



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 20, 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, September 20, 2016, at 9:06 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; Elizabeth Teare, 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, Chief 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 MATTER1. **MOMENT OF SILENCE** (9:07 a.m.)

Supervisor Herrity asked everyone to keep in thoughts the family of Colonel John Betts, United States Air Force, Retired, who recently died. Colonel Betts honorably served his country for many years. He served as the Springfield District Representative to the Redevelopment and Housing Authority and president of his local civic association.

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. Bill Wrench, who recently died. Mr. Wrench was a Navy veteran; the first-ever Director of the County's Industrial Development; served on the School Board and the Commonwealth of Virginia Highway Commission; played an instrumental role in the creation of the Fairfax County Parkway; and was a former president of the County's Chamber of Commerce. Mr. Wrench was active in the civic and business life of the County. Supervisor Gross added that Mr. Wrench was part of the foundation of the building of modern Fairfax County and will be missed.

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Robert "Bob" Hanlon, who recently died. He was involved in establishing the Reston Chorale; worked to establish Reston Interfaith, now Cornerstone; and was influential in working to establish St. Thomas A. Becket Catholic Church.

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Bob Secundy, who recently died. He was one of the founders of the Reston Black Focus which encouraged engagement of the African American community, by sharing culture and getting involved in the Reston community.

Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. Lillie Mae De Gree, who recently died. She was an activist in the community of Reston, who worked with children and retired after 30 years of service with the Fairfax County Public Schools as a teacher's aide.

Supervisor Storck asked everyone to keep in thoughts the family of Mr. John I. Morton, who recently died. A resident of the Mount Vernon District for many years, he was an essential part of how people work together to get things done with all the help he gave to the community, he will be sorely missed.

2. **ORDERS OF THE DAY** (9:13 a.m.)

Chairman Bulova announced that later in the meeting the Board will consider Consideration Items C-1 – Consideration of an Appeal of the Planning Commission's Decision on Application 2232-M16-22 by Stonegate at Landmark Homeowners Association, C-2 – Consideration of an Appeal of the Planning Commission's Decision on Application 2232-M16-22 by Kathleen Hoyt, C-3 Consideration of a Proffer Interpretation Appeal Associated with Application

2232-M-16-22, Lincolnia Senior Center, Related to Proffers Accepted for Rezoning Application RZ 1999-MA-006, and Information Item I-2 – Planning Commission Action on Public Facilities Application 2232-M16-22 (Temporary Facility for Bailey’s Crossroads Community Shelter) (Mason District), regarding relocation of the Bailey’s homeless shelter to a temporary site. The relocation is no longer necessary, so there are a number of motions the Board will consider to deal with that issue.

(NOTE: Later in the meeting, these items were considered. See Clerk’s Summary Items #29, #30, and #31.)

AGENDA ITEMS

3. **PROCLAMATION DESIGNATING SEPTEMBER 26–30, 2016, AS "VOTER REGISTRATION WEEK" IN FAIRFAX COUNTY** (9:14 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating September 26–30, 2016, as "*Voter Registration Week*" in Fairfax County and urged all citizens who are eligible to register to vote to check and ensure their voter registration is accurate before the October 17, 2016, deadline. Supervisor McKay seconded the motion.

A brief discussion ensued highlighting the importance of ensuring voter information is up-to-date in the voters’ registration system and voters taking the time to read the sample ballot.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Hudgins congratulated Edward L. Long Jr., County Executive, for a well prepared bond information document.

4. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2016, AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY** (9:25 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating September 15 – October 15, 2016, as "*Hispanic Heritage Month*" in Fairfax County and urged all residents to join in recognizing the contributions of members of the Hispanic and Latino American community in the County and throughout the United States. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **PROCLAMATION DESIGNATING SEPTEMBER 2016 AS "SICKLE CELL AWARENESS MONTH" IN FAIRFAX COUNTY** (9:34 a.m.)

Supervisor Hudgins moved approval of the Proclamation designating September 2016 as "*Sickle Cell Awareness Month*" in Fairfax County and urged affected patients, their families, and the general public to learn more about the disease. Supervisor Gross seconded the motion and it carried by unanimous vote.

A video, with information highlighting Sickle Cell disease, was presented.

6. **PROCLAMATION DESIGNATING SEPTEMBER 2016 AS "KINSHIP CARE MONTH" IN FAIRFAX COUNTY** (9:43 a.m.)

Supervisor Hudgins moved approval of the Proclamation designating September 2016 as "*Kinship Care Month*" in Fairfax County and urged all residents to acknowledge and celebrate the importance of kinship caregivers and the children they are raising in stable, loving, and nurturing households. Supervisor Foust seconded the motion.

Following a brief discussion, regarding the importance of kinship care, the question was called on the motion and it carried by unanimous vote.

Supervisor Gross noted that the issue of elderly caregiving and respite care services may need to be discussed at a future meeting of the Board's Human Services Committee or 50+ Committee.

7. **PROCLAMATION DESIGNATING OCTOBER 9-15, 2016, AS "FIRE PREVENTION WEEK" IN FAIRFAX COUNTY** (9:55 a.m.)

Supervisor Gross moved approval of the Proclamation designating October 9-15, 2016, as "*Fire Prevention Week*" in Fairfax County and urged all residents to check the dates on their smoke alarms and replace them every ten years to ensure their safety and the safety of their families in the event of fire. Supervisor McKay seconded the motion.

A brief discussion ensued regarding the importance of replacing batteries in smoke alarms and fire prevention programs in the County.

Chairman Bulova announced that last week, the Fire and Rescue Department launched a new safety initiative called the Yellow Dot program, which is designed to help first responders in providing life-saving medical attention after a vehicle accident or an emergency. The program alerts Emergency Medical Services (EMS) personnel to key information about an individual's medication history. More information can be found on the web at: <http://www.fairfaxcounty.gov/news2/yellow-dot-program-could-save-your-life/>.

Supervisor McKay announced that fire stations host open houses during "Fire Prevention Week" and this year's open house coincides with the Greater Springfield Volunteer Fire Department's fiftieth anniversary. The fire station has created a memorial garden in honor of fallen firefighters and emphasizes the need to educate the community on fire prevention.

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

8. **PROCLAMATION DESIGNATING SATURDAY, OCTOBER 22, 2016, AS "VOLUNTEERFEST DAY" IN FAIRFAX COUNTY** (10:09 a.m.)

Supervisor L. Smyth moved approval of the Proclamation designating Saturday, October 22, 2016, as "VolunteerFest Day" in Fairfax County and applauded all residents who observe this day by connecting with neighbors, friends, co-workers, family and faith-based school and civic groups, to engage in projects benefiting the community. Supervisor Foust and Supervisor Herrity jointly seconded the motion.

Discussion ensued regarding various volunteer opportunities available and the culture of volunteerism in the County. More information can be found at: <http://www.volunteerfairfax.org/>.

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

9. **ORDERS OF THE DAY** (10:21 a.m.)

Chairman Bulova announced that the next item scheduled on the Agenda is the Public Hearing on the County and Schools' *Fiscal Year (FY) 2016 Carryover Review* to Amend the Appropriation Level in the FY 2017 Revised Budget Plan. Because it was advertised for 10:30 a.m., it cannot be held until that time, so the Board will proceed with other items on the Agenda.

(NOTE: Later in the meeting, the *FY 2016 Carryover Review* public hearing was held. See Clerk's Summary Item #12.)

10. **10:50 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (10:21 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 September 20, 2016," as distributed around the dais. Supervisor Foust seconded the motion and it carried by unanimous vote.

The full list of Appointments is as follows:

ADVISORY SOCIAL SERVICES BOARD

Reappointment of:

- Mr. Alan Schuman as the At-Large Chairman's Representative

Appointment of:

- Ms. Amrita Banerjee as the Springfield District Representative
- Ms. Alice Foltz as the Sully District Representative

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

Confirmation of:

- Mr. Jaydeep R. Doshi as the Department of Tax Administration Representative

AIRPORTS ADVISORY COMMITTEE

Appointment of:

- Mr. James Phelps as the Dranesville District Representative

The Board deferred the appointment of the 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

The Board deferred the appointment of Architect #1, Attorney, Landscape Architect, and Related Professional Group #4 Representatives.

ATHLETIC COUNCIL

The Board deferred the appointment of the Mason District Alternate and Providence District Representatives.

AUDIT COMMITTEE

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Appointment of:

- Ms. Linda Waller as the Lee District Representative

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

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

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

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

Reappointment of:

- Ms. Karen Pica as the At-Large #1 Representative

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

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

CHILD CARE ADVISORY COUNCIL

Reappointment of:

- Ms. Monica Jackson as the Braddock District Representative
- Dr. Rosemary A. Kendall as the Dranesville District Representative

Appointment of:

- Ms. Pam Tinker as the Lee District Representative

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

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

The Board deferred the appointment of the Hunter Mill, Providence, and Sully District Representatives.

COMMISSION ON AGING

Appointment of:

- Ms. Catherine S. Cole as the At-Large Chairman's Representative

Reappointment of:

- Mr. Robert Kuhns as the Mount Vernon District Representative

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

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

COMMUNITY ACTION ADVISORY BOARD (CAAB)

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

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #13 Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Appointment of:

- Mr. Ricardo E. Coleman as the Mason District Representative

The Board deferred the appointment of the At-Large, Mount Vernon, and Springfield District Representatives.

ECONOMIC ADVISORY COMMISSION

Confirmation of:

- Hon. Tara Voigt as the Vienna Town Council Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Reappointment of:

- Mr. Richard Weisman as 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. Stephen A. Morrison as the Advocacy Organizations #2 Representative
- Ms. Doris Ray as the Advocacy Organizations #3 Representative
- Mr. Gerald Hopkins as the Community/Religious Leaders #2 Representative
- Ms. Gracie Ortiz as the Community/Religious Leaders #6 Representative
- Ms. Maureen Hallman as the Constituents/Consumer #2 Representative
- Ms. Dorothy Keenan as the Constituents/Consumer #3 Representative
- Mr. Donald Kissinger, Jr. as the Disability Services Board Representative
- Dr. Michael Behrmann as the Educational Organization #1 Representative
- Ms. Jennifer L. Disano as the Educational Organization #4 Representative

- Ms. Ann L. Long as the Educational Organization #5 Representative
- Ms. Jocelyn Rappaport as the Fairfax City Representative
- Mr. Albert J. McAloon as the Redevelopment and Housing Authority Representative
- Ms. Rosanne Lammers Rodilosso as the Health Advisory Board Representative
- Ms. Patricia Dunn Williams as the Long Term Care Providers #1 Representative
- Ms. Judy Seiff as the Long Term Care Providers #3 Representative
- Ms. Sharon F. Canner as the Long Term Care Providers #4 Representative
- Ms. Mary Jane Panek as the Long Term Care Providers #5 Representative
- Ms. Robin McGlothin as the Long Term Care Providers #6 Representative
- Dr. Heisung Lee as the Long Term Care Providers #8 Representative
- Mr. Myles Nienstadt as the Long Term Care Providers #10 Representative
- Ms. C. Courtney H. Nuzzo as the Long Term Care Providers #11 Representative
- Ms. April-Lyn Pinch Keeler as the Long Term Care Providers #13 Representative
- Ms. Cynthia Nothom as the Long Term Care Providers #16 Representative
- Ms. Julia Stephens as the Long Term Care Providers #17 Representative
- Dr. Eleanor M. Vincent as the Long Term Care Providers #18 Representative

- Ms. Lucinda Shannon as the Long Term Care Providers #19 Representative
- Ms. Patricia H. Velandar as a Long Term Care Providers #20 Representative
- Ms. Marie J. Woodard as the Long Term Care Providers #21 Representative
- Dr. Terence McCormally as the Medical Community #3 Representative

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Confirmation of:

- Mr. Michael Session of the Fairfax County Convention and Visitors Corporation #1 Representative
- Mr. Michael Thompson, Jr. as the Fairfax County Convention and Visitors Corporation #5 Representative
- Mr. Don Anderson as the Fairfax County Convention and Visitors Corporation #6 Representative
- Ms. Trish Drews as the Fairfax County Convention and Visitors Corporation #7 Representative
- Mr. Marc Fournier as the Fairfax County Convention and Visitors Corporation #8 Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

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

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Consumer #2 and Provider #1 Representatives.

