



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**TUESDAY  
September 9, 2014**

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**17-14**

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**EBE:ebe**

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 9, 2014, at 9:31 a.m., there were present:

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

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

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:31 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Gregory M. Hembree who recently died suddenly. Mr. Hembree was the Director of Planning and Zoning for Vienna and served on the Vienna Town Council for several years. She asked to keep the Council members in thoughts at this tragic time.

Supervisor Foust asked everyone to keep in thoughts the family of Mr. Stan Richards who died recently. Mr. Richards was a phenomenal community leader in the McLean area and made so many contributions to the McLean Community Center and the McLean Orchestra.

Supervisor McKay asked everyone to keep in thoughts the family of former Delegate Gladys Keating who died recently at the age of 91. Delegate Keating was first elected to the House of Delegates in 1977, and served there until 2000. A trail blazer, she rose to be the most senior woman in the General Assembly and was re-elected 11 times. She was also the first woman to serve on and chair the Militia and Police Committee. Delegate Keating was an outspoken advocate for consumers and women's health issues; an avid reader and had the community room at the John Marshall Library named in her honor.

(NOTE: Later in the meeting, the Board acknowledged Ms. Regina Thorn Stewart, a County employee, who died. See Clerk's Summary Item #34.)

**AGENDA ITEMS**2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE GUARDIANS OF THE RIBBON AND THE PINK HEALS TOUR (HUNTER MILL DISTRICT)** (9:35 a.m.)

Jointly with Chairman Bulova, Supervisor Hudgins moved approval of the Certificate of Recognition presented to the Guardians of the Ribbon and the Pink Heals Tour for raising awareness for the fight against cancer. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

3. **RESOLUTION OF RECOGNITION PRESENTED TO MS. JEAN PACKARD** (9:46 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Ms. Jean Packard for her many years of distinguished leadership, noteworthy public service, and environmental leadership. This motion was unanimously seconded and it carried by unanimous vote.

Following comments regarding the recognition, Chairman Bulova announced that in a couple of weeks, a room in the renovated facility at Occoquan Regional Park will be called the Jean Packard Discovery Room.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO COUNTY RESIDENTS AND BUSINESSES** (9:57 a.m.)

Supervisor Gross moved approval of the Certificates of Recognition presented to residents and businesses that have made properties available to County public safety personnel for training. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING SEPTEMBER 2014 AS "EMERGENCY PREPAREDNESS MONTH" IN FAIRFAX COUNTY** (10:05 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate September 2014 as "*Emergency Preparedness Month*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

6. **RESOLUTION OF RECOGNITION PRESENTED TO CHANNEL 16** (10:15 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to County Government Channel 16 for its thirtieth anniversary. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THE HERITAGE HILL OF ALEXANDRIA TOWNHOUSES ASSOCIATION (LEE DISTRICT)** (10:30 a.m.)

Supervisor McKay moved approval of the Certificate of Recognition presented to the Heritage Hill of Alexandria Townhouses Association for its beautification project. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

8. **PROCLAMATION DESIGNATING SEPTEMBER 8-14, 2014, AS "SUICIDE PREVENTION WEEK" IN FAIRFAX COUNTY** (10:38 a.m.)

Supervisor Cook moved approval of the Proclamation to designate September 8-14, 2014, as "*Suicide Prevention Week*" in Fairfax County. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2014, AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY** (10:50 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate September 15–October 15, 2014, as "*Hispanic Heritage Month*" in Fairfax County. This motion was multiply seconded and it carried by unanimous vote.

10. **PROCLAMATION DESIGNATING SEPTEMBER 14–20, 2014, AS "FOOD SAFETY AWARENESS WEEK" IN FAIRFAX COUNTY** (11 a.m.)

Supervisor Gross moved approval of the Proclamation to designate September 14–20, 2014, as "*Food Safety Awareness Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

More information regarding food safety can be found at: [www.foodsafety.gov](http://www.foodsafety.gov).

11. **PROCLAMATION DESIGNATING SEPTEMBER 2014 AS "SICKLE CELL AWARENESS MONTH" IN FAIRFAX COUNTY** (11:12 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate September 2014 as "*Sickle Cell Awareness Month*" in Fairfax County. Supervisor Foust seconded the motion and it carried by unanimous vote.

More information regarding sickle cell can be found at <http://www.cdc.gov/ncbddd/sicklecell>.

PMH:pmh

12. **10:30 A.M. – PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2015 REVISED BUDGET PLAN** (11:22 a.m.)

(SAR)  
(FPR)

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 August 22 and August 29, 2014.

#### **Additional Board Matter**

#### **Introduction of Intern in the Office of the Chairman to the Board** (11:27 p.m.)

Chairman Bulova introduced Rose Rivas, a senior at George Mason University, who will be interning in her office during the Fall semester. On behalf of the Board, she warmly welcomed her to the Board Auditorium.

Following the testimony of Todd Petit (Speaker 2), Supervisor Cook asked unanimous consent that the Board direct staff to provide an analysis of pay for the following:

- The Office of the Public Defender of Fairfax County (OPD)
- Court appointed attorneys

Without objection, it was so ordered.

Following the public hearing, which included testimony by nine speakers, and with input from Susan Datta, Chief Financial Officer, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Carryover package including Supplemental Appropriation Resolution (SAR) AS 15009 and Amendment to the Fiscal Planning Resolution (FPR) AS 159000\*.

This approval includes the *FY 2014 Carryover Review* package as presented on July 29, 2014, which resulted in an available non-recurring balance of \$11.22 million.

Chairman Bulova said that based on forecasts for FY 2015 revenues and the FY 2016 budget to be developed this Fall, it is important that as much of this balance as possible be reserved to offset FY 2015 or FY 2016 shortfalls. As such, Chairman Bulova recommended only one funding adjustment and included two additional motions for the Board's consideration.

Chairman Bulova noted that \$535,000 for environmental initiatives is included in the advertised Carryover package.

Chairman Bulova further moved that the Board take the following actions:

- Approve one-time funding in the amount of \$179,000 to support a master site analysis and area-use recommendation study for Lake Accotink Park. This study is necessary planning work that will assist in the development and enhancement of this vital County facility. Staff will continue to look for additional funding sources to support this planning effort and required design elements, including grant funding.
- The Board has received correspondence from the OPD, requesting consideration of County salary supplements for staff with the OPD. However, staff in the OPD are State employees and their salaries are set by the Commonwealth. Funding for these salaries is and should remain a State responsibility. The Board refers this matter to the Legislative Committee for support of additional state funding for OPD staff salary increases. The County's legislative program has long included support for increased funding of

Virginia's court system overall, and this issue should be considered in that context.

Recently, the Fairfax County Public Schools (FCPS) Board approved the implementation of full-day Mondays for elementary schools, effective with the 2014-2015 school year.

This change will increase instructional time for students and allow for 20 minutes of daily recess. In addition, the change will guarantee dedicated planning time for elementary teachers totaling 300 minutes per week.

The new uniform elementary schedule will eliminate making up inclement weather days at the end of the school year if fewer than 13 days are missed and will provide for a school-year calendar that builds in consistent holidays, such as a full two weeks for winter break, and additional strategic planning days throughout the year.

In addition, one master calendar will be followed for all elementary, middle, and high schools. The School Board funded this implementation with a salary placeholder of \$7.6 million, provided for from FY 2014 net School system savings.

After funding this initiative, the Schools have identified reserve balances of \$23.1 million which can be used to address FY 2016 priorities. It should be noted that the Schools balance of approximately \$23 million is larger than the County's ending balance of \$11 million even after the placeholder for full-day Mondays has been funded.

The Board is supportive of the implementation of the full-day Mondays for elementary school and applauds the FCPS Board for prioritizing this initiative within its funding allocation.

In addition, the Board supports the full-day Mondays implementation with funding resources of approximately \$600,000 at a minimum within the County's budget. These County costs are noted below. Therefore, Chairman Bulova further moved approval of the following funding allocations and guidance:

- Board approval for the Health Department to make necessary adjustments to allow School Health services to match new elementary school hours. School Health services include care of sick and injured students, administration of authorized medications, monitoring of compliance with immunization requirements, and communication with parents and health professionals.

Additional staff hours will be required for School Health Aides and School nurses as a result of extended hours. This work is

estimated to cost approximately \$370,224 and this increase was previously included in the FY 2014 Carryover Review.

- Board approval of changes to the School-Age Child Care (SACC) program to support additional teacher planning and student development days as well as additional early release days and extended holidays. Staff with the Department of Family Services will attempt to balance the savings that will be associated with the weekly expansion of school hours against the costs of additional teacher work and early release days and will report back to the Board if funding changes are required.
- Board approval of changes to the Monday programming at RECenters and Nature Centers operated by the Fairfax County Park Authority. The recent decision by the FCPS Board to eliminate early dismissal on Mondays essentially eliminates the vast majority of Monday children's programs hosted at both RECenter and Nature Centers. Revenue losses of \$221,000 per year are anticipated.

Strategic regional program planning will be necessary to develop and implement alternative offerings; however, the revenue loss is anticipated to be realized in full in FY 2015. Staff is directed to report to the Board with how this revenue loss will impact Park operations and alternative programming options.

