



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 24, 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, September 24, 2013, at 9:36 a.m., there were present:

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

Supervisor Gerald W. Hyland, Mount Vernon District, was absent from the entire meeting.

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

BOARD MATTERS1. **MOMENT OF SILENCE** (9:36 a.m.)

Chairman Bulova asked everyone to keep in thoughts the friends and families of the following individuals who lost their lives at the Washington Navy Yard shooting:

- Mr. Michael Arnold, 59, of Lorton
- Ms. Mary Francis Knight, 51, of Reston
- Mr. Gerald Reed, 58, of Alexandria
- Mr. Martin Bodrog, 54, of Annandale
- Mr. Kenneth Bernard Proctor, Sr., 46, of Waldorf, Maryland. He was the brother-in-law of Assistant Fire Chief, Garret Dyer. Services for Mr. Proctor will be held on September 25, 2013.

Supervisor Hudgins noted that Ms. Knight had just recently celebrated her daughter's wedding.

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. R. Dennis McArver, who died suddenly last Saturday. Mr. McArver had just become the new Chair of the Arts Council and had been very involved in the community. He was a lawyer with McGuireWoods LLP for many years, was very involved in the early development of the County, and had served as Chair of the Fairfax Symphony and Wolf Trap. He believed in giving back and was a real supporter of the arts. He is survived by his wife Emmy and three children.

Supervisor Gross asked everyone to keep in thoughts the family of another Navy Yard victim, Mr. John Roger Johnson, 73, of Derwood, Maryland. He was the uncle-by-marriage of Captain Carol Wilhite, Commander at the Mason Station.

Supervisor McKay asked everyone to keep in thoughts all the first responders of the Navy Yard tragedy. He stated that it was a very traumatic scene and it is important to think about how that affects the first responders.

Supervisor McKay also asked everyone to keep in thoughts the family of Mr. Raymond Kelly, who died recently from injuries he sustained from a bad fall. Mr. Kelly was a longtime member of the Jefferson Manor Civic Association in Lee District. He was very involved in the community and always coordinated the neighborhood cookouts.

2. **ABSENCE OF MOUNT VERNON DISTRICT SUPERVISOR HYLAND**
(9:42 a.m.)

Chairman Bulova announced that Supervisor Hyland is on County business with the National Association of Counties (NACo) and will be absent from the entire meeting.

AGENDA ITEMS

3. **RESOLUTION OF RECOGNITION PRESENTED TO MR. BRUCE BUTLER** (9:42 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Mr. Bruce Butler for his years of service to the County. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

4. **PROCLAMATION DESIGNATING OCTOBER 2013 AS "DISABILITY EMPLOYMENT AWARENESS MONTH" IN FAIRFAX COUNTY**
(9:52 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 2013 as "*Disability Employment Awareness Month*" in Fairfax County. Supervisor Cook, Supervisor Foust, Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE MASON DISTRICT BRAC 133 TASK FORCE (MASON DISTRICT)**
(10:07 a.m.)

Supervisor Gross moved approval of the Certificates of Recognition presented to members of the Mason District BRAC 133 Task Force for their work to focus on neighborhood impacts created by the occupancy of the Mark Center facility. Supervisor Foust seconded the motion.

Supervisor Gross thanked members of the task force for their work as well as all the staff members who worked diligently with the task force.

Discussion ensued regarding the value of citizen involvement in making a difference and their impact on the community.

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

6. **PROCLAMATION DESIGNATING OCTOBER 6-12, 2013, AS "FIRE PREVENTION WEEK" IN FAIRFAX COUNTY** (10:20 a.m.)

Supervisor McKay moved approval of the Proclamation to designate October 6-12, 2013, as "*Fire Prevention Week*" in Fairfax County. Supervisor Foust seconded the motion.

Discussion ensued, regarding the prevention outreach efforts of all Public Safety agencies and the specific work of the Fire and Rescue Department (FRD) around fire prevention.

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

More information on the FRD open houses and fire prevention week can be found online at: <http://www.fairfaxcounty.gov/fr/>.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FIRE AND RESCUE DEPARTMENT (FRD)** (10:27 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to the FRD for its participation in the Safety in Our Community program to check and install smoke alarms and fresh batteries in residences throughout the County. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

Discussion ensued, regarding the community outreach program and the success rate of the program in preventing fire outbreak.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING OCTOBER 2013 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:45 a.m.)

Supervisor Cook moved approval of the Proclamation to designate October 2013 as "*Domestic Violence Awareness Month*" in Fairfax County. Supervisor Gross and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hyland being absent.

Supervisor Cook announced that he will be presenting a Board Matter regarding a fundraiser event he will be hosting on October 17 at Kilroy's Restaurant and Sports Bar to benefit *Fairfax CASA* and *Artemis House*.

(NOTE: Later in the meeting, Supervisor Cook presented his Board Matter regarding the fundraiser. See Clerk's Summary Item #25.)

9. **PROCLAMATION DESIGNATING OCTOBER 18, 2013, AS "JEANS DAY" IN FAIRFAX COUNTY** (11:05 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate October 18, 2013, as "Jeans Day" in Fairfax County. Supervisor Foust and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hyland being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion ensued regarding the issue of homelessness in the County, online contribution options, and a matching grant offer from the Philip Graham Fund to match this year's goal of raising \$25,000. Supervisor Gross contributed \$20 to the fund.

Additional information regarding contributing to homelessness can be found online at www.fairfaxcounty.gov/homeless and information regarding the Jeans Day event can be found at <http://jeansday2013.eventbrite.com/>.

10. **10:30 A.M. – PRESENTATION OF THE 2013 EXCEPTIONAL DESIGN AWARDS** (11:22 a.m.)

This is the twenty-ninth year of the Exceptional Design Awards Program. The purpose of the awards program is to recognize achievement in the total design of a building and site and to create an awareness of outstanding planning and design projects among design professionals and the general public.

