



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
December 3, 2019**

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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, December 3, 2019, 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 Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Linda Q. Smyth, Providence District
- Supervisor Daniel G. Storck, Mount Vernon District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Emily Armstrong and Ekuia Brew-Ewool, Deputy Clerks, Department of Clerk Services.

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

The Board asked everyone to keep in thoughts the family and friends of:

- Mr. Don Carr, who died recently
- Mr. Chris Kocsis, who died recently
- Mr. Kenneth Malmberg, who died recently

AGENDA ITEMS2. **RECOGNITION OF BEST WORKPLACES FOR COMMUTERS**
(9:43 a.m.)

Marcus Moore, Transportation Planner, Fairfax County Department of Transportation and Julie Bond, Senior Research Associate, National Center for Transit Research at the University of South Florida, recognized the following Fairfax County employers as “Best Workplaces for Commuters”:

The following employers were recognized:

- ACG Architects
- Appian Corporation
- ASM Research, LLC
- Comstock Holding Companies, Inc.
- Cougaar Software, Inc.
- Envision EMI
- Expedition Technology, Inc.
- Inova Health System Fairfax
- Inova Health System Mount Vernon
- InSequence, Inc.
- KETTLER

- Macedon Technologies
- SAP NS2
- Tobii Technology, Inc.
- Trowbridge & Trowbridge
- MCR, LLC
- Avineon, Inc.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) AND THEIR PARTNERS** (9:57 a.m.)

Dean Lynch, Executive Director, Virginia Association of Counties (VACo), presented the Virginia Association of Counties Achievement Award to DPWES for its Stream Critter Cube Lab.

Supervisor Gross moved approval of the Certificate of Recognition presented to the Watershed Education and Outreach group in DPWES congratulating them for receiving the VACo Achievement Award for its Stream Critter Cube Lab. Supervisor McKay seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE PARK AUTHORITY** (10:07 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to the Park Authority for its consistent and noteworthy ability to address the needs of those served through collective energy and the cooperation of residents, staff, and elected officials, resulting in earning its fourth National Gold Medal Award for Excellence in Park and Recreation Management. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **RESOLUTION OF RECOGNITION PRESENTED TO CHIEF JOHN MORRISON OF THE VIENNA VOLUNTEER FIRE DEPARTMENT** (10:30 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to John Morrison, Vienna Volunteer Fire Department Chief for being selected as the 2019 Fire Chief of the Year by the International Association of Fire Chiefs. Chairman Bulova seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE MCLEAN HIGH SCHOOL JOURNALISM STUDENTS (DRANESVILLE DISTRICT)**
(10:38 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to McLean High School for distinguished, remarkable, and noteworthy work by students in the Broadcast Division – WMHS News; Magazine Division – The tartan; Newsmagazine Division – The Highlander; Online Division – The Highlander Online; and the Yearbook Division – The Caledonia, resulting in Trophy Class ranking at the Virginia High School League Media Championship and being the only school in Virginia to earn five such designations. Supervisor Gross seconded the motion and it carried by unanimous vote.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THE LANGLEY HIGH SCHOOL BOYS GOLF TEAM (DRANESVILLE DISTRICT)**
(10:46 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to the Langley High School Boys Golf Team for definitive talent, remarkable consistency, and a competitive intensity, resulting in winning their fourth consecutive Virginia High School League Golf Championship Class 6 golf title, matching the Virginia record for consecutive titles for all Class 6 sports. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

8. **REPORT FROM THE RACIAL EQUITY STAKEHOLDER COUNCIL**
(10:53 a.m.)

Karen Cleveland, President/CEO, Leadership Fairfax, and Patricia Matthews, President/CEO, Northern Virginia Health Foundation, both on the Racial Equity Stakeholder Council, presented their report to the Board.

9. **FAIRFAX COUNTY PUBLIC LIBRARY ANNUAL REPORT** (11:25 a.m.)

Jessica Hudson, Library Director, presented the Library's FY 2019 Annual Report to the Board. She highlighted the following:

- This was the first annual report for the Fairfax County Public Library, and it is made with the intent to provide the public and elected officials with a single source of location to find information about Fairfax County Public Library.
- This report was an opportunity to highlight the accomplishments of the Library in the last Fiscal Year.
- The Library had 4.5 million circulations, 108 thousand volunteer service hours, and 4.5 million visitors for FY 2019.

- The return on value for every \$1 of invested tax-payer money was \$6.51, which encompasses all services and benefits offered Library Services.
- One of the programs the Library offered was a series of “Fix-It” Clinics to the public, which allowed citizens to bring in broken items and get them repaired.
- The Library has been focused on its partnerships and availability of access to its constituents.
- The Library received funding from grants provided by Google, non-profit support groups, and the Library’s foundation, which raised about 560 thousand dollars for FY 2019.

10. **FAIRFAX COUNTY ELECTORAL BOARD REPORT** (11:39 a.m.)

Kate Hanley, member of the Electoral Board, reported on the recent elections.

Ms. Hanley acknowledged the following members of the Electoral Board who were present at the meeting:

- Bettina Lawton, Vice Chairman
- Gary Scott, General Registrar

In the Electoral Board Report, Ms. Hanley highlighted the following:

- This election year was complicated because all local officials and state representatives were on the ballot.
- There was no political party designation provided on the ballot. Several voters were concerned by this, but it was not an attempt by the Elections Office to repress the vote.
- There were 243 precincts, 744 thousand registered voters, 5 elections in 2019, of which 2 were special elections, 33 candidates in the June Primary for 11 different offices, 93 candidates in the November General Election for 49 offices 76 November ballot combinations, and an additional 8 ballot combinations which needed to be printed due to a death which necessitated last-minute changes. There were also 8,704 absentee ballots by mail, 20,605 absentee ballots from satellite locations. The satellite locations with the most votes include The Government Center, with 6,469 votes, McLean, with 2,533 votes, and Springfield, with 2,429 votes.

- There were 279,252 voters on election day, a total of 308,561 voters for the election, and a 43.4% turnout. These were all a substantial increase from previous years.
- The expected turnout for 2020 will be between 85% and 90%.
- There were 149 election officers at satellite locations, 2,198.5 election officers at polls, and 53 election officers at the Central Absentee Precinct.

Ms. Hanley noted the following predictions for the 2020 Election year:

- There will be at least five elections: one Democratic Presidential Primary on March 3, 2020, two May Town elections, one June Primary, and one November Presidential Election which will include Herndon town elections.
- There will need to be more satellite locations. There are 13 planned, which will need to be expanded because of the probability of no excuse absentee in-person.
- There will be a need for at least 3,500 elections officers.
- There will be a more extensive ballot with possible Constitutional Amendments and Bond Issues.