- Board approval of an increase in the FY 2016 planned transfer for School operations, which is currently projected at three percent, to also cover the FY 2016 costs of full-day Mondays. The Schools have funded, within their Carryover Review, the preliminary estimate of full-day Mondays for FY 2015. Once the actual costs of implementation have been identified, the FY 2016 budget forecast will reflect these recurring costs.

With this and other required adjustments, the remaining balance to be set aside in reserve for one-time FY 2015 and FY 2016 requirements is approximately **\$11.0 million**. Given the current County budget forecast for revenues in FY 2015 and FY 2016 and the State budget deficit recently announced, this balance as well as agency savings will be needed to address upcoming budget challenges. Vice-Chairman Gross seconded the motion.

Following a brief discussion regarding the FPR, Chairman Bulova clarified that the correct number for the FPR is FPR AS 15900, not FPR AS 159000\* as she previously stated.

Supervisor Hyland suggested that the issues raised, during the testimony of the following individuals, be addressed in next year's budget:

- Todd Petit (Speaker 2)
- John Niemiec (Speaker 9)

Discussion ensued with input from Edward L. Long Jr., County Executive, and Ms. Datta regarding:

- Funding full-day Mondays for FY 2016
- How long the Board will continue funding full-day Mondays
- Offset of savings
- How to track savings
- Infrastructure Committee recommendations

Following discussion regarding Infrastructure Committee recommendations, Vice-Chairman Gross suggested that it be discussed at a Budget Committee meeting.

Discussion ensued regarding future planning guidance to the Schools.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

**DAL:dal**

13. **ADMINISTRATIVE ITEMS** (12:56 p.m.)

Supervisor Gross moved approval of the Administrative Items. 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."



**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM  
(DRANESVILLE, HUNTER MILL, MASON, PROVIDENCE, AND  
SPRINGFIELD DISTRICTS)**

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

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Grace Manor at Minor Hill (Franklin Park)	Dranesville	Grace Manor Court
		North Nottingham Street (Route 2805) [Additional Right-of-Way (ROW) Only]
		Virginia Avenue (Route 2802) (Additional ROW Only)
Blackstone at Shaker Woods	Hunter Mill	Danlea Court
		Shaker Woods Road (Route 680) (Additional ROW Only)
		Shaker Woods Road (Route 680) (Additional ROW Only)
Bannerwood Estates	Mason	Bannerwood Drive (Route 4028)
		Holly Road (Route 3679) (Additional ROW Only)
The Coffey Property (Priest Retirement Home)	Mason	Ravensworth Road (Route 2864) (Additional ROW Only)
Emmanuel Lutheran Church	Providence	Chain Bridge Road (Route 123) (Additional ROW Only)
Whitestone's Addition to Marshall Heights	Providence	Leesburg Pike (Route 7) (Additional ROW Only)
East Market	Springfield	Fair Lakes Parkway (Route 7700) (Additional ROW Only)
		Fair Lakes Parkway (Route 7700) (Additional ROW Only)

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

- Designated the following individuals, identified with their registration numbers, as inactive Plans Examiners:
  - Deniz Callahan 253
  - Judith A. Cronauer 204 (retired)
  - Robert C. Fields, Jr. 100 (retired)
  - Mohamed Kadasi 248
  - Charles D. Lucas III 168
  - John F. Souser 103 (retired)
  - Weldon Spurling 225
  - Anthony Verdi 284
  - Masad J. Zakkak 37 (deceased)
  
- Designate the following individual, identified with his registration number, as a Plans Examiner:
  - Richard P. Smith, PE 308

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-11-1, NOTICE OF REMOVAL OF MOTOR VEHICLE**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 7, 2014, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-11-1, Notice of Removal of Motor Vehicle.

**ADMIN 4 – APPROVAL OF THE DISTRIBUTION OF A PLAIN ENGLISH EXPLANATION FOR THE 2014 TRANSPORTATION BOND REFERENDUM**

Authorized preparation and printing of an explanation for the forthcoming referendum to issue bonds in the maximum aggregate principal amount of \$100 million to finance the cost of transportation improvements and facilities.

**ADMIN 5 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS), ADMINISTRATION FOR CHILDREN AND FAMILIES, OFFICE OF HEAD START: EARLY HEAD START (EHS) EXPANSION AND EHS-CHILD CARE PARTNERSHIP GRANTS**

Authorized DFS to apply for and accept funding, if received, from DHHS, Administration for Children and Families, Office of Head Start. Funding in the amount of \$1,207,280, including \$200,000 in local cash match, will support the expansion of the EHS program to serve an additional 56 children, including 16 children in two classrooms in a center-based program at Gum Springs Glenn Children Center and 40 children through partnerships with regulated family child care providers. There are 13/11.5 FTE new grant positions associated with this award.

**ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE INOVA WOODBURN TEMPORARY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT T3 (MASON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 7, 2014, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to establish the Inova Woodburn Temporary RPPD, District T3.

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER EXPANDING THE DUNN LORING RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 3 (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 7, 2014, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix, to expand the Dunn Loring RPPD, District 3.

**ADMIN 8 – APPROVAL OF TRAFFIC CALMING MEASURES AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (SPRINGFIELD, SULLY, AND DRANESVILLE DISTRICTS)**

- Endorsed the following traffic calming measures for Stillfield Place (Sully District):
  - One Raised Crosswalk
  - One Speed Hump

- Endorsed the installation of “Watch for Children” signs on the following roads:
  - Whisper Willow Drive (Springfield District)
  - Berryland Drive (Sully District)
  - Griffith Road (Dranesville District)
  - Pimmit Drive (Dranesville District)
  - Cherri Drive (Dranesville District)
  - Lisle Avenue (Dranesville District)
  - Peabody Drive (Dranesville district)
  - Westmorland Street (Dranesville District)
- Directed staff to schedule the installation of the approved measures as soon as possible.

**ADMIN 9 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, SPRINGFIELD, AND PROVIDENCE DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-B13-94	Verizon Wireless Co-location of Telecommunications Facility (Church Steeple) 5114 Twinbrook Road Fairfax, Virginia Braddock District	November 15, 2014
456A-S89-34-2	Verizon Wireless Modification to Existing Telecommunications Facility (Monopole) 6401 Little Ox Road Fairfax Station, Virginia Springfield District	November 23, 2014
2232-P14-4	Virginia Electric and Power d/b/a Dominion Virginia Power Redevelop and Expand Idlywood Electrical Substation 7701 Shreve Road Falls Church, Virginia Providence District	March 11, 2015

14. **A-1 – APPROVAL OF A DRAFT BOARD MEETING SCHEDULE FOR CALENDAR YEAR 2015** (12:57 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the draft Board meeting schedule for January through December, 2015. The second to this motion was inaudible.

Chairman Bulova noted that the Board, at its Budget Committee meeting last Tuesday, had a discussion regarding the annual Budget presentation.

Supervisor Cook raised a question regarding when the Board would be voting on the final Board meeting schedule, and discussion ensued, with input from Catherine A. Chianese, Assistant County Executive and Clerk to the Board, and Edward L. Long Jr., County Executive, concerning combining the two February meetings.

The question was called on the motion to approve the draft Board meeting schedule, with the understanding that at the next Board meeting there will be a change to the February schedule to accommodate an earlier Budget presentation and additional time for discussion of the advertised tax rate, and it carried by unanimous vote.

15. **A-2 – PRESENTATION OF THE DELINQUENT TAX LIST FOR TAX YEAR 2013 (FISCAL YEAR 2014)** (1:02 p.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and directed staff to:

- Continue to pursue the collection of delinquent taxes and continue collection of non-tax delinquencies
- Remove certain small uncollectable overdue accounts listed in Attachments D and E of the Board Agenda Item, pursuant to Virginia Code Section 58.1-3921

16. **A-3 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE US DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (DEA) TASK FORCE** (1:02 p.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign a MOU between the FCPD and the DEA Task Force (High Intensity Drug Trafficking Areas [HIDTA] Task Force Group 1 and HIDTA Task Force Group 5).

17. **A-4 – APPROVAL OF A TYSONS INTERIM METRORAIL PUBLIC COMMUTER PARK-AND-RIDE LOT AGREEMENT** (1:03 p.m.)

Chairman Bulova disclosed that she has stock in the Washington Real Estate Investment Trust that exceeds \$5,000 in value. The Washington Real Estate Investment Trust has a corporate address of 6110 Executive Boulevard, Suite 800, Rockville, Maryland. She also stated that she has been informed that WRIT, LP, which is a party to the contract referenced in Action Item A-4 is wholly owned and managed by Washington Real Estate Investment Trust. Based on this interest, she disqualified herself from participating in this item.

Therefore, Chairman Bulova relinquished the gavel to Vice-Chairman Gross and recused herself, however she remained at the dais.

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

- Approve the Tysons Interim Metrorail Public Commuter Park-and-Ride Lot Agreement, with WRIT, LP, for 7900 Westpark Drive, McLean, Virginia 22102
- Authorize the County Executive to sign the agreement

Supervisor Foust seconded the motion.

Supervisor Foust raised a question regarding the status of identifying interim parking and discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation.

The question was called on the motion and it carried by a vote of nine, Chairman Bulova being recused.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

18. **A-5 – APPROVAL OF A LETTER GRANTING THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC) THE AUTHORITY TO ACT AS THE COUNTY'S AGENT TO THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT)** (1:06 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to send a letter to DRPT granting NVTC the authority to act as the County's agent in relation to DRPT activities.

