



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
January 8, 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, January 8, 2013, at 9:37 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.

BOARD MATTER1. **MOMENT OF SILENCE** (9:39 a.m.)

Supervisor McKay asked everyone to keep in thoughts the family of Mr. Ernesto Farago, who died on December 28, 2012. Mr. Farago was an accomplished musician in the Springfield area and a member of the National Symphony Orchestra. Two years ago he donated 16 violins, violas, and cellos from his personal collection to students at Springfield Estate Elementary School so that they could enjoy music as much as he did. Many of these children would not have been able to afford to rent these instruments on their own.

Supervisor Gross asked everyone to keep in thoughts the family of Colonel Henry "Hank" Strickland, Jr., who died recently. Colonel Strickland was a 1950 Graduate of West Point, who served and distinguished himself in the US Army retiring as a Colonel. He was involved in the community and was president of the Sleepy Hollow Citizens Association, president of Mason District Council's Civic Association, and represented the Mason District on the Planning Commission.

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Wyndell Wells Carter, who died recently. Mr. Carter was a long time Vienna resident, attended Louise Archer Elementary School, and was a Howard University Graduate. Mr. Carter served in the Army, served on the Vienna Planning Board, was a member of the First Baptist Church of Vienna, and is well known for the Improvement Benefit Program.

Supervisor Hudgins asked everyone to keep in thoughts the family of Mrs. Dortha Joyce Downey, who died recently. Mrs. Downey was the wife of Mr. Mort Downey. She loved working with integrating children with disabilities into mainstream education and was an avid walker.

AGENDA ITEMS2. **PRESENTATION OF A CHECK FROM UNITED WAY OF THE NATIONAL CAPITAL AREA CONTRIBUTED THROUGH THE FAIRFAX-FALLS CHURCH COMMUNITY IMPACT FUND IN 2012** (9:43 a.m.)

Kelly Brinkley, Chief Operating Officer, United Way of the National Capital Area, presented the County with a check representing the amount that was contributed through the Fairfax-Falls Church Community Impact Fund in 2012.

3. **PRESENTATION BY THE FIRE AND RESCUE DEPARTMENT TO THE AMERICAN CANCER SOCIETY** (9:52 a.m.)

On behalf of the Fire and Rescue Department, Chief Ron Mastin presented a check to the American Cancer Society for funds raised to support Breast Cancer Awareness Month.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2068** (9:54 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to the International Association of Firefighters Local 2068 for its success during the 2012 Fill the Boot Campaign, in collecting the highest amount ever by any municipality. Supervisor Hyland seconded the motion.

Following a brief discussion regarding the outstanding work done by the firefighters, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. GAIL KINSEY** (10:08 a.m.)

Supervisor Cook moved approval of the Certificate of Recognition presented to Ms. Gail Kinsey for being named Virginia's 2012 National Distinguished Principal by the National Association of Elementary School Principals. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. JANET COLDSMITH** (10:15 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Ms. Janet Coldsmith, upon her retirement, for her years of service to the County. Supervisor Gross seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING JANUARY 2013 AS "STALKING AWARENESS MONTH" IN FAIRFAX COUNTY** (10:35 a.m.)

Supervisor Gross moved approval of the Proclamation to designate January 2013 as "*Stalking Awareness Month*" in Fairfax County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING JANUARY 2013 AS "MENTORING MONTH" IN FAIRFAX COUNTY** (10:43 a.m.)

Supervisor McKay moved approval of the Proclamation to designate January 2013 as "*Mentoring Month*" in Fairfax County. Supervisor Gross seconded the motion.

Discussion ensued, with input from Steve Klass, President of the Board of Directors, Fairfax Partnership for Youth, regarding mentoring and the status of mentoring programs in the County.

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

9. **PROCLAMATION DESIGNATING JANUARY 25, 2013, AS "EARNED INCOME TAX CREDIT AWARENESS DAY" IN FAIRFAX COUNTY** (10:54 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate January 25, 2013, as "*Earned Income Tax Credit Awareness Day*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

10. **10:30 A.M. – BOARD ORGANIZATION AND APPOINTMENTS OF BOARD MEMBERS TO VARIOUS REGIONAL AND INTERNAL BOARDS AND COMMITTEES** (11:03 a.m.)

Chairman Bulova announced that the list of Appointments of Board Members to Various Regional and Internal Boards, Committees, and Subcommittees for Calendar Year 2013, had been distributed.

Chairman Bulova announced that other appointments will be made later in the meeting.

Supervisor Gross asked unanimous consent that the Board direct staff to make the following corrections to the list regarding VACo Board of Directors:

- Supervisor Penelope Gross (2nd Vice President)
- Supervisor Catherine Hudgins (Immediate Past President)

Without objection, it was so ordered.

Discussion ensued, regarding how appointments are made on the regional Boards.

The full list of appointments is as follows:

**INTERJURISDICTIONAL COMMITTEES AND INTER- AND INTRA-
GOVERNMENTAL BOARDS AND COMMITTEES FOR CALENDAR
YEAR 2013**

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

Gerald Hyland, Chairman
Sharon Bulova
Penelope Gross
Jeffrey McKay

ARLINGTON

Penelope Gross, Chairman
Sharon Bulova
John Foust
Linda Smyth

DISTRICT OF COLUMBIA

Sharon Bulova
Gerald Hyland
Jeffrey McKay
Linda Smyth

FAIRFAX CITY

John Cook, Chairman
Sharon Bulova
Linda Smyth

FALLS CHURCH

Penelope Gross, Chairman
Sharon Bulova
John Foust
Linda Smyth

FORT BELVOIR (Board of Advisors/Base Realignment and Closure)

Sharon Bulova
Patrick Herrity
Gerald Hyland
Jeffrey McKay

HERNDON

John Foust, Chairman
Sharon Bulova
Catherine Hudgins

LOUDOUN COUNTY

Michael Frey, Chairman
Sharon Bulova
John Foust
Catherine Hudgins

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)
Michael Frey, Chairman
Patrick Herrity
Sharon Bulova
Gerald Hyland

VIENNA

Catherine Hudgins, Chairman
Sharon Bulova
John Foust
Linda Smyth

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

Gerald Hyland

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG)

COG BOARD OF DIRECTORS

Sharon Bulova, Principal
John Foust, Principal
Penelope Gross, Principal
Michael Frey, Alternate
Patrick Herrity, Alternate
Catherine Hudgins, Alternate

COG METROPOLITAN WASHINGTON AIR QUALITY COMMITTEE

Sharon Bulova, Principal
John Cook, Principal
Linda Smyth, Principal
Gerald Hyland, Alternate (for any member)

COG CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE

Penelope Gross, Principal
Gerald Hyland, Principal

COG CLIMATE, ENERGY AND ENVIRONMENTAL POLICY COMMITTEE

Penelope Gross – Principal
Kambiz Agazi (Staff) - Principal

COG EMERGENCY PREPAREDNESS COUNCIL

John Foust, Principal

COG HUMAN SERVICES AND PUBLIC SAFETY COMMITTEE

Penelope Gross
Catherine Hudgins

COG REGION FORWARD COMMITTEE

Sharon Bulova, Principal
John Cook, Principal
Michael Frey, Principal

COG TASK FORCE ON REGIONAL WATER SUPPLY ISSUES

Penelope Gross

COG NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD

Catherine Hudgins, Principal
Linda Smyth, Principal
Sharon Bulova, Alternate
Patrick Herrity, Alternate

COLUMBIA PIKE TRANSIT INITIATIVE POLICY COMMITTEE

Sharon Bulova
Penelope Gross

FAIRFAX PARTNERSHIP FOR YOUTH, INCORPORATED

John Foust
Michael Frey

GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY BOARD

Sharon Bulova
John Cook

INOVA HEALTH CARE SERVICES BOARD

Michael Frey
Gerald Hyland

INOVA HEALTH SYSTEMS BOARD

Penelope Gross

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Sharon Bulova
John Cook
Penelope Gross
Patrick Herrity
Catherine Hudgins
Jeffrey McKay
Linda Smyth

NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)

(including WMATA and VRE Representatives)
Sharon Bulova, Principal (VRE Operation)
John Cook, Principal (VRE Operation)
John Foust
Catherine Hudgins, Principal (WMATA)
Jeffrey McKay (VRE Alternate)

PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT COMMISSION

Sharon Bulova, Chairman
John Foust
Catherine Hudgins
Linda Smyth

PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT COMMISSION

Sharon Bulova
John Foust
Catherine Hudgins

POTOMAC WATERSHED ROUNDTABLE

Penelope Gross

ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT COMMISSION

Sharon Bulova
John Foust
Michael Frey
Catherine Hudgins

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

Sharon Bulova
Penelope Gross (2nd Vice President)
Catherine Hudgins (Immediate Past President)
Gerald Hyland
Jeffrey McKay
Linda Smyth

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
(WMATA)**

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

Catherine Hudgins, Principal

INTRAGOVERNMENTAL AND OTHER COMMITTEES

50+ COMMITTEE

(Committee of the Whole)

Patrick Herrity, Chairman

John Cook, Vice-Chairman

AUDIT COMMITTEE

John Foust, Chairman

Sharon Bulova

Michael Frey

Patrick Herrity

BOARD PROCEDURES COMMITTEE

Penelope Gross, Chairman

Michael Frey, Co-Chairman

BUDGET POLICY COMMITTEE

(Committee of the Whole)

