



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 12, 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, February 12, 2013, at 9:33 a.m., there were present:

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

Supervisor Gerald W. Hyland, Mount Vernon District, arrived at 9:36 a.m.

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

BOARD MATTER1. **INTRODUCTION OF NEW STAFF** (9:33 a.m.)

Supervisor Cook introduced Charlie Szold, a new staff member in his office who will be in charge of communications, and warmly welcomed him to the Board Auditorium.

Supervisor Cook noted that today is President Abraham Lincoln's Birthday and invited anyone who wants to join in celebrating the day to do so.

Supervisor Gross also noted that former Springfield District Supervisor Elaine McConnell shares her birthday with President Lincoln and wished her a very Happy Birthday.

Chairman Bulova introduced Diana Trinh, new staff member in her office who will serve as an Administrative Aide, and warmly welcomed her to the Board Auditorium.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE HERNDON HIGH SCHOOL CO-ED VARSITY CHEER TEAM** (9:36 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Herndon High School Co-Ed Varsity Cheer Team for winning first place at the Virginia High School League State Cheer Championships on November 10, 2012. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE ANNANDALE HIGH SCHOOL CULINARY ARTS PROGRAM** (9:46 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to students of the Annandale High School Culinary Arts Program for demonstrating knowledge and skill in cooking techniques as the SkillsUSA competition, including ability with cutlery, creative presentation, food safety and the quality and flavor of prepared items, resulting in advancement to the State competition. Supervisor Hyland seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MR. BRIAN HEINTZ** (9:57 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Mr. Brian Heintz for being named the Virginia 2012 History Teacher of the Year. Supervisor Smyth seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MEMBERS OF KIDS SENDING SMILES** (10:02 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to the members of Kids Sending Smiles for their initiative and outreach to the victims of Hurricane Sandy. Supervisor Foust, Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO ETHAN KAUFFMAN** (10:13 a.m.)

Chairman Bulova acknowledged the presence of former Lee District Supervisor Dana Kauffman and his family and, on behalf of the Board, warmly welcomed them to the Board Auditorium.

Supervisor McKay moved approval of the Resolution of Recognition presented to Ethan Kauffman for his Eagle Scout project to organize volunteers and restore the community garden at Hayfield Park. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

7. **RESOLUTION OF RECOGNITION PRESENTED TO MR. GRANT McINTOSH** (10:25 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Mr. Grant McIntosh for his years of service to the County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING FEBRUARY 17-23, 2013, AS "ENGINEERS WEEK" IN FAIRFAX COUNTY** (10:40 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate February 17-23, 2013, as "*Engineers Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **10:30 A.M. – PRESENTATION OF THE VOLUNTEER FIRE AND RESCUE SERVICE AWARDS** (10:48 a.m.)

Shawn Stokes, Volunteer Fire Commissioner and Assistant Chief of the Dunn Loring Volunteer Fire and Rescue Department, and Jeffrey Katz, Volunteer Liaison, Fire and Rescue Department, presented the awards to the following individuals who have demonstrated extraordinary commitment to the Fire and Rescue Department through thousands of hours of voluntary service at the highest levels possible. Their efforts support the goals of the Fire and Rescue combined career-volunteer system:

- Volunteer Firefighter of the Year – Justin Miller, Dunn Loring Volunteer Fire and Rescue Department
- Volunteer Operational Officer of the Year – Blake Payne, Greater Springfield Volunteer Fire Department
- Volunteer Rookie of the Year – Benjamin Sisson, Centreville Volunteer Fire and Rescue Department
- EMS Provider of the Year – Kayla Thompson, Greater Springfield Volunteer Fire Department
- Volunteer Basic Life Support Provider – Elliot Zaret, Great Falls Volunteer Fire Department
- Volunteer Advanced Life Support Provider – Jaime Keith, Dull Loring Volunteer Fire Department
- Administrative Officer of the Year – Anna Marie Johnson, Franconia Volunteer Fire Department
- Administrative Member of the Year – Richard Morani, Dunn Loring Volunteer Fire and Rescue Department
- Canteen Member of the Year – Ricardo Machado, Greater Springfield Volunteer Fire Department

The following individuals received the Team Performance Award:

- Sean Malone, McLean Volunteer Fire Department
- Gary Gaal, Franconia Volunteer Fire Department
- Al Woolf, Centreville Volunteer Fire Department
- Camilla Morrison, Fair Oaks Volunteer Fire and Rescue Company

The following individual received the Fire Chief's Special Recognition Award:

- Reverend Grant McIntosh

10. **10:45 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES**
(11:02 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, briefed the Board on the report distributed to Board Members at the dais. He noted that the Legislative Committee met on Friday, February 8, 2013, and had a briefing on the status of the budget process as well as updates on some pending bills.

Supervisor McKay reminded everyone that the Board's annual legislative reception in Richmond is scheduled for Wednesday, February 13, at 5:30 p.m. in Old City Hall.

Supervisor McKay moved adoption of the 2013 Legislative Report Number Two. Chairman Bulova, Supervisor Foust, and Supervisor Hyland jointly seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, regarding an update on a Transportation Bill that includes a local option sales tax. Details of the full bill will be provided to the Board when available.

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

11. **11 A.M. – APPOINTMENTS TO THE TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD** (11:10 a.m.)

