



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
June 18, 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, June 18, 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; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Ekua Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of Clerk to the Board of Supervisors.

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

Supervisor Herrity asked everyone to keep in thoughts the family of West Springfield High School senior Jordan Trunfio, who died on June 6, following a year-long battle with brain cancer. Three days before his death, West Springfield High School administrators awarded him his high school diploma at a special ceremony; making him the first official member of the West Springfield class of 2013. Mr. Trunfio is remembered by his classmates and friends as a talented athlete. He played football and lacrosse, and was active in the JROTC program where he served as a Flight Commander. In his honor, West Springfield retired his jersey, number 58, and presented it to him along with his diploma.

Supervisor Gross said there was an obituary in this morning's *Washington Post* for former Sheriff James Swinson, who died on Father's Day, and was 101 years-old. Although she did not know him personally, Supervisor Gross asked everyone to keep his family in thoughts, especially former Sheriff Carl Peed (his son-in-law) and Charlotte Peed (his daughter), who he lived with for the past decade.

2. **MUSICAL PERFORMANCE BY MEMBERS OF FAIRFAX SYMPHONY** (9:40 a.m.)

Chairman Bulova announced that brothers Nicholas and Joshua Brown, the third and second place winners of the Fairfax Symphony's Feuer Memorial String Competition will be performing musical selections. She noted that initially Fairfax Symphony was going to perform during the Fiscal Year (FY) 2014 Budget hearing in April, but was unable due to some confusion regarding the scheduled date and time.

Debra Harrison, President, Fairfax Symphony, gave a brief presentation, noting that the first prize winner was scheduled to perform during the FY 2014 Budget hearing. She introduced Nicholas and Joshua Brown, who performed.

3. **INTRODUCTION OF INTERNS** (9:49 a.m.)

Chairman Bulova introduced the following individuals, who are interning in her office this summer, and, on behalf of the Board, warmly welcomed them to the Board Auditorium:

- Alyssa Pierno, from Oakton, Virginia. She attends Smith College in Massachusetts and is studying Sociology.
- Josh Oswald, from Herndon, Virginia. He attends the University of Virginia and is a rising second year. He is studying History and Religious Studies with a minor in Astronomy.

AGENDA ITEMS**4. CERTIFICATE OF RECOGNITION PRESENTED TO VIRGINIA TASK FORCE ONE AND K-9's FIELDER AND GARO (9:50 a.m.)**

Supervisor Frey moved approval of the Certificate of Recognition presented to Virginia Task Force One and K-9's Fielder and Garo for exemplary efforts during a recent deployment by the US Department of Defense to Kyrgyzstan to support the recovery efforts after the crash of a refueling aircraft. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Fire Chief Richard Bowers and Battalion Chief Michael (Chris) Schaff gave remarks, followed by a PowerPoint slideshow of the deployment mission.

5. CERTIFICATE OF RECOGNITION PRESENTED TO ANIMAL CONTROL OFFICER ENNA LUGO (LEE DISTRICT) (10:06 a.m.)

Supervisor McKay moved approval of the Certificate of Recognition presented to Animal Control Officer Enna Lugo for her initiative and tenacity to rescue Biscuit – the elusive Shih Tzu, who survived on his own in the Lee District for two years – ensuring the safety of residents and the compassionate rescue of an animal in need. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

6. RESOLUTION OF RECOGNITION PRESENTED TO MS. JESSICA STROTHER (10:17 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to Jessica Strother, Arborist Inspector, upon her retirement, for 31 years of dedicated and distinguished service to the County. Supervisor McKay seconded the motion and it carried by unanimous vote.

7. RESOLUTION OF RECOGNITION PRESENTED TO MS. SUSAN MITTEREDER (10:26 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Susan Mittereder, Legislative Director, for her many years of distinguished service to the County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Delegate Jim Scott congratulated and honored Ms. Mittereder by presenting her with a Resolution signed by the Northern Virginia Delegation of the General Assembly, and unanimously passed by the House and Senate.

8. **CERTIFICATES OF RECOGNITION PRESENTED TO STAFF AND OTHER INDIVIDUALS** (10:50 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificates of Recognition presented to the following individuals and staff members responsible for the 100,000 Homes Fairfax Registry Week initiative to reach out and interview the chronically homeless and vulnerable in the County:

- FACETS
- New Hope Housing
- Pathway Homes
- Reston Interfaith
- Volunteers of America Chesapeake
- Community Services Board
- Department of Administration for Human Services
- Health Department
- Department of Housing and Community Development
- Office to Prevent and End Homelessness
- Police Department
- Department of Public Works and Environmental Services

Supervisor Hudgins seconded the motion.

Following comments from Board Members, Chairman Bulova asked to amend her motion to include the following:

- Office of Public Private Partnerships (OP3)

This was accepted.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **RESOLUTION OF RECOGNITION PRESENTED TO MEMBERS OF THE HEALTH CARE ADVISORY BOARD (HCAB)** (11:09 a.m.)

Supervisor Gross moved approval of the Resolution of Recognition presented to members of the HCAB for its fortieth anniversary. Supervisor Foust, Supervisor Hyland, and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

10. **PROCLAMATION DESIGNATING JULY 15–20, 2013, AS "US AMATEUR PUBLIC LINKS CHAMPIONSHIP WEEK" IN FAIRFAX COUNTY** (11:24 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate July 15–20, 2013, as "*US Amateur Public Links Championship Week*" in Fairfax County and urges all residents to take the opportunity to be in the gallery, at the Laurel Hill Golf Club, for this exciting championship play. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

11. **10:30 A.M. – PRESENTATION OF THE A. HEATH ONTHANK AWARDS** (11:37 a.m.)

(BACs) The Honorable Rosemarie Annunziata, Chairman, Civil Service Commission, gave a brief presentation regarding the history of the A. Heath Onthank Awards, the highest honor the County bestows on its employees.

