



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 11, 2014**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, February 11, 2014, at 9:34 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 Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Penelope A. Gross, Mason District, was absent from the entire meeting. (Chairman Bulova announced the reason for her absence. See Clerk's Summary Items #4 and #36.)

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:34 a.m.)

Supervisor Foust asked everyone to keep in thoughts the families and friends of the two Langley High School students who died last week, as well as the entire Langley High School community.

Supervisor Foust asked everyone to keep in thoughts the family of Edward J. Shahin, Jr., community activist, who died last week. Mr. Shahin served on the McLean Community Center Governing Board and was a fierce advocate for more services for seniors. He was instrumental in launching an “Aging in Place” initiative in McLean, started the Senior Art Tent at Artfest, and spearheaded the Rotary’s program to provide books for children in grades K-2 at Timber Lane Elementary School.

Supervisor Frey asked everyone to keep in thoughts Shahab Baiq, Chief Site Plan Reviewer, Land Development Services, Department of Public Works and Environmental Services, who is recovering from heart surgery.

Supervisor Hudgins asked everyone to keep in thoughts the families who suffered the loss of two young adults by suicide within the last two weeks, families who are facing similar conditions, and her hope that the County continues its work to address this issue in the community.

AGENDA ITEMS2. **CERTIFICATE OF WELCOME TO DR. ANGEL CABRERA, PRESIDENT OF GEORGE MASON UNIVERSITY (GMU) (BRADDOCK DISTRICT)** (9:37 a.m.)

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved approval of a Certificate of Welcome to Dr. Angel Cabrera, president of George Mason University. There were multiple seconds.

Supervisor Cook noted that Dr. Cabrera’s academic vision for the university incorporates teaching students to learn and then putting that knowledge into action. Supervisor McKay added that the university has reached out to the larger community with a wealth of resources that are available to it.

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

Following remarks by Dr. Cabrera, Chairman Bulova announced that the County is a sister to Keçiröen, Ankara, Turkey; last year approximately 30 students from GMU stayed in Turkey for three weeks and this summer the university will be hosting an international summer program that will begin with students from

Keçiröen. In addition, she stated that at a future meeting of the Economic Advisory Commission it will be hearing about plans that GMU has for health care education.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE LONGFELLOW MIDDLE SCHOOL LEGO LEGION TEAM (DRANESVILLE DISTRICT)** (9:56 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Longfellow Middle School Lego Legion team for its creativity and practical approach to develop a mobile application prototype, the Road Condition Reporter, to report traffic issues, resulting in winning first place in its age group at the 2013 Virginia/DC First Lego League Championship Tournament. Supervisor Hyland and Supervisor McKay jointly seconded the motion. Participating students attend Longfellow and Kilmer Middle Schools.

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

ADDITIONAL BOARD MATTER

4. **ABSENCE OF SUPERVISOR GROSS (MASON DISTRICT)** (10:08 a.m.)

Chairman Bulova announced that Supervisor Gross is absent from the Board meeting today because she is president of the National Association of Regional Councils and they are having their annual meeting today, and she is representing the County's interests.

AGENDA ITEMS

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE LANGLEY HIGH SCHOOL GIRLS' VOLLEYBALL TEAM (DRANESVILLE DISTRICT)** (10:09 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Langley High School Girls' Volleyball team for noteworthy teamwork, extraordinary focus and outstanding athletic prowess, resulting in winning the 2013 Virginia High School League 6A State championship for the first time in school history and finishing the season with a school-record 27 wins. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

6. **RESOLUTION OF RECOGNITION PRESENTED TO MR. HOWARD HOUGHTON (BRADDOCK DISTRICT)** (10:16 a.m.)

Supervisor Cook moved approval of the Resolution of Recognition presented to Mr. Howard Houghton for 22 years of dedicated and noteworthy service to the County. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and

it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Gross being absent.

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAMILY CAREGIVER SUPPORT PROGRAM** (10:21 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to the Family Caregiver Support Program for receiving a Best Practices Award from the Commonwealth Council for its innovative and valuable work to assist caregivers in the management of their responsibilities. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Gross being absent.

8. **PROCLAMATION DESIGNATING FEBRUARY 16-22, 2014, AS "ENGINEERS WEEK" IN FAIRFAX COUNTY** (10:29 a.m.)

Supervisor Foust moved approval of the Proclamation to designate February 16-22, 2014, as "*Engineers Week*" in Fairfax County to recognize and pay tribute to a diverse and talented group of professionals and the many ongoing contributions they make in the County. Supervisor Herrity, Supervisor Hyland, and Supervisory McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

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#. **10:30 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:41 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, referred to the Legislative Committee report from the January 31, 2014 meeting distributed at the dais, and presented a report on General Assembly activities:

- Today is a milestone in the session calendar – it is “crossover,” which is the deadline for bills to pass their originating chambers and “cross over” to the opposite chamber. The tracking chart attached to the report lists many bills which were problematic for the County have been amended, or are no longer under consideration, leaving a much smaller universe of bills to be worked on in the latter half of the session.
- As an update on the County's initiative, the Senate companion bill to the County's bill on municipal net metering has now been carried over for the year, so that legislation will not proceed this year. However, when the bill was being considered in the House, the subcommittee looking at the bill agreed to request that the State Corporation Commission study the concept of net metering. Additionally, municipal net metering is being discussed in contract negotiations currently underway between local government representatives and Dominion Power, so the issue is still moving forward.

- The County's other initiative, requesting a JLARC study of Medicaid-funded transportation services, was significantly amended in a subcommittee of House Rules to encompass an audit of the state's Medicaid program overall. The issue of transportation service is still included in the resolution, but there are concerns that it may be overshadowed. Staff is continuing to work with the patron, to ensure that serious concerns about the quality of this service, which spurred the request for the study resolution, are not lost in the shuffle.
- The biggest area of focus for the second part of the session is the state budget. On Sunday, the House Appropriations and Senate Finance Committees will report their respective budgets, and next week the full House and Senate will vote on these proposals. The next step in the process will be for each chamber to reject the other's budget and appoint a conference committee to resolve the differences.

Supervisor McKay thanked Board Members who were in attendance last Thursday at the VACo/VML Day and heard a strong endorsement of Medicaid expansion from the keynote speaker, Governor McAuliffe. Board Members also received briefings from staff and participated in regional meetings, as well as doing some in-person discussions with the legislators.

Supervisor McKay reminded everyone that the Board's annual legislative reception in Richmond is scheduled for Tuesday, February 18, 2014, at 5:30 p.m. in Old City Hall.

The next Legislative Committee meeting is Friday, February 14, at 4:30 p.m. in Conference Rooms 9 and 10 at the Government Center.

Supervisor McKay moved adoption of the 2014 Legislative Report Number Two. Chairman Bulova seconded the motion.

