



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
November 17, 2015**

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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, November 17, 2015, at 9:35 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; Elizabeth Teare, Deputy 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 the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:35 a.m.)

Chairman Bulova asked everyone to keep in thoughts the people of France and expressed the Board's sympathy. She also asked everyone to keep the families, friends, and the people of France who have lost lives and experienced injuries and to show the County's solidarity with France and Paris.

Chairman Bulova asked everyone to keep in thoughts the family of Mr. Jim Riddle, who died on November 6. He was a retired police officer who brought retirees together on a regular basis. Mr. Riddle was recognized in 1971 by *Parade Magazine* as one of the ten most outstanding police officers. He was also a recipient of the A. Heath Onthank award.

Supervisor Gross asked everyone to keep in thoughts the family of Mr. George Burke who died of cancer on October 31. Mr. Burke was a superb communicator, a friend of labor, and had an incredible political sense. He recently served as Congressman Connolly's communications director.

Supervisor Hyland echoed Chairman Bulova's thoughts regarding the terrible tragedy in Paris. He related his ties to France and extended his thoughts to the French people: that they are able to recover and move forward.

Supervisor Hyland asked everyone to keep in thoughts the family of Ms. Dorothy Spencer who recently died. She was very active in the Lorton community.

AGENDA ITEMS2. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE AD HOC POLICE PRACTICES REVIEW COMMISSION AND MEMBERS OF THE COMMISSION'S SUBCOMMITTEES** (9:40 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificates of Recognition presented to members of the Ad Hoc Police Practices Review Commission for their work resulting in recommendations to the Board to make the County a model jurisdiction in the areas of police response and transparency. Supervisor Foust seconded the motion and it carried by unanimous vote.

Chairman Bulova moved approval of the Certificates of Recognition presented to members of the following subcommittees:

- Use of Force
- Communications

- Mental Health and CIT
- Recruitment, Diversity, and Vetting
- Independent Oversight and Investigations

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **RESOLUTION OF RECOGNITION PRESENTED TO MS. JUDITH BEATTIE (HUNTER MILL DISTRICT)** (9:56 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Ms. Judith Beattie for 48 years of service as director, and most recently owner, of Hunter Mill Country Day School. Supervisor Smyth seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MR. JOHN MASON (MOUNT VERNON DISTRICT)** (10:08 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to Mr. John Mason for his incredible and extraordinary service as the Chief Executive Officer of the Workhouse Arts Foundation. Supervisor Gross seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MS. LOUISE CLEVELAND (MOUNT VERNON DISTRICT)** (10:27 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to Ms. Louise Cleveland for her distinguished service in the Mount Vernon District. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2068** (10:39 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 *2015 Fill the Boot Campaign*, which collected nearly \$614,000 in support of the Muscular Dystrophy Association. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **PROCLAMATION DESIGNATING DECEMBER 1, 2015, AS "HIV/AIDS AWARENESS DAY" IN FAIRFAX COUNTY** (10:54 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate December 1, 2015, as "*HIV/AIDS Awareness Day*" in Fairfax County and encouraged all residents to know their HIV status and participate in activities and observances designed to increase awareness of HIV/AIDS. Supervisor Foust seconded the motion and it carried by unanimous vote.

8. **10:30 A.M. – PRESENTATION OF THE 2014 TRANSPORTATION ADVISORY COMMISSION (TAC) TRANSPORTATION ACHIEVEMENT AWARD** (11:07 a.m.)

Jeffrey M. Parnes, Chair of the TAC, presented the 2014 TAC Transportation Achievement Award to Pam Rittenhouse, Senior Transportation Planner, Department of Transportation, for her exceptional performance within the scope of her job duties; contributions to advancing the objectives of the County's Transportation Plan; and, enhancing the quality of transportation in the County.

9. **10:35 A.M. – PRESENTATION OF THE BARBARA VARON AWARD** (11:17 a.m.)

(BACs) Chairman Bulova presented the Barbara Varon Award to Ms. Sydney Johnson for her many voluntary activities which honor the memory of Barbara Varon. She serves as the Voter Service coordinator for the League of Women Voters of the Fairfax area. In this capacity she oversees the publication of *Facts for Voters*, a directory of Fairfax area public officials and government offices; the *Voters' Guide*, published in "*The Times*" newspaper; and a handout which includes all of the candidates and issues on the ballot.

10. **10:40 A.M. – PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) REPORT** (11:28 a.m.)

(BACs) Stella Koch, Chairman, EQAC, presented its annual report. The Council's recommendations include:

- Funding in four specific instances: an increase in the stormwater quarter penny; continued funding for the environmental improvement program; funding the ecologist position with the Park Authority; and funding for the additional wildlife management specialist position
- Development by the County of policies that address development and redevelopment within the areas that are vulnerable to sea rise

Following Ms. Koch's presentation, discussion ensued concerning wildlife management, specifically researching other humane ways to control the deer

population. Supervisor McKay noted that later in the meeting he would be presenting a Board Matter to invite Johna Gagnon, a member of the Council, to appear before the Board to be recognized for her years of service.

Discussion continued concerning glass recycling with input from Kambiz Agazi, Environmental Coordinator, regarding single stream and glass contaminating recyclables noting that staff expects to provide additional input to the Board by the spring.

Discussion ensued concerning outdoor lighting. Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information regarding lighting structures that can help the County transition communities that have avoided light pollution. Without objection, it was so ordered.

Supervisor Gross, noting a section of the report that addresses reporting environmental crimes/concerns, asked unanimous consent that the Board direct the Office of Public Affairs to distribute and advertise this information. Without objection, it was so ordered.

Supervisor Gross moved that the Board:

- Accept the report
- Refer it to staff for continued work then update the Board at a future Environmental Committee meeting

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

(NOTE: Later in the meeting, Supervisor McKay presented his Board Matter regarding Ms. Johna Gagnon. See Clerk's Summary Item #61.)

ADDITIONAL BOARD MATTER

11. INTRODUCTION OF INTERN IN CHAIRMAN'S OFFICE (11:45 a.m.)

Chairman Bulova introduced Darien Ashley, a student at Northern Virginia Community College, who is interning in her office for the fall semester. On behalf of the Board, she warmly welcomed him.

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AGENDA ITEMS

12. ADMINISTRATIVE ITEMS (11:46 a.m.)

Supervisor Gross moved approval of the Administrative Items with an amendment to Admin 8 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 7

(Elections), Sections 7-2-5 And 7-2-13, Relating to Election Precincts and Polling Places to move the polling place for Holmes #1 precinct to the Woodrow Wilson Library, located at 6101 Knollwood Drive, Falls Church. Holmes #1 and Holmes #2 are currently co-located at the Baileys Elementary School. Moving Holmes #1 to the library will help reduce potential lines and parking problems at Baileys Elementary for the 2016 elections. This was accepted.

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

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), REGARDING NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) ATLAS 14 RAINFALL DATA

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on December 9, 2015, and before the Board on **February 2, 2016, at 4 p.m.**, to consider proposed amendments to Chapter 6 (Storm Drainage) and Chapter 13 (PFM Structure, Interpretations, Definitions, Abbreviations, and Unit Conversion Tables) of the PFM, regarding the NOAA Atlas 14 rainfall data. The proposed amendments are necessary to utilize the latest and most comprehensive rainfall data available in the design of storm drainage facilities, floodplain determinations, and adequate outfall determinations.

ADMIN 2 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

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

- Alex Blake Holleman (312)

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR A SPOT BLIGHT ABATEMENT ORDINANCE FOR 3506 ELMWOOD DRIVE, ALEXANDRIA, VA 22303 (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 12, 2016, at 4 p.m.**, to consider a Spot Blight Abatement Ordinance for 3506 Elmwood Drive, Alexandria, VA, 22303, Tax Map Number 082-2 ((13)) 0073.

ADMIN 4 – INSTALLATION OF A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SULLY DISTRICT)

Endorsed the installation of a “Watch for Children” sign on Ayreshire Road (Sully District).