Sharon Bulova, Chairman

John Foust, Vice-Chairman

**COMMUNITY REVITALIZATION AND REINVESTMENT
COMMITTEE**

(Committee of the Whole)

Gerald Hyland, Co-Chairman

Jeffrey McKay, Co-Chairman

DEVELOPMENT PROCESS COMMITTEE

(Committee of the Whole)

Michael Frey, Chairman

Penelope Gross, Vice-Chairman

ECONOMIC ADVISORY COMMITTEE

(Committee of the Whole)

John Foust, Chairman

Patrick Herrity, Vice-Chairman

ENVIRONMENTAL COMMITTEE

(Committee of the Whole)

Penelope Gross, Chairman

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

(Committee of the Whole)
Catherine Hudgins, Chairman
John Foust, Vice-Chairman

HUMAN SERVICES COMMITTEE

(Committee of the Whole)
Catherine Hudgins, Chairman
Penelope Gross, Vice-Chairman

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)
Linda Smyth, Chairman
Catherine Hudgins, Vice-Chairman

LEGISLATIVE COMMITTEE

(Committee of the Whole)
Jeffrey McKay, Chairman

PERSONNEL AND REORGANIZATION COMMITTEE

(Committee of the Whole)
Penelope Gross, Chairman
Linda Smyth, Vice-Chairman

PUBLIC SAFETY COMMITTEE

(Committee of the Whole)
Gerald Hyland, Chairman

TRANSPORTATION COMMITTEE

(Committee of the Whole)
Jeffrey McKay, Chairman
John Foust, Vice-Chairman
Catherine Hudgins, Vice-Chairman

Supervisor Foust moved the reappointment of Supervisor Gross as Vice-Chairman of the Board. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

DET:det

11. **ADMINISTRATIVE ITEMS** (11:08 a.m.)

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

Supervisor McKay called the Board's attention to Admin 5 - Authorization for Various County Agencies to Apply for and Accept Funding from the US

Department of Housing and Urban Development (HUD) Through the Continuum of Care Program, and Authorization for Consolidated Plan Certifications.

Discussion ensued, with input from William Macmillan, Management Analyst, Office to Prevent and End Homelessness (OPEH), concerning bullet points on page 78 of the Board Agenda Item dated January 8, 2013, concerning:

- How determinations are made for who is in the units for one year of continued funding for 107 units of transitional housing serving 107 homeless families, and one year of continued funding for five units of transitional housing serving 11 homeless individuals
- Four units of permanent supportive housing for five families

Supervisor McKay requested additional information concerning the second bullet based on the tremendous need for housing to accommodate large families.

Supervisor McKay asked unanimous consent that the Board direct staff to provide additional information concerning the capability of the available transitional housing to accommodate families. Without objection, it was so ordered.

Supervisor Foust inquired about funding of a new program proposed by Fairfax Area Christian Emergency and Transitional Services, Incorporated (FACETS) which would support housing for 18 highly vulnerable chronically homeless individuals with mental illness or other co-occurring disabilities, with input from Mr. Macmillan concerning HUD's bonus project opportunity. Discussion continued concerning possible alternative funding with further input from Mr. Macmillan and Dean H. Klein, Director, OPEH.

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

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, AND PROVIDENCE DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Ridgewood – Lee Highway Turn Lane Improvements	Braddock	Lee Highway (Route 29) [Additional Right-of-Way (ROW) Only]

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Lane at Four Stairs	Dranesville	Mill Ridge Lane Leigh Mill Road (Route 683) (Additional ROW Only)
Van Metre Woodland Park Apartments II	Hunter Mill	Sunrise Valley Drive (Route 5320) (Additional ROW Only)
Holly Acres	Lee	Holly Hill Road (Route 1408) (Additional ROW Only) Holly Hill Road (Route 1408) (Additional ROW Only)
Unity of Fairfax Church of the Daily Word	Providence	Hunter Mill Road (Route 674) (Additional ROW Only)

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (MASON AND SPRINGFIELD DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-S94-38-1	Sprint Centrepointe Office Building 4050 Legato Road, Fairfax Springfield District	March 17, 2013
FSA-M97-59-1	Verizon Wireless Lakeside Plaza Condominiums 3800 Powell Lane, Falls Church Mason District	March 22, 2013

ADMIN 3 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SULLY, SPRINGFIELD, AND MOUNT VERNON DISTRICTS)

- Endorsed a traffic calming plan for Wooded Glen Avenue, Springhaven Drive, and Newington Road consisting of the following:
 - One speed table and one speed hump on Wooded Glen Avenue (Springfield District)

- One multi-way stop on Springhaven Drive at Beech Down Drive (Sully District)
- One multi-way stop with Pork Chop Island and turn lane striping on Newington Road at Ona Drive (Mount Vernon District)
- Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5, SECTIONS 32 THROUGH 32.2 AND CHAPTER 10 (CONSUMER PROTECTION)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 29, 2013, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5, Section 32, and Chapter 10 (Consumer Protection).

ADMIN 5 – AUTHORIZATION FOR VARIOUS COUNTY AGENCIES TO APPLY FOR AND ACCEPT FUNDING FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE CONTINUUM OF CARE PROGRAM, AND AUTHORIZATION FOR CONSOLIDATED PLAN CERTIFICATIONS

- Authorized the Department of Housing and Community Development, the Fairfax-Falls Church Community Services Board, the Department of Family Services (on behalf of the Office to Prevent and End Homelessness who administers the grants), and the Office to Prevent and End Homelessness to apply for and accept, if received, the grant applications listed in the Board Agenda Item dated January 8, 2013. The total funding of \$3,539,257 includes \$2,934,617 in HUD funding, \$500,837 in local cash match, \$76,115 in County in-kind resources, and \$27,688 in private in-kind match which will be requested to support the County grants.
- Endorsed grant applications as outlined in the Board Agenda Item dated January 8, 2013, by County non-profit organizations totaling \$4,962,006, including \$3,860,492 in HUD funding, \$445,136 in State match, and \$656,378 in match to be met with non-profit organizations cash match or in-kind resources.

12. **A-1 – CREATION OF A TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD** (11:21 a.m.)

Chairman Bulova announced that this item would be deferred until later in the meeting.

(NOTE: Later in the meeting, the Board considered this item. See Clerk's Summary Item #52.)

13. **A-2 – ESTABLISHMENT OF THE “TYSONS-WIDE” AND “TYSONS GRID OF STREETS” TRANSPORTATION FUNDS, ADOPTION OF THEIR RESPECTIVE GUIDELINES, AND ANNUAL RATE ADJUSTMENT FOR THE EXISTING TYSONS TRANSPORTATION FUND (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (11:21 a.m.)

Chairman Bulova announced that this item would be deferred until later in the meeting.

(NOTE: Later in the meeting, the Board considered this item. See Clerk's Summary Item #52.)

14. **A-3 – APPROVAL OF THE BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2013 AND AUTHORIZATION FOR THE CHAIRMAN TO POSTPONE A SCHEDULED MEETING IN THE EVENT OF WEATHER OR OTHER HAZARDOUS CONDITIONS** (11:22 a.m.)

(R) Chairman Bulova announced that a revision to this item had been distributed earlier.

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

- Approve the Board meeting schedule for January through December 2013
- Adopt a Resolution authorizing the Chairman to defer any scheduled meeting to the Tuesday following a scheduled Board meeting if the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for Members to attend

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

15. **A-4 – AUTHORIZE THE ACQUISITION OF PROPERTY AT 7511 FORDSON ROAD, ALEXANDRIA, VA 22306 (LEE DISTRICT)**
(11:23 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Hyland and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to acquire from the Fairfax County Redevelopment and Housing Authority the property located at 7511 Fordson Road, Alexandria, VA 22306 (Lee District), Tax Map Number 0924-01-0065A, comprising 38,995 square feet.

16. **A-5 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD), THE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA, AND THE METROPOLITAN POLICE DEPARTMENT OF WASHINGTON, DC, REGARDING THE 2013 PRESIDENTIAL INAUGURATION** (11:24 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign a MOU between the Police Department, the United States Attorney for the District of Columbia, and the Metropolitan Police Department of Washington, DC to participate as members in the Presidential Inauguration Task Force.

17. **C-1 – APPROVAL OF THE FAIRFAX COUNTY DOMESTIC VIOLENCE PREVENTION, POLICY, AND COORDINATING COUNCIL’S CHARTER AND BYLAWS** (11:25 a.m.)

(BACs)
(APPT)

The Board next considered an item contained in the Board Agenda dated January 8, 2013, requesting approval of the Domestic Violence Prevention, Policy, and Coordinating Council’s charter and bylaws.

Supervisor Hyland moved that the Board:

- Approve the Domestic Violence Prevention, Policy, and Coordinating Council’s charter and bylaws
- Appoint Supervisor Cook as the Council’s liaison

Supervisor Gross seconded the motion.

Supervisor Gross called the Board’s attention to page 131 of the Board Agenda Item dated January 8, 2013, concerning ”Chairperson’s Obligations and Terms” and inquired whether the chairperson would/should/must be a resident of the County. Following input from David P. Bobzien, County Attorney, concerning

residency requirements, Supervisor Gross moved to amend the bylaws to require that the chairperson be a resident of the County, and this was accepted.

