



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

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

**TUESDAY  
November 19, 2019**

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**EA:ea**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, November 19, 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 to the Board of Supervisors; Emily Armstrong, Ekua Brew-Ewool, and Kecia Kendall, Deputy Clerks, Department of Clerk Services.

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:34 a.m.)

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

- Mr. Carter Smith, who died recently

**AGENDA ITEMS**2. **FAIRFAX SYMPHONY ORCHESTRA CHORAL PRESENTATION**  
(9:36 a.m.)

Members of the Fairfax Symphony Orchestra Chorus performed the composition “Resolutions” commissioned to celebrate the 275th anniversary of the founding of Fairfax County.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to provide copies of the pictures taken at the meeting, as well as an excerpt from the video to members of Fairfax Symphony Orchestra Chorus for their records. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **GRANT AWARD PRESENTATIONS** (9:51 a.m.)

Kathryn Falk, Vice President, Northern Virginia Operations Cox Communications, presented grant awards to the following nonprofit organizations serving Fairfax County:

- The Arc of Northern Virginia
- The Children’s Science Center
- Girls on the Run Northern Virginia
- Hopecam
- Music for Life

4. **CERTIFICATE OF RECOGNITION PRESENTED TO WENDY GAO AND KATIE MONACELLA** (9:56 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Wendy Gao, a student at Oakton High School, for her distinguished service on the executive board of the Environmental Science Student Leadership Initiative and as a noteworthy leader of the Solar for Schools campaign, as well as Katie Monacella, a student at James Madison High School, for her distinguished leadership on the James Madison Student Environmental Action Club and as a

noteworthy organizer of the National Sunrise Movement. Chairman Bulova seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO JAMES MADISON HIGH SCHOOL GIRLS SWIM AND DIVE TEAM** (10:04 a.m.)

Jointly with Supervisor L. Smyth, Supervisor Hudgins moved approval of the Certificate of Recognition presented to the James Madison High School Girls Swim and Dive Team for their talent, intense work, drive, focus and goal-oriented approach for the competition resulting in winning the Virginia High School Class 6 State Championship. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE JAMES MADISON HIGH SCHOOL BOYS LACROSSE TEAM** (10:10 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the James Madison High School Boys Lacrosse Team for their indisputable level of discipline, talent, hard work and tenacity, resulting in winning the Virginia High School Class 6 State Championship. Chairman Bulova seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING NOVEMBER 2019 AS "NATIVE AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:16 a.m.)

Supervisor Cook moved approval of the Proclamation designating November 2019 as "*Native American Heritage Month*" in Fairfax County, and urged all residents to recognize the accomplishments and contributions Native Americans in Fairfax County and throughout the United States have made to our society. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

8. **RESOLUTION OF RECOGNITION PRESENTED TO VOLUNTEERS IN POLICE SERVICE** (10:24 a.m.)

Jointly with Chairman Bulova, Supervisor McKay moved approval of the Resolution of Recognition presented to the Volunteers in Police Service for its 20th anniversary. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

9. **RESOLUTION OF RECOGNITION PRESENTED TO NOVA PARKS** (10:34 a.m.)

Jointly with Chairman Bulova, Supervisor Herrity moved approval of the Resolution of Recognition presented to NOVA Parks for its 60th anniversary. Supervisor Gross seconded the motion and it carried by unanimous vote.

10. **10 A.M. - PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (10:50 a.m.)

Chairman Bulova announced the presentation, originally scheduled for today, has been moved to the December 3, 2019 Board Meeting, to allow time for staff to finalize the report.

11. **10:10 A.M. – PRESENTATION OF THE TRANSPORTATION ADVISORY COMMISSION (TAC) ANNUAL TRANSPORTATION ACHIEVEMENT AWARD** (10:50 a.m.)

Jeffrey M. Parnes, Chairman of TAC, presented the TAC Annual Transportation Achievement Award to Nathan Wilkinson, Engineer Technician III, Capital Projects Division, Fairfax County Department of Transportation, for his outstanding achievements and dedication to transportation issues.

**EBE:ebe**

12. **ADMINISTRATIVE ITEMS** (11:00 a.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman Bulova 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:

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Rollingwood West	Mount Vernon	Tanner Robert Court

**ADMIN 2 – APPROVAL OF TRAFFIC CALMING MEASURES, “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS, AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (BRADDOCK AND SULLY DISTRICTS)**

- (R)
- Endorsed the following traffic calming plan and resolution for Wetherburn Drive consisting of the following:
    - Two Raised Crosswalks and one Speed Hump on

## Wetherburn Drive (Sully District)

- Authorized the installation of “\$200 Additional Fine for Speeding” signs on the following roads:
  - Braeburn Drive, between the Olley Lane and Guinea Road (Attachment III) (Braddock District)
  - Ashmeade Drive, between Braeburn Drive and Guinea Road (Attachment V) (Braddock District)
  - Rockcrest Drive, between Olley Lane and Kristin Lane (Attachment VII) (Braddock District)
  
- Authorized the installation of “Watch for Children” signs on the following roads:
  - Two “Watch for Children” signs on Braeburn Drive (Braddock District)
  - One “Watch for Children” sign on Ashmeade Drive (Braddock District)
  - One “Watch for Children” sign on Argonne Drive (Braddock District)
  - One “Watch for Children” sign on Ashford Lane (Braddock District)
  - One “Watch for Children” sign on Rockcrest Drive (Braddock District)
  
