



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 14, 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, May 14, 2013, at 9:38 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock 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

Supervisor John W. Foust, Dranesville District, was absent from the entire meeting.

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 MATTER1. **MOMENT OF SILENCE** (9:38 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Mayo Stuntz, who died recently. He was an original member of the History Commission and retired last year after 47 years on the Commission. He and his wife were Lord and Lady Fairfax and celebrated their sixty sixth wedding anniversary in February. Mr. Stuntz was a living history figure in the County.

Supervisor Hudgins asked everyone to keep in thoughts the family of Reverend Alvin Hugley, of the Vienna First Baptist Church, who died recently. He had been a long time member and active in the community with his wife.

Supervisor Gross asked everyone to keep in thoughts the family of Mrs. Millie White, who died recently. She was a longtime resident of Mason District and always had a sparkle in her eyes. She was a volunteer at the free summer concerts.

Chairman Bulova announced that Supervisor Foust would not be at the meeting today because his mother died on Sunday. She asked everyone to keep Supervisor Foust and his family in thoughts.

Supervisor Smyth asked everyone to keep in thoughts the family of Dr. G. Ray Worley, who died last week. Dr. Worley was a native of the Dunn Loring Community which happens to be the earliest platted subdivision in the County and possibly the Commonwealth. He was the president of the Dunn Loring Improvement Association, the unofficial historian for the community, and fondly considered the Mayor of Dunn Loring. He served on numerous Land Use Task Forces in the County and was truly a community activist all his life.

AGENDA ITEMS2. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. LILY DUNLAP AND THE RESTON LIONS CLUB** (9:45 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Lily Dunlap for winning the Lions Club International Peace Poster contest. Supervisor Hyland seconded the motion.

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the Reston Lions Club for its efforts to emphasize the importance of world peace to young people everywhere and sponsorship of the Lions International Peace Poster Contest. Supervisor Herrity seconded the motion.

The question was called on the motions and they carried by a vote of nine, Supervisor Foust being absent.

3. **RESOLUTION OF RECOGNITION PRESENTED TO PSYCHIATRIC REHABILITATION SERVICES** (9:50 a.m.)

Supervisor Smyth moved approval of the Resolution of Recognition presented to Psychiatric Rehabilitation Services for its fiftieth anniversary. Supervisor Herrity, Supervisor Hudgins, and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

4. **RESOLUTION OF RECOGNITION PRESENTED TO THE JOHN MARSHALL LIBRARY** (9:59 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to the John Marshall Library for its fiftieth anniversary. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Foust being absent.

5. **CERTIFICATES TO RECOGNIZE THE SUCCESS OF THE STUFF THE BUS PROGRAM** (10:07 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificates of Recognition presented to the following for the success of the Stuff the Bus program by donating more than 1,000 hours of volunteer time, and collecting more than 23,000 pounds of food and \$6,500 cash/gift cards to help feed the needy in the community:

- Chantilly High School
- Data Systems and Technology Incorporated
- The Office of Public Private Partnerships
- Cisco Systems
- Office of Dr. Lois Wilson, D.D.S.
- Frank and Company
- Giant Food
- Oakton Giant
- Lorton Valley Giant
- Loehmann's Plaza Giant
- McLean Giant

- Clifton Giant
- Huntsman Square Giant
- Fox Mill Giant
- MV Transportation Incorporated
- Rosenthall Automotive
- Rotary Club of McLean
- Shoppers Food and Pharmacy
- Village Center at Dulles Shoppers
- Mount Vernon Plaza Shoppers
- Fair City Mall Shoppers
- Fairfax Walmart 5880

Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **PROCLAMATION DESIGNATING MAY 19–25, 2013, AS "EMERGENCY MEDICAL SERVICES WEEK" IN FAIRFAX COUNTY** (10:15 a.m.)

Supervisor McKay moved approval of the Proclamation to designate May 19-25, 2013, as "*Emergency Medical Services Week*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

7. **PROCLAMATION DESIGNATING MAY 22, 2013 AS "AMERICAN CANCER SOCIETY DAY" IN FAIRFAX COUNTY AND RECOGNIZING ITS ONE HUNDREDTH ANNIVERSARY** (10:30 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 22, 2013, as "*American Cancer Society Day*" in Fairfax County, and to recognize its one hundredth anniversary. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Smyth being out of the room, Supervisor Foust being absent.

8. **PROCLAMATION DESIGNATING MAY 2013 AS "OVARIAN CANCER AWARENESS MONTH" IN FAIRFAX COUNTY** (10:33 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 2013 as "*Ovarian Cancer Awareness Month*" in Fairfax County. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

A brief discussion ensued, with input from Chris Hammond, Manager, Northern Virginia Chapter of the National Ovarian Cancer Coalition, regarding cancer diagnosis, prevention, screening, symptoms, and advantages of early diagnosis.

9. **PROCLAMATION DESIGNATING JUNE 1–2, 2013, AS "SPRINGFIELD DAYS" IN FAIRFAX COUNTY** (10:44 a.m.)

Jointly with Chairman Bulova, Supervisor Cook, and Supervisor Herrity, Supervisor McKay moved approval of the Proclamation to designate June 1–2, 2013, as "*Springfield Days*" in Fairfax County. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

10. **PROCLAMATION DESIGNATING MAY 19–25, 2013, AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (10:52 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate May 19–25, 2013, as "*Public Works Week*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

11. **10:30 A.M. – PRESENTATION OF THE VOLUNTEER FIRE COMMISSION (VFC) ANNUAL REPORT** (11:03 a.m.)

Tim Fleming, Chief, Franconia Volunteer Fire Department, and Chair of the VFC, introduced Gerald B. Strider, Shawn Stokes, and Robert Mizer, VFC members; and Johnson Wood, President of Fairfax County Volunteer Fire and Rescue Association.

Chief Fleming presented the VFC Annual Report for calendar year 2012, outlining the following:

- Operations
- Volunteer Resources
- Length of Service Awards Program (LOSAP)

- Apparatus

Chairman Bulova thanked Chief Fleming and his fellow volunteers for the good work they do and noted the great partnership between the volunteer firefighters, the Fire and Rescue Department, and career individuals in the County.

A brief discussion ensued, with input from Chief Fleming, regarding identifying funding for LOSAP and how the request will be processed.

Chief Fleming introduced representatives from the Volunteer Fire Departments for a ceremonial signing of the Management Agreement Contract (MAC), approved by the Board on February 26, 2013.

12. **10:50 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:17 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard May 14, 2013,” as distributed around the dais. Supervisor Hyland seconded the motion.

Supervisor Smyth announced her intent to appoint Jeffrey M. Wisoff as the Providence District Representative to the Fairfax-Falls Church Community Services Board at the May 14, 2013, meeting.

The question was called on the motion and it carried by a vote of nine, Supervisor Foust being absent.

Appointments are as follows:

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Sully District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder (Multi Family), Citizen, Engineer/Architect Planner #1, and Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

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

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Mason District Representative.

ATHLETIC COUNCIL

The Board deferred the appointment of the Dranesville District Principal and Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

The Board deferred the appointment of the Design Professional #1 Representative.

CHILD CARE ADVISORY COUNCIL

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

CITIZEN CORPS COUNCIL

The Board deferred the appointment of the Providence District Representative.