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE AND PROVIDENCE DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Dulles Station at Dulles Corner (Sayward Boulevard)	Dranesville	Sayward Boulevard Sunrise Valley Drive (Route 5320) [Supplemental Right-of-Way (ROW) Only]
Willow Oaks Corporate Center (Willow Oaks Corporate Drive)	Providence	Willow Oaks Corporate Drive Willow Oaks Corporate Drive (Route 8200) (Supplemental ROW Only) Williams Drive (Route 5162) (Supplemental ROW Only)

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE HUNTER MILL AT MYSTIC MEADOW ROUNDABOUT (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 8, 2015, at 3:30 p.m.**, on the acquisition of certain land rights necessary for the construction of Project 2G40-028-006, Hunter Mill at Mystic Meadow Roundabout, in Fund 40010, County and Regional Transportation Projects.

ADMIN 7 – EXTENSION OF REVIEW PERIOD FOR A 2232 APPLICATION (MOUNT VERNON DISTRICT)

Authorized the extension of review period for the following Public Facility (2232) Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-V15-1	Department of Public Works and Environmental Services 2219 Fairfax Terrace Alexandria, VA Mount Vernon District	December 31, 2015

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), SECTIONS 7-2-5 AND 7-2-13, RELATING TO ELECTION PRECINCTS AND POLLING PLACES

(A) (NOTE: Earlier in the meeting, this item was amended. See page 6.)

Authorized the advertisement of a public hearing to be held before the Board on **December 8, 2015, at 3:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to:

- Divide Aldrin and North Point precincts to create a new precinct and establish its polling place
- Move the polling place for North Point precinct
- Move polling places for McLean and Fountainhead precincts
- Correct the descriptions of McLean and Kirby precincts
- **Move the polling place for Holmes #1 precinct**

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 16115 FOR VARIOUS COUNTY AGENCIES TO ACCEPT DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUBGRANT AWARDS FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY (HSEMA)

(SAR) Approved SAR AS 16115 for various County agencies to accept DHS UASI subgrant awards from HSEMA in the amount of \$14,042,320. These funds will be used to enhance security and overall preparedness by implementing the projects summarized in Attachment 1 of the Board Agenda Item. All projects will be implemented in accordance with the program guidance documents. Funding will continue to support five full-time exempt existing grant positions. The County is under no obligation to continue these positions when the grant funding expires. No local cash match is required.

ADMIN 10 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (NCS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG), ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM, IN SUPPORT OF THE PURCHASE OF WHEELCHAIR-LIFT EQUIPPED VEHICLES

Authorized NCS to apply for and accept grant funding, if received, from COG, in the amount of \$300,000, including \$60,000 in local cash match to support the purchase of five wheelchair lift-equipped vehicles to replace high-mileage vehicles currently owned by the County. The required 20 percent local cash match is available in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve. No new County funding will be necessary. There are no grant positions associated with the award.

ADMIN 11 – AUTHORIZATION FOR THE CERTIFICATION OF CONSISTENCY WITH THE CONSOLIDATED PLAN AS REQUIRED BY US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO APPLY FOR CONTINUUM OF CARE (CoC) PROGRAM FUNDING

Authorized the County Executive to sign the Certification of Consistency with the Consolidated Plan as required by HUD to apply for CoC program funding in the amount of \$8,886,212 to support 30 homeless assistance projects.

13. **A-1 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF REVENUE BONDS FOR THE BENEFIT OF THE OAKCREST SCHOOL**
(11:48 a.m.)

(BONDS)

(R)

On motion of Supervisor Hudgins, seconded by Chairman Bulova, and 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,” the Board concurred in the recommendation of staff and adopted a Resolution for the EDA to issue revenue bonds in an amount up to \$12 million for the benefit of the Oakcrest School.

14. **A-2 – APPROVAL OF STATE LITTER PREVENTION AND RECYCLING GRANT FUNDING TRANSFER TO CLEAN FAIRFAX COUNCIL, INCORPORATED** (11:49 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 approved the transfer of State Litter Prevention and Recycling grant funding in the amount of \$129,453 to Clean Fairfax Council, Incorporated.

15. **A-3 – APPROVAL OF A RESOLUTION ENDORSING PROJECTS BEING SUBMITTED FOR FISCAL YEAR (FY) 2017 REGIONAL FUNDING THROUGH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA)** (11:50 a.m.)

- (R) Supervisor McKay moved that the Board concur in the recommendation of staff and adopt a Resolution endorsing 10 County transportation projects and a project submitted by the Washington Metropolitan Area Transit Authority (WMATA) for NVTA's regional funding for FY 2017. Supervisor Foust and Supervisor Hyland jointly seconded the motion.

Following discussion, with input from Tom Biesiadny, Director, Department of Transportation, Supervisor Cook asked to amend the motion to clarify and correct the description of the Braddock Road project. This was accepted.

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

16. **A-4 – APPROVAL OF A PROJECT AGREEMENT FOR NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) FUNDING FOR THE INNOVATION CENTER METRORAIL STATION PROJECT (DRANESVILLE DISTRICT)** (11:51 a.m.)

- (R) On motion of Supervisor Foust, 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 out of the room, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the Director of the Department of Transportation to execute a standard project agreement, in substantial form, with NVTA for \$28 million in funding to support the Innovation Station Metrorail project.

17. **A-5 – APPROVAL OF A PROCESS TO ASSIGN, PRIORITIZE, TRACK, REVIEW, AND CONSIDER FOR APPROVAL OR IMPLEMENTATION THE RECOMMENDATIONS CONTAINED IN THE FINAL REPORT OF THE AD HOC POLICE PRACTICES REVIEW COMMISSION, DATED OCTOBER 8, 2015** (11:52 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and approve the process designed to assign, track, and consider all of the recommendations contained in the Ad Hoc Police Practices Review Commission's final report, dated October 8, 2015. The second to this motion was inaudible.

Edward L. Long Jr., County Executive and David Rohrer, Deputy County Executive, made remarks on the process being recommended.

Discussion ensued regarding:

- Including on the matrix of recommendations the entities assigned and responsible for each recommendation
- Identifying budget costs and developing a plan for how to pay for costs associated with the recommendations
- Identifying recommendations that require Legislative action
- Continued involvement in the process through the Board's Public Safety Committee
- Reaching out to localities who are already using body-worn cameras, with Henrico County being suggested
- Community involvement in the process at the local district level

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

18. **A-6 – ENDORSEMENT OF PRINCIPLES AND INTERIM COMMENTS ON THE I-66 INSIDE THE BELTWAY MULTIMODAL IMPROVEMENT PROJECT FRAMEWORK AGREEMENT (DRANESVILLE, MASON AND PROVIDENCE DISTRICTS)** (12:06 p.m.)

Tom Biesiadny, Director, Department of Transportation, gave a presentation regarding this item.

Discussion ensued regarding:

- Evaluating the effects of tolling on parallel roadways and neighborhood streets
- Impact on revenues when the reverse commute is not tolled
- Use of toll revenues to fund transit projects in the corridor

Supervisor McKay moved that the Board concur in the recommendation of staff and endorse the principles and interim comments on the I-66 Inside the Beltway Multimodal Improvement Project Framework Agreement as outlined in the Board Agenda Item, and contained in a letter to Secretary of Transportation

Aubrey Layne and Northern Virginia Transportation Commission (NVTC) Chairman David Snyder. Chairman Bulova and Supervisor Hudgins jointly seconded the motion.

Discussion ensued with input from Mr. Biesiadny, regarding:

- Tolling without additional travel lane capacity
- Addressing congestion in the counter-flow direction
- Board endorsement of the Principles and Framework
- Looking for continued progress on issues raised by the County

Supervisor Herrity asked to amend the motion to add the following language to the first and second to last paragraph of the letter: **“Widening I-66 with an additional east bound lane from I-495 to Ballston is essential for reducing congestion, and is a proper use for toll revenue. Therefore, the County supports amending the plan to provide for immediate design and construction of this additional lane, beginning at the onset of the project.”** Supervisor Cook seconded the motion.