Kerrie Wilson, Chairman, A. Heath Onthank Award Selection Committee, noted the committee members, as follows:

- Clifford Fields, At-Large
- Joseph Blackwell, Lee District
- Thomas Coyle, Mount Vernon District
- Ronald Copeland, Hunter Mill District
- Eileen Garnett, Mason District
- Jane Gwinn, Braddock District
- Ernestine Heastie, Providence District
- Philip E. Rosenthal, Springfield District

Susan Woodruff, Director, Department of Human Resources, announced the 2012 A. Heath Onthank Award recipients, while Ms. Annunziata, Ms. Wilson, Chairman Bulova, and Edward L. Long Jr., County Executive, presented the awards to the following:

- Thomas Fleetwood, Associate Director, Department of Housing and Community Development
- Lenny Wright, Solid Waste Management Division, Department of Public Works and Environmental Services
- Renee Edwards, Manager, Early Literacy Outreach Office, Fairfax County Public Library

12. **10:45 A.M. – PRESENTATION OF THE HISTORY COMMISSION ANNUAL REPORT** (11:51 a.m.)

(BACs) Gretchen Bulova, Chairman, History Commission, introduced the following members of the History Commission, who were present in the Board Auditorium:

- Lynne Garvey-Hodge
- Mary Lipsey
- Anne Stuntz
- Deborah Robison
- Robert Beach
- Irma Clifton
- Elise Murray
- Laurie Turkawski, History Commission Staff Coordinator, Department of Planning and Zoning

Ms. Bulova also commemorated founding History Commission Member Mayo Stuntz, who died in May 2013. He stepped down in 2012 and was given the distinction of honorary member.

Ms. Bulova also recognized Suzanne Levy who provided staff support to the History Commission. Ms. Levy was manager of the Virginia Room at the City of Fairfax Regional Library, and she retired in July 2012.

Ms. Bulova noted that copies of the History Commission annual report had been distributed around the dais and she proceeded with her presentation, noting the following:

- The 2013 History Conference is scheduled for November 9, 2013, at the Stacy C. Sherwood Community Center, Fairfax, Virginia, and the theme is “Abolitionists, Oral History, and Documenting the Past”
- To date, 49 historical markers have been successfully installed through the work of the Marker Committee
- The Sesquicentennial Committee is working with Visit Fairfax to install a total of 16 markers during the commemorative years of 2011 – 2015. To date, 9 markers have been installed, one in each magisterial district. Visit Fairfax received a Heritage Tourism award for the project and their collaborative effort with the History Commission and their community partners.

Supervisor McKay raised a question regarding funding constraints for the markers, with input from Ms. Bulova.

Following a brief discussion regarding the 2013 History Conference, Supervisor Gross moved that the Board accept the History Commission Annual Report and refer any recommendations to staff. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

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13. **11:00 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:05 p.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 June 18, 2013,” as distributed around the dais. Supervisor Foust seconded the motion and it carried by unanimous vote.

Appointments are as follows:

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Sully District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Reappointment of:

- Mr. Richard Rose as the Builder (Multi Family) Representative
- Mr. James Scanlon as the Engineer/Architect Planner #1 Representative

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative and the Mount Vernon District Business Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointments of the At-Large #2, #3, and #5 Representatives.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Mason District Representative.

ATHLETIC COUNCIL

Reappointment of:

- Ms. Marcia Pape Daniels as the Braddock District Principal Representative

The Board deferred the appointment of the Braddock District Alternate Representative, the Dranesville District Principal and Alternate Representatives, and the Mason District Principal and Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointment of:

- Mr. Ken Balbuena as the At-Large Chairman's Representative
- Ms. Barbara Glakas as the Dranesville District Representative
- Ms. Glenda DeVinney as the Lee District Representative

- Hon. Emilie F. Miller as the Providence District Representative
- Ms. Olga Hernandez as the Sully District Representative

The Board deferred the appointment of the Braddock, Mason, Mount Vernon, and Springfield District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

Appointment of:

- Mr. Thomas Schroeder as the Design Professional #1 Representative
- Mr. Wayne Bryan as the Alternate #1 Representative

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

BURGUNDY VILLAGE COMMUNITY CENTER OPERATIONS BOARD

Confirmations of:

- Ms. Frances Wilkerson as the Seat 3 Representative
- Mr. Jim Robb as the Seat 4 Representative

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Sully District Representative.

CHILD CARE ADVISORY COUNCIL

Appointment of:

- Ms. Pamela Nilsen as the Lee District Representative

The Board deferred the appointment of the Providence District Representative.

CITIZEN CORPS COUNCIL

The Board deferred the appointment of the Providence District Representative.

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #11 Representative.

COMMISSION FOR WOMEN

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

COMMISSION ON AGING

Appointment of:

- Mr. Richard B. Chobot as the Braddock District Representative

Reappointment of:

- Ms. Kay Larmer as the Dranesville District Representative
- Mr. Thomas Bash as the Springfield 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)

Appointment of:

- Mr. Benjamin Zuhl as the Dranesville District Representative

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

Reappointment of:

- Mr. Jorge E. Reyna as the Braddock District Representative

The Board deferred the appointment of the At-Large #1 and #2 Chairman's Representatives and the Hunter Mill District Representative.

CONSUMER PROTECTION COMMISSION

Appointment of:

- Ms. Leah V. Durant as the Fairfax County Resident #12 Representative

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

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

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

Reappointment of:

- Mr. Steven Davis as the At-Large-5 Citizen Representative
- Ms. Catherine Lange as the At-Large #7 Citizen Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Confirmation of:

- Ms. Hana Burkly as the Student Representative

The Board deferred the appointment of the Providence District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Appointment of:

- Mr. Richard Nilsen as the Lee District Representative

The Board deferred the appointment of the Sully District Representative.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Appointment of:

- Mr. Arvind Manocha as the Dranesville District Representative

The Board deferred the appointment of the Braddock and Mount Vernon District Representatives.

FAIRFAX –FALLS CHURCH COMMUNITY SERVICES BOARD

Reappointment of:

- Ms. Jane Haycock Woods as the At-Large #2 Representative

Appointment of:

- Ms. Katherine K. Hanley as the Hunter Mill District Representative

(Nomination was announced on June 4, 2013.)