HISTORY COMMISSION

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

HUMAN RIGHTS COMMISSION

Appointment of:

- Mr. Harry Salinas as the At-Large #4 Representative

The Board deferred the appointment of the At-Large #5, #6, and #7 Representatives.

HUMAN SERVICES COUNCIL

Reappointment of:

- Mr. Martin Machowsky as the At-Large #2 Chairman's Representative
- Mr. William Kogler as the Springfield District #1 Representative

The Board deferred the appointment of the Dranesville District #2, Mason District #1 and #2, and the Mount Vernon District #1 Representatives.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Reappointment of:

- Mr. Nabil Barbari as the Mason District Representative

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

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

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

REDEVELOPMENT AND HOUSING AUTHORITY

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

ROAD VIEWERS BOARD

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

SMALL BUSINESS COMMISSION

Appointment of:

- Ms. Claire L. Tse as the At-Large #2 Representative

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

Appointment of:

- Ms. Amy Purnell as the Tenant Member #2 Representative

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

TREE COMMISSION

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

TRESPASS TOWING ADVISORY BOARD

Reappointment of:

- Mr. John T. Fee as the Citizen Representative
- Mr. Alvin Leach, Jr. as the Towing #2 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

Reappointment of:

- Mr. Hank H. Kim as the Citizen appointed by BOS #3 Representative

Confirmation of:

- Captain William Friedman as the Uniformed Employee Representative

WETLANDS BOARD

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

11. **ADMINISTRATIVE ITEMS** (10:22 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor McKay and Supervisor L. Smyth jointly seconded the motion.

Supervisor Cook called the Board's attention to Admin 15 – Supplemental Appropriation Resolution AS 17075 for the Department of Family Services to Accept Grant Funding from the Virginia Department of Criminal Justice Services for the Sexual Assault and Domestic Violence Grant Program. Discussion ensued, with input from Ina Fernandez, Director, Office for Women and Domestic and Sexual Violence Services, regarding funding for the new positions.

Supervisor Storck called the Board's attention to Admin 12 – Authorization to Advertise a Public Hearing for the De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Mount Vernon District). Discussion ensued, with input from Jeffrey Hatterick, Department of Public Works and Environmental Services, regarding the communication methods used by staff to notify the community and the District Supervisor's office regarding the public hearing.

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."

ADMIN 1 – ENDORSEMENT OF A RESOLUTION FOR THOMAS AVENUE TO BE CONSIDERED FOR CUT-THROUGH MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE DISTRICT)

- (R) Adopted the Resolution endorsing Thomas Avenue (between Algonkian Parkway and the Fairfax County/Loudoun County border) for cut-through measures as part of the RTAP.

ADMIN 2 – APPROVAL OF TRAFFIC CALMING MEASURES AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MASON, DRANESVILLE, PROVIDENCE, AND MOUNT VERNON DISTRICTS)

- Endorsed traffic calming measures consisting of two speed humps on Woodley Lane (Mason District)
- Approved the installation of “Watch for Children” signs on the following streets:
 - Brook Road/Rector Lane (Dranesville District)
 - Courthouse Road (Providence District)
 - Marine Drive (Mount Vernon District)
- Directed staff to schedule installation of the approved measures as soon as possible.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO ESTABLISH PARKING RESTRICTIONS ON FAIR RIDGE DRIVE (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2016, at 5:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix R, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Code from parking on Fair Ridge Drive, north of Lee Jackson Highway, from 6 p.m. to 9 a.m., seven days per week.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE CULMORE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2016, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Culmore RPPD, District 9 (Mason District). The proposed District expansion includes the following:
- Church Street (Route 2945): From Courtland Drive to Payne Street, south side only
 - Nevius Street (Route 1888):

- ~~From Knollwood Drive to Leesburg Pike~~
- From Beachway Drive to Leesburg Pike, west side only
- From the southern property boundary of 3409 Nevius Street to Leesburg Pike, east side only
- Payne Street (Route 2944):
 - From the southern property boundary of 3452 Payne Street to the northern property boundary of 3426 Payne Street, west side only
 - From the southern property boundary of 3437 Payne Street to the northern property boundary of 3427 Payne Street, east side only

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE SPRINGDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 33 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2016, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Springdale RPPD, District 33 (Mason District). The proposed District expansion includes the following:

- Munson Road (Route 795):
 - ~~From Summers Lane to the north end~~
 - ~~From Arnet Street to Summers Lane~~
 - ~~From Arnet Street to Reservoir Heights Avenue; east side only~~
 - From Magnolia Lane to the north end; east side only
 - From Magnolia Lane to the northern property boundary of 3814 Munson Road, west side only
 - From Reservoir Heights Avenue to the north end, west side only

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON WASHINGTON DRIVE, TYLER STREET, PAYNE STREET, CHURCH STREET, AND COURTLAND DRIVE (MASON DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2016, at 4:30 p.m.**, to endorse the following roads to be included in the RTAP for a through truck traffic restriction:

- Washington Drive and Tyler Street between Leesburg Pike and Columbia Pike
- Payne Street, Church Street, and Courtland Drive between Leesburg Pike and Columbia Pike

ADMIN 7 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES TO SUPPORT UNDERSERVED VICTIM POPULATIONS IN THE COUNTY

Authorized the FCPD to apply for and accept grant funding, if received, from the Virginia Department of Criminal Justice Services in the amount of \$99,905, including \$19,981 in local cash match. Funding will support one full-time exempt Probation Counselor III grant position in the Victim Services Section to specialize in underserved victims in the Hispanic community as well as required equipment, supplies, and training.

ADMIN 8 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) FOR SUPPLEMENTAL FUNDING ASSOCIATED WITH THE HEAD START, EARLY HEAD START, AND EARLY HEAD START CHILD CARE PARTNERSHIP AND EXPANSION GRANTS

Authorized DFS to apply for and accept grant funding, if received, from DHHS, Administration for Children and Families, Office of Head Start in the amount of \$179,669, including \$26,810 in local cash match. Funding is specifically being provided to support a cost-of-living adjustment for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. Grant funding currently supports 68/66.0 fulltime exempt grant positions. No new grant positions are being requested with this funding.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF BIRCH STREET SIDEWALK IMPROVEMENTS (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2016, at 4:30 p.m.** on the acquisition of certain land rights necessary for the construction of Birch Street Sidewalk Improvements in Project ST-000003, Pedestrian Task Force Recommendations, in Fund 40010, County and Regional Transportation Projects.

ADMIN 10 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Mackall Farms	Dranesville	Mackall Farms Lane
		Georgetown Pike (Route 193) (Supplemental Right-of-Way Only)
Woodland Way Estates	Mason	Woodland Estates Way
Laurel Hill Landbay C, Section 1	Mount Vernon	Western Hemlock Way (Western Loop)
		Western Hemlock Way (Eastern Loop)
		American Holly Road
		Wild Prairie Rose Way (Western Loop)
		Wild Prairie Rose Way (Eastern Loop)
		Mistletoe Lane
		Native Violet Drive

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Laurel Hill Landbay C, Section 2	Mount Vernon	Western Hemlock Way
		Wild Prairie Rose Way
		Pasquel Flower Place
		Mistletoe Lane
		California Poppy Lane
Lee-Hi Industrial Park (Square 1400-Dorr Avenue Extension)	Providence	Dorr Avenue
		Prosperity Avenue (Route 6066) (Supplemental Right-of-Way Only)

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR LEAF COLLECTION SERVICE (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2016, at 4 p.m.**, to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the creation of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
Small District Within Hunter Mill District (Equus Court Area)	Create	Refuse, Recycling, and Vacuum Leaf

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR LEAF COLLECTION SERVICE (MOUNT VERNON DISTRICT)

- (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 **October 18, 2016, at 4 p.m.**, to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the De-creation/Re-creation of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
Small District 1 Within Mount Vernon District (Culver Place Area)	De-create/Re-create	Refuse, Recycling, and Vacuum Leaf

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH THE McLEAN RIDGE TEMPORARY RESIDENTIAL PERMIT PARKING DISTRICT, DISTRICT T5 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2016, at 5 p.m.**, to consider an Ordinance to establish the McLean Ridge Temporary RPPD, District T5 (Providence District).

ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE TWINBROOK COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2016, at 5 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Twinbrook CPD (Braddock District). The proposed District expansion includes Twinbrook Run Drive (Route 5628), from Boyett Court south to the cul-de-sac inclusive.

ADMIN 15 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 17075 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) FOR THE SEXUAL ASSAULT AND DOMESTIC VIOLENCE GRANT PROGRAM

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

Approved SAR AS 17075 for DFS to accept grant funding in the amount of \$523,100 from DCJS. Funding will provide services to victims of both sexual assault and domestic violence as well as rental costs for two new crisis shelter units. Funding will continue to support two full-time exempt grant positions as well as 3/3.5 fulltime exempt new grant positions for a total of 5/5.0 full-time exempt grant positions. The local match requirement is being met with in-kind resources.

ADMIN 16 – EXTENSION OF REVIEW PERIOD FOR A 2232 REVIEW APPLICATION (LEE 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-L16-32	Department of Public Works and Environmental Services Department of Vehicle Services Maintenance Facility 7245 Fullerton Road Springfield, VA (Lee District) Accepted August 2, 2016	October 1, 2016

ADMIN 17 – ADDITIONAL TIME TO OBTAIN A NON-RESIDENTIAL USE PERMIT (NON-RUP) FOR SPECIAL EXCEPTION AMENDMENT SEA 87-L-012-02, R. JOUN ENTERPRISE LLC (SPRINGFIELD BP) (LEE DISTRICT)

(AT) Approved the request for six months of additional time to obtain a Non-RUP for Special Exception Amendment Application SEA 87-L-012-02 to February 2, 2017, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 18 – APPROVAL OF A PORTION OF A STREET NAME CHANGE FROM ROSELAND DRIVE TO ROSELAND RIDGE ROAD (SPRINGFIELD DISTRICT)

Approved a street name change in the Official County Digital Property Map and the Master Addressing Repository from Roseland Drive to Roseland Ridge Road (Tax Map Number 096-4) effective 30 days following Board approval, in accordance with the Code of the County of Fairfax, Chapter 102 (Streets and Sidewalks), Section 102-1-9.

ADMIN 19 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

- Designated the following individuals, identified with their registration numbers, as inactive Plans Examiners:
 - Daniel M. Duke 202
 - Johnny C. Lim 222
 - Anwar Maharmeh 241 (Retired)
 - Abbas S. Movahed 161 (Retired)
 - Robert A. Munse 65 (Retired)

- Peter J. Rigby, Jr. 177
- Designated the following individuals, identified with their registration numbers, as Plans Examiners:
 - James P. Williams 316
 - Benjamin J. Svedlow 317

ADMIN 20 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 17074 FOR VARIOUS COUNTY AGENCIES TO ACCEPT DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUBGRANT AWARDS FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY (HSEMA)

(SAR) Approved SAR AS 17074 in the amount of \$9,826,964 to be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1 of the Board Agenda Item. All projects will be implemented in accordance with the program guidance documents. Funding will continue to support five fulltime exempt existing grant positions. The County is under no obligation to continue these positions when the grant funding expires. No local cash match is required.

DAL:dal

12. **10:30 A.M. – PH ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2016 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2017 REVISED BUDGET PLAN** (10:31 a.m.)