COMMISSION FOR WOMEN

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

COMMISSION ON AGING

Reappointment of:

- Ms. Tena Bluhm as the At-Large Chairman's Representative
- Mr. Joseph Heastie as the Providence District Representative

The Board deferred the appointment of the Braddock, Dranesville, and Springfield District Representatives.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

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

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

Confirmation of:

- Mr. Dan McKinnon as the Fairfax County Chamber of Commerce G-7 Representative
- Mr. Jon Lindgren as the Northern Virginia Building Industry Association Representative
- Mr. Rober Schwaninger as the Redevelopment and Housing Authority Representative

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

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of 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.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the Providence District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX –FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Mr. Dallas "Rob" Sweezy as the Sully District Representative

(Nomination was announced on April 30, 2013.)

Nomination of:

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

(The Board is scheduled to take action on this appointment on June 18, 2013.)

HEALTH SYSTEMS AGENCY BOARD

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

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Sully District Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

REDEVELOPMENT AND HOUSING AUTHORITY

The Board deferred the appointment of the At-Large #2 Representative.

ROAD VIEWERS BOARD

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

SMALL BUSINESS COMMISSION

The Board deferred the appointment of the At-Large #3 Representative.

TENANT LANDLORD COMMISSION

Appointment of:

- Mr. Craig Richey as the Citizen Member #3 Representative

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

TREE COMMISSION

The Board deferred the appointment of the Providence District Representative.

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

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13. **ADMINISTRATIVE ITEMS** (11:18 a.m.)

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

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked to consider Admin 7 separately, and this was accepted.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

The question was called on the motion to approve the Administrative Items, as amended, with the exception of Admin 7, and it carried by a vote of nine, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Foust being absent.

(NOTE: Later in the meeting, action was taken regarding Admin 7. See Clerk's Summary Item #14.)

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 4, 2013, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the NVCC RPPD, District 39 (Braddock District). The proposed district expansion includes the following streets:

- Wakefield Chapel Road (Route 710), east side, from Toll House Road to the southern boundary of 4509 Wakefield Chapel Road, and the west side, from Toll House Road to Sugarbush Court
- Banff Street (Route 3031), from Wakefield Chapel Road to Fidelity Court
- Fidelity Court (Route 4386), from Banff Street to the cul-de-sac inclusive

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE CULMORE RESIDENTIAL PERMIT PARKING DISTRICT, DISTRICT 9 (MASON DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 4, 2013, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, to expand the Culmore RPPD, District 9 (Mason District). The proposed district expansion includes the following streets:

- Magnolia Avenue (Route 3024), east side, from the southern property boundary of 3321 Magnolia Avenue to Red Pine Street
- Red Pine Street (Route 3016), south side, from Magnolia Avenue to Longbranch Drive

ADMIN 3 – EXTENSION OF REVIEW PERIOD FOR A 2232 REVIEW APPLICATION (DRANESVILLE DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-D13-1	Comprehensive Wireless LLC/Existing Lattice Tower 9916 Georgetown Pike, Great Falls Dranesville District	July 27, 2013

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO ESTABLISH PARKING RESTRICTIONS ON APPLE TREE DRIVE AND STREETS WITHIN THE HILLTOP BUSINESS PARK (LEE DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 4, 2013, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix R, to prohibit commercial vehicles, as defined in Chapter 82, Section 82-5-7 of the Code of the County of Fairfax, recreational vehicles and all trailers from parking on Angleton Court, Conell Court, Hill Park Court, Hill Park Drive, and Kincannon Place, from 9 p.m. to 6 a.m., seven days per week; and to prohibit all vehicles from parking along the south side of Apple Tree Drive from Rose Hill Drive to Willowood Lane, 24 hours per day, seven days per week.

**ADMIN 5 – DESIGNATION OF PLANS EXAMINER STATUS UNDER
THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

Designated the following individuals, identified with their registration numbers, as inactive Plans Examiners:

- Fred D. Ameen 95 (requested to be inactive)
- Obaid Bactazh 93 (deceased)
- James R. Beall 187
- Travis D’Amico 293 (moved out of area)
- Daniel R. Hines 258
- William E. Nell 15 (requested to be inactive)
- Eddie W. Nutter 220
- Yong K. Paek 69 (retired)
- William C. Putman 169 (retired)
- Ajay Sharma 286
- Gursharan S. Sidhu 50 (retired)

Reinstated the following individuals, identified with their registration numbers, as Plans Examiners:

- Ryan G. David 234 (on 3/10/03 - Inactive on 6/18/2007)
- Matthew T. Marshall 188 (on 3/13/00 - Inactive on 6/1/2009)
- Rashid Siraj 44 (on 6/3/91 – Inactive on 11/18/1996)

Designated the following individuals, identified with their registration numbers, as Plans Examiners:

- Bi Feng Wu 301
- Christian Hampson 302
- Shannon Bell 303

**ADMIN 6 – STREETS INTO THE SECONDARY SYSTEM
(PROVIDENCE AND SULLY 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>
Fairfax Farms Lots 26 and 27	Providence	Tharper Way
Dulles Business Park Phase III Parcel 3	Sully	Thunderbolt Place (Route 7678)
Dulles Business Park Phase III Parcel D	Sully	Thunderbolt Place Centerview Drive (Route 7680) (Additional Right-of-Way Only)

**ADMIN 7 – AUTHORIZATION FOR THE DEPARTMENT OF
TRANSPORTATION (DOT) TO APPLY FOR AND ACCEPT FUNDING
UNDER THE NATIONAL INFRASTRUCTURE INVESTMENT
PROGRAM (TIGER V); AND ENDORSEMENT OF PROJECTS FOR
THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY
(NVRTA) CONSIDERATION FOR FISCAL YEAR (FY) 2014 REGIONAL
FUNDING**

(NOTE: Earlier in the meeting, the Board voted to consider this item separately. See page 10.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #14.)

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON PROPOSED FISCAL YEAR (FY) 2014 REGIONAL
TRANSPORTATION ALTERNATIVE PROGRAM GRANT
APPLICATIONS**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 18, 2013, at 4 p.m.** on the proposed FY 2014 Regional Transportation Alternative program grant applications, as outlined in the Board Agenda Item dated May 14, 2013.

14. **ADMIN 7 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR AND ACCEPT FUNDING UNDER THE NATIONAL INFRASTRUCTURE INVESTMENT PROGRAM (TIGER V); AND ENDORSEMENT OF PROJECTS FOR THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVRTA) CONSIDERATION FOR FISCAL YEAR (FY) 2014 REGIONAL FUNDING** (11:20 a.m.)

(NOTE: Earlier in the meeting, the Board voted to consider this item separately. See Clerk's Summary Item #13.)

Tom Biesiadny, Director, Department of Transportation, provided an overview of the item.

Discussion ensued, with input from Mr. Biesiadny, regarding:

- The Route 28 widening construction project
- The number of buses purchased and how the analysis fits with the demand and need for capital improvement for bus services in the County

Supervisor Frey expressed concerns regarding:

- The compilation of Admin 7, since part of the item concerns the submission of a federal grant, and the other part concerns the submission of projects for the first increase in transportation funding in the Commonwealth in approximately 30 years.
- Why the project list was submitted as an administrative item, instead of an action item.
- Why the silver line transit projects (the parking garages and the Route 28 station) are included on the list.

Discussion ensued, with input from Mr. Biesiadny, regarding why the projects are included.

Supervisor Hyland raised a question regarding NVRTA's criteria for selecting projects and the amount of funding to be allocated to the County, as opposed to other jurisdictions, with input from Mr. Biesiadny.

Discussion continued, with input from Board Members, expressing their concerns and/or commenting on the project list.