Peter A. Juanpere, RA, NCARB, LEED AP, of the Architectural Review Board and Chairman of the 2013 Exceptional Design Awards Jury, gave a presentation regarding the history of the program and announced the recipients of the 2013 Exceptional Design Awards, as follows:

- *Merit Award:* Charity Works GreenHouse
Category: Residential
Architect: Cunningham | Quill Architects, PLLC
Owner/Developer: Mark Turner, Greenspur Incorporated, Joint
Venture Partner: West Group Management, LLC
Year Built: 2009
District: Dranesville
- *Merit Award:* Korean Central Presbyterian Church
Category: Institutional
Architect: Hughes Group Architects
Owner/Developer: Korea Central Presbyterian Church
Year Built: 2010
District: Sully

- *Honor Award: Difficult Run Residence*
Category: Residential
Architect: Robert M. Gurney, FAIA
Owner/Developer: Name withheld at owner's request
Year Built: 2012
District: Dranesville

- *Honor Award: IAI Headquarters*
Category: Office (Interior)
Architect: KGD Architecture (Kishimoto Gordon Dalaya PC)
Owner/Developer: Integrity Applications Incorporated
Year Built: 2012
District: Sully

- *Honor Award: United Christian Parish of Reston*
Category: Institutional
Architect: Ritter Architects
Owner/Developer: United Christian Parish of Reston
Year Built: 2012
District: Hunter Mill

- *Merit Award: Beltway Warehouse Re-Use*
Category: Office
Architect: KDG Architecture (Kishimoto Gordon Dalaya PC)
Owner/Developer: Capital Beltway Express
Year Built: 2011
District: Mason

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11. **10:45 A.M. – PRESENTATION OF THE ENVIRONMENTAL EXCELLENCE AWARDS** (11:34 a.m.)

(BACs) Stella Koch, Chairman, Environmental Quality Advisory Council, gave a presentation on the history of the awards which are divided into the following categories: resident; business; organization; and County employee. She then presented the Environmental Excellence Awards to:

- *County Resident* – Alan Ford

- *County Employee* – Sean Duffy, teacher
Waples Mill Elementary School

- *County Employee* – Randall Miller, teacher
Glasgow Middle School

- *Business* – Burgundy Farm Country Day School

- *Business* – Potomac Vegetable Farms
- *Organization* – Herndon Environmental Network

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12. **11 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:48 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard September 24, 2013,” as distributed around the dais. Supervisor Foust seconded the motion.

Supervisor McKay asked to amend the motion to include the following reappointments:

- Mr. Steve Sherman as the At-Large #1 Representative to the Celebrate Fairfax, Incorporated Board of Directors
- Ms. Pamela Nilsen as the Lee District Representative to the Child Care Advisory Council
- Mr. Michel Margosis as the At-Large #7 Representative to the Human Rights Commission

And this was accepted.

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

Appointments are as follows:

ADVISORY SOCIAL SERVICES BOARD

Reappointment of:

- Ms. Elizabeth D’Alelio as the Braddock District Representative
- Mr. Gregory Brandon as the Dranesville District Representative
- Ms. Sarah Newman as the Hunter Mill District Representative
- Ms. Sydney Stakley as the Providence District Representative

The Board deferred the appointment of the Sully District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder (Single Family) Representative, and the Citizen and Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #5 Representative.

ANIMAL SERVICES ADVISORY COMMISSION

Appointment of:

- Ms. Barbara Hyde as the Mason District Representative

ARCHITECTURAL REVIEW BOARD

Reappointment of:

- Mr. Charles R. Bierce as the Architect #1 Representative
- Mr. John Boland as the Attorney Representative
- Mr. Joseph Plumpe as the Landscape Architect Representative
- Mr. John Allen Burns as the Related Professional Group #4 Representative

ATHLETIC COUNCIL

Reappointment of:

- Mr. Stephen McLaughlin as the Providence District Principal Representative

Confirmation of:

- Ms. Allison Agee as the Adult Softball Council Alternate Representative
- Ms. Karen Avvisato as the Neighborhood and Community Services Alternate Representative

- Mr. Walt Brady as the Fast Pitch Softball Council Principal Representative
- Mr. Craig Richardson as the Football Council Alternate Representative
- Mr. Dave Paddock as the Lacrosse Council Alternate Representative
- Mr. Michael Thompson, Jr. as the Park Authority Principal Representative

The Board deferred the appointment of the Braddock District Alternate Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Appointment of:

- Mr. Joshua D. Foley as the Springfield District Representative

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

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

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

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Reappointment of:

- Mr. Steve Sherman as the At-Large #1 Representative
- Mr. Jason M. Chung as the At-Large #2 Representative
- Ms. Jill Patrick as the At-Large #3 Representative

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Sully District Representative.

CHILD CARE ADVISORY COUNCIL

Reappointment of:

- Ms. Pamela Nilsen as the Lee District Representative

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

CITIZEN CORPS COUNCIL

The Board deferred the appointment of the Providence District Representative.

CIVIL SERVICE COMMISSION

Appointment of:

- Mr. Herbert C. Kemp as the At-Large #11 Representative

COMMISSION FOR WOMEN

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

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

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

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

Reappointment of:

- Ms. Janyce Hedetniemi as the At-Large #1 Chairman's Representative
- Mr. Robert E. Simon as At-Large #2 Chairman's Representative

The Board deferred the appointment of the Hunter Mill District Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the Providence District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Mr. Marc C. Jacob as a Long Term Care Providers Representative
- Ms. Kathleen A. Cameron as a Constituent/Consumer Representative
- Ms. Nancy Fiedelman as a Long Term Care Providers Representative

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Appointment of:

- Mr. Ken Balbuena as the Braddock District Representative

Confirmation of:

- Mr. Michael Session as the Fairfax County Convention and Visitors Corporation #1 Representative
- Mr. Mark Meana as the Fairfax County Convention and Visitors Corporation #5 Representative
- Mr. Mark Sherwin as the Fairfax County Convention and Visitors Corporation #7 Representative

FAIRFAX COUNTY EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Robert Carlson as the At-Large #1 Representative

FAIRFAX –FALLS CHURCH COMMUNITY SERVICES BOARD

Reappointment of:

- Ms. Susan Beeman as the Mason District Representative
- Mr. Paul V. Luisada as the Mount Vernon District Representative

(These nominations were announced on July 30, 2013.)

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Consumer #1, #4, and #6 Representatives and the Provider #1 and #4 Representatives.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen #7 Representative.

HUMAN RIGHTS COMMISSION

Reappointment of:

- Mr. Harry Salinas as the At-Large #4 Representative
- Mr. Emanuel Solon as the At-Large #5 Representative
- Mr. Michel Margosis as the At-Large #7 Representative

The Board deferred the appointment of the At-Large #6 Representative.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Braddock District #1, Lee District #1, Providence District #2, and Sully District #1 Representatives.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

LIBRARY BOARD

The Board deferred the appointment of the Braddock District Representative.

MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY

The Board deferred the appointment of the Community Representative and Providence District Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

REDEVELOPMENT AND HOUSING AUTHORITY

Appointment of:

- Ms. C. Melissa Jonas as the Dranesville District Representative

ROAD VIEWERS BOARD

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

TENANT LANDLORD COMMISSION

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

TRANSPORTATION ADVISORY COMMISSION

Appointment of:

- Mr. Michael Champness as the Dranesville District Representative

TREE COMMISSION

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

TRESPASS TOWING ADVISORY BOARD

Reappointment of:

- Mr. John T. Fee as the Citizen Representative
- Mr. Alvin Leach, Jr. as the Towing #2 Representative

The Board deferred the appointment of the Citizen Alternate Representative.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

Appointment of:

- Ms. Shaughnessy Glennon Pierce as the Citizen Appointed by Board of Supervisors #2 Representative

WETLANDS BOARD

Appointment of:

- Ms. Anita Van Breda as the Alternate #1 Representative

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13. **ADMINISTRATIVE ITEMS** (11:49 a.m.)

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

Chairman Bulova called the Board's attention to Admin 4 – Supplemental Appropriation Resolution AS 14078 for the Fire and Rescue Department (FRD) to Accept Grant Funding from the Department of Homeland Security for the Staffing for Adequate Fire and Emergency Response Grant. Following a discussion regarding the grant funding and fiscal impact, Richard R. Bowers, Fire Chief, FRD, expanded on the discussion noting that it will make a difference in response timing, improve firefighter and occupant safety, and potentially allow for additional funding for veterans who are hired.

The question was called on the motion to approve the Administrative Items 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 absent.

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED FISCAL YEAR (FY) 2015 REGIONAL TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT APPLICATIONS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 29, 2013, at 4 p.m.** regarding the proposed FY 2015 Regional TAP grant applications.

**ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE AND SULLY DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Arrowbrook Centre LLC	Dranesville	Sunrise Valley Drive (Route 5320) [Additional Right-of-Way (ROW) Only]
Open Door Presbyterian Church, Incorporated	Sully	Centreville Road (Route 657) (Additional ROW Only)

**ADMIN 3 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY
SERVICES (DFS), COMPREHENSIVE SERVICES ACT PROGRAM TO
APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA
DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL
SERVICES (VDBHDS) BRIDGING SYSTEMS OF CARE TO SCALE
GRANT**

Authorized DFS' Comprehensive Services Act Program to apply for and accept funding in the amount of \$600,000 if received, from VDBHDS Bridging Systems of Care to Scale Grant. The funding will support the formation of a local organization of families of children with behavioral health issues for the purpose of providing paraprofessional support services to Fairfax families. The grant period is November 1, 2013, through October 31, 2016. No local cash match is required.

**ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 14078 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO
ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF
HOMELAND SECURITY (DHS) FOR THE STAFFING FOR ADEQUATE
FIRE AND EMERGENCY RESPONSE (SAFER) GRANT**

- (SAR) (NOTE: Earlier in the meeting, this item was discussed. See pageClerk's Summary Item #14.)

Approved SAR AS 14078 for FRD to accept grant funding in the amount of \$3,136,843 from DHS and FEMA for the SAFER grant program. Funding will support 19 FTE merit firefighter positions for a two year period. No local cash match is directly associated with accepting the grant funds; however, costs associated with training, equipment, and overtime are not covered by the grant and must be funded by the County. Therefore, the required County contribution over the two year period is \$435,442 bringing total funding for this initiative to \$3,572,285.

14. **A-1 – APPROVAL OF THE ISSUANCE BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) OF ITS MULTIFAMILY HOUSING REVENUE BONDS FOR THE BENEFIT OF THE RESIDENCES AT GOVERNMENT CENTER (BRADDOCK DISTRICT)** (11:56 a.m.)

(R) Supervisor Cook moved that the Board concur in the recommendation of staff and approve the issuance of Multifamily Housing Revenue Bonds by FCRHA in an amount not to exceed \$29 million, as part of the overall financing for The Residences at Government Center. Supervisor Gross and Supervisor Hudgins jointly seconded the motion.

Following a brief discussion with Supervisor Herrity noting that he will not be supporting 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 McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Herrity voting “NAY,” Supervisor Hyland being absent.

15. **A-2 – APPROVAL OF A LETTER TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) REGARDING THE REPORT ON PERFORMANCE-BASED OPERATING ASSISTANCE ALLOCATION METHODOLOGY FOR TRANSIT FUNDING** (11:58 a.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve a letter to VDRPT regarding the Transit Service Delivery Advisory Committee’s report and recommendations on performance-based operating assistance allocation methodology for transit funding. Supervisor Hudgins seconded the motion.

Supervisor Herrity raised a question regarding whether this would reduce the amount of transit funding received based on efficiencies. Discussion ensued, with input from Noelle Dominguez, Coordination and Funding Division, Department of Transportation (DOT), who noted that, using the current allocation performance measures, there will be a slight decrease.

Discussion continued, with input from Tom Biesiadny, Director, DOT, and Ms. Dominguez, regarding the allocation methodology.

Supervisor Gross asked to amend the motion to include on the cc’s list the Northern Virginia General Assembly Members, and this was accepted.

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

16. **A-3 – APPROVAL OF THE FINANCING PLAN FOR THE RENOVATION OF LINCOLNIA CENTER (MASON DISTRICT)** (12:10 p.m.)

Chairman Bulova noted that this item had been withdrawn by staff.

17. **A-4 – APPROVAL OF FUNDING FOR BUS SERVICE BETWEEN DULLES AIRPORT AND THE UDVAR-HAZY AIR AND SPACE MUSEUM ANNEX** (12:10 p.m.)

Noting that this item has been ongoing for several years, Supervisor Frey moved that the Board concur in the recommendation of staff and approve funding to continue operating the bus service between Dulles Airport and the Udvar-Hazy Air and Space Museum Annex for the remainder of Fiscal Year 2014. Supervisor McKay seconded the motion.

Supervisor Hudgins raised a question regarding the ridership and whether anyone can take advantage of the service, other than those arriving at Dulles Airport.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, who noted that the route is open to the public.

Supervisor Foust raised a question regarding whether the service is free, and Mr. Biesiadny answered that there is a fare for the service.

Discussion continued, with input from Mr. Biesiadny regarding the cost recovery ratio and the rationale/incentive for funding.

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

18. **A-5 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FISCAL YEAR (FY) 2020 REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDS AND FY 2015 VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REVENUE SHARING PROGRAM FUNDS** (12:16 p.m.)

(R) On motion of Supervisor McKay, seconded by Supervisor Gross, and 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 absent, the Board concurred in the recommendation of staff and:

- Authorized DOT to apply for FY 2020 RSTP and CMAQ funds

- Adopted a Resolution designating a maximum of \$10 million in FY 2015 VDOT Revenue Sharing funds for the Route 29 widening (Legato Road to Shirley Gate Road), and I-66/Vienna Metrorail Accessibility and Capacity Improvements projects.