Discussion ensued, regarding:

- Expansion of Medicaid
- Restoration of the cost of competing adjustment funding
- Recognition of inflation costs
- School funding formula
- Additional money identified in the State budget for schools
- Medicaid funding

Discussion ensued, regarding some of the pending bills that include the award of damages and attorney fees for violation of constitutional rights and zoning actions, specifically Senate Bill 578 and House Bill.

Supervisor McKay asked unanimous consent that the Board direct staff to provide information regarding whether there are any differences between the two Bills and if so, what specifically they are. Without objection, it was so ordered.

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

10. **ADMINISTRATIVE ITEMS** (10:51 a.m.)

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

ADMIN 1 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Reinstated the following individual, identified with a registration number, as Plans Examiners:

- Travis D'Amico DPE 293 (Inactive on 5/14/2013)

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (MASON, MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Glendale Lot 5 (Edwards Zamin)	Mason	Edwards Street (Route 933) [Additional Right-of-Way (ROW) Only]
10212 Richmond Highway (AAAACO LLP Site)	Mount Vernon	Richmond Highway (Route 1) (Additional ROW Only)
Oakton Limited Partnership (Oakton Shopping Center)	Providence	Chain Bridge Road (Route 123) (Additional ROW Only)
Rogers Property	Sully	Golden Meadow Court Thompson Road (Route 669) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Jackson Fields	Sully	Jackson Fields Court Crim Station Road (Route 10152) Mount Olive Road (Route 859) (Additional ROW Only)

ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 14169 FOR THE OFFICE OF EMERGENCY MANAGEMENT (OEM) TO ACCEPT ADDITIONAL FUNDING FOR A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUB-GRANT AWARD FROM THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

(SAR) Approved SAR AS 14169 in the amount of \$320,000 for OEM to accept additional funding for a DHS Fiscal Year 2013 UASI subgrant award from the State Administrative Agency. These funds will be used in support of the National Capital Region’s Emergency Alerting System which supports 18 local jurisdictions. No new positions will be created with this grant and no local cash match is required.

ADMIN 4 – APPROVAL OF TRAFFIC CALMING MEASURES AND “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (PROVIDENCE AND HUNTER MILL DISTRICTS)

- (R)
- Endorsed the following traffic calming measures for Summerfield Road:
 - One speed hump on Summerfield Road (Providence District)
 - Install or refurbish stop bars at the intersection of Summerfield Road and Custis Parkway (Providence District)
 - Install or refurbish stop bars at the intersection of Summerfield Road and Jefferson Avenue (Providence District)

- Adopted a Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on the following roads:
 - Viking Drive from Lawyers Road to Pinecrest Road (Hunter Mill District)
 - Pinecrest Road from Fox Mill Road to the end of the road (Hunter Mill District)
- Directed staff to schedule the installation of the approved traffic calming measures as soon as possible.
- Directed staff to request the Virginia Department of Transportation (VDOT) to schedule the installation of the approved measures as soon as possible.

11. **A-1 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE AN INTERJURISDICTIONAL PRETREATMENT AGREEMENT BETWEEN THE COUNTY OF FAIRFAX AND THE PRINCE WILLIAM COUNTY SERVICE AUTHORITY (PWCSA)**
(10:52 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Gross being absent, the Board concurred in the recommendation of staff and authorized the County Executive to execute the Interjurisdictional Pretreatment Agreement with PWCSA for the portion of the County’s wastewater that is conveyed and treated at PWCSA’s treatment plant.

12. **I-1 – CONTRACT AWARD – RADIO FREQUENCY CONSULTANTS**
(10:53 a.m.)

The Board next considered an item contained in the Board Agenda dated February 11, 2014, announcing that staff is awarding a contract to RCC Consultants, Incorporated, in the amount of \$500,000 for radio frequency consulting services.

13. **I-2 – CONTRACT AWARD – PARK AUTHORITY NEEDS ASSESSMENT CONSULTANT** (10:53 a.m.)

The Board next considered an item contained in the Board Agenda dated February 11, 2014, announcing that staff is awarding a contract to PROS Consulting, LLC, in the amount of \$292,170 for consultant services to assist with completion of the Park Authority’s needs assessment project. The contract will commence on March 1, 2014, and terminate on December 31, 2015.

Discussion ensued, with input from Anna Bentley, Planner II, Park Authority, regarding deer management activities and the scope of work to be done by the needs assessment consultant under the contract.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide an update on its work with the community on the deer management issue if the needs assessment contract is not going to cover that. Without objection, it was so ordered.

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ADDITIONAL BOARD MATTERS

14. **REQUESTS FOR RECOGNITION** (10:56 a.m.)

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

- Virginia Cooperative Extension (VCE) and Neighborhood and Community Services to accept a proclamation recognizing May 2014 as “*VCE Month*” in Fairfax County, in celebration of VCEs one hundredth anniversary.
- Unified Prevention Coalition of Fairfax County to accept a proclamation recognizing May 2014 as “*Parents Who Host, Lose the Most Month*” in Fairfax County.
- Volunteers of America Chesapeake to accept a proclamation recognizing Bailey’s Crossroads Community Shelter’s twentieth anniversary.

Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

15. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (10:57 a.m.)

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

EBE:ebe

16. **REQUEST FOR RECOGNITION OF RESERVE DEPUTY SHERIFF RICHARD RAINES (LEE DISTRICT)** (10:57 a.m.)

Supervisor McKay, as a reserve deputy sheriff, said that he is pleased to ask Board Members to recognize Reserve Deputy Sheriff Richard Raines for his extraordinary dedication to the citizens of the County.

A retired Marine infantry officer with 34 years of service, Reserve Deputy Sheriff Raines has been an outstanding member of the reserve deputy sheriff program since 2002 and he has volunteered more than 15,000 hours to the program. This represents the number of hours a sworn deputy would work over a seven-year period. On a current deputy's base salary with no increase, that represents a savings to the department and the taxpayers of more than \$300,000.

During his 12 years with the program, Reserve Deputy Sheriff Raines has assisted the Sheriff's Office Internal Affairs section, the Police Department, and the Alcohol Tobacco and Firearms (ATF). He has also played an invaluable part in the planning and implementation of the agency's emergency response plan.

Reserve Deputy Sheriff Raines's volunteer spirit and drive has been recognized by numerous other organizations. In 2005, the American Jail Association (AJA) honored him for his volunteer work in the County when it awarded him its AJA Volunteer of the Year award. In 2010, Volunteer Fairfax recognized him with a Benchmark 1,000 award.

Supervisor McKay noted that in a County known for its extraordinary volunteers, Reserve Deputy Sheriff Richard Raines raises the bar.