(BACs)
(APPTS)

Supervisor Smyth moved approval of the appointments to the Tysons Transportation Service District Advisory Board of those individual identified in the "Revised" copy of appointments as distributed around the dais. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Appointments are as follows:

- Mr. Mark Zetts as the Dranesville District Representative
- Mayor Jane Seeman as the Adjacent Community Member #1 Representative
- Ms. Sally Horn as the Adjacent Community Member #2 Representative
- Ms. Maria Hawthorne as the Providence District #1 Representative
- Ms. Molly Peacock as the Providence District #2 Representative

- Mr. Jay Klug as the Hunter Mill District #1 Representative
- Mr. Raymond Baxter as the Hunter Mill District #2 Representative
- Mr. Michael Bogasky as the Residential Owners and HOA/Civic Association #1 Representative
- Mr. Ron Parson as the Residential Owners and HOA/Civic Association #2 Representative
- Ms. Claudia Diamond as the Residential Owners and HOA/Civic Association #3 Representative
- Mr. Jim Policaro as the Commercial or Retail Ownership #1 Representative
- Mr. Tim Steffan as the Commercial or Retail Ownership #2 Representative
- Mr. Kip Killmon as the Commercial or Retail Ownership #3 Representative

Confirmation of:

- Mr. Keith Turner as the Tysons Partnership #1 Representative
- Mr. Jon Cox as the Tysons Partnership #2 Representative
- Ms. Cindy Clare as the Apartment or Rental Owner Association Representative
- Mr. Stu Mendelsohn as the Chamber of Commerce Lessees of Non-Residential Space Representative

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

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

Supervisor Herrity asked to amend the motion to consider Admin 6 separately, and this was accepted.

Supervisor Smyth noted that Admin 3 had been withdrawn by staff.

Supervisor Hudgins called the Board's attention to Admin 5 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Appendix Q, Regarding Adjustment of the Fees Charged by Land Development Services for Plan Review, Permits, and Inspection Services and raised a question regarding the measurements that staff provide for delivering the service. Discussion ensued, with input from James W. Patteson, Director, Department of Public Works and Environmental Services, regarding the timeliness and efficiency of inspections and plan review. A brief discussion continued regarding the timeliness.

The question was called on the motion, as amended, to approve the Administrative Items, with the exception of Admin 3 and Admin 6, 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 PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M. TO ESTABLISH THE PICKWICK COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **March 5, 2013, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Pickwick CPD. The proposed district includes the following street blocks:

- Braddock Road (Route 620), from the northern boundary of 13940 Braddock Road to Willoughby Newton Drive, along residentially zoned areas
- Pickwick Road (Route 1021), from the southern intersection of Willoughby Newton Drive to Wharton Lane

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE OAKTON RESIDENTIAL PERMIT PARKING DISTRICT, DISTRICT 19 (PROVIDENCE DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **March 5, 2013, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Oakton RPPD, District 19. The proposed district expansion includes Marywood Road (Route 8849), from Sutton Road to the cul-de-sac inclusive.

ADMIN 3 – APPROVAL TO CHANGE A PORTION OF THE PROPOSED STREET NAME FROM LAKEFORD DRIVE TO FAIRVIEW PARK DRIVE (PROVIDENCE DISTRICT)

This item was withdrawn by staff.

ADMIN 4 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, AND MOUNT VERNON 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> |
|---|------------------------|--|
| Paul S. Loverde (Holy Spirit School) | Braddock | Braddock Road (Route 620) [Additional Right-of-Way (ROW) Only] |
| Park Road Property | Dranesville | Park Road (Route 690) (Additional ROW Only) |
| Spring Hill Farm Land, LLC | Dranesville | Spring Hill Farm Drive Spring Hill Road (Route 684) (Additional ROW Only) Spring Hill Road (Route 684) (Additional ROW Only) |
| Gum Springs Lot 6 (Dentist Office) | Mount Vernon | Sherwood Hall Lane (Route 626) (Additional ROW Only) |
| Mount Vernon Grove | Mount Vernon | Brambly Lane |

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX Q, REGARDING ADJUSTMENT OF THE FEES CHARGED BY LAND DEVELOPMENT SERVICES FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES

- (A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 7.)

Authorized the advertisement of a public hearing to be held before the Planning Commission on March 6, 2013, and before the Board on April 9, 2013, to consider proposed amendments to the Code of the County of Fairfax, Appendix Q, regarding adjustment of the fees charged by Land Development Services for plan review, permits, and inspection services. If approved, the proposed amendments shall become effective at 12:01 a.m. on July 1, 2013.

ADMIN 6 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE ZONING APPLICATION FEE SCHEDULE

(NOTE: Earlier in the meeting, the Board voted to consider this item separately. See page 6.)

(NOTE: Later in the meeting, the Book took action regarding this item. See Clerk's Summary Item #13.)

ADMIN 7 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION AS 13198 FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT FUNDING FOR THE LORTON CROSS COUNTY TRAIL ENHANCEMENT PROJECT (MOUNT VERNON DISTRICT)

(SAR) Approved SAR AS 13198 for DOT to accept grant funding from the Virginia Department of Transportation in the amount of \$750,000. There is a required local match of \$187,500, which will be met through a local cash match of \$142,500 that has been identified in Fund C40010, County and Regional Transportation Projects (Old Fund 124) and an in-kind match through the dedication of right-of-way for the trail with an estimated value of \$45,000.

13. **ADMIN 6 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE ZONING APPLICATION FEE SCHEDULE** (11:17 a.m.)

(A) (R) (NOTE: Earlier in the meeting, the Board voted to consider this item separately. See Clerk's Summary Item #12.)

Discussion ensued, regarding the fees charged for fences, with input from Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), and Leslie Johnson, Zoning Administrator, DPZ.

Supervisor Frey moved adoption of the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on March 6, 2013, at 8:15 p.m., and before the Board on **April 9, 2013, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the zoning application fee schedule, with the incorporation of advertising the fee for fence height adjustments, including the fee of \$425 for residential front yards. Chairman Bulova seconded the motion.

Supervisor McKay asked unanimous consent that the Board direct staff to provide information regarding the range of the loss of revenue. Without objection, it was so ordered.

Supervisor Foust raised a question regarding the range which will be used in advertising for non-residential fencing, with input from Ms. Pesto and Ms. Johnson.

Discussion continued, regarding recovery costs, with input from Ms. Johnson.

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."

14. **A-1 – APPROVAL OF THE DISEASE CARRYING INSECTS PROGRAM**
(11:25 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and direct staff to take actions concerning the County's Disease Carrying Insects Program, as outlined in the Board Agenda Item dated February 12, 2013. Supervisor Hyland and Supervisor McKay jointly second the motion.