- Directed staff to request the Virginia Department of Transportation (VDOT) to schedule the installation of the approved traffic calming measures and “Watch for Children” and “\$200 Additional Fine for Speeding” signs as soon as possible

**ADMIN 3 - EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (SULLY DISTRICT)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-Y19-8	T-Mobile Tax Map No. 55-1 ((3)) 45 4920 Stringfellow Road Centreville, VA Sully District	February 13, 2020

**ADMIN 4– AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED ZONING ORDINANCE AMENDMENT RE: ARTICLE 14 – OUTDOOR LIGHTING AND RELATED PROVISIONS**

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on **January 8, 2020, at 7:30 p.m.**, and before the Board on **February 11, 2020, at 4:00 p.m.**, to consider the proposed amendment updates the outdoor lighting standards by adding a correlated color temperature standard and revising the exemptions for lighting on lots with single family dwellings, motion-activated lighting, and the standards for sports illumination plans.

**ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO REVISE DEED RESTRICTION IN DEED OF CONVEYANCE FOR CLERMONT PARK (LEE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 3, 2019, at 4:30 p.m.**, regarding the proposed revision to the deed restriction in deed of conveyance for Clermont Park.

**ADMIN 6 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 20105 FOR VARIOUS FAIRFAX COUNTY AGENCIES TO ACCEPT DEPARTMENT OF HOMELAND SECURITY URBAN AREAS SECURITY INITIATIVE SUBGRANT AWARDS FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY**

- (SAR) Authorized the:
- Adoption of SAR AS 20105 in the amount of \$8,343,849. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1. All projects will be implemented in accordance with the program guidance documents. Funding will continue to support 4/4.0 FTE existing grant positions. The County is under no obligation to continue these positions when the grant funding expires. 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

13. **A-1 – APPROVAL OF AN AMENDED PARKING REDUCTION FOR 8100 LEE HIGHWAY (PROVIDENCE DISTRICT)** (11:01 a.m.)

Following comments, Supervisor L. Smyth moved that the Board concur in the recommendation of staff and approve the amended Parking Reduction Request #5301-PKS-004-1, located at 8100 Lee Highway, subject to the Conditions dated November 19, 2019, defined in Attachment I of the Board Agenda Item. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

14. **A-2 – DESIGNATION OF THE DIRECTOR, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, AND HIS DESIGNEE(S) AS THE BOARD OF SUPERVISORS’ AGENT(S) IN APPLYING FOR AND SEEKING ZONING APPROVAL OF BOARD-OWNED PROPERTY PROJECTS AND COUNTY IMPROVEMENT PROGRAM PROJECTS AND DESIGNATION OF THE COUNTY EXECUTIVE AS THE BOARD’S AGENT TO SIGN PROFFERS FOR SUCH PROJECTS** (11:03 a.m.)

(R) On motion by Supervisor Gross, seconded by Supervisor K. Smith, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the Resolution set forth in Attachment 1 of the Board Agenda Item.

15. **A-3 – AUTHORIZATION TO SELL BOARD-OWNED PROPERTY NORTH OF RESTON STATION BOULEVARD TO CRS SUNSET HILLS, LC AND PROPOSED AMENDMENT TO DEED OF LEASE WITH COMSTOCK RESTON STATION HOLDINGS, LC TO REMOVE LAND AREA (HUNTER MILL DISTRICT)** (11:04 a.m.)

On motion by Supervisor Hudgins, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the sale of a portion of Board-owned property north of Reston Station Boulevard and authorized approval of an Amendment to the Lease to reflect the removal of that property from the Lease and associated changes as included in the Amendment.

16. **A-4 – DESIGNATION OF THE OAKWOOD SENIOR HOUSING PROPERTY AND THE ONE UNIVERSITY PROPERTY AS REVITALIZATION AREAS (LEE AND BRADDOCK DISTRICTS)** (11:05 a.m.)

(R) Supervisor McKay moved that the Board concur in the recommendation of staff and designate the Oakwood Senior Housing Property and the One University Property as Revitalization Areas, for the purpose of facilitating applications for

federal Low Income Housing Tax Credits (LIHTC). Supervisor Cook seconded the motion.

Supervisor Cook clarified that this is not the same revitalization areas under the County's revitalization areas, which are a comprehensive plan designation. This is a different designation that is setting up the funding that the Board needs to approve later.

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

17. **A-5 – APPROVAL OF A PROJECT AGREEMENT BETWEEN CITYLINE PARTNERS LLC AND FAIRFAX COUNTY FOR THE SCOTTS RUN STREAM RESTORATION (PROVIDENCE DISTRICT)** (11:07 a.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 approved and authorized the County Executive to sign an agreement with Cityline that gives Cityline the option to fund a portion of a stream restoration project in Scotts Run, which will satisfy its proffered conditions.

18. **A-6 – ENDORSEMENT OF INTERSTATE 66 TRAIL NAME (PROVIDENCE, BRADDOCK, SPRINGFIELD, AND SULLY DISTRICTS)** (11:07 a.m.)