- Mr. Jeffrey M. Wisoff as the Providence District Representative

(Nomination was announced on May 14, 2013.)

Confirmation of:

- Ms. Diane R. Tuininga as the City of Fairfax Representative
- Captain Spencer R. Woods as the Sheriff's Office Representative

HEALTH CARE ADVISORY BOARD

Reappointment of:

- Ms. Rosanne L. Rodillo as the Dranesville District Representative
- Ms. Francine Jupiter as the Mount Vernon District Representative

The Board deferred the appointment of the Mason 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.

HUMAN SERVICES COUNCIL

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

LIBRARY BOARD

Reappointment of:

- Dr. Joseph H. Sirh as the Springfield District Representative

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Reappointment of:

- Mr. Jeffrey A. Levy as the Mount Vernon District Representative
- Col. (Ret) William J. Stephens as the Springfield District Representative

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

REDEVELOPMENT AND HOUSING AUTHORITY

Appointment of:

- Ms. Helen C. Kyle as the At-Large #2 Representative

ROAD VIEWERS BOARD

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

SMALL BUSINESS COMMISSION

Appointment of:

- Ms. Tracey Wood as the At-Large #3 Representative

TENANT LANDLORD COMMISSION

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

TRANSPORTATION ADVISORY COMMISSION

Appointment of:

- Mr. Micah D. Himmel as the Providence District Representative

TREE COMMISSION

Reappointment of:

- Mr. James Schoonmaker as the Sully District Representative

The Board deferred the appointment of the Providence District Representative.

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

VOLUNTEER FIRE COMMISSION

Confirmation of:

- Ms. Camilla M. Morrison as the At-Large Representative
- Mr. Shawn P. Stokes as the Volunteer Fire and Rescue Association Representative
- Mr. Robert Mizer as the Zone III Representative
- Mr. Michael J. Masciola as the Zone IV Representative

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14. **ADMINISTRATIVE ITEMS** (12:06 p.m.)

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

Supervisor Smyth called the Board's attention to Admin 8 – Authorization to Advertise a Public Hearing on a Proposal to Abandon a Part of Colshire Drive, Discontinue Colshire Drive, and Convey the Abandoned Right-Of-Way to Johnson 1 Colshire 7600 LLC et al (Providence District) and noted that a revision to this item has been distributed which contains corrections to align the resolutions with the agreement.

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

ADMIN 1 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individual, identified with a registration number, as a Plans Examiner:

- Michael A. Theberge (304)

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO ELECTION PRECINCTS AND POLLING PLACES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 9, 2013, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to divide Skyline precinct in Mason District, move three polling places in Mount Vernon District, and adjust the boundaries of two precincts in Mount Vernon District.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE AND PROVIDENCE 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> |
|--|------------------------|--|
| Christopher Rodger and Deborah Walker (Walker Property) | Dranesville | Kirby Road (Route 695) [Additional Right-of-Way (ROW) Only] |
| Board of Supervisors (Fairfax Hospital) | Providence | Gallows Road (Route 650) (Additional ROW Only) |
| Pan American Shopping Center Corporation (Lee Highway and Nutley Street) | Providence | Nutley Street (Route 10272) (Additional ROW Only) |

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2010-SU-013, HEADQUARTERS 2, LLC (SULLY DISTRICT)

- (AT) Approved the request for 36 months of additional time to commence construction for Special Exception Application SE 2010-SU-013 to July 11, 2016, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2010-SU-012, HEADQUARTERS 2, LLC (SULLY DISTRICT)

- (AT) Approved the request for 36 months of additional time to commence construction for Special Exception Application SE 2010-SU-012 to July 11, 2016, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-M-012, QUAN Q. NGUYEN AND NGAN T. NGUYEN (MASON DISTRICT)

- (AT) Approved the request for 18 months of additional time to establish the use for Special Exception Amendment Application SEA 84-M-012 to November 18, 2014, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON SOUTHLAND AVENUE (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 30, 2013, at 4:30 p.m.**, to consider the vacation and abandonment of Southland Avenue.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON A PART OF COLSHIRE DRIVE, DISCONTINUE COLSHIRE DRIVE, AND CONVEY THE ABANDONED RIGHT-OF-WAY TO JOHNSON 1 COLSHIRE 7600 LLC ET AL (PROVIDENCE DISTRICT)

- (A) (NOTE: Earlier in the meeting, this item was discussed. See page 14.)

Authorized the advertisement of a public hearing to be held before the Board on **July 30, 2013, at 4:30 p.m.**, to consider the abandonment of part of Colshire Drive, the discontinuance of Colshire Drive, and convey the abandoned portion to Johnson 1 Colshire 7600 LLC and Taylor Colshire Meadow LLC, per the request of Johnson 1 Colshire 7600 LLC, Taylor Colshire Meadow LLC, the MITRE Corporation, and Cityline Partners LLC (the Applicants).

15. **A-1 – APPROVAL OF THE NUMBER OF TAXICAB CERTIFICATES TO BE AUTHORIZED IN 2013** (12:07 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve 39 new taxicab certificates in 2013, thereby increasing the total number of certificates from 576 to 615. Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Steve Sinclair, Chief, Public Utility Branch, Department of Cable and Consumer Services (DCCS), concerning:

- Industry and consumer feedback
- The approval process
- Industry notification
- The industry's position on the allocation of certificates
- The need for a public hearing format to provide an opportunity for input from both the industry and the consumer
- Independent drivers and the Drivers' Association
- Criteria and location of service versus consumer need

Chairman Bulova inquired as to whether anyone from the Consumer Protection Commission (CPC) was present and noted that that body was appointed by the Board and it is important that once it held the public hearing on this issue, the results are communicated to the Board, particularly if the number of certificates is re-evaluated, so the Board could revisit the issue.