(FPR)

(SAR)

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 September 2 and September 9, 2016.

Chairman Bulova briefly outlined the *FY 2016 Carryover Review* package.

Following the public hearing, which included testimony by one speaker, Supervisor McKay, Chair of the Board's Budget Committee, moved approval of the Carryover package including Supplemental Appropriation Resolution (SAR) AS 17009 and Amendment to the Fiscal Planning Resolution (FPR) AS 17900.

This approval includes the FY 2016 Carryover Review package as presented on July 26, 2016, as well as adjustments included in the School Carryover package approved by the School Board on July 28, 2016, which resulted in an available non-recurring balance of \$10.99 million, as well as the following adjustment:

- One-time funding in the amount of \$5 million for investment opportunities in support of the Strategic Plan to Facilitate the

Economic Success of Fairfax County. This appropriation to an Economic Development Support Project will accelerate the opportunity that the Economic Opportunity Reserve will ultimately provide. In addition, the County Executive is directed to prepare and present to the Board recommended criteria for use of funds in the Economic Opportunity Reserve, consistent with the County's Ten Principles of Sound Financial Management. These same criteria will be used in the interim for funds in the Economic Development Support Project. No investment from the Economic Development Support Project will be made until the Board has approved the criteria for use of the funds. Any proposed use of funds in the Economic Development Support Project shall be subject to approval from the Board.

With this, and associated reserve adjustments, the remaining balance to be set aside in reserve for one-time FY 2017 and FY 2018 requirements is approximately \$5.46 million. Based on forecasts for FY 2017 revenues, and the FY 2018 budget to be developed this fall, it is important that as much of this Carryover balance as possible be reserved for one-time funding requirements in FY 2017 or FY 2018.

In addition, as part of the approval of this package, Supervisor McKay further moved the following budget guidance for FY 2018:

- In September 2007, the County established a living wage for County merit employees which was extended the following year to non-merit employees scheduled to work 1,039 hours or more annually. The *FY 2016 Carryover Review* package sets the County's living wage at \$14.50 per hour, an increase above the current \$13.13 per hour. The Board's current policy is to implement a living wage equal to the greater of the living wages of Arlington County and the City of Alexandria. These jurisdictions base increases on Federal indices and other factors. To ensure that the County's living wage continues to be set at an appropriate level, the County Executive is directed to review the County's existing policy and report with any recommended adjustments to the living wage policy as part of the FY 2018 Advertised Budget Plan.
- In response to testimony at the public hearing on the *FY 2016 Carryover Review*, the issue of adequate and consistent space for the Senior Center Without Walls program should be addressed for Board consideration in the development of the FY 2018 Advertised Budget Plan. Additionally, the Board directs staff to monitor space challenges that may result from the inability to compensate private partners, such as churches and community rooms.

Chairman Bulova seconded the motion.

With regard to the Senior Center Without Walls, Supervisor Herrity asked to amend the motion to direct staff to review the fee schedule for classes to ensure that they are consistent with fees for other senior programs. This was accepted.

With regard to the living wage increase, Supervisor Herrity asked to amend the motion to direct staff to provide information regarding whether an increase will impact jobs (such as lifeguards) typically filled by teenagers. This was accepted.

With regard to the Economic Opportunity Reserve, Supervisor Herrity moved to amend the motion to amend the *FY 2016 Carryover Review* package to direct the County Executive to carry forward the entire remaining balance of \$10.99 million to FY 2018's bottom line, which would reduce the current projected deficit to approximately \$64 million. Supervisor L. Smyth seconded the motion.

Supervisor L. Smyth raised a question regarding the Reserve, with input from Edward L. Long Jr., County Executive.

Discussion ensued, regarding the \$5 million for investment opportunities and economic development, with Board Members expressing their support/non-support of the motion.

The question was called on the amendment to the motion and it **FAILED** by a recorded vote of eight, Supervisor Herrity and Supervisor K. Smith voting "AYE."

Supervisor L. Smyth moved that the discussion of policy issues related to the creation of a animal services division be referred to the Public Safety Committee for consideration. Following discussion, with input from Mr. Long, regarding the Public Safety Committee meeting schedule, Supervisor L. Smyth withdrew her motion.

The question was called on the *FY 2016 Carryover Review* motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY."

DET:det

13. **A-1 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE US DEPARTMENT OF JUSTICE (DOJ) DRUG ENFORCEMENT ADMINISTRATION (DEA) TASK FORCE AND MODIFICATION OF THE 2015 MOU BETWEEN THE FCPD AND THE DOJ DEA TASK FORCE** (11:14 a.m.)

On motion of Supervisor Cook, jointly seconded by Supervisor Gross and Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the renewal of

the MOU between the FCPD and the DEA Task Force (High Intensity Drug Trafficking Area [HIDTA] Task Force Group 1 and HIDTA Task Force Group 5) and the modification of dates in the current agreement.

14. **A-2 – APPROVAL OF THE FISCAL YEAR (FY) 2017 AND FY 2018 COMMUNITY SERVICES PERFORMANCE CONTRACT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) AND THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (VDBHDS)** (11:15 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the FY 2017 and FY 2018 Community Services Performance Contract between the CSB and the VDBHDS and the associated acceptance of funds.

15. **A-3 – APPROVAL OF A RESOLUTION ENDORSING PROJECTS BEING SUBMITTED FOR STATE FUNDING THROUGH THE COMMONWEALTH TRANSPORTATION BOARD'S (CTB) FISCAL YEAR (FY) 2018 – FY 2023 SMART SCALE AND FY 2018 REVENUE SHARING PROGRAMS** (11:15 a.m.)

- (R) On motion of Supervisor Foust, seconded by Supervisor McKay, 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 endorsing nine County transportation projects for submission to the FY 2018 – FY 2023 Smart Scale and FY 2018 Revenue Sharing Programs
- Approved extending the project limits of the Route 29 project (included in the Smart Scale submissions) from Union Mill Road to Pickwick Road
- Endorsed the Virginia Railway Express (VRE) FY 2018 – FY 2023 Smart Scale submission, Fredericksburg Line Capacity Expansion Project

16. **A-4 – APPROVAL TO ABANDON SEGMENTS OF BEULAH STREET (ROUTE 613) AND WOODLAWN ROAD (ROUTE 618) AND ACCEPT JEFF TODD WAY INTO THE STATE SYSTEM OF HIGHWAYS (MOUNT VERNON DISTRICT)** (11:16 a.m.)

- (O) (R) Supervisor Storck moved that the Board concur in the recommendation of staff and adopt the:

- Order abandoning segments of Beulah Street (Route 613) and Woodlawn Road (Route 618)
- Resolution asking the Virginia Department of Transportation (VDOT) to accept Jeff Todd Way into the State System

Supervisor McKay seconded the motion. Discussion ensued concerning VDOT's review of the proposal submitted by Fort Belvoir and the need for expeditious processing.

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."

17. **A-5 – APPROVAL OF THE PROJECT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND THE COUNTY FOR FISCAL YEAR (FY) 2017 FUNDING FOR I-95 TRANSIT AND TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN OPERATING ASSISTANCE** (11:18 a.m.)

- (R) On motion of Supervisor Foust, seconded by Supervisor McKay, 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 the Resolution authorizing the Director of the Department of Transportation to sign the Project Agreement between DRPT and the County, in substantial form, to fund the County's I-95 Transit and TDM Plan operating assistance.

18. **A-6 – APPROVAL OF PROJECT AGREEMENTS BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND THE COUNTY FOR FISCAL YEAR (FY) 2017 TRANSIT ASSISTANCE GRANT FUNDS** (11:19 a.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and authorize the Director of the Department of Transportation (DOT) to sign 13 Project Agreements between DRPT and the County, in substantial form, for FY 2017 transit operating and capital assistance. Supervisor Hudgins seconded the motion.

Discussion ensued, concerning the George Mason University Fairfax Campus Transit Center, with input from Tom Biesiadny, Director, DOT. Discussion continued concerning shuttle license plates and transit between the campus and the Vienna Metro station.

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

19. **A-7 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN GEORGE MASON UNIVERSITY (GMU), THE COUNTY, AND THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) ESTABLISHING COLLABORATION WITH THE ENTITY’S LAW ENFORCEMENT AT THE MERRIFIELD CRISIS RESPONSE CENTER FOR PEOPLE EXPERIENCING A PSYCHOLOGICAL CRISIS** (11:22 a.m.)

Supervisor Cook moved that the Board concur in the recommendation of staff and approve a MOU between GMU, the County, and the Fairfax-Falls Church CSB establishing collaboration with the entity’s law enforcement at the Merrifield Crisis Response Center for people experiencing a psychological crisis. Supervisor Hudgins seconded the motion.

Chairman Bulova noted that similar MOUs exist with the City of Fairfax and other entities.

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

20. **A-8 – APPROVAL OF THE URBAN FOREST MANAGEMENT DIVISION (UFMD) PROPOSAL TO UTILIZE THE TREE PRESERVATION AND PLANTING FUND (TPPF)** (11:23 a.m.)

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

- Approve the UFMD proposal “Tree Planting on Fairfax County Properties,” dated September 20, 2016, to utilize \$75,000 of the TPPF to plant eight acres of trees over a four-year period on County properties in cooperation with other County agencies and non-profit partners
- Approve the “Tree Preservation and Planting Fund Disbursement Procedure, revised September 20, 2016,” to shift approval of proposed projects from the Board to administration of the fund by the Urban Forest Management Division with review and approval of applications by an interagency panel to include representatives from the Fairfax County Tree Commission, UFMD, Stormwater Planning Division, and the Northern Virginia Soil and Water Conservation District
- Amend the annual timeline for application review and approval, and disbursement of funds to align with the spring and fall planting seasons

- Amend the annual timeline to align the disbursement of funds more closely with the budget cycle

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

21. **A-9 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY AND THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)** (11:24 a.m.)

On motion of Supervisor Cook, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to execute a MOU so the County can serve as the Administrative Jurisdiction for the Northern Virginia jurisdictions of the National Capital Region – Incident Management Team (NCR-IMT).

22. **A-10 – AUTHORIZATION TO ENTER INTO LICENSE AGREEMENTS WITH CERTAIN PRIVATE PROPERTY OWNERS TO EXPAND CAPITAL BIKESHARE INTO THE RESTON AND TYSONS AREAS OF THE COUNTY (HUNTER MILL AND PROVIDENCE DISTRICTS)** (11:25 a.m.)

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

- Approve seven license agreements between the County and Boston Properties Limited Partnership; Comstock Reston Station Holdings, LC; Greensboro Park Property Owner LLC; JBG/Reston Executive Center, LLC; Tamares 7950 Owner LLC; and Tysons Corner Residential I, LLC, respectively. Each license agreement allows the County to install, maintain, and operate Capital Bikeshare stations on privately owned parcels of land located in the Reston and Tysons areas of the County.
- Authorize the Director of the Department of Transportation (DOT) to execute these agreements on behalf of the County.

Supervisor L. Smyth seconded the motion. Discussion ensued concerning performance metrics, with input from Tom Biesiadny, Director, DOT, and the Tysons locations in this item and A-11 – Authorization of A Funding Agreement with Tysons Partnership, Incorporated, with input from Adam Lind, Bicycle Program Coordinator, Capital Projects and Traffic Engineering, DOT.

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

23. **A-11 – AUTHORIZATION OF FUNDING AGREEMENT WITH TYSONS PARTNERSHIP, INCORPORATED (PROVIDENCE DISTRICT)**
(11:30 a.m.)

(R) On motion of Supervisor L. Smyth, jointly seconded by Supervisor Foust and Supervisor Hudgins, 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 the Resolution authorizing the Director of the Department of Transportation to enter into a funding agreement, on behalf of the County, with the Tysons Partnership. The agreement commits the Tysons Partnership to pay \$130,000 annually, for the next five years, to the County for Capital Bikeshare capital and operating expenses.