Supervisor Cook asked unanimous consent that the Board direct staff to provide, for the Board's next Transportation Committee meeting scheduled for June 25,

information regarding the operation of NVTA. Without objection, it was so ordered.

Supervisor McKay moved that the Board:

- Authorize DOT to apply for \$20 million in Tiger V program grant funds. A local cash match of 20 percent is required.
- Endorse the County's FY 2014 projects requests for regional NVTA funding, as outlined in the Board Agenda Item dated May 14, 2013.

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

15. **A-1 – ENDORSEMENT OF APPLICATION FOR SAFE ROUTES TO SCHOOL GRANT (PROVIDENCE DISTRICT)** (11:52 a.m.)

(Rs) On motion of Supervisor Smyth, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Foust being absent, the Board concurred in the recommendation of staff and:

- Endorsed the Safe Routes to School (SRTS) projects for which the applicant has submitted School Travel Plans and qualifies for SRTS Infrastructure Grant funding
- Adopted Project Endorsement Resolutions for each project application endorsed

16. **A-2 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR TYSONS METRORAIL STATION ACCESS MANAGEMENT STUDY (TMSAMS) PROJECTS (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (11:52 a.m.)

(R) Supervisor Hudgins moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing staff to execute a project agreement with the Virginia Department of Transportation (VDOT) to spend up to \$22.4 million consisting of federal Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) funds, subject to annual budget appropriation, for preliminary engineering, right-of-way and utilities, and construction expenses for the Tysons Metrorail Station Access Management Study (TMSAMS) transportation improvements. Supervisor McKay seconded the motion.

Supervisor Smyth raised a question regarding:

- The pedestrian overpass over the beltway from Old Meadow Road to Tysons Corner Center
- When connecting sidewalks will be installed, on the Vienna side along Route 123, to the metro station

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, who noted that he will provide information regarding the sidewalks.

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

17. **A-3 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR RESTON METRO RAIL ACCESS GROUP (RMAG) PROJECTS (HUNTER MILL DISTRICT)** (11:54 a.m.)

- (R) On motion of Supervisor Hudgins, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Foust being absent, the Board concurred in the recommendation of staff and adopted a Resolution authorizing staff to execute a project agreement with the Virginia Department of Transportation (VDOT), including the provision of using up to \$24.5 million in federal Regional Surface Transportation Program (RSTP) funds subject to annual budget appropriation, for preliminary engineering, right-of-way and utilities, and construction expenses for the RMAG transportation improvements.

18. **A-4 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR THE TYSONS-WIDE ROADWAY IMPROVEMENT PROJECT, JONES BRANCH CONNECTOR (PROVIDENCE DISTRICT)** (11:55 a.m.)

- (R) Supervisor Smyth moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing staff to execute a project agreement with the Virginia Department of Transportation (VDOT), including the provision of using \$2.4 million in federal Regional Surface Transportation Program (RSTP) funds for the preliminary engineering and associated expenses for the Jones Branch Connector project. Supervisor McKay seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, regarding the right-of-way costs.

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

19. **A-5 – FAIRFAX CONNECTOR VIRGINIA RAILWAY EXPRESS TRANSFER POLICY AND FARE ADJUSTMENTS** (11:57 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and authorize staff to modify the Fairfax Connector's VRE Transfer agreement, and reduce three of the express route fares as outlined in the Board Agenda Item dated May 14, 2013. Supervisor Cook seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation (DOT), regarding outreach efforts.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct DOT to work with the Office of Public Affairs to provide outreach efforts to civic and homeowner associations that are served by the express routes. 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 Foust being absent.

20. **A-6 – 2013 SCHOOL BOND REFERENDUM** (12:01 p.m.)

(BONDS)
(R)

Supervisor Hyland, jointly with Supervisor McKay, moved that the Board concur in the recommendation of staff and adopt a Resolution requesting the Fairfax County Circuit Court to order an election on the question of whether the County should be authorized to contract a debt, borrow money, and issue bonds in the maximum aggregate principal amount of \$250 million to finance the cost of school improvements.

Discussion ensued, regarding the inclusion of infrastructure management, with input from Edward L. Long Jr., County Executive.

Supervisor Cook noted that a Draft Work Plan will be provided at the next Board of Supervisors/School Board Capital Facilities and Debt Management working group meeting, scheduled for June 5.

Following additional discussion regarding the School Bond Referendum, the question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Foust being absent.

21. **A-7 – APPROVAL OF FAIRFAX COUNTY TO PROVIDE THE NECESSARY DOCUMENTATION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) AS PART OF THE COUNTY’S REQUEST FOR A TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT (TIFIA) LOAN FOR THE DULLES CORRIDOR METRORAIL PROJECT** (12:07 p.m.)

Tom Biesiadny, Director, Department of Transportation, provided an overview of the item.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and provide the necessary documentation to the USDOT as part of the County’s request for a TIFIA Loan for the Dulles Corridor Metrorail Project, as outlined in the Board Agenda Item dated May 14, 2013. Supervisor Hyland seconded the motion.

Following discussion regarding the Commercial and Industrial Tax (C&I) funding, the question was called on the motion and it carried by a vote of nine, Supervisor Foust being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

22. **I-1 – CONTRACT AWARD – PRENATAL CARE AND GENETIC TESTING SERVICES** (12:25 p.m.)

The Board next considered an item contained in the Board Agenda dated May 14, 2013, requesting authorization for staff to award a fee for service non-competitive contract to Inova Healthcare Services for a period of three years ending June 30, 2016, with two one-year renewal options, for prenatal care and genetic testing services.

The staff was directed administratively to proceed as proposed.

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ADDITIONAL BOARD MATTERS

23. **THE EVOLUTION OF TRANSPORTATION** (12:25 p.m.)

Chairman Bulova announced that, in partnership with the County’s Chamber of Commerce and the Federation of Citizens Associations, she will be hosting an exciting event on June 12 called the *Evolution of Transportation* at the Angelika Film Center and Cafe in the Mosaic at Merrifield.

The event follows last year’s *Evolution of Fairfax* series at George Mason University, where the past, present, and future of development in the County was

explored. This year's event will be a fun and interesting look at how the County's transportation network evolved over time, from buffalo trails to roads and rails, and what the future holds for transportation in the County and the country.

Speakers include Federal Transit Administrator Peter Rogoff, Congressman Gerry Connolly, and a panel discussion moderated by Adam Tuss from NBC4 and panelists David Alpert from Greater Washington, Josh Sawislak from the Mobile Work Exchange, and a representative of Volkswagen of America. A video production titled "The History of Transportation in Fairfax County," produced by Channel 16, will also be screened.

The event is being sponsored by Macerich, Transurban, and SAIC. To RSVP for the event, or for additional information, please visit the website www.fairfaxcounty.gov/chairman.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

24. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (12:27 p.m.)

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

25. **MITRE CORPORATION REPORT REGARDING BUILDING ENERGY TECHNOLOGY RECOMMENDATIONS** (12:27 p.m.)

Supervisor Smyth said that on May 8, Deputy County Executive David Molchany transmitted to the Board a report from the MITRE Corporation offering recommendations to the County regarding building energy technology, with a particular focus on opportunities associated with redevelopment in Tysons Corner. The report was prepared per a proffered commitment from MITRE to the performance of sustainability-related work for the benefit of the County.

Therefore, Supervisor Smyth moved that the MITRE report entitled "Building Energy Technology Recommendations to Fairfax County" be referred to the Planning Commission for review and recommendation. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

26. **CONGRATULATIONS AND REQUEST FOR RECOGNITION OF MR. HENRY LOPEZ (MASON DISTRICT)** (12:28 p.m.)