Discussion continued, with additional input from Mr. Sinclair, concerning:

- The number of certificates
- Existing charges and fees and when that will be revisited
- Formula for determining the number of handicap accessible cabs

Chairman Bulova stated that the CPC will hold a public hearing at which time the industry will be engaged. She relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to ensure that a CPC representative is available to answer questions when the item comes back before the Board and if there are comments and/or disputes about the number of certificates, that the information be made available to the Board. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion continued, with input from Mr. Sinclair, concerning:

- The need for an opportunity to have input from both the industry and consumers

- Public outreach
- Advertisement of the public hearing and the need to ensure that the public is aware that there is an opportunity to talk about taxicab service

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

16. **A-2 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE UNITED STATES COAST GUARD, TELECOMMUNICATION AND INFORMATION SYSTEMS COMMAND, TELEGRAPH ROAD FACILITY** (12:31 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police, on behalf of the Board, to renew the MOU between the FCPD and the US Coast Guard.

17. **A-3 – APPROVAL OF AN AGREEMENT BETWEEN THE COUNTY AND CAPITAL ONE TO IMPLEMENT A COMMUTER SHUTTLE POOL PROGRAM** (12:32 p.m.)

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

- Approve the execution of the agreement between the County and Capital One to implement a Commuter Shuttle Pool
- Authorize the Director, Department of Transportation, to sign the agreement

Supervisor Smyth seconded the motion and informed the Board that Capital One is already meeting its transportation demand management (TDM) proffer commitments, that the shuttle is over and above that commitment, and no County funds are involved.

Following discussion regarding I-66 shuttles running under capacity, with input from Walter Daniel, Transportation Services Section, Department of Transportation, concerning timing and pick-up points, the question was called on the motion and it carried by unanimous vote.

18. **A-4 – ENDORSEMENT OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY’S (WMATA) STRATEGIC PLAN – MOMENTUM: THE NEXT GENERATION** (12:34 p.m.)

(R) Chairman Bulova announced that this item was the subject of a January 15 briefing by WMATA staff to the Board and WMATA has made subsequent presentations to a number of jurisdictions and organizations. She added that the plan was recently approved by the Metropolitan Washington Council of Governments (COG).

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

- Adopt a Resolution endorsing WMATA’s Strategic Plan – Momentum: The Next Generation - for planning purposes only
- Encourage WMATA to pursue new and dedicated funding sources for this plan

Supervisor Hyland seconded the motion.

Supervisor McKay asked to amend the motion to accept a revised Resolution that was distributed, and this was accepted.

Supervisor McKay presented an explanation for the revision which recognizes that the State is working on a multi-modal study of the Route One corridor and at the conclusion of that analysis, WMATA will update the Momentum plan to be consistent with the findings of the review that is underway.

Discussion ensued concerning:

- Endorsing an incomplete study
- An annual review of the plan by WMATA
- Adoption of a strategic plan
- Extension of Metro
- Transit addressing regional needs
- Rebuilding Metro as well as building for the long-term financially
- Lack of discussion in the Transportation Committee

Discussion ensued concerning cost, fares, and any impact on an expanding Connector system, with input from Todd Wigglesworth, Acting Chief, Coordination and Funding Division, Department of Transportation.

Supervisor McKay noted that members of the Northern Virginia Transportation Commission (NVTC) received a thorough presentation on the plan at its last meeting. He added that the open payment system will reduce the cost of collecting the fare and those savings will be coming back to the jurisdiction as part of this plan, so not only is it a major enhancement in customer convenience but also a financial improvement for WMATA and the participating jurisdictions.

Discussion continued concerning labor issues, which are not addressed in the plan. Supervisor Hudgins distributed a fact sheet which addresses the cost efficiencies and savings associated with the plan, which include labor and other elements of the system.

Following additional discussion concerning personnel costs, the question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADDITIONAL BOARD MATTERS

19. **HOME CHILD CARE OUTREACH** (12:48 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and announced that this is a joint Board Matter with the entire Board. On May 14, the Board held a public hearing on a proposed Zoning Ordinance Amendment regarding home child care facilities. The Board deferred decision and directed staff to provide additional information on issues that were raised during the hearing. Some of the issues included strategies for managing the increased volume of special permit applications, as a result of the adoption of the amendment, facilitating and simplifying the application process for potential applicants, and extending the "grace period" for enforcement. She noted that the Board will consider decision of this item later in the meeting. Whatever the decision, community engagement is important.

Staff responded with a memorandum, which is included with this Board Matter, laying out a good transition process for State-licensed home child care providers to come into compliance with State and County regulations. Public outreach will be a major component of this transition process in order to inform providers and the public about the Zoning Ordinance amendment and the changes to the State's administrative procedures. Staff has proposed at least three public outreach sessions in different parts of the County.

Chairman Bulova stated that an informational town hall meeting, initially suggested by Supervisor Herrity, for State-licensed child care providers will be a

helpful venue for staff to initiate outreach and educate providers on the approved Zoning Ordinance amendment, preparing and filing their special permit applications, and outlining a timeline for coming into compliance. This town hall meeting will be held on July 20, 2013, from 10 a.m. to 12 noon in the Board Auditorium at the Government Center.

Chairman Bulova moved that the Board direct the Office of Public Affairs to work with the Department of Planning and Zoning and the Office for Children to publicize the July 20, 2013, State-Licensed Home Child Care Informational Town Hall meeting and the additional meetings where staff will be available to assist providers with their applications and answer questions at various locations throughout the County. Those dates are still to be determined and will be advertised once arrangements have been made. Supervisor Herrity seconded the motion.

Supervisor Herrity noted that Supervisor Hyland was going to co-chair the forum, however Supervisor Hyland announced that he will be at the National Association of Counties (NACo) annual meeting as will Supervisor Gross.

Discussion ensued concerning:

- An agenda for the July 20 meeting
- The follow-up meetings
- Usefulness of staff anticipating questions a provider would have and providing a list of those questions and answers which would then be made available at the meeting

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

(NOTE: Later in the meeting, the Board took action on the proposed Zoning Ordinance Amendment regarding home child care facilities. See Clerk's Summary Item #43.)

20. **WORKFORCE DIALOGUE: STRATEGY FOR A DISCUSSION SERIES REGARDING COMPENSATION** (12:54 p.m.)