24. **A-12 – PRESENTATION OF THE DELINQUENT TAX LIST FOR TAX YEAR 2015 [FISCAL YEAR (FY) 2016]** (11:30 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize staff to:

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

Supervisor McKay seconded the motion. Discussion ensued concerning the County’s collection rate which is 99.74 percent.

Supervisor Gross took the opportunity to introduce the following newly-appointed agency heads:

- Jay Doshi, Director, Department of Tax Administration
- Seamus J. Moody, Emergency Management Coordinator

Chairman Bulova warmly welcomed them to the Board Auditorium.

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

25. **A-13 – APPROVAL OF A PROJECT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND THE COUNTY FOR FUNDING FOR FISCAL YEAR (FY) 2017 TRANSPORTATION DEMAND MANAGEMENT (TDM) AND RIDESHARE OPERATING ASSISTANCE** (11:34 a.m.)

(R) On motion of Supervisor Foust, jointly seconded by Supervisor Hudgins and Supervisor K. Smith, 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 the Resolution approving the project agreement and authorizing the Director of the Department of Transportation (DOT) to sign the Project Agreement for Use of Commonwealth Transportation Funds, approved by the Commonwealth Transportation Board on June 14, 2016, to continue ridesharing and transit marketing activities in FY 2017. The DRPT is providing grant funding in the amount of \$724,957, including \$144,991 in local cash match. The grant period runs from July 1, 2016, to June 30, 2017. In keeping with Board policy, DOT will request budget appropriation in the Federal-State Grant Fund once the project agreement has been fully executed since the award is not significantly different than what was anticipated in FY 2017.

26. **A-14 – APPROVAL OF A DRAFT BOARD MEETING SCHEDULE FOR CALENDAR YEAR 2017** (11:35 a.m.)

Supervisor Gross noted the following:

- A change from the previously approved draft schedule - the only meeting in October will be held on October 24
- Inclusion of a potential list of Tuesday Board committee meeting dates

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the draft meeting schedule for January through December 2017. Chairman Bulova seconded the motion.

Discussion ensued concerning the meeting schedule and construction work being done on committee meeting rooms to improve audio/visual capabilities and increase seating capacity.

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

27. **A-15 – APPROVAL OF THE RECOMMENDATION OF THE INDEPENDENT OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE OF THE AD HOC POLICE PRACTICES REVIEW COMMISSION TO ESTABLISH AN OFFICE OF INDEPENDENT POLICE AUDITOR** (11:38 a.m.)

Chairman Bulova announced that a revision to this item had been distributed at the dais.

Supervisor Cook moved that the Board concur in the recommendation of staff and approve the revised recommendations (revision 2) of the Independent Oversight and Investigation Subcommittee of the Ad Hoc Police Practices Review Commission to establish an Office of Independent Police Auditor. Supervisor Foust seconded the motion.

Supervisor Cook noted that the revisions to the document (revision 2) are in bold and underlined and can be subject to change. He then proceeded to provide a detailed explanation of the roll of the Office of Independent Police Auditor.

Supervisor Herrity expressed several concerns regarding the current proposal and moved to amend the motion to:

- Use the Ad Hoc Commission Reserve funding to fund two additional positions with the Police Department's Internal Affairs Bureau this year rather than waiting until Fiscal Year (FY) 2018 to supplement its investigative work

Supervisor K. Smith seconded the motion. Following a statement by Supervisor Cook, regarding consideration of amendments to the proposal, discussion ensued regarding previous collective discussions of the Board and recommendations by the Ad Hoc Commission on this issue.

Discussion continued, concerning the amendment and available resources, with input from Colonel Edwin C. Roessler, Jr., Chief of Police, regarding case resolution.

Supervisor Gross noted that at the Board's next Personnel Committee meeting, the agenda includes a review of staffing and other Police Department matters.

Following additional discussion regarding the amendment, with input from Colonel Roessler concerning staffing, discussion continued concerning funding and the Reserve.

The question was called on the amendment and it **FAILED** by a recorded vote of eight, Supervisor Herrity and Supervisor K. Smith voting "AYE."

Following additional discussion, the question was called on the main motion and it carried by unanimous vote.

Chairman Bulova recognized members of the Ad Hoc Commission who were present in the Board Auditorium and thanked them for their work.

28. **ORDERS OF THE DAY** (12:07 p.m.)

Chairman Bulova announced that the first three consideration items concern a community shelter as does I-2 – Planning Commission (PC) Action on Public Facilities Application 2232-M16-22 (Temporary Facility for Bailey’s Crossroads Community Shelter). Supervisor Gross moved that the Board consider I-2 prior to the Consideration Items. Chairman Bulova seconded the motion and it carried by unanimous vote.

29. **I-2 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-M16-22 (TEMPORARY FACILITY FOR BAILEY’S CROSSROADS COMMUNITY SHELTER) (MASON DISTRICT)** (12:08 p.m.)

The Board next considered an item contained in the Board Agenda, announcing the PC’s approval of Public Facilities Application 2232-M16-22, noting that it met the criteria of character, location, and extent, as specified in Section 15.2-2232 of the Code of Virginia and is substantially in accord with the provisions of the adopted Comprehensive Plan. The application sought to construct a temporary facility for the Bailey’s Crossroads Community Shelter located at 4710 North Chambliss Street, Alexandria, VA 22312. Tax Map: 72-2 ((1)) 43, Area I.

Supervisor Gross, noting that it was highly unusual for the Board to consider an Information Item, stated that the Department of Public Works and Environmental Services (DPWES) filed this application on April 1, 2016. At that time, the Board was party to a redevelopment agreement for an area known as the “Southeast Quad,” including the site of the existing Bailey’s Crossroads Community Shelter. The agreement required the relocation of that shelter by March 2017, so the Board anticipated needing a temporary homeless shelter for several years until the County could acquire a new site and have a permanent shelter designed and built. The 2232 application proposed to locate the temporary shelter at the Lincolnia Senior Center.

As noted in a report the Board received today from the PC, and contained in the Board package, it voted on July 29 to approve the application as substantially in accord with the Comprehensive Plan. Since that action, however, several significant events have occurred, eliminating the need for the temporary shelter. On September 14, just six days ago, the County acquired property where the permanent shelter will be located. On that same day, AvalonBay, the County’s partner in the Southeast Quad redevelopment project, withdrew from the project

by terminating the Real Estate Exchange Agreement that the Board approved in February. The County remains fully committed to the revitalization of this area and is actively pursuing other ways to proceed with the project. Any new options, however, will entail a new development timeline that will make it feasible to relocate the shelter just once, to its permanent location, saving the County some \$2.5 million.

Because the County no longer needs the temporary facility, on September 15 DPWES sent a letter notifying the PC of that fact and withdrawing the 2232 application for that facility. A copy of that letter was provided to the Board earlier this morning. Supervisor Gross stated that although she believes the PC's decision to approve the application was entirely correct, this withdrawal renders that decision moot.

Under the relevant statute, Virginia Code Section 15.2-2232, this Board only has authority to either let the PC decision stand or to overrule it. Lest there be any uncertainty about the status of the application, Supervisor Gross asked that the Board overrule the PC's decision as moot. This motion is based on the facts just described culminating in the withdrawal of the application. Supervisor Gross clarified that this is not a motion to overrule the PC because of any error on its part but simply because its decision has been overtaken by events rendering that decision moot.

Supervisor Gross moved that the Board overrule the PC's decision on 2232-M16-22 as moot. Supervisor L. Smyth and Chairman Bulova jointly seconded the motion. The question was called on the motion and it carried by unanimous vote.

Supervisor Gross thanked the Mason District Planning Commissioner, Julie Strandlie, for her extensive work on this matter.

30. **C-1 – CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S (PC) DECISION ON APPLICATION 2232-M16-22 BY STONEGATE AT LANDMARK HOMEOWNERS ASSOCIATION (HOA)**

AND

C-2 – CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S (PC) DECISION ON APPLICATION 2232-M16-22 BY KATHLEEN HOYT (12:15 p.m.)

The Board next considered items contained in the Board Agenda dated September 20, 2016, regarding:

- Landmark Homeowner Association's appeal of the July 20, 2016, PC decision to approve Application 2232-M16-22 for the temporary location of a homeless shelter on property also

occupied by the Lincolnia Adult Day Care Center, located at 4710 North Chambliss Street, Alexandria, Virginia, 22312

- A citizen appeal of the July 20, 2016, PC decision to approve Application 2232-M16-22 for the temporary location of a homeless shelter on property also occupied by the Lincolnia Adult Day Care Center, 4710 North Chambliss Street, Alexandria, Virginia, 22312.

Supervisor Gross stated she would make a motion with regard to Consideration Items 1 and 2, the two appeals of the PC's decision on Application 2232-M16-22.

The Board has approved a motion overruling as moot the PC's approval of that application because recently changed circumstances have eliminated the need for the temporary homeless shelter and the Department of Public Works and Environmental Services (DPWES), which filed the application, has withdrawn it. As a result, the application is, in fact, moot.

In addition, Virginia Code Section 15.2-2232 allows appeals only by "the owner or owners or their agents." These appeals were filed by the Stonegate at Landmark Homeowners Association (the HOA) and Kathleen Hoyt, neither of whom owns any part of the County land that was the subject of the application. Moreover, neither the HOA nor Ms. Hoyt is an agent for the County or DPWES. In short, even if the matter was not moot, neither of the appellants would have any standing under the statute to appeal the PC's decision.

For all of these reasons, Supervisor Gross moved that the Board deny both of the 2232 appeals, by the HOA and Ms. Hoyt, based on mootness and the appellants' lack of standing. For the record, she also incorporated the motion, approved by the Board earlier today (see I-2 - Planning Commission (PC) Action on Public Facilities Application 2232-M16-22 (Temporary Facility for Bailey's Crossroads Community Shelter)), overruling the PC's decision on Application 2232-M16-22 as moot. Supervisor Foust seconded the motion and it carried by unanimous vote.

31. **C-3 – CONSIDERATION OF A PROFFER INTERPRETATION APPEAL ASSOCIATED WITH APPLICATION 2232-M-16-22, LINCOLNIA SENIOR CENTER, RELATED TO PROFFERS ACCEPTED FOR REZONING APPLICATION RZ 1999-MA-006** (12:18 p.m.)

The Board next considered an item contained in the Board Agenda dated September 20, 2016, regarding an appeal of a proffer interpretation that determined Proffer 3(c) of Rezoning Application RZ 1999-MA-006 had been satisfied. Specifically, the issues are whether the appellant is an aggrieved party, whether the appeal was timely filed, and whether the appellant's argument has merit.

Supervisor Gross stated she would make a motion on the Landmark HOA's appeal of the proffer determination published with the 2232-M16-22 staff report.

On May 10, 2016, the Department of Planning and Zoning (DPZ) issued a proffer determination finding that the temporary relocation of the Bailey's Crossroads Community Shelter would be in substantial conformance with the proffers associated with Rezoning Application RZ 1999-MA-006. The proffer in question, proffer 3(c), called for the construction of a trail across property owned by the Board of Supervisors. The trail was constructed long ago and the proffer required nothing further. Further, the proffers for the Rezoning do not govern the Board's property because the Board's property was not included in the 1999 Rezoning for the development of that property as a townhouse community.

The Board has already approved a motion overruling as moot the PC's approval of Application 2232-M16-22 because recently changed circumstances have eliminated the need for the temporary homeless shelter and the Department of Public Works and Environmental Services (DPWES), which filed the application, has withdrawn it. As a result, that application is, in fact, moot and that was the basis for the Board's decision earlier today to overrule the PC. Because the proffer determination being appealed here was premised on that 2232 application, the determination itself is also moot.