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

18. **I-1 – RECOGNITION OF COMPREHENSIVE ANNUAL FINANCIAL REPORTS (CAFR) AND THE ANNUAL BUDGET BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA); PERFORMANCE MEASUREMENT PROGRAM BY THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION; AND INVESTMENT POLICY BY THE ASSOCIATION OF PUBLIC TREASURERS** (11:27 a.m.)

The Board next considered an item contained in the Board Agenda dated January 8, 2013, announcing that the County received various awards.

Chairman Bulova announced that she heard on public radio a distinction regarding budget transparency and the ease of finding budget documents and information and while a number of jurisdictions in the metropolitan Washington area were cited, the only jurisdiction earning an A plus was the County. Discussion ensued, with input from:

- Edward L. Long Jr., County Executive, who noted that the County also received the top recognition of transparency in terms of budget from the State of Virginia
- Susan Datta, Chief Financial Officer, who identified the source as the Virginia Coalition of Open Government

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

19. **I-2 – SERVICE ADJUSTMENTS FOR FAIRFAX CONNECTOR BUS SERVICE EFFECTIVE JANUARY 2013** (11:30 a.m.)

The Board next considered an item contained in the Board Agenda dated January 8, 2013, announcing that the Department of Transportation intends to make several schedule and/or routing changes to the Fairfax Connector service effective January 12, 2013.

The staff was directed administratively to proceed as proposed.

DET:det

ADDITIONAL BOARD MATTERS

20. **REQUESTS FOR RECOGNITION** (11:31 a.m.)

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

- Department of Public Works and Environmental Services, together with engineer representatives from other County departments, to appear before the Board in February to accept a proclamation recognizing Engineers Week in Fairfax County
- Office of Human Rights and Equity Programs to appear before the Board to accept a proclamation recognizing African American History Month
- Office of Human Rights and Equity Programs and the Jewish Community to appear before the Board to accept a proclamation recognizing Holocaust Remembrance Day

Without objection, it was so ordered.

21. **RECOGNIZING MASTER TECHNICIAN JOEL KOBERSTEEN AND MS. JENNY KOBERSTEEN** (11:32 a.m.)

Chairman Bulova announced that Fairfax County Fire and Rescue Master Technician Joel Kobersteen and his wife Jenny Kobersteen, a registered nurse and Muscular Dystrophy Association (MDA) camp nurse, will be receiving the All American Heroes award at the All American Inaugural Ball on January 20, 2013.

The award is given to individuals who embody a well-rounded commitment to country and American values, and who sacrifice on behalf of others every day. This past year, Mr. Kobersteen was instrumental in helping County firefighters raise \$568,000 during the Fill the Boot campaign for MDA; the highest amount ever by any municipality in the 58 year history of Fill the Boot. One hundred percent of the County's collections every year go to assisting families in the Washington, DC area.

Chairman Bulova referred to her written Board Matter which outlined the many accomplishments of the Kobersteen's and asked unanimous consent that the Board direct the Office of Public Affairs to publicize this honor. Without objection, it was so ordered.

22. APPOINTMENTS TO THE BI-PARTISAN ELECTION PROCESS IMPROVEMENT COMMISSION (11:34 a.m.)

(BACs)
(APPTS)

Chairman Bulova said that on Thursday, January 3, the Bi-Partisan Election Process Improvement Commission held its first meeting. The Commission, will hold its next meeting on January 17, at 7:15 p.m., in Room 232 of the Government Center, and plans to complete its recommendations by March of this year.

Chairman Bulova noted that at the Board meeting held on November 20, 2012, the Board agreed to appoint a Disability Community Representative and a representative from the Fairfax Chamber of Commerce.

Therefore, Chairman Bulova moved confirmation of the following to the Bi-partisan Election Process Improvement Commission:

- Mr. Michael Lewis, as the Fairfax County Chamber of Commerce Representative
- Mr. Chuck Caputo, as the Disability Community Representative, to the Bi-partisan Election Process Improvement Commission

Chairman Bulova explained that Mr. Lewis and Mr. Caputo were chosen as representatives by their respective organizations after the December 4, 2012, Board meeting and were not included in the initial list of Commission representatives. Supervisor Foust seconded the motion.

Supervisor Hudgins asked to amend the motion to include Ms. Marion Stillson, who is very familiar with the disability issue, is immensely intimate with the election process, and who was out of the country when this was initially considered and whose response was not received until this had previously been considered.

Discussion ensued concerning the amendment to the motion, to include Ms. Stillson as a member of the Commission, representing the interests of people with disabilities, and this was accepted.

Supervisor Herrity asked to amend the motion to include another individual with a disability, Mr. Bob Brostrom, as a Commission member representing the interest of people with disabilities, and this was accepted.

Discussion ensued concerning liaisons to the General Assembly and Chairman Bulova noted that the meetings are public and anyone can attend.

Vice-Chairman Gross restated the motion, as amended, and it carried by a unanimous vote.

23. **FAIRFAX COUNTY CEMETERY PRESERVATION ASSOCIATION (FCCPA)** (11:39 a.m.)

Chairman Bulova said that on December 5, 2012, she met with members of the FCCPA, who have been working hard on a project in honor of the Civil War Sesquicentennial. This work has resulted in a compilation of a database of Civil War veterans buried or memorialized in cemeteries.

Included are veterans in cemeteries in the County as well as Fairfax City and Falls Church City, which were part of the County during the Civil War and through half of the twentieth century.

She said that hard copies of the lists as well as a "Frequently Asked Questions" section are in the Board Members folders.

Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to publicize the work of the association and noted that the organization's website address is <http://www.honorfairfaxcemeteries.org/> and it welcomes questions, corrections, and/or additions. She added that this is the result of the good work of Ms. Mary Lipsey and members of the History Commission.

Supervisor Smyth noted that most of the veterans listed died considerably after the Civil War and asked whether the FCCPA had a specific list of soldiers killed during war as another category. Chairman Bulova said that she would pass that suggestion on to the organization, noting that it is a work in progress that will always be evolving as additional information becomes available.

Chairman Bulova asked unanimous consent that the Board direct staff to publicize this information. Without objection, it was so ordered.

24. **SUCCESSFUL CHILDREN AND YOUTH POLICY TEAM (SCYPT) APPOINTMENTS** (11:42 a.m.)

(BACs)
(APPTS)

Chairman Bulova said that at the joint Board of Supervisors-School Board meeting on September 18, 2012, staff presented the results of the Institutional Analysis, a study examining disproportionate minority contact in the juvenile justice system. One of the recommendations from the report was the creation of a policy team focused on the well-being and success of the County's children and youth. Both boards agreed that this is an important task and decided to each appoint two members to serve on the team. The Honorable Janie Strauss and the Honorable Ryan McElveen are the School Board Appointees to this board.

She noted that County and school staff have been working on finalizing the structure of SCYPT and anticipate it beginning to meet by the end of February. The team will set common goals for the child and youth population and identify

and monitor key initiatives. Board engagement is critical to the development of these goals.

Chairman Bulova moved that the Board appoint Supervisor Hudgins and Supervisor McKay to serve on the SCYPT. Vice-Chairman Gross seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

25. **COUNTY VOLUNTARY GUN TURN-IN SERVICE** (11:44 a.m.)

Chairman Bulova said that since the tragic Newtown, Connecticut shooting occurred last month, many residents have contacted her office to voice concern regarding guns. A variety of different proposals dealing with guns in the County and State have been suggested and there is no question residents feel strongly about this issue. While opinions on dealing with guns may differ, everyone can agree that public safety and the safety of all who live, work, and play in the County should be a top priority.

She noted that most residents do not realize that the County provides a voluntary gun turn-in service. If anyone has weapons or ammunition that they no longer want or feel may be either unsafe or a risk to those in their home for any reason, they can voluntarily turn these weapons in to the Police Department for safe disposal and destruction. Many are unaware of how to utilize it and may not have previously considered turning in unwanted weapons. If residents do choose to own guns in their homes, safe handling and storage is paramount to prevent accidents.

Chairman Bulova asked unanimous consent that the Board direct the Police Department's Public Information Office and the Office of Public Affairs to better publicize this voluntary service and post information for residents on how to go about voluntarily turning in weapons. The County should make it as easy as possible for residents to voluntarily turn over unwanted weapons. Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct the Police Department and the Office of Public Affairs to explore the possibility of creating a semi-annual gun turn-in day, that would be publicized, which reaches out to the public and encourages participation, as is done with hazardous products. Without objection, it was so ordered.

Discussion ensued with input from Dave Rohrer, Deputy County Executive, who stated that he would work with Acting Chief Jim Morris, to look at doing it in the near future.

Supervisor Foust stated that he has received questions from constituents about the gun turn-in program, specifically, whether:

- The guns are destroyed

- There are exceptions and who makes those exceptions

Following input from Mr. Rohrer, who noted that the guns are supposed to be destroyed, discussion continued regarding the need for feedback on the success of this effort. Mr. Rohrer elaborated on the various types of weapons that have been turned in at stations.

Supervisor Smyth asked unanimous consent that the Board direct staff to include turning in old ammunition in its turn-in program. Without objection, it was so ordered.

Supervisor Hudgins mentioned that she had a Board Matter that also was to include, among others, a recommendation for the County to hold a gun turn in event.