Ms. Hanley noted the following requirements for a polling location:

- Safety
- Accessibility
- Parking
- Technology access
- Size of rooms
- Satellite locations must be county owned or leased facilities
- There must be room for voting which can be used exclusively for voting for two to three weeks, a place to lock and store the equipment each night, and an acceptably secure technology connection.

Ms. Hanley thanked the following for their contributions to the elections process:

- Fairfax County School

- Parks and Receptions
- Libraries
- Fire Stations
- Community Centers
- Virginia Department of Transportation
- Churches and private commercial locations
- Retirement Centers
- The Vehicle Services Facility at Mount Vernon
- The Animal Shelter in Springfield
- Department of Information Technology
- Facilities Management Department
- The mail room
- The Sheriff and her Deputies
- The Fairfax County Police Department
- The Office of Cable and Consumer Services
- The Office of Public Information
- The County Executive
- The Board of Supervisors

11. **10 A.M. - PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (12:04 p.m.)

(BACs) Larry Zaragoza, Vice Chairman, EQAC, presented the 2019 Annual Report and noted the changes to the format and organization of this year's report.

Mr. Zaragoza noted that the report contains several of the following recommendations:

- Development of a Resiliency Plan
- Update the State of the Plan
- Authorization of a concept for future transportation development and green infrastructure
- Updating the County-wide Natural Resources Plan
- Adequately funding Staff resources for reviewers within the Land Development Services for environmental projects
- Create an additional wildlife position to assist existing activities
- Continue to fund the Environmental Improvement Plan Program
- Continue to fund the stormwater program

Supervisor Gross requested staff provide the community with information regarding wise use of water and assistance with improving the information provided on the County website regarding recycling of glass.

12. **10 A.M. - BOARD ADOPTION OF THE 2020 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY, APPROVAL OF THE COUNTY'S 116TH CONGRESS FEDERAL LEGISLATIVE STRATEGY AND PRINCIPLES** (12:26 p.m.)

Supervisor McKay, Chair of the Legislative Committee, highlighted the following regarding the 2020 Legislative Program:

- For state legislation, the Board is adopting the 2020 Legislative Program and Human Services Issue Paper, and for federal legislation, the Board is adopting updated and revised Recommended Strategies and Principles for the 116th Congress. All of these items were discussed at multiple Legislative Committee meetings, most recently on November 26, 2019, and hard copies have been provided today.
- As discussed at Legislative Committee, the Board's fundamental priorities remain the same. However, the General Assembly changed dramatically after the November elections, and that presents a tremendous opportunity as the Board prepares for the 2020 session.
- The state's revenues have fluctuated considerably in recent years, but the revenue picture has improved dramatically as a result of several recent factors. The state ended FY 2019 with a revenue surplus of over \$797 million. Though the state still faces challenges, it is certainly well positioned to avoid actions that negatively affect

localities' limited revenues while making progress towards improving funding for state responsibilities. It is important that the state continue to increase investments in grades K-12 and other essential local programs and services after years of underfunding.

- As in previous years, the Board's program features state support for education as a top priority, and urges the state to fully meet its responsibility to adequately fund grades K-12.
- In this year's program, the Board has also elevated their existing Regional Transportation Funding position into its own priority statement, which encourages the General Assembly to restore funding to the Northern Virginia Transportation Authority (NVTA) in an amount equal to what was diverted by the 2018 General Assembly, to ensure that transportation projects continue to move forward in Northern Virginia after decades of state underfunding.
- The Board again has a Human Services Issue Paper as part of their package, which highlights the County's interest in a number of human services programs, and includes three priorities. The first is state support for increased affordable housing options and actions to prevent homelessness, the second is state support for diversion programs for non-violent offenders experiencing mental health crises, and the third is increased state support to address the growing opioid epidemic and vaping crisis.
- The Board discussed a few changes on November 26, 2019, which have been incorporated into the draft Program and Issue Paper. In the draft Program, the Board elevated the County's existing position statement on sexual orientation into an initiative that would permit the County to prohibit discrimination in the areas of housing, real estate transactions, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity. The Board also added language to the Substance Use Disorder position in support of using a cigarette tax as a deterrent for smoking and/or vaping, and created a new position statement in support of expanded paid family and medical leave programs. Legislative staff circulated these three positions to the Board for review over the weekend. Additionally, in the draft Issue Paper, new language was added to provide additional clarification on a statistic relating to domestic violence included on the human services fact sheet.
- The Board also has three initiatives this year. The first would permit the County to prohibit discrimination in a number of areas on the basis of sexual orientation and gender identity. The second would increase the number of members on the Police Officers Retirement System (PORS) Board of Trustees from seven to eight, by adding a third

member elected by active PORS members. Increasing the representation of active duty members on the Board of Trustees is appropriate, given that PORS provides their full retirement benefit. The third would allow police officers who were previously employed in a position covered by the Fairfax County Employees' Retirement System (ERS) or Fairfax County Uniformed Retirement System (URS) to purchase membership service credit in PORS. This change would ensure similar benefits exist across all retirement systems.

Supervisor McKay moved the Board adopt the 2020 Legislative Program and Human Services Issue Paper. Chairman Bulova seconded the motion which **CARRIED** by a vote of nine, Supervisor Herrity voting "NAY".

Supervisor McKay highlighted the following regarding Federal legislative strategies for the 116th Congress:

- The political and fiscal landscape in Congress has been volatile over the past several years, and there is likely to be continued uncertainty in the future.
- The County continues to pursue a strategic approach to federal funding opportunities, with a focus on economic development, transportation and protecting the social safety net. The Board will continue to advocate for the relocation of federal facilities to the County. The Board will also be actively working to protect existing federal investments in the County – particularly our military installations, civilian federal workforce, and federal contractors, which are so vital to our local economy. These efforts will provide critical preparation for any future relocation or consolidation of federal facilities.
- The Board will continue to work to proactively position the County in anticipation of possible long-term reductions in federal funding. Virginia's great challenge in the coming years will be to transition away from an economy that depends on federal spending. Fairfax County has much to offer in this new, entrepreneurial economy, and the Board will work to be prepared to take advantage of opportunities as they arise, such as an increased focus on cybersecurity and other emerging fields.

As a result of the discussion at our November 26, 2019, Legislative Committee meeting, language has been modified to strengthen the Board's position on energy and climate change.

Supervisor McKay moved that the Board adopt the *Recommended Strategies and Principles for the 116th Congress*. Chairman Bulova the motion and it carried by unanimous vote.

Supervisor McKay noted that a work session with the Fairfax delegation on the General Assembly will be held on December 10, 2019, at 3:30 p.m. at the Government Center.