Virginia Code Section 15.2-2301 allows a proffer determination to be appealed only by an "aggrieved party," and then only within 30 days of the date of the decision for which review is sought. As stated in Consideration Item 3, the HOA has no property rights in the trail or in the Board's property. The proffer also did not guarantee the HOA any right to use the trail, much less in perpetuity. And the challenged determination concluded that proffer 3(c) was satisfied and left no ongoing obligation on the part of the HOA or anyone else. The HOA has suffered no harm, is not aggrieved, and therefore lacks standing to appeal the proffer determination. The HOA also failed to file its appeal within 30 days after the decision was issued.

For all of these reasons, Supervisor Gross moved that the Board deny the HOA's proffer determination appeal based on mootness and the HOA's lack of standing. Supervisor Foust seconded the motion and it carried by unanimous vote.

Supervisor Gross thanked the County Attorney's office, DPZ, Deputy County Executive Rob Stalzer, DPWES, and other staff for their diligent work in a highly unusual situation. She also thanked the community for its extreme involvement and her hope that it will be supportive of the permanent site.

32. **C-4 – CONSIDERATION OF THE PROPOSED AMENDED BYLAWS FOR THE FAIRFAX COUNTY HISTORY COMMISSION** (12:23 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated September 20, 2016, regarding approval of the proposed amended Bylaws for the History Commission.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the proposed amended Bylaws for the History Commission. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

33. **I-1 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR (CY) 2017**
(12:24 p.m.)

The Board next considered an item contained in the Board Agenda regarding the holiday schedule for CY 2017.

Supervisor Gross said that next year the Christmas holiday falls on Monday, December 25, with a half-day holiday for employees for Christmas Eve on Friday, December 22. Given the timing of the holiday weekend, it makes sense to make Christmas Eve a full-day off.

Therefore, Supervisor Gross moved that the Board amend the CY 2017 holiday calendar to grant a full-day holiday for County employees on December 22. Chairman Bulova seconded the motion and it carried by unanimous vote.

34. **I-2 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-M16-22 (TEMPORARY FACILITY FOR BAILEY'S CROSSROADS COMMUNITY SHELTER) (MASON DISTRICT)**

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item #29.)

35. **I-3 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-M15-24 (TEMPORARY FACILITY FOR A FIRE AND RESCUE STATION) (MASON DISTRICT)** (12:26 p.m.)

The Board next considered an item contained in the Board Agenda, announcing the PC's approval of Public Facilities Application 2232-M15-24, noting that it met the criteria of character, location, and extent, as specified in Section 15.2-2232 of the Code of Virginia and is substantially in accord with the provisions of the adopted Comprehensive Plan. The application sought to construct a temporary fire and rescue station facility located at 6631 and 6637 South Street and 3023 Annandale Road, Falls Church, Tax Map: 50-4 ((21)) 1 & 2, and 50-4 ((1)) 5A, Area I.

36. **I-4 – NOTIFICATION OF THE CONTINUUM OF CARE PROGRAM FUNDING APPLICATION AND CERTIFICATION OF CONSISTENCY WITH THE CONSOLIDATED PLAN** (12:26 p.m.)

The Board next considered an item contained in the Board Agenda announcing that:

- The Office to Prevent and End Homelessness (OPEH) coordinated one Continuum of Care Program application on behalf of various County agencies as well as County non-profit organizations.
- The County applied for a total of 5 projects and non-profit organizations applied for a total of 20 projects. Anticipated grant funding awarded directly to the County is included in the Federal-State Grant Fund as part of the FY 2017 Adopted Budget Plan.
- Staff will process these awards administratively in accordance with Board policy. However, if the actual County grant awards received are significantly different from what is included in the FY 2017 Adopted Budget Plan, another item will be submitted to the Board requesting appropriation of grant funds.

37. **I-5 – FAIRFAX COUNTY TRANSPORTATION STATUS REPORT**
(12:27 p.m.)

The Board next considered an item contained in the Board Agenda regarding the Transportation Status Report.

DAL:dal

ADDITIONAL BOARD MATTERS

38. **REQUEST FOR RECOGNITIONS** (12:28 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to:

- Invite representatives from Dysautonomia International to appear before the Board on October 18, 2016, to receive a proclamation recognizing October 2016 as “*Dysautonomia Awareness Month*” in Fairfax County
- Invite representatives from Columbia Lighthouse to appear before the Board on October 18, 2016, to receive a proclamation recognizing October 8, 2016, as “*White Cane Day*” in Fairfax County
- Prepare and send a proclamation declaring September 2016 as “*Childhood Cancer Awareness Month*” in Fairfax County
- Prepare and send a proclamation declaring September 2016 as “*Blood Cancer Awareness Month*” in Fairfax County

- Prepare and send a proclamation declaring September 15, 2016, as “*Lymphoma Awareness Day*” in Fairfax County

Without objection, it was so ordered.

39. **CONCERNS ON PROPOSED TRUCK USAGE OF I-66 EXPRESS LANES OUTSIDE THE BELTWAY PROJECT** (12:29 p.m.)

In a joint Board Matter with Supervisor L. Smyth, Chairman Bulova said that on July 28, 2016, the Commonwealth Transportation Board (CTB) announced that the final Request for Proposal (RFP) for the Transform 66 Outside the Beltway Project would allow concessionaires to consider permitting trucks to use the I-66 Outside the Beltway Express Lanes. The proposed changes were included in the final RFP documents that were released on July 30, 2016, and also the Final RFP Addendum #1, dated August 19, 2016.

However, these proposed changes were not part of the previous versions of the RFP documents and the public did not have an opportunity to comment on the proposed changes prior to the release of the final RFP. Also, this topic was not included as part of the previous public meetings and hearings nor in the numerous meetings held with individual homeowner associations. In addition, the proposed changes have not been fully assessed to determine their impacts. The proposed changes differ from the assumptions applied to the various analyses performed for this project where heavy trucks were assumed not to be permitted in the I-66 Outside the Beltway Express Lanes. Concerns include noise and air quality impacts on adjacent communities, truck traffic using local roadways to access Express Lane ramps, and implications for toll rates.

On August 5, 2016, the Department of Transportation (DOT) submitted a letter expressing concerns about allowing truck usage of I-66 Express Lanes for Transforming I-66 Outside the Beltway Project to the Virginia Department of Transportation (VDOT). However, given the significance of this issue, Supervisor L. Smyth and Chairman Bulova requested that DOT staff prepare a letter for the Board to formally express concern about the proposed changes. The draft letter is included with the written Board Matter.

Therefore, Chairman Bulova moved that the Board approve the letter to Secretary of Transportation Aubrey Layne expressing the Board’s concern regarding this change. Supervisor L. Smyth seconded the motion.

Supervisor L. Smyth asked to amend the motion to also send a copy of the letter to members of the Virginia Delegation. This was accepted.

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

40. **REQUEST FOR STAFF TO REVIEW AND AMEND PARTS OF THE COMPREHENSIVE PLAN SUBJECT TO PROFFER LEGISLATION**
(12:33 p.m.)

Chairman Bulova said that Virginia Code, Section 15.2-2303.4 *Provisions Applicable to Certain Conditional Rezoning Proffers*, applies to certain rezoning and proffered condition amendment applications. Although this law applies to proffers, it may have an effect on crafting and implementing Comprehensive Plan recommendations that pertain to residential use in areas subject to the legislation. The Comprehensive Plan text should confirm that Plan guidance is not to be interpreted to suggest, request, or require particular proffers in areas subject to the legislation. The Board has already adopted a resolution to this effect, but it is also prudent to memorialize this in the text of the Plan itself. The Board may also want to amend the Comprehensive Plan to identify the 15 small area plans that are exempt from the provisions of the proffer legislation.

In addition, the Board may wish to amend the Comprehensive Plan to ensure that it has clearly delineated its transit-oriented development areas on the Comprehensive Plan map and in the associated Plan text. The Metrorail station in each of these areas is the hub of the transit-oriented development, and all of the planning recommendations in these areas flow from the presence of the stations. In limited areas, however, those boundaries may need to be adjusted in the Comprehensive Plan to fully reflect that intent.

Therefore, in an abundance of caution to ensure that these matters are clearly articulated in the Plan, Chairman Bulova moved that the Board authorize staff to undertake a Plan amendment to:

- Confirm that recommendations in the Comprehensive Plan are not a request for, requirement of, or suggestion of a proffer within areas subject to the proffer legislation.
- Identify those areas within the Comprehensive Plan that are exempt from the provisions of the legislation.
- Evaluate and update all relevant maps, text, and graphics in the Comprehensive Plan to show and describe certain small area plans as fully encompassing existing or planned Metrorail stations or as adjacent to Metrorail stations located in neighboring localities.

Supervisor L. Smyth seconded the motion.

Supervisor Cook suggested that staff review the Comprehensive Plan infrastructure assumptions and recommendations and a brief discussion ensued, with input from Fred Selden, Director, Department of Planning and Zoning.

With regard to the third bulleted item:

- Supervisor Foust asked that the Board continue discussions regarding one of the Metrorail stations
- Supervisor McKay raised a question regarding review of the revitalization districts, with input from Mr. Selden

Following additional discussion, regarding Comprehensive Plan infrastructure, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

41. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (12:45 p.m.)

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

42. **ECONOMIC ADVISORY COMMISSION (EAC) – ADDITIONAL MEMBERSHIP** (12:45 p.m.)

(BACs) In a joint Board Matter with Chairman Bulova, Supervisor Foust said that, on November 17, 2008, the Board reconstituted the EAC for the purpose of providing policy level recommendations to the Board on matters related to the development and expansion of the County's economy. The EAC has been meeting on a regular basis since it was reconstituted and, at various times, has formed subcommittees to aid in carrying out its mission.

In March 2011 the Board adopted the Economic Strategic Plan (Initial Plan), recommended by the EAC, and established an EAC Implementation Committee to, among other things, monitor and evaluate the County's efforts to implement that plan. While progress has been made under the Initial Plan, the EAC Implementation Committee concluded that it would be appropriate to revise and update the Initial Plan with a plan that was more comprehensive; more specific with respect to goals, objectives, and action items; and involved significantly more input from community and other stakeholders. In March 2015 the EAC recommended, and the Board adopted, the Strategic Plan for the Economic Success of the County (the Revised Plan).

Supervisor Foust said that, when the Board reconstituted the EAC in 2008, it specified how members of the Commission would be selected and subsequently made minor modifications. In addition to EAC members appointed by each Board Member, it identified numerous business groups, non-profits, and other organizations that it felt should be asked to appoint representative members. Based on experience over the past eight years, particularly the experience of County staff with respect to outreach efforts in connection with preparation and

implementation of the Revised Plan, it concluded that the work of the EAC would benefit by expanding EAC membership as described herein.

Since taking over as the EAC's chief staff liaison, Deputy County Executive Rob Stalzer has conducted extensive outreach efforts to numerous stakeholders in the private and public sectors. He has identified and worked with individuals who have the expertise and responsibility within their organizations for subject areas that are critical to continuing to move the economic strategy, planning, and implementation efforts forward. With the Board's approval, Supervisor Foust said that they would like to propose procedures for selecting additional members to serve on the EAC. These revised procedures, if approved, will take advantage of the knowledge and experience gained through outreach efforts.

Therefore, Supervisor Foust moved that:

- Membership on the EAC be supplemented by adding up to 20 additional members as recommended by the County Executive and confirmed by the Board
- Such members shall be subject to confirmation by the Board and each member's term shall be for three years commencing from the date of confirmation
- This change shall not affect the terms of any current members of the EAC

Chairman Bulova seconded the motion. Following discussion, regarding expansion of the EAC, the question was called on the motion and it carried by unanimous vote.