Supervisor Smyth asked to amend the motion to remove **“I-495”** and add **“...from the Dulles connector...”** This was accepted.

Discussion ensued, with input from Mr. Biesiadny, regarding the process for adding an additional travel lane, funding sources, toll revenues, triggers, and that no design work has been done for inside the beltway.

Supervisor Foust asked to amend the motion by revising the second sentence to read: **“Therefore, the County supports amending the plan to include the design and construction of the additional lane.”** Following discussion, he revised the sentence to read: **“Therefore, the County supports amending the plan to eliminate the so called triggers and instead include the design and construction of the additional lane.”** This was accepted.

Following discussion on the revisions, the amendment to the motion, to be added to the first and second to last paragraph of the letter, was clarified as follows:

“Widening I-66 with an additional east bound lane from the Dulles connector to Ballston is essential for reducing congestion, and is a proper use for toll revenue. Therefore, the County supports amending the plan to eliminate the so called triggers and to instead include the design and construction of this additional lane.”

The question was called on the amendment to the motion and it **CARRIED** by a recorded vote of six, Chairman Bulova, Supervisor Gross, Supervisor Hudgins, and Supervisor McKay voting “**NAY**.”

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the main motion to include the following additional language that was recommended by the Fairfax County Chamber of Commerce in a letter to Virginia Secretary of Transportation Aubrey Layne:

- Establish an appropriate trigger for the widening I-66 inside the Beltway, of an average speeds of 55 miles per hour (mph)
- The evaluation period for widening should include the period in which the road is tolled one-half hour before and after tolling commences and ceases
- The evaluation of parallel roadways

Supervisor Hyland seconded the motion. Following discussion regarding the average speed, Supervisor Herrity asked to amend the first bulleted item of the motion to include “**...falls below an average speed of 55 mph, including the counter peak direction.**” This was accepted.

Discussion ensued, with input from David P. Bobzien, County Attorney, regarding the motion.

Following discussion on the edits, staff was directed to incorporate all the amendments made to the letter and bring it back for review later in the meeting.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

(NOTE: Later in the meeting, additional action was taken regarding the letter. See Clerk’s Summary Item #38.)

19. **I-1 – PHASE 2 – CONSULTING SUPPORT FOR NG9-1-1 PROGRAM MANAGEMENT AND TECHNICAL ASSISTANCE FOR REGIONAL PROCUREMENT ACTIVITIES** (1:13 p.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2015, announcing that the County Purchasing Agent will proceed with a contract award to Mission Critical Partners (MCP) for consulting support for Phase 2 NG9-1-1 Program Management and Technical Assistance for Regional Procurement Activities.

20. **I-2 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FEE SCHEDULE** (1:13 p.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2015, announcing that the County Executive will direct staff to proceed with the implementation of the new Fee Schedule. Sufficient advance notice of fee changes must be given to consumers.

21. **ORDERS OF THE DAY** (1:15 p.m.)

Following a query to David P. Bobzien, County Attorney, regarding the length of time needed for closed session, Chairman Bulova announced that Board Matters would be considered later in the meeting, following public hearings.

(NOTE: Later in the meeting, Board Matters were presented. See Clerk's Summary Items #27–28, and #43–61.)

22. **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. *David T. Clenney v. Officer V.R. Swartz*, Case No. 15-1535 (U.S. Ct. of App. for the Fourth Circuit)
 2. *Joyce Banin v. Brian Byerson*, Case No. 15-1037 (U.S. Ct. of App. for the Fourth Cir.)
 3. *Gerard Morrison, Christopher Thompson, Elton Polen, Jr., Calvin Alexander, Michael Allen, Rocco*

Alvaro, Thomas Arnold, William Atwell, Robert Banasik, Timothy Barb, Todd Barb, Mathew Barnhart, Mervin Barrera, Oscar Beasley, William Best, Jr., Bill Betz, Daniel Borden, Jr., Edward Bowman, Fred Brandell, Donald Brasfield, Christopher Brown, Jon Bruley, Clyde Buchanan, Carlton Burkhammer, Robert Burlingame, Matthew Burns, Leo Burt, Leroy Butler, Jr., Keith Cerzullo, John Chesek, Jr., Michael Ciarrocchi, Steven Clark, Bradford Cochrane, Jr., Thomas Connolly, David Conrad, Arthur Cox, Dustin Cramer, Tracy Crawford, Keith Cross, Charles Cunningham, Eric Cunningham, Danny Daniels, II, Michael Davis, Troy Dean, Yolanda Demark, Samuel Devera, Keith Dubetsky, Brian Edmonston, Kevin Edwards, Derek Edwards, Felecia Edwards, Sean Evans, Mark Feaster, Michael Fischer, Colin Flanigan, Thomas Flint, Michael Fontana, Ramiro Galvez, Michael Garcia, Kenneth Geffen, Jared Goff, George Gonzalez, Todd Gorham, Samuel Gray, Raymond Griffin, Wesley Grigg, David Gruendel, Mark Guditus, David Hall, James Harrison, III, Sheryl Hemingway, Charles Henderson, Kit Hessel, John Higginbotham, James Hobgood, Kimberly Hood, Trenton Houghton, Gregory Hunter, James Iacone, James Istvan, Michael Istvan, Anthony Jackson, James Johnson, Reginald Johnson, Thomas Johnson, Walter Johnson, Joseph Kaleda, Glenn Kaplan, Patrick Kelly, Rebecca Kelly, William Kingdon, Joseph Kiser, Robert Kitchen, Joseph Knerr, Robert Konczal, Tony Kostecka, Ronald Kuley, Richard Lancing, David Lange, James Lee, John Leete, Jeffrey Lewis, Robert Lison, Matthew Lopez, William Lynch, Barry Maham, Michael Marks, Charles Martin, James Masiello, Glenn Mason, Corey Matthews, Thomas Mayhew, Steven McFarland, Roger McGehee, Richard McKinney, Jr., Kerwin McNamara, Francis Mensah, Mark Menton, Joseph Merritt, Jr., Stephen Miller, Robert Mohler, Jeffrey Mongold, Donald Montague, Brian Moravitz, John Morris, Richard Moxley, John Niemiec, Bryan Nix, Jr., Steven Norris, Stephen O'Brien, Milton Painter, Joseph Palau, III, Dennis Passmore, Gary Pemberton, John Peters, Dallas Phillips, Ralph Pisani, Charles Pullen, E. Martin Ranck, III, Barry Rathbone, John Richter, Natalie Robb, Ronnie Rodriguez, Matthew Ryan, William

Schellhammer, III, Mark Schroeder, David Schwarzmann, Michael Sease, II, David Sellers, Daniel Shaw, Richard Smith, Scott Smith, Michael Snapp, James Sticklen, Rex Strickland, Cheri Stroup, Ronald Sydnor, Kendall Thompson, Lorenzo Thrower, Christopher Tilles, David Tobin, Jeffrey Tolle, Glenn Tschann, William Vannoy, Donald Vaught, Jack Walmer, Jr., John Walser, Thomas Wealand, Oscar Wells, Wayne Wentzel, Michael Whetsell, Paul White, Kenneth Wildman, Jerome Williams, Marcus Williams, Elton Wright v. County of Fairfax, Virginia, Case No. 14-2308 (U.S. Ct. of App. for the Fourth Cir.)

