



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 5, 2013**

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05-13

DAL:dal

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, March 5, 2013, at 9:34 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; Dianne E. Tomasek and Ekua Brew-Ewool, Administrative Assistants, Office of Clerk to the Board of Supervisors.

AGENDA ITEMS

1. **RESOLUTION OF RECOGNITION PRESENTED TO MR. DANIEL MEIER** (9:36 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Mr. Daniel Meier for his years of service to the County, upon his retirement as the principal of Robinson Secondary School. Supervisor Cook and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

2. **RESOLUTION OF RECOGNITION PRESENTED TO MR. GARRETT MOORE** (9:49 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Mr. Garrett Moore for his years of service to the County, as the Virginia Department of Transportation Northern Virginia District Administrator. This motion, the second to which was multiply seconded, carried by unanimous vote.

3. **RESOLUTION OF RECOGNITION PRESENTED TO MS. NANCY BURKE** (10:08 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Ms. Nancy Burke for her accomplishments and induction into the Virginia Athletic Trainers' Association Hall of Fame. Supervisor McKay seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO THE NORTHERN VIRGINIA ELECTRIC COOPERATIVE (NOVEC)** (10:18 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to NOVEC for its accomplishments, innovation, and service in the County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. WALTER ALCORN** (10:33 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Walter Alcorn for his years of service as the At-Large #1 Chairman's Representative to the Planning Commission. This motion, the second to which was multiply seconded, carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **PROCLAMATION DESIGNATING MARCH 2013 AS "ALTERNATIVE DISPUTE RESOLUTION MONTH" IN FAIRFAX COUNTY** (10:55 a.m.)

Supervisor Cook moved approval of the Proclamation to designate March 2013 as "*Alternative Dispute Resolution Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

7. **PROCLAMATION DESIGNATING MARCH 2013 AS "WOMEN'S HISTORY MONTH" IN FAIRFAX COUNTY** (11:07 a.m.)

Supervisor Gross moved approval of the Proclamation to designate March 2013 as "*Women's History Month*" in Fairfax County. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

DET:det

8. **ADMINISTRATIVE ITEMS** (11:35 a.m.)

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

Supervisor Hyland called the Board's attention to Admin 2 - Authorization to Advertise Publication of The Fiscal Year (FY) 2014 Budget and Required Tax Rates, The FY 2014 Effective Tax Rate Increase, and the Capital Improvement Program for FYs 2014-2018 (with Future FYs to 2023) and stated he had an amendment to this Item.

Supervisor Herrity asked to amend the motion to consider Admin 2 separately, and this was accepted.

The question was called on the motion, as amended, to approve the Administrative Items, with the exception of Admin 2, and it carried by unanimous vote.

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON DISTRICT)

(R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Laurel Hill Land Bay A Section Two	Mount Vernon	Indian Paintbrush Way Flowering Dogwood Lane

ADMIN 2 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2014 BUDGET AND REQUIRED TAX RATES, THE FY 2014 EFFECTIVE TAX RATE INCREASE, AND THE CAPITAL IMPROVEMENT PROGRAM FOR FYs 2014-2018 (WITH FUTURE FYs TO 2023)

(NOTE: Earlier in the meeting, the Board voted to consider this item separately. See page 3.)

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #9.)

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2013 REVISED BUDGET PLAN

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 9, 2013, at 6 p.m. and April 10 and 11, at 3 p.m.** to consider amending the current appropriation level in the FY 2013 Revised Budget Plan.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO INCREASE THE RATE FOR THE TRANSPORTATION TAX IMPOSED ON CERTAIN COMMERCIAL AND INDUSTRIAL (C&I) PROPERTIES

- (A)(R) Authorized the advertisement of a public hearing to be held before the Board on **April 9, 2013, at 3 p.m.** regarding a revision to an uncodified ordinance which was adopted on April 28, 2008, by increasing the tax rate from \$0.11 to \$0.125 per \$100 of assessed value on C&I properties with the revenues to be used for transportation purposes.