A local cash match of \$10 million is required for the revenue sharing funds. Current local funding in the amount of \$6.5 million is allocated to the Route 29 Widening project, and \$3.5 million in the Commercial and Industrial Tax construction reserve will satisfy this requirement. There is no local cash match required for the RSTP and CMAQ funds; as the State provides the matching funds.

19. **A-6 – ADOPTION OF AN UNCODIFIED ORDINANCE RELATING TO COXCOM, LLC’S, SATISFACTION OF CONDITIONS ESTABLISHED IN APPENDIX H OF THE CODE OF THE COUNTY OF FAIRFAX**
(12:16 p.m.)

- (O) On motion of Supervisor Gross, seconded by Supervisor Hudgins, and 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 absent, the Board concurred in the recommendation of staff and adopted an uncodified ordinance deeming that CoxCom, LLC, timely satisfied all of the conditions established by the Board in the Code of the County of Fairfax, Appendix H, Section A, paragraph eight.

20. **C-1 – 2013 VIRGINIA ASSOCIATION OF COUNTIES (VACo) ANNUAL MEETING** (12:17 p.m.)

The Board next considered an item contained in the Board Agenda dated September 24, 2013, requesting that the Board designate a voting delegate and alternate voting delegate to represent the County at the VACo annual meeting to be held in Bath County, Virginia, on November 12, 2013.

Supervisor Gross moved that the Board designate:

- Supervisor Hyland as the voting delegate
- Chairman Bulova as the alternate voting delegate

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

21. **I-1 – CONTRACT AWARD – DENTAL SERVICES ADULT DETENTION CENTER** (12:18 p.m.)

The Board next considered an item contained in the Board Agenda dated September 24, 2013, announcing that staff is awarding a contract to Dentrust Dental Virginia, PC, for dental care services for inmates housed in the Adult Detention Center and Pre-Release Center.

Supervisor McKay raised a question regarding why only one response was received for the Request for Proposal (RFP). Discussion ensued, with input from Cathy Muse, Director, Department of Purchasing and Supply Management, who noted that the RFP was advertised broadly, but staff would review the process.

Supervisor McKay asked unanimous consent that the Board direct staff to also explore the process and response of other jurisdictions to make the RFP more competitive and report its findings.

Supervisor Hudgins asked to amend the request to direct staff to also report with information regarding the dental services program and whether the services are provided for those who are home-monitored. Without objection, the request, as amended, was so ordered.

ADDITIONAL BOARD MATTERS

22. **REQUEST FOR RECOGNITIONS** (12:22 p.m.)

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

- Fairfax County Police Department to recognize the achievement of eight members of the Police Motor Squad who recently traveled to Milwaukee, Wisconsin for a two-day motorcycle riding safety and skills competition. The eight member contingent from the County took first place in the team competition.
- Deputy Fire Chief Richard A. Roatch, and members of the Virginia Task Force One, to receive recognition for their support during the recent floods in Colorado. Chief Roatch and Members of the Virginia Task Force One joined the Federal Emergency Management Agency (FEMA) Incident Support Team that helped with emergency incident operations, incident stabilization, and recovery operations.
- Volunteer Fairfax to receive a proclamation declaring Saturday, October 26, 2013, as “*VolunteerFest Day*” in Fairfax County.

Without objection, it was so ordered.

23. **CONGRATULATING CHANNEL 16** (12:24 p.m.)

Chairman Bulova said she recently learned that County Government Channel 16 won the Alliance for Community Media 2013 Hometown Video Award for Overall Excellence in Government Access. The Overall Excellence award is both an extremely distinctive and highly competitive award. The Hometown Video Awards received a total of more than 800 entries this year. The Alliance for Community Media represents over 3,000 public, educational, and government access centers across the country.

In addition to the most distinguished Overall Excellence in Government Access Award, Channel 16 also won the prestigious Children's Programs Award for *Stormy the Raindrop's Watershed Journey* and Government Profile Award for *On the Beat*.

Therefore, Chairman Bulova asked unanimous consent that the Board:

- Congratulate County Government Channel 16 on its recent achievements.
- Direct the Office of Public Affairs to share the information with the public.

Vice-Chairman Gross noted that the National Association of Counties awarded the County with an Excellence Achievement Award, which the County was unable to pick up, so the presentation was to be made here before the Board. Therefore, Chairman Bulova amended her request that the Board also direct staff to check on the status of that presentation.

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

24. **RESIDENTIAL STUDIOS COMMITTEE** (12:26 p.m.)

In a joint Board Matter with Supervisor Frey, Chairman Bulova said that on July 30, the Board authorized a public hearing on a proposed Zoning Ordinance amendment regarding residential studio units (RSU's) in the County that would permit RSU use in various residential, commercial, and industrial districts by special exception or in all planned development districts. The Planning Commission (PC) has been tasked to conduct additional outreach in the form of work sessions and other public engagement opportunities. To address community concerns members of the PC have suggested a process for encouraging engagement in changes to the advertised ordinance.

Therefore, Chairman Bulova moved that the Board endorse the PC's plan to defer its November 20, 2013, public hearing on the proposed RSU amendment and to support the establishment of a PC Residential Studios Committee. The Committee will provide opportunities for detailed consideration of the Zoning

Ordinance Amendment by Planning Commissioners, citizens, and other stakeholders through five scheduled Committee meetings. These meetings will be similar in format to the PC's Tysons Committee and will provide an engagement process with the goals of addressing and resolving questions and concerns associated with the RSU amendment. All meetings will be open to the public and will allow opportunities for discussion.

The PC will continue to conduct work sessions scheduled for September 25 and October 2 at the County Government Center. Following the work sessions, the Residential Studios Committee will convene beginning in late October with further meetings in November, December, and January, with a final public hearing in late February. The Board public hearing that is currently authorized for November 19, 2013, will be rescheduled to follow the PC date and process. Supervisor Frey seconded the motion.

Supervisor Herrity raised a question regarding whether Board Members will have an opportunity to have a discussion or forum regarding the issue, prior to the public hearing.

Supervisor Hudgins expressed her viewpoint that the Board and community have clarity of the issue, what has been discussed at numerous meetings, and what is needed is to move forward, and urged the Board to participate in the process.

Discussion continued and Board Members expressed their concerns and/or support of the motion.

Vice-Chairman Gross raised a question regarding the "Kate and Allie" ordinance and whether it still exists. Therefore, she asked unanimous consent that the Board direct staff to provide information regarding the ordinance and the usage of it. Without objection, it was so ordered.

Following a brief discussion regarding existing opportunities in commercial districts for RSU's, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

25. **PUBLICIZING OCTOBER 17 FUNDRAISER FOR SHELTER HOUSE AND FAIRFAX CASA** (12:48 p.m.)