19. **A-6 – ADOPTION OF A RESOLUTION OF SUPPORT FOR A BREAK IN THE LIMITED ACCESS LINE ADJACENT TO ROUTE 7 (LEESBURG PIKE) AND ROUTE 267 (DULLES TOLL ROAD) (HUNTER MILL DISTRICT)** (1:06 p.m.)

(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 supporting a limited access line break adjacent to Leesburg Pike and the Dulles Toll Road.

20. **A-7 – RECOMMENDATION TO AMEND VIRGINIA RAILWAY EXPRESS (VRE) MASTER AGREEMENT REGARDING WEIGHTED VOTING** (1:07 p.m.)

On motion of Supervisor Cook, seconded by Supervisor Hyland and Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the amended VRE Master Agreement, Section II, Part B, Paragraph 4, that incorporates the Virginia General Assembly statutory requirement Section 15.2-4507 requiring a weighted vote for the Chairman of the Commonwealth Transportation Board equal to the highest VRE contributing jurisdiction each year, if the State’s contribution is greater or equal to the highest contribution from a single jurisdiction.

21. **A-8 – AUTHORIZATION TO ISSUE MULTIFAMILY HOUSING REVENUE BONDS BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) FOR THE RESIDENCES AT THE GOVERNMENT CENTER (BRADDOCK DISTRICT)** (1:07 p.m.)

(R) Supervisor Cook moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing the FCRHA to issue multifamily housing revenue bonds in an amount not to exceed \$15 million for development of the Residences at the Government Center. Supervisor Hyland seconded the motion.

Supervisor Frey asked for assurance that if either of the LLC’s default on any of the public or private improvements, which their site plans commit them to building, that the taxpayers are not liable. Discussion ensued, with input from Alan Weiss, Assistant County Attorney, who noted that there will be no liability.

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

22. **A-9 – AUTHORIZATION TO SIGN DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) PROJECT FUNDING AGREEMENTS** (1:14 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the execution of 19 Project Agreements between DRPT and the County to fund County operating and capital projects.

23. **A-10 – APPROVAL OF A PROJECT AGREEMENT BETWEEN THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND THE COUNTY FOR FUNDING FISCAL YEAR (FY) 2015 TRANSPORTATION DEMAND MANAGEMENT (TDM) OUTREACH AND RIDESHARE OPERATING ASSISTANCE** (1:15 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to sign a Project Agreement for Use of Commonwealth Transportation Funds approved by the Commonwealth Transportation Board on June 18, 2014, to continue ridesharing and transit marketing activities in FY 2015. Of the total grant award, \$501,547 is State funding from DRPT and the remaining \$125,387 is the required 20 percent local match. The grant period runs from July 1, 2014, through June 30, 2015.

24. **A-11 – APPROVAL OF A PROJECT AGREEMENT BETWEEN THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND THE COUNTY FOR FUNDING THE FISCAL YEAR (FY) 2015 TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN** (1:15 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to sign a project agreement for use of Commonwealth Transportation Funds of \$30,000 for a TDM Plan FY 2015. Of the total grant award, \$6,000 is the required 20 percent local match. The grant period runs from July 1, 2014, through June 30, 2015.

25. **A-12 – APPROVAL OF COMMENTS ON THE DRAFT REAL PROPERTY MASTER PLAN AND THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR SHORT-TERM PROJECTS AND REAL PROPERTY MASTER PLAN UPDATE AT FORT BELVOIR, VIRGINIA** (1:16 p.m.)

Supervisor Hyland moved to defer approval and transmittal of the comments prepared by staff for the National Capital Planning Commission on Fort Belvoir



until the September 23, 2014, Board meeting. Supervisor Foust seconded the motion.

Supervisor McKay noted that in the proposed letter to Colonel Michelle Mitchell, staff properly raises questions about the DEIS, and, particularly traffic mitigation strategies, concerning the confusion regarding how they would address the deficiencies and how they were derived. Part of the letter asks for clarification and he wanted to know if those clarifications should be addressed prior to the final letter being sent.

Discussion ensued, with input from Kimberly Rybold, Planner III, Policy Plan Development Branch, Planning Division, Department of Planning and Zoning.

Supervisor McKay asked unanimous consent that the Board direct staff, prior to bringing the item back at the next Board meeting, to review the wording and incorporate into the letter that concerns have been raised repeatedly and satisfactory answers have not been received. Without objection, it was so ordered.

Supervisor Smyth noted that the section on the schools and projected enrollment is eye-opening, and expressed her hope that somehow the Federal government could/would help mitigate the impact.

Supervisor Hyland referred to the issue of the Federal contribution to assist the County in educating children of the military and the disparity between the amount the Federal government contributes to some school districts as opposed to others. He asked unanimous consent that the Board direct staff to review this issue. Without objection, it was so ordered.

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

26.

**A-13 – APPROVAL OF THE CONSOLIDATED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY AND VOLUNTEER FAIRFAX AS A PART OF THE IMPLEMENTATION OF THE COUNTY-WIDE VOLUNTEER MANAGEMENT SYSTEM (VMS)**

(1:21 p.m.)

On motion of Supervisor Hyland, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved an updated consolidated MOU between the County and Volunteer Fairfax necessitated by the implementation of the VMS.
- Authorized the County Executive to execute an agreement substantially in the form of an MOU.

27. **A-14 – APPROVAL OF THE FISCAL YEAR (FY) 2015-16 STATE PERFORMANCE CONTRACT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) AND THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (VDBHDS)** (1:22 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the FY 2015-16 Community Services Performance Contract between CSB and VDBHDS and the associated acceptance of funds.

28. **I-1 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2015** (1:23 p.m.)

The Board next considered an item contained in the Board Agenda dated September 9, 2014, regarding the holiday schedule for calendar year 2015.

Supervisor Gross noted that January 1, 2015, (New Year's Day), is on a Thursday, and the following day, Friday, is a workday.

Therefore, Supervisor Gross moved that the Board declare Friday, January 2, 2015, as a holiday. Supervisor Hyland and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

Chairman Bulova asked that County employees be made aware of the change.

29. **I-2 – GRANT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (VDEQ) AND THE COUNTY FOR THE BANKS PROPERTY, POHICK CREEK TRIBUTARY, RABBIT BRANCH TRIBUTARY, AND SOUTH LAKES HIGH SCHOOL STREAM RESTORATION PROJECTS (LEE, BRADDOCK, AND HUNTER MILL DISTRICTS)** (1:24 p.m.)

The Board next considered an item contained in the Board Agenda dated September 9, 2014, announcing that the County Executive, on behalf of the County, will execute the Grant Agreement and other supporting documents with VDEQ for the Banks Property, Pohick Creek Tributary, Rabbit Branch Tributary, and South Lakes High School stream restoration projects.

30. **ORDERS OF THE DAY** (1:25 p.m.)

Chairman Bulova announced that the Board would recess for closed session and Board Matters will be presented later in the meeting.

(NOTE: Later in the meeting, the Board Matters were presented. See Clerk's Summary Items #42–71.)

31. **RECESS/CLOSED SESSION** (1:25 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. *Verizon Online, LLC v. Fairfax County Board of Supervisors*, Case No. CL-2013-0019167 (Fx. Co. Cir. Ct.); *Board of Supervisors of Fairfax County, and Fairfax County, Virginia, and Kevin Greenlief, Director, Department of Tax Administration v. Verizon Online, LLC*, Case No. CL 2014-0009039 (Fx. Co. Cir. Ct.)
  2. In Re: \$6,086,310.50 (Fx. Co. Cir. Ct.)
  3. Erroneous Real Estate Tax Assessment Appeals filed by Wilkes Artis, Chartered, Against Board of Supervisors of Fairfax County, Virginia (Fx. Co. Cir. Ct.) (All Districts)
  4. *MEPT 1660 International Drive LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. 2013-0015435 (Fx. Co. Cir. Ct.) (Providence District)
  5. *Ricardo Astudillo v. Fairfax County Department of Family Services*, Record No. 0106-14-4 (Va. Ct. App.)
  6. *Dora E. Caudle v. Christopher D. Colandene, David P. Bobzien, the Fairfax County Retirement*

*Administration Agency, and Does 1 through 20*,  
Case No. 5:14cv00031 (W.D. Va.)