Therefore, Supervisor McKay moved that the Board direct staff to invite Reserve Deputy Sheriff Raines to appear before the Board to be recognized on March 25 and that March 25 be declared as "*Richard Raines Day*" in Fairfax County, Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

17. **FREE TAX RELIEF ASSISTANCE SERVICE AND LEE DISTRICT COMMUNITY BUDGET MEETING** (10:59 a.m.)

Supervisor McKay said that on Wednesday, March 12, and Wednesday, March 19, the Department of Tax Administration will provide free tax relief assistance for eligible Lee District older adults and individuals with disabilities.

No appointments will be necessary for this service—all that is necessary is to drop by the community room of the Franconia Governmental Center anytime between 9 a.m. and 2 p.m.

Also, on Wednesday, March 26, Supervisor McKay will hold a budget meeting for Lee District residents. He will be joined by Tamara Derenak Kaufax, Lee District School Board Representative, as well as budget staff from both the County and the Schools.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to inform the community of both the free tax relief assistance service and the Lee District community budget meeting. Without objection, it was so ordered.

18. **REQUEST FOR EXPEDITED PROCESSING OF REZONING APPLICATION RZ 2013-SP-011 (SPRINGFIELD DISTRICT)** (11 a.m.)

Supervisor Herrity said that, Van Metre Communities, LLC is the contract purchaser of property identified as Tax Map reference 89-3 ((1)) 39 and 42. Currently zoned to the R-1 District, the applicant has filed Rezoning Application RZ 2013-SP-011 which proposes a rezoning to the R-3 (Cluster) District to allow the development of 18 single family homes.

Therefore, Supervisor Herrity moved that the Board direct:

- The Director of the Department of Planning and Zoning, Zoning Evaluation Division, to expeditiously process the rezoning application filed on behalf of Van Metre Communities, LLC on the subject property.
- Staff to schedule a Planning Commission hearing for March 13, 2014.
- Staff to schedule a public hearing to be held before the Board at the first available date.

This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Supervisor Foust seconded the motion, and it carried by a vote of nine, Supervisor Gross being absent.

19. **EXAMINING THE CONCEPT OF HOTELING TO REDUCE OFFICE SPACE EXPENSES** (11:02 a.m.)

Supervisor Herrity said the concept of hoteling, or providing office space to employees on an as-needed basis, dates back to the early 1990s. Today, hoteling is used in major companies throughout the country, and even in the federal government. A recent report from the General Services Administration (GSA), where hoteling was put into place a few years ago, showed that a \$600,000 savings was generated by cutting office space in half, eliminating 15,000 square feet of office space at GSA using the hoteling concept. Similar experiences have taken place at the Treasury Department, the Patent and Trademark Office, and the Department of Homeland Security.

Supervisor Herrity said that in the private sector the hoteling has become essential for firms to stay cost competitive. His company's bank recently moved to hoteling and eliminated two of their three floors – the Vice President serving their account now hotels. The same is happening with government contractors and

other professional service providers in the region. The practice is so prevalent that he believes that is one of the factors in office vacancy rates in the County.

The hoteling concept is certainly a change from the traditional office space model. The experiences so far with hoteling in the public sector have been generally positive. In the Patent and Trademark Office, an analysis comparing employees in traditional office space versus hoteling space shows that employees in hoteling space were more productive and took less leave.

Facilities cost is the County's second largest cost after personnel cost. The County spends just over \$14 million per year on leased office space. Facilities Management reports the County currently has more than 3.5 million square feet of space in government buildings in addition to the more than 600,000 square feet that is rented. Hoteling is currently practiced on a limited basis by some departments in the County such as code enforcement and other departments whose employees are primarily field based. Supervisor Herrity stated the County should examine further options to expand this practice.

If the County can reduce its space requirements by reducing facilities cost it will have additional resources for other budget priorities.

Therefore, Supervisor Herrity moved that the Board direct the County Executive to:

- Examine the feasibility of expanding the hoteling concept in the County and report with his findings.
- Engage an outside consultant to conduct the review, if deemed appropriate.

Supervisor Smyth seconded the motion.

Discussion ensued, regarding teleworking, facilities cost, and space sharing opportunities at teleworking centers to reduce cost.

Supervisor Cook asked unanimous consent that the Board direct staff to provide a briefing on the status of teleworking in the County.

Supervisor Hudgins asked to amend the request to include an update on the County's current goal on teleworking. Without objection, the request, as amended, was so ordered.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked to amend the motion to direct the County Executive to provide the cost of engaging an outside consultant to the Board before authorizing. This was accepted.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

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

20. **REQUEST TO RECOGNIZE THE FIFTIETH ANNIVERSARY OF MESSIAH UNITED METHODIST CHURCH (SPRINGFIELD AND BRADDOCK DISTRICTS)** (11:09 a.m.)

Jointly with Supervisor Cook, Supervisor Herrity said that in the 1960s the West Springfield area was undergoing great change and growth. While the area's population was growing, so were congregations of all faiths. In June of 1964, the Virginia Annual Conference of The Methodist Church appointed Reverend Robert T. Knox to start a church in West Springfield with the assistance of Fairfax, Annandale, Saint Stephens, and Springfield Methodist churches.

Approximately 56 people attended the first worship service of what would become Messiah Methodist Church on October 11, 1964, in the four-room Accotink Academy pre-school located on Tuttle Road, owned by Mac and Elaine McConnell, who would become charter members of Messiah. On December 13 of that year, 80 congregants celebrated Charter Sunday and the beginning of what is today Messiah United Methodist Church.

Since its founding 50 years ago, Messiah has come a long way and has touched countless lives through its motto, "Serving God by Serving Others." it engages in many community service projects to include the Martha's Table ministry which provides 1,500 egg salad sandwiches each month to the poor and homeless in Washington, DC, a weekly backpack program that provides over 130 weekend meals to elementary school students, a disaster response team that deploys to areas hard hit by natural disasters, HIV/AIDS missions to Vietnam, collecting school supplies for local students, and packing supply kits for the area's homeless population. In addition to direct service, Messiah has built community partnerships with Lions Clubs, ECHO, the Northern Virginia Training Center, Habitat for Humanity, INOVA, the Lamb Center, and the Wesley Housing Development Corporation to work together for the betterment of the community.

Messiah has cultivated a community that believes in finding faith through service to others. In addition to regular services, Messiah has a robust prison ministry, and works with military men and women during their times of greatest need. It goes without saying, but the positive impact Messiah has had on the community is immeasurable.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite representatives from Messiah United Methodist Church to appear before the Board to receive a resolution recognizing its 50 years of ministry and thanking them for service to the community. Without objection, it was so ordered.