43. **TENTH ANNIVERSARY OF THE McLEAN PROJECT FOR THE ARTS (MPA)artfest (DRANESVILLE DISTRICT)** (12:54 p.m.)

Supervisor Foust said that on Sunday, October 2, 2016, from 10 a.m. until 5 p.m., the MPA will present its tenth annual community MPAartfest. This occasion transforms the McLean Central Park into a lively landscape of mini-art galleries, showcasing and offering for sale the work of a diverse group of over 50 juried artists and attracting nearly 5,000 visitors. Admission is free.

MPAartfest includes activities to captivate art-lovers of all ages. The Children's ArtWalk will display the work of youth artists from McLean area schools. In the Hands-On Art Studio, budding artists will have the opportunity to create their own artwork.

MPAartfest will again offer STEAM-based (Science, Technology, Engineering, Art and Mathematics) learning stations, including Art in Architecture and robotics activities.

Local entertainers will perform throughout the day and local restaurants will offer refreshments for sale.

This event connects art and the community within the beautiful setting of McLean Central Park. Supervisor Foust expressed his appreciation to MPA, its many volunteers, corporate and community sponsors, and other community volunteers for creating such an outstanding experience for the past ten years.

Therefore, Supervisor Foust asked unanimous consent that the Board direct the Office of Public Affairs to distribute information publicizing this event. Without objection, it was so ordered.

EBE:ebe

44. **SEARS AT FAIR OAKS MALL – REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING (SPRINGFIELD DISTRICT)** (12:55 p.m.)

Supervisor Herrity announced that the Sears store, which has long been an anchor tenant of Fair Oaks Mall, will be closing in the near future. Seritage Growth Properties, a Real Estate Investment Trust (REIT) which is responsible for recapturing Sears' retail spaces, has been working with staff to achieve this objective at Fair Oaks Mall. The intent is to repurpose the majority of the store as individual retail and restaurant oriented spaces with the existing car rental establishment and possibly the vehicle repair function to remain. To accomplish this transition as seamlessly as possible, it has been requested that the Board approve expedited and concurrent processing for the necessary special exception applications and site plans.

Therefore, Supervisor Herrity moved that the Board direct the:

- Director of the Zoning Evaluation Division, Department of Planning and Zoning, to expeditiously process the necessary special exceptions for a commercial recreation restaurant; a vehicle light service establishment; a vehicle rental establishment; and a waiver of certain sign regulations.
- Director of the Department of Public Works and Environmental Services to accept, for concurrent and simultaneous processing, any site plans, architectural drawings, or other materials as may be determined necessary to effectuate the necessary site improvements to support the repurposing of this space and its related parking and amenity areas.

This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor L. Smyth and Supervisor K. Smith jointly seconded the motion and it carried by unanimous vote.

45. **NORTHERN VIRGINIA TECHNOLOGY COUNCIL (NVTC) CELEBRATES ITS TWENTY-FIFTH ANNIVERSARY (SPRINGFIELD DISTRICT)** (12:57 p.m.)

Supervisor Herrity said that, 25 years ago, the NVTC was founded as a membership and trade association to focus on the needs and challenges of technology companies in the region. Today, NVTC is the largest technology council in the nation and serves over 1,000 companies and organizations and represents over 300,000 employees in the region. NVTC is the regional voice of technology, representing a diverse and thriving technology ecosystem, promoting innovation, and convening, educating, and advocating for the region's technology community.

Supervisor Herrity noted that NVTC provides unparalleled networking, branding and business development opportunities, the most relevant and timely content, influential policy advocacy, and promotion of the region as a global technology center. The association accelerates and promotes the region's innovation by connecting people, companies, and academic partners from across the technology landscape and showcasing the region's technology assets.

NVTC serves as the voice for Northern Virginia's technology community, working in partnership with State and local policymakers to advance a strong, innovative technology policy framework. Its legislative advocacy focuses on policies that are important to the Board, as well as the region, including positioning Virginia as a next-generation technology leader and top state for entrepreneurs, attracting companies to relocate and expand in the Commonwealth, boosting the Virginia technology workforce, and improving the existing infrastructure to support economic development. NVTC remains committed to playing an important role in our region, especially during recovery from tough economic times.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite NVTC president and CEO Bobbie Kilberg and NVTC officers to appear before the Board on October 18 to receive a resolution celebrating its twenty-fifth anniversary, recognizing its many accomplishments and importance to the region. Without objection, it was so ordered.

46. **RECOGNIZING ROBINSON SECONDARY SCHOOL TEACHER KELLE LYN SCOTT** (12:59 p.m.)

Supervisor Herrity congratulated Ms. Kelle Lyn Scott, one of 213 teachers nationwide to be recognized for the Presidential Award for Excellence in Mathematics and Science teaching and one of four teachers in Virginia to be recognized.

47. **PRESCRIPTION OPIOID AND HEROIN EPIDEMIC AWARENESS WEEK** (1 p.m.)

Supervisor Herrity said that President Obama declared this week “Prescription Opioid and Heroin Epidemic Awareness Week” and noted that there is a public health crisis regarding drug overdoses. Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to publicize this message to educate the community. Without objection, it was so ordered.

48. **REQUEST FOR CONCURRENT PROCESSING FOR WIEHLE STATION VENTURES LLC (HUNTER MILL DISTRICT)** (1 p.m.)

Supervisor Hudgins said that Wiehle Station Ventures LLC filed Rezoning Application RZ 2015-HM-013 and Special Exception Amendment Application SEA 94-H-049-02 for 1913 Association Drive, Reston, Tax Map 17-4 ((12)) Parcel 11B and 11D9 part and 17-4 ((33)) Parcel C, to develop a surface parking lot at Commerce Executive Park into a residential project to support the Wiehle-Reston East Station transit node. The development will introduce 260 multifamily apartment units on a non-essential parking lot and rezone an existing office condo building that will remain as is.

The applicant has requested to submit its site plan to the Department of Public Works and Environmental Services (DPWES) for concurrent review with the RZ/SEA applications.

Therefore, Supervisor Hudgins moved that the Board direct DPWES to accept the site plan and any other plans as may be necessary for concurrent and simultaneous processing in the name of Wiehle Stations Ventures LLC. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

49. **REQUEST TO PROCLAIM OCTOBER AS “BREAST CANCER AWARENESS MONTH” IN FAIRFAX COUNTY** (1:02 p.m.)

Supervisor Hudgins said that October is celebrated nationally as Breast Cancer Awareness Month and October 21 is recognized as National Mammography Day. Significant progress has been made against this devastating disease, and as a community, everyone needs to celebrate and embrace the survivors while continuing to encourage all women to be proactive for early detection through diagnosis and treatment. The National Breast Cancer Awareness Month’s web site lists extensive breast cancer resource material in both English and Spanish.

Supervisor Hudgins said that the community is fortunate to have caring individuals who are available both to support breast cancer patients and to provide mammography services for uninsured women of low income.

The Fairfax County Fire and Rescue Department (FRD) has worked with other community partners to raise awareness about breast cancer in the County for a long time. They utilized pink emergency vehicles and t-shirts as part of the awareness campaign and it has been quite effective.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct:

- Staff to invite representatives from the American Cancer Society and FRD to appear before the Board on October 18, 2016, to receive resolutions declaring October as “*Breast Cancer Awareness Month*” in Fairfax County.
- The Office of Public Affairs to obtain information for distribution to County employees and to issue a press release promoting the availability of breast cancer awareness information.

Without objection, it was so ordered.

50. **GREEN HEDGES SCHOOL CELEBRATES ITS SEVENTY-FIFTH ANNIVERSARY (HUNTER MILL DISTRICT)** (1:04 p.m.)

Supervisor Hudgins said that the 2016-2017 academic year marks the seventy-fifth anniversary of Green Hedges School in Vienna. The private school was founded in 1942 by Frances and Kenton Kilmer to provide a school offering a world-class liberal arts education.

The focus of Green Hedges is to “provide a school experience that emphasizes core academic subjects, world languages, the arts, and athletics while supporting the healthy intellectual, social, and emotional growth of the students.” From the first class of just 10 students, Green Hedges has grown to offer classes for first through eighth grades, along with preschool and kindergarten programs.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to prepare a certificate, with dual signatures, commemorating the seventy-fifth anniversary of Green Hedges School, for presentation at its anniversary celebration on September 26, 2016. Without objection, it was so ordered.

51. **THE RESTON CHORALE CELEBRATES ITS FIFTIETH ANNIVERSARY (HUNTER MILL DISTRICT)** (1:05 p.m.)

Supervisor Hudgins said that Reston Chorale, founded in the fall of 1966, has excited audiences with its musical excellence and versatility for 50 years. The Chorale was established to provide the community of Reston, western Fairfax County, and the greater Washington DC metropolitan area with the finest in choral music performance produced by amateur and professional musicians from

the community. The mission of the Reston Chorale is to promote community interest and participation in, and enjoyment of, choral music.

About one-third of its members live in Reston; another third live in nearby communities including Herndon, Oakton, and Vienna. The remaining Chorale members drive from as far away as Ashburn and Woodbridge.

Over its history, the Reston Chorale has provided the opportunity for local composers, musicians, singers, and audiences to participate in the creation of new music.

In March 2014, the Chorale presented the world premiere of Donald McCullough's *The Essential Life*, celebrating Robert E. Simon, Jr., and the community of Reston.

In 2004, the Chorale premiered a Julius Williams composition, *A Journey to Freedom, Honor and Glory*, celebrating the life of civil rights martyr Jonathan Daniels.

Therefore, Supervisor Hudgins asked unanimous consent that:

- The Board direct staff to prepare a resolution as an expression of its admiration and gratitude for Reston Chorale's outstanding community service and for enriching and inspiring the audiences fortunate to hear them.
- This resolution be presented to the President of the Board of Directors for Reston Chorale and appropriate Chorale members at the November 1 Board meeting.

Without objection, it was so ordered.

52. **ANNANDALE CHRISTIAN COMMUNITY FOR ACTION (ACCA)
CHILD DEVELOPMENT CENTER (MASON DISTRICT)** (1:07 p.m.)

Supervisor Gross said that the ACCA Child Development Center has been serving children and families in the Annandale area since 1967 and is currently operating under Special Exception Amendment Application SEA 79-M-121 for an alternate use of a public facility, in the former Annandale Elementary School, at 7200 Columbia Pike. With the closing of the Annandale Adult Day Program the ACCA Center is now the sole tenant of the building and would like to expand its program to accommodate additional children. The Center provides high quality early childhood education and care to children, ages three-months to six-years of age, in a safe, healthy and diverse environment. The Center serves families participating in the Child Care Assistance and Referral Program and is a long-time participant in the Virginia Preschool Initiative which provides early childhood education and comprehensive services to at-risk four-year-olds and

their families. ACCA also participates in Virginia's Quality Rating and Improvement System. The current SEA restricts the maximum number of children to be served on the site to a total of 188 children in two separate programs. ACCA would like to slightly increase the overall number of children and staff on the property and to revise the development conditions to more accurately reflect its anticipated program needs.

As the County is the owner of the former school site, it is necessary for the Board to concur in the filing of any application for the property.

Therefore, Supervisor Gross moved:

- That the Board concur in the filing of any and all necessary zoning applications/permits, including any necessary determination under Section 15.2-2232 of the Code of Virginia, to facilitate the expansion of the ACCA Child Development Center.
- As ACCA Child Development has a long and proven record of providing much needed services to at-risk children and their families in the Annandale community, and consequently provides a critical public service, that the Board direct the Director of the Zoning Evaluation Division, Department of Planning and Zoning, waive all fees associated with the SEA application to enable this organization to continue its public service to the community.