13. **ADMINISTRATIVE ITEMS** (12:38 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hudgins seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Acredale Lot 30 (Five Oaks Road)	Providence	Five Oaks Road

ADMIN 2 – APPOINTMENT OF PRIVATE PROVIDER MEMBER TO THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)

(BACs) Reappointed Deborah Evans of For Children’s Sake in Fairfax for a term to expire on June 30, 2021, as a provider representative member of the CPMT.

ADMIN 3 - APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (DRANESVILLE DISTRICT)

- (R)
- Endorsed the following traffic calming plan and resolution for Griffith Road consisting of the following:
 - One speed hump on Griffith Road (Dranesville District)
 - Directed staff to request the Fairfax County Department of Transportation (FCDOT) to schedule the installation of the approved traffic calming measures signs as soon as possible

ADMIN 4– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTIES ON FAIR RIDGE DRIVE

TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 14, 2020, at 4:00 p.m.**, regarding the proposed conveyance of Board-owned properties to the FCRHA.

ADMIN 5 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 20120 FOR FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION TO ACCEPT TRANSPORTATION DEMAND MANAGEMENT (TDM) GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

- (SAR) Authorized the:

- Adoption of SAR AS 20120 for the Department of Transportation to accept grant funding from DRPT. Funding in the amount of \$144,000, including \$28,800 in Local Cash Match will be used to market TDM programs to employers

ADMIN 6 - STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
River Chase	Dranesville	River Chase Way

ADMIN 7 - AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Authorized the:

- Police Department to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant in the amount of \$125,644. Funding will be used to purchase 11 White Phosphorous Night Vision Goggle Systems for the Canine Unit in order to better enable movement and threat identification in very low light situations. No new positions will be created with this grant and no Local Cash Match is required

- Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 8 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT FUNDING FROM THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES TO SUPPORT EXPANSION OF CRISIS INTERVENTION TEAM (CIT) TRAINING ASSESSMENT SITE PROGRAM

(BACs)

Authorized the:

- CSB to apply for and accept funding, if received, from DBHDS for expansion of the CIT Assessment Site at the Merrifield Center. State funding of \$685,744 will support contracted medical services with Neighborhood Health as well as 3/3.0 FTE new positions to manage, enhance and support the medical assessment process. No Local Cash Match is required
- Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

14. **A-1 – APPROVAL OF THE SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND PUBLIC IMPROVEMENT REFUNDING BONDS** (12:39 p.m.)

(R) On motion by Supervisor Gross, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the resolution authorizing the issuance of the General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. This resolution delegates to the County Executive or Chief Financial Officer authority to award the bonds, on specified criteria, through either a competitive or negotiated sale. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions. This resolution also approves the form of the notice of sale and the Official Statement for the Public Improvement Bonds, and authorizes the Chairman, Vice Chairman, County Executive or Chief Financial Officer to sign the Official Statement for the Public Improvement Bonds.

15. **A-2 – AUTHORIZATION OF ECONOMIC OPPORTUNITY RESERVE (EOR) FUNDING TO THE TOWN OF VIENNA FOR ECONOMIC**

DEVELOPMENT STRATEGY AND MARKET STUDY (HUNTER MILL DISTRICT) (12:39 p.m.)

On motion by Supervisor Hudgins, jointly seconded by Supervisor McKay and Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized use of the EOR funds for this purpose.

16. **A-3 – AUTHORIZATION OF ECONOMIC OPPORTUNITY RESERVE (EOR) FUNDING TO THE TYSONS PARTNERSHIP FOR A BRANDING CAMPAIGN (PROVIDENCE, HUNTER MILL, AND DRANESVILLE DISTRICTS)** (12:40 p.m.)

On motion by Supervisor L. Smyth, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized use of the EOR funds for this purpose.

17. **A-4 – APPROVAL OF RESOLUTION ENDORSING PROJECTS BEING SUBMITTED FOR FY 2026 REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FEDERAL FUNDING THROUGH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTa)** (12:41 p.m.)

- (R) On motion by Supervisor Foust, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Attachment 1 of the Board Agenda Item, endorsing Fairfax County projects for submission for NVTa’s regional and federal CMAQ/RSTP funding programs.

18. **A-5 – APPROVAL OF A CONSTRUCTION ADMINISTRATION AGREEMENT BETWEEN FAIRFAX COUNTY AND THE TOWN OF HERNDON FOR THE HERNDON METRORAIL STATION ACCESS MANAGEMENT STUDY PROJECTS (DRANESVILLE DISTRICT)** (12:42 p.m.)

On motion by Supervisor Foust, seconded by Supervisor L. Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Fairfax County Department of Transportation to execute a Project Construction and Administration Agreement, substantially in the form of Attachment 1, between the County and the Town of Herndon.

19. **A-6 – APPROVAL OF FAIRFAX CONNECTOR JANUARY 2020 SERVICE CHANGES (DRANESVILLE, PROVIDENCE, HUNTER MILL, LEE, MASON, MOUNT VERNON, BRADDOCK, AND SPRINGFIELD DISTRICTS)** (12:42 p.m.)

On motion by Supervisor Hudgins, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and

approved the Fairfax Connector's January 2020 service change proposals outlined in the Board Agenda Item.

20. **A-7 – APPROVAL OF AN FY 2020 - 2025 TRANSPORTATION PRIORITIES PLAN (TPP)** (12:44 p.m.)

Supervisor L. Smyth stated that the Cleveland Ramp Project is located in the Providence District in addition to the Dranesville District and requested the plan and associated documents be revised to reflect that.

Supervisor Gross stated that the Mason Neck Trail is located in the Mount Vernon District, and requested that the Board be provided with a corrected list of projects, to include the missing projects and already completed projects.

Chairman Bulova requested that staff provide the Board with a copy of Supervisor Gross' suggested edits.

On motion by Supervisor Foust, jointly seconded by Supervisor K. Smith and Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed FY 2020 – 2025 TPP outlined in Attachment 1. This action will establish the County's transportation project priorities through FY 2025.

21. **A-8 – APPROVAL OF REVISIONS TO PROCEDURAL MEMORANDUM NO. 11-01, EXEMPT SERVICE, TO ALIGN WITH RECENT AMENDMENTS TO CHAPTER 3, COUNTY EMPLOYEES, PERSONNEL ADMINISTRATION, DEFINITIONS AND CHAPTER 3, COUNTY EMPLOYEES, PERSONNEL ADMINISTRATION, APPOINTING AUTHORITIES** (12:52 p.m.)

On motion by Supervisor Gross, seconded by Supervisor L. Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed revisions to Procedural Memorandum No. 11-01, Exempt Service, as outlined in the Board Agenda Item.

22. **C-1 – AMENDMENTS TO THE FAIRFAX COUNTY HISTORY COMMISSION AUTHORIZING RESOLUTION AND BYLAWS TO ADD A CITY OF FAIRFAX REPRESENTATIVE TO THE COMMISSION** (12:53 p.m.)