9. **ADMIN 2 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2014 BUDGET AND REQUIRED TAX RATES, THE FY 2014 EFFECTIVE TAX RATE INCREASE, AND THE CAPITAL IMPROVEMENT PROGRAM FOR FYs 2014-2018 (WITH FUTURE FYs TO 2023)** (11:37 a.m.)

- (A) (NOTE: Earlier in the meeting, the Board voted to consider this item separately. See Clerk's Summary Item #8.)

Chairman Bulova stated that the tax rate being advertised with this motion is the rate of \$1.095 per \$100 of assessed value, as proposed by the County Executive and outlined in the Board Agenda Item dated March 5, 2013.

Supervisor Hyland moved to amend the motion to increase the tax rated to \$1.11 per \$100 of assessed value. Supervisor Hudgins seconded the motion.

Supervisor Hyland stated that the Mount Vernon Council of Citizen Associations recently passed a resolution that requests that the Board advertise a maximum residential property tax rate applicable to FY 2014 of no less than \$1.15. He noted that he and Supervisor Gross had just returned from the National Association of Counties (NACo) legislative conference and informed the Board that there is a proposal to eliminate the exemption for municipal bond financing which, if it occurred, would result in an increase in the County's expense of borrowing by over \$41 million which is \$.02 on the tax rate. He added that the President's proposal to cap that at 28 percent would result in a much smaller amount, but if it were to happen (which counties in the country oppose), there would be a major problem with balancing the County's budget.

Noting the uncertainty of congressional action, Supervisor Hyland moved that the Board authorize the advertisement of the higher tax rate. Supervisor Hudgins seconded the motion.

Discussion ensued concerning:

- Latitude in the decision-making process
- Service delivery at the local level

Chairman Bulova inquired as to the increase in the average homeowner's annual tax bill under the two cent increase proposed by the County Executive and the additional one-and-a-half cent increase recommended by Supervisor Hyland, with input from Susan W. Datta, Chief Financial Officer and Edward L. Long Jr., County Executive.

Discussion continued concerning increases in the Tyson's Service District, commercial and industrial properties (C&I), and base sewer service.

Following an inquiry regarding interest payments, with input from Ms. Datta, further discussion ensued concerning:

- Citizen concern
- Furloughs
- Assessment increases
- Increases in State taxes
- Lack of flexibility in the proposed budget

Chairman Bulova requested comment from Mr. Long regarding flexibility concerns. Following input from Mr. Long, regarding the very difficult and

unusual situation the Board is in, particularly in a multi-year basis, discussion ensued concerning the role of the Board in the budget process.

The question was called on the amendment to the motion, and it **FAILED** by a recorded vote of eight, Supervisor Hudgins and Supervisor Hyland voting “**AYE.**”

Discussion continued concerning the main motion regarding:

- A 5.5 percent increase in real estate taxes
- State law and the budget process
- An increase/implementation of Federal and State taxes
- Shifting of responsibilities to the local level

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

BOARD MATTER

10. **REQUEST FOR CITIZEN INPUT ON POTENTIAL REDUCTIONS** (12:13 p.m.)

Supervisor Cook announced that last week he asked the County Executive to provide the Board with the submissions from County agencies on potential reductions and noted that the information would be forthcoming at next Tuesday’s Budget Committee meeting. He stated that he plans to send the list to the residents of Braddock District and ask for their input on items that should be reviewed for reduction. He stated his belief that there are two benefits to doing that:

- Input from citizens on what reductions, if any, the Board should make in a proposed budget
- The exercise of going through the list, checking off boxes, and adding up the numbers, might help residents get a better understanding of the budget, as well as the difficulties

He noted that last fall a transportation survey had been done and he was asking the Board to consider the idea that perhaps something similar could be done for the budget. Supervisor Cook added that the Lines of Business Review have been published in the past but the Board has not had a mechanism for capturing the public’s views and concluded that perhaps it is a way to not only gain public input but also help provide public understanding.