Supervisor Gross announced that the Boys and Girls Clubs of Greater Washington (BGGCW) gives children hope, tools for success, and a vision and foundation for

their future. Area youth receive the guidance, opportunity and love they need to become productive, civic-minded adults.

The Youth of the Year (YOY) program, which was created by BGCGW in 1947, is designed to promote and recognize service to Club and community, academic performance, strong moral character, life goals, poise and public speaking ability, and contributions to family and spiritual life.

Culmore Character Club's Henry Lopez is the 2013 YOY for the BGCGW. He is an outstanding 18 year-old senior from Falls Church, Virginia, who attends JEB Stuart High School, where he maintains a 4.3 GPA and is a member of the National and Spanish Honor Societies. A Club member for 14 years, he is no stranger to programs like Power Hour: which he attributes as a major success factor for his current study habits. He is also the Keystone Club president, which is the Boys and Girls Club internal club that focuses on college education opportunities for Club members, and organizes and funds college campus visits. Mr. Lopez's community service activities include volunteering at his old elementary school through the Spanish Reading Program.

Mr. Lopez won the 2013 YOY award after an interview session with judges followed by a speech about his pursuit for college at the regional YOY competition held at the Trinity College in Washington DC on February 9, 2013. Before the competition, he also received the Honor Scholarship from George Mason University where he plans to take a course in engineering. The scholarship is awarded to only one percent of the incoming class. Mr. Lopez is now preparing to compete in the BGCA Southeast Region competition in Atlanta in June.

Therefore, Supervisor Gross asked unanimous consent that the Board:

- Applaud Mr. Lopez for his achievements and wish him luck at the BGCA Southeast Region competition in Atlanta in June.
- Direct staff to invite Mr. Lopez, his family, and representatives from the BGCGW, to appear before the Board to be recognized.

Without objection, it was so ordered.

27. **REQUEST FOR RECOGNITION OF THE MASON DISTRICT BASE REALIGNMENT AND CLOSURE (BRAC) 133 TASK FORCE** (12:30 p.m.)

Supervisor Gross referred to the concern expressed by County residents and City of Alexandria residents when the federal government announced that the Department of Defense would have more than 6,000 of its employees occupy the Mark Center. Supervisor Gross noted that the Board collaborated on the creation of the Mason District BRAC 133 Task Force. The task force was formed in November 2010, held its first meeting in January 2011, and was comprised of

residents from both jurisdictions, who were committed to work as a joint task force to focus on neighborhood impacts created by the occupancy of the Mark Center facility. The task force worked to identify potential solutions that would be realistic and achievable.

After more than two years of work, Supervisor Gross said she was pleased to announce that the Mason District BRAC 133 Task Force completed its mission this month. With the assistance of the County's Department of Transportation staff, the task force had a parking plan ready to implement by June 2011 if there was evidence that Mark Center commuters were over-parking on neighborhood streets. This spring, a follow up traffic study on roads the task force identified indicated that there was no appreciable increase in Mark Center commuter traffic when compared to the baseline counts the task force requested in spring 2011.

At the May 7 meeting of the task force, a motion was made and unanimously approved that the task force dissolve when the minutes of its last meeting were distributed and approved by e-mail. A notation of the effective date will be included on the task force's Web site.

Therefore, Supervisor Gross asked unanimous consent that the Board recognize the accomplishments of the Mason District BRAC 133 Task Force, and direct staff to invite its 10 members to be recognized for their commitment at an upcoming Board meeting and scheduled before the end of the year. Without objection, it was so ordered.

28. **2012 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) ADOPTION IN VIRGINIA** (12:32 p.m.)

Supervisor Gross said that in October 2009, the Board supported the adoption of the 2012 IECC with an increase in energy efficiency of 15 percent (national average) over the 2009 energy code. Now that national model code is being amended as part of the adoption process at the state level in Virginia.

Many code changes have been submitted to the State Codes and Standards Committee for consideration before they go to the full board of the Department of Housing and Community Development (DHCD) for review and potential incorporation into the State code. Submissions to date have been reviewed and given a recommended action of approved as submitted (AS), approved as modified (AM), or disapproved (D) by the Codes and Standards Committee.

The proposed code changes of concern have a recommended action of AS or SM so they are recommended by the Codes and Standards Committee for inclusion into the State code. The code changes are described in her written Board Matter and originated from Virginia home builder groups. They have the effect of reducing the energy savings benefits to the homeowners because the changes are focused on the first cost of building a house over the long term affordability of a home reflected in lower utility bills.

Examples of builder-proposed changes include reduced wall insulation (R-20 down to 15) and ceiling insulation (R-49 to 38), allowing more air leakage in heating ducts and through the walls and ceiling of a house, and allowing visual inspection over an actual on-site air pressurization test for both ducts and walls. At past updates to the Board, Supervisor Gross provided the Department of Energy (DOE) economic analysis demonstrating that home buyers would recover the first cost increases of 2012 energy efficiency improvements in the first few years of a mortgage. In the home builder submissions to the State code adoption process, no calculations were provided to show the first cost savings and utility cost increases. Reductions in insulation and increases in allowable air leakage will have a significant impact on energy consumption in new Virginia homes if these proposals are incorporated into State law.

Staff has participated in the work group meetings and reviewed the submissions to amend the 2012 code. Staff does not support these changes to reduce the long term affordability of new homes.

The final vote on suggested inclusion of all submitted proposals into the Virginia Uniform Statewide Building Code (VUSBC), is May 20. Then there is a public comment period before approval by the full DHCD board and adoption. If the Board wants to take a position, time is limited.

More proposals are permitted until July 1, 2013, but these later submissions will not have the advantage of State workgroup meetings because the proposed package of changes has to be published in the Virginia Register before the public hearings. Staff would have to attend the public meetings to have input into any of these later submissions.

Therefore, Supervisor Gross moved that the Board direct staff to send a letter in opposition to significantly reducing the energy efficiency of the 2012 IECC to the State Board of DHCD for consideration prior to the adoption of these code changes that will reduce long-term affordability of new homes. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Herrity being out of the room, Supervisor Foust being absent.

PMH:pmh

29. **FAIRFAX CENTER** (12:34 p.m.)

Supervisor Cook referred to the Fairfax Center area and moved that the Board authorize an Out-of-Turn Plan Amendment under the existing Comprehensive Plan review process for land bays T, U, and V in Fairfax Center. Supervisor Hyland seconded the motion.

Discussion ensued regarding the public hearing and planning process for Fairfax Center, with input from Fred Selden, Director, Department of Planning and Zoning.

Chairman Bulova clarified the motion as follows:

- That the Board authorize a Plan amendment under the Comprehensive Plan review process for land bays T, U, and V in the Fairfax Center area

Supervisor Smyth noted for the record that a portion of Fairfax Center is located in the Providence District and that she is supportive of the proposal.

The question was called on the motion and it carried by a vote of nine, Supervisor Foust being absent.

30. **PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING RESIDENTIAL STUDIO UNITS (RSU)** (12:48 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Hudgins said that the Department of Planning and Zoning (DPZ) staff returned to the Board's Housing and Community Development (DHCD) Committee meeting on May 7, with revisions to the proposed draft RSU Zoning Ordinance amendment after addressing concerns raised by the Board and the DHCD.

Supervisor Hudgins said that DPZ presented language addressing DHCD concerns that market rate units were not considered as part of the proposed draft. DPZ added a provision for up to 20 percent of the units to be market rate, but inclusion of a market rate product would not be mandatory.

