



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
June 21, 2016**

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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, June 21, 2016, at 9:33 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 Edward L. Long Jr., County Executive; David P. Bobzien, County Attorney; Elizabeth A. Teare, Deputy County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Denise A. Long, Deputy Clerk to the Board of Supervisors; Ekua Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTERS1. **BIRTHDAY WISHES** (9:33 a.m.)

Chairman Bulova announced that:

- Former Sully District Supervisor Michael Frey turns 60 years old today
- Dianne Tomasek, Office of Clerk to the Board, is also celebrating a birthday today

On behalf of the Board, she wished them both a Happy Birthday!

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

Chairman Bulova asked everyone to keep in thoughts and prayers the community of Orlando, Florida, the individuals who were killed, and their family and friends who are grieving.

Supervisor Gross asked everyone to keep in thoughts the family of Mr. Andrew Levy, who died yesterday. Mr. Levy attended the Lord and Lady Fairfax celebration on June 7, and his family received the Volunteer Award. He was a resident of the Sully District.

AGENDA ITEMS3. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. ANDREW SHAPIRO** (9:36 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to Langley High School rising senior Andrew Shapiro for breaking three Guinness World Records and raising funds for the American Cancer Society. Supervisor McKay seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MS. MARGERY SHER** (9:43 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Margery Sher, for her years of service as executive director of the Medical Care for Children Partnership Foundation and for receiving the Jorge Arnoldson Memorial Award. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE NORTHERN VIRGINIA AHMADIYYA MUSLIM COMMUNITY**

(9:52 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to members of the Virginia Chapter of the Ahmadiyya Muslim Community for its dedication to peace, unity, and equality. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **10 A.M. – PRESENTATION OF THE A. HEATH ONTHANK AWARD**

(10:04 a.m.)

(BACs) Sarah Simmons, Executive Director, Civil Service Commission, gave a brief presentation regarding the history of the A. Heath Onthank Awards, the highest honor the County bestows on its employees.

Christopher Moeller, Chairman, A. Heath Onthank Award Selection Committee, noted the committee members, as follows:

- Mr. Clifford Fields
- Mr. Joseph Blackwell, Jr.
- Mr. Ronald Copeland
- Ms. Eileen Garnett
- Ms. Jane Gwinn
- Ms. Ernestine Heastie
- Mr. Philip Rosenthal
- Ms. LaNoral Thomas
- Ms. Kerrie Wilson

Catherine Spage, Director, Department of Human Resources, announced the A. Heath Onthank Award recipients, while Ms. Simmons, Mr. Moeller, Chairman Bulova, and Edward L. Long Jr., County Executive, presented the awards to the following:

- Garrett Dyer, Assistant Chief, Personnel Services Bureau, Fire and Rescue Department (FRD)

- Michael Furman, Master Technician, Station 11, FRD
- William Reynolds, Director of Maintenance, Helicopter Division, Fairfax County Police Department

7. **10:10 A.M. – PRESENTATION OF THE HISTORY COMMISSION ANNUAL REPORT** (10:22 a.m.)

Carole Herrick, Chairman, History Commission, introduced the following members:

- Ms. Anne Stuntz
- Ms. Gretchen Bulova
- Ms. Phyllis Walker Ford
- Mr. Robert Beatch
- Ms. Elise Murray
- Ms. Lynne Garvey Hodge

Ms. Herrick presented the History Commission's annual report, noting that:

- The Commission had another outstanding year in preserving and promoting the County's rich heritage
- Several commissioners gave lectures or presentations before various groups, many of which focused on newer residents within the County, seniors, and school-age children
- The Fairfax County Roadside Marker program approved the installation of four new markers in 2015, two have already been dedicated – Chesterbrook and the Reverend William Watters, both in the Dranesville District. The remaining two will be dedicated during 2016 – the Pines (Mason District) and the Copperthite Race Track (Springfield District). Since the inception of this program in 1998, at least 45 markers have been installed and dedicated throughout the County
- The annual History Conference titled *Fairfax County's Founding Fathers, Part I* delivered another outstanding event

- The Commission concluded the County's four year Civil War Sesquicentennial commemoration by hosting a wrap-up evening at the Bull Run Winery in November
- Four nominations were approved for listing in the Inventory of Historic Sites: the Mackall/Hall House on Turkey Run Road (Dranesville District); Tinner Hill (Providence District); Fairview (Lee District); and the Northern Virginia Regional Park Authority Headquarters (Springfield District)
- The Commission listened to presentations by several individuals or organizations seeking advice, financial assistance, or providing the commissioners with information. The presentations included the Suffragist Memorial Association; the Maryland Resident Curator Program; Friends of the Historic Fairfax Courthouse; and the children of Henry Mackall (deceased), seeking suggestions to save the c.1730 log cabin, which is a part of their father's house
- The most significant happening for the commission was regarding its financial operations

Chairman Bulova noted that she presented a Board Matter regarding the 275th Anniversary of the County at the last Board meeting.

Chairman Bulova and Supervisor Storck also commented on the Suffragist Memorial efforts.

EBE:ebe

8. **10:20 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (10:36 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard June 21, 2016." Supervisor Herrity seconded the motion.

Supervisor Foust asked to amend the motion to correct the appointment of Mr. William J. McKenna as the Dranesville District Representative to the Citizen Corps Council instead of Nikhil Suresh Shenoy, as listed. This was accepted.

Supervisor McKay asked unanimous consent that the Board direct staff to evaluate and report to the Board regarding the concept of adding a Fairfax Advocates for Better Bicycling (FABB) representative to the Trails and Sidewalks Committee. Without objection, it was so ordered.

Discussion ensued regarding the recent resignations of members of the Economic Development Authority (EDA) and the newly strengthened requirements of filing the Statement of Economic Interests.

Discussion ensued regarding vacancies on the Oversight Committee on Drinking and Driving and the status of the Board's request for staff to review the goals and membership of the committee and report to the Board.

Supervisor Gross remarked that the Clerk's office is in the process of reviewing BAC structures and mandates and will report to the Board when the process is completed.

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

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

- Mr. Sudhakar V. Shenoy
- Mr. Steven Davis
- Mr. Michael Lewis
- Mr. Mark Lowham
- Mr. Arthur Bud Morrisette

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Gross asked unanimous consent that the Board refer to the Legislative Committee for discussion, the impact of the Statement of Economic Interests disclosure requirements on members of the community who want to serve on BACs. Without objection, it was so ordered.

Following discussion, Supervisor Gross asked unanimous consent that the Board direct the Clerk to clarify the filing requirements for Board Members who also serve on Statewide or regional boards that file directly with the Virginia Conflict of Interest and Ethics Advisory Council. Without objection, it was so ordered.

The full list of Appointments is as follows:

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Lee and Springfield District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder (Single Family), Engineer/Architect/ Planner #2, and Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Dranesville, Mount Vernon Business, and Providence District Representatives.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #2 and #3 Representatives.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Mason and Mount Vernon District Representatives.