(BACs)
(R) The Board next considered an item contained in the Board Agenda regarding approval of a resolution for the Fairfax County History Commission as amended and approval of the Bylaws for the Fairfax County History Commission as amended, to allow for the addition of a City of Fairfax member to the History Commission.

Following discussion, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board adopt the resolution appearing as Attachment 1 of the Board Item dated December 3, 2019, and adopt the revised History Commission Bylaws appearing as Attachment 3 of the same Board Item, to allow for the ability to add a City of Fairfax seat on the History Commission. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Gross asked why the History Commission had not yet taken action on the revisions.

Anne Stuntz, Chairman, History Commission, explained action had not yet been taken because the By-laws had been received too late to vote on them. The History Commission would be acting on the revisions at their scheduled meeting of December 4, 2019.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

23. **I-1- PRESENTATION OF THE FISCAL YEAR (FY) 2019 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND POPULAR ANNUAL FINANCIAL REPORT (PAFR) (12:56 p.m.)**

The Board next considered an item contained in the Board Agenda, presenting the FY 2019 CAFR.

Supervisor Storck stated that moving forward, he would like to receive the report earlier, in order to allow time to review it.

Supervisor McKay requested that moving forward, items be provided to the Board in a more timely manner so the Board has time to review.

24. **I-2- CONTRACT AWARD - CLINICAL CONSULTATION SERVICES (12:59 p.m.)**

The Board next considered an item contained in the Board Agenda regarding a Contract Award for Clinical Consultation Services awarded to Neil Makstein, Ph. D and Trauma and Hope.

25. **I-3- CONTRACT AWARD - GOVERNMENT RELATIONS CONSULTING SERVICES (12:59 p.m.)**

The Board next considered an item contained in the Board Agenda regarding a Contract Award for Government Relations Consulting Services awarded to The Ferguson Group.

DMS:dms

BOARD MATTERS

26. **PROCLAMATION REQUEST RECOGNIZING THE 30TH ANNIVERSARY FOR HOMESTRETCH** (1:01 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board directed staff to invite representatives from Homestretch to appear before the Board on January 14, 2020, to be recognized for their 30th Anniversary. Without objection, it was so ordered.

27. **STEPPING UP INNOVATOR COUNTY STATUS** (1:01 p.m.)

Jointly with Supervisor Cook, Chairman Bulova announced that Stepping Up is a national initiative to reduce the number of people with mental illnesses in jails. To pursue this goal, Fairfax County established Diversion First, which offers alternatives to incarceration for people with mental illnesses or developmental disabilities who come into contact with the criminal justice system for low level offenses.

In recognition of Fairfax County's efforts, the Stepping Up partners (The National Association of Counties, The Council of State Governments Justice Center, and The American Psychiatric Association Foundation) have nominated Fairfax County to be a Stepping Up Innovator County.

Stepping Up Innovator Counties are selected to serve as leaders in the area of mental health awareness and to share their strategies with other counties to better assist people with serious mental illnesses in jails.

Fairfax County is honored to accept this nomination and join the growing group of counties showing innovation in this area. The Diversion First program will continue its work under the leadership of the Board of Supervisors.

Therefore, jointly with Supervisor Cook, Chairman Bulova asked unanimous consent that the Board direct staff to share this information on the Fairfax County social media accounts. Without objection, it was so ordered.

28. **NOVEMBER 2019 QUARTERLY REPORT OF THE AUDITOR OF THE BOARD** (1:04 p.m.)

Chairman Bulova announced that the Board has received the Auditor of the Board's Quarterly Report for November 2019. The report included the following study area, recommendations and managements' concurrences.

LDS Developer Default Program Study (recommended by the Auditor):

- Staff:
 - Implement system triggers for expiring financial instruments
 - Enhance system coding for developer default projects

- Run developer default inactivity reports & enhance coordination with VDOT
- Develop an electronic submission process for litigation packages to OCA.

Therefore, Chairman Bulova that the Board adopt the Auditor of the Board's November 2019 Quarterly Report and approve the Audit Committee Work Plan for the upcoming quarter, as attached to her written Board Matter. Supervisor Storck seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

29. **ECONOMIC OPPORTUNITY RESERVE (EOR)** (1:06 p.m.)

Supervisor Foust announced that staff has reviewed the status of open requests for funding from the Economic Development Support Fund, which has now transitioned to the EOR.

Based on staff's review, the following, previously nominated for funding through the EOR, should be removed from active consideration:

- The Go Virginia: Cyber-and-Tech Veterans and Spouses Program and Go Virginia. Security University nominations are no longer active projects and the Go Virginia period for which these were initially nominated has closed with neither project receiving a Go Virginia grant award.

Supervisor Foust stated that the next round of Region 7 Go Virginia nominations will begin shortly through a request-for-proposal process, with applications due to Go Virginia Region 7 on January 6, 2020. New projects seeking Go Virginia funding should be brought through our EOR nomination process.

Therefore, Supervisor Foust moved that the Board direct the County Executive to remove Go Virginia: Cyber-and-Tech Veterans and Go Virginia: Security University from consideration for EOR funding. Supervisor Gross seconded the motion and it carried by unanimous vote.

30. **PROVIDENCE PERSPECTIVE ORAL HISTORY PROJECT (PROVIDENCE DISTRICT)** (1:07 p.m.)

Supervisor L. Smyth stated that on June 26, 2006, in her Board Matter, she invited residents to submit their recollections about their lives in the Providence District. Since then, almost 100 residents submitted interviews and documents sharing their perspectives, including audio and paper files. The submissions have been documented by her office and a few history buffs into a collection of the richest historical perspectives of the Providence District.

Supervisor L. Smyth thanked the eight volunteer interviewers and the almost 100 interviewees that have contributed to this project over the last 13 years. She further thanked the Fairfax County Library Virginia Room for housing and placing online this important collection which will be turned over to them at the end of December 2019.

Therefore, Supervisor L. Smyth asked unanimous consent that the Board direct staff to publicize the future access to the Providence Perspective Oral History Project that will be available in the Virginia Room online resources in the spring of 2020. Without objection, it was so ordered.

31. **PROVIDENCE DISTRICT HOLIDAY OPEN HOUSE** (1:10 p.m.)

Supervisor L. Smyth announced that the Providence District Holiday Open House will be held on December 6, 2019, from 3:00-6:00 p.m. at the Providence District Supervisor's Office and she invited the community to attend the event.

32. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(1:10 p.m.)

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

33. **PROCLAMATION RECOGNIZING SERVICESOURCE CEO JANET SAMUELSON** (1:10 p.m.)