Chairman Bulova added that the list will be part of the discussion at the first Budget Committee meeting next week, and at that time the Board can discuss what it may want to do with that list.

Discussion ensued concerning obtaining the list prior to the meeting, with input from Edward L. Long Jr., County Executive.

Supervisor Foust noted that before the advertised budget was prepared, Mr. Long went through a very intensive outreach process and received helpful suggestions from the community and others and asked that staff provide the results of that effort as it reviews the budget. Susan W. Datta, Chief Financial Officer, stated that the results are posted on the County's website, but she would provide a link to identify their locations.

Chairman Bulova added that the County's website has a wealth of information on it that is easy to navigate and find information on the budget.

AGENDA ITEMS

11. **A-1 – AUTHORIZATION TO FILE ADDITIONAL COMMENTS IN RESPONSE TO THE FEDERAL COMMUNICATIONS COMMISSION (FCC) FURTHER NOTICE OF PROPOSED RULEMAKING TO FACILITATE THE DEPLOYMENT OF TEXT-TO-911 AND OTHER NEXT GENERATION 9-1-1 (NG9-1-1) APPLICATIONS** (12:17 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize staff to file comments with the FCC advocating that Text-to-TTY Translation is the best option to implement text-to-911 pending upgrades to NG9-1-1 and that text-to-911 messages should be delivered by wireless carriers with the most accurate location data possible. Supervisor Hyland seconded the motion.

Supervisor Herrity noted that he had the opportunity to participate on the Governor's 9-1-1 task force and stated that the County has the opportunity to do text 9-1-1 before NG9-1-1. Supervisor Herrity asked unanimous consent that the Board direct staff to determine the costs as well as the advantages/disadvantages of this interim solution. Without objection, it was so ordered.

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

12. **I-1 – 2012 VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT ANNUAL REPORT FOR FAIRFAX COUNTY, VIRGINIA** (12:20 p.m.)

The Board next considered an item contained in the Board Agenda dated March 5, 2013, announcing that the County Executive will forward the 2012 VPDES Permit Annual Report to the Virginia Department of Conservation and Recreation and to others as requested, and will publish it on the County's Web site.

The staff was directed administratively to proceed as proposed.

13. **I-2 – SERVICE ADJUSTMENTS FOR FAIRFAX CONNECTOR BUS SERVICE EFFECTIVE MARCH 2013** (12:20 p.m.)

The Board next considered an item contained in the Board Agenda dated March 5, 2013, announcing that the Department of Transportation will implement service changes to the Fairfax Connector bus service on March 18, 2013

The staff was directed administratively to proceed as proposed.

DAL:dal

ADDITIONAL BOARD MATTERS

14. **AUTHORIZATION TO CONSIDER AMENDMENTS TO THE COMPREHENSIVE PLAN FOR TYSONS** (12:21 p.m.)

Jointly with Supervisor Smyth, Supervisor Hudgins, and Supervisor Foust, Chairman Bulova said that on June 22, 2010, the Board adopted a Comprehensive Plan amendment for the Tysons Corner Urban Center and approved a series of follow-on motions to guide the implementation of the new Plan. The Plan amendment and motions recommended that additional work and studies be completed, such as street grid and other transportation studies, urban design guidelines, and a transportation funding plan. At its October 16, 2012, meeting the Board also directed staff to consider changes to the Plan's Initial Development Level for office uses in Tysons.

As many of the recommended studies and implementation efforts have been completed, it is time to begin the process of updating the Tysons Plan to reflect this work. Chairman Bulova proposed the authorization of three separate Plan amendments, organized by topical areas, to cover:

- Implementation, land use (including the Initial Development Level), and urban design
- Transportation
- Parks, public facilities, and other updates as may be determined during the amendment process

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize consideration of a series of three amendments to the Plan for Tysons to facilitate implementation activities and to reconcile the Plan text and maps with the studies and planning activities that have been completed to date. The first amendment should be completed in the fall of this year with the other amendments to follow in 2014. Supervisor Smyth seconded the motion.