4. *Cellco Partnership d/b/a Verizon Wireless and CWS VII, LLC v. Fairfax County, Virginia, and The Board of Supervisors of Fairfax County, Virginia, Civil Action No. 1:15cv2 (E.D. Va.) (Dranesville District)*
5. *Francis Philip Wiafe v. Bruce Patrick, Case No. CL-2015-0006119 (Fx. Co. Cir. Ct.)*
6. *David J. Laux and Tara K. Laux a/k/a Tara K. Long v. Board of Supervisors of Fairfax County, James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and the Commonwealth of Virginia, Civil Action No. 15cv1334 (E.D. Va.) (Mason District)*
7. *Board of Supervisors of Fairfax County and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long, Case No. CL-2014-0013597 (Fx. Co. Cir. Ct.) (Mason District)*
8. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services and Brian J. Foley, Fairfax County Building Official v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long, Case No. CL-2015-0007970 (Fx. Co. Cir. Ct.) (Mason District)*

9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robinson Socrates Nunn and Glanetta Miller*, Case No. CL-2015-0003878 (Fx. Co. Cir. Ct.) (Hunter Mill District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ross Spagnolo*, Case No. CL-2011-0005847 (Fx. Co. Cir. Ct.) (Providence District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2010-0002573 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2012-0019078 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John Hicks, Betty Pearson-Pavone, Dallas Hicks, Harold E. Pearson, Alice Hicks, and Edward Hicks*, Case No. CL-2012-0013536 (Fx. Co. Cir. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John Hicks, Betty Pearson-Pavone, Dallas Hicks, Harold E. Pearson, Alice Hicks, and Edward Hicks*, Case No. CL-2014-0011059 (Fx. Co. Cir. Ct.) (Providence District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jose S. Portillo and Francisca E. Portillo*, Case No. CL-2014-0016150 (Fx. Co. Cir. Ct.) (Providence District)

17. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Janak R. Sachdev and Neelam Sachdev*, Case No. CL-2014-0010732 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Helen M. Parker-Smith*, Case No. CL-2014-0001775 (Fx. Co. Cir. Ct.) (Providence District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Adina Gurbutwal*, Case No. CL-2015-0010657 (Fx. Co. Cir. Ct.) (Springfield District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose S. Portillo and Francisca E. Portillo*, Case No. CL-2015-0010341 (Fx. Co. Cir. Ct.) (Providence District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Farah F. Devlin*, Case No. CL-2015-0009304 (Fx. Co. Cir. Ct.) (Providence District)
22. *Gregory Shawn Mercer v. Fairfax County Department of Code Compliance*, Case No. CL-2015-0005623 (Fx. Co. Cir. Ct.) (Providence District)
23. *Board of Supervisors of Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. WM/Olayan Holdings, LLC*, Case No. CL-2015-0013847 (Fx. Co. Cir. Ct.) (Providence District)
24. *Jonathan Clark and Carolyn Clark v. Commonwealth of Virginia State Building Code Technical Review Board and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia*, CL-2015-0014214 (Fx. Co. Cir. Ct.) (Mason District)
25. *In Re: Decision of September 17, 2014, of the Board of Zoning Appeals of Fairfax County, Virginia; Jonathan Clark and Carolyn Clark v.*

Fairfax County Board of Zoning Appeals, Board of Supervisors of Fairfax County, Leslie B. Johnson, Zoning Administrator, and Jeffrey L. Blackford, Director, Department of Code Compliance, CL-2014-0013587 (Fx. Co. Cir. Ct.) (Mason District)

26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Joyce P. Borden, Case No. CL-2014-0008508 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
27. *Board of Supervisors of Fairfax County, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Robert B. Allocca, Case No. CL-2015-0013008 (Fx. Co. Cir. Ct.) (Providence District)*
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Truc Anh Nguyen and Tan Le, Case No. CL-2015-0013512 (Fx. Co. Cir. Ct.) (Providence District)*
29. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Hossein Nilforoush, Case No. CL-2015-0013513 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
30. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Romulo Castro and Blanca B. Castro, Case No. CL-2015-0013768 (Fx. Co. Cir. Ct.) (Providence District)*
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael A. Maestri and Diane R. Maestri, Case No. GV15-010625 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carlton W. Powell, Case No. GV15-010624 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phuong M. La, Case Nos. GV15-*

014202 and GV15-014203 (Fx. Co. Gen. Dist. Ct.)
(Providence District)

34. *Abelardo Brito-Trujillo v. Moufid M. Khoury*, Case No. GV15-023706 (Fx. Co. Gen. Dist. Ct.)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jennifer L. Audibert and Joseph G. Henry*, Case Nos. GV15-019074 and GV15-019075 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)
36. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jennifer C. Markley*, Case No. GV15-019382 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
37. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. George E. Gonzalez*, Case No. GV15-023668 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Andrea Viski and Brian Lucas*, Case No. GV15-023665 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Herber Joya and Yessina Giron*, Case No. GV15-023669 (Fx. Co. Gen. Dist. Ct.) (Mason District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Alexis O. Rodriguez and Maria Claribe Argueta de Rodriguez*, Case No. GV15-023666 (Fx. Co. Gen. Dist. Ct.) (Mason District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ara Kim*, Case No. GV15-023667 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Osool Holding, LLC*, Case No. GV15-023917 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
43. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Rose*

Atwood, Case No. GV15-023918 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

And in addition:

- In regards to October 7, 2015, Decision of the Board of Zoning Appeals; Russell M. Jaffee; CL-2015-0014745

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

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At 3:22 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

23. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:22 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."

AGENDA ITEMS

24. **A-6 – ENDORSEMENT OF PRINCIPLES AND INTERIM COMMENTS ON THE I-66 INSIDE THE BELTWAY MULTIMODAL IMPROVEMENT PROJECT FRAMEWORK AGREEMENT (DRANESVILLE, MASON AND PROVIDENCE DISTRICTS)** (3:22 p.m.)

(NOTE: Earlier in the meeting, the Board considered this item. See Clerk's Summary Item #18.)

Chairman Bulova announced that a copy of the letter, regarding the principles and comments on I-66 inside the Beltway, that the Board discussed earlier had been distributed around the dais. She asked Board Members to review it to ensure it captures what was discussed earlier.

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Summary Item #38.)

25. **3 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2016 VIRGINIA GENERAL ASSEMBLY** (3:22 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2015.

Claudia Arko, Legislative Director, presented the staff report, noting that:

- The County's Legislative Committee has held three meetings. The fourth and final meeting of 2015 is scheduled for Tuesday, November 24.
- December 8 – the Board will adopt its Legislative Program, and later in the day will meet with the General Assembly delegation in a work session to present the County's legislative program

Supervisor McKay, Chair of the Legislative Committee, gave a brief presentation regarding the Virginia General Assembly process, noting that:

- Later in the meeting he will present a Board Matter concerning action taken at the Virginia Association of Counties regarding funding for education
- The Board will host a reception in Richmond in February for members of the General Assembly

Following the public hearing, Chairman Bulova announced that the record will remain open for individuals to provide written comments.

(NOTE: Later in the meeting, a Board Matter was presented regarding funding for education. See Clerk's Summary Item #53.)

26. **ORDERS OF THE DAY** (3:27 p.m.)

Noting that the next public hearing is scheduled for 3:30 p.m. and the Board cannot proceed with it until that time, Chairman Bulova announced that she would present a Board Matter.

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ADDITIONAL BOARD MATTERS

27. **REQUEST FOR RECOGNITION** (3:28 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a proclamation and send

it electronically to the Bangladeshi-American Community of Greater Washington Metro to recognize their twelfth Annual Pitha Utshob Cultural Festival. Without objection, it was so ordered.

28. **DRAFT FINAL REPORT OF THE COMMISSION ON INTEGRITY AND PUBLIC CONFIDENCE IN STATE GOVERNMENT** (3:28 p.m.)

Chairman Bulova said that on October 19, Governor McAuliffe's Commission on Integrity and Public Confidence in State Government held its final meeting and adopted the recommendations contained in this draft report, which are presented alongside those approved in 2014. These recommendations are broad, pragmatic reforms aimed at improving transparency in all areas of state and local government.

Of most interest to localities like the County are gift disclosure rules and prohibitions. The Board is already familiar with the changes to disclosure rules and new prohibitions on gifts approved by the General Assembly earlier this year, and the County Attorney will continue to review these restrictions and advise as appropriate.