(NOTE: Earlier in the meeting during presentations, this fundraiser was mentioned. See Clerk's Summary Item #8.)

Supervisor Cook said that raising awareness about domestic violence is a priority in the County and across the globe. Domestic violence is the number one cause of injury to women, more than car accidents, muggings, and rape combined. In the County domestic violence is the number one cause of homicide. Children too

suffer from domestic violence. Even if not subjected to physical violence, children who repeatedly witness domestic violence might suffer permanent emotional injury. Children who suffer from domestic abuse are twice as likely to then abuse their own spouses and children.

In honor of Domestic Violence Awareness Month, Supervisor Cook announced that he will be hosting a fundraiser for two local charities that help domestic violence survivors: Shelter House and Fairfax CASA.

Fairfax CASA, or Court Appointed Special Advocates, helps children navigate the confusing and scary aftermath of domestic violence when the juvenile court steps in to provide protection due to abuse or neglect. Often, so many things are changing for a child - his or her home, school, guardians ~ that having one dedicated advocate to fight for his or her rights and help with the transitions can make a huge difference when it's most important. Fairfax CASA finds and trains ordinary citizens to be the voice in court for these children at such an uncertain time.

Shelter House's domestic violence shelter, Artemis House is the County's only emergency shelter for families and individuals fleeing domestic/sexual violence and human trafficking. The emergency shelter provides crisis intervention and temporary housing in an undisclosed "safe-house." Safety planning, immediate basic needs assistance, and comprehensive service planning is available to prepare for a transition to more permanent and stable housing. Artemis House provides intensive case management services, individual and group counseling, employment assistance, and children's programs.

The fundraiser will be held at Kilroy's Restaurant and Sports Bar (5250 Port Royal Road, Springfield, VA), a great restaurant which has generously volunteered to donate 10 percent of its proceeds to the charities. The event will be held October 17, 6 p.m. to 9 p.m. Donated items will be raffled. The charities will also be accepting direct donations.

Individuals may RSVP Supervisor Cook's office by phone at 703-425-9300, email Braddock@fairfaxcounty.gov, or online www.fightviolence.eventbrite.com.

Supervisor Cook invited Board Members to attend, and asked unanimous consent that the Board direct the Office of Public Affairs to publicize the event. Without objection, it was so ordered.

26. **PROCLAIMING OCTOBER 9, 2013, AS "WALK OR BIKE TO SCHOOL DAY" IN FAIRFAX COUNTY** (12:50 p.m.)

Supervisor Cook said that October 9 is Walk or Bike to School Day, an international movement that asks students, teachers, and administrators to forego automotive transportation and instead rely on their own two feet.

Walking to school has many benefits; it helps children fight obesity, fosters a sense of independence, and takes cars off the road, which reduces congestion and pollution in neighborhoods. In Braddock District we have been working to make

streets safer for pedestrians, including children walking to school. Last year a crosswalk and sidewalk were improved using a \$400,000 Safe Routes to School grant. Supervisor McKay has helped organize and encourage "walking school buses" in Lee District. Walking school buses help promote safety by having an adult lead a group of children to school.

Sometimes parents and children might not even be aware that there are safe options for walking to school. By encouraging and promoting Walk or Bike to School Day we can bring safe routes to their attention, and help create a new culture that is healthy and safe for kids.

Childhood obesity is one of the most concerning public health issues of our time. Almost one in five children and adolescents in the United States are currently obese, a health epidemic contributing to childhood diabetes and other lifelong health issues.

Therefore, as a way to promote healthful practices and environmentally friendly transportation, Supervisor Cook asked unanimous consent that the Board direct staff to issue a proclamation recognizing October 9 as "*Walk or Bike to School Day*" in Fairfax County. Without objection, it was so ordered.

27. **INFRASTRUCTURE FINANCE COMMITTEE MEETINGS** (12:51 p.m.)

In a joint Board Matter with Supervisor Foust and Supervisor McKay, Supervisor Cook said that the joint County-Schools Infrastructure Finance Committee has met three times since its creation, and wanted to provide the Board with a brief summary of its activities. The timing is particularly appropriate as the committee is in a transition phase, moving beyond information gathering and learning, and toward developing recommendations and proposals.

All information pertaining to the committee can be found on the County's website at <http://www.fairfaxcountv.gov/dmb/infrastructure-fmancing-committee.htm>. Staff has done an outstanding job compiling and organizing agendas, minutes, and presentations from all prior meetings. A question and answer (Q&A) process has been developed, handled much like the system used during the budget, and those are available as well.

To date, the committee has heard presentations from both the County and Fairfax County Public Schools on a myriad of topics, including the Capital Improvement Program (CIP) processes, paydown programs, maintenance needs, and what is currently being digested: the CIP requirements for both systems.

Each of these topics has been eye-opening. In fact, through this effort it was discovered that several School Board Members were not aware of the County's 10 Principles of Financial Management. The School Board has since agreed to have County staff provide a full briefing. There is a realization that resources are stretched and that better partnering is necessary, both from a facilities and systems perspective. Moreover, these discussions have highlighted some areas for

improvement in the County's CIP, and staff is already hard at work addressing them. Supervisor Cook stated that when the materials for Fiscal Year (FY) 15 come out he is looking forward to a much more robust CIP, one that moves beyond just offering lists, but provides greater detail on projects and explains the thinking behind needs and prioritizations.

He encouraged everyone to visit the Committee's webpage and review the materials, and offer thoughts or feedback.

Supervisor Cook asked unanimous consent that the Board direct staff to develop and provide a summary memo accounting the various needs assessments presented to the Committee.

Following a brief discussion regarding the request, without objection, it was so ordered.

EBE:ebe

28. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (12:57 p.m.)

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

29. **2013 BLACK ENTERPRISE 100s LIST (HUNTER MILL DISTRICT)** (12:57 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Hudgins said that each year for the last 41 years, *Black Enterprise* magazine (BE) publishes the BLACK ENTERPRISE 100s, a listing of America's largest black owned companies. It is universally recognized as the most authoritative analysis and annual ranking of the nation's top grossing black-owned companies. The BE 100s consists of rankings of America's 100 largest black-owned industrial/service companies, 60 automobile dealers, as well as listings of the top advertising agencies, banks, asset managers, investment banks, and private equity firms.

Supervisor Hudgins said that six County companies are on the 2013 Black Enterprise list of the 100 largest African-American owned, service-industrial companies in the nation: Thompson Hospitality of Reston; SoBran of McLean; Metters Incorporated of South County; Communication Technologies, Incorporated; Infiniti of Chantilly; and InScope International of Reston.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite representatives from Thompson Hospitality; SoBran; Metters Incorporated; Communication Technologies, Incorporated; Infiniti of Chantilly; and InScope International to appear before the Board to be recognized and congratulated for their achievement and contribution to the County economy. Without objection, it was so ordered.