Supervisor Smyth raised a question regarding the schedule for possible public outreach.

Chairman Bulova asked to amend her motion to include public outreach and information to the participants and stakeholders. This was accepted.

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

15. **WASHINGTON POST ARTICLE REGARDING THE HOMELESS IN THE COUNTY** (12:25 p.m.)

Chairman Bulova called the Board's attention to an article in the *Washington Post* entitled "Finding Homes for the Homeless in Fairfax County," by Corinne Reilly. Chairman Bulova noted that she and Supervisor Hudgins, a member of the governance board for the Board to prevent and end homelessness, joined a group of volunteers who went into the woods during the early hours of the morning to reach out and interview individuals who are chronically homeless in the County.

Chairman Bulova acknowledged and recognized the nonprofit organizations, the volunteers, and the Office to Prevent and End Homelessness, for this effort. She said that it was called Registry Week. Some of the nonprofits that participated were Facets, New Hope Housing, Pathway Homes, Reston Interfaith, Volunteers of America Chesapeake, and various faith communities and businesses.

Chairman Bulova asked unanimous consent that the Board direct staff to invite individuals and organizations who were part of this effort to appear before the Board to be thanked and recognized and to hear their findings. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Hudgins shared her thoughts and concerns about the homeless. She also said that it was important to recognize the volunteers who had participated in this effort.

16. **COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)** (12:31 p.m.)

Supervisor Hyland said that on March 4, the Chairman of the CCJB sent a memorandum to the Board regarding the potential for erosion of quality and efficient services highlighting four proposed cuts that the County Executive did not make as part of his recommended Fiscal Year (FY) 2014 Budget. Even though these programs and positions are not being proposed for elimination, the Board requested a list of proposed reductions that the County Executive did not make as part of his budget.

The proposal to eliminate Sheriff's deputies from non-criminal court proceedings, the Detox Diversion program, clerical support in the Court Services Division to share information in the Virginia Criminal Information Network, and clinical evaluations for the Juvenile and Domestic Relations Court are synergistic efforts that have made positive impacts in the community. It would be ill advised for the Board to consider these programs for elimination to achieve a balanced budget

Therefore, Supervisor Hyland asked unanimous consent that the Board contingently list the programs as consideration items should they be proposed for elimination or reduction during the FY 2014 budget deliberations.

Following discussion, regarding the request and the need to explore options for providing a preliminary list of possible budget reductions, without objection, it was so ordered.

17. **REQUEST TO TAKE A POSITION ON THE PROPOSED ELIMINATION OR LIMITATION OF TAX-EXEMPT STATUS ON MUNICIPAL BONDS**
(12:39 p.m.)

Jointly with Supervisor McKay, Supervisor Hyland said President Obama's National Commission on Fiscal Responsibility and Reform first proposed the elimination of the tax-exempt status of municipal bonds. The proposal continues to be brought up during deficit reduction discussions. Tax-exempt bonds were written into the first tax code in 1913 and are a well-established financing tool. Municipal bonds are predominantly issued by state and local governments for governmental infrastructure and capital needs like schools, streets, water and sewer systems, and other critical projects.

Without the tax-exemption, counties would pay more to raise capital, a cost that will ultimately be borne by the taxpayers. The proposed savings from changing the status of municipal bonds will not offset the economic strain that will burden state and local governments because those investments will become more expensive. In the County, the elimination of tax-exempt status of municipal bonds would cost \$41.8 million a year, or two additional cents on the real estate tax rate. Supervisor Hyland stated that the County's Congressional delegation needs to know the impact of this proposal on local government.

Therefore, Supervisor Hyland moved that the Board:

- Oppose efforts to eliminate or limit the tax-exempt status of municipal bonds
- Direct staff to prepare a letter to send to the County's Congressional delegation informing them of the Board's position and the adverse impact this may have on the County and its residents

Supervisor Gross seconded the motion.

Following discussion, regarding informing the delegation, Supervisor McKay asked unanimous consent that the Board direct staff to amend the Federal legislative package to include opposition and send it as an attachment to the letter being sent to the County's Congressional delegation. Without objection, it was so ordered.