In the 2014 General Assembly session, lawmakers gave the Virginia Conflict of Interest and Ethics Advisory Council authority to work with the Secretary of the Commonwealth and the Attorney General when violations of the disclosure rules and prohibitions occur and to provide advisory opinions, receive and maintain disclosure forms, create an online database, and consider and act on applications for waivers related to travel expenses for public purposes. While there was a delay in funding and appointing members to the expanded Advisory Council, an Executive Director has been hired and funding is in now place.

The General Assembly did not act on the Commission's 2014 recommendations regarding redistricting. Those recommendations include the establishment of nonpartisan criteria, a state constitutional amendment creating an independent commission, and a short-term process for 2015 redistricting while awaiting the two-year process for constitutional amendments to conclude.

For the 2016 legislative session, the Commission recommends tighter restrictions on personal use of campaign funds. Currently, personal use is prohibited following the closure of the campaign account. The Commission recommends expanding it to prohibit personal use while the account is open.

The Commission also recommends new disclosure rules on large gifts from personal friends. The Commission approved numerous recommendations related to the General Assembly, Registrars, and Electoral Board members, and the funding of a Governor-elect transition office.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

AGENDA ITEMS

29. **3:30 P.M. – DECISION ONLY ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, TO ADOPT A NEW CHAPTER 108.1 (NOISE ORDINANCE), REPEAL CHAPTER 108 (NOISE), AND REPEAL CHAPTER 5 (OFFENSES), ARTICLE 6 (EXCESSIVE SOUND GENERATION IN RESIDENTIAL AREAS AND DWELLINGS ORDINANCE)** (3:33 p.m.)

(NOTE: On May 12, 2015, the Board held a public hearing regarding this item and deferred decision until June 23, 2015. On June 23, 2015, the Board held a public hearing regarding this item and deferred decision until November 17, 2015.)

Following comments, Supervisor Frey moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, to:
 - Adopt a new Chapter 108.1 (Noise Ordinance), as contained in Attachment 1 of the Board Agenda Item and dated October 22, 2015
 - Repeal the existing Chapter 108 (Noise)
 - Repeal Chapter 5 (Offenses), Article 6 (Excessive Sound Generation in Residential Areas and Dwelling Ordinance)
- The proposed amendments become effective February 17, 2016, to provide time for staff training, update relevant County websites, and prepare information items to assist the public and staff in understanding the new regulations.
- To direct staff to monitor the effectiveness and impact of the new Noise Ordinance for an 18 month period after its enactment and report whether any adjustments to the Ordinance are needed.

Supervisor Hyland seconded the motion.

Supervisor Foust stated that Bill Curran, Student Activities and Athletics Director, Fairfax County Public Schools, had presented the Schools' Public Address and Amplification System Guidelines proposal in draft form.

Therefore, he asked unanimous consent that the Board direct staff to report with information regarding the proposal, confirm that it is being implemented in the schools, and provide a copy of the final proposal. Following discussion, with

input from Leslie Johnson, Zoning Administrator, Department of Planning and Zoning, without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff ensure that when the criteria is formally adopted a copy is attached to the Noise Ordinance. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion continued, with input from Ms. Johnson, regarding:

- The waiver application filing date
- Dog Parks – exemption from certain provisions of the ordinance; outreach efforts to Park Authority and citizens regarding usage when daylight saving time changes

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to monitor and track how things are working. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Hyland asked unanimous consent that the Board direct staff to include Animal Control in its outreach efforts. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct the Park Authority to report with information regarding the changes made to signage at dog parks prior to implementation of the ordinance. Without objection, it was so ordered.

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.”

30. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 107 (PROBLEM SOILS), TO UPDATE THE COUNTY SOILS MAP** (3:58 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 October 30 and November 6, 2015.

Thakur Dhakal, Site Code Research and Development Branch, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Mr. Dhakal presented the staff and Planning Commission recommendation.

Discussion ensued, with input from Mr. Dhakal, regarding the notification process and action required for proposed developers and/or property owners.

Discussion continued, with input from Dan Schwartz, Soil Scientist, Northern Virginia Soil and Water Conservation District, who noted that the:

- Soils Maps are being updated to show the expanded extent of the area
- Virginia Department of Transportation (VDOT) has been notified regarding proper precaution measures for problem soils

With regard to VDOT notification, Supervisor Smyth expressed her hope that the information be reiterated to VDOT.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 107 (Problem Soils), adopting the proposed Amendment to the 2011 Official County Soils Map, related to the extent of Naturally-Occurring Asbestos (NOA). Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Cook being out of the room.

31. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING DONATION DROP-OFF BOXES** (4:05 p.m.)

(O) (NOTE: On October 6, 2015, the Board deferred this public hearing until November 17, 2015.)

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 October 30 and November 6, 2015.

Heath Eddy, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), presented the staff report.

Following discussion regarding property owners authorizing/consenting the location of the drop-off boxes, with input from Mr. Eddy, Chairman Bulova suggested that staff monitor the issue to ensure compliance.

Supervisor McKay raised a question regarding existing drop-off boxes which do not meet the proposed requirements and whether violation enforcement would begin immediately, with input from Leslie Johnson, Zoning Administrator, DPZ.

If the proposed amendments are approved, Supervisor McKay asked unanimous consent that the Board direct staff to provide zoning language that mirrors the proposed ordinance to be considered for future proffers. Without objection, it was so ordered.

Following additional discussion concerning the location of drop-off boxes, Supervisor Gross raised a question regarding the Barcroft Plaza location, with input from Michelle Ohare, Deputy Zoning Administrator, DPZ.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), addressing donation drop-off boxes. Supervisor McKay seconded the motion.

Discussion ensued, regarding the process and expectations for enforcement, with input from Elizabeth Perry, Code Authority Strategic Initiative Manager, Department of Code Compliance.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information regarding enforcement. Without objection, it was so ordered.

Discussion continued, regarding proper use of the donation drop-off boxes, with input from Ms. Perry.

Following a brief discussion, with input from Ms. Johnson, Supervisor Gross clarified that the motion to approve is subject to the proposed amendments dated September 14, 2015.

Chairman Bulova said that the approval is with the understanding that staff will monitor the drop-off boxes and provide information regarding the enforcement process.

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."

32. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41.1 (ANIMAL CONTROL AND CARE), REGARDING CRUELTY TO ANIMALS, INCLUDING DOG TETHERING** (4:39 p.m.)

(O) (NOTE: On October 20, 2015, the Board deferred this public hearing until November 17, 2015.)

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 October 2 and October 9, 2015.

Chairman Bulova announced that Supervisor Frey has reached out to some of the organizations that have had some concerns and questions about the proposed amendment, and has made a few changes to it.

Supervisor Frey gave remarks regarding the changes he proposed to be included in the amendment with the following language:

- **“Unless the dog is under the direct supervision and control of its owner or custodian.”**

He stated that the change is being proposed to provide clarity on what constitutes tethering.

Chairman Bulova noted that the County currently does not have an animal cruelty ordinance, however the State Code does. Discussion ensued, with input from John Burton, Assistant County Attorney.

Captain John Naylor, Director of Animal Control, Police Department, presented the staff report.

Supervisor Smyth raised a question regarding whether there is a legal definition for “direct supervision and control,” with input from Mr. Burton and Captain Naylor.

Chairman Bulova recognized the presence of Dean Lynch, Deputy Director, Virginia Association of Counties. On behalf of the Board, she warmly welcomed him to the Board Auditorium.

The public hearing was held and included testimony by 11 speakers.

Following the testimony of Alice Harrington, Legislative Liaison, Virginia Federation of Dog Clubs and Breeders (Speaker Five), discussion ensued, with input from Mr. Burton, regarding the time limitations for tethering.

Following the testimony of Jennifer Toussaint, an Arlington County Animal Control Officer (Speaker Eight), Supervisor Hyland raised a question regarding the number of tethering cases Arlington County has prosecuted successfully under its ordinance, with input from Ms. Toussaint.

Following the testimony of Mr. Forrest Higginbotham (Speaker Nine), Supervisor Smyth raised a question regarding how extensive the problem of dog tethering is in the County, with input from Mr. Higginbotham, who is an Animal Control Officer for the County, Mr. Burton, and Sergeant Allison Schwartz, Animal Control.