With regard to the Disease Carrying Insects Program and the Forest Pest Management Suppression Program, Supervisor Herrity raised a question regarding the cost of each of the programs. Discussion ensued, with input from Troy Shaw, staff, Urban Forest Management, Department of Public Works and Environmental Management, who noted the cost of the program and the treatment.

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

15. **A-2 – CALENDAR YEAR (CY) 2013 FOREST PEST MANAGEMENT SUPPRESSION PROGRAM** (11:28 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and direct staff to take actions concerning the County's CY 2013 Forest Pest Management Suppression Program, as outlined in the Board Agenda Item dated February 12, 2013. Supervisor Foust seconded the motion.

Supervisor Smyth raised a question regarding the acreage of the program, with input from Troy Shaw, staff, Urban Forest Management, Department of Public Works and Environmental Management.

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

16. **I-1 – STATUS REPORT ON THE BOARD’S THIRD FOUR-YEAR TRANSPORTATION PROGRAM** (11:29 a.m.)

The Board next considered an item contained in the Board Agenda dated February 12, 2013, regarding the status report on the Board’s third four-year transportation program.

Supervisor Cook stated that the project at Braddock Road and Route 123 under this program has been delayed and is not scheduled to be completed until December 2015. He noted that the World Police and Fire Games is scheduled to be held in the County in June 2015 and a lot of the events will be centered at George Mason University.

Supervisor Cook stated that, from the County’s transportation and marketing aspect, it would be good if the project could be completed in time for the upcoming games.

Supervisor Cook raised a question regarding the project to widen Braddock Road from Guinea Road to Burke Lake Road, and discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation.

Supervisor Smyth raised a question regarding the Commercial and Industrial (C&I) Tax and how it impacts funding plans for projects, with input from Mr. Biesiadny.

Chairman Bulvoa noted that the Third Four-Year Transportation Program projects are funded with \$936 million from the following sources:

- \$237 million in Federal regional service transportation program, congestion mitigation and air quality funds that are anticipated to be received by the County through FY 2016
- \$245 million in existing and proposed County General Obligation and Revenue Bonds
- \$262 million in County C&I Tax revenues
- \$193 million in Federal and private sources
- Funds that are associated with previous projects that are still under construction or still in the pipeline from previous four-year transportation programs

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ADDITIONAL BOARD MATTERS17. **FIRE AND RESCUE DEPARTMENT (FRD) PROMOTES FIRE SAFETY AWARENESS** (11:38 a.m.)

Chairman Bulova said that it has recently come to her attention that the FRD has a program that promotes fire safety awareness. The purpose of this important program is to educate County residents about what the FRD does, and how it serves the community every day.

Chairman Bulova said that according to the website, found at: <http://www.fairfaxcounty.gov/fr/cfa/> this new program is “designed for adults to learn more about how the fire department is organized and operates. The Citizens Fire and Rescue Academy (CFRA) is open to persons 18 and older who live in the County. Classes meet Thursday evenings for nine consecutive weeks, from 6 p.m. until 9 p.m. beginning March 28, 2013, and ending May 23, 2013. Each session, participants learn about a different aspect of the fire department, ranging from fire suppression, emergency medical services, hiring, and training firefighters for special rescue operations. Participants will also spend time at fire stations, the training academy, Public Safety Headquarters, and the 911 dispatch center. For more information please email: fire.CFA@fairfaxcounty.gov.”

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to better publicize this program and post information for residents on how to make use of this opportunity. Without objection, it was so ordered.

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

Chairman Bulova asked unanimous consent that the Board direct staff to invite representatives from the following offices to appear before the Board to be recognized as follows:

- Office of Human Rights and Equity Programs to accept a proclamation recognizing the Barbara Varon Volunteer Award.*
- Office of Human Rights and Equity Programs to accept a proclamation recognizing *American Indian Heritage Month*.
- Office of Human Rights and Equity Programs to accept a proclamation recognizing *Hispanic Heritage Month*.
- Office of Human Rights and Equity Programs to accept a proclamation recognizing *Disability Employment Awareness Month*.

- Office for Women and Domestic and Sexual Violence Services to accept a proclamation recognizing *Women's History Month*.
- Office of Intellectual Disability Services and the Community Services Board to receive a proclamation recognizing *Intellectual Disabilities Inclusion Month*.

Without objection, it was so ordered.

*Vice-Chairman Gross clarified that the Barbara Varon Volunteer Award request was to present the annual award.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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19. **TAX RELIEF ASSISTANCE SERVICES / COMMUNITY BUDGET MEETING (LEE DISTRICT)** (11:42 a.m.)

Supervisor McKay announced that on Tuesday, March 19, and Thursday, March 21, the Department of Tax Administration will provide free tax relief assistance for eligible Lee District older adults and people with disabilities.

No appointments will be necessary for this service—all that is necessary is to drop by the community room of the Franconia Governmental Center anytime between 9 a.m. and 2 p.m.

Supervisor McKay also announced that, on Wednesday, March 13, he will hold a budget meeting for Lee District residents. He will be joined by Tamara Derenak Kaufax, Lee District elected School Board representative, as well as budget staff from both the County and the Schools.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to inform the community of both the free tax relief assistance service and the Lee District community budget meeting. Without objection, it was so ordered.

20. **REQUEST FOR RECOGNITION OF MR. JOE NILSON** (11:42 a.m.)

Supervisor McKay announced that Mr. Joe Nilson is retiring from the Park Authority and April 19 will be his last day. He has had more than 25 years with the Park Authority. His is the classic rose-through-the-ranks story, illustrating the County's support of hard work and merit.

Mr. Nilson came to the Park Authority in his mid-20s at a time when his road ahead was far from clear and he was bouncing between school and a series of jobs. During the summer of 1978, he took a seasonal job with the Park Authority

for the princely sum of \$2.76 an hour. His duties consisted of mowing grass and picking up trash. He was subsequently hired as a laborer at the Park's District 1, then shortly after, promoted to Maintenance Trade Helper at Wakefield Park.