7. *Ramatu Bangura v. Fairfax County, Fairfax County School Board, and John Doe*, Case No. CL-2014-0009790 (Fx. Co. Cir. Ct.)
8. *Commissioner of Highways v. Second Holly Knoll Homeowners Association and The Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2012-0018730 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Poplar Place Homeowners Association v. Fairfax County* (Fx. Co. Bd. of Building Code App.) (Dranesville District)
10. In Re: November 20, 2013, Decision Of The Fairfax County Board of Zoning Appeals in BZA Appeal No. A-2013-SU-024, Case No. CL-2013-0018953 (Fx. Co. Cir. Ct.) (Sully District)
11. *Light Global Mission Church and Seyku Chang v. Lawyer's Title Realty Services, Inc.; Reliance Trust Company; Ridgestone Bank; B.C. Ziegler and Co.; Cede & Co.; The Depository Trust Co.; The Unknown Owners of the \$9,070,000 Light Global Mission Church First Mortgage Bonds Dated December 1, 2007; Su Chang Kim, Trustee; Corbett Construction, Inc.; Pender, L.L.C.; and the County of Fairfax*, Case No. 13-11337-BFK and Adv. Proc. No. 14-01112-BFK (E.D. Va. Bankr.) (Sully District)
12. *Zenglai Ge and Hongyan Guo v. Fairfax County Board of Supervisors*, Case No. CL-2014-0010272 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *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)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Duc Dang*, Case No. CL-2012-0011237 (Fx. Co. Cir. Ct.) (Providence District)

15. *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)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Hanson A. Gyamfi and Emelia A. Gyamfi*, Case No. CL-2012-0004306 (Fx. Co. Cir. Ct.) (Lee District)
17. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Robert N. Jacobi*, Case No. CL-2013-0016587 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Ted J. Fares*, Case No. CL-2013-0019056 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hillbrook Real Estate Holdings, LLC*, Case No. CL-2010-0013770 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio Moya*, Case No. CL-2009-0017993 (Fx. Co. Cir. Ct.) (Lee District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard Chiu*, Case No. CL-2013-0007284 (Fx. Co. Cir. Ct.) (Mason District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Anil K. Bagga*, Case No. CL-2011-0009679 (Fx. Co. Cir. Ct.) (Mason District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roy Melvin Perry*, Case No. CL-2012-0011472 (Fx. Co. Cir. Ct.) (Mason District)

24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaime R. Rueda*, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. 7610 Lee Highway, LLC*, Case No. CL-2008-0003570 (Fx. Co. Cir. Ct.) (Providence District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sidney B. Hill and Wanda C. Hill*, Case No. CL-2012-0011053 (Fx. Co. Cir. Ct.) (Hunter Mill District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Westwood Buildings Limited Partnership, Istanbuli Mediterranean Grill, Inc., D/B/A Mint Café, Anis Rhanime, and Moe Rafaie*, Case No. CL-2014-0007202 (Fx. Co. Cir. Ct.) (Hunter Mill District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. James C. Benton*, Case No. CL-2013-0016586 (Fx. Co. Cir. Ct.) (Lee District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Thinh V. Luong and Thuy T. Trinh*, Case No. CL-2014-0004972 (Fx. Co. Cir. Ct.) (Mason District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jean W. Lupton*, Case No. CL-2014-0007204 (Fx. Co. Cir. Ct.) (Lee District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ola M. Coalson*, Case

- No. CL-2014-0005987 (Fx. Co. Cir. Ct.) (Lee District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Joseph E. Mulligan*, Case No. CL-2014-0005986 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Terry R. Rychlik and Rebecca L. Smith*, Case No. CL-2014-0007481 (Fx. Co. Cir. Ct.) (Mason District)
  34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Federal Realty Investment Trust and Zen Bar Concepts, L.L.C.*, Case No. CL-2014-0006013 (Fx. Co. Cir. Ct.) (Mason District)
  35. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Tatianna M. Le*, Case No. CL-2014-0004934 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Xiu Lin*, Case No. CL-2014-0009027 (Fx. Co. Cir. Ct.) (Braddock District)
  37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. BuildAmerica at Skyline, A Condominium*, Case No. CL-2014-0009149 (Fx. Co. Cir. Ct.) (Mason District)
  38. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ronnie L. Chase, N. Bruce Chase, Norman C. Chase, Alvin M. Chase, Carl A. Chase, Gladys B. Ferguson, Deloris R. Chase, and Josephine C. Evans*, Case No. CL-2014-0009499 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  39. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Samuel A. Forcey and Jo Jo's Massage & Asian Body Works*,

Case No. CL-2014-0010092 (Fx. Co. Cir. Ct.)  
(Mason District)

40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David Taehee Kim and Terry Kim*, Case No. CL-2014-0010506 (Fx. Co. Cir. Ct.) (Mason District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John L. Butterfield and Nancy S. Butterfield*, Case No. CL-2014-0010617 (Fx. Co. Cir. Ct.) (Dranesville District)
42. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Donald P. Fanelli*, Case No. CL-2014-0010616 (Fx. Co. Cir. Ct.) (Dranesville District)
43. *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)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hue Vinh Giang and Chau N. Ta*, Case No. CL-2014-0010891 (Fx. Co. Cir. Ct.) (Providence District)
45. *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)
46. *Oscar Benitez v. Fairfax County Risk Management and Herbert Michael Napper*, Case No. GV14-008942 (Fx. Co. Gen. Dist. Ct.)
47. *Melissa Rioja v. Fairfax County Park Authority and Abasto Howard*, Case No. GV14-014434 (Fx. Co. Gen. Dist. Ct.)
48. *Karen Payne v. Sharman G. Harris*, Case No. GV14-014868 (Fx. Co. Gen. Dist. Ct.)



49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ming Yang, Xin Yu, and Fan Yang*, Case No. GV14-012591 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
50. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Jackie S. Fleming and Emilia A. Cole*, Case No. GV14-006134 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
51. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy V. Marshall*, Case No. GV14-012084 (Fx. Co. Gen. Dist. Ct.) (Providence District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carson F. Scheirer*, Case No. GV14-013552 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
53. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yung Chi Yung*, Case No. GV14-013438 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
54. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yung Chi Yung*, Case No. GV14-013439 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
55. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yong H. Kim and Yang Ja Kim*, Case No. GV14-013440 (Fx. Co. Gen. Dist. Ct.) (Mason District)
56. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kelvin J. Lee*, Case No. GV14-013441 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
57. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luz A. Uzmanor and Nelson Naitive, a/k/a Nelson Nativi*, Case No. GV14-011326 (Fx. Co. Gen. Dist. Ct.) (Lee District)
58. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Yurie C. Chigna*, Case No. GV14-007900 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

59. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Araya Neway and Yodit Seifu*, Case No. GV14-013319 (Fx. Co. Gen. Dist. Ct.) (Mason District)
60. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Araya Neway and Yodit Seifu*, Case No. GV14-013318 (Fx. Co. Gen. Dist. Ct.) (Mason District)
61. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose Antonio Salmeron and Emilio Salmeron*, Case No. GV14-013437 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
62. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Patrick V. Ferree*, Case No. GV14-014523 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
63. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Myla M. Archer*, Case No. GV14-014867 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
64. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. White's General Partnership*, Case Nos. GV14-005838 and GV14-005839 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
65. *Jeffery L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Herbert H. Becker*, Case No. GV14-005478 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
66. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phuong M. La*, Case Nos. GV14-015761 and GV14-015762 (Fx. Co. Gen. Dist. Ct.) (Providence District)
67. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Nazari Living Trust, Majid Nazari, Trustee, or his Successors in Trust Under the Nazari Living Trust*, Case Nos. GV14-007894, GV14-007895, and GV14-007988 (Fx. Co. Gen. Dist. Ct.) (Mason District)

68. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Peter P. Snitzer, Alice Snitzer, and Marcia S. Twomey*, Case No. GV14-015043 (Fx. Co. Gen. Dist. Ct.) (Mason District)
69. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Flor Gonzales*, Case No. GV-14-015100 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
70. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Elizabeth S. Koon*, Case No. GV14-015473 (Fx. Co. Gen. Dist. Ct.) (Sully District)
71. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jacinto Sanchez and Elyse Sanchez*, Case Nos. GV14-015545 and GV14-015546 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
72. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roberto C. Lozano and Gladis A. Lozano*, Case No. GV14-015628 (Fx. Co. Gen. Dist. Ct.) (Lee District)
73. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gary D. Carlson and Susan S. Carlson*, Case No. GV14-016796 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
74. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robert L. Hoegle*, Case No. GV14-016983 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
75. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert L. Sheldon and Doris A. Sheldon*, Case No. GV14-016767 (Fx. Co. Gen. Dist. Ct.) (Lee District)
76. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rosa Lee Clegg, Trustee of the Rosa Lee Clegg Trust*, Case No. GV14-016798 (Fx. Co. Gen. Dist. Ct.) (Lee District)
77. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kevin Gaston Nunez a/k/a. Leslie G. Nunez*, Case No. GV14-017092 (Fx. Co. Gen. Dist. Ct.) (Providence District)

78. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael A. Maestri and Diane R. Maestri*, Case No. GV14-017091 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

And in addition:

- *Maura Harrington v. Colonel Edwin C. Roessler Jr., et al.*, Case Number 2014-11477
- Virginia Code Sections 46.2-834, 1309, and 1310
- Virginia Code Section 32.1-36

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

**DET:det**

At 4:20 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Foust, and with Chairman Bulova presiding.

#### **ACTIONS FROM CLOSED SESSION**

32. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:21 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 and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Foust being out of the room.

33. **VERIZON ONLINE, LLC** (4:21 p.m.)

Supervisor Hudgins moved that that Board approve the settlement of *Verizon Online, LLC v. Fairfax County Board of Supervisors*, Case Number CL-2013-19167, and *Board of Supervisors of Fairfax County v. Verizon Online, LLC*, Case Number CL-2014-9039, on the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

**ADDITIONAL BOARD MATTERS**34. **MS. REGINA THORN STEWART** (4:22 p.m.)

(NOTE: Earlier in the meeting, the Board held a moment of silence. See Clerk's Summary Item #1.)