This motion should not be construed to prejudice substantive review of the application or as a favorable recommendation on any application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Related to this motion, and because of the significant need for affordable child development and school readiness programs in the Annandale area, Supervisor Gross further moved that the Board direct:

- The County Executive to consider funding additional slots for children in Fiscal Year 2018
- Staff to monitor funding throughout the year for any opportunities that may occur at Third Quarter to provide early childhood education for additional children in keeping with the Board's commitment to supporting children's school readiness and increasing access to and quality of care

Chairman Bulova seconded the motions.

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

53. **REQUEST TO PROCLAIM OCTOBER 2016 AS “CYBER SECURITY MONTH” IN FAIRFAX COUNTY** (1:10 p.m.)

Supervisor Gross said that security of cyberspace in personal and professional lives is a significant concern, even if threats are not always immediately visible. Care and attention must be taken to safeguard financial, telecommunication, healthcare, emergency response, and other essential infrastructures that are increasingly dependent on information technology systems. A coalition of private businesses, non-profits, governmental organizations, and academic institutions are working together to promote awareness of cyber threats and empower the public with safer and more secure online practices.

Therefore, Supervisor Gross asked unanimous consent that the Board:

- Proclaim October 2016 as “*Cyber Security Month*” in Fairfax County and direct staff to invite appropriate individuals to appear before the Board on October 18, to be presented with the proclamation.
- Direct the Office of Public Affairs to promote related resources and events, such as the Department of Information Technology’s Security Awareness Day event, to be held on October 21, 2016.

Without objection, it was so ordered.

54. **NAMING OF COUNTY FACILITIES** (1:12 p.m.)

Supervisor Gross, following up on a request from the Board earlier this year for a process to name County facilities, said that she and Supervisor Cook have done some research and offer the following information and recommendation for consideration:

The County government has no specific written policy for the County regarding the naming of buildings or public facilities. The Park Authority approved Policy 104 that provides “guidance and direction in naming and/or renaming Park Authority parks, facilities, or resource management areas.” The Library Board of Trustees adopted a policy in 2000 about naming buildings. Key language about naming of interior library spaces includes naming of a library area, such as a meeting room, for a corporation or individual, living or deceased, who has made a significant contribution to the library system or an individual library. The language goes on to state that a commemorative plaque may also be placed in a library to honor significant contributions of County citizens. The School Board has a detailed policy but makes clear that the final authority for determining a name lies with the School Board, with community input strongly encouraged. Both Schools and Parks indicate that naming facilities for persons actively working for the County or Schools shall not be considered.

Supervisor Gross and Supervisor Cook proposed a simple process for naming County facilities in the future. The chair of the relevant committee, if there is one, and the Supervisor in whose magisterial district the facility is located, would form a committee of two to review potential names for consideration by the Board. If the district Supervisor also is the relevant committee chairman, the Chairman of the Board would be the other naming committee member. Proposed names could have national, state, local, geographic, or historical significance. The public may be requested to provide input and suggestions. Currently, there are 244 public buildings and facilities maintained by the County bearing a variety of names and numbers. She added that they are not suggesting that every facility needs a specific, or new, name, but offer this simple process for the Board's consideration.

Discussion ensued regarding the naming of County buildings and the need for a process. This issue will be discussed at a later date at the Board's Procedures Committee meeting and the Committee may be asked for suggestions in naming the buildings.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide the status on the Board's request to name the Animal Shelter after former Sully District Supervisor Michael Frey. Without objection, it was so ordered.

DET:det

55. **INOVA MOUNT VERNON HOSPITAL CELEBRATES ITS FORTIETH ANNIVERSARY (MOUNT VERNON DISTRICT)** (1:21 p.m.)

Supervisor Storck said that Inova Mount Vernon Hospital first opened its doors on October 26, 1976, as a 76-bed hospital. Last year, the hospital employed more than 1,000 employees, 500 nurses, 530 active physicians, and 300 volunteers who treated patients in 11,117 inpatient admissions, 2,826 inpatient surgeries, 1,443 outpatient surgeries, and 42,437 emergency department visits. The health care industry is one of the fastest growing sectors of the economy both at the national level and, particularly, in the Mount Vernon District, not only with Inova Hospital but also with Fort Belvoir's state-of-the-art hospital facility as well.

The Inova Mount Vernon Hospital provides a broad range of surgical, medical, and critical care services including cardiac rehabilitation, behavioral health, oncology, emergency medicine, breast health, and dialysis care. The hospital is also home to the nationally recognized Inova Joint Replacement Center, Inova Rehabilitation Center (including its renowned stroke rehabilitation program), and Inova Wound Healing Center. Most importantly, for the past 40 years, Inova Mount Vernon has been providing state-of-the-art care to County residents. Inova Mount Vernon Hospital was ranked one of the best hospitals in the Washington, D.C., metropolitan area by US World News and Report and is an asset to the Mount Vernon District.

Therefore, Supervisor Storck asked unanimous consent that the Board:

- Offer its congratulations to Inova Mount Vernon Hospital
- Authorize a proclamation to be presented on Saturday, September 24, 2016, at the Fortieth Anniversary celebration hosted by the Mount Vernon and Lee Chamber of Commerce

Without objection, it was so ordered.

Supervisor McKay noted that several members of the Southeast Health Planning Task Force, which was instrumental in keeping Mount Vernon Hospital open, are in the area and expressed his hope that they could be invited to the celebration.

56. **INITIATE PLANNING AND LAND USE STUDY OF WORKHOUSE ROAD PROPERTIES (MOUNT VERNON DISTRICT)** (1:25 p.m.)

Supervisor Storck explained that his motion relates to Tax Map 106-4((I))29-38 and 55. The property includes approximately 18.6 acres and is located on what was previously known as Lorton Road and is now known as Workhouse Road. The development and use of this property has remained largely unchanged for decades, while the character of the surrounding area continues to evolve with the widening and improvement of Workhouse Road, the continued development of the Workhouse Arts Center, and the collective renaissance of the greater Lorton community.

Access to the properties in question is currently by direct driveway access to the widened and improved Workhouse Road. This arrangement is neither practical nor safe. Some reasonable re-development of the referenced properties could make for a more inviting transition into the broader Lorton community when considered alongside the Workhouse Arts Center improvements, Park Authority initiatives, and the other area planning efforts. Collectively, these changed circumstances form a legitimate basis for reevaluating the planned land uses for the properties.

Supervisor Storck said that his motion is to initiate the consideration of a Comprehensive Plan Amendment to evaluate the need for and substance of revised land use recommendations for these properties. It is not his intent to specify or direct a specific land use outcome but rather use the initiation of a planning process as a means to engage the collective stakeholders, including the property owners, the contract purchaser, neighboring communities, staff, and the South County Federation, to work together to assess the appropriateness of new Plan language for these strategically sited properties.

While not specifying a recommended residential density or outcome, he encouraged the process to identify density and land use patterns that generally serve as a transition from the Workhouse Arts Center to existing residential uses.

Therefore, Supervisor Storck moved that the Board authorize the consideration of an amendment to the Comprehensive Plan for Tax Map 106-4((1))29-38 and 55, at a density not to exceed 2-3 dwelling units per acre, which may be considered concurrently with a rezoning application for the subject property. This motion should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Chairman Bulova seconded the motion and it carried by unanimous vote.

57. **REQUEST FOR CONCURRENT PROCESSING FOR LORTON VALLEY III, LLC – REZONING APPLICATION RZ 2011-MV-033 (MOUNT VERNON DISTRICT)** (1:28 p.m.)

Supervisor Storck said that pending Rezoning Application RZ 2011-MV-033 is a request to develop 52 single family homes. The applicant has spent extensive time with the community and received a unanimous recommendation of approval by the South County Federation. A Planning Commission (PC) public hearing was held on September 14, 2016. There were no speakers at the public hearing and the PC unanimously recommended approval. In light of the recommendations of approval, the applicant has requested permission to begin concurrently processing of the necessary site plan.

Therefore, Supervisor Storck moved that the Board authorize the Department of Public Works and Environmental Services to concurrently process the site plan and other engineering approvals associated with this pending application. This motion should not be construed as a favorable recommendation by the Board or the PC on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Chairman Bulova seconded the motion and it carried by unanimous vote.

58. **RECOGNITION OF FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) SUPERINTENDENT KAREN GARZA** (1:30 p.m.)

In a joint Board Matter with Supervisor Storck, Supervisor K. Smith announced that Superintendent Karen Gaza is stepping down and referred to her written Board Matter outlining Ms. Garza's many accomplishments and contributions to the County.

Therefore, Supervisor Storck and Supervisor K. Smith asked unanimous consent that the Board direct staff to invite Ms. Garza to appear before the Board to be recognized for her outstanding and visionary contributions to the County. Without objection, it was so ordered.

59. **PROCLAIMING OCTOBER AS “DOMESTIC VIOLENCE AWARENESS MONTH” IN FAIRFAX COUNTY** (1:31 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Cook asked the Board to review the facts on domestic violence that were outlined in his written Board Matter.

Therefore, Supervisor Cook asked unanimous consent that the Board:

- Declare October as “*Domestic Violence Awareness Month*” in Fairfax County
- Direct staff to invite members of the Office for Women to appear before the Board on October 18 to be recognized for their efforts in working on this issue

Without objection, it was so ordered.

60. **CELEBRATING THE OAK HILL MANSION OPEN HOUSE (BRADDOCK DISTRICT)** (1:32 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Cook announced that, this Saturday, they were sponsoring Oak Hill Day and invited the Board to attend and celebrate the County’s history at the Oak Hill Mansion.

Therefore, Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs and the Park Authority to publicize this event. Without objection, it was so ordered.

61. **PROCLAIMING SEPTEMBER AS “SUICIDE PREVENTION MONTH” IN FAIRFAX COUNTY** (1:33 p.m.)

Supervisor Cook, noting the important statistical information contained in his written Board Matter regarding suicide prevention, asked unanimous consent that the Board proclaim September as “*Suicide Prevention Month*” in Fairfax County. Without objection, it was so ordered.

62. **REQUESTING ENDORSEMENT OF DIVERSION FIRST DEFINITION AND INCLUSION OF THIS DEFINITION IN POLICY** (1:33 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Cook said that in May 2015, the Board adopted a resolution to join the national "Stepping Up" initiative, which seeks to reduce the number of individuals with mental illness in County jails. By August of that same year, the County launched "Diversion First," an ambitious, local initiative that offers alternatives to incarceration for people with mental illness or developmental disabilities who come into contact with the

criminal justice system for low level offenses. People needing diversion may also have a substance use disorder, which often co-occurs with mental illness.

Since January 1, 2016, Diversion First has reached a number of important milestones in the County:

- The Merrifield Crisis Response Center became operational providing a mental health assessment site where patrol officers can bring individuals experiencing a possible mental health crisis.
- Crisis Intervention Team training for local law enforcement personnel has continued.
- Mental Health First Aid training has been implemented for magistrates, fire and rescue personnel, juvenile intake officers, and jail-based deputies.

Supervisor Cook noted that Diversion First is a multi-agency initiative reaching across not only the justice and law enforcement systems but also across the mental health and substance abuse service provision system. To more effectively implement and provide public outreach about this ambitious program, a shared definition of the effort was developed through a process that involved multiple stakeholders, including the public, the Diversion First Stakeholders Group, and the Diversion First Leadership Group.

Therefore, Supervisor Cook moved that the Board:

- Endorse the proposed Diversion First definition
- Direct the County Executive to ensure that the definition is incorporated in all policy documents, procedure manuals, publications, and web media

The definition is as follows:

- **Diversion First** offers alternatives to incarceration for people with mental illness or developmental disabilities who come into contact with the criminal justice system for low level offenses. The goal is to intercede whenever possible to provide assessment, treatment, or needed support. People needing diversion may also have a substance use disorder which often co-occurs with mental illness. Diversion First is designed to prevent repeat encounters with the criminal justice system, improve public safety, promote a healthier community, and is a more cost-effective and efficient use of public funding.