ARCHITECTURAL REVIEW BOARD

Reappointment of:

- Ms. Susan W. Notkins as the Related Professional Group #3 Representative

ATHLETIC COUNCIL

Appointment of:

- Ms. Katherine E. Quinn as the Member-At-Large Principal Representative

Reappointment of:

- Mr. Michael Thompson as the Springfield District Representative
- Mr. Jenni Cantwell as the Women's Sports Principal Representative
- Ms. Jane Dawber as the Women's Sports Alternate Representative

The Board deferred the appointment of the Mason District Alternate Representative.

AUDIT COMMITTEE

The Board deferred the appointment of the At-Large #1 Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointment of:

- Mr. Ken Balbuena as the At-Large Chairman's Representative
- Mr. Andrew Miller as the Braddock District Representative
- Ms. Barbara Glakas as the Dranesville District Representative
- Ms. Therese Martin as the Hunter Mill District Representative
- Mr. Joshua Foley as the Springfield District Representative

The Board deferred the appointment of the Lee, Mason, Mount Vernon, Providence, and Sully District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

Appointment of:

- Mr. Amado Fernandez as the Alternate #3 Representative

The Board deferred the appointment of the Alternate #4 Representative.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

The Board deferred the appointment of the At-Large #3 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Lee and Providence District Representatives.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Lee and Mount Vernon District Representatives.

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

Appointment of:

- Mr. William J. McKenna as the Dranesville District Representative

Reappointment of:

- Mr. James Kirkpatrick as the Springfield District Representative

The Board deferred the appointment of the At-Large Chairman's, Hunter Mill, Mount Vernon, Providence, and Sully District Representatives.

COMMISSION FOR WOMEN

The Board deferred the appointment of the Hunter Mill District Representative.

COMMISSION ON AGING

The Board deferred the appointment of the Hunter Mill, Mason, and Mount Vernon District Representatives.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Braddock, Lee, and Springfield District Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Confirmation of:

- Mr. Michael Mahrer as Literacy Council of Northern Virginia Representative

The Board deferred the appointment of the Mount Vernon District Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointment of the Mason and Springfield District Representatives.

ECONOMIC ADVISORY COMMISSION

Confirmation of:

- Ms. Angelica Delboy as the Northern Virginia Association of Realtors Representative

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

Appointment of:

- Mr. Roderick Mitchell as the At-Large #1 Citizen Representative
- Mr. James Quigley as the At-Large #2 Citizen Representative
- Mr. Christian Deschauer as the At-Large #3 Citizen Representative

The Board deferred the appointment of the At-Large #5 and #6 Citizen Representatives.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

The Board deferred the appointment of the Sully District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the At-Large Fairfax County and Mason District Representatives.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Mr. Ron Wiersma as a Community Leader Representative
- Mr. John Cutler as a Community Leader Representative

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the Mount Vernon District Representative.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Ms. Sarah Meiburg as the Sully District Representative
(NOTE: Nomination was announced on May 17, 2016)

The Board deferred the appointment of the At-Large #1 Chairman's, Mount Vernon, and Providence District Representatives.

GEOTECHNICAL REVIEW BOARD

Confirmation of:

- Mr. I. Al Nouri as the Primary #1 Representative

HEALTH CARE ADVISORY BOARD

Reappointment of:

- Mr. David West as the Lee District Representative
- Mr. William Finerfrock as the Springfield District Representative

HEALTH SYSTEMS AGENCY BOARD

Reappointment of:

- Ms. Sally S. Horwatt as the Provider #4 Representative

The Board deferred the appointment of the Consumer #3 Representative.

HISTORY COMMISSION

The Board deferred the appointment of the At-Large #2 and Citizen #7 Representatives.

HUMAN SERVICES COUNCIL

Appointment of:

- Mr. Thomas Goodwin as the Providence District #1 Representative
- Ms. Kimberly Adams as the Springfield District #2 Representative

The Board deferred the appointment of the Mason District #2 Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Appointment of:

- Mr. Nikhil Shenoy as the Dranesville District Representative

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS
ADVISORY COUNCIL**

Appointment of:

- Mr. Mingzhi Chen as the Braddock District Representative

The Board deferred the appointment of the Dranesville, Lee, and Providence District Representatives.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Braddock, Dranesville, Hunter Mill, Lee, Mason, Mount Vernon, Providence, and Springfield District Representatives.

PARK AUTHORITY

Appointment of:

- Mr. Timothy B. Hackman as the Dranesville District Representative

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen At-Large Representative.

REDEVELOPMENT AND HOUSING AUTHORITY

Reappointment of:

- Mr. Willard O. Jasper as the At-Large #1 Representative

The Board deferred the appointment of the Sully District Representative.

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #1 and #4 Representatives.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #2 #5, #7, #8, and #9 (Youth) Representatives.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Condo Owner, and the Tenant Member #2 and #3 Representatives.

TRAILS AND SIDEWALKS COMMITTEE

Confirmation of:

- Mr. Chester Freedenthal as the Disability Services Representative

TRANSPORTATION ADVISORY COMMISSION

Reappointment of:

- Mr. Alan G. Young as the At-Large Representative
- Mr. Kevin Morse as the Braddock District Representative
- Mr. Michael Champness as the Dranesville District Representative
- Ms. Jennifer Joy Madden as the Hunter Mill District Representative
- Mr. Harry Zimmerman as the Lee District Representative
- Mr. Roger Hoskin as the Mason District Representative
- Mr. Jeff Parnes as the Sully District Representative

The Board deferred the appointment of the Providence and Springfield District Representatives.

TREE COMMISSION

Appointment of:

- Mr. Charles “Rick” Ayers as the Springfield District Representative

The Board deferred the appointment of the Mason District Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Residential Owners and HOA/Civic Association #1 Representative.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen appointed by BOS #4 Representative.

VOLUNTEER FIRE COMMISSION

Confirmation of:

- Chief Thomas K. Warnock as the Volunteer Fire and Rescue Association #1 Representative
- Mr. Gerald B. Strider as the Zone I Representative
- Chief Timothy G. Fleming as the Zone II Representative

WATER AUTHORITY

Reappointment of:

- Dr. Armand B. Weiss as the Dranesville District Representative
- Ms. Linda Singer as the Hunter Mill District Representative
- Mr. Philip Allin as the Sully District Representative

The Board deferred the appointment of the Providence District Representative.

WETLANDS BOARD

The Board deferred the appointment of the At-Large #1 Representative.

DET:det

9. **ADMINISTRATIVE ITEMS** (10:54 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor McKay seconded the motion.

Discussion ensued, with input from Edward L. Long Jr., County Attorney, concerning Admin 2 - Authorization to Advertise a Public Hearing on Proposed Amendments to The Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 104 (Erosion and Sediment Control), to Clarify that the County Does Not Enforce Private Restrictions During the Land Development Process. Supervisor Foust asked to amend the motion to withdraw Admin 2, and this was accepted.