Mr. Nilson then became crew leader at Wakefield where he remained until 1985 when he took a brief break from the Park Authority and became the Parks Superintendent for the Town of Vienna. After a few years, he returned to the County as a District 2 supervisor.

He has lived through numerous changes during his tenure. When he started out, computers were a relative rarity, we all used carbon copy paper, took Polaroid pictures, and communicated by letter and phone—not email.

Mr. Nilson is a great team player and an asset on Master Plan projects. He has helped with numerous Lee District projects including the Tour de Lee bicycle event, dog parks, Historic Huntley, Bush Hill Park, and the Olander and Margaret Banks Park, to name just a few.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Mr. Nilson to appear before the Board on March 19 to be recognized for his years of service to the residents of the County. Without objection, it was so ordered.

21. **REQUEST FOR RECOGNITION OF THE TEEN AWARENESS PROGRAM** (11:44 a.m.)

Supervisor McKay stated that many young people make mistakes in their lives. Many respond in different ways to those life decisions; some benefit from a formal program that helps them understand potential consequences and sets them off on the right foot moving forward.

A year ago, in partnership with the Juvenile and Domestic Relations Court, the Sheriff's Office initiated the Teen Awareness Program (TAP) to become part of the court's diversion program for first-time, non-violent juvenile offenders.

The beauty of TAP is that it puts kids up close and personal with the consequences of bad decisions. Kids in this program meet inmates who may not be particularly delicate in describing their poor life choices and decisions. Tours of the detention center are scheduled five to ten times a year during the summer and other school breaks. Each tour is limited to 15 teenagers and parents are strongly recommended to participate.

The TAP tour begins with a presentation about the jail population, types of criminal charges, security levels, the role of a deputy sheriff, and inmates' daily schedules. The kids are then taken through the intake process, visit holding cells, and the housing areas. They experience the lack of privacy and loss of freedom, and see the deadening routine of an inmate's daily life.

Once the tour is over, a sheriff's deputy and an inmate talk about their different situations and how the choices they made played out. Teens then have the opportunity to ask questions of the inmates.

While this program is still in its early stages, preliminary reports are quite positive and the Sheriff's Office plans to expand TAP to at-risk kids referred by school resource officers. There is much to be said for this type of proactive approach that identifies and seeks to deflect problems before they become intractable.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite representatives of the Sheriff's Office to appear before the Board on March 19 to be recognized for their efforts to help at-risk youth in the County. Without objection, it was so ordered.

22. **REQUEST FOR RECOGNITION OF MR. JOHN PETERSON (SPRINGFIELD AND BRADDOCK DISTRICTS)** (11:46 a.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity said that during the week of January 27, 2013, the National Association of Conservation Districts (NACD) honored John Peterson, an elected director of the Northern Virginia Soil and Water Conservation District (NVSWCD) with the NACD Distinguished Service Award during its 2013 annual meeting in San Antonio. The Distinguished Service Award recognizes an individual that has made significant contributions to the conservation and proper management of the nation's natural resources.

Mr. Peterson has been an advocate for conservation at the State and national levels. He was nominated for the honor by the Virginia Association of Soil and Water Conservation Districts (VASWCD) where he also serves on the VASWCD Board of Directors, and is Virginia's representative to the NACD Board of Directors. His distinguished career and service in soil and water conservation includes serving as a professional with the United States Department of Agriculture (USDA) Soil Conservation Service, as a local elected director on the NVSWCD in the County, and as Virginia's representative on the NACD Board of Directors; in addition to significant professional conservation work with a number of organizations.

Mr. Peterson also founded KEMPS Consultants, Incorporated, with expertise in natural resources public policy, water resources, and erosion and sediment control in 1994 after a highly successful career at the top of USDA's federal Senior Executive Service. Since his retirement from USDA, Mr. Peterson has served as the executive director of the National Watershed Coalition (NWC), and has been on his local NVSWCD Board since 2006. He was re-elected to another four-year term last November. He is also a retired Army Colonel after a 32-year active and reserve career. Mr. Peterson, and his wife Blanche, have five grown children and six grandchildren. They have lived in Burke since 1978.

Therefore, jointly with Supervisor Cook, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Mr. Peterson to appear before the Board to receive a resolution recognizing his accomplishment of receiving the NACD Distinguished Service Award. Without objection, it was so ordered.

23. **REQUEST FOR A CORRIDOR IMPROVEMENT STUDY OF THE FAIRFAX COUNTY PARKWAY (BRADDOCK, DRANESVILLE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (11:47 a.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Foust, and Supervisor Hyland, Supervisor Herrity said the Fairfax County Parkway is a vital road which ties together six of the County's magisterial districts and is one of the County's "main streets." This critical corridor is currently handling more traffic than it was designed for, is continually congested, and shortly will be handling interstate level volumes. When the Parkway first opened in 1987, the population of the County was roughly half what it is today. Today, between 50,000 and 80,000 individuals drive the Parkway per day and by 2030 that number is projected to be over 100,000. Last October, Supervisor Herrity hosted a town hall meeting on the future of the Fairfax County Parkway. From that meeting, it is clear that residents are concerned about the corridor and want steps to be taken which proactively deal with current and projected traffic congestion and safety issues.

Together with the Virginia Department of Transportation (VDOT), the County has taken many steps to improve the Parkway including the grade separated interchange at Fair Lakes Parkway and Monument Drive, the conversion of the Parkway to a primary road, and the recent safety study. The Comprehensive Plan currently calls for a third lane the length of the parkway and five more interchanges. What the County does not have is a comprehensive long term vision of what the Parkway will look like in the future or the steps that will have to be taken to achieve this vision.

The next step in developing that vision is a Corridor Improvement Study by VDOT, in coordination with County staff. This study will provide a comprehensive look at what improvements need to be made to the Parkway to keep up with projected traffic demand. The study should outline short and long term solutions, examine various methods for increasing capacity such as grade separated interchanges, adding a third lane, the feasibility of High Occupancy Toll (HOT) and High Occupancy Vehicle (HOV) lanes, and calculate which solutions will provide the greatest congestion relief.