Supervisor Herrity stated that Janet Samuelson is the current President and CEO of ServiceSource, a nonprofit whose mission is to facilitate services and partnerships that support people with disabilities, their families, their caregivers, and community members in order to build more inclusive communities. Under the leadership of Janet Samuelson, ServiceSource has been a major partner with the Fairfax County Economic Development Authority in connecting local businesses with our disabled workforce to create more jobs.

As President and CEO for the last twenty-six years, Ms. Samuelson has grown ServiceSource from a \$7 million organization to a \$130 million organization. Nationally, Ms. Samuelson has grown ServiceSource to acquire multiple other organizations in order to better accomplish its mission. In Fairfax County, there are now ServiceSource facilities across the county in Springfield, Oakton, and Chantilly, making opportunity more accessible for residents regardless of where they live. ServiceSource has provided employment opportunities for thousands of people and is a great nonprofit partner in Fairfax County.

After 26 years of service, Ms. Samuelson has announced that she will retire as CEO of ServiceSource in January 2020.

Therefore, Supervisor Herrity moved that the Board direct staff to invite Janet Samuelson to appear before the Board in January to be presented with a

proclamation honoring her 26 years of service, her success in leading ServiceSource, and the significant impact it's had here in Fairfax County as one of our nonprofit partners. Without objection, it was so ordered.

34. **NOMINATION FOR ECONOMIC OPPORTUNITY RESERVE RECIPIENT, PHILLIPS PROGRAMS** (1:12 p.m.)

Jointly with Supervisor Gross, Supervisor Herrity stated that the PHILLIPS Programs is a nonprofit organization that has been serving hundreds of children and families in the Washington Metropolitan Area for over fifty years. PHILLIPS has provided career and technical education in additive manufacturing in its Fairfax County based schools for the past three years. They own industry standard 3d printers and the capacity to meet varied demands in products. They are looking to expand their services and launch a program around additive manufacturing to employ young adults with complex behavioral health needs with multiple barriers to employment. After graduation from high school, these young adults historically are unable to secure employment, much less livable wages.

PHILLIPS Programs is expanding their mission by developing businesses in emerging industries including additive manufacturing business, providing paid pre-apprenticeship and apprenticeship opportunities leading to a job, with a vision of being employee owned once fully sustainable. By providing an incubator platform for their clients, PHILLIPS Programs is enabling them in an arena where they would be able to create through small-scale additive manufacturing and sell products or services in the open market. Thus, the social enterprise achieves financial self-sufficiency through the sales of the products and services. Their goal is creating employment opportunities, but their mission is providing workforce development services that will be embedded as soft skills training and career coaching.

In addition, additive manufacturing and Computer-Aided Design (CAD) are transferable skills that will act as a vehicle to drive and propel these young adults from service occupations and into the manufacturing sector, which is experiencing record skills gaps and shortages even in Fairfax County.

Therefore, this program proposal by PHILLIPS Programs will solve three problems facing our community. This program will engage a segment of our workforce that has been historically under-utilized, develop our workforce with skills that can then be built upon with more advanced skills-training, and develop additive manufacturing capabilities in our area. The plan is for the enterprise to become self-sustaining but needs help getting started.

Therefore, jointly with Supervisor Gross, Supervisor Herrity moved that the Board:

- Direct the County Executive to prepare an Initial Project Evaluation of a potential investment of \$250,000 for PHILLIPS Programs to support their

enterprise which provides their clients the job training necessary to qualify for entry positions in the technology sector which as paid work experiences and soft skills development will prepare them for higher skilled job opportunities and to develop an enterprise that would be self-sustaining and fill a market need for additive manufacturing

- Direct the County Executive that no investment from the Economic Opportunity Reserve be made until the Board has approved the use of those funds
- Ensure the Mason District Supervisor is kept apprised at every step

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

35. **HUNTER MILL DISTRICT HOLIDAY OPEN HOUSE** (1:17 p.m.)

Supervisor Hudgins announced that the Hunter Mill District Holiday Open House will be held on December 4, 2019, from 4:30-6:30 p.m. at the Reston Community Center and she invited the community to attend the event.

36. **RESOLUTION REQUEST DESIGNATING JANUARY 13-19, 2020, AS "TEEN CANCER AWARENESS WEEK"** (1:17 p.m.)

Supervisor K. Smith stated that cancer among teenagers is rare, but it is still the leading cause of death from disease within this age group. Unfortunately, teenagers with cancer straddle the child and adult worlds of oncology. Many times, they feel isolated and alone because they don't encounter a person their age.

Congress designated the third week of January as "*Teen Cancer Awareness Week*". This is an opportunity to recognize the unique circumstance that teens with cancer face. Hopefully, this week will continue to call attention to the health care system that treats them to provide an environment that meets their unique needs.

Therefore, Supervisor K. Smith asked unanimous consent that the Board direct staff to invite representatives of Bite Me Cancer to appear before the Board on January 14, 2020, to receive a resolution recognizing "*Teen Cancer Awareness Week*". Without objection, it was so ordered.

37. **ADDRESSING THE DANGERS TO YOUTH POSED BY VAPING AND TOBACCO USE** (1:19 p.m.)

Jointly with Supervisor Herrity, Supervisor Cook stated that on November 22, 2019, Dr. Gloria Addo-Ayensu, Director of Health for Fairfax County, issued the Board a memorandum outlining the latest data regarding youth use of e-cigarettes (vaping) and tobacco products. We are seeing in the national news the same information: vaping and tobacco are dangerous for our kids.

Dr. Gloria's memorandum outlines some policy options for the Board's consideration. Some would require state legislation, and last week the Legislative Committee agreed to seek greater taxation of tobacco and vaping products. Dr. Gloria also suggest possible zoning changes to limit vaping sales.

Therefore, jointly with Supervisor Herrity, Supervisor Cook moved that the Board direct staff to:

- Examine this option, both to determine if state law permits such restrictions and whether the county should enact any such restrictions
- Continue to work with Fairfax County Public Schools to develop additional public information campaigns directed to inform students of the dangers of vaping
- Continue to explore additional options for combatting vaping by our youth and return to the Board within 120 days with additional recommendations for county action

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

38. **COMMUNITIES WITH UNDERSIZED PRIVATE COLLECTOR SEWER LINES** (1:20 p.m.)

Supervisor Cook stated that between 1965 and 1984, 18 townhouse developments were permitted to install 5-inch collector sewer lines rather than Fairfax County's standard 8-inch sewer lines. These smaller lines were installed in lower/moderate-income housing based on a study implementing several construction techniques and procedures on an experimental basis in order to reduce construction costs. The 5-inch collector systems were approved with the provision that they be owned and maintained by the respective townhouse development association. The Department of Environmental Management discontinued approval of plans with 5-inch collector sewer lines in 1974, at which time the 18 developments had been approved. The largest of these systems belongs to the Lake Braddock Community Association in the Braddock District, but there are systems in all nine magisterial districts. The other systems are listed in the attachment to the Board matter.