Chairman Bulova announced that when the Board marked up and adopted the budget for Fiscal Year (FY) 2014, the **Budget Guidance** that was adopted stated: *"The Board appreciates that employees have continued to provide quality services to our residents with professionalism and dedication, even in the face of pay freezes and tough economic times. Their efforts have not gone unnoticed by this body. The creation of a fair and sustainable compensation package for implementation in FY 2015 is a critical element in the long-term stability of the County workforce."*

*The Board reaffirms its commitment to work with employee groups to develop and refine an overall pay structure that: **provides compensation adjustments based on inflation and other economic factors; awards employees for satisfactory job performance; addresses longevity factors for long-tenure employees; and develops a cohesive plan for conducting market studies and ensuring that County job classes maintain equity and competitiveness within the Region.***

Amendments and alternatives to the proposed STRIVE proposal shall be developed and presented to the Board prior to the County Executive's FY 2015 budget presentation. It is imperative that employee groups collaborate effectively with each other and with County staff to ensure a new compensation plan that is designed to attract and retain our quality workforce while considering the impact of these decisions on the County tax payer."

Chairman Bulova noted that at the Board's Personnel Committee meeting on May 21, she announced her intent to bring to the Board a process for moving this charge forward. This effort, called a **Workforce Dialogue**, would take place beginning in September and continue through the fall of this year. A series of discussion sessions, beginning with several educational "Set the Stage" forums, would be led by a neutral facilitator who is not a County employee.

Sessions will be designed to engage the County workforce in a meaningful discussion regarding changes to the compensation system. A number of venues are being developed that will make it possible for County employees, across the spectrum of employment and locations, to be able to participate in the Dialogue. Some of the venues could include employee surveys, informational programs on the County's cable channel and/or video-on-demand on the County's website. In addition, leadership of employee organizations are asked to assist in the process and with helping to move its membership toward consensus regarding major elements of a new compensation plan. The Board's Guidance, as stated above, should serve as a guideline for this effort.

Progress on this process and opportunities for Board Members to weigh in will be put on the agenda at future Personnel Committee meetings. The goal is to complete the work of the Dialogue in time for the County Executive, per the Guidance, to advertise the budget for FY 2015.

Chairman Bulova stated that she and Personnel Committee Chairman Penny Gross have discussed elements of this approach with Edward L. Long Jr., County Executive, and Human Resources Director Susan Woodruff and have initiated contact with a possible neutral facilitator.

Chairman Bulova said she is hopeful that Board Members are supportive of this approach and welcome their thoughts and suggestions.

Discussion ensued concerning the importance of:

- Engaging County employees
- The workforce being invested in a change in the County's compensation plan
- An open dialogue

Vice-Chairman Gross returned the gavel to Chairman Bulova.

21. **OPPOSING A POTENTIAL FEE FOR COMMUTER BUSES TRAVELING INTO THE DISTRICT OF COLUMBIA** (1:01 p.m.)

Supervisor Herrity stated that on June 5, the Loudoun County Board of Supervisors unanimously approved a resolution opposing a fee which would be imposed on all non-Washington Metropolitan Area Transit Authority (WMATA) commuter buses that enter the District of Columbia (DC). The fee, \$5 per bus per day, is currently under consideration by the DC City Council. Following Loudoun County's resolution, a letter signed by members of Congress representing Maryland and Virginia was sent to the Council and the Mayor opposing this fee. Governors McDonnell and O'Malley have spoken out against the fee as well. He added that on June 6, the Northern Virginia Transportation Commission (NVTC) also took a position against this.

If implemented, the fee would result in increased fares and fewer bus routes from surrounding jurisdictions and more cars on the roads. Despite some reports in the media that this "commuter tax" may be deferred, the County should lend its voice to the growing list of regional, bipartisan opposition to this counterintuitive proposal.

To support its neighboring jurisdictions that would be affected should this fee be put in place, and to oppose this proposal that will result in more cars on already-congested roads, Supervisor Herrity moved that the Board direct staff to send a letter to the Mayor and City Council of DC. Supervisor Frey, Supervisor Hyland, Supervisor McKay, and Chairman Bulova jointly seconded the motion.

Discussion ensued concerning members of the DC City Council that were not in support of the proposal, as well as whether the proposal was off the table or merely deferred.

Supervisor Gross stated her opposition to the fee and noted that at the Washington Metropolitan Council of Governments (COG) meeting last Wednesday, Phil Mendelson, chair of the DC Council and incoming COG chair, stated that it would not happen.

Supervisor McKay asked to amend the motion to include language, depending on when the letter is prepared and action taken, that thanks the Council for taking the proposal off the table. This was accepted.

Discussion continued concerning COG and the formulation of regional decisions.

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

22. **WASHINGTON POST ALL-MET LIST (SPRINGFIELD DISTRICT)**
(1:07 p.m.)

Supervisor Herrity announced that last week the *Washington Post* published its list of all outstanding Metropolitan Washington high school athletes, also known as the All-Met list. Springfield District schools faired extremely well:

- 10 athletes on the First Team list
- 4 Athletes-of-the-Year
- 1 Coach-of-the-Year
- 2 best boats
- Dozens of others making the list's second and third teams

Supervisor Herrity congratulated all those who made the All-Met list.

DAL:dal

23. **TAX EXEMPTION FOR MUNICIPAL BORROWING** (1:07 p.m.)

Supervisor Hyland said that he received an email from the National Association of Counties (NACo) regarding the tax exemption for municipal borrowing. He noted that he has seen some correspondence back and forth to the representatives in Washington and was not quite certain about the position they are taking regarding the exemption.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct legislative staff to send a letter to each of the County's senators and congressmen asking for clarification of their position regarding maintaining tax exemption for municipal borrowing. Without objection, it was so ordered.

24. **REQUEST FOR DVD'S OF THE LORD AND LADY FAIRFAX HONOREES PRESENTATION** (1:09 p.m.)