(NOTE: Later in the meeting, Supervisor Hudgins presented her Board Matter. See Clerk's Summary Item #42.)

26. **APPOINTMENT OF MS. JAN HEDETNIEMI TO THE PLANNING COMMISSION (PC)** (11:53 a.m.)

(BACs)
(APPTS)

Chairman Bulova announced that Walter Alcorn has declined to be reappointed for another term to the PC. Originally appointed by Chairman Kate Hanley in 1996, Mr. Alcorn has been an invaluable member of the Commission for nearly two decades. During his time on the PC he has played a vital role in various committees including housing, policy and procedures, schools, and Tysons as well as chairing the Tysons Committee since 2008.

Chairman Bulova announced her intent to appoint Ms. Jan Hedetniemi as an At-Large Representative of the PC to replace Mr. Alcorn. She has been a community force for over a decade and has served the County in many capacities: President of the Braddock District Council of Community Associations, the Chairman's appointee to the Tysons Task Force, the Transportation Advisory Commission, and At-Large appointee on the Park Authority Board.

Therefore, Chairman Bulova moved:

- The appointment of Ms. Jan Hedetniemi, as an At-Large Representative to the PC
- That the Board direct staff to invite Mr. Alcorn to appear before the Board in recognition of his 17 years of outstanding service to the County

This motion, the second to which was inaudible, carried by unanimous vote.

27. **HOLIDAY RECEPTION TO CELEBRATE THE NEW YEAR** (11:55 a.m.)

Chairman Bulova announced that she had distributed copies of the invitation to her annual holiday reception, Wednesday, January 16, from 4:30 p.m. to 6:30 pm. She noted that the refreshments will be produced by the Annandale Culinary Arts Institute. She added that this will be her thank you to the many volunteers, active members of the community, appointees, and the County workforce, and is not done at County expense.

Chairman Bulova 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.

28. **RECOGNIZING ROBINSON SECONDARY SCHOOL PRINCIPAL DANIEL F. MEIER (SPRINGFIELD DISTRICT)** (11:56 a.m.)

On January 2, 2013, Robinson Secondary School Principal Daniel F. Meier announced he would retire on April 1 after nearly ten years as the principal. Prior to serving at Robinson, he was the principal for Rocky Run Middle School, and prior to that, a teacher and head football coach at Chantilly High School. His record on the field is as good as his record in the office, winning two State championships with West Potomac High School and an AAA Division 6 championship with Chantilly.

Supervisor Herrity referred to his written Board Matter which outlined the many accomplishments of Mr. Meier.

Therefore, Supervisor Herrity moved that the Board direct staff to invite Mr. Meier to appear before the Board to receive a resolution honoring him for his years of service to the County. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Hudgins being out of the room.

Chairman Bulova noted that this was a joint Board Matter with Supervisor Cook, Supervisor Frey, Supervisor Herrity, and herself.

29. **RECOGNITION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) NORTHERN VIRGINIA DISTRICT ADMINISTRATOR GARRETT MOORE** (11:58 a.m.)

Supervisor Herrity announced that Northern Virginia District Administrator Garrett Moore has accepted the position of Chief Engineer at VDOT. Though this is a well-deserved promotion for Mr. Moore, it is bittersweet for those who have had the pleasure to work with him on transportation issues in the County.

Mr. Moore has led an extensive career at VDOT having held not only the Northern Virginia District Administrator position but also previously served as District Administrator in Staunton. His prior service in VDOT also includes

positions as assistant resident engineer in Fredericksburg, and resident engineer in Warrenton.

Supervisor Herrity referred to his written Board Matter, which outlined Mr. Moore's many accomplishments in the County, noting that during his tenure, he has remained accessible to both staff and the community and has continually been responsive to requests and concerns brought to his attention.

Supervisor Herrity moved that the Board direct staff to invite Mr. Moore to appear before the Board for the presentation of a resolution recognizing his hard work and dedication as a public servant to the County. Supervisor McKay seconded the motion and it carried by unanimous vote.

30. **ESTABLISHING A FAIRFAX COUNTY LICENSE PLATE** (12:01 p.m.)

Supervisor Herrity said that many cities, counties, and towns across Virginia have petitioned the Department of Motor Vehicles for their own license plate; usually a very simple design featuring the local government seal. In Northern Virginia, the City of Fairfax has their own tag which generates roughly \$5,000 per year in revenues at \$15 per vehicle, which is dedicated to historical resources. The Town of Vienna is currently in the process of establishing a plate. He added that he understands the County has tried once in the past to do this as well.

He added that using Fairfax City's population as a bench mark, it is estimated that the County could generate roughly \$250,000 per year from a license plate which, he proposed, the Board could dedicate the revenues through calendar year 2015 to the World Police and Fire Games. For the following years, this funding would be dedicated to tourism support and advertisement. In addition to generating revenue to support tourism initiatives, the plate would promote community pride.

He noted that the process for attaining such a license plate tag is simple and begins with Board approval, design of the plate, and collection of 350 pre-paid applications. *Visit Fairfax* has agreed to facilitate the process of collecting the 350 pre-paid applications.

Supervisor Herrity moved that the Board direct:

- The County Executive to draft the documentation necessary to sponsor a County license plate
- The Office of Public Affairs to draft a simple design with the County seal and a call-to-action: visit www.FXVA.com
- The County Executive to draft an agreement with Visit Fairfax on the collection of the forms and disbursement of funds to World Police and Fire Games through 2015 and then to *Visit Fairfax*
- Staff to present the items to the Board for approval at its January 29 meeting

Chairman Bulova seconded the motion.

Discussion ensued, with input from Edward L. Long Jr., County Executive, concerning the:

- Commitment of funds to *Visit Fairfax*
- Funding of the World Police and Fire Games

Noting the past failure of a similar endeavor, discussion continued concerning other avenues of promotion, including the Economic Development Authority, the business community, as well as other organizations with networking ties in the community. Chairman Bulova encouraged the Board to help publicize this effort through the use of their newsletters.

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

31. **HUNTING ON PRIVATE LAND IN NORTHERN VIRGINIA ON SUNDAYS** (12:07 p.m.)

Supervisor Herrity stated that the County is constantly reminded of the negative impacts that overpopulated deer herds have on the County:

- The public health impacts of Lyme Disease
- The public safety impacts caused by deer/car or deer/motorcycle collisions
- The environmental concerns with damage to underbrush and ecosystem
- The health of the deer due to malnourishment

He said that the County has been a leader in addressing these negative impacts: from managed hunts, to a nationally recognized deer archery program, to the four poster deer bait station pilot; but there is one additional step the County can take.

Supervisor Herrity noted that he attached to this written Board Matter a draft bill being proposed by Delegate David Ramadan of Virginia's 87th House District. The draft bill will amend Section 29.1-521 of the *Code of Virginia* to allow any person to hunt or kill wild animals, but not birds, on Sunday, on private lands, in the counties of Fairfax, Fauquier, Loudoun, and Prince William. Most recreational hunters only hunt on weekends due to job commitments and with many family and other commitments on Saturdays, there is little time to hunt for many. Allowing Sunday hunting (on private land only) would essentially double the hunting season for many hunters.

Supervisor Herrity added that this amendment could significantly aid efforts to keep deer herd sizes proportionate to the area to minimize the negative public health, public safety, and environmental impacts of the excessive deer population and improve the health of the deer themselves and help prevent herds from developing chronic wasting disease.

Supervisor Herrity asked unanimous consent that the Board direct:

- Staff to add discussion of this bill to the agenda of the next Legislative Committee meeting for potential endorsement and addition to the County's Legislative Agenda
- Animal Control staff and/or the Wildlife Biologist be available at that Committee meeting to address any questions which may be posed.

Chairman Bulova stated that this bill was introduced last year and was not successful and the County's position at that time was that it did not have a problem with Sunday hunting. Supervisor McKay noted that the one question that did come up was whether there was a financial impact and whether the County was required to provide any type of services to allow these to happen on private lands. He noted that this legislation would not require the County to participate.

Following additional discussion concerning the counties that would be affected, without objection, it was so ordered.

32. **US ENVIRONMENTAL PROTECTION AGENCY** (12:12 p.m.)

Supervisor Herrity congratulated the County's legal staff, the Department of Public Works and Environmental Services, the Virginia Department of Transportation, and the State for partnering in the case against the US Environmental Protection Agency. He also thanked the Board for enjoining in that suit. He noted that it will enable the County to restore all of its streams rather than just in Accotink, and to do so in a responsible way.

33. **RETIREMENT OF CHIEF OPERATING OFFICER AND ASSISTANT SUPERINTENDENT FOR FACILITIES AND TRANSPORTATION, FAIRFAX COUNTY PUBLIC SCHOOLS, DEAN TISTADT** (12:14 p.m.)

Supervisor Foust announced that he learned that Mr. Dean Tistadt retired December 31 and asked unanimous consent that the Board direct staff to invite him to appear before Board and recognize him for his many years of service to the County. Without objection, it was so ordered.

34. **REQUEST TO WAIVE THE ZONING FEES FOR THE NORTHERN VIRGINIA RADIO CLUB (NVRC) TO AMEND THE SPECIAL EXCEPTION FOR RADIO CONTROLLED AIRCRAFT FLIGHTS AT THE I-95 LANDFILL COMPLEX (MOUNT VERNON DISTRICT)**
(12:15 p.m.)