Supervisor Gross announced that on August 15, the County flag at the Government Center was lowered in honor and memory of Ms. Regina Thorn Stewart who died on August 9. A County employee since 1995, Ms. Stewart worked with the Department of Planning and Zoning, the Department of Transportation, the Office of the County Executive, and joined the Planning Commission Office in 2013. Supervisor Gross noted that the Board remembers Ms. Stewart for the care and attention given to the Board package and the public hearing schedule as well as her assistance at Board meetings, and asked that the Board keep her memory, her family, and her colleagues in thoughts.

Supervisor Hudgins said Ms. Stewart was a pleasure to work with and will be sorely missed.

35. **INTERN INTRODUCTION** (4:23 p.m.)

Chairman Bulova introduced Mr. Christopher Torres, who is interning in the Chairman's Office for the Fall 2014 semester. Mr. Torres is a sophomore at George Mason University majoring in Economics. On behalf of the Board, Chairman Bulova warmly welcomed him to the Board Auditorium.

**AGENDA ITEMS**36. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), SECTIONS 7-2-4, 7-2-8, 7-2-12, AND 7-2-13, RELATING TO ELECTION PRECINCTS AND POLLING PLACES** (4:24 p.m.)

Supervisor Hyland stated that he had been informed that the *Code of the Commonwealth of Virginia* requires that any changes to precinct and polling places needs to be adopted by the Board at least 60 days prior to an election. Today, a public hearing has been scheduled to consider approval of an ordinance to changes to some election precincts and polling places in several Magisterial Districts and because that hearing is less than 60 days before the November 4 general election, any action taken by the Board today would not be effective at that election. To avoid any confusion amongst voters who would have been affected by a change in polling places, Supervisor Hyland moved to defer the public hearing to November 18, 2014. Chairman Bulova seconded the motion.

Discussion ensued concerning:

- The reason for the deferral
- Voter notification due to school renovations

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

37. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2014-MV-002 (NCL XII, LLC) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN (MOUNT VERNON DISTRICT)** (4:27 p.m.)

- (O) The application property is located on the south side of Telegraph Road, approximately 300 feet east of its intersection with Accotink Road, Tax Map 99-4 ((1)) 41, 42 and 43.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

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

- The law firm of Donohue and Stearns, PLC, on behalf of Frank W. Stearns

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

Discussion ensued, with input from Ms. Duca, on the following:

- The definition of a conspan bridge
- The location of the Environmental Quality Corridor (EQC) and how it will be impacted
- Stormwater requirements
- Permits required for the construction of a conspan bridge

Mr. Stearns 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 introduced Mr. Francis G. Garczynski, a principal of the applicant, who addressed the issue of community outreach. Following Mr. Garczynski's remarks, Mr. Stearns proceeded to present his case.

Following the public hearing, which included testimony by four speakers Ms. Duca presented the staff and Planning Commission (PC) recommendations.

Mr. Stearns presented rebuttal concerning:

- The location of access to parkland
- Funding for the repair/replacement of the conspan bridge

In addition, he read a letter into the record addressed to Supervisor Hyland, from an adjacent property owner, Mr. Greg Burgess.

Discussion ensued, with input from Matthew T. Marshall, an engineer and agent for the applicant, concerning:

- The maximum load level of the conspan bridge once constructed
- The cost of a replacement conspan bridge
- Commonality of a conspan bridge
- Fire department access *via* the conspan bridge

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2014-MV-002, from the R-1 District to the PDH-2 and R-1 Districts, and approval of the associated Conceptual Development Plan, subject to the proffers dated July 21, 2014.
- Modification of Section 11-302(2) of the Zoning Ordinance for the maximum length of a private street in favor of the private street shown on the CDP/FDP.
- Modification of Section 8-0101.1 and 8-0102 of the Public Facilities Manual requiring a sidewalk on both sides of the private street in favor of the sidewalk shown on the CDP/FDP.

Supervisor Herrity 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.”

(NOTE: On July 17, 2014, the PC approved Final Development Plan Application FDP 2014-MV-002, subject to development conditions dated July 3, 2014.)

38. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 79-S-031-03 (MCDONALD’S CORPORATION) (SPRINGFIELD DISTRICT) (5:05 p.m.)**

The application property is located at 9528 Old Keene Mill Road, Burke, 22015, Tax Map 88-1 ((1)) 14C.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Herrity, noting a new procedure, requested that the applicant confirm, for the record, an agreement to the proposed development conditions dated August 26, 2014. Ms. Stagg stated that the applicant agreed to those development conditions.

Supervisor Herrity moved:

- Approval of Special Exception Amendment Application SEA 79-S-031-03, subject to the development conditions dated August 24, 2014.
- Reaffirmation of the modification to the transitional screening and waiver of the barrier requirements along the southern lot line in favor of the treatment shown on the Special Exception Amendment Plat and as conditioned.
- Reaffirmation of the modification of the stacking space requirement to permit 10 spaces to fulfill the requirement.

Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Hyland being out of the room.

39. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), SECTIONS 7-2-4, 7-2-8, 7-2-12, AND 7-2-13, RELATING TO ELECTION PRECINCTS AND POLLING PLACES**

(NOTE: Earlier in the meeting, this public hearing was deferred. See Clerk’s Summary Item #36.)



40. **4 P.M. – PH TO SUBLEASE BOARD-LEASED PROPERTY AT 2667 PROSPERITY AVENUE TO THE ARTS COUNCIL OF FAIRFAX COUNTY (PROVIDENCE DISTRICT)** (5:12 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 August 22 and August 29, 2014.

Michael Lambert, Project Manager, Real Estate Development and Planning, Facilities Management Department (FMD), presented the staff report.

Discussion ensued, concerning page 2, item 3, of the sublease agreement contained in the Agenda Item dated September 9, 2014, concerning the installation of exterior artwork, with input from Marguerite Guarino, Assistant Director, Real Estate, FMD, who stated that it was not permitted. Supervisor Smyth reiterated that the sublease was for interior space only.

Following the public hearing, Supervisor Smyth moved that the Board authorize staff to sublease Board-leased property at 2667 Prosperity Avenue to the Arts Council. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

41. **4 P.M. – PH TO SUBLEASE BOARD-LEASED PROPERTY AT 2667 PROSPERITY AVENUE TO THE FAIRFAX SYMPHONY ORCHESTRA (PROVIDENCE DISTRICT)** (5:18 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 August 22 and August 29, 2014.

Michael Lambert, Project Manager, Real Estate Development and Planning, Facilities Management Department (FMD), presented the staff report.

Discussion ensued concerning the installation of exterior artwork, with input from Marguerite Guarino, Assistant Director, Real Estate, FMD, who affirmed that it was not permitted.

Following the public hearing, Supervisor Smyth moved that the Board authorize staff to sublease Board-leased property at 2667 Prosperity Avenue to the Fairfax Symphony Orchestra. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

EBE:ebe

**ADDITIONAL BOARD MATTERS**42. **REQUEST FOR RECOGNITIONS** (5:22 p.m.)

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

- Office of Elections to receive a proclamation declaring September 23-30, 2014, as “*Voter Registration Week*” in Fairfax County, to be presented at the Board meeting on September 23, 2014.
- Department of Planning and Zoning to receive a resolution celebrating the thirtieth anniversary of the Exceptional Design Awards Program to be presented at the Board meeting on September 23, 2014.
- The Fire and Rescue Department to receive recognition for the Fill the Boot Campaign at the Board meeting on October 7, 2014.
- The Fire and Rescue Department to receive a proclamation declaring October 5-11, 2014, as “*Fire Prevention Week*” in Fairfax County, to be presented at the Board meeting on October 7, 2014.
- Deputy Director of Housing and Community Development John Payne, to receive recognition for his service to the County at the Board meeting on October 7, 2014.

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

43. **RECOGNITION OF “NATIONAL DRIVE ELECTRIC WEEK” (PROVIDENCE DISTRICT)** (5:25 p.m.)

Supervisor Smyth said that last year the Board recognized National Plug-In Day. This is an annual event to celebrate electric cars, be they plug-in hybrid or fully battery-electric. To extend the event and to reach more people, it has been renamed National Drive Electric Week and is planned for September 15-21, 2014. Drivers of electric cars will be available to speak about their experiences at an event scheduled for Friday, September 19, 2014. This year's event is being hosted in part by MOM's Organic Market in the Mosaic District in Merrifield and will be located behind MOM's at 8298 Glass Alley.

Therefore, Supervisor Smyth asked unanimous consent that the Board proclaim September 15–21, 2014, as “*National Drive Electric Week*” in Fairfax County and direct staff to prepare a proclamation to be presented at the event on September 19, 2014. Without objection, it was so ordered.

**DAL:dal**

44. **REQUEST TO RECOGNIZE THE HERNDON FORTNIGHTLY CLUB FOR ITS 125 YEARS OF SERVING THE COMMUNITY (DRANESVILLE DISTRICT)** (5:25 p.m.)

Supervisor Foust said the Herndon Fortnightly Club, the oldest active women's club in Virginia and founder of the first lending library in the County, is celebrating its 125<sup>th</sup> Anniversary this month. Eleven ladies formed the club in 1889 to enhance their knowledge of literature, art, science, and the issues of the day. They collected enough books to start a lending library for the Town in a rented room.