Completing this corridor assessment is a critical next step which will provide information needed to make interim and long term decisions and if necessary make modifications to the Comprehensive Plan. In the meantime, the County needs to continue to work with VDOT to implement interim solutions to Parkway congestion.

Therefore, Supervisor Herrity moved that the Board direct the County Executive to draft a letter to VDOT requesting that a Corridor Improvement Study be conducted for the Fairfax County Parkway, including the Franconia-Springfield Parkway. Supervisor Cook seconded the motion.

Supervisor Cook said it was implicit in the list of improvements, but it should be made explicit, to look at transit, especially bus rapid transit.

Supervisor Frey expressed his concerns regarding the study as it relates to the current Comprehensive Plan. He noted that there are major recommendations in the Comprehensive Plan for improvements to the Parkway that have not yet been implemented, and discussion ensued.

Supervisor Hudgins and Supervisor McKay also expressed concerns regarding the Parkway.

Supervisor McKay asked to amend the motion to refer this issue to the Transportation Committee for review and discussion, prior to sending the request to VDOT. This was accepted, with the understanding that it would be put on the agenda for the next Transportation Committee meeting.

Supervisor McKay stated that this is a high priority and he would aim to have it on the next Transportation Committee meeting, as long as there are not things on the agenda that are time sensitive that must be acted on before the next Board meeting.

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

24. **CARPOOLING ON THE EXPRESS LANES** (12:01 p.m.)

Supervisor Herrity said he has not seen or heard anything promoting carpooling on the express lanes since they opened. He said that this is now a very time advantaged corridor for carpoolers with toll free use of the express lanes in Tysons.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff of the Department of Transportation to communicate with the Metropolitan Washington Council of Governments (COG) and other commuter connections to see if such a promotion could become a reality.

Supervisor Smyth asked to amend the request to include County businesses as well.

Following a brief discussion, Chairman Bulova clarified the request to:

- Communicate with COG and other commuter connections to see what the carpooling experience has been
- Promote the opportunity to the business community

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

25. **AMERICAN IDOL CONTESTANT (SPRINGFIELD DISTRICT)**
(12:03 p.m.)

Supervisor Herrity said that when it comes to competing in talent shows on national television, Springfield District is doing quite well. Last year, West Springfield High School's Dance team made it to the top 10 finals on *America's Got Talent*.

This year, Mattie Assel, a Clifton resident, and Centreville High School senior, has been chosen to compete on this season of *American Idol*. Ms. Assel will begin her competition tomorrow, February 13, and expressed his hope that County residents will call in and support her.

Supervisor Herrity asked unanimous consent that the Board wish her the best in her competition. Without objection, it was so ordered.

DET:det

26. **REQUEST TO PROMOTE THE US GOLF ASSOCIATION'S (USGA) ANNUAL PUBLIC LINKS CHAMPIONSHIP AT THE LAUREL HILL GOLF CLUB (MOUNT VERNON DISTRICT)** (12:04 p.m.)

Supervisor Hyland said that July 15–20, the Laurel Hill Golf Club in Lorton will host the US Amateur Public Links Championship. This championship has been a success since its inception in 1922; with an initial entry of 140 players. Now, over 6,000 competitors will make their way to Lorton to try to win an invitation to the Augusta National Golf Club to play in the Masters. The County and Laurel Hill Golf Club host the tournament. The Laurel Hill Golf Club, which opened for play in 2005, then opened its clubhouse in 2007, is one of the Park Authority's finest.

Some of the accolades and tournaments at Laurel Hill include:

- Top 10 Best New Courses in America - *Golf Digest*
- Top 10 Virginia Public Access Courses

- USGA Women's Amateur Public Links Qualifier
- USGA Amateur Public Links Qualifier
- USGA Public Links Championship

Supervisor Hyland stated his belief that there is a real opportunity to increase the exposure of the Laurel Hill Golf Club by promoting this prestigious tournament which would benefit the County for many years to come. The event could also prove to be a great driver to bring tourism and out-of-state dollars into the County. Furthermore, there are opportunities for many volunteers to serve as walking scorers, forecaddies, and standard bearers; volunteers receive a commemorative shirt and hat, as well as a complimentary meal and a free round of golf for each shift worked. He encouraged all golf-lovers in the County to volunteer and witness golf's rising stars in action.

Therefore, jointly with Supervisor Cook, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, and Supervisor McKay, Supervisor Hyland moved that the Board direct the Office of Public Affairs to help promote this event through various mediums including news outlets, social media, publications, et cetera, and do this in conjunction with *Visit Fairfax* and the Park Authority. Supervisor Herrity seconded the motion.

Supervisor Hyland stated that it is remarkable that this golf course was built on the grounds of the former Lorton Prison and built by an architect whose forte is designing courses in an environmentally sensitive way. He added that this course, overnight, found itself either number six or seven of all public golf courses in the Country. He added that it is a very challenging course and added that for the County to have this significant tournament to come to Laurel Hill in its early years is a major success for the Park Authority and those who had the idea to bring it to Lorton.

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

27. **TWENTY-SIXTH ANNUAL TOWN MEETING (MOUNT VERNON DISTRICT)** (12:07 p.m.)

Supervisor Hyland announced that Mount Vernon District's twenty-sixth annual Town meeting was a success as the format was changed to try and continually make it better. He noted that he had received many favorable comments about the event and thanked Chairman Bulova for participating.

Chairman Bulova added that there always is a great crowd and a lot of good information. It was also noted that the virtual bus tour of the Mount Vernon District was done in a Smart Car this year.

28. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:08 p.m.)

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

PMH:pmh

29. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING OF REZONING AND FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2012-MA-022 (MASON DISTRICT)** (12:09 p.m.)

Supervisor Gross said that on September 14, 2010, the Board adopted her motion to declare 3236 Peace Valley Lane a blighted property under the County's Blight Ordinance. The two-acre parcel has been a source of contention for some time, and the blight declaration allowed for the demolition of the single family home and outbuildings, which happened in 2011. An application has been filed to rezone the subject property from the R-3 District to the PDH-4 District and construct seven single family houses which would be accessed from a cul-de sac off Peace Valley Lane. The applicant has worked to develop a conceptual/final development plan (CDP/FDP) which minimizes the necessary grading of the site and maximizes the ability to save the existing mature tree canopy along two sides of the subject property.