Supervisor L. Smyth called the Board's attention to Admin 4 – Authorization to Advertise a Public Hearing on Proposed Amendments to The Code of the County of Fairfax, Chapter 7 (Elections), Sections 7-2-5, 7-2-10, and 7-2-13, Relating to Election Precincts and Polling Places regarding proposed changes to Precinct 735 (Rotonda), and stated that, following the presidential election, the boundaries will

need to be re-evaluated as the Rotonda is a gated community and an apartment building is currently under construction within the proposed precinct boundaries.

The question was called on the motion, as amended, 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 – EXTENSION OF REVIEW PERIOD FOR A 2232 APPLICATION (MASON DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-M16-22	Department of Public Works and Environmental Services Temporary Baileys Crossroads Community Shelter 4710 North Chambliss Street Alexandria, VA Mason District	December 26, 2016

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 104 (EROSION AND SEDIMENT CONTROL), TO CLARIFY THAT THE COUNTY DOES NOT ENFORCE PRIVATE RESTRICTIONS DURING THE LAND DEVELOPMENT PROCESS

(NOTE: Earlier in the meeting, this item was withdrawn. See page 14.)

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (PROVIDENCE DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Gray Street Subdivision	Providence	Leakane Court Gray Street (Route 674) (Supplemental Right-of-Way Only)

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), SECTIONS 7-2-5, 7-2-10, AND 7-2-13, RELATING TO ELECTION PRECINCTS AND POLLING PLACES

(A) (NOTE: Earlier in the meeting, this item was discussed. See page 14.)

Authorized the advertisement of a public hearing to be held before the Board on **July 12, 2016, at 4 p.m.**, to consider proposed amendments to The Code of the County of Fairfax, Chapter 7 (Elections), to:

- Rename Terraset precinct
- Relocate the polling place for Chesterbrook precinct
- Relocate the polling place for Huntley precinct
- Divide Tysons precinct to add a new precinct and establish its polling place
- Change the name of the polling place for Fair Oaks precinct

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE LITTLE ROCKY RUN COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **July 26, 2016, at 4 p.m.**, to consider proposed amendments to The Code of the County of Fairfax, Appendix M, to expand the Little Rocky Run CPD. The proposed expansion includes the following:

- Braddock Road (Route 7759), from Old Centreville Road to the eastern property boundary of parcel 54-4((01))(00)83B, south side only
- Old Centreville Road (Route 858), from the northern property boundary of parcel 65-2(04)B to the southern property boundary of parcel 65-2(04)A, east side only

ADMIN 6 – APPROVAL OF TRAFFIC CALMING MEASURES AND A "WATCH FOR CHILDREN" SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MASON, PROVIDENCE, AND MOUNT VERNON DISTRICTS)

- Endorsed the traffic calming plan for Patrick Henry Drive and Marshall Street consisting of the following:
 - Three Speed Tables on Patrick Henry Drive (Mason District)
 - Three Speed Humps on Marshall Street (Providence District)
 - Removal of one Speed Hump on Marshall Street (Providence District)
- Endorsed the installation of a “Watch for Children” sign on Dutchman Drive (Mount Vernon District)
- Directed staff to schedule the installation of the approved measures as soon as possible

10. **A-1 – APPROVAL OF THE FALL 2016 BOND REFERENDA FOR TRANSPORTATION, PARKS AND PARK FACILITIES, AND HUMAN SERVICES AND COMMUNITY DEVELOPMENT** (10:57 a.m.)

(Rs) Chairman Bulova summarized the referenda and noted that Board approval of the plain English statements is scheduled for the September 20 meeting with absentee voting beginning on September 23.

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

- Adopt a Resolution directing the County Attorney to petition the Circuit Court to order a Transportation bond referendum on November 8, 2016
- Adopt a Resolution directing the County Attorney to petition the Circuit Court to order a Parks and Park Facilities bond referendum on November 8, 2016
- Adopt a Resolution directing the County Attorney to petition the Circuit Court to order a Human Services and Community Development bond referendum on November 8, 2016

- Authorize the preparation and distribution of an informational pamphlet about the bonds that is mailed to all County households

Supervisor Gross and Supervisor Hudgins jointly seconded the motion.

Discussion ensued concerning the schedule, with input from Erin Ward, Senior Assistant County Attorney. She stated that the plain English statements will come before the Board, for its approval, at the July 26 meeting.

Discussion continued regarding the Bailey's shelter relocation. Supervisor Herrity asked unanimous consent that the Board direct staff to provide information on its status. Without objection, it was so ordered.

Supervisor Gross announced that the Mason District Land Use Committee will be meeting next Tuesday evening on the 2232 application for the shelter at Lincolnia Center and its recommendation will be provided to the Planning Commission for its consideration; in the interim, she has directed staff to find a permanent location for the shelter.

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 Storck, and Chairman Bulova voting "AYE."

11. **A-2 – BOARD APPROVAL OF A RESOLUTION TO AUTHORIZE THE SALE OF ECONOMIC DEVELOPMENT AUTHORITY (EDA) REVENUE REFUNDING BONDS FOR THE ROUTE 28 TRANSPORTATION IMPROVEMENT DISTRICT SERIES 2007 AND 2008** (11:02 a.m.)

(BONDS)

(R)

On motion of Supervisor Hudgins, seconded by Supervisor Foust, and 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," the Board concurred in the recommendation of staff and adopted a Resolution that:

- Requests the EDA to issue revenue refunding bonds for previously approved Projects
- Approves the form of the Preliminary Official Statement, Notice of Sale, Bond Purchase Agreement, Continuing Disclosure Agreement, Sixth Supplemental Trust Agreement
- Authorizes the execution and delivery of the documents and authorizes the Chairman, Vice Chairman, the County Executive, or the Chief Financial Officer to determine and approve certain details of the transaction

12. **A-3 – APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD AND CLEAN FAIRFAX COUNCIL, INCORPORATED** (11:03 a.m.)

On motion of Supervisor Gross, seconded by Supervisor K. Smith, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the MOU between the Board and Clean Fairfax Council, Incorporated
- Authorized the transfer of the 2016 Litter Grant to Clean Fairfax Council, Incorporated

13. **A-4 – APPROVAL OF AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND THE COUNTY FOR THE UTILIZATION OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS FOR THE FISCAL YEAR (FY) 2017 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM** (11:03 a.m.)

(R) On motion of Supervisor Foust, seconded by Supervisor L. Smyth, and 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,” the Board concurred in the recommendation of staff and:

- Approved an agreement for use of CMAQ funds in the amount of \$322,364 for the promotion of TDM programs in FY 2017. The grant period runs from July 1, 2016, through June 30, 2017
- Adopted a Resolution authorizing the Director of the Department of Transportation to sign the agreement

14. **A-5 – APPROVAL OF ADDITIONAL FUNDING FOR THE TYSONS-WIDE ROADWAY IMPROVEMENT PROJECT, JONES BRANCH CONNECTOR (PROVIDENCE DISTRICT)** (11:04 a.m.)