Supervisor Gross asked unanimous consent that the Board direct staff to:

- Produce DVD's of the 2013 Lord and Lady Fairfax honorees presentation and provide them to each magisterial district Supervisor's office to be forwarded to each of the honorees. The DVD recording should begin with the presentation of the colors all the way through to the completion of the presentation to the Lord and Lady Fairfax honorees.
- Produce the DVD recordings each year and provide them to each magisterial district Supervisor's office.

Without objection, it was so ordered.

PMH:pmh

25. **FLINT HILL CEMETERY ASSOCIATION - WAIVER OF APPLICATION FEES (PROVIDENCE DISTRICT)** (1:10 p.m.)

Supervisor Smyth said the Flint Hill Cemetery Association has contacted her informing her of its plans to file a special permit and variance application to expand the cemetery. The historic Flint Hill Cemetery, established in 1875 and located in Oakton, is maintained by the nonprofit Flint Hill Cemetery Association. The association is diligently working to preserve cash reserves and manage the long term financial stability of the cemetery. To that end, the association has requested a waiver of application fees.

Since the association is working diligently so as not to become a burden to the County, Supervisor Smyth moved to waive the special permit and variance application fees, pursuant to Zoning Ordinance Section 18-106, for "good cause shown." This motion shall not be construed as a favorable recommendation by the Board on the proposed applications, and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Foust seconded the motion and it carried by unanimous vote.

26. **MODIFIED PROCESSING - RESIDENTIAL BLOCKS A&E OF ARBOR ROW (PROVIDENCE DISTRICT)** (1:11 p.m.)

Supervisor Smyth said that she has been contacted by the developers of the residential blocks A&E of the Arbor Row project in Tysons requesting help with moving quickly to construction. Specifically they have requested modified processing of the plans to move forward with footings and foundation work of

their residential buildings. Obtaining modified processing could result in final delivery of the residential building many months earlier.

Supervisor Smyth noted Board Policy allows modified processing to be granted to commercial development but is not extended to residential projects. There are strong arguments that modified processing should be extended to larger scale residential development within certain parameters. To that end she said that it was her understanding that proposed modified processing policy applied to large scale residential projects was well-received by the Board last Tuesday at the Development Process Committee meeting and by NAIOP and NVBIA last Thursday and by the EAC on Friday. A final proposed Policy change is anticipated to be brought to the Board in September. Unfortunately that timing would significantly impact the anticipated construction schedule for the Arbor Road development.

Therefore, Supervisor Smyth moved that the Board deem the residential Blocks of Arbor Row (Block A&E) eligible for modified processing as test case while the revised Policy works its way to the Board. This motion shall not be construed as a favorable recommendation by the Board on the proposed applications, and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Foust seconded the motion and it carried by unanimous vote.

27. **LOCATION OF RESIDENCE OF STUDENTS** (1:12 p.m.)

Supervisor Smyth noted that she had recently been contacted about a situation in which students were being picked up by County School buses, and attending County schools, but were not County residents. She suggested that the situation be discussed with the School system.

Following a brief discussion regarding the issue, Supervisor McKay asked unanimous consent that the Board direct staff to work with the School System and request a report on what the process is to annually certify that the proper students are registering at the proper schools. Without objection, it was so ordered.

28. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (1:18 p.m.)

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

29. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)** (1:18 p.m.)

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

30. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (1:18 p.m.)

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

31. **RICHARD BYRD LIBRARY (LEE DISTRICT)** (1:19 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor McKay said that Richard Byrd Library will formally celebrate its Fifty-Fifth anniversary with a signature adult lecture on August 8 and a family day on August 10.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite the Friends of Richard Byrd Library and library staff be to appear before the Board for recognition on July 30. Without objection, it was so ordered.

32. **EXAMINER NEWSPAPER** (1:19 p.m.)

Supervisor McKay noted that last Friday was the last day of the print version of the *Examiner* and he expressed his appreciation for the years of publishing issues in the County. He wished all who worked with at the *Examiner* well in their future endeavors.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to inform everyone at the *Examiner* how much the Board has appreciated its coverage over the years. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

33. **JAMES MADISON HIGH SCHOOL (JMHS) GIRLS' LACROSSE TEAM WINS STATE CHAMPIONSHIP (HUNTER MILL DISTRICT)** (1:20 p.m.)

Supervisor Hudgins announced that JMHS enjoyed a very successful lacrosse season this spring. JMHS boys won the Liberty District and Northern Region Championships, and advanced to the State championship where they finished as a runner-up to State champions Chantilly.

Supervisor Hudgins said JMHS girls mirrored the boys' success by also winning the Liberty District and the Northern Region Championship. However, the girls went on to cap their season with a Virginia Girls Lacrosse State Championship.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the JMHS Girls' Lacrosse Team and Coach Amanda Counts to appear before the Board to receive congratulations on a championship season. Without objection, it was so ordered.

34. **RESTON ASSOCIATION (RA) CHIEF EXECUTIVE OFFICER (CEO)
MILTON MATTHEWS (HUNTER MILL DISTRICT)** (1:20 p.m.)

Supervisor Hudgins said that Milton Matthews has been the CEO of RA for eight years and is moving on. In that time, he has been a tremendous asset to the greater Reston community. He has been a valued partner working with local organizations and government on multiple initiatives for the community.

Supervisor Hudgins referred to her written Board Matter outlining Mr. Matthews' accomplishments and honors.

Supervisor Hudgins expressed her appreciation for his friendship and willingness to work with the Hunter Mill District office and staff in providing services to RA and County citizens. She wished him every success in the future.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to issue a Certificate of Recognition acknowledging Mr. Matthews' eight years of distinguished leadership as CEO of RA. Without objection, it was so ordered.