In addition, DPZ presented modified provisions that addressed concerns previously raised by the Board with regard to the compatibility of RSUs in terms of location and conversion of an existing single family dwelling unit to an RSU development. Staff noted additions to the provisions specifying that the transportation needs are to be addressed in cases where the intended occupants will not drive independently and that any conversion of an existing building of any kind to an RSU had to meet the Building Code requirements for a multiple-family dwelling. Board Members agreed that no existing single-family dwelling could be converted to an RSU. The consensus was to make that position known in the request for input from the public to solicit their comments on that specific matter.

Supervisor Hudgins said that staff indicated that the notations would be included and proposed that an introductory memorandum would be attached to the draft amendment, would include that no existing single-family units be converted into RSU's based on last week's Housing Committee meeting, and it would be

forwarded to the public for comment, allowing at least a month for review and comments.

Therefore, Supervisor Hudgins moved that the Board direct staff to begin sending the modified draft amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to the public for comment, inclusive of language highlighting Board Members concerns over the conversion of existing single family dwellings to RSUs. Chairman Bulova seconded the motion.

Following discussion regarding the proposed language, the question was called on the motion and it carried by a vote of eight, Supervisor Herrity being out of the room, Supervisor Foust being absent.

31. **FEDERAL SEQUESTRATION AND HOUSING CHOICE VOUCHER PROGRAM** (12:53 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Hudgins said that at the May 7 Housing and Community Development (DHCD) Committee meeting, Paula Sampson, Director, DHCD gave the committee an update on the impact of the Federal Sequestration and Housing Choice Voucher Program. Ms. Sampson's presentation highlighted how sequestration has impacted the County's housing voucher program since leasing involving vouchers was frozen as of April 1, 2013.

Additionally, DHCD has:

- Rescinded 57 vouchers that had not yet leased
- Been unable to serve new households from waiting lists or homeless/disabled referrals, including the Family Unification Program (FUP)
- Been forced to rescind 90 project based vouchers
- Been permitted to continue leasing in project-based units but not provide tenant vouchers to those wishing to move

Ms. Sampson stressed the County's need to address this immediate crisis and re-tool its voucher program to become a smaller, more sustainable program. Moreover, she informed the committee that the Department of Housing and Urban Development anticipates reducing the program to 94 percent capacity for calendar year 2013.

Supervisor Hudgins said Ms. Sampson presented four options that the Board could take to address sequestration funding cuts that may potentially impact 168 to 200 families, and as many as 400 children. While all of the options have some degree of severity, the County should expect to see increased homelessness as a

result, the last option provides the best mitigation tool to address this immediate crisis.

Therefore, Supervisor Hudgins moved that the Board direct staff to utilize Fiscal Year (FY) 2014 Bridging Affordability Funding in the amount of \$2.8 million, to address the impacts of sequestration on the County's Housing Choice Voucher Program. Supervisor McKay seconded the motion.

Following discussion regarding funding, Supervisor Gross asked unanimous consent that the Board direct staff to report with information regarding:

- Future funding plans
- Available options
- Long term plans

Without objection, it was so ordered.

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

32. **FINE ARTS FESTIVAL IN RESTON (HUNTER MILL DISTRICT)**
(1:05 p.m.)

Supervisor Hudgins announced that the Fine Arts Festival in Reston is scheduled to be held on Saturday and Sunday, May 18-19, at the Reston Town Center. She invited everyone to attend.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

33. **MOTION TO ADOPT THE MAY 2013 QUARTERLY REPORT OF THE OFFICE OF FINANCIAL AND PROGRAM AUDIT** (1:06 p.m.)

On behalf of Supervisor Foust, Supervisor Frey said that the Board has received the Office of Financial and Program Audit's Quarterly Report as of May 2013. Study areas addressed in the Auditor's report include the following:

- Dulles Metrorail Project
- Rate of Return on County Investments

- Information Technology Disaster Recovery Plan (Main Data Center)
- Prior Studies Follow-Up include:
 - Park Authority Budget Review (November 2012)
 - Infant Toddler Connection Billing Practices (January 2013)
 - Cable Revenue Verifications (May 2012)

The Auditor's findings and recommendations are set forth in the report.

Therefore, Supervisor Frey moved that the Board:

- Adopt the May 2013 Quarterly Report of the Office of Financial and Program Audit
- Approve the list of study areas as contained in the report to be included in the work program of the Office of Financial and Program Audit

Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Herrity being out of the room, Supervisor Foust being absent.

34. **URBAN SEARCH AND RESCUE TEAM** (1:08 p.m.)

Supervisor Frey announced that the Board had just received a status report of the members of the Search and Rescue team that were deployed by the Department of Defense.

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

- Provide updates on the team
- Invite the team to appear before the Board to be recognized for its service

Without objection, it was so ordered.

35. **REQUEST FOR THE LORTON VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD TO PURCHASE A NEW AMBULANCE USING TAX EXEMPT BONDS** (1:09 p.m.)

Supervisor Hyland said that the Lorton Volunteer Fire and Rescue Station (LVFR) seeks to purchase a new ambulance and to finance that purchase using tax-exempt bonds through a local bank. Such a purchase will reduce costs for LVFR. For those bonds to be exempt from federal income taxes, such bonds must be approved by a governmental unit, and the volunteer fire department must be "a qualified volunteer fire department," which means it is organized to provide firefighting or emergency rescue services. LVFR meets the statutory requirements to be a qualified department. Approval of this financing by the Board will not make the County responsible for repayment of this financing.

Therefore, Supervisor Hyland moved that the Board authorize the advertisement of a public hearing to be held by the Board on this issue on **June 4, 2013, at 3 p.m.** to facilitate the timely acquisition of the ambulance. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

36. **RECOGNITION OF CITIZEN VOLUNTEERS** (1:10 p.m.)

Supervisor Hyland asked unanimous consent that the Board refer to staff the issue of how to recognize citizen volunteers who have made significant contributions to the County. Without objection, it was so ordered.

37. **CHILD CARE ASSISTANCE AND REFERRAL (CCAR) PROGRAM – TUITION ASSISTANCE** (1:16 p.m.)

In a joint Board Matter with Supervisor Hudgins and Chairman Bulova, Supervisor McKay said that the CCAR program provides tuition assistance for child care on a sliding fee scale to working families with low to moderate incomes in the County. The program currently serves approximately 4,700 children each month, providing critical assistance to working families. Funding for the program is a combination of federal, state, and local dollars, with participating families paying for child care on a sliding scale. The median income of families in this program is \$26,196.

Supervisor McKay explained that every two years, the Virginia Department of Social Services (VDSS) is required to submit a Child Care and Development Fund (CCDF) plan to the federal government, outlining policies and guidelines for the State's child care subsidy program. For more than 15 years, the County has approved a waiver for VDSS to use a local sliding fee scale, rather than the State fee scale, to determine parent co-payments for child care. The County fee scale has worked well for local families, as it takes into consideration economic challenges specific to living in this high cost area.

Supervisor McKay said that VDSS recently notified staff that, effective September 1, 2013, the County will no longer be permitted to use the local fee scale to determine parent co-payments. As a result, rather than paying from 2.5 percent to 10 percent of their gross income, as allowed under the existing local fee scale, County families will instead be required to pay from 6 percent to 12 percent of their gross income for care. Staff has determined that approximately 77 percent of families currently enrolled in the program will pay more under the new State fee scale, with families at the lowest income level experiencing a 140 percent cost increase (as they go from paying 2.5 percent of their gross income to 6 percent). A family of four with an income just above the federal poverty level (\$23,052) would pay an additional \$804 per year per child. This would be a significant and dramatic increase for many families, at a time when the economy continues to struggle and working parents need affordable, quality child care to maintain their employment.