- (R) Supervisor L. Smyth moved that the Board concur in the recommendation of staff and adopt a resolution (Attachment I) to endorse a name for the collection of trails being completed by Fairfax County and the Transform 66 Express Lanes Project, and request the Commonwealth Transportation Board's (CTB) concurrence with the name. Supervisor K. Smith seconded the motion.

Following a brief discussion regarding the name chosen as the "66 Parallel Trail" and the hope that the trail will eventually be extended out to Prince William County, the question was called on the motion and it carried by unanimous vote.

19. **A-7 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO MAKE HOUSING BLUEPRINT LOANS TO ONE UNIVERSITY FAMILY, LLC AND ONE UNIVERSITY SENIOR, LLC IN THE AGGREGATE AMOUNT OF \$6,500,000 TO ASSIST IN THE FINANCING OF THE CONSTRUCTION OF ONE UNIVERSITY APARTMENTS (BRADDOCK DISTRICT)** (11:10 a.m.)

On motion by Supervisor Cook, jointly seconded by Supervisor Hudgins and Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the FCRHA to make the proposed loans in the aggregate amount of \$6,500,000 to One University Family, LLC and One University Senior, LLC.



20. **A-8 –APPROVAL OF A RESOLUTION SUPPORTING ADDITIONAL PROJECTS BEING SUBMITTED TO THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY FOR FY 2024 TO FY 2025 REGIONAL FUNDING CONSIDERATION (LEE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (11:11 a.m.)

- (R) Tom Biesiadny, Director, Department of Transportation (DOT), provided a brief overview of the proposed projects.

Discussion ensued regarding the staff recommendations, identifying Transportation funding sources from the State, and the need to recoup the funding that was lost by the County for the Metro project.

Supervisor Foust moved that the Board concur in the recommendation of staff and approve Attachment 1 of the Board Agenda Item, in substantial form, supporting the Town of Vienna and City of Falls Church projects for Northern Virginia Transportation Authority's (NVTa) regional funding program and concurred that the application from the Department of Rail and Public Transportation (DRPT) be evaluated. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

21. **A-9 –APPROVAL OF MULTIPLE ACTIONS NECESSARY TO SYNDICATE VIRGINIA HISTORIC REHABILITATION TAX CREDITS (VHRTCS) FOR THE RENOVATION OF THE ORIGINAL MOUNT VERNON HIGH SCHOOL (OMVHS) (MOUNT VERNON DISTRICT)** (11:21 a.m.)

- (R) On motion by Supervisor Storck, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the multiple actions necessary to syndicate VHRTCs for the Renovation of OMVHS.

22. **C-1 – APPROVAL OF THE PROPOSED AMENDED BYLAWS FOR THE FAIRFAX COUNTY POLICE CIVILIAN REVIEW PANEL** (11:21 a.m.)

- (BACs) The Board next considered an item contained in the Board Agenda regarding amendments to the Bylaws as presented by the Fairfax County Police Civilian Review Panel (PCRP).

Following comments regarding the proposed changes, Supervisor Cook moved that the Board approve the proposed amendments as set forth in the Consideration Item. Chairman Bulova seconded the motion and it carried by unanimous vote.

DMS:dms

**BOARD MATTERS**

23. **INTRODUCTION OF WALTER ALCORN, HUNTER MILL DISTRICT SUPERVISOR-ELECT** (11:23 a.m.)

Chairman Bulova introduced Walter Alcorn, Hunter Mill District Supervisor-Elect.

On behalf of the Board, Chairman Bulova warmly welcomed him to the Board Auditorium.

24. **PROCLAMATION REQUESTS** (11:23 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board approve the presentation requests listed in her Board Matter titled “November 19, 2019, Presentation Requests,” and directed staff to:

- Prepare and send a proclamation to Pam Woo of the Women Impacting Public Policy (WIPP) to recognize November 30, 2019, as “*Small Business Saturday*” in Fairfax County
- Invite the Fire and Rescue Department to appear before the Board on January 14, 2020, to accept a proclamation designating the week of January 20-26, 2020, as “*Community Risk Reduction Week*”

Without objection, it was so ordered.

25. **BLANKET AND COAT DRIVE FOR SYRIAN REFUGEES** (11:24 a.m.)

Chairman Bulova announced that the NOVA Relief Center is hosting a Blanket and Coat Drive for Syrian refugees November 23 through December 9, 2019. She stated that many Board offices, including her own office, and other locations throughout the region are serving as drop-off locations for new or gently used blankets and coats.

Since 2013, Northern Virginia has sent over 100,000 blankets and coats abroad to refugees in need. More information and a complete list of drop-off locations for this year's drive, can be found at: [novareliefcenter.org](http://novareliefcenter.org).

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff to publicize the Blanket and Coat Drive. Without objection, it was so ordered.

26. **BARBARA VARON AWARD SELECTION COMMITTEE** (11:25 a.m.)

(BACs) Chairman Bulova stated that the Barbara Varon Award Selection Committee was established to recognize an individual whose volunteer service honors the memory of Barbara Varon. Representatives from the Electoral Board, General

Registrar, and the Office of Equity Programs met to determine the criteria and nominating process for the award. The Committee is currently staffed by the Office of Human Rights and Equity Programs.