30. **OUTSTANDING PERFORMANCE OF LIEUTENANT TIMOTHY L. NICHOLSON, SENIOR MASTER TECHNICIAN IN THE AIR NATIONAL GUARD** (12:58 p.m.)

Supervisor Hudgins said that Lieutenant Timothy L. Nicholson, of the Air National Guard, while on a mission to transport cargo and troops to Afghanistan, his C5 aircraft hit a flock of seagulls and caught on fire, at take-off. For that flight, he was the officer in charge of the troop section of the aircraft. Lieutenant Nicholson quickly assessed the situation, formed an emergency flight plan, and devised an evacuation tactic. He directed the pilot in flight on the crash landing and informed the troops of emergency exit procedures.

Lieutenant Nicholson's quick thinking resulted in the safe evacuation from the C5 fiery fuselage for all personnel. For his heroic actions in an in-flight emergency, during which all of the crew members survived the life-threatening event, Lieutenant Nicholson was presented the Earl T. Hick Award by the Air National Guard on September 16, 2013.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Lieutenant Timothy L. Nicholson to appear before the Board and receive a letter of commendation for his rapid perception, strategic decision-making and life-saving execution, during the April 2013 in-flight emergency in Rota, Spain. Without objection, it was so ordered.

31. **FILL THE BOOT CAMPAIGN** (1:02 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite representatives from the Fire and Rescue Department to appear before the Board to be recognized for its recent success in the Fill the Boot Campaign to benefit Muscular Dystrophy. Fire Station 40 earned top honors in the nation for its fundraising efforts. Without objection, it was so ordered.

32. **RESTON MULTICULTURAL FESTIVAL** (1:02 p.m.)

Supervisor Hudgins announced that the Reston Multicultural Festival will be held on Saturday, September 28, 2013, at Lake Anne Plaza at 11 a.m.

PMH:pmh

33. **SEPTEMBER 2013 QUARTERLY REPORT OF THE OFFICE OF FINANCIAL AND PROGRAM AUDIT** (1:02 p.m.)

Supervisor Foust said the Board has received the Office of Financial and Program Audit's Quarterly Report as of September 2013. Study areas addressed in the

Auditor's report include the following:

- Dulles Metrorail Project
- Space Utilization Survey – Government Center Complex
- Capital Renewal Construction Fund Status
- Paydown Program Overview – Fiscal Year 2014
- Follow-Up and Other Ongoing Activities
- CSB Development of a Cost-Benefit Methodology

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

Dulles Metrorail Project - As of June 2013, Metropolitan Washington Area Authority (MWAA) reports that approximately \$2.6 billion of the Phase I budget has been expended. The construction budget is \$2.9 billion. MWAA assesses the main construction component of the Project as 95 percent complete through July 2013. Project expenditures and the completion rate are running in parallel. In July 2013, MWAA announced a delay of approximately 8 weeks in achieving the substantial completion milestone for Phase 1. The substantial completion date for Phase 1 is currently projected for mid-November. WMATA has not announced the revised date for revenue operations.

The initial stages for Phase 2 are occurring as projected with the award for the design and construction of the guideways, track, stations and systems occurring in May and a notice to proceed issued to the contractor in July. The FTA is evaluating the need to increase the Phase 2 contingency budget for the project.

Space Utilization Survey – Government Center Complex - The Auditor and the Facilities Management Department (FMD) conducted a space survey of the three County-owned buildings in the Government Center Complex: the Government Center, the Pennino Building, and the Herrity Building. Because FMD conducted its most recent comprehensive space survey more than five years ago, FMD and audit staff conducted walk-throughs and surveys of the Government Center Complex to determine the current status of vacant workstations. The final survey identified 34 departments with 704 vacant workstations located throughout the Government Center complex. The Auditor recommended that FMD review and analyze the results of the survey to identify opportunities to move administrative functions from leased to owned space and to take a more strategic approach to space planning.

The Audit Committee affirmed the Auditor's recommendations and requested the following additional concurrent actions by County staff:

- Production of a current Countywide list of leased space with verified costs per square foot and total square footage
- Completion of a comprehensive inventory of vacancies in County leased and owned administrative space
- Identification of potential opportunities to move administrative functions from leased to owned space

Capital Renewal Construction – Fund Status - The Auditor reviewed the Capital Renewal Construction Fund, which was established to provide a dedicated funding source for repairs, and improvements to County-owned facilities. Capital renewal expenditures have more than doubled in the last three fiscal years and the fund balance has steadily declined. The Audit Committee accepted the Auditor's recommendation that the County explore existing financial system capabilities and pending project management application resources to more effectively manage capital renewal project expenditures and monitor cash flows and project budgets (particularly for large projects) at the fund level.

Therefore, Supervisor Foust moved that the Board:

- Adopt the September 2013 Quarterly Report of the Office of Financial and Program Audit
- Approve the list of study areas to be included in the work program of the Office of Financial and Program Audit.

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

34. **FREEDOM OF INFORMATION ACT (FOIA), BYLAWS AND MEETING REQUIREMENTS** (1:06 p.m.)

Supervisor Smyth referred to the issue of briefing boards, authorities, and commissions (BACs) regarding FOIA, bylaws, and meeting requirements and asked unanimous consent that the Board direct staff to review this issue.

Following discussion, with input from David P. Bobzien, County Attorney, without objection, it was so ordered.

35. **HONORING MS. CARA LAMBERT (SPRINGFIELD DISTRICT)** (1:11 p.m.)

Supervisor Herrity announced that Ms. Cora Lambert had received the Virginia Business Education Association's Al Roane Middle School Business Teacher of the Year Award.

Supervisor Herrity referred to his written Board Matter which outlined Ms. Lambert's accomplishments and asked unanimous consent that the Board direct staff to invite Ms. Lambert to appear before the Board to receive a resolution in recognition of her contributions to the County and for receiving the Virginia Business Education Association's Al Roane Middle School Business Teacher of the Year Award. Without objection, it was so ordered.

36. **LOUDOUN HOUNDS BASEBALL STADIUM IN ASHBURN, VA**
(1:12 p.m.)

Supervisor Frey noted that he recently visited the future site of the newest baseball attraction in the region - the Loudoun Hounds Stadium. He added that it would be a wonderful attraction for Northern Virginia. He suggested that representatives be invited to provide a short briefing before the Board to explain what they have to offer.

37. **LEE DISTRICT RESOURCE FAIR** (1:14 p.m.)