Many of these townhouse associations may not realize they have smaller lines and the responsibility to maintain the systems. The Lake Braddock Community Association did recognize their potential liability for repair and replacement costs, however, and contacted the county to see if their 5-inch collector sewer system could be accepted into the county system. An agreement was reached in 1987, which requires the Lake Braddock Community Association to maintain ownership, operation, and routine maintenance of their 5-inch collector sewer system, but in the event that replacement is required, the county agreed to replace the 5-inch line segment with 8-inch line, which will then become part of the

county system. The cost is to be paid out of the general fund of Fairfax County. It is important to note that although the associations have responsibility for the lines, the residents have been paying normal sewer rates.

The Lake Braddock Community Association attempted to inspect their sewer lines and look for any possible issues. After running into issues doing so, they asked the county for assistance and the county stepped in to help with the inspection. It is a challenge because the county's equipment is sized for 8-inch mains. The process is further complicated by the lack of records showing where the lines are located. Many access points are concealed by mature landscaping.

The Wastewater Collection Division is using the undersized sewer lines in the Lake Braddock Community Association as a pilot to gain better understanding of these systems. They have inspected approximately 10 percent of the lines and have found no major defects. He noted that the county accepted a potentially large liability with the 1987 Lake Braddock Community Association Agreement, and the county needs the ability to address that liability before a significant maintenance event occurs.

Therefore, Supervisor Cook moved that:

- Upon completion of the pilot, the Wastewater Collection Division present its findings and lessons learned to the Board's Environmental Committee
- Staff outline a plan for contacting the other communities with 5-inch collector sewer lines to educate them on the issue and assist in assessing and understanding their systems. As part of the outreach to each community, staff should discuss methods for obtaining easements for inspection and potential future replacement
- Staff develop a long-term strategy for addressing the potential liabilities of the identified communities with 5-inch collector sewer lines for a failure of their sewer system. Staff should work with the affected communities to develop plans to mitigate damage and determine a solution, which may include replacement of the 5-inch lines with 8-inch lines, owned and maintained by the county

Chairman Bulova seconded the motion. Following discussion regarding the implications related to approval of this Board Matter, the question was called on the motion and it carried by unanimous vote.

39. **TASTE OF BRADDOCK (BRADDOCK DISTRICT)** (1:29 p.m.)

Supervisor Cook announced that the annual Taste of Braddock will be held on December 12, 2019, from 5:30-7:30 p.m. at the Braddock District Supervisor's office and he invited the community to attend.

40. **MOUNT VERNON DISTRICT HOLIDAY OPEN HOUSE** (1:29 p.m.)

Supervisor Storck announced that the Mount Vernon District Holiday Open House will be held on December 5, 2019, from 5:30-7:30 p.m. and he invited the community to attend the event.

41. **WAIVER OF APPLICATION FEES FOR THE SPRINGFIELD-FRANCONIA HOST LIONS CLUB CHARITIES** (1:30 p.m.)

Jointly with Supervisor Gross, Supervisor McKay stated that they are seeking Board approval of a request to waive the application fees for permits associated with the flea markets held by the Springfield-Franconia Host Lions Club Charities, Inc. This is the 66th year that the Lions Club has operated, and the Board has approved this waiver request annually since 1994. The Springfield-Franconia Host Lions Club Charities, Inc. recently contacted to express appreciation for our help in the past and to ask that we support a waiver again this year.

The flea markets are held twice a month on Saturdays from April through November in the VRE parking lot off Backlick Road. All net proceeds from the flea markets are returned to the community. The Springfield-Franconia Host Lions Club Charities, Inc. supports organizations such as Koinonia, ECHO, and the Juvenile Diabetes Foundation, as well as assists indigent citizens with eye glass prescriptions and hearing aids.

Therefore, jointly with Supervisor Gross, Supervisor McKay moved that the Board waive the application fees for 17-day permits associated with the Springfield-Franconia Host Lions Club Charities 2020 flea markets. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

42. **REQUEST FOR EXPEDITED SCHEDULING OF PROFFERED CONDITION AMENDMENT APPLICATION PCS 85-L-006 AND SPECIAL EXCEPTION SE 2019-LE-013 (APAH OAKWOOD, LLC) (LEE DISTRICT)** (1:31 p.m.)

Supervisor McKay stated that APAH Oakwood, LLC has filed a Proffer Condition Amendment (PCA) and a Special Exception (SE) for a site owned by the Fairfax County Redevelopment Housing Authority ("FCRHA") for the purpose of developing the site with affordable housing units for seniors. These applications, PCA 85-L-006 and SE 2019-LE-013, have been filed and accepted for review with a Planning Commission hearing scheduled for January 15, 2019. In order to ensure that this application can be heard before the end of January 2020, the applicant has requested a concurrent Board hearing date.

Therefore, Supervisor McKay moved that the Board direct staff to expedite the public hearing for PCA 85-L-006 and SE 2019-LE-013, to a date certain of

January 28, 2020. This motion should not be construed as a favorable recommendation by the Board on the pending 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 unanimous vote.

AGENDA ITEMS

43. **RECESS/CLOSED SESSION** (1:32 p.m.)

Supervisor Gross 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. Claim of Eric Powers and Elizabeth McDonald, 1653 Quail Hollow Court, McLean, from a rain event on July 8, 2019 (Dranesville District)
 2. *Carlos Francisco Cordon Rivas, Sr. v. Fairfax County Department of Family Services*; Record No. 190608; *Nely Margarita Bonillas de Cordon v. Fairfax County Department of Family Services*; Record No. 190730 (Va. Sup. Ct.)
 3. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harry F. Kendall, III, and Laura P. Kendall*, Case No. CL-2008-0003244 (Fx. Co. Cir. Ct.) (Braddock District)
 4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kyle Marble*, Case No. GV19-025601 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

5. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert Dunn and Phyllis Dunn*, Case No. CL-2018-0013755 (Fx. Co. Cir. Ct.) (Lee District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Satish Amin*, Case No. GV19-021295 (Fx. Co. Gen. Dist. Ct.) (Lee District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melba B. Clarke*, Case No. CL-2009-0016978 (Fx. Co. Cir. Ct.) (Mason District)
8. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. AAAACO LLP, Northern Virginia Auto Recycling LLC, and Northern Virginia Auto Real Estate Holdings LLC*, Case No. CL-2018-0013191 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahlon C. Hawker*, Case No. CL-2019-0015198 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Hongbing Li*, Case No. CL-2019-0015353 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bill H. Waller*, Case No. GV19-025602 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ingrid Teasdale*, Case No. CL-2019-0011634 (Fx. Co. Cir. Ct.) (Providence District)
13. In re: May 1, 2019, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; *Nagla A. Abdelhalim v. Board of Supervisors of the County of Fairfax*, Virginia, Case No. CL-2019-0007529 (Fx. Co. Cir. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nagla A. Abdelhalim*, Case No. CL-2019-0009486 (Fx. Co. Cir. Ct.) (Providence District)