In their Annual Meeting Report dated August 23, 2019, the Barbara Varon Award Selection Committee made several recommendations based on members' expectations of support staff and staffs understanding of the responsibilities in supporting the Committee's work. Their primary recommendation was to be reassigned from the Office of Human Rights and Equity Programs to the Electoral Board. The Electoral Board has agreed to staff the Selection Committee. Making this change will continue to emphasize the intent of the Committee as well as help the Committee accomplish some of their other objectives such as publicizing the submission process and adjusting the timing of the selection process.

Therefore, Chairman Bulova moved that the Board approve the re-assignment of the Barbara Varon Award Selection Committee to the Electoral Board. Supervisor McKay seconded the motion and it carried by unanimous vote.

27. **FAIRFAX COUNTY POET LAUREATE PROGRAM** (11:27 a.m.)

Chairman Bulova announced that a Fairfax County Poet Laureate Program has been established by ARTSFAIRFAX. Poet Laureate positions have been established by many of the County's sister jurisdictions including Prince William County, City of Alexandria, and the Commonwealth of Virginia. The Fairfax Poet Laureate will serve as a poetry ambassador, promoting the appreciation of poetry as an art form in the county, region and state. The Poet Laureate will encourage writing and reading of poetry and all forms of literature, as well as create opportunities for civic engagement through poetry with diverse audiences around the County.

The Poet Laureate Program will be managed by ARTSFAIRFAX as a two-year appointment, selected through a competitive application process. This program will celebrate, honor and promote literacy, poetry, and writers within Fairfax County for the benefit of County residents. Poets interested in applying should submit their application by January 9, 2020. The Poet Laureate will be announced in early April 2020. More details about the program are available on the ARTSFAIRFAX web site, [artsfairfax.org](http://artsfairfax.org).

The Fairfax County Poet Laureate program is an investment by Fairfax County and ARTSFAIRFAX in the sustained growth and development of the arts in Fairfax County, as well as to honor a poet's commitment to their craft, professional activity within the County, and contributions to the quality of life in the County.

Therefore, Chairman Bulova moved that the Board direct the appropriate staff to assist ARTSFAIRFAX in planning, carrying out, and supporting the Fairfax Poet

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

28. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (11:30 a.m.)

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

29. **COMMONWEALTH TRANSPORTATION BOARD'S (CTB) 2019 FALL TRANSPORTATION MEETINGS** (11:31 a.m.)

Supervisor Foust stated that each fall, the CTB holds public meetings across Virginia for the public to learn about and comment on various transportation initiatives, including adjustments to Virginia's project prioritization process (Smart Scale) and the usage of transportation safety funding. This year, the meeting in Northern Virginia was held on October 22, 2019. Comments on these items will also be accepted until November 30, 2019.

The schedule for state transportation funding provides that allocations for Smart Scale are made every other year, the most recent being in early 2019. In even-numbered years, the CTB allocates funding for the Transportation Alternatives (TA) Set-Aside and Revenue Sharing programs, and the County submitted applications for these programs in accordance with the Board's authorization per a September 24, 2019, Board Item. The Board has generally provided testimony and substantial comments in support of projects that were being considered for Smart Scale. However, as the CTB will be considering smaller programs this year, staff is, instead, recommending the Board provide a letter with comments.

Therefore, Supervisor Foust moved that the Board approve the letter attached to his Board Matter dated November 19, 2019, supporting the County's Revenue Sharing and TA Set-Aside projects and providing comments on various transportation initiatives to be sent to the Virginia Secretary of Transportation as part of the public comments record for Fairfax County. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

30. **EXTENSION OF TIME REQUEST TO RECORD THE FINAL SUBDIVISION PLAT FOR WAIVER OF PUBLIC STREET FRONTAGE #1131-WPSF-001-1 FOR 1016 UNION CHURCH ROAD (DRANESVILLE DISTRICT)** (11:33 a.m.)

Supervisor Foust stated that on November 20, 2018, the Board approved a waiver, #1131-WPSF-001-1, of the minimum requirements of § 101-2-2(3)(C) of the Subdivision Ordinance to permit subdivision of 1016 Union Church Road, TM: 019-2 ((9)) lot C3, into two lots. The Board approved the waiver with several conditions including a condition that the waiver would expire if the final

subdivision plat had not been recorded within 12 months of the approval date of the waiver approval unless extended by the Board.

The applicant is close to staff approval and recordation of the final subdivision plat. The applicant has requested an extension of time, however, to record the final subdivision plat in the event something unforeseen happens to prevent recordation prior to expiration of the waiver.

Therefore, Supervisor Foust moved that the Board approve an extension of time to record the final subdivision plat for Public Street Frontage Waiver #1131-WPSF-001-1 to a date of May 20, 2020, with the understanding that all other conditions of the original waiver approval must be met. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

31. **RECOGNITION OF THE LANGLEY HIGH SCHOOL BOYS GOLF TEAM (DRANESVILLE DISTRICT)** (11:34 a.m.)

Supervisor Foust congratulated the Langley High School Boys Golf Team for winning the Virginia High School League Golf Championship. He stated that the Saxons won their 4<sup>th</sup> straight state title, matching the Virginia record for consecutive titles for all sports in the Class 6 category. This year, the team won seven tournaments, breaking all-time scoring records in three tournaments as well as shooting under par in all four 36-hole tournaments.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite the Langley High School Boys Golf Team, its coach and supporters to appear before the Board on December 3, 2019, to be acknowledged for their achievements. Without objection, it was so ordered.