Supervisor McKay expressed his appreciation to the many County agencies who participated in the successful Lee District Resource Fair.

38. **NO BOARD MATTERS FOR SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (No Time)

Supervisor Hyland was absent and had no Board Matters to present.

39. **RECESS/CLOSED SESSION** (1:15 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. *Eric S. Clark v. The County of Fairfax, Virginia, Richard W. Nagel, R.L. Davis, John Spata, John H. Kim, T. B. Smith, S. N. Brim, Jonathan Stern, Kenneth Pfeiffer, Randall C. Hargus, John Does 1-30*, Civil Action No.1:13-cv-616 (E.D. Va.)
2. *Kristin L. Burns, OBO Emma S. Burns-Sullivan, OBO Liam P. Burns-Sullivan v. Kenneth W. Sullivan, Kathryn D. Leckey, FCPD, CPS, FCPS, The Morgan Center, FCSO, Domestic Relations, Farrell Pediatrics, Reston Pediatrics, INOVA, Jennie McKinnie of the Arbor Center, Fairfax County Office of the Clerk, Restons Pediatrics*, Case No. 2013-0003528 (Fx. Co. Cir. Ct.)
3. *15036 Conference Center Drive, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2012-0018487 (Fx. Co. Cir. Ct.) (Sully District)
4. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Elise Ann Brandenburger Brown*, Case No. CL-2013-0005149 (Fx. Co. Cir. Ct.) (Dranesville District)
5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bhupinder Kaur Saini and Jaswinder Singh Saini*, Case No. CL-2012-0008993 (Fx. Co. Cir. Ct.) (Sully District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdul B. Jahani, et al.*, Case No. CL-2013-0006606 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David Whedon and Calvin Williams*, Case No. CL-2012-0017070 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marisol Ferrel*, Case No. CL-2012-0016071 (Fx. Co. Cir. Ct.) (Providence District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County*,

Virginia v. Linda L. LaFever, Case No. CL-2012-0008507 (Fx. Co. Cir. Ct.) (Lee District)

10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carl M. Mazzan*, Case No. CL-2013-0005230 (Fx. Co. Cir. Ct.) (Hunter Mill District)
11. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. 44 Alexandria Associates, L.L.C.*, Case No. CL-2013-0013888 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rosalia Gohring and Tomas Gonzales*, Case No. CL-2013-0013886 (Fx. Co. Cir. Ct.) (Providence District)
13. *Naveed Kaymanesh v. Fairfax County Police Department and County of Fairfax*, Case No. GV13-014159 (Fx. Co. Gen. Dist. Ct.)
14. *Noel Arguelles v. Amanda Wallace*, Case No. GV13-012458 (Fx. Co. Gen. Dist. Ct.)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward F. Tuerk and Emma M. Tuerk*, Case No. GV13-009847 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Salvador Garcia*, Case No. GV13-016925 (Fx. Co. Gen. Dist. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kyriacos S. Kolas, Stephen F. Kolas, and Paula A. Kolas*, Case No. GV13-019244 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator, Virginia v. John M. King and Jaime L. Schisler*, Case No. GV13-019695 (Fx. Co. Gen. Dist. Ct.) (Lee District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Potomac Relocation Services, LLC*, Case No. GV13-019826 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
20. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Alice B. Gentry*, Case No. GV13-020153 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
21. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Ali H. Shwikhat and Anisa H. Sayoud*, Case No. GV13-020154 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
22. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Beverly K. Lester*, Case No. GV13-020155 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bogle Telegraph Road, Associates L.P.*, Case No. GV13-020258 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- Discussion Pursuant to Virginia Code Section 2.2-3711.A.19
- Proffers 44 and 54 of RZ 2010-DR-014B (sic)
- *City of Falls Church, Virginia v. Board of Supervisors of Fairfax County, Virginia*, CA. No 1:12cv487
- *City of Fairfax, Virginia v. Board of Supervisors of Fairfax County, Virginia*, CA. No. 1:12cv513
- *Town of Vienna, Virginia v. Board of Supervisors of Fairfax County, Virginia*, CA. No. 1:12cv514

Supervisor Smyth clarified that the application number in the second bullet should be RZ 2010-**PR**-014B not RZ 2010-**DR**-014B.

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

DET:det

At 3:37 p.m., the Board reconvened in the Board Auditorium with all Members, except Supervisor Hyland, being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

40. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:38 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 Smyth 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 absent.

ADDITIONAL BOARD MATTER

41. **ABSENCE OF SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (3:38 p.m.)

(NOTE: This announcement was also made earlier in the meeting. See Clerk's Summary Item #2.)

Chairman Bulova announced that Supervisor Hyland is absent from today's Board meeting so that he can represent the County at a National Association of Counties (NACo) conference.

AGENDA ITEMS

42. **3:30 P.M. – DECISION ONLY ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-M-047 (THE PARKLAWN RECREATION ASSOCIATION, INCORPORATED, AND NEW CINGULAR WIRELESS PCS, LLC) (MASON DISTRICT)** (3:39 p.m.)

(NOTE: On September 10, 2013, the Board held a public hearing regarding this item and deferred decision until September 24, 2013.)

Supervisor Gross stated that following the public hearing on Special Exception Amendment Application SEA 93-M-047 on September 10, the record had remained open and she submitted items for the record.

Supervisor Gross addressed issues raised during the course of the application including:

- The irrelevance of an economic benefit to the pool in a land use issue
- Alternative site considerations and Federal Telecommunications Act (FTA) constraints when none exists
- Consideration of Distribute Antenna Systems (DAS)
- Site location and safety issue concerns due to a lack of buffer/safety zone
- Concerns about ice fall, tower collapse, and noise

Supervisor Gross stated that this monopole requires two approvals:

- The first, to amend a special permit application approved for pool operation which was approved nearly 40 years ago
- The second, to amend a special exception application for fill in a flood plain which was approved nearly 20 years ago

While the Planning Commission (PC) unanimously recommended approval of the Special Exception Amendment (SEA) application, the Board of Zoning Appeals denied the Special Permit Amendment (SPA) application, which is being challenged by the applicant. Supervisor Gross noted that the FTA requires the Board to act in a timely manner on this type of application

Following the County's thorough review of this application, a graduated paint monopole was recommended as well as a limitation to two carriers. In addition, she announced that the Federal Aviation Administration (FAA) will not require a blinking red light at the top, which should alleviate some of the concerns that had been heard in public testimony.