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

DET:det

18. **MOTION TO AMEND THE OFFICE OF FINANCIAL AND PROGRAM AUDIT (OFPA) STUDY AREAS** (12:44 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust noted that the Board approved the OFPA's current studies on January 15. The study areas included the development of a methodology for the Community Services Board (CSB) to use in the review and evaluation of contracting options for services.

Concurrently, the CSB is in the process of establishing a work group to develop methodological tools for human services agencies to conduct cost/benefit analyses - most importantly to use in comparing to private sector services. Initial results of this effort are expected at the end of March. Supervisor Foust said that they recommend the OFPA assignment be revised to include a review of the results of CSB's efforts and any subsequent implementation.

Supervisor Foust explained that this revision will provide an opportunity for OFPA to examine the County's rate of return on its cash investments, an area directly relevant to the Board's current budget deliberations, while still being involved in the resulting CSB activities. The County's reported rate of return on its \$3.3 billion cash investment portfolio was .55 percent as of January 31, 2013. An incremental .10 percent increase in the rate of return could generate \$3.3 million in additional interest earnings. He said that the County's rate of return on its cash investments should be studied by the Auditor of the Board, on behalf of the Board, as it considers options for the Fiscal Year (FY) 2014 and 2015 budgets. The rate of return should be evaluated within the context of the County's investment philosophy (safety of principal, maintaining liquidity to meet financial obligations and ensuring an appropriate return on investments).

Therefore, Supervisor Foust moved that the Board revise the study list of the OFPA, as noted above, to include a review of the County's investment return. Supervisor McKay seconded the motion.

Discussion ensued concerning following all applicable laws.

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

19. **FAIRFAX CONNECTOR PUBLIC OUTREACH COMMENTS**
(12:48 p.m.)

Supervisor Hudgins announced that for decades, Reston has been a community that embraces transit; Reston is Transit Oriented Development or TOD without the “T”. Over the years, the community has created and sustained a strong transit oriented culture by instituting its own bus system and continues to rely upon the Reston Internal Bus System (RIBS) for travel within the community, as well as the express routes that provide connections to the West Falls Church Metro Station and in and around Herndon. Reston is uniquely situated to embrace the additional bus service as the Dulles MetroRail Silver Line service arrives December 2013.

She noted that the Fairfax County Connector has just concluded a series of public meetings to discuss its transit service that is intended to complement the new rail service in Tysons and Reston. The meetings have been well attended and the staff has done a tremendous job gathering information and responding to citizens. After attending four of the seven public meetings, she said she has heard participants comment repeatedly on the need for adding reliable mid-day, weekend and late night service throughout the community. Many participants urged that the system not just focus on moving commuters to and from the Silver Line stations, but also create viable alternative transportation means for all residents in the community. This task would not only include more frequent service, but additional bus shelters and pedestrian facilities. The change in transit philosophy will take a great deal more investment and planning.

Supervisor Hudgins added that the Wiehle-Reston East Station will be the terminus of Phase I for at least five years. The Reston community will experience a significant increase in vehicles traveling to the Wiehle station from outside of Reston and while many MetroRail passengers will be encouraged to arrive by bus, it is essential that the Reston residents have every opportunity to get out of the car and walk, bike, or take bus service whenever possible to reduce congestion.

As the public input and staff analysis is completed, Supervisor Hudgins stated that she wants to be prepared to respond to the needed service requests with the necessary resources and it is her understanding that it is an estimated cost to reduce headways on the new routes and extend service into the late night service.

Supervisor Hudgins asked unanimous consent that the Board direct staff to include a Consideration Item of an estimated \$2.2 million, or as determined, to expand service midday and late night service in the Reston area when the Silver Line begins operate, to ensure the additional service hours. The investments made in Reston transit benefit not only that community, but all those coming into the community through the Wiehle Station. Without objection, it was so ordered.