Therefore, Supervisor Gross moved that the Board direct the Department of Planning and Zoning and the Department of Public Works and Environmental Services to conduct expedited and concurrent processing of the Rezoning and Final Development Plan Application RZ/FDP 2012-MA-022 filed on the property identified as 3236 Peace Valley Lane and Tax Map 91-1 ((1)) 7.** The applicant is aware that the expediting of this application should not be construed to prejudice the consideration of the application in any way. The applicant is also aware that a favorable recommendation by the Board on the proposed application does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Supervisor Foust seconded the motion.

Supervisor Gross noted that the tax map number was incorrect and would need to be corrected.

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

(**NOTE: Later in the meeting the tax map number was corrected. See Clerk's Summary Item #38.)

30. **REQUEST FOR CONCURRENT AND SIMULTANEOUS PROCESSING FOR SPECIAL EXCEPTION APPLICATION SE 2012-MA-016 (MASON DISTRICT)** (12:11 p.m.)

Supervisor Gross said that National Capital Presbytery, Incorporated, has submitted a special exception application requesting the approval of a nursery school and minor modifications to an existing place of worship known as John Calvin Presbyterian Church. The Church hopes to begin operation of the nursery school in September. To meet this objective, the Church wishes to submit a minor site plan to the County as soon as possible. The pending application does have the support of staff and the community.

Therefore, Supervisor Gross moved that the Board direct the Director of the Department of Public Works and Environmental Services to accept for concurrent and simultaneous processing all plans and drawings as may be necessary in association with Special Exception Application SE 2012-MA-016. This motion should 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 applicable ordinances, regulations, or adopted standards in any way. Supervisor Foust seconded the motion and it carried by unanimous vote.

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

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

32. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (12:12 p.m.)

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

33. **RECOGNITION OF MISS LILLY DUNLAP AND THE RESTON LIONS CLUB (HUNTER MILL DISTRICT)** (12:13 p.m.)

Supervisor Hudgins announced that eighth grade Herndon Middle School student, Lily Dunlap, won the Lions Clubs International Lions International Peace Poster Contest. Miss Dunlap's poster was among more than 350,000 entries.

According to the press release, Lions Clubs International sponsors the program annually to emphasize the importance of world peace to young people everywhere. The poster was selected by the Reston Lions Club for its originality, artistic merit, and portrayal of the contest theme, "Imagine Peace."

As Miss Dunlap stated: "Dreams come true when you believe, so believe in peace."

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Miss Dunlap, her family and the Reston Lions Club to appear before the Board at its May 14 meeting to be recognized and commended for their vision of world peace. Without objection, it was so ordered.

34. **CAPTAIN ANDRE TIBBS (HUNTER MILL DISTRICT)** (12:13 p.m.)

Supervisor Hudgins said that after a distinguished career in law enforcement, Reston District Police Captain Andre Tibbs is retiring. Captain Tibbs has served the Fairfax County Police Department (FCPD) in many different capacities including patrol officer, internal affairs division, organized crime division, and overseeing the entire Police Department vehicle fleet. Last year, Captain Tibbs coordinated the FCPD response and helped solved the Frying Pan Farm Park animal attacks.

Captain Tibbs has contributed over 20 years to the safety and well-being of the community.

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

35. **OAKLAND COUGARS AND MADISON WARHAWKS** (12:15 p.m.)

In joint Board Matter with Supervisor Frey and Supervisor Smyth, Supervisor Hudgins said that the Oakland Cougars and the Madison Warhawks won the Northern Regional swimming and diving championships held Saturday, February 2 at the Oak Marr Recreation Center. She noted that the Oakton girls set a new meet scoring record while the Madison boys won points with a true team approach.

Supervisor Hudgins concluded that both teams won Northern Region swimming and diving team championships in different ways.

Therefore, jointly with Supervisor Frey and Supervisor Smyth, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite representatives from the Oakton and Madison High Schools swimming and diving teams to appear before the Board to be recognized for their accomplishments.

Supervisor Smyth noted that the coaches have requested that the Board wait to do the Board Matter until after the State championship.

Chairman Bulova clarified that the timing of this Board Matter would occur following the State championship.

Without objection, it was so ordered.

36. **VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION VIRGINIA POWER – SPECIAL EXCEPTION APPLICATION SE 2012-SU-015 AND PUBLIC FACILITIES APPLICATION 2232-Y12 (SULLY DISTRICT)** (12:17 p.m.)

Supervisor Frey said that Virginia Electric and Power Company d/b/a Dominion Virginia Power, is processing a special exception application and a concurrent 2232 public facilities application to allow a 3,757 square foot expansion of the existing electrical distribution substation and construction of a 90-foot tall "backbone" structure with associated equipment at the NOVEC Harrison substation on Compton Road in Centreville.

Supervisor Frey noted that the staff report has been published and staff is recommending approval. He added that the applicant has been in contact with the community and he is not aware of any objections to the application. The Planning Commission (PC) hearing, which had been scheduled for January 10, 2013, was deferred to address affidavit issues. For scheduling reasons beyond the control of the applicant, the new PC hearing is not scheduled until April 18. Given that the delay is unavoidable, and causing disruption to the proposed construction schedule, Supervisor Frey moved that the Board:

- Authorize a date certain to occur as soon as practicable after the PC decision.
- Direct the Director of the Department of Public Works and Environmental Services to concurrently process site plans associated with this application.

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 seconded the motion and it carried by unanimous vote.

37. **GIRL SCOUT COUNCIL OF THE NATION'S CAPITAL – SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-C-081-2 (SULLY DISTRICT)** (12:19 p.m.)