35. **RECESS/CLOSED SESSION** (1:24 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. *Ana Cecilia Mongrut-Avanzini v. Commonwealth of Virginia*, Case No. 1:12cv152 (E.D. Va.)
 - 2. *Franconia Two, LP v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2012-0019262 (Fx. Co. Cir. Ct.) (Lee District)

3. *Fairfax County v. James Carroll*, Case No. GV13-008151 (Fx. Co. Gen. Dist. Ct.)
4. *Dagne Engeda v. Edward Carpenter and Leo Mayer*, Case No. GV13-000106 (Fx. Co. Gen. Dist. Ct.)
5. *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)
6. *In Re: February 13, 2013, Decision of the Fairfax County Board of Zoning Appeals; Trang P. Mai v. Fairfax County Department of Planning and Zoning*, Case No. CL-2013-0005213 (Fx. Co. Cir. Ct.) (Mason District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Antoniel F. Deleon and Estela C. Barrios*, Case No. CL-2012-0010803 (Fx. Co. Cir. Ct.) (Mason District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edward E. Ankers, Jr., and Edward E. Ankers, III*, Case No. CL-2006-0010511 (Fx. Co. Cir. Ct.) (Hunter Mill District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ibrahim I. Abdullah and Amany Abdullah*, Case No. CL-2012-0008578 (Fx. Co. Cir. Ct.) (Mason District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. BLC, Limited Partnership*, Case No. CL-2012-0014277 (Fx. Co. Cir. Ct.) (Providence District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Penn Daw Properties, L.L.P.*, Case No. CL- 2010-0006498 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard D. Green*, Case No. CL-2012-0009832 (Fx. Co. Cir. Ct.) (Braddock District)

13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Airlie Real Estate Trust #95-04530 and Jeffrey Sedgwick, Trustee*, Case No. CL-2012-0017559 (Fx. Co. Cir. Ct.) (Mason District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gene C. Ballard*, Case No. CL-2009-0009095 (Fx. Co. Cir. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tavares Family Limited Partnership*, Case No. CL-2013-0000198 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tavares Family Limited Partnership*, Case No. CL-2013-0000220 (Fx. Co. Cir. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Larry A. Arthur and Julie T. Arthur*, Case No. CL-2013-0002869 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Elise Ann Brandenburger Brown*, Case No. CL-2013-0005149 (Fx. Co. Cir. Ct.) (Dranesville District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cedric David Lack*, Case No. CL-2012-0016766 (Fx. Co. Cir. Ct.) (Lee District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gum N. Ohe and Hyon Chon*, Case No. CL-2013-0008885 (Fx. Co. Cir. Ct.) (Mason District)

21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fred F. Khamnei, Afkhamolmollk Khamnei, and Ming, LLC d/b/a B & M Therapy, Case No. CL-2013-0009085 (Fx. Co. Cir. Ct.) (Providence District)*
22. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Andre H. Light, Trustee of the Andre H. Light Inter-Vivos Trust, Case No. CL-2013-009361 (Fx. Co. Cir. Ct.) (Mason District)*
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Henry A. Novak and Shirley L. Novak, Case No. GV13-007103 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
24. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rashid Aquil, Case No. GV12-029079 (Fx. Co. Gen. Dist. Ct.) (Springfield District)*
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phyllis A. Murphy, Case No. GV13-007299 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eileen Ludden, Case Nos. GV-2013-007292 and GV13-007293 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norma Guerrero and Leslie Jeninne Huertas, Case No. GV13-007303 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaime W. Zambrana, Case No(s). GV13-007296 and GV13-007297 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Larissa Omelchenko Taran, Case No. GV13-007300 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*

30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Negash Tsigie, Hirut Hailegiorgis, and Dong Kim*, Case Nos. GV13-007294 and GV-2013-007295 (Fx. Co. Gen. Dist. Ct.) (Lee District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kenneth L. Mobley and Magnolia M. Mobley*, Case No. GV13-007301 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Peggy Shannon Bryant Starke Trust, and Peggy Shannon Bryant Starke, Trustee of the Peggy Shannon Bryant Starke Trust*, Case Nos. GV13-011059, GV13-011060 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Herbert H. Becker*, Case No. GV12-028905 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ramay Family Partnership*, Case No. GV12-027526 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Laura C. Menez and Don Ernani Menez*, Case No. GV13-007298 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Stephan Franco and Michael Franco*, Civil Case No. GV13-009464 (Fx. Co. Gen. Dist. Ct.) (Sully District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Paul A. Spiegelblatt*, Case Nos. GV13-006459 and GV13-006460 (Fx. Co. Gen. Dist. Ct.) (Mason District)

38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis M. Crespo*, Case No. GV13-009466 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy A. Sims and Edward A. Marttinen*, Case No. GV13-009850 (Fx. Co. Gen. Dist. Ct.) (Providence District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Judy A. Sims and Edward A. Marttinen*, Case No. GV13-009849 (Fx. Co. Gen. Dist. Ct.) (Providence District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nisar Faizi, Malali Faizi, and Daniel Faizi*, Case Nos. GV13-003214 and GV13-003356 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gloria Cruz and Jose Santana Escobar*, Case Nos. GV13-011000 and GV13-011001 (Fx. Co. Gen. Dist. Ct.) (Mason District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hillbrook Real Estate Holdings, LLC*, Case No. GV-13-0011603 (Fx. Co. Gen. Dist. Ct.) (Mason District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ann R. Moore and Harley Cleveland Moore, Jr.*, Case No. GV13-011605 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Virginia Window Cleaners Company, Inc.*, Case No. GV13-011604 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Diane Trimiew*, Case No. GV13-011600 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Diane Trimiew*, Case No. GV13-011599 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
48. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dorothy M. Feaganes and Terry Feaganes*, Case No. GV13-011601 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
49. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jarvis Barnwell Investments, LLC*, Case No. GV13-011602 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Halima Mohamed-Giama*, Case No. GV13-011596 (Fx. Co. Gen. Dist. Ct.) (Mason District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jack Burton Miller*, Case No. GV13-011597 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
52. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jack Burton Miller*, Case No. GV13-011598 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
53. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Irving Bernstein, Trustee of the Irving Bernstein Revocable Trust*, Civil Case No. GV13-012357 (Fx. Co. Gen. Dist. Ct.) (Providence District)

And in addition:

- *Meeks v. Virginia Department of Transportation*, Case Number 740-CL-12001705-00
- *Newberry Station Homeowners Association, Inc., et al. v. Board of Supervisors of Fairfax County, et al.* Record Number 121209

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

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At 3:58 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

36. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:58 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 Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

37. **AUTHORIZATION TO FILE A BRIEF** (3:59 p.m.)