Supervisor McKay asked unanimous consent that the Board direct staff to include the impacts on bus service as a result of opening the Silver Line both in Reston as well as on the blue and yellow Metrorail lines. The bus route changes that may need to be made need to be studied to ensure that passengers aren't lost in that corridor with the reduction in service that is also driven by the Silver Line.

Chairman Bulova clarified the request that all of the changes as a result of the Silver Line and changes in bus service are captured. Without objection, it was so ordered.

Supervisor Foust clarified that this would include the four new Metro stations in Tysons and a lot of bus service being looked at there.

Supervisor Herrity clarified that this would also include the two express routes that go to the Pentagon which operate without an operating subsidy.

Discussion continued concerning the need to talk about transit philosophy, what the County is trying to accomplish and how to reframe transit for the communities.

PMH:pmh

20. **MS4 PERMITS** (12:54 p.m.)

Supervisor Gross said that the draft MS permit for Arlington County was released for public comment on February 8, and a public hearing to receive comments on the draft permit will be held, on Friday, March 22, at 10 a.m. at the Arlington County Council Building. The deadline for written comments is March 29.

Supervisor Gross said that the EPA conducted a review of Virginia's urban stormwater programs in September 2011. The review resulted in a Memorandum of Understanding between Virginia's Department of Conservation and Recreation and EPA, outlining specific commitments to be met by DCR. One of those commitments was to develop a strategy and schedule for the re-issuance of permits for all 11 administratively continued Phase 1 MS4s in Virginia. DCR plans to use the Arlington permit as a template for all of the Phase 1 permits, so the draft permit is important to the County.

The Arlington draft permit contains a number of specific, quantifiable commitments over the course of the five-year permit cycle. Arlington's commitments include:

- Implementation of seven retrofit projects (in ROW or on county property)
- Planting of 2000 trees on county property

- Distribution of 2000 trees to private property owners and tracking of planting
- Sweeping 25,000 lane miles (Arlington maintains their own roads)
- Inspection of 300,000 linear feet of sanitary sewer
- Inspection of 5000 catch basins
- Inspection of 425,000 linear feet of storm sewer
- Implementation of the StormwaterWise cost-sharing program and funding to accommodate 200 participants

Supervisor Gross noted that Arlington County is one-sixteenth the geographical size of the County and one-fourth the size in population. The County will need to identify similar quantitative commitments that make sense for its permit program. Staff is working closely with the Virginia Municipal Stormwater Association and other Phase 1 localities to review and comment on the draft permit. Staff will distribute the County's draft comment letter to Board Members on March 15.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to schedule this item for discussion and action at the March 19 Board meeting. Without objection, it was so ordered.

21. **HONORING MS. PATTY FRIEDMAN AND THE SHARK TANK RACING SQUAD (SPRINGFIELD DISTRICT)** (12:57 p.m.)

Supervisor Herrity said that the Shark Tank Racing Squad was formed in the fall of 2009 with just six swimmers and has grown to become the home of some of the area's top swimmers in three short years. While the athletic accomplishments of the team are unquestionable, what makes them special is their community service. The team strives to give back to the community and they have donated tens of thousands of dollars to local charities. Led by Ms. Patty Friedman, this year's swim marathon at South Run Recreation Center raised more than \$15,000 for breast cancer and resulted in the swimming of more than 300,000 yards.

Supervisor Herrity referred to his written Board Matter which outlined the service of Ms. Friedman.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Ms. Friedman and the Shark Tank Swim Team to appear before the Board to each receive a resolution honoring her/them for their service to the community and the County. Without objection, it was so ordered.

22. **PROVIDENCE AND SPRINGFIELD DISTRICTS BUDGET MEETINGS AND WEATHER UPDATE FOR THE COUNTY** (12:58 p.m.)

Supervisor Smyth announced that if the County cancels evening activities due to weather concerns, the Providence District Community budget meeting scheduled for Wednesday, March 6 at 7:15 p.m., at the Dunn Loring Administrative Center located on Gallows Road, will be cancelled.