Supervisor Hyland stated that the NVRC is a non-profit, 501 (c)(3), based out of Chantilly, whose members have organized to provide the facilities and foster the interchange of information for its members to enjoy and further their skills in building and flying radio-controlled model aircraft. Currently, the County only permits NVRC to fly their aircraft in one location in Chantilly. NVRC seeks to fly its aircraft at the I-95 Landfill Complex off Furnace Road in the Mount Vernon District. The South County Federation and Department of Public Works supports the proposal. While staff in the Department of Planning and Zoning is supportive of the club's efforts to fly their model aircraft at the site, because they collect dues from members, staff has not been able to interpret their request as a public use as Supervisor Hyland had urged them to do. To further compound NVRC's problems, the organization was created at the behest of staff so they could obtain insurance against damages and liability. So the creation of a club to obtain insurance has created the need to file a special exception application, which they otherwise would not have to do if the site was open to the public.

The zoning application filing fee is an insurmountable obstacle for the club and constitutes a hindrance of their ability to enjoy a new location to practice their hobby. The County Attorney has concluded that their status as a tax-exempt organization permits the Board to grant a waiver of the zoning application funding fee.

Supervisor Hyland moved that the Board:

- Authorize the filing of a special exception amendment on Board-owned property at Tax Map numbers 113-1 ((1)) lots 14 and 15 as well as Tax Map number 107-3 ((1)) lot 20
- Waive the filing fees for the zoning application on those same tax map numbers.

Discussion ensued concerning the use of the planes to spot deer.

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

35. **SMOKING REBUTTAL** (12:19 p.m.)

On December 7, 2012, the Office of the County Attorney responded to the Board's questions related to the regulation of smoking. The opinion definitively answered the question that the Board, by Virginia law, cannot consider an applicant's use of tobacco products in hiring decisions nor can it make abstinence

from tobacco usage a condition of employment as is done for public safety employees. The County does have the authority to educate and encourage employees to obtain training on the health benefits of smoking cessation as part of its training programs on job skills and health and well-being.

Supervisor Hyland expressed his wish to see:

- An expansion of the County's current training program to involve County employees who use tobacco products with an aim to encourage them to quit.
- The Board endorse legislation that would grant more authority to local governments to extend the prohibition to other areas including public parks, public schools grounds, playgrounds, and other appropriate locations as deemed by the Board.

Supervisor Hyland asked unanimous consent that the Board refer this matter to the Board's Personnel and Reorganization Committee and Legislative Committees for discussion. Without objection, it was so ordered.

36. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (12:20 p.m.)

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

EBE:ebe/PMH:pmh

37. **RECOGNITION OF MR. GRANT McINTOSH (LEE DISTRICT)** (12:21 p.m.)

Supervisor McKay announced that Mr. Grant McIntosh will have given to the citizens of the County a half a century of service when he retires from his volunteer job as a chaplain with the Fire and Rescue Department in March. He added that this will be Mr. McIntosh's second retirement; his first one was in February 1994 when he retired after 30 years as a County firefighter.

During his career as a fire fighter, Mr. McIntosh felt a call to the ministry as a fire chaplain. He attended classes at a local seminary and became an ordained minister. In August 1994, Chief Gaines appointed Mr. Mr. McIntosh as the department chaplain and that appointment led to his volunteer position as the lead chaplain in the County Fire and Rescue Department. Mr. McIntosh is a member of the Critical Response Team and he was with the first responders when American Airlines Flight 77 slammed into the Pentagon in September 2001.

Supervisor McKay added that in spite of the demands of his chaplaincy, Mr. McIntosh has always found time to support his local community as a longtime president of the Groveton Civic Association, and, at the conclusion of his

presidency, he remained an active board member. He is also involved with the Mount Vernon/Lee Chamber of Commerce and the Lee District Association. Every year, attendees of the Lee District Association's award banquet have appreciated his warm and inclusive invocation.

Mr. and Mrs. McIntosh have lived in their Collard Street home since 1966 and will be leaving that home shortly to create a new one in Pennsylvania where they are building their dream house.

Supervisor McKay asked unanimous consent that the Board direct staff to invite Chaplain Grant McIntosh to appear before the Board on February 12, 2013, to be recognized for his extraordinary service to the citizens of the County. Without objection, it was so ordered.

38. **RECOGNITION OF EAGLE SCOUT ETHAN KAUFFMAN (LEE DISTRICT)** (12:23 p.m.)

Supervisor McKay announced that Ethan Kauffman had recently successfully completed his Eagle Scout project. Scouting has been part of Ethan's life since he was six-years-old and his father, Dana, was in his second term as Lee District Supervisor.

Supervisor McKay explained that Ethan's Eagle Scout service project was to restore the community garden at Hayfield Park and make it an enhanced community asset as well as an educational one. The garden needed substantial maintenance; soil was depleted, plants overgrown and in the wrong places. Ethan recruited scouts, friends, neighbors, and family members to work on the project and on October 20, 2012, led 38 volunteers of all ages in refurbishing the park. Work was done according to the Hayfield Garden Club's wishes and employed best gardening management practices. He obtained donations for the cost of materials and helped the garden club to obtain mulch and pavers.

Work included digging and moving bulbs, installing new native plants, labeling plants, installing pavers, and landscaping. He taught each volunteer the correct way to do each task as well as how to use tools to avoid injury.

Other project activities included soil testing; amending soil with organic fertilizer and compost based on the test recommendations; removing invasive species; creating walkways; and creating a teaching garden through the use of plant labels with QR codes.

Supervisor McKay asked unanimous consent that the Board direct staff to invite Ethan Kauffman, his parents Dana and Kathy Kauffman, Troop 1519 Eagle Scout advisor Sue King, and members of the Hayfield Garden Club, to appear before the Board for recognition on February 12, 2013. Without objection, it was so ordered.

39. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(12:25 p.m.)

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

40. **ACT OF BRAVERY IN RESTON (HUNTER MILL DISTRICT)**
(12:25 p.m.)

Supervisor Hudgins said that during the holiday season, Mrs. Kelley Reylea and her son Brian (4 years old) visited the Reston Target store. The son's breathing became labored; he asked to go to the bathroom. The son went to the bathroom and began to mumble incoherently. He collapsed and was not breathing. The mother laid him flat and called out for help from within the store. She immediately started to perform CPR.

A Target employee, Jennifer Lappetito, was in the bathroom when this happened. She left the bathroom, called a code green, and dialed 911. Logan Christopher, another Target employee, came forward, saw Kelley doing CPR on her child, and he assisted her by doing chest compressions on Brian. He continued until he was relieved by Dr. Rebecca Christy.

Dr. Christy was in the check-out line, when the incident occurred. She heard the commotion and the call for a doctor. When she arrived at the front of the store, she saw Brian on the floor with his mother and another target employee doing CPR. The child was turning pale blue and had brown discharge coming from his mouth. She started to render aid and continued CPR, doing compressions.

Nurse Joan Shannon was also shopping at Target and heard the alert that someone was in medical distress. She assisted Doctor Christy by stabilizing the child's head and checking his vitals. She continued until Paramedics arrived and took over the child's care.

Without their actions, this little boy may have succumbed to his Reactive Airway Disease. The deeds of several individuals that day embody the spirit of community we strive to reach for in the County.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Jennifer Lappetito, Logan Christopher, Dr. Rebecca Christy, and Nurse Joan Shannon to appear before the Board to be recognized for their lifesaving actions. Without objection, it was so ordered.

41. **DULLES TOLL ROAD INCREASE (HUNTER MILL DISTRICT)**
(12:27 p.m.)

Supervisor Hudgins said that it is important to recognize that, along with the New Year, the Dulles Toll Road tolls increased for workers and residents, along the Dulles Corridor. While the increases are necessary to help fund the new Metrorail

extension, these toll increases shed light on the lack of action by the General Assembly. The Dulles Toll Road increases were originally a mechanism to pay for improvements to the roadway, not to provide 57 percent of funding for a major regional capital project. The inaction of the last General Assembly session to enact a meaningful contribution to the Dulles Corridor Metrorail project has been disheartening. The Dulles Corridor has been singled out as a leading economic engine for Virginia but the rising toll increases could harm the future growth.

Supervisor Hudgins said that this issue is important to her constituents as the Dulles Toll Road runs through the center of much of the Hunter Mill District. The Metropolitan Washington Airport Authority (MWAA) has applied for Transportation Infrastructure Finance Innovation Act (TIFIA) funds to help reduce the tolls in future years, but more assistance is needed.

Supervisor Hudgins said that it is essential that funds are obtained from the federal government partners and State stakeholders to help buy down the tolls. Governor McDonnell has named transportation as a top priority.

An additional airport tax or passenger facility charge on Dulles Airport users could help cover the toll rates. The airport tax revenue should primarily be spent towards the relief of the Dulles Toll Road users.

Therefore, Supervisor Hudgins moved that the Board:

- Request MWAA to explore the legislative authority to collect an airport tax or passenger facility charge to cover the appropriate share of the tolls
- Direct staff to prepare a letter and forward it to MWAA

Chairman Bulova seconded the motion.