On motion of Supervisor L. Smyth, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved \$4 million in additional funding for the Jones Branch Connector project. This additional funding is needed to fully fund the project in accordance with the updated project estimate. Additional funding will be in Federal Regional Surface Transportation Program (RSTP) funds.

15. **A-6 – ENDORSEMENT OF DESIGN PLANS FOR BRIDGE REPLACEMENT AT WALKER ROAD OVER PINEY RUN (DRANESVILLE DISTRICT)** (11:05 a.m.)

On motion of Supervisor Foust, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the Virginia Department of Transportation (VDOT) design plans for the replacement of the existing bridge on Walker Road (Route 681) over Piney Run including two-way traffic and a six-foot raised sidewalk on the north side of the bridge as presented at the February 3, 2016, public hearing.

16. **A-7 – APPROVAL OF CHANGES TO THE FAIRFAX COUNTY PURCHASING RESOLUTION** (11:05 a.m.)

(R) On motion of Supervisor Gross, seconded by Chairman Bulova, and 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,” the Board concurred in the recommendation of staff and approved the changes, as outlined in the Board Agenda Item, to the Fairfax County Purchasing Resolution, to become effective on July 1, 2016.

17. **A-8 – APPROVAL OF AN IMPLEMENTATION PLAN FOR RECOMMENDATIONS OF THE USE OF FORCE SUBCOMMITTEE OF THE AD HOC POLICE PRACTICES REVIEW COMMISSION** (11:05 a.m.)

Chairman Bulova announced that the Commission met for nine months last year and presented its recommendations to the Board in late October; she stated that a number of those recommendations are before the Board today for endorsement and added that many of the recommendations are already in practice. She asked Commission and subcommittee members who were present in the Auditorium to stand and be recognized.

Supervisor Cook moved that the Board concur in the recommendation of staff and approve the implementation plan regarding the recommendations of the Use of Force Subcommittee of the Ad Hoc Police Practices Review Commission. Chairman Bulova seconded the motion.

Following remarks by Supervisor Cook, who highlighted several aspects of the recommendations, including an evolved concept of the sanctity of life, Chairman Bulova noted interest in the issue of “excited delirium,” which is part of the recommendation, and read from Item #11 of Attachment 1 (UOF-19 of the Subcommittee Recommendations). Discussion ensued regarding the definition.

Discussion continued concerning a revision to Attachment 1 of Board Agenda Item Action 9 that had been distributed, with input from Catherine A. Chianese, Assistant County Executive and Clerk to the Board.

Supervisor Foust called the Board's attention to Item #2 in Attachment 1 and inquired about the status of Amended General Order 540.1, UOF, with input from Colonel Edwin C. Roessler Jr., Chief of Police.

Discussion continued concerning Item #4 in Attachment 1 (UOF-5 of the Subcommittee Recommendations), the Precision Immobilization Technique (PIT) recommendation, and the Police Executive Research Forum (PERF) report, with input from Chief Roessler. Supervisor Cook asked unanimous consent that the Board direct the Chief of Police to prepare a memorandum for the Board's review indicating whether there is anything in the report, other than PIT, which will not be implemented. Without objection, it was so ordered.

Additional discussion ensued regarding body cameras, with input from Edward L. Long Jr., County Executive, regarding budget considerations, policy implications, and data retention schedules.

Supervisor Foust called the Board's attention to Item #9 in Attachment 1, concerning electronic control weapons (ECWs), and inquired as to the cost involved for equipping all sworn officers, with input from Chief Roessler.

Discussion continued, with additional input from Chief Roessler, concerning reorganization, re-engineering, and mandating current policies and practices.

Following a summation by Chairman Bulova, the question was called on the motion and it carried by unanimous vote.

Chairman Bulova recognized the presence of Phil Niedzielski-Eichner, Chair, Use of Force Subcommittee, and warmly welcomed him to the Board Auditorium.

18. **A-9 – APPROVAL OF AN IMPLEMENTATION PLAN FOR RECOMMENDATIONS OF THE COMMUNICATIONS SUBCOMMITTEE OF THE AD HOC POLICE PRACTICES REVIEW COMMISSION** (11:54 a.m.)

Supervisor Cook moved that the Board concur in the recommendation of staff and approve the implementation plan regarding the revised recommendations of the Communications Subcommittee of the Ad Hoc Police Practices Review Commission which had been distributed to the Board. Supervisor Hudgins and Chairman Bulova jointly seconded the motion.

Following remarks by Supervisor Cook, concerning communication policies and procedures, Colonel Edwin C. Roessler Jr., Chief of Police, commented on

actions that have already been implemented in the area of transparency and the release of information.

Discussion ensued concerning the release of the name(s) of police officer(s) in an officer-involved deployment of deadly force or officer-involved critical incident where another person has suffered death or a threatening injury.

With regard to a proposed amendment, which was distributed around the dais, Supervisor Herrity moved to amend the motion to add the following sentence: “**If the criminal process is significantly delayed, the Chief may release the name(s) pending a full threat assessment and risk management process.**” It further adds/deletes: “**In this case,** the Board ~~and the public~~ expects the Police Department...” Supervisor K. Smith seconded the motion.

Chairman Bulova, with input from Chief Roessler, noted that the policy in the main motion is currently in use. Discussion continued with Board Members expressing their views/concerns.

Following a query concerning the 2010 policy and practices by the Sheriff’s office, with input from Chief Roessler, the question was called on the motion to amend, and it **FAILED** by a recorded vote of eight, Supervisor Herrity and Supervisor K. Smith voting “**AYE.**”

Following comments, Supervisor Foust moved to amend the main motion to reinstate the following language originally contained in Attachment 1 (3a) of the Board Agenda Item dated June 21, 2016, which had been deleted in Revised Attachment 1: “**If the Board conducts such a review it shall then announce its decision to the public.**” Supervisor Herrity seconded the motion.

Following comments by Supervisor McKay, discussion ensued concerning actions taken in closed session, with input from David P. Bobzien, County Attorney.

Supervisor Foust asked to change his amendment as follows: “If the Board conducts such a review it shall then ~~announce its decision to the public~~ **vote in open session whether to support the Chief’s decision or direct the Chief to release the names.**” This was accepted.

Following further discussion, the question was called on the proposed amendment to the motion, and it **FAILED** by a recorded vote of seven, Supervisor Foust, Supervisor Herrity, and Supervisor L. Smyth voting “**AYE.**”

Following concerns expressed by Supervisor K. Smith regarding the process and issues to be addressed as the Board works through the recommendations of the subcommittees, Supervisor McKay asked for clarification of the process, with input from David M. Rohrer, Deputy County Executive.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide a side-by-side of the action listed and the corresponding recommendation. Without objection, it was so ordered. Vice-Chairman Gross returned the gavel to Chairman Bulova.