21. **REQUEST FOR RECOGNITION OF MR. LEO SCHEFER** (11:10 a.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McKay

and Supervisor Smyth, Supervisor Herrity said Leo Schefer, President of the Washington Airports Task Force (WATF), announced last week that he will retire this spring. Mr. Schefer has been a great leader for the airports, the County, and the region. He has committed the last 24 years of his life to WATF and area airports.

Mr. Schefer has overseen many changes and successes during his tenure including:

- Being an instrumental leader in the planning and opening of the Udvar-Hazy Center
- The reopening of Reagan National Airport after 9/11 when there was pressure to close it
- The creation and leadership of a coalition of 36 American and Canadian cities which resulted in an Open Skies agreement and development of support for the EU Open Skies agreement – both resulting in substantial economic growth for the area
- Having a major hand in almost every major transportation project in and around Dulles Airport over the last three decades

Dulles Airport has been critical to the growth of the County from a sleepy bedroom community to the economic engine of the Commonwealth. Easy access to an airport is vital to many businesses and the airport was a major driver in the success of Tysons and the Dulles corridor and Mr. Schefer and the WATF have been critical to the airport's success.

Mr. Schefer has been a pleasure to work with and an asset for not only WATF, but also the businesses and residents of the County. During his leadership Dulles Airport has thrived and is consistently ranked one of the nation's ten best airports.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite him to appear before the Board to receive a resolution recognizing him for his years of service to the airports, County, and the region. Without objection, it was so ordered.

22. **REQUEST TO RECOGNIZE THE TENTH ANNIVERSARY OF THE VOLUNTEER INCOME TAX ASSISTANCE PROGRAM** (11:11 a.m.)

Supervisor Herrity noted that in 2005 the Office of Public Private Partnerships partnered with the Internal Revenue Service to offer assistance in the preparation and filing of income tax returns for lower income residents. The Volunteer Income Tax Assistance (VITA) Program leverages community partnerships and volunteers to help thousands of residents recover millions in tax refunds. In 2008, responsibility for the VITA program shifted to the Department of Family Services

(DFS) where it has remained ever since. Each year, DFS staff works to recruit hundreds of volunteers who are put through a professional training course where they are taught how to assist individuals prepare their tax returns. For nearly three months in the spring, these volunteers are responsible for processing thousands of returns and volunteer at a dozen locations throughout the County. Most sites began processing applications at the end of January and will continue to do so throughout tax season; many will remain open right up through the April 15 deadline.

Since its shift to the DFS, the demand for this program has grown exponentially. Some conservative estimates show that in 2012, VITA volunteers prepared over 5,500 returns and recovered over \$8 million in tax refunds. These numbers are nearly five times as large as they were in 2006. The service to the community that staff and volunteers provide through the VITA program is critically important. In a single year, they helped the average filer recover \$1500 in returns and credits. For a low income resident, another \$1500 per year is a big impact. 2014 will be the tenth year for the VITA program and it will surely be the biggest year yet.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to:

- Invite representatives from the DFS and the VITA program to appear before the Board to receive a proclamation honoring them for the tenth anniversary of the program, and thanking them for their work on behalf of County residents
- Publicize the dates and locations of the VITA program's tax preparation services.

Following a brief discussion regarding his request, Supervisor Herrity amended his request to have the recognition presented to representatives at the annual recognition ceremony to be held at the Government Center. Without objection, the request, as amended, was so ordered.

23. **COUNTY WILDLIFE BIOLOGIST UPDATE (MOUNT VERNON DISTRICT)** (11:13 a.m.)

Supervisor Hyland said that the Hollin Hills community has experienced an increase in the deer population over the past three years and the deer are negatively impacting the community and the daily lives of the residents. Many residents have sent in pictures showing herds of deer in their yard daily and they have lost several thousand dollars' worth of landscaping; there is also serious concern about the potential for Lyme disease. Recently, the County Wildlife Biologist, Vickie Monroe resigned, and she played a critical role in implementing the deer program and proactively meeting with citizens about the deer population.

The Mount Vernon District office has been contacted by several citizens who are very concerned about the loss of the wildlife biologist.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to provide the Board with next steps about if, when, and how the County will be replacing the Wildlife Biologist position.

Chairman Bulova noted that the vacant position of the wildlife biologist will be filled dispelling the rumor that it will not.

Supervisor Cook asked to amend the request to refer the wildlife biologist position discussion and briefing to closed session agenda.

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

24. **SIERRA CLUBS OF MOUNT VERNON AND GREAT FALLS (MOUNT VERNON DISTRICT)** (11:15 a.m.)

Supervisor Hyland said that on October 2, 2012, the local Sierra Clubs of Mount Vernon and Great Falls drafted a letter of support for the Lorton Energy Triangle Project. In the letter, the group indicates "that while supporting the concepts and planned implementation of the Lorton Energy Triangle Project, we believe that a careful study of the environmental effects of such an extension, including any implications for ground water, should be done before the project is approved."

Therefore, Supervisor Hyland moved that the Board direct staff to work with the applicant to address the concerns of the Sierra Clubs, begin an environmental impacts study immediately, and report to the Board prior to this project being approved. Supervisor Smyth seconded the motion.

Discussion ensued, with input from Elizabeth Teare, Deputy County Attorney, regarding the:

- Assessment of environmental impacts
- Potential legal implications
- Timing issues and expiration of the application
- Environmental Protection Agency (EPA) and Department of Environmental Quality (DEQ) oversight

Discussion continued, with input from James Patteson, Director, Department of Public Works and Environmental Services (DPWES), as to factors DPWES considers as part of its site review process versus DEQ review and the permits process.

Discussion ensued, with input from Ms. Teare, regarding a specific condition in a previous application that ensured permit approval contingent on DEQ approval and whether that would apply to current applications.

Chairman Bulova noted that a comprehensive staff report is scheduled to be released by the end of the week and the environmental aspects of the application will be addressed as part of staff's review, and recommendations will follow.

Discussion ensued, regarding:

- The approval process
- A comprehensive look at issues
- Economic impact
- Fiscal and liability impact
- Expiration of the site plan

Supervisor Hyland clarified that the request is to review the issues raised by the Sierra Club to look at the environmental impacts of a proposed expansion and requests that staff, in its review, look at existing impacts in making the decision to extend the landfill for another 22 years.

Supervisor Cook asked to amend the motion to direct staff to address the issues raised by the Sierra Club as part of the staff report. This was accepted.

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

25. **REQUEST FOR STAFF UPDATES ON THE WEB FOR FURNACE ASSOCIATES SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-L/V-061-02, PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-MV-034, AND PUBLIC FACILITIES APPLICATIONS 2232-V13-18, 2232-V13-17 (MOUNT VERNON DISTRICT)** (11:43 a.m.)