Supervisor Frey said that the Girl Scout Council of the Nation's Capital is preparing to file a special exception amendment (SEA) application on property located at 37-1 (1) parcels 25A, 26, 38, 39A, and 40, more recognizably known as "Camp Crowell." The purpose of the SEA is to permit a 4,000 square foot storage facility to replace the existing storage arrangement the Girl Scouts will be losing in Merrifield next February. The proposed space is needed to store camping equipment and supplies for the Girl Scouts. The proposed application

also anticipates additional parking and a modification to the circulation pattern for increased safety.

To meet the timetable for the current lease expiration, the Girl Scouts have requested expedited and concurrent processing. In addition, they have requested a waiver of filing fees. He noted that he has reviewed the request with staff from the Department of Planning and Zoning (DPZ) and the County Attorney's office, without objection.

Therefore, Supervisor Frey moved that the Board direct the Director of:

- Department of Public Works and Environmental Services to concurrently process any plans or documents associated with this application.
- DPZ to schedule a public hearing to be held before the Board to occur as soon as practicable after the Planning Commission hearing.
- DPZ to waive the filing fee for the special exception given the unique circumstances of this application.

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, in any way. Supervisor Gross and Supervisor Hyland seconded the motion.

Following a brief discussion about the reason for the loss of space, the question was called on the motion and it carried by unanimous vote.

38. **CLARIFICATION OF TAX MAP NUMBER FOR A REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING OF REZONING AND FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2012-MA-022 (MASON DISTRICT)** (12:09 p.m.)

(NOTE: Earlier in the meeting, Supervisor Gross noted that the tax map number in her Board Matter was incorrect. See Clerk's Summary Item #29.)

Supervisor Gross clarified that the correct tax map number for Rezoning and Final Development Plan Application RZ/FDP 2012-MA-022 filed on the property identified as 3236 Peace Valley Lane is Tax Map 61-1 ((1)) 7.

39. RECESS/CLOSED SESSION (12:22 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. *Saad Lodhi v. Fairfax County Board of Supervisors*, Case No. 1:12cv1108 (E.D. Va.)
 2. *Lin Tran v. Lori Labarea and County of Fairfax Virginia Police Department*, Case No. 2012-0018380 (Fx. Co. Cir. Ct.)
 3. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gail K. Etherton and Debora S. Etherton*, Case No. CL-2011-0013547 (Fx. Co. Cir. Ct.) (Springfield District)
 4. *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)
 5. *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)
 6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manote Auandee, Sandra Auandee, and Amnart Tic Auandee*,

Case No. CL-2009-0007328 (Fx. Co. Cir. Ct.)
(Mason District)

7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Debra King and Michael A. Iacovacci, II*, Case No. CL-2012-0016411 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marisol Ferrel*, Case No. CL-2012-0016071 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Van Nguyen, Thu Hong Thi Nguyen, Binh T. Ly, and My H.N. Ly*, Case No. CL-2012-0010436 (Fx. Co. Cir. Ct.) (Mason District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Yun Sook Lee*, Case No. CL-2012-0014519 (Fx. Co. Cir. Ct.) (Braddock District)
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Margaret M. Lyons*, Civil Case No. GV12-027588 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Larry D. Harris and Gloria A. Harris*, Case Nos. GV12-026997 and GV12-026796 (Fx. Co. Gen. Dist. Ct.) (Mason District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria E. Gutierrez*, Case No. GV13-000326 (Fx. Co. Gen. Dist. Ct.) (Mason District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Truc Nguyen Mai*, Case No. GV13-001115 (Fx. Co. Gen. Dist. Ct.) (Mason District)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gloria R. Dean*, Case Nos. GV13-001114 and GV13-001116 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kangming Xu*, Case No. GV13-001240 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gordon F. Crago and Bernadine H. Crago*, Case No. GV13-001749 (Fx. Co. Gen. Dist. Ct.) (Providence District)
18. *Board of Supervisors of Fairfax County, Virginia, v. Woodland Palace, LLC*, Case No. CL-2012-0017152 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- *Joint Petition of Aqua Virginia, Inc., and Reston RELAC, State Corporation Commission Case Number PUE-2012-00131*
- *TR William Plaza LLC v. Board of Supervisors of Fairfax County, Virginia*
- *City of Fairfax v. County of Fairfax*
- *Virginia Code Section 15.2-3207*

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

DET:det

At 3:39 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Gross, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

40. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:40 p.m.)

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

Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Gross being out of the room.

Chairman Bulova announced that Supervisor Gross had been present until approximately 2 p.m. when she had to leave for an outside meeting.

41. **ACQUISITION OF REAL PROPERTY FOR THE WOODLAWN FIRE STATION** (3:41 p.m.)

Supervisor Hyland moved that the Board authorize the acquisition of real property for the Woodlawn Fire Station pursuant to the terms outlined in closed session and that the Board direct the County Executive and the County Attorney to take the necessary steps to acquire this property. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

42. **APPOINTMENT OF MR. RICHARD BOWERS AS CHIEF, FIRE AND RESCUE DEPARTMENT** (3:41 p.m.)

Supervisor Hyland moved the appointment of Mr. Richard Bowers to the position of Chief, Fire and Rescue Department, Grade E-13 effective April 29, 2013, at a starting salary of \$187,500. Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Supervisor Hyland noted that 40 individuals had applied for the position and Mr. Bowers was selected from the final three. Mr. Bowers was the former Chief for Montgomery County with almost 30 years of service. Chairman Bulova also welcomed Mr. Bowers and said that the Board will have an opportunity to say farewell to Chief Ron Mastin.

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

43. **TRANSFER OF CONTROL OF RESTON LAKE ANNE AIR CONDITIONING CORPORATION, SCC CASE NUMBER PUE-2012-00131** (3:44 p.m.)