Discussion ensued regarding:

- The impact on toll road users
- Air rights

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the County Executive to provide an update on the Board's previous request on the issue of air rights at stations and potential funding options to cover toll rates. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Frey asked unanimous consent that the Board direct staff to provide an update on the status of funding of the Route 28 station. Without objection, it was so ordered.

Chairman Bulova noted that there will be further discussion at a later Transportation Committee meeting.

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

42. **PUBLIC SAFETY AND MENTAL ILLNESS** (12:40 p.m.)

Supervisor Hudgins said that public education is delivered through public schools. Schools serve as communities of learning offering literacy to students. Literacy empowers each individual to have a voice, assume community responsibility and lead satisfying, productive lives. This mission is critical to every aspect of County public safety and mental illness influence the public schools ability to deliver education.

Tragically, on December 14, 2012, a 20 year old man fatally shot 20 children and six adult staff members and wounded two at Sandy Hook Elementary School in the town of Newtown, Connecticut.

Supervisor Hudgins said that like elected officials at every level, all over the nation, she has received pleas regarding people with guns.

Supervisor Hudgins noted that the 2009 Beeman Commission reported that mental health and substance abuse services, with particular emphasis on prevention, early intervention and treatment, must be available to all residents. Such services maintain stable and dynamic lives, and avert destructive, possibly life-threatening, behavior. The County will support those who cannot afford assistance.

Supervisor Hudgins said that if we accept that mental illness influences the public schools' ability to deliver education and learning, it is important to support the Beeman Commission recommendations by funding them.

Supervisor Hudgins said that guns and unstable people with guns are our problem.

Supervisor Hudgins noted that the Board does not have ultimate authority over what happens with guns in the County.

Therefore, Supervisor Hudgins moved that the Board:

- Make every effort to fund all the Beeman Commission recommendations

- Urge the General Assembly to think about solutions that have helped make the County one of the most desirable places in the nation to live. It is the presence of social workers, not armed school staff, that send the message of commitment that educational institutions are places in which students and faculty are secure and all can pursue their education in a safe, learning environment

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

43. **HAPPY NEW YEAR – CARDS FROM SPARC (HUNTER MILL DISTRICT)** (12:45 p.m.)

Supervisor Hudgins shared artwork from the clients of SPARC.

44. **CHICKEN ARTICLE** (12:46 p.m.)

Supervisor Cook shared an article about a pet chicken alerting a couple to a fire in their house.

45. **DULLES DISCOVERY NORTH (DDN) (SULLY DISTRICT)** (12:49 p.m.)

Supervisor Frey stated that DDN and Dulles Discovery South (DDS) are approved secure office complex projects located north and south of Air and Space Museum Parkway, east of Route 28, west of Centreville Road and south of Wall Road. Combined, the projects consist of approximately 132 acres with a total of approximately 2.4 million square feet of office and accessory uses to be occupied by the same tenant.

Due to the high security requirements mandated by the tenant, both the DDN and DDS campuses will be fenced, and all visitors and employees will be required to pass through controlled security areas to enter the site. Given that the same tenant will occupy both campuses, it will be necessary for employees, visitors and delivery and/or service vehicles to travel regularly between the campuses through several redundant, highly-secure gates.

DD North 3 LC and Sully North Investments L.C., related entities of The Peterson Companies (the "applicant"), are preparing to file Proffered Condition Amendment Application PCA 2005-SU-026 to permit construction of a privately-owned and maintained overpass over the Air and Space Museum Parkway connecting the campuses. Department of Planning and Zoning (DPZ) staff has determined that a PCA will be required to accomplish this approval. Because Air and Space Museum Parkway has been dedicated to the Board of Supervisors, it must authorize the inclusion of the right-of-way in the application.

Supervisor Frey added that to address time constraints in delivering the overpass with the occupancy of the first building in DDS is occupied, the applicant has requested expedited and concurrent processing, as well as a date certain for the Board public hearing.

Supervisor Frey moved that the Board:

- Authorize and concur in the inclusion of the PCA application approximately 3.24 acres of the public right-of-way for the Air and Space Museum Parkway owned by the Board and authorize the County Executive to act as the agent for the Board in connection with the application, if necessary.
- Direct staff to expeditiously schedule the public hearings before the Planning Commission and the Board, and to set a date certain for Proffered Condition Amendment Application PCA 2005-SU-026.
- Direct the Department of Public Works and Environmental Services to concurrently process the plans associated with Proffered Condition Amendment Application PCA 2005-SU-026.

The applicant understands that this motion should not be considered as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/or adopted standards.

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

46. **RECESS/CLOSED SESSION** (12:53 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. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax*

- County, Virginia v. Robert E. Stroup*, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence 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. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Parrish and Maria P. Tungol*, Case No. CL-2012-0009121 (Fx. Co. Cir. Ct.) (Lee District)
 4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James M. Shifflett, Sr., et al.*, Case No. CL-2009-0014727 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James M. Shifflett, Sr.*, Case No. CL-2012-0003389 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bahram Sadeghian and Shahrzad Marzban*, Case No. CL-2012-0005049 (Fx. Co. Cir. Ct.) (Dranesville District)
 7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Joseph Powers*, Case No. CL-2012-0003924 (Fx. Co. Cir. Ct.) (Lee District)
 8. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michelle Sotiropoulos*, Case No. CL-2012-0012540 (Fx. Co. Cir. Ct.) (Dranesville District)
 9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tatjana Ute Fernandez and Gil Blanco Benitez*, Case No. CL-2012-0008162 (Fx. Co. Cir. Ct.) (Mason District)

10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Antoniel F. Deleon and Estela C. Barrios*, Case No. CL-2012-0010803 (Fx. Co. Cir. Ct.) (Mason District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Deochand Narish Lawkaran and Leelawattee Mahabal*, Case No. CL-2012-0006282 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ruben R. Nunez and Lucila N. Nunez*, Case No. CL-2012-0013470 (Fx. Co. Cir. Ct.) (Braddock District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mai Land Corporation and Unidos, Inc., t/a Las Americas Restaurant*, Case No. CL-2012-0010167 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne Kreiser*, Case No. CL-2012-0008224 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thelma D. Avery and Twanda D. Arrington*, Case No. CL-2012-0010165 (Fx. Co. Cir. Ct.) (Braddock District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kee Cho Han and Ae Young Han*, Case No. CL-2012-0010629 (Fx. Co. Cir. Ct.) (Mason District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Frank W. Paul, Janet M. Gallo, and Martin G. Gallo*, Case No. CL-2012-0008380 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abolhassan Zarandazchi and Fariba Javaherian*, Case No. CL-2012-0015184 (Fx. Co. Cir. Ct.) (Hunter Mill District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Davaasuren Tsendoo, Bolor-Erdene Ganbold, and Anar-Erdene Ganbold*, Case No. CL-2012-0013712 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucy W. Berkebile*, Case No. 2011-0012842 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phyllis D. Grandon and Ruth E. Perrin*, Case No. CL-2012-0004441 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Suzan D. Lewett and Affectionate Pet Care, LLC*, Case No. CL-2012-0009759 (Fx. Co. Cir. Ct.) (Springfield District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Judi D. Raphael*, Case No. CL-2012-0006715 (Fx. Co. Cir. Ct.) (Braddock District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Pen-Lin Yin and Huey-Er Hwang*, Case No. CL-2012-0013624 (Fx. Co. Cir. Ct.) (Dranesville District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Judith C. Stover*, Case No. CL-2012-0008991 (Fx. Co. Cir. Ct.) (Hunter Mill District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Airlie Real Estate Trust #95-04530 and Jeffrey Sedgwick, Trustee*, Case No. CL-2012-0017559 (Fx. Co. Cir. Ct.) (Mason District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert John Rindo*, Case No. CL-2012-0017557 (Fx. Co. Cir. Ct.) (Mason District)

28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. MBK Properties, LLC*, Case No. CL-2012-0017865 (Fx. Co. Cir. Ct.) (Dranesville District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John W. Schmeling*, Case No. CL-2012-0017864 (Fx. Co. Cir. Ct.) (Mason District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard Morato and Elizabeth G. Weber*, Case No. CL-2012-0018122 (Fx. Co. Cir. Ct.) (Providence District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Houy Team Tang and Bun Hout Tang*, Case No. CL-2012-0018123 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Board of Supervisors of Fairfax County, Virginia v. Kenan Yamaner and Stacy Yamaner*, Case No. CL-2012-0018217 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Milagros B. Iglesias, Trustee, or Successor Trustee(s), as Trustee(s) of The Milagros B. Iglesias Trust 25AUG10*, Case No. CL-2012-0018398 (Fx. Co. Cir. Ct.) (Providence District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michele Ann Von Kelsch*, Case No. GV12-014861 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vladimir H. Altamirano and Sandra Z. Altamirano*, Case No. GV12-026232 (Fx. Co. Gen. Dist. Ct.) (Providence District)