Following additional discussion, the question was called on the motion to approve an implementation plan for recommendations of the Communications Subcommittee of the Ad Hoc Police Practices Review Commission and it **CARRIED** by a recorded vote of eight, Supervisor Herrity and Supervisor K. Smith voting “NAY.”

ADDITIONAL BOARD MATTERS

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

Following consultation with David P. Bobzien, County Attorney, who announced that an additional item had been added for consideration during closed session, Chairman Bulova announced that the Board would quickly proceed with Board Matters and go into closed session at 1:45 p.m.

20. **AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, TO ALLOW MOBILE FOOD VENDING FROM VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RIGHTS-OF-WAY** (1:16 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and referenced her written Board Matter regarding an amendment to The Code of the County of Fairfax, Virginia, to allow mobile food vending from VDOT rights-of-way. It is necessary for the Board to act on this to allow food trucks to operate this summer, and, at a minimum, to amend Chapter 82 of The Code so that the prohibition on vending from public streets does not preclude mobile food vending, where authorized by VDOT and the County, once VDOT issues the County a land use permit for mobile food vending.

Therefore, Chairman Bulova moved that the Board:

- Direct staff to advertise a public hearing on July 12, 2016, for the Board to consider an amendment to Chapter 82 of the County Code to allow for mobile food vending from authorized public streets within Tysons with a valid permit and in accordance with all applicable rules and regulations
- Direct the Department of Transportation or the County Executive to execute VDOT's Land Use Permit for Mobile Food Vending

This motion should not be construed as a favorable recommendation by the Board on the proposed Code amendment.

Supervisor L. Smyth seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Herrity being out of the room.

21. **FAIRFAX COUNTY'S SUMMER ENTERTAINMENT IN THE PARKS**
(1:18 p.m.)

Chairman Bulova referenced her written Board Matter and announced that the Park Authority, partnering with the Fairfax County Park Foundation and community sponsors, will be hosting the 2016 Summer Entertainment in the Parks series. Kickoff has already begun in some parts of the County. Concerts, movie nights, or shows are scheduled in each district throughout the summer until August 31.

Further, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to publicize the *Evenings on the Ellipse* series as well as other summer entertainment events and farmers' markets throughout the County. Without objection, it was so ordered. Vice-Chairman Gross returned the gavel to Chairman Bulova.

22. **CERTIFY APPOINTMENT OF MR. WILLIAM FURLONG AS STUDENT REPRESENTATIVE TO THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)** (1:19 p.m.)

Supervisor Foust referenced his written Board Matter and announced that EQAC has recommended that the Board appoint Mr. William Furlong as the student representative to EQAC for a one-year term to begin on July 1, 2016. Mr. Furlong is a resident of the Dranesville District and is entering his senior year at the Thomas Jefferson High School for Science and Technology.

Supervisor Foust moved that the Board appoint Mr. Furlong as the student member of EQAC for a term to run July 1, 2016 through June 30, 2017. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

23. **PROFFERED CONDITION AMENDMENT APPLICATION PCA 2006-PR-027 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-P-050-02 WM/OLAYAN HOLDINGS, LLC (FAIRFAX RIDGE) (PROVIDENCE DISTRICT)** (1:20 p.m.)

Supervisor L. Smyth said that WM/Olayan Holdings, LLC, the applicant, has filed two concurrent zoning applications, Proffered Condition Amendment Application PCA 2006-PR-027 and Special Exception Amendment Application SEA 00-P-050-02, on Tax Map Parcel 56-2 ((1)) 18A. The intent of the PCA is to amend proffer 16.B, which was accepted by the Board on November 1, 2011, in association with Rezoning Application RZ 2006-PR-027. This proffer relates to property located at Tax Map Parcel 56-2((1)) 18A, which is currently developed

with a parking garage where a surface parking lot once stood. When the rezoning was approved by the Board, the Fairfax Ridge Condominium Unit Owners Association, the owner of an adjacent parcel of property, was a joint applicant. The association agreed, at that time, to support the rezoning after years of negotiation with the applicant regarding parking in the Fairfax Ridge development. Proffer 16.B was intended to resolve the parking issues by providing two alternatives for the applicant to comply: it could either obtain an agreement with the adjacent office owner to provide parking spaces on the adjacent office owner's property or, if it was unable to obtain such an agreement, it was required to provide 100 additional, unrestricted parking spaces for the association in the garage. The applicant unfortunately failed to comply with either of these two alternatives. In fact, litigation involving enforcement of the existing Proffer 16.B is ongoing.

Although these applications have been pending since August 6, 2015, the applicant recently submitted a revised proffer to add a third alternative, which would allow for a mutually agreeable, three-party agreement between the association, the applicant, and the office owner for shared parking in the garage. The Planning Commission's (PC) public hearing is scheduled for July 20, 2016, and this case should move forward as soon as possible.

Therefore, Supervisor L. Smyth moved that Board direct staff to expedite the scheduling of the Board's public hearing for Proffered Condition Amendment Application PCA 2006-PR-027 and Special Exception Amendment Application SEA 00-P-050-02 to July 26, 2016. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in anyway. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

Supervisor L. Smyth noted that if the PC defers decision, the Board will need to reschedule the date.

24. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (1:23 p.m.)

Supervisor Herrity announced that he had no Board Matters to present today.

DAL:dal

25. **REQUEST FOR RECOGNITION OF THE ROBINSON GIRLS' AND BOYS' LACROSSE TEAMS (BRADDOCK AND SPRINGFIELD DISTRICTS)** (1:23 p.m.)

Jointly with Supervisor Herrity, Supervisor Cook announced that the Robinson Girls' and Boys' Lacrosse teams are the 6A Lacrosse State champions. Therefore, Supervisor Cook asked unanimous consent that the Board direct staff

to invite them to appear before the Board to be recognized and congratulated. Without objection, it was so ordered.

26. **NO BOARD MATTERS FOR SUPERVISOR McKAY (LEE DISTRICT)**
(1:24 p.m.)

Supervisor McKay announced that he had no Board Matters to present today.

27. **REQUEST FOR RECOGNITIONS** (1:24 p.m.)

Supervisor K. Smith announced:

- Jointly with Supervisor Herrity, that Brandon McGorty, Chantilly High School, won the Boys' 800- and 1600-meter run State championships
- That Westfield High School's Girls' 4x100 Meter Relay and 3200-Meter Relay Track Teams won State championships – Team members are Sarah Little, Indira Miles, Inaya Jones, Natalie Lott, and Sara Freix
- Jointly with Supervisor Herrity, that Chantilly High Schools' Tennis and Baseball teams each won a 6A State Championship

Therefore, Supervisor K. Smith asked unanimous consent that the Board direct staff to invite all the teams noted above to appear before the Board to be recognized. Without objection, it was so ordered.