Supervisor McKay noted that VDSS has indicated that the reason for denial of this waiver is a preference for a uniform, State-wide fee scale. However, local governments must be provided the flexibility to serve the needs of residents that can vary greatly from one part of the Commonwealth to another. Research clearly indicates that the employment and financial independence of parents is jeopardized when affordable child care is beyond their reach. Additionally, without subsidies to meet market prices, low-income working families may not access the quality child care and early childhood education that helps young children enter kindergarten prepared to succeed, creating repercussions not only for individual families, but also for the larger community and the Commonwealth.

Supervisor McKay said that VDSS is accepting public comments on the proposed CCDF plan through May 15, 2013, and will be submitting the final CCDF plan to the federal government by July 2013.

Therefore, Supervisor McKay moved that the Board:

- Send the letter as contained in his written Board Matter under the Chairman's signature to the Commonwealth's Secretary of Health and human Resources urging the Commonwealth to maintain the County's existing child care fee schedule
- Also send copies of the letter to the members of the County's General Assembly delegation and the Virginia Association of Counties (VACo)

Chairman Bulova and Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

38. **RECESS/CLOSED SESSION** (1:27 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. Application of Virginia Electric and Power Company, PUE-2013-00020 (Va. State Corp. Comm'n) (County-wide)
 2. *U.S. Bank, National Association, as Trustee for the Holders of the First Franklin Mortgage Loan Trust 2006-FF10 Mortgage Pass-Through Certificates, Series 2006-FF10 v. Cyd R. Nichols; Ardon E. Nichols; PNC Bank, National Association, f/k/a National City Bank; Board of Supervisors of Fairfax County; Fairfax County Redevelopment and Housing Authority; Equity Trustees, LLC; and TSS LLC, Case No. CL-2012-0007613 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
 3. *ELCON Enterprises, Inc. v. County of Fairfax, Virginia, Fairfax County Department of Purchasing and Supply Management, Cathy Muse, and Quality Elevator Co., Inc., Case No. CL-2012-0018243 (Fx. Co. Cir. Ct.)*
 4. *Carla Thomas v. Fairfax County, Fairfax County Department of Tax Administration, Howard Goodie, and Bruce Schuette, Case No. CL-2013-0004770 (Fx. Co. Cir. Ct.)*

5. *Ana Cecilia Mongrut-Avanzini v. Commonwealth of Virginia*, Case No. 1:12cv152 (E.D. Va.)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Penn Daw Properties, L.L.P.*, Case No. CL- 2010-0006498 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert R. McKim*, Case No. CL-2009-0013286 (Fx. Co. Cir. Ct.) (Springfield District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oliver I. Mogan*, Case No. CL-2012-0015053 (Fx. Co. Cir. Ct.) (Mason District)
9. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. R. Joun Enterprises, LLC, Roland G. Joun, Trustee, Maria Joun, Trustee, Roland G. Joun Revocable Living Trust, and Maria Joun Revocable Living Trust*, Case No. CL-2012-0011286, and *Leslie B. Johnson, Fairfax County Zoning Administrator v. R. Joun Enterprises, LLC, Roland G. Joun, Trustee, Maria Joun, Trustee, Roland G. Joun Revocable Living Trust, and Maria Joun Revocable Living Trust*, Case No. CL-2012-0015804 (Fx. Co. Cir. Ct.) (Lee District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David J. Soltis and Barbara J. Soltis*, Case No. CL-2013-0003833 (Fx. Co. Cir. Ct.) (Sully District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Zahir Ahmed*, Case No. CL-2012-0019602 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Donald E. Pless*, Case No. CL-2013-0005408 (Fx. Co. Cir. Ct.) (Braddock District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Song Bok Lee, Jae Hwa Lee, and*

Aeree Lee, Case No. CL-2013-0007058 (Fx. Co. Cir. Ct.) (Mason District)

14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Stephen R. Himelfarb and Anne S. Himelfarb*, Case No. CL-2013-0007124 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Federal National Mortgage Association*, Case No. CL-2013-0007122 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard Chiu*, Case No. CL-2013-0007284 (Fx. Co. Cir. Ct.) (Mason District)
17. *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)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hui S. Choi*, Case No. GV13-004917 (Fx. Co. Gen. Dist. Ct.) (Providence District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hui S. Choi*, Case No. GV13-004916 (Fx. Co. Gen. Dist. Ct.) (Providence District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose N. Del Cid and Vilma Del Cid*, Case No. GV13-007340 (Fx. Co. Gen. Dist. Ct.) (Providence District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Blaine D. Porter*, Case No. GV13-003198 (Fx. Co. Gen. Dist. Ct.) (Providence District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edgar Molina and Hilda Crespo De Molina*, Case

No. GV13-007302 (Fx. Co. Gen. Dist. Ct.)
(Dranesville District)

23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Christopher Bao Le*, Case No. GV13-006989 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
24. *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. GV13-006880, GV13-006881 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rosa Castillo*, Case No. GV13-008364 (Fx. Co. Gen. Dist. Ct.) (Mason District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lloyd R. Staggs, III, and Shari L. Staggs*, Case No. GV13-008363 (Fx. Co. Gen. Dist. Ct.) (Lee District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jeffrey E. Burns*, Case No. GV13-008361 (Fx. Co. Gen. Dist. Ct.) (Mason District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jeffrey E. Burns*, Case No. GV13-008362 (Fx. Co. Gen. Dist. Ct.) (Mason District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Road Runner, LLC*, Case No. GV13-009187 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis M. Crespo*, Case No. GV13-009466 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Stephan Franco and Michael Franco*, Case No.

GV13-009464 (Fx. Co. Gen. Dist. Ct.) (Sully District)

32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Stephan Franco and Michael Franco*, Case No. GV13-009465 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- Virginia Code Section 2.2-3701
- *Newberry Station Homeowners Association, Inc., et al. v. Board of Supervisors of Fairfax County, et al.*, Record Number 121209

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

DET:det

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

ACTIONS FROM CLOSED SESSION

39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:39 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 a vote of nine, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Foust being absent.

40. **APPLICATION OF VIRGINIA ELECTRIC AND POWER COMPANY (VEPCO) FOR A 2013 BIENNIAL REVIEW** (3:40 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the Department of Cable and Consumer Services and the County Attorney's Office to file a Notice of Participation as a Respondent concerning the application of VEPCO for a 2013 biennial review of the rates, terms, and conditions for the provision of generation, distribution, and

transmission services pursuant to § 56-585.1A of the Code of Virginia, SCC Case Number PUE-2013-00020. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

41. **SETTLEMENT OF US BANK, NATIONAL ASSOCIATION VERSUS CYD R. NICHOLS, ET AL.** (3:40 p.m.)

Supervisor Hudgins moved that the Board authorize settlement of *US Bank, National Association versus Cyd R. Nichols, et al.*, Case Number CL-2012-0007613, as outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

ADDITIONAL BOARD MATTER

42. **ABSENCE OF SUPERVISOR FOUST (DRANESVILLE DISTRICT)**
(3:41 p.m.)

(NOTE: Earlier in the meeting, Chairman Bulova announced Supervisor Foust's absence. See Clerk's Summary Item #1.)

Chairman Bulova announced that Supervisor Foust would not be present due to a death in the family.