36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gholamreza Djauadkhani and Ashrafolsadat Miraghapourtarah*, Case No. GV12-027154 (Fx. Co. Gen. Dist. Ct.) (Mason District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Elmer Portillo*, Case Nos. GV12-026996 and GV12-027955 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yolanda Argueta and Jose Rivas*, Case Nos. GV12-026997 and GV12-027954 (Fx. Co. Gen. Dist. Ct.) (Lee District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ashok Darwin Cates and Rita Takahashi*, Case Nos. GV12-023969 and GV12-023970 (Fx. Co. Gen. Dist. Ct.) (Lee District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rashid Miraj*, Case No. GV12-028028 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oscar Fernando Velasco and Ybis Jovana Velasco-Lopez*, Civil Case Nos. GV12-028029 and GV12-028029 (Fx. Co. Gen. Dist. Ct.) (Mason District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roger L. Jones and Erma G. Jones*, Case No. GV12-028599 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
43. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Murali D. Raju and Jamuna D. Raju*, Case No. GV12-028742 (Fx. Co. Gen. Dist. Ct.) (Mason District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wayne F. Sandross and Lisa L. Sandross*, Case No. GV12-028906 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

45. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Herbert H. Becker*, Case No. GV12-028905 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Antonio Vigil Cruz*, Civil Case Nos. GV12-028029 and GV12-028030 (Fx. Co. Gen. Dist. Ct.) (Mason District)
47. *Board of Supervisors of Fairfax County, Virginia v. Equity Homes, LLC, Ray Yancey, Trustee, and Arch Insurance Company*, Case No. CL-2012-0003600 (Fx. Co. Cir. Ct.) (Braddock District)

And in addition:

- *Andrew Chiles, et al. v. Melvin M. Dunn, Jr., et al.*, Case Number CL-2011-0012980
- *Virginia Department of Transportation, et al. v. United States Environmental Protection Agency, et al.*, Civil Action: 1:12cv775
- Virginia Code Section 33.1 -375.1
- Fairfax County Code Section 3-3-57 and Virginia Code Section 15.2-1414.2
- *Fairfax County Democratic Committee v. Cameron P. Quinn, et al.*, Case Number CL-20120016179

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

47. **INTENT TO DEFER PUBLIC HEARINGS (PROVIDENCE AND SULLY DISTRICTS)** (12:55 p.m.)

Supervisor Smyth announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2010-PR-019.

Supervisor Frey announced his intent, later in the meeting, at the appropriate time, to defer the public hearing on Special Exception Amendment Application SEA 93-Y-032.

DAL:dal

At 4:14 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

48. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:14 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

49. **APPOINTMENT OF COLONEL MARK MOFFATT AS DIRECTOR OF VEHICLE SERVICES** (4:15 p.m.)

Supervisor Gross moved the appointment of Colonel Mark Moffatt to the position of Director of Vehicle Services, Grade E-9, at a starting salary of \$135,000 annually, effective Monday, January 14, 2013. Supervisor Herrity and Chairman Bulova jointly seconded the motion.

Supervisor Gross noted that Colonel Moffatt recently retired as the Base Realignment and Closure (BRAC) Coordinator at Fort Belvoir.

On behalf of the Board, Chairman Bulova congratulated Colonel Moffatt on his appointment.

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

AGENDA ITEMS

50. **3 P.M. – DECISION ONLY ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, TO CREATE A NEW APPENDIX U, CREATING A TYSONS TRANSPORTATION SERVICE DISTRICT** (4:17 p.m.)

(O) (NOTE: On December 4, 2012, the Board held a public hearing regarding this item and deferred decision until January 8, 2013.)

Supervisor Foust moved adoption of proposed amendments to the Code of the County of Fairfax, creating a new Appendix U, to establish a Tysons

Transportation Service District, as amended, to become effective upon adoption. Chairman Bulova seconded the motion.

Board Members expressed their views/concerns and opposition/support of the motion.

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

Supervisor Smyth moved that the Board direct staff to assist in efforts at the 2013 General Assembly that would provide constitutional and financially sound flexibility for the Board to establish and operate service districts or other similar districts for transportation purposes, and, in particular, to assist in efforts to determine the kinds of properties that would form the tax base for such districts. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

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

51. **A-1 – CREATION OF A TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

AND

A-2 – ESTABLISHMENT OF THE “TYSONS-WIDE” AND “TYSONS GRID OF STREETS” TRANSPORTATION FUNDS, ADOPTION OF THEIR RESPECTIVE GUIDELINES, AND ANNUAL RATE ADJUSTMENT FOR THE EXISTING TYSONS TRANSPORTATION FUND (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS) (4:47 p.m.)

(BACs) (NOTE: Earlier in the meeting, the Board deferred action regarding these items. See Clerk’s Summary Items #12 and #13.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved the creation of a Tysons Transportation Service District Advisory Board, with the initial membership terms to be for a period of two years, and requested that Board Members submit their proposed members to the Tysons Transportation Service District Advisory Board for action by the Board of Supervisors no later than at its February 12, 2013, meeting, so that the Advisory Board can meet and provide recommendations on a proposed tax rate to the Board in time for its Fiscal Year 2014 budget deliberations. Supervisor Foust seconded the motion.

Supervisor Smyth asked to amend the motion to direct the Tysons Transportation Service District Advisory Board to provide input on other potential sources of

revenue that the Board could explore to possibly help offset the cost for the tax district. Following discussion regarding the amendment, with input from Barbara Byron, Director, Office of Community Revitalization, this was accepted.

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

Chairman Bulova moved to:

- Approve the “Tysons-Wide” and “Grid of Streets” Transportation funds
- Adopt the guidelines associated with each fund
- Adjust the annual rate on the existing fund to reflect inflation

The new funds, the guidelines, and the rate change will become effective on February 1, 2013. Supervisor Foust seconded the motion.

Supervisor Gross noted that Appendix A of Action Item A-2 was revised.

Following a query to Ms. Byron, regarding reconstruction of an improved site, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

52. **3 P.M. – PH ON REZONING APPLICATION RZ 2010-PR-019 (KETTLER SANDBURG, LLC) (PROVIDENCE DISTRICT)** (4:52 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2010-PR-019 until **January 29, 2013, at 4 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

53. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-121-04 (RESTON SPECTRUM LLLP AND HARRIS TEETER PROPERTIES, LLC) (HUNTER MILL DISTRICT)** (4:53 p.m.)

The application property is located north of New Dominion Parkway, east of Fountain Drive, west of Reston Parkway and south of Baron Cameron Avenue, Tax Map 17-1 ((1)) 3K, 3P and 3Q.

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mark Looney, representative for the applicant, gave a presentation.

Discussion ensued regarding the proposed development, sidewalks, and trails, with input from Mr. Looney.

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

Supervisor Hudgins moved:

- Approval of Planned Residential Community Application PRC 86-C-121-04, subject to the development conditions dated January 2, 2013.
- Modification of the loading space requirement to that shown on the PRC plan.
- Modification of the trail requirement along Baron Cameron Avenue property frontage to that shown on the PRC plan.
- Modification of the parking lot setback requirement along Fountain Drive to that shown on the PRC plan.
- Modification of the peripheral parking lot landscaping requirement along Fountain Drive to that shown on the PRC plan.

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

54. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2012-LE-005 (MUSSARAT S. AHMAD, ADEELA I. AHMAD, TANZEELA I. AHMAD) (LEE DISTRICT) (5:15 p.m.)**

- (O) The application property is located on the east side of Villa Street approximately 500 feet south of its intersection with Franconia Road, Tax Map 81-4 ((3)) L and M.

Mr. Gregory Riegle reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-LE-005, be amended from the R-1 and HC Districts to the PDH-5 and HC Districts, and approval of the associated Conceptual Development Plan, subject to the proffers dated December 17, 2012.
- Approval of Waiver Number 24949-WPFM-001-1 of Section 6-303.8 of the Public Facilities Manual to allow an on-site underground stormwater detention facility in a residential development, subject to the waiver conditions dated September 20, 2012, in Attachment A of Appendix 13 in the staff report.
- Waiver of the minimum district size for a PDH-5 District from 2 acres to 1.03 acres.
- To direct the Director of the Department of Public Works and Environmental Services to approve a deviation of the tree preservation target in favor of that shown on the CDP/FDP.

Supervisor Foust seconded the motion.

Discussion ensued, with input from Mr. Rogers, regarding maintenance of onsite underground stormwater detention facilities in residential developments.

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

(NOTE: On November 8, 2012, the PC approved Final Development Plan Application FDP 2012-LE-005.)

55. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2012-BR-014 (ELEVEN OAKS LLC) (BRADDOCK DISTRICT) (5:25 p.m.)**

- (O) The application property is located north of University Drive, approximately 350 feet east of the intersection with Ox Road and south of School Street, Tax Map 57-4 ((1)) 6.

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

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

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

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

Supervisor Cook noted that in 1925 the Fairfax Rosenwald School (also known as the Fairfax Colored School) was constructed on this parcel, replacing an earlier African-American school on Main Street, constructed in 1917. Julius Rosenwald, the president of Sears Roebuck, constructed over 5,000 such schools across the rural south between 1917 and 1952. This was one of four built in the County. In 1951 the Eleven Oaks School was constructed by the County to replace its Rosenwald School, and was the last school desegregated in the County in 1965. The applicant has agreed to place a historic marker on the site, working together with the History Commission.

Supervisor Cook moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-BR-014, from the R-1 District to the PDH-8 District, subject to the proffers dated December 18, 2012.
- Waiver of the 600-foot maximum length for a private street.
- Waiver of the off-street parking space requirement, Section 11-102 ((1)), which requires off-street parking spaces to be located on the same lot as the structure, to permit extensions of the driveway beyond the lot line as shown on the CDP/FDP.