Supervisor Cook asked unanimous consent that the Board direct staff to circulate the procedure recommendations regarding recognitions. Without objection, it was so ordered.

28. **ADOPTION OF A RESOLUTION REGARDING SENATE BILL (SB) 549**
(1:26 p.m.)

- (R) Supervisor K. Smith said, as the Board is aware, it received an extensive briefing at its Development Process Committee meeting on May 3, 2016, regarding SB 549. This bill will apply to rezoning and proffered condition amendment applications for new residential developments or uses, as those terms are defined in the bill, which are filed on or after July 1, 2016. Certain areas of the County such as Tysons and Reston, among others, are exempt from this new legislation. As to properties in non-exempt areas, SB 549 significantly curtails the authority of localities to accept proffered conditions, which are voluntary commitments developers make to mitigate impacts of the proposed development on the surrounding community.

Among other things, SB 549 creates liability for localities that suggest certain proffered commitments in areas that are subject to this new bill. This has been one of the most difficult aspects of this new legislation to navigate, particularly in light of the open, transparent, and productive dialogue that has traditionally occurred between the applicant, the County, and the community on land use applications. This dialogue and community input has helped ensure that new residential developments are woven into the fabric of existing communities in the least disruptive manner possible. Now a locality may face substantial liability for even suggesting something that this new law deems unlawful.

Supervisor K. Smith referenced a Resolution attached to her written Board Matter that addresses four matters associated with this new legislation. The Resolution confirms that no one should mistakenly believe that any statement in any existing County publication or writing of any kind was intended to suggest a proffer that would run afoul of this new law, which does not take effect until July 1, obviously after these writings were published. In addition, the Resolution acknowledges that increased density can only be awarded where the existing public infrastructure and other prevailing conditions in a community, coupled with the proffers offered by an applicant in accordance with SB 549, are sufficient to allow such additional density. Further, the Resolution states the proffers will only be accepted for new residential developments or uses in non-exempt areas if they originate from the applicant.

Finally, the Resolution provides that no County employee, agent, representative, appointee, or elected official, has any authority to suggest, request, or require any proffer that does not comply with the provisions of SB 549. The adoption of this Resolution will help guard against any misunderstandings and position the County to move forward in processing zoning applications for new residential developments or uses in non-exempt areas come July 1.

Therefore, Supervisor K. Smith moved that the Board adopt the Resolution regarding SB 549. Supervisor Foust seconded the motion.

Following a brief discussion regarding the motion, Supervisor McKay asked to amend the Resolution, in the first "Whereas," to include the following: "...Senate Bill 549, **despite objection of the Board...**" This was accepted.

Following discussion regarding the amendment, the question was called on the motion, as amended, and it carried by unanimous vote.

29. **RECENT AMENDMENTS TO THE VIRGINIA FREEDOM OF INFORMATION ACT (FOIA); DESIGNATION OF A FOIA OFFICER**
(1:31 p.m.)

Supervisor Gross said earlier this year, the General Assembly passed, and the Governor signed, House Bill (HB) 817, which amended Section 2.2-3704.1 and enacted a new Section 2.2-3704.2 of the FOIA. This bill is effective July 1, 2016.

Among other things, under this bill, the Board, as a public body under the Act and as the County's governing body, is required to designate one or more FOIA Officers, whose responsibility it will be to act as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of the Act.

Currently, the County's responses to FOIA requests are decentralized, with individual departments responding to requests that they receive or are directed to them. While this is a function of how records are kept in the County, this bill and other changes in the FOIA to date and into the future will require more centralized County oversight over its FOIA response process to ensure that all responses are complete and timely and to have more accurate information concerning the volume, impact, and costs of FOIA requests on the County.

Therefore, Supervisor Gross move that the Board:

- Direct the County Executive to develop a FOIA staffing plan to be included in the carryover review
- Direct the County Executive to direct all department heads to designate one or more persons in their departments to act as FOIA action officers to coordinate the department's responses to FOIA requests for records held by the department
- To comply with the requirement that the Board designate one or more FOIA Officers, designate Deputy County Attorney Peter Andreoli as the County's interim FOIA officer. This designation is temporary pending the finalization and adoption by the Board of a FOIA staffing plan

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

30. **NO BOARD MATTERS FOR SUPERVISOR HUDGINS (HUNTER MILL DISTRICT)** (1:34 p.m.)

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

31. **INTRODUCTION OF INTERN (MOUNT VERNON DISTRICT)** (1:35 p.m.)

Supervisor Storck introduced summer intern, Betsy Slaymaker, who is attending Virginia Commonwealth University, majoring in Communication Arts and minoring in Mass Communication. Her father is a firefighter, and her mother works in the Mount Vernon District Office. On behalf of the Board, Supervisor Storck and Chairman Bulova warmly welcomed her to the Board Auditorium.

32. RECESS/CLOSED SESSION (1:36 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. *Lenir Richardson v. Officer O.J. Faulk, Officer D.N. Custer, Officer Rizza, Commonwealth of Attorney [sic], Sergeant Mario Torres*, Case No. 16-1125 (U.S. Ct. of App. for the Fourth Cir.)
 2. *Gary S. Pisner v. Fairfax County Board of Zoning Appeals*, Record No. 151793 (Va. Sup. Ct.) (Springfield District)
 3. *Anthony D. Craft v. County of Fairfax, Virginia*, Case No. 1:16cv86 (E.D. Va.)
 4. *Patricia Tomasello v. Michael Reilly, Peter Pullins, Tim Young, Edward Brinkley, Glen Jackson, Michael Louis, Daniel Kwiatkowski, Sheryl Hemmingway, James Sobota, John Diamantes, Manuel Anthony Barrero, Guy Morgan, Phyllis Schwartz, Terry Hall, John Caussin, Richard Bowers, Brian Edmonston*, Case No. CL-2016-0007306 (Fx. Co. Cir. Ct.)
 5. U.S. Department of Justice Investigation of Sexual Harassment Charge of Jimmy Son La (Department of Vehicle Services)

6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John N. Withrow*, Case No. CL-2008-0010681 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yang Fang Li and Hong Chen*, Case No. CL-2016-0007403 (Fx. Co. Cir. Ct.) (Lee District)
8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Shepherd Scott and Marquette J. Scott*, Case No. CL 2016-0007733 (Fx. Co. Cir. Ct.) (Braddock District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Uttam S. Das and Utpala Das*, Case No. CL 2016-0007784 (Fx. Co. Cir. Ct.) (Springfield District)
10. *State Farm Mutual Automobile Insurance Company as subrogee of Elizabeth Scott v. Alberto Hernan Reyes Perez and Gary Moore, Jr.*, Case No. GV16-007894 (Fx. Co. Gen. Dist. Ct.)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sean P. Malone and Susan M. Malone*, Case No. GV15-036370 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James E. Lucas and Mary A. Lucas*, Case Nos. GV16-007970 and GV16-007971 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)

And in addition:

- Legal Issues Regarding a Housing Blueprint Funds Loan to Christian Relief Services of Virginia
- Virginia Code Section 15.2-2303.4, Provisions Applicable to Certain Conditional Rezoning Proffers
- Legal Issues Concerning Closed Session Briefings Regarding Officer Involved Use of Force Incidents

- *Gerard Morrison, et al., v. County of Fairfax, Virginia*

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

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

ACTIONS FROM CLOSED SESSION

33. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:47 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."