32. **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) CONSIDERATION OF ACTION ITEM TO SELL NAMING RIGHTS TO INNOVATION METRORAIL STATION** (11:35 a.m.)

Supervisor Foust announced that staff was still finalizing this Board Matter and that he would present it once it was complete.

(NOTE: Later in the meeting, this Board Matter was formally presented. See Clerk's Summary #53.)

33. **VIRGINIA ASSOCIATION OF COUNTIES (VACo) ACHIEVEMENT AWARD** (11:36 a.m.)

Supervisor Gross announced that at last week's VACo annual conference, Fairfax County was identified as a recipient of a VACo Achievement Award for its Stream Critter Cube Lab.

The Lab connects students with freshwater ecologists to learn how local scientists determine stream ecosystem health through monitoring the diversity of life found in each stream. This program is offered free of charge by ecologists from the Department of Public Works and Environmental Services' (DPWES) Watershed Education and Outreach group, whose mission is to inspire students to be environmental stewards. As future leaders of Fairfax County, teaching students about the health of our watersheds can increase their environmental stewardship and help reduce our negative impact on water locally. In addition to inspiring students to save our environment, the main goal is to get students outside.

Therefore, Supervisor Gross asked unanimous consent that that Board direct staff to invite Danielle Wynne and Craig Carinci of DPWES, and other partners, to appear before the Board on December 3, 2019, to thank them for winning this award and provide the Board the opportunity to learn more about the Stream Critter Cube Lab. Without objection, it was so ordered.

34. **RESOLUTION REQUEST DESIGNATING JANUARY 2020 AS “HUMAN TRAFFICKING AWARENESS MONTH”** (11:37 a.m.)

Jointly with Supervisor McKay, Supervisor Herrity stated that January 2020 will mark National Human Trafficking Awareness Month. Human traffickers use fear and intimidation to keep trafficking victims silent, which makes raising awareness vitally important to ending this horrific crime. Between 2013 to 2018, over 500 victims had been identified in Northern Virginia. In addition, the number of calls to the National Human Trafficking Hotline rose significantly from 2016 to 2018. It is important to continue to educate residents on the signs of trafficking and what to do to protect themselves and those around them.

Recognizing “*Human Trafficking Awareness Month*” in Fairfax County will provide an opportunity to increase public awareness of this disturbing crime. In addition, it will reiterate Fairfax County's commitment to preventing human trafficking, and its across-the-board consequences for victims, their families, and the community.

Therefore, jointly with Supervisor McKay, Supervisor Herrity moved that the Board direct the County Executive to prepare a resolution recognizing January 2020 as “*Human Trafficking Awareness Month*” in Fairfax County and invite representatives from Just Ask, the Human Trafficking Task Force, the Commission for Women, and other community groups to appear before the Board on January 14, 2020, to recognize January 2020 as “*Human Trafficking Awareness Month*.” Supervisor Herrity further moved to direct staff to invite Dr. Katherine Deye, Child Abuse Pediatrician at Inova Fairfax Hospital, a nationally recognized expert on child trafficking, and part of the growing coordinated response to human trafficking in Fairfax County, to appear before the Board to accept the resolution. Supervisor McKay seconded the motion and it carried by unanimous vote.

35. **MOUNT VERNON DISTRICT HOLIDAY OPEN HOUSE** (11:39 a.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. at the Mount Vernon Governmental Center and he invited the community to attend the event.

36. **PUBLIC LIBRARY ANNUAL REPORT** (11:40 a.m.)

Supervisor Hudgins announced that she recently had the distinct pleasure of meeting with the Hunter Mill District representative on the Fairfax County Library Board of Trustees who shared with the Library's FY2019 Annual Report. The report highlights all the Library's awards, innovations, accomplishments and trends. Supervisor Hudgins stated that while those on the Board may have already reviewed the report, she wanted to take the opportunity to share this report with the community.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Jessica Hudson, Library Director, to appear before the Board on December 3, 2019, to present the Library's FY2019 Annual Report. Without objection, it was so ordered.

37. **JAMES MADISON HIGH SCHOOL MARCHING ENSEMBLE (HUNTER MILL DISTRICT)** (11:41 a.m.)

Supervisor Hudgins announced that the James Madison High School Marching Ensemble, "Pride of Vienna," had a brilliant performance year. In October, the band won the Virginia State Marching Band Championship, for the second year in a row. Later in October, the 150-member Marching Ensemble was invited to perform at the prestigious Bands of America Mid-Atlantic Regional. At this competition, the "Pride of Vienna" became the first Virginia band to win this regional championship, competing against schools from seven east coast states. Last weekend, they traveled to at Lucas Oil Stadium in Indianapolis for the Bands of America Grand National Championship where they were awarded Silver Medalist in their class.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite representatives of the James Madison High School Marching Ensemble, "Pride of Vienna", to appear before the Board to receive congratulations on an outstanding season. Without objection, it was so ordered.

38. **HUNTER MILL DISTRICT HOLIDAY OPEN HOUSE** (11:42 a.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 at Hunter Woods and she invited the community to attend the event.

39. **PUBLIC ARTS RESTON (HUNTER MILL DISTRICT)** (11:42 a.m.)

Supervisor Hudgins distributed information regarding the organization and highlighted the recent artwork added to a couple underpasses in the Hunter Mill District.