Supervisor Hudgins moved that the Board authorize the Department of Cable and Consumer Services and the County Attorney's Office to file a request for a hearing and to participate in the proceeding concerning the Joint Petition of Aqua Virginia, Incorporated, and Reston RELAC LLC, for approval of a transfer of control of Reston Lake Anne Air Conditioning Corporation, SCC Case Number PUE-2012-00131. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

AGENDA ITEMS

44. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-PR-014D (GEORGELAS GROUP LLC) (PROVIDENCE DISTRICT)**

AND**PH ON REZONING APPLICATION RZ 2010-PR-014E (GEORGELAS GROUP LLC) (PROVIDENCE DISTRICT) (3:45 p.m.)**

- (O's) The Rezoning Application RZ 2010-PR-014D property is located in the northeast quadrant of the intersection of Leesburg Pike and Spring Hill Road, and the south side of Tyco Road at its intersection with Leesburg Pike, Tax Map 29-1 ((1)) 18C, 29-3 ((1)) 54A, 57, 57B and 57G.

The Rezoning Application RZ 2010-PR-014E property is located in the southwest quadrant of the intersection of Spring Hill Road and Greensboro Drive, Tax Map 29-3 ((1)) 63C.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

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

- Mr. Theodore J. Georgelas

Tracy Strunk, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a detailed description of the applications and site locations.

Ms. Baker introduced Aaron Georgelas, a partner at the Georgelas Group, who made introductory remarks. Chairman Bulova noted that these applications are demonstrative of the collaboration necessary for implementing the adoption of the Tysons plan.

Ms. Baker 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 concerning the conditions under which affordable dwelling units (ADUs) could/would be provided.

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

Supervisor Smyth requested that staff or the applicant address questions raised by the speaker as, among other things, several pertain to process, with input by Ms. Strunk regarding:

- The notification requirement
- The application moving forward on the “C” property
- The “illustrative” nature of the presentation

Discussion continued regarding earlier notification with input from Ms. Strunk.

Supervisor Smyth noted that the County has always encouraged applicants to talk to their neighbors.

Ms. Baker presented rebuttal concerning:

- Proffer 29
- The “illustrative” nature shown on the Conceptual Development Plan (CDP)

Discussion continued concerning clarifications and assurances of fair treatment.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-PR-014D, from the C-7, I-5, HC and SC Districts to the PTC, HC and SC Districts, subject to the proffers dated February 7, 2013.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-PR-014E, from the C-4 and HC Districts to the PTC and HC Districts, subject to the proffers dated February 7, 2013.
- Approval of the modifications and waivers for Rezoning Application RZ 2010-PR-014D and Rezoning Application RZ 2010-PR-014E as handed out to the Board this afternoon and listed on the cover of Addendum II of the Staff Report, dated February 7, 2013, which shall be made a part of the record of this case, as follows:
 - Modification of all trails and bike trails in favor of the streetscape and on-road bike lane system shown on the Plans

- 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
- Waiver of Paragraph 4 of Section 17-201 of the Zoning Ordinance requiring 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 1 of Section 6-506 of the Zoning Ordinance requiring a minimum district size of 10 acres in the PTC District
- Waiver of a service drive on Route 7
- Modification of interior and peripheral parking lot landscaping requirements for interim surface lots, when shown on an approved Final Development Plan (FDP) or as applies to interim uses for existing conditions
- Waiver of Zoning Ordinance Section 16-403 requiring a final development plan as a prerequisite to a site plan in the PTC District for the following features as shown on the CDP: public improvement plans associated with public streets, interim park space previously proffered with Rezoning Application RZ 2010-PR-014A and located on Rezoning Application RZ 2010-PR-014E, and minor modifications to the existing buildings on Rezoning Application RZ 2010-PR-014E
- 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 Section 7-0802.2 of the PFM to allow for the projection of structural columns into parking stall (no more than 4 percent of the stall area)
- Waiver to allow the use of underground stormwater management and best management practices in a residential development, subject to Waiver Number 8158-WPFM-002-1
- Modification of the 10 year tree canopy requirements in favor of that shown on the Plans, and as proffered

- Modification of the tree preservation target in favor of that shown on the Plans, and as proffered
- Modification of Section 12-0702 1B (2) 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
- Waiver of Paragraph 2 of Section 2-506 of the Zoning Ordinance to allow a parapet wall, cornice or similar projection to extend more than three feet above the roof, when shown on an approved FDP
- Waiver of maximum fence height to permit an increase from 7 feet to 14 feet for sport courts and other features when shown on an approved FDP
- Modification of Paragraph 4 of Section 11-202 of the Zoning Ordinance requiring a minimum distance of 40 feet of a loading space from a drive aisle when shown on an approved FDP
- Modification of Section 7-0800 of the PFM to allow the use of tandem parking spaces with valet service to be counted as required parking (as permitted by the PTC District regulations) as described in the proffers.

Supervisor Foust seconded the motion.

Following discussion concerning interim parking, Supervisor Foust submitted items for the record.

Discussion continued concerning interim parking as well as connector bus service.

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

45. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S11-CW-6CP, EDITORIAL REVISIONS TO THE COMPREHENSIVE PLAN** (4:23 p.m.)

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

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

Chairman Bulova noted that the Plan amendment is the first step to institute regular, Comprehensive Plan maintenance and the proposed revisions include:

- Correcting grammar
- Updating factual information
- Reorganizing the text in a more logical manner
- Applying a uniform writing style
- A proposal to relocate planned land use and/or intensity guidance found in the overview and the character section to the appropriate recommendations section if it is not already present
- Changes include hyphen usage, labeling of primary State route and references to railroad names are recommended to be applied throughout the remainder of the planned text

Chairman Bulova stated the revisions will help make the Comprehensive Plan more current and better organization.

Chairman Bulova relinquished the Chair to Acting Vice-Chairman Hyland and moved approval of Plan Amendment S11-CW-6CP, as recommended by the Planning Commission. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

Acting Vice-Chairman Hyland returned the gavel to Chairman Bulova.

ADDITIONAL BOARD MATTER

46. **JOURNEY TO RICHMOND** (4:31 p.m.)

Chairman Bulova stated that Board Members would be travelling to Richmond tomorrow and expressed her hope that there will be movement on legislative issues and the Board can be helpful in bringing things to a successful conclusion.

47. **BOARD ADJOURNMENT** (4:32 p.m.)

The Board adjourned.

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