Supervisor Hyland said that Furnace Associates has filed two 2232s, one SEA, and one PCA for the expansion of their landfill in Lorton and for the potential construction of a recycling facility on Furnace Road. Currently, these four applications will be going to the Planning Commission (PC) on February 27 for a public hearing and subsequently to the Board for a public hearing. The applicant has made many submittals and updates since their original submission. The community has been very engaged in this process and trying to understand the implications of the application; given the complexity of this application and the massive amount of information that has been transmitted between the applicant

and staff, it has been very difficult to track the latest updates, changes, and reviews. The South County Federation and other citizens have requested that the County establish a link on the County's website showing posts to the current and previous versions of the application with redlines so that the changes are more easily tracked and comparisons can be made.

Therefore, Supervisor Hyland moved that the Board direct staff to review this matter immediately and create a website link before the PC hearing on February 27, 2014, and post all the past and current changes with redlines for Special Exception Amendment Application SEA 80-L/V-061-02, Proffered Condition Amendment Application PCA 2000-MV-034, and Public Facilities Application 2232-V13-18, and 2232-V13-17. Supervisor Smyth seconded the motion.

Following a brief discussion regarding the motion, Supervisor Cook asked to amend the motion and direct staff to provide redlines on future application changes instead of past changes. And this was accepted.

Discussion ensued, with input from Edward L. Long Jr., County Executive, who noted that staff would provide a Not in Package (NIP) Item regarding how staff will handle the issue.

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

26. **IZAAK WALTON LEAGUE – ARLINGTON-FAIRFAX CHAPTER, TAX MAP 64-2-((1))0020 (SULLY DISTRICT)** (11:47 a.m.)

Supervisor Frey said that the Arlington-Fairfax Chapter of the Izaak Walton League of America has been providing recreation conservation and community service for more than 50 years on the property they own on Mount Olive Road in Centreville. They are proposing to file a special exception amendment (SEA) application to allow construction of site improvements, including an expansion of the existing air rifle range to create more space to be utilized in large part by the high school athletes.

The applicant is a non-profit community organization which provides significant benefits to the community in a variety of ways. They have asked for the assistance in minimizing their costs.

Therefore, Supervisor Frey moved that the Board direct the directors of the Department of Planning and Zoning and the Department of Public Works and Environmental Services to:

- Waive the filing fees for zoning, site and building plans associated with the property

- Set a date certain for the SEA application
- Accept for concurrent processing all site plans and plats associated with the Izaak Walton League site

The applicant understands that this motion should not be considered as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

27. **RESIGNATION OF ED CLARK AS SUPERINTENDENT OF MANASSAS NATIONAL BATTLEFIELD** (11:49 a.m.)

Supervisor Frey announced that Ed Clark, Superintendent of Manassas National Battlefield in Prince William County, has left to head the Gettysburg National Military Park. Mr. Clark has been a tremendous partner on land use applications, Park Authority plans, and transportation issues that affect Western Fairfax and Eastern Prince William counties. Mr. Clark is an outstanding public servant and will be sorely missed.

Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Clark to appear before the Board to be recognized for his outstanding service. Without objection, it was so ordered.

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28. **UNIVERSITY OF NORTH AMERICA, INCORPORATED. (HUNTER MILL DISTRICT)** (11:51 a.m.)

Supervisor Hudgins announced that the University of North America, Incorporated, has filed Special Exception Application SE 2013-HM-024 for a college/university offering graduate degree programs, as well as a variety of graduate level certificate programs. The location is 8618 Westwood Center Drive, Vienna, Virginia, Tax Map 029-3 ((20)) parcel 9A. The facility will include classrooms, offices for staff and faculty with an initial enrollment of 215 students, and possible future expansion of up to a total of 500 students (with flexible schedules). The University is undergoing its final accreditation process, which they hope to achieve in early spring. The Planning Commission (PC) public hearing is currently scheduled for June 5, 2014.

The applicant is requesting expedited PC and Board public hearings to demonstrate that it is pursuing a stable, permanent location. The applicant and staff are committed to work collaboratively.

Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning schedule the public hearing before the PC on May 14, 2014, and before the Board on June 3, 2014. This motion should not be construed as a favorable

recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

29. **HOUSING COMMITTEE NEXT STEPS** (11:53 a.m.)

Supervisor Hudgins stated that the Housing Committee met on Tuesday, February 4, 2014, and received updates from the Department of Housing and Community Development (HCD) on sequestration in the Housing Choice Voucher program, the Bridging Affordability program, and HCD's ongoing development efforts. Because of time limitations, the Committee was unable to receive the full briefing on the draft Fiscal Year 2015 Housing Blueprint; however, she encouraged her colleagues to review the Housing Blueprint, and bring any questions or concerns to the attention of HCD Director Paula Sampson.

Additionally, the Committee received a presentation from the Department of Planning and Zoning regarding the "Proposed Countywide Policy for Affordable Housing Contributions by Non-residential Developments." The proposal, also known as the "3-2-1" policy, states that the Comprehensive Plan should include as a policy the expectation that all nonresidential developments in the County's mixed use centers, subject to a rezoning action by the Board, which increases nonresidential intensity, proffer a cash contribution for affordable and workforce housing. The expected level of contributions are \$3, \$2, and \$1 (3-2-1) based on the prescribed transit areas.

Supervisor Hudgins moved that the Board direct staff to address Board Members' questions and concerns, as stated in the Housing Committee meeting, and respond to the Housing Committee within 90 days, so that the Board may move forward with further development of the 3-2-1- policy proposal. Chairman Bulova seconded the motion.

Discussion ensued concerning timing with input from Catherine A. Chianese, Assistant County Executive and Clerk to the Board, regarding the next meeting date of the Committee.

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

30. **HUMAN SERVICES COMMITTEE: HEALTH IN ALL POLICIES** (11:57 a.m.)

Supervisor Hudgins referred to her written Board Matter which summarizes the discussion from the Human Services Committee meeting which includes the 20-year Environmental Vision referred to by Supervisor Gross.

Supervisor Hudgins moved that the Board direct staff to analyze health considerations in all policies to effectively incorporate it into the Board's vision

along with environmental policy and to develop similar vision and respond to the Committee within 90 days. Chairman Bulova seconded the motion.

Supervisor Herrity asked to amend the motion to include a fiscal impact analysis on both the County and its residents, and this was accepted.

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

31. **LOUISE ARCHER ELEMENTARY SEVENTY-FIFTH ANNIVERSARY**
(11:58 a.m.)

Supervisor Hudgins referred to her written Board Matter and announced that Louise Archer Elementary School is celebrating its seventy-fifth anniversary. The school has a rich history and a long-standing tradition that makes Louise Archer Elementary a wonderful and unique place.

Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a certificate with dual signatures from the Board commemorating the seventy-fifth anniversary of Louise Archer Elementary for presentation at a community celebration on March 7, 2014. Without objection, it was so ordered.