Supervisor McKay moved that the Board authorize the County Attorney to:

- File a friend of the court brief on behalf of the Board and the County in support of the Virginia Department of Transportation (VDOT) in any appeal of the decision of the Circuit Court of the City of Portsmouth in May 2013 in the case of *Danny Meeks v. Virginia Department of Transportation*, Case Number 740-CL-12001705-00

- OR -

- Alternatively, in the discretion of the County Attorney, to join the Board and the County in a friend of the court brief filed jointly by one or more other parties supporting VDOT in any appeal of that decision.

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

38. **ORDERS OF THE DAY** (4 p.m.)

Chairman Bulova announced that the public hearing schedule is being rearranged to move the Board Decision on Proposed Zoning Ordinance Amendment Regarding Home Child Care Facilities to the end of the agenda.

AGENDA ITEMS

39. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-PR-012 (TD BANK, NATIONAL ASSOCIATION) (PROVIDENCE DISTRICT)**
(4:01 p.m.)

The application property is located at 7230 Arlington Boulevard, Falls Church, VA 22042, Tax Map 50-3 ((5)) (5) 501.

Mr. Fred Taylor reaffirmed the validity of the affidavit for the record.

Mike Lynskey, Planner, 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, which included testimony by two speakers, discussion ensued, with input from Mr. Taylor and Laura Gori, Assistant County Attorney, regarding the:

- Number of service stations closest to the proposed site
- Number of banks within the vicinity
- Legalities involving ownership of the site

Mr. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2012-PR-012, subject to the development conditions dated June 18, 2013.
- Waiver of loading space requirements.
- Deviation from the tree preservation target in favor of the landscaping shown on SE Plat.
- Modification of the major trail requirements to accept five-foot concrete sidewalks along both street frontages.

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

40. **4 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING HOME CHILD CARE FACILITIES**

(NOTE: Earlier in the meeting, Chairman Bulova announced that this item was moved to the end of the agenda. See Clerk's Summary Item #58.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #43.)

41. **4 P.M. – PH ON PROPOSED FISCAL YEAR (FY) 2014 REGIONAL TRANSPORTATION ALTERNATIVE PROGRAM GRANT APPLICATIONS** (4:28 p.m.)

(Rs) 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 May 31 and June 7, 2013.

Tom Biesiadny, Director, Department of Transportation, presented the staff report.

Discussion ensued, with input from Mr. Biesiadny, regarding outside funding sources and matching grants for the projects.

Following the public hearing, Supervisor Hyland and Supervisor Hudgins jointly moved that the Board:

- Endorse the enhancement projects for which applicants have identified a funding source for the required minimum 20 percent match.
- Adopt a Project Endorsement Resolution for each project endorsed by the Board.

Supervisor McKay seconded the motion.

Discussion ensued with input from Mr. Biesiadny, regarding the limit for funding for FY 2014.

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.

42. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (4:35 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 31 and June 7, 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.

Public Comment was held and included testimony from the following individual:

- Mr. Ted Troscianecki, regarding Braddock Road/Pleasant Valley proposed intersection improvement

Following Public Comment, discussion ensued regarding funding sources for the project.

43. **4 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING HOME CHILD CARE FACILITIES** (4:47 p.m.)

(O) (NOTE: On May 14, 2013, the Board held a public hearing regarding this item and deferred decision until June 18, 2013.)

Leslie B. Johnson, Zoning Administrator, Department of Planning and Zoning (DPZ), presented a brief background regarding the proposed amendments.

Discussion ensued, with input from Ms. Johnson, Cathy S. Belgin, Senior Assistant to the Zoning Administrator, Zoning Administration Branch, DPZ, and Rebecca Horner Planner, Special Permits and Variances Branch, DPZ, regarding:

- Outreach efforts and publicity information
- Contact with providers
- Link to the main County Website
- Parking requirements and special permits
- The application process

- Option for shared/offsite parking
- The fiscal impact and cost involved to providers
- Transportation analysis
- Availability of staff to handle the number of applications

Ms. Johnson announced that citizens should call the Zoning Evaluation Division of DPZ at 703-324-1290 if they have questions regarding the child care and special permit application process.

Supervisor Frey moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding home child care facilities, as set forth in the staff report dated January 29, 2013, as advertised, with a special permit application fee set at \$435, and an effective date of 12:01 a.m. on the day following adoption, with the understanding that the Zoning Administrator will allow a grace period for State licensed child care providers to come into compliance with the new ordinance provisions, as set forth in the Zoning Administrator's memorandum dated June 11, 2013.
- That the Board direct staff to:
 - Evaluate the recommendations made by the Planning Commission
 - Report to the Board within 12 months with a status report on the number of applications filed and heard by the Board of Zoning Appeals, (BZA) along with any recommendations or suggestions for additional amendments to the home child care provisions.

Chairman Bulova and Supervisor Hyland jointly seconded the motion.

Supervisor McKay asked to amend the motion:

- That the proposed changes to the P District regulations contained in Article 6 shall not be adopted.
- To direct staff to work on methods of streamlining the existing special exception (SE) process and consider an application fee reduction for home childcare applications only and report with their findings.

Supervisor Smyth seconded the motion.

Supervisor McKay submitted items for the record.

A brief discussion ensued, regarding P Districts and the proposed amendment.

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

Discussion ensued, with input from Ms. Johnson, regarding staffing costs to review the applications, development conditions, and enforcement of zoning violations.

Supervisor Herrity asked to amend the motion to direct staff to:

- Report, after processing 20-30 applications, to see what the issues are
- Include an ombudsman to the process

This was not accepted.

Supervisor Frey asked unanimous consent that the Board direct staff to provide a status report and briefing at the next Development Process Committee meeting to review the process and the issues. Without objection, it was so ordered.

The question was called on the main motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hudgins voting “NAY.”

Chairman Bulova thanked staff and Childcare providers who participated in the process.

44. **BOARD ADJOURNMENT** (5:49 p.m.)

The Board adjourned.

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