AGENDA ITEMS

43. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-H-028 (THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON VIRGINIA AND HIS SUCCESSORS IN OFFICE) (HUNTER MILL DISTRICT)** (3:42 p.m.)

The application property is located at 9970 Vale Road, Vienna, 22181, Tax Map 37-4 ((1)) 42.

Mr. Jonathan D. Puvak reaffirmed the validity of the affidavit for the record.

Mary Ann Tsai, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Puvak 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, Supervisor Hudgins submitted items for the record.

Ms. Tsai presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Special Exception Amendment Application SEA 00-H-028, subject to the development conditions dated April 29, 2013. Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Foust being absent.

44. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2006-MA-031 (THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE) (MASON DISTRICT)**
(3:48 p.m.)

The application property is located at 4601 Ravensworth Road, Annandale, 22003, Tax Map 71-1 ((9)) 7A.

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

Joe Gorney, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

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

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 2006-MA-031, subject to the development conditions dated March 20, 2013.
- Reaffirmation of the previous modification to the transitional screening requirement along the north, east, and south property lines in favor of the existing vegetation as shown on the Special Exception Amendment plat.

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

45. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2012-MA-022
(CG PEACE VALLEY LLC) (MASON DISTRICT)** (3:56 p.m.)

(O) (NOTE: On April 30, 2013, the Board deferred the public hearing regarding this item until May 14, 2013.)

The application property is located at 3236 Peace Valley Lane, Falls Church, 22044, on the west side of Peace Valley Lane, approximately 500 feet south of its intersection with Leesburg Pike, Tax Map 61-1 ((1)) 7.

Ms. Elizabeth A. Nicholson reaffirmed the validity of the affidavit for the record.

Supervisor Frey disclosed campaign contributions in excess of \$100 which he had received from the following:

- The Concordia Group, LLC, although it is not associated with this application, its members/managers, William J. Collins and Paul C. Norman, Jr., are also members of CG Peace Valley, LLC, which is the applicant listed in Paragraph 1(a) of the rezoning affidavit
- Land Design Consultants, Incorporated, although it is not a party to this application, Matthew T. Marshall is a shareholder of Land Design Consultants, Incorporated, and a member of Blue Square Investment Group LLC, listed in paragraph 1(b) of the rezoning affidavit as the sole member of Warren C. Ralston Architects LLC, which entity is listed in paragraph 1(a) of the rezoning affidavit as an agent for the applicant/title owner, CG Peace Valley, LLC

Supervisor Frey said that he reviewed his position with the County Attorney regarding this case. Therefore, he recused himself from the public hearing and left the room.

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Supervisor Gross clarified for the record that a spot blight abatement ordinance was invoked in September 2010, but the buildings were not demolished until mid-January 2011, contrary to the staff report.

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

Discussion ensued, with input from Mr. O'Donnell, concerning the resolution of:

- The location of a sidewalk relative to Colmac Drive

- A guardrail

Supervisor Gross noted the importance to the community to maintain walkable rather than driveable access to the area.

Following the public hearing, which included testimony by three speakers, Ms. Nicholson presented rebuttal, with additional input from Mr. John F. Amatetti of VIKA, Incorporated, concerning an infiltration facility.

Mr. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Following a presentation regarding the history of the property, Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-MA-022 from the R-3 and HC Districts to the PDH-4 and HC Districts, and the associated Conceptual Development Plan, subject to the proffers dated April 30, 2013.
- To direct the Director of the Department of Public Works and Environmental Services to approve a modification of the Public Facilities Manual to allow the construction of sidewalks shown on the Conceptual Development Plan/Final Development Plan to be located on one side of the private street.
- Approval of a waiver of the two acre minimum district size for the PDH district, to allow a district of 1.89 acres.

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey being out of the room, Supervisor Foust being absent.

(NOTE: On May 2, 2013, the PC approved Final Development Plan Application FDP 2012-MA-022.)

46. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S11-CW-3CP, PARKS PLAN AMENDMENT, PHASE 1 – POLICY PLAN** (4:32 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 April 26 and May 3, 2013.

Anna Bentley, Planner III, Planning and Development, Park Authority, presented the staff report.

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

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and, following a brief description of the proposed amendment, moved approval of Plan Amendment S11-CW-3CP, as recommended by the PC. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Foust being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

47. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (THE ZONING ORDINANCE), REGARDING CIVIL PENALTIES** (4:44 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 April 26 and May 3, 2013.

Michael Congleton, Code Authority/Strategic Initiatives Manager, Department of Code Compliance, presented the staff report.

Discussion ensued, with input from Mr. Congleton, concerning:

- Maximum fine levels as allowed by the State
- Monitoring the number of cases resolved using this new tool so the Board can evaluate whether it wants to seek higher fines in the future
- Data concerning response to violations that might demonstrate hardship
- The hardship process
- The civil penalties process
- Cost-effectiveness of the process

Following the public hearing, Supervisor Smyth and Chairman Bulova submitted items for the record.

Mr. Congleton presented the staff and Planning Commission (PC) recommendation.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding civil penalties, as advertised, with an effective date and time of May 15, 2013, at 12:01 a.m. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Supervisor Hudgins asked unanimous consent that the Board direct staff to monitor this change, particularly as it relates to hardships and fine levels, and report to the Board. Without objection, it was so ordered.

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

48. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE MAP OF CHESAPEAKE BAY PRESERVATION AREAS, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, REGARDING RESOURCE PROTECTION AREA (RPA) BOUNDARIES ON MAP PAGE NUMBER 30-2 AND BOARD POLICY FOR THE TREATMENT OF APPROVED AND PENDING PLANS OF DEVELOPMENT (DRANESVILLE DISTRICT) (4:54 p.m.)**

- (O) (P) 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 April 26 and May 3, 2013.

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

Discussion ensued concerning designation of perennial streams and the development of athletic fields on the property, with input from Mr. Stonefield and Andrew Galusha, Landscape Architect/Project Manager, Planning and Development Division, Park Authority.

Supervisor Gross asked for clarification regarding the cost of the property, with input from Mr. Galusha.

Discussion continued regarding designation of an RPA, with further input from Mr. Stonefield, regarding County Ordinance requirements.

Following the public hearing, Supervisor Smyth moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), the Map of the Chesapeake Bay Preservation Areas, as set forth in the staff report dated February 27, 2013, and that the proposed amendments become effective at 12:01 a.m. on May 15, 2013.
- Approval of the Board Policy for Treatment of Approved and Pending Plans of Development, as set forth in the staff report dated February 27, 2013.

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

49. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX H, TO GRANT A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO COXCOM, LLC** (5:02 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 April 26 and May 3, 2013.

Frederick E. Ellrod III, Director, Communications Policy and Regulation Division, Department of Cable and Consumer Services, presented the staff report.

Following a presentation by Gary McCollum, Senior Vice President and General Manager, COXCOM, LLC (Speaker One), Mr. McCollum introduced JD Myers, Market Vice-President of Operations, Cox Communications in Northern Virginia. Mr. Myers announced that Cox, in partnership with Fairfax County Public Schools, has launched "Connect2Compete," a national non-profit created to bridge the digital divide and provide low-cost service to families who are not current Cox internet customers, who have children in kindergarten through grade 12, and are recipients of the free lunch program. He added that additional information on the program is available at www.connect2compete.org/cox or by calling 855-222-3252.

Following the public hearing, which included testimony by four speakers, Dr. Ellrod presented the staff recommendation.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board:

- Adopt the granting ordinance appended to the Board Agenda Item as Attachment 1, which amends the Code of the County of Fairfax,

Appendix H (Cable Television Franchises), and the accompanying franchise agreement, appended to the Board Agenda Item as Attachment 2. Adoption of this ordinance will grant a non-exclusive cable franchise to Cox Communications Northern Virginia.