40. **RECOGNITION OF THE LAKE BRADDOCK SECONDARY SCHOOL GIRLS CROSS COUNTRY TEAM AND THE WEST SPRINGFIELD HIGH SCHOOL BOYS CROSS COUNTRY TEAM (BRADDOCK AND SPRINGFIELD DISTRICTS)** (11:44 a.m.)

Jointly with Supervisor Herrity, Supervisor Cook congratulated the Girls Cross Country Team from Lake Braddock Secondary School for winning the Class 6 Cross Country State Championship on November 16, 2019. This is their fourth State title in five years. Supervisor Cook congratulated the West Springfield High School Boys Cross Country Team for winning their first Class 6 Cross Country State Championship title since 1995 and senior Sean Stuck for his first place finish.

Supervisor Cook stated that the Lake Braddock Girls Cross Country team won the 2019 Patriot District Championship and were the 2019 Occoquan Region runners-up. Their post-season runners were Sophie Willis, Lexie Hague, Emilia Doran, Kayla Nocerito, Caroline Fleenor, Sophia Rossen, and Amelia Bradecamp. Sophie Willis and Lexie Hague earned All-State Team honors by finishing 12th and 15th respectively. All seven of the girls ran their personal best times on the challenging Great Meadows 5K course.

On the boys' side, three West Springfield runners were top-five winners, with Sean Stuck coming in first place and teammates Sam Pritchard and Chris Weeks finishing in fourth and fifth place. The team came in first with 39 points, 24 points ahead of second-place Oakton High School.

Therefore, jointly with Supervisor Herrity, Supervisor Cook asked unanimous consent that the Board invite the Lake Braddock Secondary School's Girls Cross Country Team and West Springfield High School's Boys Cross Country Team to appear before the Board on January 28, 2020, to be acknowledged for their tremendous achievements. Without objection, it was so ordered.

41. **NO BOARD MATTERS FOR SUPERVISOR K. SMITH (SULLY DISTRICT)** (11:46 a.m.)

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

42. **WAIVER OF APPLICATION FEES FOR THE ALEXANDRIA ASIAN AMERICAN LIONS CLUB (LEE DISTRICT)** (11:46 a.m.)

Jointly with Supervisor Gross, Supervisor McKay stated that next year will be 21<sup>st</sup> year that this Lions Club has operated, and the Board has approved this waiver request over the past several years. The group recently contacted the Lee District



Supervisor's office to express appreciation for the help in the past and to request support of a waiver again for next year.

The flea markets are held two to three times a month on Saturdays from April through November, on weekends not managed by the Springfield-Franconia Host Lions Club. The flea market will be held in the VRE Parking lot off Backlick Road and through its collaboration with the Springfield-Franconia Host Lions Club (SFHLC), the Alexandria Asian American Lions Club flea market will not conflict with the Springfield Franconia Host Lions Club's regular twice a month schedule.

Throughout the years, this club has and continues to support organizations such as ECHO, United Community, and the Juvenile Diabetes Foundation and assists indigent citizens with eyeglass prescriptions and hearing aids. In addition to their support, all net proceeds from these flea markets are returned to the community.

Therefore, jointly with Supervisor Gross, Supervisor McKay moved that the Board direct staff to waive the application fees for permits associated with the Alexandria Asian American Lions Club 2020 flea markets. Supervisor Gross seconded the motion and it carried by unanimous vote.

### **AGENDA ITEMS**

43. **RECESS/CLOSED SESSION** (11:48 a.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. *Sovannorith Duong v. Fairfax County*, VWC File No VA02000031262 (Va. Workers' Compensation Commission); *Sovannorith Duong v. Fairfax County*, EEOC Charge Number 570-2019-01032 (Equal Employment Opportunity Commission)

2. *Gillian Ethridge v. Fairfax County*, Case No. 1:19-cv-00382 (E.D. Va.)
3. *Justin Reed v. Fairfax County*, Case No.1:18-cv-1454 (E.D. Va.)
4. *Barry McCabe v. Fairfax County, Fairfax County Animal Shelter, Fairfax County Board of Supervisors, David Rohrer, Ed Roessler, Anthony Matos, Barbara Hutcherson, Amanda Novotny, and John Doe(s)*, Case No, CL-2019-0008951 (Fx. Co. Cir. Ct.)
5. *Brett A. Payne v. Officer Adalikwu*, Case No.: GV19-026437 (Fx. Co. Gen. Dist. Ct.)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Zabiullah Ahmed*, Case No. CL-2019-0014187 (Fx. Co. Cir. Ct.) (Lee District)
7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Walter J. Grandjean and Mary A. Grandjean*; Case No. GV19-027230 (Fx. Co. Gen. Dist. Ct.) (Lee District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Saul Garcia-Ramirez*, Case No. CL-2019-0010619 (Fx. Co. Cir. Ct.) (Mason District)
9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Hausenfleck and Susan Brassfield-Hausenfleck*, Case No. CL-2019-0014369 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John N. Withrow*, Case No. CL-2019-0014360 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. In re: January 10, 2018, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; *John A. McEwan and Mary Lou McEwan v. Board of Supervisors of the County of Fairfax, Virginia*, Case No. CL-2018-0002104 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Virginia Marine Investments, LLC*, Case No. CL-2019-0003530 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Holly P. Fay and John Willoughby*; Case No. GV19-027231 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