In 1927, the club moved into its newly-built brick building on Spring Street, and operated the Herndon Fortnightly Library until it was taken over by the County's Public Library system.

During the planning of the new public library building in 1990, club members successfully lobbied to have the building placed in downtown Herndon. The new building was named in honor of the club, and in 1995 the Herndon Fortnightly Library opened its doors.

Over the years, the club has generously supported the community and has made contributions to a number of worthy charities. A top priority has been to help students with higher education. Since 1971, the Fortnightly Club has awarded over \$192,000 in scholarships to Herndon-area students and adults to further their education.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite Club President Beverly Harris and members of the Herndon Fortnightly Club to appear before the Board on October 7, 2014, to be recognized for their 125 years of service in Herndon. Without objection, it was so ordered.

45. **REQUEST FOR RECOGNITION OF MS. SOUSAN FRANKEBERGER AND PARK SERVICES STAFF** (5:26 p.m.)

Supervisor Frey said everyone enjoys the summer entertainment series that take place in many of the districts. From concerts to the Movie Nights in his district, the Park Authority staff works hard every summer to produce wonderful entertainment, free for County citizens to enjoy.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Ms. Sousan Frankeberger, along with Park Services staff who work on the summer entertainment, to appear before the Board to be recognized and thanked for their hard work. Without objection, it was so ordered.

46. **REQUEST FOR RECOGNITION OF STAFF FROM CENTREVILLE, CHANTILLY, AND WESTFIELD HIGH SCHOOLS (SULLY DISTRICT)** (5:27 p.m.)

Supervisor Frey said it has come to his attention that staff from Centreville High School, Chantilly High School, and Westfield High School have provided tremendous assistance and cooperation for the active training drills used by the County SWAT team.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite staff from each of the schools to appear before the Board for recognition for all their help in making these training drills a success for everyone involved. Without objection, it was so ordered.

47. **WEST COUNTY TRAIL (SULLY DISTRICT)** (5:28 p.m.)

Supervisor Frey said that recently he met with Mr. Bill Niedringhaus, Ms. Karen Jones, and Park Authority and Transportation staff regarding the concept of a West County Trail that would provide a link to the Cross County Trail, better known as the Gerry Connolly Cross County Trail (GCCCT). The trail would be similar in scope to the GCCCT and provide further trail connectivity within the County for hikers and bikers, specifically connecting Reston to Bull Run Regional Park.

Therefore, Supervisor Frey asked unanimous consent that the Board direct the County Executive and appropriate staff to identify the ultimate route and add it to the County Trails Plan for the Board's approval. Without objection, it was so ordered.

48. **REQUEST FOR RECOGNITION OF MR. ASSAD AYOUBI UPON HIS RETIREMENT** (5:30 p.m.)

Supervisor Frey announced that Mr. Assad Ayoubi is retiring after 29 years of dedicated service to the County. Mr. Ayoubi, an employee with the Department of Public Works and Environmental Services, has served as a site inspector, site reviewer, Director of Site Review, Director of the Environmental Facilities and Inspections Division, and the Director of Code Development. He has also served on numerous Technical Advisory Committees for the State, and has been the point person on many issues including storm water, community revitalization district requirements, geotechnical issues, and a variety of technical site development issues. In short, Mr. Ayoubi has always served wherever needed,

always with a smile and with the County's best interest in mind. Supervisor Frey said he and his staff appreciate all of Mr. Ayoubi's help and he will be missed.

A brief discussion ensued regarding the retirement reception for Mr. Ayoubi scheduled to take place Friday, September 19, at 2 p.m., in the Herrity Building.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a Resolution declaring "*Assad Ayoubi Day*" in Fairfax County, to be presented to Mr. Ayoubi at the reception. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

PMH:pmh

49. **50+ COMMUNITY ACTION PLAN** (5:32 p.m.)

Supervisor Herrity said that the Board, with support from the Fairfax Area Commission on Aging and the Fairfax Area Agency on Aging, developed a *50+ Action Plan* in 2007 in response to the projected increase in the number of older adults over the next decades. The 2007 plan helped to ensure the needs of older adults were considered in the County's planning processes.

Last year, the 50+ Committee continued the County's progress in becoming an aging-friendly community by updating the Plan. With input from the Board, the Commission on Aging, staff, and from 800 residents who attended 15 community forums last summer, the plan began to take shape.

A Steering Committee comprised of representatives from community groups, nonprofits, business and county agencies was created to develop a draft plan. They, through the work of subcommittees, developed initiatives in the areas of Transportation, Housing, Safe and Healthy Communities, Community Engagement, and Services for Older Adults and Caregivers. After reviewing and making some minor final edits, the culmination of this collaborative effort is summarized in the brochure before you today. The full plan and details of the 50+ Community Action Plan can be found on the web at <http://www.fairfaxcounty.gov/dfs/olderadultservices/fairfax50plus.htm>.

Therefore, Supervisor Herrity moved that the Board direct:

- The County Executive to draft an Action Item to be presented at the Board's September 23 Board meeting for the Board's final approval of the 50+ Community Action Plan
- Staff to invite all of the participants in the 50+ planning process including staff, Commission on Aging members, and those who worked on last year's community forums, steering committee and subcommittees to appear before the Board for recognition

- To schedule this recognition and a brief reception before the Board meeting on September 23

Chairman Bulova seconded the motion and it carried by unanimous vote.

50. **RECOVERING THE COSTS OF UNACCOMPANIED MINORS**  
(5:35 p.m.)

Supervisor Herrity said that at the Board meeting on July 1, Supervisor Gross' unanimous consent request directed the County Executive to examine issues with the unexpected influx of unaccompanied minor children and provide the Board with recommendations about what steps may be needed to handle the influx and report the findings at the next Board meeting.

The influx of unaccompanied minors across the southern border has gained much media attention, and it has been reported that the numbers of these children in the United States is in the tens of thousands. Recent news accounts state that, according to the Office of Refugee Resettlement, the number of these children now in the County stands at 1,023 - one of the largest in the country. Unlike in Prince William County where children were placed primarily in one center with the costs reimbursed primarily by the Federal government, the children currently in the County have been scattered throughout communities and none of the costs are being directly reimbursed by the Federal government.

It is safe to say that these children will be using a multitude of County services including County schools. At the cost of \$14,755 per English as a Second Language student (per FCPS approved FY14 budget), that could mean that the County schools alone will have over \$14 million in new unexpected expenses to deal with in this school year.

Other jurisdictions in the country have pursued recovering these costs from the Federal government. The cost of services to these unaccompanied minor children will compete with the County's other critical funding requirements in very difficult economic times or result in an increased tax burden on our taxpayers.

Therefore, Supervisor Herrity moved that the Board direct the County Executive to determine the estimated cost of providing services to the over 1,000 unaccompanied minors currently in the County and to investigate options for recovery of these costs either directly from the Federal government or through a request by the Commonwealth to the Federal government. These actions should include discussions with the Governor's office and the County's Congressional delegation. Supervisor Hyland seconded the motion.

Following comments regarding the motion, Supervisor Gross moved to table the motion. Chairman Bulova seconded the motion and it **FAILED** by a recorded vote five, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Foust, and Chairman Bulova voting "AYE."

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

- Cost recovery and Federal reimbursement
- Timeframe for staff responding to the Board's July 1, 2014, request
- Impact on schools

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to ensure that the proposed action does not supplant or interfere with the current staff effort that is underway, and this was accepted.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

51. **RECOGNIZING THE FIFTEENTH ANNUAL CLIFTON LABOR DAY CAR SHOW (SPRINGFIELD DISTRICT)** (5:55 p.m.)

Supervisor Herrity said that on September 1 the Clifton community hosted the Fifteenth Annual Labor Day Car Show in the town. The show, one of the biggest in recent memory with over 350 cars, drew thousands of visitors and increased the town's population for the day nearly 20-fold. The car show, which started 15 years ago as a project of the Clifton Lions Club, has become a town tradition, and receives support from the town's residents who turn their streets into parking lots, literally.

Each car show, sponsorships, entry fees, and proceeds from food sales by the Clifton Lions Club are all pooled and donated to charities. Recently, Life with Cancer at Fair Oaks Hospital and the Northern Virginia Therapeutic Riding Program have been the major recipients. In 15 years, the car show has donated nearly \$300,000 to charities to include over \$40,000 to the Police Family Foundation since the Sully station shooting seven years ago.

The last three years have also seen the formation and growth of the Richard King Fireman's Chili Cook-off organized by Mr. Rusty Hall. The chili cook-off features chili cooked by firefighters for bragging rights, a trophy, and \$1,000 in the Muscular Dystrophy Association (MDA) boot for first place and \$500 for second place.

While the car show requires dozens of volunteers working a 12 hour day starting at 6 a.m., the show would not exist had it not been started and kept going by one person, Jim Chesley. Over the years, Mr. Chesley has built the car show into a County tradition and an event attended by car enthusiasts across the region.