- Authorize the Chairman and the County Executive to sign, on behalf of the County, the cable franchise agreement appended to the Board Agenda Item as Attachment 2, once Cox has satisfied the conditions established in Paragraph 8 of the granting ordinance.
- Adopt the policy recommendations in the May 14, 2013, staff report appended to the Board Agenda Item as Attachment 3, which establishes among other things the allocation of cable franchise revenues.
- Authorize the County Executive to sign, on behalf of the County, the letter to Cox appended to the Board Agenda Item as Attachment 4, which notifies Cox of the termination of the 2002 Agreement.

Supervisor Hyland seconded the motion.

Discussion ensued concerning:

- The work of staff and Cox representatives
- The “Connect2Compete” program and the roll-out to the areas of the County with the greatest need first
- Cox’s stewardship and community support

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

50. **4:30 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 9713 WATER OAK DRIVE, FAIRFAX, VA 22031 (PROVIDENCE DISTRICT)** (5:27 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 April 26 and May 3, 2013.

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance, presented the staff report.

Following the testimony of Mr. Paul Hoshall (Speaker One), Supervisor Smyth expressed condolences on his wife's death.

Following the testimony of Ms. Mary Hart (Speaker Three), Chairman Bulova asked those in support of this item to stand.

Following the public hearing, which included testimony by three speakers, Supervisor Smyth moved:

- Adoption of the Ordinance declaring 9713 Water Oak Drive blighted, constituting a nuisance.
- Approval of the blight abatement plan for 9713 Water Oak Drive.

Supervisor McKay seconded the motion and it carried by a vote of six, Supervisor Cook, Supervisor Gross, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey, Supervisor Herrity, and Supervisor Hudgins being out of the room, Supervisor Foust being absent.

51. **4:30 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 4646 HOLLY AVENUE, FAIRFAX, VA 22030 (BRADDOCK DISTRICT)**
(5:44 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 April 26 and May 3, 2013.

Supervisor Cook announced that the owner has begun demolition on the property and moved to withdraw this item. Chairman Bulova seconded the motion and it carried by a vote of six, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Herrity, Supervisor Hudgins, and Supervisor Smyth being out of the room, Supervisor Foust being absent.

52. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE REFLECTION COMMUNITY PARKING DISTRICT (CPD) (DRANESVILLE DISTRICT)** (5:45 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 April 26 and May 3, 2013.

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

Supervisor McKay announced that while Supervisor Foust was absent due to a sudden death in his family, he had asked the Board to proceed with the public hearing so as not to inconvenience affected residents. Supervisor McKay noted that, since the meeting is being recorded, Supervisor Foust will be reviewing the testimony on this matter before the next Board Meeting. He added that at the conclusion of the public hearing he would move to defer decision so that Supervisor Foust will have an opportunity to review the comments that are received today.

Following the public hearing, which included testimony by seven speakers, discussion ensued regarding qualification under the petition process, with input from Ms. Turner regarding the percentage of signed addresses on the petition.

Supervisor McKay moved to defer decision on proposed amendments to the Code of the County of Fairfax, Appendix M (Community Parking Districts), until June 4, 2013. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor Foust being absent.

Supervisor Gross, noting speakers' concerns about businesses being run in a residential area, stated that the Department of Code Compliance (DCC) investigates such allegations. She suggested that concerned residents contact Supervisor Foust's office or DCC and provide the address of the suspected violation which can then be followed up on. She noted that it is a separate matter from today's public hearing, but that the community can take advantage of County processes in code compliance that could address some of its concerns.

53. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (THE ZONING ORDINANCE), REGARDING HOME CHILD CARE CENTERS** (6:15 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 April 26 and May 3, 2013.

Chairman Bulova provided:

- Instructions regarding the rules of order for the hearing
- A brief summation of the items the Board will be considering

Cathy S. Belgin, Senior Assistant to the Zoning Administrator, Ordinance Administration Branch, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued, with input from Ms. Belgin; Leslie B. Johnson, Zoning Administrator, ZAD, DPZ; Susan Langdon, Branch Chief, Special Permits and Variance Evaluation Branch, Zoning Evaluation Division (ZED), DPZ; and Barbara C. Berlin, Director, ZED, DPZ, concerning:

- How long a State permit is valid
- Notification process following adoption of proposed amendments
- State-required Contact with Zoning Administrator form
- Staffing capacity to review/process special permit applications
- Guidance for review of special permits
- Notification for standard special permit public hearing process
- Regulatory impact section of the Board Item dated May 14, 2013
- Previous operations exceeding by-right limitations prior to July 2012
- Characteristics of “P” districts, particularly the lack of parking provided, and the relevance to special exceptions versus special permits
- Board of Zoning Appeals (BZA) process for reviewing a special permit relative to the cumulative impact of the uses
- Consideration and accounting of off-site parking
- Projected number of potential applications and the ability of the BZA to process that number of applications
- Implementation strategies
- Enforcement delay
- The number of children permitted by-right

Chairman Bulova, noting the number of individuals in the auditorium, asked everyone supporting those testifying to stand and be recognized.

Following the testimony by Ms. Susan Gallier (Speaker One), discussion ensued concerning grandfathering existing day care operators, with input from

Ms. Belgin, Cynthia A. Bailey, Senior County Attorney, and Ms. Johnson, concerning non-compliance with existing zoning ordinances.

Following the testimony of Ms. Sherry Noud (Speaker Six), discussion ensued concerning:

- Challenge of completing the application
- Potential decrease in the number of providers due to a number of factors, including the by-right distinction between single and multi-family homes

Following the public hearing, which included testimony by 13 speakers, Supervisor Herrity announced that he had distributed the presentation referenced by Ms. CeCe Holman (Speaker Three).

Supervisor Cook and Supervisor Hudgins submitted items for the record.

Supervisor Gross, noting the seriousness of the issue and the need for this to be considered by the full Board, moved to defer decision of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding Home Child Care Facilities, until **June 18, 2013, at 4 p.m.** Supervisor Herrity and Supervisor McKay seconded the motion.

Supervisor McKay asked to amend the motion and direct staff to:

- Continue the stay on enforcement, due to the deferral
- Make very clear to new applicants what current procedures are

This was accepted.

Discussion ensued concerning grandfather provisions with input from Ms. Bailey.

Discussion continued concerning:

- The decision of whether to amend the ordinance
- Advertised proposals
- Balancing community interests
- Availability of an ombudsman to help applicants with the process

Supervisor Hyland asked unanimous consent that the Board direct the BZA to:

- Provide information on how it expects to handle requests for approval of a special permit, including scheduling hearings
- How the process could be expedited

Without objection, it was so ordered.

Chairman Bulova noted that when reductions were made to satellite locations, and taxes could only be paid in person at the Government Center, the Director of the Department of Tax Administration (DTA) implemented a program called SMILES. The program “beefed up” customer service and was very successful. She suggested that DPZ staff discuss the implementation of that program with DTA, as the Board will be making a decision on June 18, which could cause an increase in the workload.

Discussion continued concerning expediting the process by presenting administrative alternatives to appearing before the BZA.

Additional discussion ensued concerning simplifying the permit application process, with input from Ms. Johnson regarding implementation strategies.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Foust being absent.

54. **BOARD ADJOURNMENT** (8:10 p.m.)

The Board adjourned.

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