34. **AUTHORIZATION TO PURSUE FURTHER APPELLATE ACTIONS IN THE CASE OF GERARD MORRISON, ET AL., V. COUNTY OF FAIRFAX, VIRGINIA** (3:48 p.m.)

Supervisor Gross moved that, in the case of *Gerard Morrison, et al., v. County of Fairfax, Virginia*, the Board authorize the County Attorney to pursue further appellate actions as outlined in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

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AGENDA ITEMS

35. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC)** (3:48 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 June 3 and June 10, 2016.

Peter Flynn, Assistant Director, Planning and Research, Police Department, presented the staff report.

Following the public hearing, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic). Supervisor Foust 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.”

36. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE APPROVAL PROCESS FOR MONOPOLES AND TOWERS** (3:51 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 June 3 and June 10, 2016.

Leslie B. Johnson, Zoning Administrator, Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the approval process for monopoles and towers. Supervisor McKay 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 Storck, and Chairman Bulova voting “AYE.”

37. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-L-020-25/ CDPA 84-L-020-06 (KINGSTOWN M&N LP AND KINGSTOWNE TOWNE CENTER LP) (LEE DISTRICT)** (4:12 p.m.)

- (O) (NOTE: On June 7, 2016, the Board deferred this public hearing until June 21, 2016.)

The application property is located south and east of Kingstowne Village Parkway, north of Kingstowne Boulevard, and west of South Van Dorn Street, Tax Map 91-2 ((1)) 36B and 36G (part).

Mr. Antonio Calabrese reaffirmed the validity of the affidavit for the record.

Chairman Bulova disclosed that she received a campaign contribution in excess of \$100 from the following:

- Mr. Warren E. Halle

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

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

Mr. Calabrese personally acknowledged what an honor it has been working with David Bobzien, County Attorney, and wished him well on his retirement.

Following the public hearing, Ms. Gresham presented the staff and Planning Commission (PC) recommendations.

Following comments, Supervisor McKay moved:

- Approval of Proffered Condition Amendment Application PCA 84-L-020-25 and Conceptual Development Plan Amendment Application CDPA 84-L-020-06, subject to the proffers dated May 26, 2016.
- Approval of a modification to permit more than 50 percent of the gross floor area devoted to dwellings as a secondary use.
- Reaffirmation of a modification of the transitional screening requirements along the northern property boundary line to that shown on the CDPA/FDPA.
- Reaffirmation of a waiver of the barrier requirements along the northern property line.

Chairman Bulova 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.

(NOTE: On April 20, 2016, the PC approved Final Development Plan Amendment Application FDPA 84-L-020-02-14.)

38. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, CHAPTER 30 (MINIMUM PRIVATE SCHOOL AND CHILD CARE FACILITY STANDARDS), ARTICLE 3 (HOME CHILD CARE FACILITIES)** (4:24 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 June 3 and June 10, 2016.

Jene Moore, Director, Community Education, Office for Children, presented the staff report.

Following the public hearing, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 30 (Minimum Private School and Child Care Facility Standards), Article 3 (Home Child Care Facilities), to reduce the total number of non-resident children in care at any one time to align with new State law requirements, clarify requirements regarding the disclosure of barrier crimes, and reduce the required temperature of refrigerators to align with refrigeration safety guidelines. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herry, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor Hudgins being out of the room.

39. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2016-I-A1, LOCATED WEST OF HERITAGE DRIVE BETWEEN COMMONS DRIVE AND RECTORY LANE (BRADDOCK DISTRICT)** (4:28 p.m.)

Mike Van Atta, Planner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Mike Van Atta presented the staff and Planning Commission (PC) recommendations.

Following comments regarding the amendment, Supervisor Cook moved approval of proposed Plan Amendment 2016-I-A1, which reflects a PC alternative to the staff recommendation as shown on Attachment 2 of the Board's Agenda Item. Supervisor Gross seconded the motion.

Following a brief discussion regarding the motion, the question was called on the motion and it carried by a vote of eight, Supervisor Storck and Supervisor Hudgins being out of the room.

40. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF JONES BRANCH CONNECTOR – FINAL DESIGN (PROVIDENCE DISTRICT)** (4:38 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 June 3 and June 10, 2016.

Carol Kresge, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor L. Smyth referred to an email she received from the President of the Gates, the only residential development in the area; they have been working with staff on the application and thanked staff for their hard work.

Ms. Kresge presented the staff recommendation.

Supervisor L. Smyth moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project AA1400093-13, Jones Branch Connector - Final Design, Fund 50000; Federal-State Grants, and Project 2G40-062-000, Jones Branch Connector, in Fund 40010. Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting "AYE," Supervisor Cook, Supervisor Hudgins, and Supervisor Storck being out of the room.

41. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), ARTICLES 2, 6, 9, 11, 13, 16, AND APPENDIX 7, REGARDING MODIFICATIONS TO THE PLANNED DEVELOPMENT COMMERCIAL (PDC) DISTRICT, PLANNED RESIDENTIAL MIXED USE (PRM) DISTRICT, AND OTHER ASSOCIATED PROVISIONS**
(4:45 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 June 3 and June 10, 2016.

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

Discussion ensued, with input from Ms. Pesto, and Fred Selden, Director, DPZ, regarding floor area ratios (FAR) and the proposed changes.

Following the testimony of Mr. Jeffrey Longo (Speaker 2), discussion ensued regarding the idea of using social media avenues to provide accurate information to constituents and the opportunities for dialogue.

Following the public hearing, which included testimony by 10 speakers, Supervisor Foust submitted resolutions adopted by the McLean Citizens Association and the McLean Planning Committee in opposition to the amendment.

Ms. Pesto presented the staff and Planning Commission (PC) recommendations.