32. **PROPERTIES THAT ARE IN A STATE OF DISREPAIR, DILAPIDATED, PUBLIC NUISANCE OR A BLIGHT IN THE COMMUNITY** (11:59 a.m.)

In a joint Board Matter with Supervisor Smyth, Supervisor Foust noted that there are times in the County when some properties languish in a constant state of disrepair, are dilapidated, constitute a public nuisance or are otherwise a blight on the community. Efforts to remedy these situations include fines, penalties, and substantial court action, but for a variety of reasons, some property owners remain unwilling or unable to bring their property into compliance with the Zoning Ordinance, the Property Maintenance Code, or the Building Code. When this happens, these properties become a huge source of strife and frustration within their communities and for staff. These properties are more than just unsightly; frequently they pose real and immediate dangers to public health, safety, and welfare.

Supervisor Foust said that it recently came to his attention that the Virginia Code offers localities certain tools to address properties that are not being employed in the County. Specifically, Virginia Code Section 15.2-906 permits localities to remove or repair any structure that endangers the public health or safety and to recover the costs for doing so. Similarly, Virginia Code Section 15.2-907.1 allows localities to offer tax rebates for the repair or removal of certain buildings that have been vacant and boarded up for longer than six months. Finally, even the County's existing Blight Program includes conditions not required by the State Code. For example, there is no requirement in the State Code that a property be vacant and boarded for a year to be considered a blighted property, yet the County

currently includes this criteria before a property can be deemed blighted. As such, the Blight Program cannot be used to address some of these longstanding problem properties.

There are many times in local government that the County is not able to address a problem because under the Dillon Rule, the County has not been given adequate authority from the General Assembly. However, there are tools given to the County by Richmond that appear to not be used adequately. No one is advocating that the County should routinely get in the business of repairing private property, but when every other reasonable effort fails, the County should not hamstring itself from using more aggressive tools, particularly when those tools are clearly available.

Accordingly, jointly with Supervisor Smyth, Supervisor Foust moved that the Board direct staff to conduct a thorough review and analysis of Virginia Code sections related to blight, public nuisance, derelict buildings, or those that are otherwise unsafe or in need of repair and provide to the Board specific recommendations regarding whether it should enact ordinances or change existing ordinances and policies so that this enabling legislation can be fully implemented. Supervisor Smyth seconded the motion.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked to amend the motion to include an examination of the tools the Board currently has or that have been added since the blight program was first adopted for review and consideration in the Development Process Committee. This was accepted.

Discussion ensued, with input from Cynthia A. Bailey, Senior County Attorney, concerning:

- The importance of determining the impact on property owners
- The inclusion in the review of protections for the County
- Implementation of protections provided by State Code
- Not limiting the evaluation to those powers expressly given to the Board in these Code sections
- Exploring past challenges and not limit it to whether or not it would fit within the existing Code section

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

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

33. **RECOGNIZING OUR MILITARY KIDS (DRANESVILLE DISTRICT)**
(12:08 p.m.)

Supervisor Foust commended “Our Military Kids”, a non-profit organization located in McLean, for the outstanding work it does each day on behalf of children in the community and throughout the United States.

Our Military Kids, Incorporated, provides grants to the children of wounded and fallen warriors from all branches of service as well as to children of deployed National Guard and Reservists. These grants pay the associated fees for athletic, fine arts, and academic tutoring programs. The extra help and attention during a parent's deployment or recovery from a severe injury engages the child in an activity of his/her choosing and goes a long way toward enhancing self-esteem and minimizing the anxiety of these children.

Our Military Kids was founded ten years ago by two County residents and operates with many local volunteers. Throughout its history, the organization has provided over 45,000 grants, and 95 percent of all donations go directly to support the children.

Supervisor Foust asked unanimous consent that the Board direct staff to invite Linda Davidson, Executive Director of Our Military Kids, and members of the organization to appear before the Board on February 25, 2014, to be recognized for their excellent work on behalf of children. Without objection, it was so ordered.

34. **NINETIETH ANNIVERSARY OF BOY SCOUT TROOP 128 (DRANESVILLE DISTRICT)** 12:09 p.m.)

Supervisor Foust announced that this year marks the ninetieth anniversary of Boy Scout Troop 128. The troop was organized on March 1, 1924, as the very first Boy Scout troop in McLean. Troop 128 began under the sponsorship of the Lions Club with only 10-12 boys. Today the troop has over 50 boys and is under the sponsorship of Saint John's Episcopal Church. Throughout its history, the troop has produced over 125 Eagle Scouts.

Troop 128 is very active in summer camp programs and participates in the national Boy Scouts of America (BSA) "High Adventure" program, with trips to Philmont Scout Ranch in the mountains of New Mexico, Florida Sea Base in the Florida Keys, and Northern Tier Adventure Base in Ely, Minnesota

On February 24, 2014, Troop 128 will participate in a joint Court of Honor and Ninetieth Anniversary celebration at Saint John's Episcopal Church.

Supervisor Foust asked unanimous consent that the Board direct staff to prepare a resolution, to be signed by the Chairman and the Dranesville District Supervisor, congratulating Troop 128 on its ninetieth anniversary to be presented at the celebration on February 24. Without objection, it was so ordered.

35. **RECOGNIZING MARCH AS “ALTERNATE DISPUTE RESOLUTION (ADR) MONTH”** (12:11 p.m.)

Supervisor Cook stated that the ADR process incorporates techniques that act as a means for disagreeing parties to come to an agreement short of litigation. It is a collective term for the ways that parties can settle disputes, with (or without) the help of a third party. ADR describes a variety of approaches to resolve conflict which avoid the cost, delay, and unpredictability of the traditional processes while at the same time improving workplace communication and morale.

The County has often celebrated March as ADR month and recognized a leader in the field. This year, that leader is Lisa Shaw, the Field Experience Director and Administrative Faculty member with the School for Conflict Analysis and Resolution (S-CAR) at George Mason University. In addition to starting the internship program at S-CAR, she co-developed the Post Conflict Peace Building Field Experience in Liberia and facilitates the Transitional Justice Field Experience in Colombia.

Supervisor Cook asked unanimous consent that the Board:

- Recognize March as “*Alternate Dispute Resolution Month*” in the County
- Direct staff to invite Ms. Shaw to appear before the Board on March 4 to be recognized for her dedication and service

Without objection, it was so ordered.

36. **ABSENCE OF SUPERVISOR GROSS (MASON DISTRICT)** (12:12 p.m.)

Chairman Bulova announced that Supervisor Gross is at the National Association of Regional Councils annual meeting and she is the president of that organization and is presiding at the meeting so she will not be attending today’s Board meeting.

37. **ORDERS OF THE DAY** (12:13 p.m.)