15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Roger M. Firestone*, Case No. CL-2017-0012653 (Fx. Co. Cir. Ct.) (Providence District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vanessa E. Garcilazo and Wendy L. Ventura Espinozo*, Case No. CL-2019-0002725 (Fx. Co. Cir. Ct.) (Springfield District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Arnold A. Souders, Jr.*, Case No. GV19-025604 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Arnold A. Souders, Jr.*, Case No. GV19-025603 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Quoc K. Troung*, Case No. GV19-026356 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(7) and (8):
 - Claim filed by owners of 1653 Quail Hollow Court related to July 8, 2019, rain event
 - Contract claim regarding McLean Community Center renovation and expansion
- As permitted by Virginia Code Section 2.2-3711(A)(8), legal analysis regarding the following: County contract with Transdev Services, Inc., and Virginia ABC Board License Application filed by BD Importers, LLC
- As permitted by Virginia Code Section 2.2-3711(A)(3), potential acquisition of real property in the Lee District for a public use
- As permitted by Virginia Code Section 2.2-3711(A)(1), annual evaluation of the County Executive

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

At 3:55 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

44. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:55 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 McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

45. **MOTION DENYING THE CLAIM OF ERIC POWERS AND ELIZABETH MCDONALD** (3:55 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board deny the claim of Eric Powers and Elizabeth McDonald, 1653 Quail Hollow Court, McLean, for damages as a result of a rain event on July 8, 2019, for the reasons set forth by the County Attorney in closed session. Supervisor L. Smyth seconded the motion.

Supervisor Foust stated that he does not agree with the County Attorney's recommendation.

Following those comments, the question was called on the motion and it carried by a vote of nine, Supervisor Foust voting in opposition.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

46. **REQUEST FOR ACQUISITION OF PROPERTY IN LEE DISTRICT** (3:57 p.m.)

Supervisor McKay moved that the Board request the Fairfax County Redevelopment and Housing Authority to acquire property located in the Lee District that will be used for public purposes pursuant to the terms and conditions discussed in Closed Session. Chairman Bulova seconded the motion and it carried by unanimous vote.

47. **MOTION AUTHORIZING OBJECTIONS TO BD IMPORTERS, LLC'S WHOLESALE BEER LICENSE APPLICATION** (3:57 p.m.)

Supervisor Gross moved that the Board authorize and direct the County Attorney to submit objections to BD Importers, LLC's Alcoholic Beverage Control Authority application for a wholesale beer license. These objections will be submitted to the ABC Board based on the grounds discussed with the County

Attorney in Closed Session. Chairman Bulova seconded the motion and it carried by unanimous vote.

48. **ANNUAL EVALUATION OF THE COUNTY EXECUTIVE** (3:58 p.m.)

Supervisor Gross stated that the Board has completed its annual evaluation of Bryan Hill, County Executive. The Board appreciated his outstanding performance and therefore, she moved that the Board approve compensation adjustments as discussed in Closed Session. Supervisor McKay seconded the motion and it carried by unanimous vote.

49. **MOTION AUTHORIZING THE SETTLEMENT OF CLAIMS AGAINST SORENSEN GROSS COMPANY** (3:58 p.m.)

Supervisor Foust moved that the Board authorize the settlement of claims it has against Sorensen Gross Company as a result of damage that occurred at the McLean Community Center on or around January 2, 2018, as outlined by the County Attorney in Closed Session. Chairman Bulova seconded the motion and it carried by unanimous vote.

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50. **3:30 P.M. - PUBLIC HEARING ON AF 2019-DR-002 (CHARLES J. DIBONA) TO PERMIT AN ESTABLISHMENT OF AN AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON APPROXIMATELY 50.22 ACRES OF LAND ZONED R-E (DRANESVILLE DISTRICT)** (3:59 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 November 15 and November 22, 2019.

The application property is located at 9306 Georgetown Pike and 644 River Bend Road, Great Falls, 22066. Tax Map 13-2 ((1)) 7D, 7E and 9H.

Ellen Alster, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

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

Supervisor Foust moved approval of Agricultural and Forestal Application AF 2019-DR-002, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, establishing the DiBona Local Agricultural and Forestal District, subject to proposed ordinance provisions found in Appendix 1 of the Staff Report dated December 3, 2019. Supervisor Herrity and Supervisor L. Smyth jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor

McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storeck, and Chairman Bulova voting “AYE.”

51. **4:00 P.M. – PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 112 (ZONING ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) RE: ARTICLE 11 - REGIONAL MALL PARKING RATES** (4:05 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 November 15 and 22, 2019.

Michael Davis, Parking Program Manager, Land Development Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Davis presented the staff and Planning Commission recommendations.

Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax Chapter 112 of the Zoning Ordinance (ZO) regarding Article 11, Regional Mall Parking Rates, as outlined in the Staff Report dated October 15, 2019, and adopting a rate of 2.5 spaces per 1000 square feet of gross floor area for shopping centers with 800,000 square feet of gross floor area or more. The proposed ZO amendment shall become effective at 12:01 a.m. on December 4, 2019. Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Supervisor McKay referred to the letter received from the Springfield Town Center which has been distributed to the Board in support and noted that this item will help facilitate continued success at the Springfield Town Center.

Discussion ensued regarding the proposed amendments, noting that the parking requirements will have no impact on parking at Tysons Corner Mall.

The question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storeck, and Chairman Bulova voting “AYE.”

Supervisor K. Smith stated that staff has indicated that a comprehensive review and update of the parking rates in Article 11 is planned as part of Phase II of the Zoning Ordinance Modernization (zMOD) effort. The Planning Commission recommended that additional analysis and studies be undertaken to address the changing parking demands for both large and small retail centers as well as developing a new approach for mixed use centers.

Therefore, Supervisor K. Smith moved that the Board direct staff to prioritize the review of the parking rates for retail and mixed use centers during Phase II of the zMOD program and include a projected timeline as part of the ZO Amendment Work Program which will be reviewed in late spring/early summer of 2020. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

52. **4:00 P.M. –PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2017-CW-2CP, GREEN BUILDING – ENERGY POLICY PLAN UPDATE**
(4:17 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 November 15 and 22, 2019.

Joseph C. Gorney, Senior Environmental Planner, Environment and Development Review Branch, (EDRB), Planning Division (PD), Department of Planning and Development (DPD), presented the staff report.