14. 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)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nagla A. Abdelhalim*, Case No. CL-2019-0009486 (Fx. Co. Cir. Ct.) (Providence District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
17. *Board of Supervisors of Fairfax County, Virginia v. DSF/Long Metro, LLC, and Westchester Fire Insurance Company*, Case No. CL-2019-0014805 (Fx. Co. Cir. Ct.) (Providence District)
18. *Gary S. Pisner v. Leslie B. Johnson, Fairfax County Zoning Administrator*, Record No. 191343 (Va. Sup. Ct.) (Springfield District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Christopher L. Sodergen*, Case No. CL-2015-0016908 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- As permitted by Virginia Code Section 2.23711(A)(7) and (8):
  - a. Fairfax County Circuit Court Case No. CL-19-6025 and Case No. 1:17-md2804 in the U.S. District Court for the Northern District of Ohio;
  - b. Virginia ABC Board License Application filed by BD Importers, LLC.
- As permitted by Virginia Code Section 2.23711(A)(8), legal analysis regarding the following:
  - a. Affidavits and Virginia Code Section 15.2-852; and
  - b. County contract with Transdev Services, Inc.
- As permitted by Virginia Code Section 2.23711(A)(1), annual evaluation of the County Executive.

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

At 3:38 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** (3:39 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. Chairman Bulova 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 AUTHORIZING OBJECTIONS TO BD IMPORTERS, LLC'S BEER IMPORTER LICENSE APPLICATION** (3:39 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 License application for a beer importer license. These objections will be submitted to the Virginia 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.

46. **MOTION TO OPT OUT OF NEGOTIATION CLASS IN MULTI-DISTRICT OPIOID CASE** (3:40 p.m.)

Supervisor Cook moved that the Board authorize the County Executive to sign, and direct the County Attorney to file, an Exclusion Request form in the U.S. District Court for the Northern District of Ohio to opt out of the negotiation class that has been certified by that court in the case referred to as *In re National Prescription Opiate Litigation*, Case No. 1:17-MD-2804, all on the grounds discussed with the County Attorney in Closed Session. Chairman Bulova seconded the motion and it carried by unanimous vote.

**KK:kk**

47. **3 P.M. - PUBLIC HEARING TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2020 VIRGINIA GENERAL ASSEMBLY (GA)** (3:41 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 1 and November 8, 2019.

Supervisor McKay, Chairman, Legislative Committee, presented a brief synopsis of the proposed legislative program, noting the following:

- The program features state support for education as a top priority and urges the state to fully meet its responsibility to adequately fund K-12, including restoration of full funding for Cost of Competing funds
- This year the Regional Transportation Funding position has been elevated into its own priority statement, which encourages the GA to restore funding to the Northern Virginia Transportation Authority (NVTa) in an amount equal to that which was diverted by the 2018 GA, to ensure that transportation projects continue to move forward in Northern Virginia after decades of state underfunding. The transportation priority statement encourages the GA to continue to build upon its successes in enacting HB 2313, particularly in allocating revenues in a manner that is fair to Northern Virginia in light of the Smart Scale process for prioritizing projects
- The Human Services Issue Paper is again part of the package, which highlights the County's interest in a number of human service programs, and includes three priorities:
  1. State support for increased affordable housing options and actions to prevent homelessness.
  2. Increased state support to address the growing opioid epidemic
  3. State support for diversion programs for non-violent offenders experiencing mental health crises.
- There are two items under consideration as initiatives or action statements this year. One is to 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 representative of active duty members on the Board of Trustees is appropriate, given that PORS provides their full retirement benefit. The second 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 in the County.

Supervisor McKay noted that at the Legislative Committee meeting on Tuesday, November 26, 2019, additional items will be discussed, including a procurement item related to employment for individuals with disabilities that the Board discussed earlier this fall as well some of the issues heard during the testimony today.

Following the public hearing, which included testimony by five speakers, Chairman Bulova announced that the record would remain open for additional written testimony.

Supervisor McKay submitted an item for the record.

Supervisor McKay announced that the draft budget fact sheet has been distributed to Board Members and requested that any feedback on the fact sheet be provided to staff prior to the next Legislative Committee meeting.

Supervisor McKay noted the next meeting of the Legislative Committee will be held on November 26, 2019. The Board will adopt the Legislative Program on December 3, 2019.

On December 10, 2019, the Board will host its annual legislative work session with the County's delegation to the General Assembly.

48. **3:30 P.M. - PUBLIC HEARING ON A PROPOSED COUNTY CODE AMENDMENT FOR CHAPTER 3, COUNTY EMPLOYEES, PERSONNEL ADMINISTRATION, DEFINITIONS AND CHAPTER 3, COUNTY EMPLOYEES, PERSONNEL ADMINISTRATION, APPOINTING AUTHORITIES** (4:10 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 1 and November 8, 2019.

Catherine Spage, Director, Department of Human Resources, presented the staff report.

Following the public hearing, Supervisor Gross moved to amend Chapter 3, County Employees, Article 1, Personnel Administration, of the Code of the County of Fairfax. The proposed changes will allow the County Executive to appoint Department Head positions as allowed by state statute and stated in the draft ordinance. Chairman Bulova 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."

49. **4 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF ROCK HILL ROAD / ROUTE 605 (DRANESVILLE DISTRICT)** (4:13 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 1 and 8, 2019.