Supervisor Herrity announced that that if the County cancels evening activities due to weather concerns, the Springfield District budget meeting scheduled for Wednesday, March 6 will also be cancelled.

Edward L. Long Jr., County Executive, provided the Board with the latest weather update.

23. **PHOTO RED LIGHT ENFORCEMENT** (1 p.m.)

Supervisor Frey noted that a photo red light program used to be in place in County. Legislation passed by the Virginia General Assembly in 1999 allowed for the establishment of a photo red light program, and at its height the County had ten cameras. The program was terminated effective June 30, 2005, as the General Assembly did not reauthorize the legislation.

In 2007, the General Assembly passed legislation reauthorizing the program. However, the Board has not reestablished the program in the County. Recently, the Insurance Institute for Highway Safety (IIHS) released the results of a study in which red light running rates declined, with significant increases in safety, at intersections in Arlington County that were equipped with the cameras.

Therefore, Supervisor Frey moved that the Board direct staff to review the photo red light enforcement program history, current criteria for the program, and the Arlington County/IIHS study, and present to the Board options and a recommendation for future use in the County. Supervisor Hudgins and Chairman Bulova jointly seconded the motion.

Following discussion, regarding the program, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to also include a review of the costs to implement the program. 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 a vote of nine, Supervisor Hyland being out of the room.

24. **RECOGNITION OF MR. MARK MEANA** (1:05 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Frey said that after 20 years of service to the community, Mark Meana retired in January as the Chairman of the Fairfax County Youth Football League. Mr. Meana leaves the position after guiding the League through two decades of growth and expansion. Through Mr. Meana's leadership, the League has become an integral part of youth sports in the County. He has become a fixture in the turf field movement and has given support to dozens of clubs and organizations to secure funding for turf.

Supervisor Frey noted that youth sports are a vital part of character development. Because of Mr. Meana's dedication, countless children now have life lessons in team work, sportsmanship, winning, losing, and leading.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Meana to appear before the Board to receive a proclamation honoring him for his service to the County. Without objection, it was so ordered.

25. **INTERNATIONAL BUILDING SAFETY MONTH** (1:07 p.m.)

Supervisor Frey announced that for many years, International Building Safety Week was observed in this Nation to increase public awareness of the importance of building codes and construction safety. The Importance of Building Safety and the need to increase public awareness have increased significantly in recent years. Code officials across the country actively endorse Building Safety Month as a good way to improve communication between their building departments and community residents, local builders, and developers; and to increase public education on a wide range of issues including safety devices such as carbon monoxide detectors, smoke detectors, and ground fault circuit interrupters, which save lives and protect property.

This year, International Building Safety Month will be observed during the month of May 2013. To mark the event, the Department of Public Works and Environmental Services has scheduled public outreach efforts in several local hardware and building material supply retail stores. In addition, the Department will honor a worthy individual or corporate resident with the 2013 Building Safety Community Partnership Award. The award was first presented in 1998 to recognize individuals and corporate citizens in the County who have made significant contributions to the promotion of the goal of building safety in the County.

Therefore, Supervisor Frey asked unanimous consent that the Board:

- Direct staff to prepare a proclamation for the Board's meeting on April 30, 2013, declaring the month of May 2013 as "Building Safety Month," in Fairfax County.

- Recognize the 2013 Community Partnership Award recipient at this time before the Board.

Without objection, it was so ordered.

26. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (1:09 p.m.)

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

27. **REZONING APPLICATION BY EASTWOOD PROPERTY (LEE DISTRICT)** (1:09 p.m.)

Supervisor McKay said that his Board Matter involves authorization to file a rezoning application on property owned by the Board, specifically known as Tax Map 91-1 ((1)) 20. He noted that this property was also the subject of an administrative item on February 26, regarding the authorization of a public hearing to consider the conveyance of the property to Eastwood Properties. The property is proposed to be combined with two adjacent lots as part of a proposed R-8 townhouse development.