Captain Naylor presented the staff recommendation.

A brief discussion ensued, with input from Mr. Burton, regarding the County's authority to proceed with the amendments under the Dillon Rule.

Following remarks, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care), as contained in the staff report, with the change outlined in the handout which was distributed today. The change is to page 2, line 37, after the phrase "as amended," and reads as follows: "...unless the dog is under the direct supervision and control of its owner or custodian." Supervisor McKay seconded the motion.

Following remarks, Supervisor Herrity moved a substitute motion to refer the entire ordinance amendment to a committee where a discussion can be held on how best to focus on the impact on the health and welfare of the animal, rather than on a one-hour per 24-hour arbitrary limit. Supervisor Smyth seconded the motion.

Discussion ensued, with input from several Board Members expressing their views/concerns and support/non-support of the motion.

Supervisor Herrity clarified that his motion is to defer the entire amendment.

Discussion continued, with Board Members expressing their views/concerns and support/non-support of the motion.

The question was called on the substitute motion and it **FAILED** by a recorded vote of six, Supervisor Cook, Supervisor Herrity, Supervisor Hudgins, and Supervisor Smyth voting "AYE."

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

33. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S13-CW-T1, LELAND ROAD EXTENSION, LOCATED WEST OF THE CURRENT TERMINUS AT PICKWICK ROAD (SULLY DISTRICT)** (6:14 p.m.)

Leonard Wolfenstein, Section Chief, Department of Transportation, presented the staff report.

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

Supervisor Frey moved approval of Plan Amendment S13-CW-T1, as recommended by the Planning Commission and shown on pages 5-9 of the staff report dated September 2, 2015. Supervisor Hyland seconded the motion and it carried by unanimous vote.

34. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2015-IV-T1, NEWINGTON ROAD, LOCATED EAST OF CINDER BED ROAD AND WEST OF TELEGRAPH ROAD (MOUNT VERNON DISTRICT)** (6:21 p.m.)

Supervisor Hyland moved to defer the public hearing on Plan Amendment 2015-IV-T1 until **December 8, 2015, at 3 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

35. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE LONDON TOWNE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (6:22 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 October 30 and November 6, 2015.

Charisse Padilla, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by two speakers, Ms. Padilla presented the staff recommendation.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the London Towne CPD. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hudgins and Supervisor Hyland being out of the room.

36. **4 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON LEWINSVILLE ROAD – EASTERN PORTION (DRANESVILLE DISTRICT)** (6:31 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2015.

Steven Knudsen, Transportation Planner, Department of Transportation, presented the staff report.

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

Mr. Knudsen presented the staff recommendation.

Supervisor Foust moved adoption of the Resolution endorsing Lewinsville Road between Spring Hill Road and Dolley Madison Boulevard to be included in the Residential Traffic Administration Program for a through truck traffic restriction. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Smyth being out of the room.

37. **4:30 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON LEWINSVILLE ROAD – WESTERN PORTION (DRANESVILLE DISTRICT)** (6:54 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2015.

Steven Knudsen, Transportation Planner, Department of Transportation, presented the staff report.

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

Mr. Knudsen presented the staff recommendation.

Supervisor Foust moved adoption of the Resolution endorsing Lewinsville Road between Spring Hill Road and Leesburg Pike to be included in the Residential Traffic Administration Program for a through truck traffic restriction. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Smyth being out of the room.

38. **A-6 – ENDORSEMENT OF PRINCIPLES AND INTERIM COMMENTS ON THE I-66 INSIDE THE BELTWAY MULTIMODAL IMPROVEMENT PROJECT FRAMEWORK AGREEMENT (DRANESVILLE, MASON AND PROVIDENCE DISTRICTS)** (7:13 p.m.)

(NOTE: Earlier in the meeting this item was discussed and additional action was taken. See Clerk's Summary Items #18 and #36.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to remove the text added to page three of the letter. Following a brief discussion, with input from Tom Biesiadny, Director, Department of Transportation, regarding the change, without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

39. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ALTERNATIVE LENDING INSTITUTIONS** (7:14 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 October 30 and November 6, 2015.

Andrew Hushour, Deputy Zoning Administrator, Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued, with input from Mr. Hushour and Leslie Johnson, Zoning Administrator, DPZ, regarding:

- The current number of title and payday lenders in the County
- The total number located on Richmond Highway
- Rental cars that are being stored on these sites

Following the public hearing, which included testimony by two speakers, Mr. Hushour presented the staff and Planning Commission recommendation.

Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding alternative lending institutions. The proposed amendments become effective at 12:01 a.m. on November 18, 2015. Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Discussion ensued with several Board Members expressing their concerns regarding the current lending institutions.

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

40. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE TWINBROOK COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)** (7:37 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 October 30 and November 6, 2015.

Charisse Padilla, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Twinbrook CPD. The proposed District includes:

- Twinbrook Run Drive, from Boyett Court to the northern property line of parcel 69-3((9))-C, west side only
- Twinbrook Run Drive, from Boyett Court to Head Court, east side only

Supervisor Frey seconded the motion and it carried by a 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 being out of the room.

41. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO CONSIDER PARKING RESTRICTIONS ON PORT ROYAL ROAD, WOODRUFF COURT, AND FORBES PLACE (BRADDOCK DISTRICT)** (7:41 p.m.)

Supervisor Cook moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Appendix R, to consider parking restrictions on Port Royal Road, Woodruff Court, and Forbes Place until **January 12, 2016, at 4:30 p.m.** Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Smyth being out of the room.

42. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO CONSIDER PARKING RESTRICTIONS ON SULLYFIELD CIRCLE AND PARKE LONG COURT (SULLY DISTRICT)** (7:42 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 October 30 and November 6, 2015.

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

Following the public hearing, which included testimony by five speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Fairfax County Code Chapter 82 from parking on Parke Long Court and a portion of Sullyfield Circle from 9 p.m. to 6 a.m., seven days-per-week. Supervisor Herrity and Supervisor Hyland 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 Hyland, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Smyth being out of the room.

EBE:ebe

ADDITIONAL BOARD MATTERS

43. **SYRIAN BLANKET DRIVE** (7:59 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and reminded everyone about the Syrian Blanket and Coat Drive that each Board office is collecting for refugee families of Syria impacted by violence and dire conditions. She shared with Board Members a blanket pet which was donated by a member of a congregation in the County.

She noted that no County dollars are being used for this drive. Paxton Van Lines, a corporate volunteer, is picking up the blankets, jackets, and coats and delivering them to Maersk shipping, who will deliver them free of charge to Turkey.

The drive started on November 7 and will end on Saturday, December 5. However the last day to deliver them to Board offices will be Friday, December 4.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

44. **REQUEST FOR A COMPREHENSIVE PLAN AMENDMENT FOR PROPERTIES ON HUNTINGTON AVENUE (MOUNT VERNON DISTRICT)** (8:02 p.m.)

Supervisor Hyland said that Tax Map 83-1 ((1)) 33, 45, and 45A, along Huntington Avenue near the Interstate-495 and Telegraph Road interchange are just outside of the Transit Development area within the Huntington Transit Station area, but within the half-mile radius of the Huntington Metrorail station platform. The parcels are almost entirely developed with impervious surfaces, including aging buildings and surface parking lots. They are planned for office use up to an intensity of 0.30 floor area ratio (FAR). Given the significant environmental characteristics on these properties with their adjacency to Cameron Run, redevelopment at higher intensity on these properties should be evaluated to understand if environmental benefits and continued revitalization of the area could result from redevelopment, if sited and designed properly.

Therefore, Supervisor Hyland moved that the Board authorize staff to consider a plan amendment for mixed-use redevelopment to include residential and/or hotel and office uses up to an intensity of 3.0 FAR on Tax Map 83-1 ((1)) 33, 45, and 45A, along Huntington Avenue within Land Unit G of the Huntington Transit Station area. The authorization would be subject to an analysis of impacts on the transportation network; parks and recreation; and public facilities, including schools, among other elements. Consideration should be given to consolidation of the properties to facilitate redevelopment that would serve to improve environmental features.