Michelle Guthrie, Fairfax County Department of Transportation presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Foust moved adoption of the Ordinance and Order vacating and abandoning a portion of Rock Hill Road / Route 605. Supervisor L. Smyth seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Storck being out of the room.

50. **4 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF INNOVATION CENTER TO ARROWBROOK TRAIL (DRANESVILLE DISTRICT)** (4:20 p.m.)

Supervisor Foust moved that the Board withdraw the public hearing on the acquisition of certain land rights necessary for the construction of project 2G40-086-007 Innovation Center to Arrowbrook Trail since all land rights for this project have now been acquired, a hearing is no longer necessary. Supervisor L. Smyth seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

51. **4 P.M. PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) AND CHAPTER 124 (STORMWATER MANAGEMENT ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) RE: LONG-TERM MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES, ILLICIT DISCHARGES, AND ENFORCEMENT** (4:21 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 1 and 8, 2019.

John Friedman, Engineer IV, Site Code Research and Development, Land Development Services presented the staff report.

Following the public hearing, Supervisor K. Smith moved adoption of the proposed amendments to the Stormwater Management Ordinance with revisions dated September 12, 2019, (Attachment A to the Staff Report Addendum dated November 19, 2019) as recommended by the Planning Commission and that the amendments become effective on November 20, 2019, at 12:01 a.m. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Storck being out of the room.

Supervisor K. Smith next moved adoption of the approved the changes to the Private Maintenance Agreements (PMAs) with revisions dated September 12, 2019, (Attachments B and C to the Staff Report Addendum dated November 19, 2019). The changes to the PMAs implement the changes to the Stormwater Management Ordinance. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Storck being out of the room.

Supervisor K. Smith next moved that the Board not adopt the proposed amendments to the Chesapeake Bay Preservation Ordinance at this time and that the amendments be readvertised with related amendments to Chapter 12 of the PFM at a later date as recommended by the Planning Commission. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Storck being out of the room.

52. **4 P.M. PUBLIC HEARING ON AN ORDINANCE TO AMEND THE FAIRFAX COUNTY CODE BY ADDING A NEW CHAPTER 86, RELATING TO SHARED MOBILITY DEVICES** (4:27 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 1 and 8, 2019.

Rebecca Makely, Director, Consumer Services Division, Department of Cable and Consumer Services, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Cook submitted an item for the record.

Supervisor Foust moved that the Board adopt the proposed ordinance to amend the Fairfax County Code by adding a new Chapter 86, Shared Mobility Devices with maximum numbers of certificates allowed by the ordinance to be as follows:



- The maximum initial number of Shared Mobility Device Certificates that will be issued to any permittee pursuant to Section 86-2-5(a) is 300 of the Fairfax County Code
- If the permittee demonstrates to the Director, as allowed under Section 82-2-5(b) of the Fairfax County Code, that the permittee's existing fleet of Shared Mobility Devices averages a minimum of three rides per Shared Mobility Device per day for a three month period, the Director may authorize up to 150 additional Shared Mobility Device Certificates to be issued to permittee per quarter
- Under no circumstances will the fleet size of any permittee exceed 600 Shared Mobility Devices pursuant to Section 86-2-5(b) of the Fairfax County Code

Supervisor L. Smyth seconded the motion.

Discussion ensued with input from Ms. Makely regulations of rider usage.

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 Cook moved that the Board direct staff to:

- Establish a process for citizen complaints regarding both the improper use and abandonment of scooters
- In light of the fact that George Mason University and Fairfax City have new ordinances, coordinate with them and other surrounding jurisdictions the implementation and review of the County's program and how it is coordinating with theirs
- Provide the 2021 update to the Board that was referenced earlier and include an analysis of the complaints received and the coordination with surrounding jurisdictions

The motion was multiply seconded and carried by unanimous vote.

53. **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) CONSIDERATION OF ACTION ITEM TO SELL NAMING RIGHTS TO INNOVATION METRORAIL STATION** (4:53 p.m.)

(NOTE: Earlier in the meeting, Supervisor Foust referenced this Board Matter. See Clerk's Summary Item #32.)

Supervisor Foust announced that on November 21, 2019, the WMATA Board of Directors will consider an action item to sell the naming rights to Innovation Metrorail Station. As part of this action, the WMATA board will need to temporarily suspend the current guidelines for station naming and give the General Manager full authority to negotiate and sign a contract to rename the station. Not following the current naming guidelines means that there will be no coordination of this name change with the local jurisdiction. Changing this name without coordination with the local jurisdiction is not acceptable since there was a long and deliberate selection process to approve the current name which included considerable public input. It could also be counterproductive to the Commonwealth of Virginia's efforts to market the Center for Innovative Technology's site at Innovation Station. The current name is well liked by landowners and developers and numerous businesses that have chosen to locate within the Innovation Station service area.

Therefore, Supervisor Foust moved that the Board direct staff to send the letter attached to his Board Matter dated November 19, 2019, to Paul Wiedefeld, WMATA General Manager, stating the need for coordination with the Fairfax County Board before agreeing to change the name of Innovation Station or any other station in Fairfax County. Supervisor McKay seconded the motion and it carried by unanimous vote.

54. **BOARD ADJOURNMENT** (5:08 p.m.)

The Board adjourned.