Noting the importance of communication and infrastructure in emergency management as espoused by the Federal Emergency Management Agency (FEMA), Supervisor Gross moved approval of Special Exception Amendment Application SEA 93-M-047, subject to the revised development conditions consistent with those dated June 13, 2013, and as amended with the addition of a 25th Development Condition that the monopole may not be constructed until the applicant obtains an approved SPA. Chairman Bulova seconded the motion.

Following discussion concerning the need to work with industry to develop better designs and other options for communities, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being absent.

(NOTE: On July 10, 2013, the PC approved Public Facilities Application 2232-M08-26, noting that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*, and is substantially in accord with the adopted Comprehensive Plan.)

43. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-PR-004 (HITT CONTRACTING, INCORPORATED) (PROVIDENCE DISTRICT)**
(3:53 p.m.)

- (O) The application property is located on the east side of Hartland Road approximately 612 feet north of its intersection with Lee Highway, Tax Map 49-2 ((1)) 65, 73 and 74.

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

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

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

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

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2013-PR-004, from the R-1, R-3, and HC Districts to the C-3 and HC Districts, subject to the proffers dated September 18, 2013.
- Modification of the 100-foot minimum lot width size for the C-3 District to allow a reduction in lot width of approximately 90 feet.
- Modification of the transitional screening requirements and waiver of the barrier requirements in favor of the streetscape shown on the GDP.
- That the Board direct the Director of the Department of Public Works and Environmental Services to permit approval of a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the GDP and as proffered.

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

44. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-HM-032 (TYSONS WEST RESIDENTIAL, LLC, AND JBG/TYSONS HOTEL, LLC) (HUNTER MILL DISTRICT)** (3:59 p.m.)

- (O) The application property is located in the northwest quadrant of the intersection of Leesburg Pike and Westwood Center Drive, Tax Map 29-1 ((1)) 10D, 29-3 ((20)) C2 and C3.

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

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

- Grant M. Ehat of Tysons West Residential, LLC
- JBG/Tysons Hotel, LLC

Supervisor Foust stated that, based on recent changes in County policies, he would recuse himself from the public hearing on the rezoning application filed by Tysons West Residential, LLC, and JBG/Tysons Hotel, LLC.

Suzanne W. Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting 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, which included testimony by one speaker, Ms. Lin presented the staff and Planning Commission (PC) recommendations.

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-HM-032, from the I-5, C-7, HC and SC Districts to the PTC, HC, and SC Districts, subject to the proffers dated August 23, 2013.
- Approval of the modifications and waivers as listed in the handout provided to the Board today which are dated July 31, 2013, and which shall be made a part of the record.

Supervisor Smyth seconded the motion.

Following additional comments by Supervisor Hudgins concerning the application fulfilling the beginning desires of the Board for Tysons Corner, the question was called on the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Foust recused, Supervisor Hyland being absent.

(NOTE: On July 31, 2013, the PC approved Final Development Plan Application FDP 2011-HM-032, subject to the development conditions dated July 31, 2013.)

45. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 87-S-003-03 (COX-RICHARD FAMILY FARM, LLLP) (SULLY DISTRICT)** (4:22 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 September 6 and September 13, 2013.

The application property is located at 15621 Braddock Road, Centreville, 20120, Tax Map 43-1 ((1)) 13Z, 17Z, 18Z and 19Z.

Chairman Bulova announced that no affidavit or disclosures were required.

Brent M. Krasner, Planner III, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Mr. Eric Cox, the applicant, made a presentation.

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

Supervisor Frey, noting the popularity of Cox Farm within the community, moved approval of Agricultural Renewal Application AR 87-S-003-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Cox Local Agricultural and Forestal District, subject to the Ordinance provisions dated August 28, 2013. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being absent.

46. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-C-060-12 (STEPHEN M. DE FRANK JR. TRUSTEE) (HUNTER MILL DISTRICT)** (4:30 p.m.)

(O) The application property is located at 2465 Iron Forge Road, Oak Hill, 20171, Tax Map 25-1 ((14)) (7) 16.

Mr. Stephen M. DeFrank, Jr., reaffirmed the validity of the affidavit for the record.

Mike Lynskey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

Mr. DeFrank 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.

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

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA 87-C-060-12, subject to the proffers dated July 10, 2013.
- Modification of Section 2-415 of the Zoning Ordinance to allow reduced minimum yard requirements from the floodplain, as shown on CDPA/FDPA 87-C-060-18.

Chairman Bulova 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 absent.

47. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MINOR REVISIONS** (4:37 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 September 6 and September 13, 2013.

Cathy S. Belgin, Senior Assistant to the Zoning Administrator, Ordinance Administration, Department of Planning and Zoning, presented the staff report.

Discussion ensued concerning the certification process for archaeologists with input from Ms. Belgin concerning meeting the Secretary of the Interior's professional qualification standards for archaeology.

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

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding minor revisions, to become effective at 12:01 a.m. on September 25, 2013. Supervisor Cook 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 absent.

48. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING TEMPORARY FAMILY HEALTH CARE STRUCTURES**
(4:42 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 September 6 and September 13, 2013.

Cathy S. Belgin, Senior Assistant to the Zoning Administrator, Ordinance Administration, Department of Planning and Zoning, presented the staff report.

Discussion ensued concerning structure removal enforcement, with input from Ms. Belgin. Supervisor McKay asked unanimous consent that the Board direct staff to include in the application materials the requirement that the applicant bears the responsibility of notifying the County at such point in time as the structure is no longer occupied. Without objection, it was so ordered.

Discussion continued concerning General Assembly requirements and the removal process, with input from Ms. Belgin. Supervisor Gross asked unanimous consent that the Board direct staff to include reference to the 60 day requirement for removal as well as the need for a permit to do so. Without objection, it was so ordered.

Additional discussion ensued concerning residency requirements with input from Ms. Belgin concerning certification of a medical need by a physician in the Commonwealth.

Supervisor Hudgins inquired about the response to a letter from the Health Care Advisory Board with input from Laura Gori, Assistant County Attorney, concerning the caregiver definition and the relationship of an individual to the caregiver who is not a family member.

Ms. Belgin provided the staff and Planning Commission recommendations.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding temporary family health care structures, as advertised, inclusive of the third sentence of new text in paragraph 27D of Section 10-102 as published in the corrected staff report, dated September 24, 2013, to become effective at 12:01 a.m. on September 25, 2013. Chairman Bulova 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 absent.

49. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2009-DR-008 (OAKCREST SCHOOL) (HUNTER MILL DISTRICT)**
(4:58 p.m.)

(A) Supervisor Hudgins moved to defer the public hearing on Special Exception Amendment Application SEA 2009-DR-008 until **January 28, 2014, at 4:30 p.m.** Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

50. **BOARD ADJOURNMENT** (4:59 p.m.)

The Board adjourned.

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