Given the intensity to be considered, the expansion of the Transit Development area to include these properties should also be evaluated. It is understood that resources committed to the Embark Richmond Highway Study and other planning activities in the Huntington area such as the Huntington Club Plan amendment will influence the timing of this Plan amendment. This motion should not be construed as a favorable recommendation on the proposed Plan amendment or any subsequent rezoning or other applications with respect to the property. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

DET:det

45. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)** (8:05 p.m.)

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

46. **ARROWBROOK CENTRE, LLC EXPEDITED PROCESSING AND CONCURRENT SITE PLAN REVIEW (DRANESVILLE DISTRICT)**
(8:05 p.m.)

Supervisor Foust announced that Arrowbrook Centre has filed three concurrent rezoning applications, Proffered Condition Amendment Application PCA 2002 HM-043-02, Conceptual Development Plan Amendment Application CDPA 2002-HM-043, and Final Development Plan Amendment Application FDPA 2002-HM-043-03, to amend a portion of the previously approved mixed-use development with a 0.99 Floor Area Ratio (FAR) near the Innovation Center Transit Station. The applicant has been working with staff to address concerns about land consolidation and has recently acquired the entire property to address those concerns. Due to time sensitive deadlines related to the consolidation, this case should move forward as soon as possible.

Supervisor Foust moved that the Board direct staff to:

- Expedite the scheduling of the public hearing for Proffered Condition Amendment Application PCA 2002-HM-043-02 and the concurrent conceptual and final development plan amendment applications
- Concurrently process the associated site plan

These motions should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in anyway. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

47. **RECOGNIZING THREE NEIGHBORHOOD AND COMMUNITY SERVICES EMPLOYEES FOR SAVING THE LIFE OF A RESIDENT (DRANESVILLE DISTRICT)** (8:07 p.m.)

Supervisor Foust took the opportunity to recognize and commend the efforts of three staff members at the Herndon Senior Center that resulted in saving the life of a patron.

Cardiopulmonary Resuscitation/Automated External Defibrillator (CPR/AED) training is a lifesaver. It provides essential knowledge and skills so that in an emergency situation individuals are prepared to act and provide patients the best chance for survival. Herndon Senior Center staff had to put their training to use on what had been a quiet day. On September 16, Ms. Jeanne Alcazar, Ms. Kathy Fries, and Ms. Betsy Kiker were notified that one of the men playing badminton had collapsed. They immediately called 9-1-1 and got to work administering rescue breaths and chest compressions, following AED instructions. Emergency

Medical Technicians (EMTs) arrived and transported the man to a local hospital where he received additional care.

Thanks to the quick reaction and reliance on their training, they were able to provide critical emergency care in a situation where seconds and minutes really did matter.

Supervisor Foust asked unanimous consent that the Board direct staff to prepare certificates of recognition, to be signed by the Chairman and the Dranesville District Supervisor and presented to Ms. Alcazar, Ms. Fries, and Ms. Kiker at a future date at the Herndon Senior Center. Without objection, it was so ordered.

PMH:pmh

48. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (8:09 p.m.)

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

49. **APPOINTMENT TO THE LIBRARY BOARD (HUNTER MILL DISTRICT)** (8:09 p.m.)

(APPT) Supervisor Hudgins moved the appointment of Ms. Sheila Janega as the Hunter Mill District Representative to the Library Board. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

50. **HUNTER MILL DISTRICT OPEN HOUSE** (8:10 p.m.)

Supervisor Hudgins announced that Hunter Mill District will be hosting its open house on December 16 from 4:30–6:30 p.m. at the new location.

51. **LEGISLATIVE ITEMS** (8:11 p.m.)

Supervisor Hudgins referred two items to the Legislative Committee for review – the Town of Vienna’s 2016 Legislative Agenda as well as Social Action Linking Together (SALT) legislative priorities.

52. **REAFFIRMING SUPPORT FOR A SECOND POTOMAC CROSSING** (8:11 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Frey, Supervisor McKay, and Chairman Bulova, Supervisor Herrity said that the Board recently sent two letters in support of improvements to the American Legion Bridge (ALB). The first expressed support of the improvements to the ALB and endorsed the Commonwealth Transportation Board’s (CTB) study

recommendation to extend high occupancy transportation (HOT) lanes across the bridge to the I-270 spur in Maryland. The second was a follow up to its requests of 2012 (along with that of the Montgomery County Council) to add two lanes to the Beltway from the I-270 West Spur to Virginia for high-occupancy toll (HOT) lanes since little to no action has been taken. It also requested to have a provision made in the short term for transit priority on the seven-mile segment between the I-270 West Spur high-occupancy vehicle (HOV) lanes and the Dulles Access Road where Virginia's HOT lanes currently begin.

In the Board's discussions of these items, acknowledgment of the need for a new Potomac Crossing has been made; however, it was not explicitly stated in either letter. The Board has been contacted asking for clarification as to its stance on a new Potomac Crossing as a result of these letters. He expressed his belief that it is important for the Board to reiterate its support for a new Potomac Crossing. This is especially important given the CTBs upcoming meeting on Potomac River crossings.

Therefore, Supervisor Herrity moved that the Chairman, on behalf of the Board, send the letter (as contained with the written Board Matter) to the Governor and Secretary of Transportation, with a copy to CTB members, reiterating the Board's support for moving forward with a new Potomac River crossing in conjunction with the expansion of the ALB crossing. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

53. **STATE FUNDING FOR K-12 EDUCATION** (8:15 p.m.)

(NOTE: Earlier in the meeting, Supervisor McKay announced that a Board Matter would be presented regarding funding for education. See Clerk's Summary Item #25.)

In a joint Board Matter with Supervisor McKay and Chairman Bulova, Supervisor Gross said that State funding for K-12 education has long been a top legislative priority for the County. Unfortunately, the State's consistent underfunding of K-12 became even worse during the recent economic recession. Since Fiscal Year (FY) 2009, the State has made permanent, structural budget cuts to K-12 that have cost localities more than \$1.7 billion per biennium Statewide. State K-12 funding in FY 2016 remains below the FY 2009 level. Such cuts have required local governments to fill funding gaps with local revenues to maintain a quality public school system. Virginia localities spend \$3.55 billion more per year than required to match State K-12 funding because that is what it actually costs to run local school systems and provide a high quality education.

These State funding cuts have come at a time when localities are increasingly serving children with higher level needs, including special education students, those learning English as a second language, and those living in economically

disadvantaged households. It is critical that State funding respond to changing school demographics. A state that is in the top ten in income should not be in the bottom ten for state education funding, but that is where Virginia finds itself.

At the Virginia Association of Counties (VACo) meeting in August, it was proposed to the VACo Board of Directors that the organization make full-funding of K-12 an overarching priority in its advocacy efforts this year. That suggestion was agreed to unanimously and enthusiastically by localities throughout the Commonwealth - urban, suburban, and rural. In continuing that initiative, at last week's annual conference, the VACo Board of Directors adopted the resolution, which describes the funding challenges faced by localities and urges the Governor and General Assembly to fully fund K-12.

Supervisor Gross stated that it has been learned that the Governor intends to make K-12 funding a priority in his 2016-2018 biennium budget which will be released next month. The Virginia Municipal League (VML) has undertaken a similar effort, as have localities throughout the Urban Crescent - from Northern Virginia to Fredericksburg and Richmond through to Hampton Roads.

Therefore, jointly with Supervisor McKay and Chairman Bulova, Supervisor Gross moved that the Board endorse the VACo resolution and that the resolution be provided to the County General Assembly delegation at the work session next month where K-12 funding will be the featured topic of discussion. Supervisor McKay seconded the motion.

Following a brief discussion, with input from Claudia Arko, Legislative Liaison, regarding additional funding for the County, the question was called on the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

54. **2015 CHRISTMAS EVE HOLIDAY** (8:22 p.m.)