Chairman Bulova announced the lunch and closed session schedule with input from Gail Langham, Deputy County Attorney.

38. **INTENT TO DEFER PUBLIC HEARINGS** (12:14 p.m.)

Supervisor Foust announced his intent to defer, later in the meeting, at the appropriate time, the public hearing on Proffered Condition Amendment Application PCA 86-D-108.

Supervisor Hudgins announced her intent to defer, later in the meeting, at the appropriate time, the decision on Special Exception Amendment Application SEA 2009-DR-008.

39. RECESS/CLOSED SESSION (12:14 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. *Joseph Danzig v. Virginia Department of Medical Assistance Services and Fairfax County Department of Health*, Case No. CL-2013-0014772 (Fx. Co. Cir. Ct.)
 2. *Steve T. Tran, Sheila M. Tran, Tricia L. Cooper, and Trustees of the Falls Church Church of Christ v. Fairfax County Board of Supervisors and CG Peace Valley, LLC*, Case No. CL-2013-0010098 (Fx. Co. Cir. Ct.) (Mason District)
 3. *Sheila E. Frace, Trustee v. John F. Ribble, III*, Case No. CL-2013-0017108); *Leslie B. Johnson v. Sheila E. Frace, Trustee*, Case No. CL-2014-0000128 (Fx. Co. Cir. Ct.) (Dranesville District)
 4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thanh V. Phan*, Case No. CL-2013-0015397 (Fx. Co. Cir. Ct.) (Mason District)
 6. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County*,

Virginia v. Albert E. Mays, Case No. CL-2013-0017866 (Fx. Co. Cir. Ct.) (Mount Vernon District)

7. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Paula Maria Robinson*, Case No. CL-2014-0000461 (Fx. Co. Cir. Ct.) (Lee District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kevin N. Strickler and Joyce King-Strickler*, Case No. CL-2014-0000840 (Fx. Co. Cir. Ct.) (Providence District)
10. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Carlos Tramontana and Bety Tramontana*, Case No. GV13-028577 (Fx. Co. Gen. Dist. Ct.) (Lee District)
11. *Dora Navarro v. Amanda Wallace*, Case No. GV14-001200 (Fx. Co. Gen. Dist. Ct.)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luz A. Uzmanor and Nelson Naitive, a/k/a Nelson Nativi*, Case No. GV13-028574 (Fx. Co. Gen. Dist. Ct.) (Lee District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Paul Nunnenkamp and Debby Evans*, Case No. GV13-028576 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
14. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Paul Nunnenkamp and Debby Evans*, Case No. GV13-028575 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David A. Almendarez and Milagro A. Lemus*, Case No. GV14-001327 (Fx. Co. Gen. Dist. Ct.) (Mason District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Adriana Bances*, Case No. GV14-

001328 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

And in addition:

- *Verizon Online LLC v. Board of Supervisors of Fairfax County*, case number 2013-19167, and related tax litigation

Supervisor Foust seconded the motion.

Discussion ensued concerning the position of wildlife biologist with input from Edward L. Long Jr., County Executive; this was added to the Closed Session Agenda.

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

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At 3:47 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Gross, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

40. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:47 p.m.)

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

41. **MR. TONY CASTRILLI APPOINTED AS DIRECTOR OF THE OFFICE OF PUBLIC AFFAIRS** (3:48 p.m.)

Supervisor Smyth moved the appointment of Mr. Tony Castrilli as Director of the Office of Public Affairs, E-9, with an annual salary of \$144,270 effective March 3, 2014. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

Chairman Bulova recognized the presence of Mr. Castrilli in the Board Auditorium and, on behalf of the Board, welcomed and congratulated him on his appointment. She noted that Mr. Castrilli comes from the City of Alexandria where he is currently the director of communications and public information.

AGENDA ITEMS

42. **3:30 P.M. – DECISION ONLY ON PROPOSED RESTON MASTER PLAN SPECIAL STUDY (PHASE I) PLAN AMENDMENT ITEM ST09-III-UP1(A), CONSISTING OF THE RESTON-HERNDON SUBURBAN CENTER (HUNTER MILL AND DRANESVILLE DISTRICTS)** (3:50 p.m.)

(NOTE: On January 28, 2014, the Board held a public hearing regarding this item and deferred decision until February 11, 2014.)

Following comments, Supervisor Hudgins moved that the Board adopt the Planning Commission (PC) recommendation for Plan Amendment ST09-III-UP1(A), as found in Attachment II of the Board Agenda Item, with revisions intended to clarify design review, open space and athletic fields contributions, and bonus intensity guidance. In addition, these revisions add heritage resources guidance and captions or citations to photographs. The PC recommendation proposes revisions to the Comprehensive Plan for the Reston-Herndon Suburban Center and the areas around the planned Wiehle-Reston East, Reston Town Center, and Herndon Metrorail stations. The Suburban Center designation is proposed to be replaced by plans for three contiguous Transit Station Areas that are part of the overall Reston plan. Each Transit Station Area is proposed to have mixed-use Transit-Oriented Development (TOD) that are planned with the highest intensities located within a half mile of the Metro stations. Much of the areas outside of the TODs are proposed to maintain their existing character, uses, and intensity. The proposed Plan amendment also provides recommendations for creating a multi-modal transportation system, fostering environmental stewardship, and providing urban parks and recreation facilities and schools. Further guidance is proposed to address urban design with an emphasis on creating a high-quality urban environment that is highly walkable. Supervisor Hudgins said her proposed revisions clarify that development proposals should be submitted to community groups for design review and development review comments. Text is added to clarify monetary contributions towards open space and clarify the conditions to be met for bonus intensity. The revisions also enhance the connection between District and Areawide guidance on athletic field contributions. The revisions add captions or citations to photographs and carry forward some existing heritage resources guidance from the current Plan. The proposed revisions are shown in the handout dated January 28, 2014. Chairman Bulova seconded the motion.

Discussion ensued with Board Members expressing their support/non-support of the motion.

Following remarks from Supervisor Hudgins regarding the concerns raised, the question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Frey and Supervisor Herrity voting “NAY,” Supervisor Gross being absent.

Supervisor Hudgins moved that the Board adopt the PC recommendation to direct staff:

- To work with a group of stakeholders to review and make recommendations on how best to incorporate Reston specific design features into future development, as outlined in the proposed Plan.
- And the Planning Commission to develop an inclusive process to prepare a funding plan for the transportation improvements recommended in the Reston Master Plan and report with its recommendations. The funding plan should include arrangements for financing the public share of Reston infrastructure improvements and facilitate co-operative funding agreements with the private sector. The PC strongly believes that public and private investment in Reston is both critical and responsible for ensuring Reston's future success.
- To conduct a detailed evaluation and operational analysis of the enhanced street network shown on the Reston Master Plan, prioritize these improvements, and develop an implementation strategy.