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

(NOTE: On November 15, 2012, the PC approved Final Development Plan Application FDP 2012-BR-014.)

56. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2012-MV-007 (BAINBRIDGE COMMUNITIES ASSOCIATION III, LLC) (MOUNT VERNON DISTRICT)** (5:37 p.m.)

(O) The application property is located in the northwest quadrant of the intersection of Richmond Highway and Backlick Road, Tax Map 109-1 ((1)) 5, 6, 7, 8, 9, 13, 14, 15 and 16 and portions of public right-of-way for Anderson Lane to be vacated and/or abandoned.

(Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Anderson Lane to proceed under Section 15.2-2272 (2) of the Code of Virginia.)

Mr. Gregory Riegle reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-MV-007, from the R-3, R-20, C-5, and C-8 Districts to the PRM District, and approval of the associated Conceptual Development Plan (CDP), subject to the proffers dated December 13, 2012.
- Approval of Waiver Number 5224-WPFM-001-1 of Section 6-0303.8 of the Public Facilities Manual to allow an underground stormwater vault on a residential property, subject to the waiver conditions in Attachment 3A of Appendix 3 in the staff report.
- Modification of Section 13-303 of the Zoning Ordinance for the transitional screening requirements along the eastern boundary.
- Waiver of Section 13-304 of the Zoning Ordinance for the barrier requirement along the eastern boundary.
- Modifications of the barrier location along the northern boundary, as shown on the CDP.

Chairman Bulova seconded the motion.

Discussion ensued, with input from Mr. Mayland, regarding maintenance of the underground stormwater detention facilities.

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

(NOTE: On November 15, 2012, the PC approved Final Development Plan Application FDP 2012-MV-007, subject to the proposed Final Development Plan conditions contained in Appendix 2 of the staff report.)

57. **4 P.M. – PH ON REZONING APPLICATION RZ 2012-DR-017 (CHRISTOPHER AND KAREN BARTH) (DRANESVILLE DISTRICT)**
(5:50 p.m.)

(O) (NOTE: On December 4, 2012, the Board deferred this public hearing until January 8, 2013.)

The application property is located in the northwest quadrant of Idylwood Road and Redd Road, Tax Map 40-3 ((1)) 82.

Mr. Christopher Barth reaffirmed the validity of the affidavit for the record.

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

Mr. Barth 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 Foust submitted items for the record.

Ms. Brady presented the staff and Planning Commission recommendations.

Supervisor Foust raised a question regarding whether the development constituted spot zoning, and discussion ensued, with input from David P. Bobzien, County Attorney.

Supervisor Foust moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-DR-017, be

amended from the R-2 and HC Districts to the R-3 and HC Districts, subject to the proffers dated December 20, 2012.

- Waiver of construction of the sidewalk and road frontage improvements on Redd Road frontage of the site.
- Waiver of construction of road frontage improvements along the Idylwood Road frontage of the site.
- Waiver of the trail requirement along Idylwood Road, subject to the construction of a five-foot wide concrete sidewalk or a six-foot wide asphalt path, in accordance with the Public Facilities Manual, across the property's Idylwood Road frontage.

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

58. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-S-083-05 (BRANCH BANKING AND TRUST COMPANY (SULLY DISTRICT))**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-Y-032 (BRANCH BANKING AND TRUST COMPANY) (SULLY DISTRICT) (6:01 p.m.)

Due to issues with the affidavit, Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA 86-S-083-05 and Special Exception Amendment Application SEA 93-Y-032 until **January 29, 2013, at 3 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

59. **4 P.M. – PH ON REZONING APPLICATION RZ 2012-HM-013 (SEKAS HOMES, LTD) (HUNTER MILL DISTRICT)** (6:02 p.m.)

(O) The application property is located 2000 feet northwest from the intersection of Old Courthouse Road and Drewlaine Drive, Tax Map 28-4 ((1)) 12.

Ms. Kelly Atkinson reaffirmed the validity of the affidavit for the record.

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

- Land Design Consultants, Incorporated

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

Ms. Atkinson 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 testimony of Matthew Estes (Speaker Two), Representative of the Manors at Wolfrap Homeowners Association, discussion ensued regarding the lot layout of the proposed development, with input from Mr. Estes.

Following the public hearing, which included testimony by six speakers, Supervisor Hudgins submitted items for the record.

Following rebuttal by John Sekas, Sekas Homes LTD, Ms. Brady presented the staff and Planning Commission recommendations.

Following lengthy remarks regarding the application, Supervisor Hudgins moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-HM-013, from the R-1 District to the R-2 District, subject to the proffers dated December 14, 2012. Supervisor McKay and Chairman Bulova jointly seconded the motion.

Supervisor Smyth raised a question regarding the lot layout, and noted that lot five did not include a pronounced bumpout, and discussion ensued with input from Mr. Sekas, who noted, for the record, that he is committed to minimizing the impact of the development.

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

60. **4 P.M. – PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE GEORGE MASON UNIVERSITY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 40 (BRADDOCK DISTRICT)** (6:58 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 December 21 and December 28, 2012.

Hamid Majdi, Transportation Planner II, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the George Mason University RPPD, District 40. The proposed District expansion includes University Drive from Santa Clara Drive to the southern boundary of 4629 University Drive. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Hyland and Supervisor Smyth being out of the room.

61. **4 P.M. – PUBLIC HEARING ON A PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 5412 FRANCONIA ROAD, ALEXANDRIA, VIRGINIA 22310 (LEE DISTRICT)** (7:01 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 December 21 and December 28, 2012.

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

Following the public hearing, a brief discussion ensued, with input from Ms. Dzierzek, regarding the proposed spot blight abatement.

Supervisor McKay moved:

- Adoption of the Ordinance declaring 5412 Franconia Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 5412 Franconia Road.

Supervisor Foust and Supervisor Gross 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.

62. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-L-008 (FAIRFAX COUNTY SCHOOL BOARD) (LEE DISTRICT)** (7:05 p.m.)

- (O) (NOTE: On November 20, 2012, the Board deferred this public hearing until December 4, 2012. On December 4, 2012, the Board deferred this public hearing until January 8, 2013.)

The application property is located at 7101 Old Keene Mill Road, Springfield, 22150, Tax Map 90-1 ((1)) 52.

Ms. Susan Yantis reaffirmed the validity of the affidavit for the record.

Chairman Bulova disclosed a campaign contribution in excess of \$100 which she had received from the following:

- Theodore J. Velkoff, School Board Member

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

- Francis A. McDermott, Hunton and Williams LLP, Attorneys for the applicant

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

Supervisor Gross raised a question regarding the language used concerning the noise level of the cooling tower fan and whether that language could be used as a standard proffer. Discussion ensued, with input from Barbara Berlin, Director, ZED, DPZ.

Ms. Yantis 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.

Supervisor McKay raised a question regarding maintenance of the trail/sidewalk along the frontage of Old Keene Mill Road, with input from Ms. Yantis, Ms. Berlin, and Michael Davis, Senior Transportation Planner, Department of Transportation.

Ms. Yantis stated that she will continue to work with the Virginia Department of Transportation (VDOT) to accept the maintenance of the trail segment and in the event that VDOT does not, then the schools maintenance facilities will provide maintenance.

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

Supervisor McKay clarified, for the record, that the school system has agreed to the maintenance of the trail segment along the frontage of Old Keene Mill Road if VDOT does not, including mowing, snow removal, trash removal, and repair when necessary.

Supervisor McKay moved:

- Approval of Proffered Condition Amendment Application PCA 89-L-008, subject to the proffers dated November 30, 2012.
- Modification of the transitional screening and barrier requirements along the applicable property lines in favor of the proposed landscaping and fencing shown on the Generalized Development Plan (GDP).
- Waiver of construction of an on-road bike lane along Old Keene Mill Road in favor of the provision of a perpetual easement as proffered.
- Modification of the minimum front yard requirement along Spring Road to permit a cooling tower and concrete pad as shown on the GDP, pursuant to paragraph 3G of Section 10-104 of the Zoning Ordinance.
- Modification of the major paved trail along Old Keene Mill Road recommended in the Comprehensive Plan in favor of the alternative trail design shown on the GDP and as proffered.

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

63. **4:30 P.M. – DECISION ONLY ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC C-203 (FAIRFAX COUNTY PUBLIC SCHOOLS) (HUNTER MILL DISTRICT) (7:29 p.m.)**

(NOTE: On December 4, 2012, the Board held a public hearing regarding this item and deferred decision until January 8, 2013.)

Supervisor Hudgins moved that the Board:

- Approve Planned Residential Community application PRC C-203, subject to the development conditions dated November 27, 2012.
- Waiver of the barrier requirement and modification of the transitional screening requirements along the northern, southern, and western property boundaries in favor of the existing vegetation and proposed landscaping shown in the PRC Plan.

Supervisor Foust and Supervisor McKay jointly seconded the motion.

Supervisor Hudgins recommended that the School Board and staff collaborate on particular issues ahead of time (for example: stormwater management) to mitigate them, and discussion ensued, with input from Steve Nicholson, Coordinator of Capital Projects, Office of Design and Construction, Fairfax County Public Schools.

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

64. **BOARD ADJOURNMENT** (7:36 p.m.)

The Board adjourned at 7:36 p.m.

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