Supervisor Gross said that this year the Christmas holiday falls on Friday, December 25, with a half-day holiday for employees for Christmas Eve on Thursday, December 24. Given the timing of the holiday weekend, it makes sense to make Christmas Eve a full-day off which will give most County employees a well-deserved four-day weekend.

Therefore, Supervisor Gross moved that the Board amend the 2015 holiday calendar to grant a full-day holiday for County employees on December 24. For further reference, the 2016 holiday calendar was amended when the Board adopted it earlier this fall. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

55. **BOARD'S OWN MOTION - AUTHORIZATION AND CONCURRENCE FOR THE TEMPORARY JEFFERSON FIRE STATION NUMBER 18 AND THE EXPEDITED AND CONCURRENT PROCESSING OF THE REZONING APPLICATION AND SITE PLANS FOR THE PERMANENT JEFFERSON FIRE STATION AT 3101 HODGE PLACE (MASON DISTRICT)** (8:23 p.m.)

Supervisor Gross said that the Department of Public Works and Environmental Services (DPWES) is currently working on construction plans for the replacement of the existing Jefferson Fire Station which is located at 3101 Hodge Place on the southeast corner of Woodley Avenue and Hodge Place [Tax Map 50-3 ((4)) B]. This site is approximately 1.2 acres in size and is currently zoned C-5. The project would demo the existing facility and erect an approximately 17,674 square foot, 5-bay facility to accommodate the proposed floor area ratio (FAR); the site will be rezoned to the R-4 District which will be in harmony with the Comprehensive Plan. The new station will, among other improvements, provide adequate accommodations for female fire fighters as well as additional and improved storage for contemporary fire equipment. A temporary off-site fire station is required to keep the station functioning while the new station is constructed on the existing site. An interim site has been identified at the southeast corner of South Street and Annandale Road [Tax Map 50-4 ((1)) 5A and 50-4 ((21)) 1 and 2] which is currently a vacant property zoned C-2 and C-5 and will be leased by the County. No rezoning or special exception will be needed for the temporary facility although it will be subject to a 2232 review.

Staff is currently preparing a 2232 application for the temporary fire station site and a Board's own motion application for a rezoning for the permanent station site to permit the necessary FAR. For this project to proceed on schedule it will be necessary to expedite and concurrently process the site plan for the permanent facility, while the 2232 application is being processed for the temporary facility.

Therefore, Supervisor Gross moved that the Board:

- Authorize and concur in the filing of any and all necessary zoning applications/permits, including the determination under Section 15.2-2232 of the Code of Virginia, to facilitate the construction of both the temporary and permanent facilities and expedite and concurrently process the rezoning and site plans associated with these sites
- Designate staff from DPWES, to act on behalf of the Board as its representative agent, to file and process these applications with the Department of Planning and Zoning
- Authorize County Executive Edward L. Long Jr., to act as its representative agent, to sign any proffers on behalf of the Board

This motion should not be construed as a favorable recommendation on any application by the Board, and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

PMH:pmh/DET:det

56. **LAKE BRADDOCK BOYS AND GIRLS CROSS COUNTRY TEAMS ARE THE 6A CROSS COUNTRY STATE CHAMPIONS (BRADDOCK DISTRICT)** (8:27 p.m.)

Jointly with Supervisor Herrity, Supervisor Cook congratulated the young men and women of Lake Braddock Secondary School's Cross Country Teams for winning the 6A Cross Country Championships this weekend at Great Meadow. In addition to the team win, Lake Braddock Junior, Kate Murphy, took first place, finishing the race in 18:20.

Supervisor Cook noted that this accomplishment marks the eleventh State championship for the Lady Bruins and back-to-back State championship victories for the Boys' Cross Country team. The boys' team kept all runners in the top 30 throughout the entire race and the girls finished with seven runners in the top 50.

Therefore, jointly with Supervisor Herrity, Supervisor Cook asked unanimous consent that the Board direct staff to invite the Boys' and Girls' Cross Country teams from Lake Braddock Secondary School to appear before the Board on January 12, 2016, to be acknowledged for their tremendous achievements. Without objection, it was so ordered.

57. **TASTE OF BRADDOCK (BRADDOCK DISTRICT)** (8:28 p.m.)

Supervisor Cook announced that he will be hosting the "Taste of Braddock" on Wednesday, December 9, at 5:30 p.m.

58. **SWEARING-IN OF THE BOARD** (8:28 p.m.)

Chairman Bulova announced that the Board's swearing-in ceremony will be on December 15. She reminded the Board that everyone should have received an electronic invitation for distribution as well as additional information including preparations that need to be made in advance of the ceremony.

59. **TRANSPORTATION ISSUES** (8:29 p.m.)

Supervisor McKay said that at the October 27, 2015, Legislative Committee meeting, the Board reviewed a draft letter discussing various transportation issues that are currently before Congress. Based on discussions at that meeting and

Congressional actions since that time, the letter has been revised and is included with his written Board Matter. The letter addresses the following topics:

- Several principles that should be considered by the House-Senate conference committee as it works to negotiate a long-term surface transportation reauthorization bill, including passage of a long-term bill that will allow long-range planning, an increased level of federal investment, greater decision-making authority for metropolitan areas and local governments, safety, continuation of existing policies for the New Starts, Small Starts, and Core Capacity programs, and consideration of evacuation routes from military facilities
- The importance of maintaining annual funding for the Washington Metropolitan Area Transit Authority (WMATA) at the current \$150 million level, as authorized by the Passenger Rail Investment and Improvement Act (PRIIA). That funding level is currently being discussed as part of the annual appropriations process
- Restoring parity between transit and parking benefits, which is being considered as part of tax extender legislation
- Potential effects of further changes to the Reagan Washington National Airport perimeter and slot rules, which have been modified in previous Federal Aviation Administration (FAA) reauthorization bills. The new FAA reauthorization bill is expected to be taken up next year

Therefore, Supervisor McKay moved that the Board approve sending the letter, under the Chairman's signature, to members of the County's Congressional delegation. Chairman seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

60.

THE COUNTY'S JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT (JDR) (8:30 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor McKay said that at the last Legislative Committee meeting, the Board discussed the potential loss of one judicial position from the JDR Court. This reduction, from eight to seven judges, is expected to take effect in May 2016, upon an expected retirement, and results from a study of judicial workload that was directed by the General Assembly and released in 2013.

This proposed reduction has raised major concerns among staff and the legal community. The County's JDR Court already hears more cases than any other JDR court in the State, and without a full complement of judges, it is inevitable that cases will be delayed. Many of the cases that come before JDR judges

involve children in foster care; a slowdown in the Court's process could delay the placement of these children in permanent homes, an unacceptable result. There is also the possibility that the County could lose Federal foster care funds if certain timelines for court hearings are not met.

One of the shortcomings of the 2013 judicial workload study was its failure to consider the additional time required for cases involving interpreters, a frequent occurrence in the County court cases resulting from the diverse community. The General Assembly has directed a second study, which is expected to correct this flaw and should be released soon. However, even without this additional information, the Court's current workload and complexity of cases were well documented in 2005, when an eighth judge was originally authorized, and nothing has changed in the intervening years to warrant reducing the Court's staffing.

Therefore, jointly with Supervisor Cook, Supervisor McKay moved that the Board approve sending the draft letter, under the Chairman's signature, to the Executive Secretary of the Virginia Supreme Court in support of the JDR Court's application to retain eight judicial positions. Supervisor Cook seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

61. **REQUEST FOR RECOGNITION** (8:32 p.m.)

Supervisor McKay announced that Ms. Johna Gagnon has decided not to seek re-election to another term on the Northern Virginia Soil and Water Conservation District Board and he asked unanimous consent that the Board direct staff to invite Ms. Gagnon to appear before the Board to be recognized for her service. Without objection, it was so ordered.

62. **BOARD ADJOURNMENT** (8:32 p.m.)

The Board adjourned.

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