Therefore, Supervisor McKay moved that the Board consent to the filing of a rezoning application by Eastwood Properties on Board owned property known as Tax Map 91-1 ((1)) 20. Approval of this motion shall in no way prejudice the substantive review of the pending rezoning. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

28. **RECESS/CLOSED SESSION** (1:10 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. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Milagro Velasquez Romero*, Case No. CL-2012-0006600 (Fx. Co. Cir. Ct.) (Mount Vernon District)
2. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose E. Lainez*, Case No. CL 2011-0013803 (Fx. Co. Cir. Ct.) (Mason District)
3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge F. Landivar and Patricia J. Landivar*, Case No. CL-2011-0006715 (Fx. Co. Cir. Ct.) (Dranesville District)
4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis Alonso Cueva, Adan Francisco Castillo, and Blanca E. Lopez*, Case No. CL-2012-0015862 (Fx. Co. Cir. Ct.) (Lee District)
5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. North Fairfax Drive Investments, L.L.C.*, Case No. CL-2012-0010273 (Fx. Co. Cir. Ct.) (Sully District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John Hicks, Betty Pearson Pavone, Dallas Hicks, Harold E. Pearson, Alice Hicks, and Edward Hicks*, Case No. CL-2012-0013536 (Fx. Co. Cir. Ct.) (Providence District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ronald S. Federici*, Case No. CL-2012-0013715 (Fx. Co. Cir. Ct.) (Springfield District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. BLC, Limited Partnership*, Case No. CL-2012-0014277 (Fx. Co. Cir. Ct.) (Providence District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert H. Pearson, Jr.*, Case No.

CL-2012-0016266 (Fx. Co. Cir. Ct.) (Providence District)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harold H. Loyd and Carol Loyd*, Case No. CL-2013-0003086 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carlomagno O. Katindig and Maria Rosalina G. Katindig*, Case No. CL-2013-0003526 (Fx. Co. Cir. Ct.) (Lee District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hewa G. Sayers, Jr.*, Case No. CL-2013-0003257 (Fx. Co. Cir. Ct.) (Lee District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Heirs of Dorothy E. Pounders, Darlyn Elaine Sandgren, and Dwight David Pounders*, Case No. CL 2013 0003258 (Fx. Co. Cir. Ct.) (Dranesville 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. Gordon F. Crago and Bernadine H. Crago*, Case No. GV13-001749 (Fx. Co. Gen. Dist. Ct.) (Providence 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. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Khaisy Vonarath*, Case No. GV13-003213 (Fx. Co. Gen. Dist. Ct.) (Providence District)

18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nisar Faizi, Malali Faizi, and Daniel Faizi*, Case No. GV13-003356 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mohammed S. Alam and Lutfunnessa P. Alam*, Civil Case No. GV13-003793 (Fx. Co. Gen. Dist. Ct.) (Lee District)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert N. Jacobi*, Civil Case No. GV13-004016 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Clifton Kenney*, Civil Case Nos. GV13-004015 and GV13 004017 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- Cox Cable Television Franchise Renewal
- *Virginia Department of Transportation, et al. v. United States Environmental Protection Agency, et al.*, Civil Action No. 1:12CV775

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

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At 4:01 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

29. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:01 p.m.)

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

during the closed session. Supervisor Foust seconded the motion and it carried by 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.

AGENDA ITEMS

30. **4 P.M. – PH TO CONVEY BOARD-OWNED PROPERTY TO A MEMBER OF THE PUBLIC (BRADDOCK DISTRICT)** (4:02 p.m.)

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

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

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

31. **4 P.M. – PH 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)** (4:05 p.m.)

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

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

Following the public hearing, which included testimony by one speaker, Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Oakton RPPD, District 19. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

32. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M. TO ESTABLISH THE PICKWICK COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (4:08 p.m.)

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

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

Following the public hearing, which included testimony by four speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Pickwick CPD, in accordance with existing CPD restrictions. Supervisor Cook, Supervisor Herrity, and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

33. **BOARD ADJOURNMENT** (4:25 p.m.)

The Board adjourned.

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