Supervisor K. Smith moved adoption of the Zoning Ordinance Amendment entitled "Proposed Zoning Ordinance Amendment Regarding Articles 2, 6, 9, 11, 13, 16, and Appendix 7, Planned Development Commercial (PDC), Planned Residential Mixed (PRM) Use Districts and Other Associated Provisions" as set

forth in the staff report dated April 26, 2016, and as recommended by the Planning Commission at its June 15, 2016, meeting, subject to the following:

- With regard to Paragraph 5 of Section 6-206 regarding secondary uses in the PDC District, approval of Option 1, which does not increase the current provisions regarding the 25 percent maximum limit of secondary uses that can be permitted in a PDC District.
- With regard to Paragraph 10 of Section 6-206 regarding fast food restaurants in the PDC District, approval of Option 1, with staff and the PC's recommended alternative language for Paragraph 10.A.2, to read as follows: "Such use or uses shall comprise not more than 15 percent of the approved gross floor area of the planned development."
- With regard to the maximum floor area ratio (FAR) in the PDC and PRM Districts set forth in Sections 6-208 and 6-408, respectively, approval of Option 1, which would establish a maximum FAR of 5.0 for developments located in a Transit Station Area (TSA), Commercial Revitalization District (CRD) and/or a Community Business District (CBD).
- With regard to Paragraph 5 of Section 11-102, regarding the approval of parking reduction requests for developments that are located near transit stations, transportation facilities and/or high-frequency bus stops, that the phrase "including potential impacts on existing overflow parking in nearby neighborhoods" be added to the end of the sentence on Page 26 at Line 24 of the Staff Report after the phrase "or the adjacent area."
- Adoption of the Zoning Ordinance Amendment, with the changes and options outlined in the motion, with an effective date of 12:01 a.m. on the day following adoption.

Supervisor McKay seconded the motion.

Following comments, Supervisor Foust moved to amend the motion as follows:

- Amend Section 6-208, Bulk Regulations, by revising Paragraph 3, to read as follows:

3. Maximum floor area ratio: 2.5. **OPTION 1:** However, the Board may approve an increase up to 5.0 for developments located in a Commercial Revitalization District, Community Business Center (CBC) area and/or Transit Station area only when the proposed development is implementing the site specific density/intensity and other recommendations in the adopted comprehensive plan, in

furtherance of the purpose and intent of this district, - *except that in the McLean Commercial Revitalization District and Community Business Center the Board may approve an increase in the maximum floor area ratio to 3.0 when the proposed development is implementing the site specific density/intensity and other recommendations in the adopted comprehensive plan.*

- Amend Section 6-408, Bulk Regulations, by revising Paragraph 2, to read as follows:

2. Maximum floor area ratio: 3.0. **OPTION 1:** However, *except in the McLean Commercial Revitalization District and Community Business Center*, the Board may approve an increase up to 5.0 for developments located in a Commercial Revitalization District, Community Business Center Area and/or Transit Station Area only when the proposed development is implementing the site specific density/intensity and other recommendations in the adopted comprehensive plan, in furtherance of the purpose and intent of this district.

Supervisor Herrity seconded the motion. Discussion ensued with Board Members expressing their support/nonsupport of the motion.

Chairman Bulova raised a question regarding whether there was discussion at the PC meeting regarding removal of revitalization districts or community business centers from the plan, with input from Leslie Johnson, Zoning Administrator, DPZ.

Discussion continued, with input from Mr. Selden, regarding the size of McLean, with Board Members continuing to express their support/nonsupport of the motion.

The question was called on the amendment to the motion and it **CARRIED** by a recorded vote of seven, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “**AYE**,” Supervisor Cook, Supervisor Hudgins, and Supervisor L. Smyth voting “**NAY**.”

Discussion ensued with Board Members expressing their support/nonsupport of the main motion.

Following comments, Supervisor L. Smyth moved to amend the motion to adopt the advertised Option 2 which provides for a 4.0 FAR maximum in CRDs and CBCs. Following discussion, with input from Ms. Pesto, Supervisor Herrity seconded the motion.

Following discussion, with input from Mr. Selden, regarding the motion, the question was called on the amendment to the motion and it **FAILED** by a recorded vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “**NAY**,” Supervisor Herrity and Supervisor L. Smyth voting “**AYE**.”

The question was called on the main motion, as amended, 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**,”

Supervisor K. Smith further moved that the Board direct:

- Staff to expedite the review and consideration of the 2016 Zoning Ordinance Amendment Work Program item related to parking reductions. Such proposed amendment will provide for a more detailed and global evaluation of the County’s policies and practices regarding requests for a reduction in required parking.
- DPZ to include a statement about any concurrent rezoning application that is under review with any notification of a proposed comprehensive plan amendment and on any project-specific comprehensive plan amendment website and, similarly, any notification of a rezoning application should include a statement that there is a current proposed comprehensive plan amendment affecting the property.
- Staff to continue to ensure that the traffic impacts associated with applications for a rezoning to the PDC and PRM District in TSAs, CRDs, and CBCs be thoroughly evaluated, to include, for example:
 - Vehicle trip reductions gained through design, mix of uses, and amenities provided on the site and within walking distance
 - Trip reductions during and at the completion of the development achieved through Transportation Demand Management Programs
 - The capacity of the transportation network serving the site and surroundings, as it relates to the current conditions, other proposed developments in the area and upon development of the application property

Supervisor Foust and Supervisor Gross jointly seconded the motion.

Supervisor L. Smyth suggested that, as part of the plan amendment process, a transportation analysis should be thoroughly done.

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

Supervisor Gross asked unanimous consent that the Board direct staff to provide a list of Comprehensive Plan Amendment proposals that are in the queue. Following discussion, with input from Ms. Johnson, without objection, the request was so ordered.

42. **4:30 P.M. – JOINT PH ON THE PROPOSED VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SIX-YEAR SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FY) 2017 THROUGH 2022, THE FY 2017 BUDGET** (6:45 p.m.)

(R) Kenneth Kanownik, Coordination and Funding Division, Department of Transportation (DOT), presented the staff report.

Mr. Kanownik introduced Mr. Terry Yates, Arlington/Fairfax Preliminary Engineering Manager, Virginia Department of Transportation (VDOT) who confirmed the secondary six-year funding.

Following the public hearing, which included testimony by one speaker, Supervisor Foust moved:

- Approval of the Six-Year Secondary System Construction Program for FYs 2017 – 2022 and the FY 2016 Budget
- Adoption of the Program Endorsement Resolution

Chairman Bulova seconded the motion. Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, regarding funding sources for projects.

The question was called on the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Herrity and Supervisor Hudgins being out of the room.

43. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:54 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 June 3 and June 10, 2016.

Citizens and businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

Public Comment was held and included testimony by the following individuals:

- Mr. Russel C. Jones, regarding SE 2016-DR-001
- Ms. Siobhan Chase, regarding Animal Protection Police
- Mr. John Rogerson, regarding traffic control on Wayne Drive

Discussion ensued regarding traffic calming programs and enforcements.

Supervisor Gross drew the Board's attention to written testimony received from Ms. Josie Ballato who had signed up to speak but was unable to appear, regarding the Airbnb issue, and stated that the issue might be on the agenda for the Virginia Association of County's (VACo) regional meeting scheduled for tomorrow.

- Mr. Eddie Primous, regarding Complaint of Malfeasance within the Office of Human Rights and Equity Programs and the Human Rights Commission

44. **BOARD ADJOURNMENT** (7:14 p.m.)

The Board adjourned.

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