Sadly, this past car show was reportedly Mr. Chesley's last and he will be taking a back seat role in planning future shows. Had it not been for Mr. Chesley's dedication, the car show may not be what it is today.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Mr. Chesley and planners of the Clifton Labor Day Car Show to appear before the Board to receive a resolution congratulating them for the fifteenth show and that a separate resolution be prepared for Mr. Chesley thanking him for his hard work and dedication to keeping the show in place over the last 15 years. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite Mr. John Niemiec, the winner of the Richard King Fireman's Chili Cook-off, to appear before the Board and be recognized. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

52. **RECOGNIZING THE THIRD WEEK IN JANUARY AS TEEN CANCER AWARENESS WEEK IN FAIRFAX COUNTY** (5:59 p.m.)

Supervisor Herrity said that while cancer in any form is a terrible disease, cancer in teenagers is a particular problem.

Therefore, Supervisor Herrity asked unanimous consent that the Board recognize the third week of January as "*Teen Cancer Awareness Week*" in Fairfax County, and direct staff to invite Nikki Ferraro, teen cancer survivor and founder of the teen-focused Bite Me Cancer foundation in Chantilly, to appear before the Board to receive a resolution declaring the third week in January as "*Teen Cancer Awareness Week*" in Fairfax County. Without objection, it was so ordered.

53. **RECOGNIZING ROBINSON SECONDARY SCHOOL THEATER DIRECTOR CHIP ROME (BRADDOCK DISTRICT)** (6 p.m.)

Supervisor Cook recognized an outstanding teacher in the Braddock District, Mr. Chip Rome, who has retired after 33 years teaching theater at Robinson.

Mr. Rome, who was profiled over the summer in *The Connection* Newspaper, said, "The arts are about reaching farther than you ever thought you could," and he has inspired his students to do just that. He has a true passion for teaching the arts and has even taken students to Scotland for the largest art festival in the world. His students have gone on to do great things including working as a professional stage manager at the Kennedy Center.

Therefore, Supervisor Cook asked unanimous consent that the Board recognize Mr. Rome for his long service to Robinson and the community and direct staff to invite him to appear before the Board to be formally recognized. Without objection, it was so ordered.



54. **CELEBRATING THE OAK HILL MANSION OPEN HOUSE (BRADDOCK DISTRICT)** (6:01 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Cook announced that the Board, working closely with the Park Authority, will be co-sponsoring "Oak Hill History Day."

Oak Hill, a privately-owned Eighteenth century Georgian-style home, is all that remains of the Ravensworth Tract - totaling more than 22,000 acres - dating from the 1670s. As part of the agreement, the owners may be requested to open the property and the first floor of the home four times a year.

This free program, a celebration of local history, is slated for Saturday, September 27, from 12:30 to 4 p.m. at the historic Oak Hill Mansion, located at 4716 Wakefield Chapel Road, in Annandale. Parking will be offsite at the Nancy Sprague Technology Center, 4414 Holborn Avenue, in Annandale. A free shuttle bus service will provide visitors with convenient transportation.

The theme this year is Celebrating American Popular Music of the Nineteenth Century. There will be performances by the Annandale Symphony Orchestra ensemble, Navy Sea Chanters vocalists, and historical reenactor Jon Vrana. There will also be free refreshments and self-guided tours of the grounds.

Such an event not only gives a chance to learn about, and reflect upon, the history of Oak Hill, but also serves as an opportunity to learn about some of the interesting stories of the Civil War.

Therefore, Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs and the Park Authority to publicize this event, and that the Park Authority provide support and assistance in running this program, as they so graciously do every year. Without objection, it was so ordered.

55. **NAMING OCTOBER "DOMESTIC VIOLENCE AWARENESS MONTH"** (6:03 p.m.)

Supervisor Cook said that raising awareness about domestic violence is a priority in this County and across the globe. Domestic violence is the number one cause of injury to women, more than car accidents, muggings, and rape combined. Here 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 may suffer permanent emotional injury. Children who suffer from domestic abuse are twice as likely to also abuse their own spouses and children.

Therefore, Supervisor Cook asked unanimous consent that the Board:

- Declare October 2014 as "Domestic Violence Awareness Month" in Fairfax County.

- Direct staff to invite members of the Office for Women and Domestic and Sexual Violence Services and other domestic violence prevention advocates to appear before the Board on September 23.
- Direct the Office of Public Affairs to publicize the event.

Without objection, it was so ordered.

Supervisor Cook referred to his written Board which outlined additional services.

56. **HISPANIC HEALTH AWARENESS WEEK** (6:05 p.m.)

Supervisor Gross said that BiNational Health Week has become one of the largest mobilization efforts in the Americas to improve the health and well-being of underserved populations of Latin American origin living in the United States and Canada. It encompasses a weeklong annual series of health promotion and health education activities that include workshops, insurance referrals, and health screenings.

This year, BiNational Health Week will occur October 4 - 18 in 40 states and three provinces in Canada. In the County, officers from the Mexican Consulate "Ventanilla de Salud" (Health Window) have partnered with the Family Services Network to host "Feria de la Salud Hispana 2014" at the grounds of the Willston Multicultural Center in Mason District on October 4, from 10 a.m. until 3 p.m.

Therefore, Supervisor Gross asked unanimous consent that the Board endorse "*BiNational Health Week*" through a resolution to be presented at the event on October 4. Without objection, it was so ordered.

57. **REQUEST FOR PROCLAMATION FOR THE STROKE COMEBACK CENTER** (6:06 p.m.)

Supervisor Gross announced that she would be presenting information about an upcoming proclamation regarding the Stroke Comeback Center. She added that she would like to reserve time for this proclamation at the Board's meeting scheduled for October 7.

58. **EMPLOYEE COMPENSATION WORK GROUP UPDATE** (6:07 p.m.)

Supervisor Gross said that, included in the Fiscal Year (FY) 2014 Budget Guidance, was direction to staff to "work with employee groups to develop and refine an overall pay structure that provides compensation adjustments based on inflation and other economic factors; awards employees for satisfactory job performance; addresses longevity factors for long-tenured employees; and develops a cohesive plan for conducting market studies and ensuring that County job classes maintain equity and competitiveness within the region."

The development of this plan has included a number of steps including an initial Work Group, Countywide informational meetings, focus group discussions, and a survey. As the final step in the Workforce Dialogue process which began last summer, a second Work Group composed of employee group representatives, Board Members and County staff worked together over the past six months to develop an employee compensation proposal that would, to the extent possible, meet the needs of all affected groups.

The Work Group developed and focused on themes/objectives during their conversations. Ultimately it was agreed that an employee compensation system should:

- Be fair and equitable (among employee groups and as it relates to pay compression with new hires)
- Reflect the market and keep up with inflation
- Provide for employee movement through the pay range over course of career
- Provide predictability as to what employees can expect over course of career
- Recognize both performance and longevity
- Be sustainable and affordable

Over the months, work group members gained a greater understanding of the issues, concerns, and constraints faced by the employee groups, Board Members and staff. It was ultimately recognized that there was no "one right answer" to the compensation structure question and that compromise was needed to move the project forward. The Work Group has been successful in reaching consensus on a compromise compensation structure that meets the objectives of the Group.

As a result, the Work Group will be providing a pay proposal for consideration. The proposal includes an annual market rate adjustment, annual performance increases based on an employee's position on the pay scale, and longevity awards. It is anticipated that this proposal would be used by the County Executive as the FY 2016 Budget is developed. To that end, an agenda item is being prepared and will be distributed well in advance of the Board's October 14, 2014, Personnel and Reorganization Committee meeting. The item and attachments will provide the details and thinking behind the proposed pay plan.

As Chair of this work group, Supervisor Gross commended all members for their hard work, candor, and flexibility as the pay proposal was developed, revised, and revised again, in an effort to reach consensus on this important topic.

59. **BLOCK 4 LLC AND RESTON TOWN CENTER PROPERTY, LLC (HUNTER MILL DISTRICT)** (6:14 p.m.)

Supervisor Hudgins said that on July 29, 2014, a public hearing was held on Proffered Condition Amendment Application PCA 85-C-088-09, Development Plan Amendment Application DPA 85-C-088-07, and Planned Residential Community Application PRC 85-C-088-03, and the Board unanimously approved these applications.

Supervisor Hudgins said that it has come to her attention that there was an error in the motion. The motion incorrectly referenced the wrong "as revised through" date for the PRC conditions.

Therefore, Supervisor Hudgins said that she would like to correct the motion made on July 29 with the following motion for the record. Nothing has substantially changed or is different with this application.

Therefore, Supervisor Hudgins moved approval of:

- Proffered Condition Amendment Application PCA 85-C-088-09, Development Plan Amendment Application DPA 85-C-088-07, and Planned Residential Community Application PRC 85-C-088-03 subject to the executed proffers dated July 28, 2014, and subject to the PRC conditions dated September 8, 2014.
- A modification of Section 11-203 of the Zoning Ordinance for the loading space requirements to that shown on the DPA/PRC Plan.
- A modification of Section 13-303 of the Zoning Ordinance for the transitional screening and barrier requirements to that shown on the DPA/PRC Plan.
- The motion on the underground stormwater detention is not being amended and still stands as originally made and approved on July 29, 2014.

Chairman Bulova seconded the motion.

Following discussion of the date of the PRC conditions, the question was called on the motion and it carried by unanimous vote.

60. **RESTON REGIONAL LIBRARY BOOKS SALES (HUNTER MILL DISTRICT)** (6:20 p.m.)

