amend Supervisor McKay's request and direct staff, when performing outreach efforts, to include residential areas with schools next door to them, civic associations, and the business communities.

Following additional discussion with input from Ms. Johnson, the request, as amended, was so ordered.

The question was called on the motion to approve the proposed amendments to the Code of the County of Fairfax and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

50. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:07 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 15 and November 22, 2013.

Citizens and businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

There were no speakers for public comment.

51. **BOARD ADJOURNMENT** (7:08 p.m.)

The Board adjourned.

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