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

Supervisor Hudgins thanked staff for all their work.

43. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-SU-010 (CHRISTOPHER LAND, LLC) (SULLY DISTRICT) (4:16 p.m.)**

(O) (NOTE: On January 28, 2014, the Board deferred public hearing regarding this item until February 11, 2014.)

The application property is located at 13865 Walney Park Drive, Chantilly, 20151, Tax Map 44-4 ((1)) 18.

Mr. John Regan, Jr. 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.

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

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

Following comments, Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2013-SU-010, from the R-1 and WS Districts to the PDH-2 and WS Districts, and approval of the associated Conceptual Development Plan, subject to the proffers dated February 10, 2014.
- Modification of the Zoning Ordinance to allow a private street to exceed 600 feet, as shown on the CDP/FDP.
- Direct the Director of the Department of Public Works and Environmental Services to permit a deviation to the tree preservation target per the Public Facilities Manual (PFM) in favor of the measures shown on the proposed plan as proffered.
- Modification of the PFM to allow construction of a cul-de-sac with a radius of 30 feet, as shown on the CDP/FDP.
- Modification of the PFM to allow a construction of sidewalks on one side of the north-south section of the private street and the extension of Walney Park Drive, as shown on the CDP/FDP.

Supervisor Herrity and Supervisor McKay jointly seconded the motion.

With regard to the proffers dealing with Energy Conservation, Energy Star Qualifications, and Earth Craft House Program, Supervisor McKay asked unanimous consent that the Board:

- At a future appropriate Board committee meeting, have a discussion regarding concerns that come about from the individuals who purchase homes with these requirements.
- Direct staff to report with information regarding whether the requirements are best practices and if there is any area for flexibility if it becomes a problem.

Without objection, it was so ordered.

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

(NOTE: On February 5, 2013, the PC approved Final Development Plan Application FDP 2013-SU-010.)

44. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-D-108 (WILLIAM WEISS) (DRANESVILLE DISTRICT)** (4:33 p.m.)

Supervisor Foust moved to defer the public hearing on Proffered Condition Amendment Application PCA 86-D-108 until **March 25, 2014, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

45. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-HM-013 (G&K, INCORPORATED T/A RESTON U-HAUL) (HUNTER MILL DISTRICT)** (4:34 p.m.)

The application property is located at 11410 North Shore Drive, Reston, 20190, Tax Map 17-2 ((1)) 7.

Mr. Neeta Kapoor reaffirmed the validity of the affidavit for the record.

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

Supervisor Herrity raised a question regarding the date of the affidavit, with input from William Mayland, ZED, DPZ.

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

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

Supervisor Hudgins moved approval of Special Exception Application SE 2013-HM-013, subject to the development conditions dated January 9, 2014. Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor McKay being out of the room, Supervisor Gross being absent.

46. **4 P.M. – DECISION ONLY ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2009-DR-008 (OAKCREST SCHOOL) (HUNTER MILL DISTRICT)** (4:41 p.m.)

(NOTE: On January 28, 2014, the Board held a public hearing regarding this item and deferred decision until February 11, 2014.)

Supervisor Hudgins moved to defer decision on Special Exception Application SEA 2009-DR-008 until **February 25, 2014, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Gross being absent.

47. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING HOME CHILD CARE FACILITIES AND CHILD CARE CENTERS FOR OCCASIONAL CARE** (4:43 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 24 and January 31, 2014.

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

Supervisor Smyth raised a question regarding the occasional child care process, and a brief discussion ensued, with input from Ms. Belgin.

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

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding home child care facilities and child care centers for occasional care, with a special exception application fee for Home Child Care facilities of \$435, with an effective date of 12:01 a.m. on the day following adoption. Supervisor Foust seconded the motion.

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

48. **4 P.M. – PH ON PROPOSED AWARD OF TAXICAB OPERATOR CERTIFICATES PURSUANT TO CHAPTER 84.1 OF THE FAIRFAX COUNTY CODE** (4:50 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 24 and January 31, 2014.

Steve Sinclair, Chief, Public Utilities Branch, Department of Cable and Consumer Services, presented the staff report.

The public hearing was held and included testimony by 13 speakers.

Following the testimony of Mr. Dwight Kines of enviroCAB (Speaker 9), a brief discussion ensued regarding the cost of a wheelchair accessible cab versus a regular cab.

Following the testimony of Mr. Charles King of Fairfax Yellow Cab (Speaker 11), a brief discussion ensued regarding cab costs.

Supervisor Cook moved that the Board:

- Approve the Consumer Protection Commission (CPC) recommendation as outlined in the Board Agenda Item, increasing the number of taxicab certificates by 78, and increasing the number of wheelchair accessible certificates from 23 to 43.
- Direct the County Executive develop, for Board consideration, a program of quality services reporting so that complaints of poor taxicab service would be referred to the Department of Cable and Consumer Services and that the County make efforts to advertise to its citizens how to file these complaints.
- Direct the County Executive to consider the recommendations of the Long Term Care Coordinating Council and the Commission on Aging and report with recommendations to the Board.
- Direct the County Executive to report on efforts of an analysis of the enforcement of illegal cab activity and any recommendations for dealing with the issue.

Supervisor Cook noted that the Board already directed the County Executive to develop a revised process for reviewing taxicab certificates that will take into account the role the taxicabs can play in transportation planning.

Supervisor Hyland seconded the motion.

Discussion ensued, with input from Mr. Sinclair, regarding the minimum number of wheelchair/handicap accessible taxicab vehicles the certificate holders are required to provide.

Supervisor McKay raised a question regarding the County Code requirement for handicap accessible taxicabs and how it is evaluated, with input from Mr. Sinclair.

Supervisor Smyth asked unanimous consent that the Board direct staff to provide information regarding the percentage of time that handicap accessible taxicabs are used for ordinary trips. Without objection, it was so ordered.

Discussion ensued, with input from Mr. Sinclair, regarding taxicab trip data and the demand for handicap accessible taxicabs.

Supervisor Hudgins raised a question regarding the Taxi-on-the-Go Program for senior citizens, with input from Mr. Sinclair, who noted that the program is administered by Human Services.

Supervisor Hudgins asked unanimous consent that the Board direct staff to report with information regarding whether there is data available for the Taxi-on-the-Go Program, and whether that data can be considered for the handicap accessible taxicabs. Without objection, it was so ordered.

A brief discussion ensued, with input from John Burton, Assistant County Attorney, regarding the motion.

Supervisor Cook clarified that the motion includes the adoption of a Resolution and approves the allocation of new certificates, as recommended by the CPC.

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

49. **BOARD ADJOURNMENT** (6:15 p.m.)

The Board adjourned.

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