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

Supervisor Gross moved adoption of the PC recommendation for Plan Amendment 2017-CW-2CP, as contained in the staff report dated October 16, 2019, to provide an increased emphasis on energy efficiency and conservation efforts as applied to green buildings certification for non-residential and multi-family residential proposals. Supervisor McKay seconded the motion.

Supervisor Gross noted that her motion does not include the follow-on motions recommended by the PC in order to give the Office of Environmental and Energy Coordination and the Community-wide Energy and Climate Action Plan (CECAP) an opportunity to conduct community outreach.

Discussion ensued, with input from Kambiz Agazi, Director, Office of Environmental and Energy Coordination, regarding the timeline needed to gather data, information, and cost implications before making recommendations to the Board on the adaptation and resiliency plan.

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

53. **4:00 P.M. PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTION 7-2-13 AND RELOCATE THE POLLING PLACE FOR THE MCLEAN PRECINCT IN THE DRANESVILLE DISTRICT** (4:36 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 November 15 and 22, 2019.

Beth Dixon Methfessel, Clerk to the Electoral Board, presented the staff report.

Following the public hearing, Supervisor Foust moved adoption of the proposed ordinance amending and readopting Fairfax County Code Section 7-2-13 and relocate the polling place for the McLean Precinct in the Dranesville District. Supervisor L. Smyth seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor Hudgins being out of the room.

54. **4:00 P.M. PUBLIC HEARING ON THE SALE OF BOARD-OWNED PROPERTY ON WEST DRIVE TO THE CITY OF FAIRFAX** (4:39 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 November 15 and 22, 2019.

Julie B. Cline, Director, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Cook moved that the Board approve the proposed sale of Board-owned property located at 10635 and 10637 West Drive to the City of Fairfax in accordance with the terms and conditions outlined in the draft purchase and sale agreement as contained in the Board Agenda Item dated December 3, 2019. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

55. **4:30 P.M. PUBLIC HEARING TO REVISE DEED RESTRICTION IN DEED OF CONVEYANCE FOR CLERMONT PARK (LEE DISTRICT)** (4:43 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 November 15 and 22, 2019.

Mike Lambert, Property Manager of Real Estate Development and Planning, Facilities Management Department (FMD), presented the staff report.

Following the public hearing, which included testimony by 31 speakers, discussion ensued, with input from David Bowden, Director, Planning and Development Division, Park Authority, regarding public outreach process that was used to reach out to the community.

Following comments, Supervisor McKay moved that the Board approve the proposed revisions of the deed restriction in the deed of conveyance from the

Board to the Park Authority for Clermont Park, which is located at 4100 Franconia Road and identified by tax Map No. 0822-01-0003B, to allow for the following modifications:

1. Athletic lighting installation and operation only at Fields 3 and 4 until 9 p.m. during baseball/softball seasons scheduled by the Department of Neighborhood and Community Services
2. Lighting installation and operation of the parking lot until 9:30 p.m. during baseball/softball seasons scheduled by the Department of Neighborhood and Community Services

Supervisor McKay further moved that the Board authorize and direct the County Executive to execute all documentation necessary on behalf of the Board to implement the revision to the deed of conveyance as set forth above. Supervisor Storck seconded the motion.

Discussion ensued regarding the impact of lighting at the fields and the need for caution to make sure that the lights go off at the agreed upon time.

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

56. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:02 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of November 15 and 22, 2019.

Public comment was held and included the following individuals:

- Gary Jeter, Fairfax County Position on Second Amendment
- Andy Hoskinson, Second Amendment Sanctuary Proposal
- Cody Claxton, Gun Sanctuary for Fairfax County
- George Kralovec, Federal Legislative Program
- George Becerra, Final Legislative Package for General Assembly
- Veronica Slootsky, Fairfax County Second Amendment Sanctuary Status
- Mia Farinelli, Second Amendment Proposal
- Ed Huebner, Second Amendment

- Ben Woods, Second Amendment Sanctuary Proposal

57. **BOARD RECESS** (7:42 p.m.)

Chairman Bulova announced that the Board would recess briefly, and at 8:01 p.m. the Board reconvened with all Members present, and with Chairman Bulova presiding.

58. **5:00 P.M. – RECOGNITION OF OUTGOING BOARD OF SUPERVISORS MEMBERS** (8:01 p.m.)

Chairman Bulova announced the order of the presentations of the Resolutions of Recognition to the outgoing Board Members.

59. **RESOLUTION OF RECOGNITION PRESENTED TO SUPERVISOR JOHN C. COOK, BRADDOCK DISTRICT SUPERVISOR** (8:03 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of a Resolution of Recognition presented to Supervisor John C. Cook, Braddock District, for his distinguished and extraordinary service to the County and his years of service as the Braddock District Supervisor. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Following a video presentation, Supervisor Cook gave brief remarks and thanked everyone for the opportunity to serve on the Board.

60. **RESOLUTION OF RECOGNITION PRESENTED TO SUPERVISOR LINDA Q. SMYTH, PROVIDENCE DISTRICT SUPERVISOR** (8:10 p.m.)

Chairman Bulova moved approval of a Resolution of Recognition presented to Supervisor Linda Q. Smyth, Providence District, for her distinguished and extraordinary service to the County and her years of service as the Providence District Supervisor. Supervisor Gross seconded the motion and it carried by unanimous vote.

Following a video presentation, Supervisor Smyth gave brief remarks and thanked everyone for the opportunity to serve on the Board.

61. **RESOLUTION OF RECOGNITION PRESENTED TO SUPERVISOR CATHERINE M. HUDGINS, HUNTER MILL DISTRICT SUPERVISOR** (8:17 p.m.)

Chairman Bulova moved approval of a Resolution of Recognition presented to Supervisor Catherine M. Hudgins, Hunter Mill District, for her distinguished and extraordinary service to the County and her years of service as the Hunter Mill

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

Following a video presentation, Supervisor Hudgins gave brief remarks and thanked everyone for the opportunity to serve on the Board.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

62. **RESOLUTION OF RECOGNITION PRESENTED TO CHAIRMAN SHARON S. BULOVA** (8:25 p.m.)

Supervisor Gross moved approval of a Resolution of Recognition presented to Chairman Sharon S. Bulova, for her distinguished and extraordinary service to the County and her years of service as the Braddock District Supervisor and Chairman of the Board. Supervisor McKay seconded the motion and it carried by unanimous vote.

Following a video presentation, Chairman Bulova gave brief remarks and thanked everyone for the opportunity to serve on the Board.

Chairman Bulova wished Supervisor McKay well as he transitions from the Lee District Supervisor to the Chairman of the Board. She also wished the returning Board Members and New Members well on the Board.

63. **ORDERS OF THE DAY** (8:41 p.m.)

Chairman Bulova announced that after the Board adjourns there will be a reception in the forum for everyone.

64. **BOARD ADJOURNMENT** (8:41 p.m.)

The Board adjourned.