Supervisor Hudgins said that each year before school starts, the Friends of Reston Regional Library hold a book sale of children's and teen books, and instructional aids for teaching.

This year's four-day children's book sale made \$16,000 - a new record. The proceeds of the sale go back to the library and the County Library system.

The Friends of Reston Regional Library are not ones to rest on their laurels - they are busy preparing for the next Adult Book Sale on September 25–28.

Supervisor Hudgins extended her congratulations to the Friends of Reston Regional Library for all their hard work and wonderful contributions to the library collections.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs prepare a media campaign to spread the word and increase awareness of the upcoming used-books sales at the Reston Regional Library and other branches of the County Library. Without objection, it was so ordered.

61. **REQUEST TO RECOGNIZE THE LAUREL HILL PROJECT ADVISORY COMMITTEE** (6:21 p.m.)

Supervisor Hyland said that the Board approved a master development agreement on July 29, 2014, as one of the final steps required in transforming the former Lorton prison into a mixed-use community. This action means that the project moves forward toward construction.

Supervisor Hyland referred to his written Board Matter which outlined the history of the project.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite Mr. Tim Sargeant, Mr. Robert Cosgriff, and Mr. Douglas Wrenn to appear before the Board to be recognized for the many years of hard work and committed service to this project that will not only benefit the community of Lorton but the entire County. Without objection, it was so ordered.

62. **REQUEST FOR EXPEDITED, CONCURRENT SITE PLAN PROCESSING AND A FEE WAIVER FOR SPECIAL EXCEPTION APPLICATION SE 2014-MV-041 – NORTHERN VIRGINIA RADIO CONTROL CLUB (NVRC) (MOUNT VERNON DISTRICT)** (6:22 p.m.)

Supervisor Hyland said that the NVRC is a non-profit 501(c)(3) organization, based out of Chantilly, whose members have organized to foster the interchange of information and to enjoy and further their skills in building and flying radio controlled model aircraft. NVRC has a pending special exception application in process, which proposes to establish a radio control aircraft air park on the I-95 landfill in Lorton. During the staff review, it was determined that a minor site plan will be needed.

Therefore, Supervisor Hyland moved that the Board:

- Authorize expedited processing for Special Exception Application SE 2014-MV-041
- Authorize the Department of Public Works and Environmental Services to concurrently process the site plan associated with this pending application and waive the fees associated with the site plan.

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

63. **MOUNT VERNON COUNCIL (MOUNT VERNON DISTRICT)** (6:23 p.m.)

(NOTE: Earlier in the meeting the Board took action regarding this issue. See Clerk's Summary Item #12.)

Supervisor Hyland noted that the issue of the Mount Vernon Council's request that the Board restore funding for the Environmental Improvement Program (EIP) during the end of year Carryover had been addressed earlier in the meeting.

64. **REQUEST THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PERMIT THE INSTALLATION OF A MEMORIAL MONUMENT AT JEFF TODD WAY (MOUNT VERNON DISTRICT)** (6:24 p.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Hyland said that on August 25, the Board, along with fellow elected officials Congressman Moran, State Senators Toddy Puller, Adam Ebbin, and Delegates Sickles, Surovell, and Albo, had the honor of dedicating Jeff Todd Way, the new four-lane connector road between Richmond Highway and Telegraph Road. This is a game changer for the economic development in the Lee and Mount Vernon Districts. At the dedication, Mr. Jay Spiegel requested assistance in getting approvals for friends of Jeff to install a memorial monument. Two members of the Mount Vernon-Lee Chamber of Commerce, Becky Todd, Jeff's widow, and Michael Gailliot would like to provide a boulder and plaque at an appropriate location along the roadway, the preferred location being the northwest intersection of Jeff Todd Way and Richmond Highway across from the Roy Rogers. Other Chamber members have stated they would provide plantings and benches in the area. The costs for the materials and installation would be borne by private individuals.

Therefore, Supervisor Hyland moved that the Board communicate its support for this monument and direct the Department of Transportation to work with VDOT and the Federal Highway Administration on the procedures and permits to make this a reality. Chairman Bulova seconded the motion and it carried by unanimous vote.

65. **REQUEST FOR THE OFFICE OF ELECTIONS TO PROVIDE ENHANCED OUTREACH FOR VOTER REGISTRATION AND PHOTOGRAPHIC IDENTIFICATION** (6:25 p.m.)

Supervisor Hyland said several constituents have expressed concerns about Virginia's new photographic identification requirements to cast a ballot in the November election. The residents asked if the County could create a mobile photo identification/voter registration solution that could visit senior centers, retirement homes, nursing homes, shelters, and other locations whose residents may not have access to transportation to attend the currently scheduled election demo locations, which is ongoing in over 70 locations throughout the months of September and October.

Supervisor Hyland said that he was informed that the State Department of Elections, now rebranded ELECT, requires live access to the State's database for immediate registration, which necessitates the Department of Technology to route virtual private networks at County facilities. Staff is also able to connect via Wi-Fi or can store the information on laptops for later processing.

Therefore, Supervisor Hyland moved that the Board refer this request to the Office of Elections for its response. Supervisor McKay and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

66. **COMMENDING THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR STRIPING AND REPAVING SHERWOOD HALL LANE (MOUNT VERNON DISTRICT)** (6:28 p.m.)

Supervisor Hyland said that this summer VDOT repaved and striped Sherwood Hall Lane between Richmond Highway and Fort Hunt Road. The roadway has been fraught with speeding and illegal passing problems since it was widened. To correct this unsafe condition, the Department of Transportation and VDOT proposed to eliminate street parking, and put in turn and bike lanes. After extensive public outreach with local communities, notably Gum Springs, Sherwood Estates, Hollin Hills and other communities along the roadway, they took the concerns and repaved the roadway to retain street parking as well as install turn and bike lanes. These engineering solutions, coupled with a tough enforcement campaign, have gone a long way to make the road safer. The bicycle community has written several letters to the editor in local papers overjoyed with the new bike lanes. To County staff and staff in VDOT, particularly Mr. Randy Dittberner and Ms. Lauren Mollerup, Supervisor Hyland expressed his appreciation for a job well done!

Supervisor Hyland asked unanimous consent that the Board direct staff to commend VDOT staff Randy Dittberner and Lauren Mollerup with a letter. Without objection, it was so ordered.

67. **REQUEST TO RECOGNIZE THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) FOR 16 YEARS OF PLATINUM PEAK PERFORMANCE AWARDS AT THE NOMAN M. COLE, JR. POLLUTION CONTROL PLANT** (6:30 p.m.)

Supervisor Hyland said that September means kids are back to school, the Board is in session, and the Noman M. Cole, Jr. Pollution Control Plant has won yet another Platinum Peak Performance Award from the National Association of Clean Water Agencies. This year marks the sixteenth year in a row that DPWES has attained such a distinction.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite the DPWES and the staff of the Noman M. Cole, Jr. plant to appear before the Board to be recognized for their efforts. Without objection, it was so ordered.

68. **SARATOGA PARK-AND-RIDE (MOUNT VERNON DISTRICT)** (6:31 p.m.)

Supervisor Hyland said that hundreds of cars are coming to the Saratoga Park-and-Ride lot in the evening and using it as a gathering place causing impacts on the surrounding neighborhoods.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to review this issue. Without objection, it was so ordered.

A brief discussion ensued regarding the issue.

69. **REQUEST FOR RECOGNITION FOR MR. JERRY FREEAR** (6:34 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity, Supervisor Hyland, and Chairman Bulova, Supervisor McKay said that on December 19, Mr. Jerry Freear will be hanging up his hat, and car keys, when he retires after nearly four decades of mail delivery for the County.

Supervisor McKay noted that Mr. Freear started his delivery routes 38 years ago when the County had but 400,000 residents and such little traffic that he could deliver mail each day to the offices of all supervisors and every County agency during his 8-hour shift.

All told, it is estimated that Mr. Freear has driven half a million miles in his 38 years with the County.



Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Mr. Freear to appear before the Board for recognition at its December 2 meeting. Without objection, it was so ordered.

70. **FROG POND LEARNING CENTER (LEE DISTRICT)** (6:35 p.m.)

In a joint Board Matter with Supervisor Hyland, Supervisor McKay said that to celebrate its fifteenth anniversary of providing a nature-based preschool curriculum to County children, the Frog Pond Early Learning Center has declared October 2014 “*The Year of the Frog.*” Frog Pond, situated near Huntley Meadows Park and Route One, will be celebrating this significant anniversary with various events.

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

- Prepare a proclamation declaring October 28, 2014, as “*Frog Pond Early Learning Center Day*” in Fairfax County, to be presented to Pam Tinker, Frog Pond founder, members of her staff, parents, and children at the Board’s October 28 meeting.
- Invite all residents of the County to celebrate this event.

Without objection, it was so ordered.

71. **WATER ENVIRONMENT FEDERATION (WEF)** (6:36 p.m.)

Supervisor McKay announced that the WEF, a non-profit membership association which focuses on water quality and environmental issues, is having its eighty-seventh annual technical exhibition and conference this fall.

Supervisor McKay said that the only elected public officials award went to Supervisor Gross. He congratulated her on receiving the award.

72. **BOARD ADJOURNMENT** (6:37 p.m.)

The Board adjourned.

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