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

63. **GROUP HOME VISIT (BRADDOCK DISTRICT)** (1:36 p.m.)

Supervisor Cook announced that this past Sunday he attended a picnic at a group home in the Braddock District for individuals with intellectual disabilities who need significant medical attention. The residents of the home formerly resided at the Northern Virginia Training Center (NVTC).

He said he had the opportunity to meet some of the residents and talk with their families and staff. He noted that one family told him about the concerns they had had with the closure of NVTC and whether the significant medical needs of the residents could be provided in a community residential home setting. He added that had been a concern of the Board as well.

Supervisor Cook said he was told by this particular family that they were pleased with the responsiveness of the staff and the ability of the home to provide significant medical services. He said, as the Board had advocated, that this demonstrates that community-based residential homes can provide services for the most medically fragile citizens.

64. **INTRODUCTION OF A NEW STAFF MEMBER (MOUNT VERNON DISTRICT)** (1:39 p.m.)

Supervisor Storck introduced a new member of his staff, Mr. Theodore “Ted” Choi. Chairman Bulova warmly welcomed him to the Board Auditorium.

65. **BEHAVIORAL HEALTH CARE SERVICES** (1:39 p.m.)

In a joint Board Matter with Supervisor Hudgins, Supervisor McKay said that last spring the Board endorsed the Children’s Behavioral Health System of Care Blueprint, a comprehensive plan for improving access to and quality of care with a goal of serving youth in the community.

As a result of the lack of psychiatric beds, youth and adults too often are held in emergency departments for extended periods without receiving appropriate comprehensive psychiatric treatment. Inova Health Systems is proposing to help close this gap by converting two floors of the former Women’s and Children’s Hospital at Inova Fairfax to provide additional adolescent and adult psychiatric beds. To do this, it will initially need to obtain a Certificate of Public Need (COPN) from the Commonwealth of Virginia.

Supervisor McKay said that Inova’s initiative represents a major opportunity in efforts to improve the youth behavioral health system of care, prevent suicide, address the opioid crisis, and support individuals being served through Diversion First.

Therefore, Supervisor McKay moved that the Board:

- Endorse the letter contained in his written Board Matter
- Send it to the Virginia Department of Health in support of the Inova COPN

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

Supervisor McKay noted that the County School Board has also endorsed sending a similar letter of support.

66. **SEPTEMBER – ATTENDANCE AWARENESS MONTH** (1:41 p.m.)

In a joint Board Matter with Supervisor Hudgins, Supervisor McKay said that September is Attendance Awareness Month. Attached to his written Board Matter is information to share with the community about the importance of attending school regularly and its relationship to student health and well-being.

Therefore, Supervisor Hudgins and Supervisor McKay asked unanimous consent that the Board:

- Direct the Office of Public Affairs to continue to work with staff and the Schools to develop, refine, and implement strong messaging supporting regular school attendance
- Endorse this request
- Help share the messaging, not just in September, but throughout the school year

Without objection, it was so ordered.

67. **FIRST HAWK SIGNAL (LEE DISTRICT)** (1:42 p.m.)

Supervisor McKay said that last month Lee District welcomed the first High-Intensity Activated Crosswalk (HAWK) signal to the County and thanked Supervisor Gross for attending the event. He noted the overwhelming public and community support for this opportunity to upgrade pedestrian safety along the frontage of Lynbrook Elementary School.

Supervisor McKay publicly thanked the individuals, listed in his written Board Matter, from the Department of Transportation, the Department of Public Works and Environmental Services, Fairfax County Public Schools, and the Virginia Department of Transportation, who made the very first HAWK signal in the County possible.

Discussion ensued concerning other locations in the County that would benefit from HAWK signals.

68. **REQUEST FOR RECOGNITION OF MR. MICHEL MARGOSIS (LEE DISTRICT)** (1:47 p.m.)

Supervisor McKay, referring to his written Board Matter, announced that Mr. Michel Margosis will be stepping down from the Human Rights Commission and asked unanimous consent that the Board direct staff to invite Mr. Margosis to appear before the Board at a future meeting to recognize him for his many years of service on the Human Rights Commission. Without objection, it was so ordered.

69. **REQUEST FOR RECOGNITION OF MR. ED BATTEN (LEE DISTRICT)** (1:48 p.m.)

Supervisor McKay announced that Mr. Ed Batten, the long-time Lee District Representative on the Park Authority Board, is stepping down. From 2003 until this year, Mr. Batten was an instrumental part of the Park Authority and the County.

Supervisor McKay referred to his written Board Matter which outlined Mr. Batten's service and accomplishments to Lee District and the County.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Mr. Batten to appear before the Board for recognition on October 18 in honor of his many years of service to Lee District and the County. Without objection, it was so ordered.

70. **RECESS/CLOSED SESSION** (1:49 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. *Michael Evans v. Cigna Health and Life Insurance Company Health Insurance Plan and County of Fairfax*, Case No. CL-2016-0002267 (Fx. Co. Cir. Ct.)
2. Verizon, Virginia, Inc., Underpayment of Cable Franchise Fees and Coxcom, LLC, d/b/a Cox Communications Underpayment of Cable Franchise Fees and Public, Educational and Governmental Access Grants
3. *David J. Laux and Tara K. Laux a/k/a Tara K. Long v. Board of Supervisors of Fairfax County, James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and the Commonwealth of Virginia*, Record No. 16-1018 (Fourth Cir.) (Mason District)
4. *Cheri Zosh v. Fairfax County, Virginia*, Case No. 1:16cv910-AJT-JFA (E.D. Va.)
5. *Magaly Hernandez v. Fairfax County, Virginia*, Case No. 1:16cv502-AJT-MSN (E.D. Va.)
6. *Jeffrey Luster v. Jonathan D. Lowery, Universal Protection Service GP Inc., Universal Protection Service LLC, Taubman Centers Inc., Taubman Company LLC, and LT Fair Oaks LLC*, Case No. 1:15cv1622 (E.D. Va.)
7. *Lenir Richardson v. Officer O.J. Faulk, Officer D.N. Custer, Officer Rizza, Commonwealth of Attorney [sic], Sergeant Mario Torres*, Case No. 1:15cv1489 (E. D. Va.)
8. *Anthony D. Craft v. County of Fairfax, Virginia*, Case No. 1:16cv86 (E.D. Va.)
9. *Jonathan Clark and Carolyn Clark v. Fairfax County Board of Supervisors and Leslie B. Johnson, Zoning Administrator, and Jonathan Clark and Carolyn Clark v. Virginia Department of Housing and Community Development, State Building Code Technical Review Board and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia*, Record No. 161151 (Appeal to Va. Supreme Court) (Mason District)

10. *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.)
11. *Victor Vega v. Larry Collins, Fairfax County Board of Supervisors, Fairfax County Police Department, Fairfax County Department of Risk Management, and Colonel Edwin C. Roessler Jr.*, Case No. CL-2015-0017926 (Fx. Co. Cir. Ct.)
12. *Robert E. Snyder v. Jose Comayagua, Jr., Larry Stephens, David Davis, Jeff Coleman, Ronald Shillingburg, Thomas Wray, Steven P. Ma, Rickey G. Garrison, Clarinda Castillo-Radulfo, Donnie Cornwell, Jose Garcia, John Hanks, Remigio Isip, Jeffrey LeBlanc, Darwin R. Tipan, Jack Wynes, Emory H. Hutt, Jeffrey W. Stewart, James A. Taylor, Joseph Flood, Dale L. Willingham, John A. Peyton, Herb Frisbie, Joel Thompson, Bob Palmer, Mark Parsons, Gary S. Scales, Jeffrey R. Johnson, Vicente Lagunas Calderon, Allen F. Tritsch, Michael Flood, Rommel Custode, Philip D. Semahah, and David W. Valentine*, Case No. CL-2015-0007668 (Fx. Co. Cir. Ct.)
13. *Jason Portillo-Soriano v. The Cincinnati Casualty Company and County of Fairfax*, Case No. CL-2016-0011777 (Fx. Co. Cir. Ct.)
14. *Wilbur Morrison v. The Cincinnati Casualty Co, et al.*, Case No. CL-2016-0011776 (Fx. Co. Cir. Ct.)
15. *Vincent Dennis Randazzo, Administrator of Estate of Michael Vincent Randazzo v. Sandra Mauldin*, Case No. CL-2016-0009634 (Fx. Co. Cir. Ct.)
16. *Landmark Homeowners Association, Mark E. Fraser, and Deborah J. Fraser v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2016-0009836 (Fx. Co. Cir. Ct.) (Mason District)

17. *Salma Nazary and Karim Nazary v. Fairfax County Zoning and Planning Department*; Case No. CL-2016-006246 (Fx. Co. Cir. Ct.) (Springfield District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Dino Mitchell*, Case No. CL-2007-0008571 (Fx. Co. Cir. Ct.) (Providence District)
19. *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)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lloyd G. Strickland*, Case No. CL-2016-0008753 (Fx. Co. Cir. Ct.) (Springfield District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Marisol Ferrel*, Case No. CL-2016-0005993 (Fx. Co. Cir. Ct.) (Providence District)
22. *Board of Supervisors of Fairfax County and James W. Patteson, Director of the Fairfax County Department of Public Works and Environmental Services v. Nirmaladevi Jayanthan and Jayanthan Balasubram, a/k/a Balasubram Jayanthan, Jayanthan Bala, Bala Jayanthan, and Jay Bala*, Case No. CL-2015-0008179 (Fx. Co. Cir. Ct.) (Dranesville District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. A. Brian Bartlett*, Case No. CL-2015-0011709 (Fx. Co. Cir. Ct.) (Providence District)
24. *Tournament Drive, LLC, and Mehdi Rofougaran v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2016-0006677 (Fx. Co. Cir. Ct.) (Mason District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B.*

- Johnson, Fairfax County Zoning Administrator v. Muhsin Sislioglu*, Case No. CL-2016-0005751 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chom Sun Cholihan*, Case No. CL-2013-0012453 (Fx. Co. Cir. Ct.) (Sully District)
27. In Re: January 13, 2016, Decision of the Board of Zoning Appeals of Fairfax County, Case No. 2016-0002178 (Fx. Co. Cir. Ct.) (Hunter Mill District)
28. *David J. Laux and Tara K. Laux, a/k/a Tara K. Long v. James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and Brian J. Foley, Fairfax County Building Official*, Case No. CL-2016-0009340 (Fx. Co. Cir. Ct.) (Mason District)
29. *Board of Supervisors of Fairfax County, Virginia, James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and Fairfax County Park Authority v. James G. Lowe and Teresa L. Lowe*, Case No. CL-2016-0010771 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Manoj Kumar Ramnani, Ria Ramnani, and Apex Custom Pools LLC*, Case No. CL-2016-0012298 (Fx. Co. Cir. Ct.) (Springfield District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Laretta Marshall*, Case No. CL-2016-0010299 (Fx. Co. Cir. Ct.) (Springfield District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Stuart E. Supinger and Judy C. Supinger*, Case No. CL-2016-0011132 (Fx. Co. Cir. Ct.) (Sully District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Abas Corporation and A. Matthew Bastani*, Case

No. CL-2016-0011631 (Fx. Co. Cir. Ct.)
(Providence District)

34. *Eric Todd Demoulin v. Detective Stephen M. Augustine*, Case No. GV16-014622 (Fx. Co. Gen. Dist. Ct.)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yao Yuan*, Case No. GV16-014483 (Fx. Co. Gen. Dist. Ct.) (Sully District)
36. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Peter S. Trent*, Case No(s). GV16-011344 and GV16-011345 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thomas F. Lepore and Rosemary J. Lepore*, Case Nos. GV16-011656 and GV16-011657 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
38. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jungghi Weiss*, Case No. GV16-011658 (Fx. Co. Gen. Dist. Ct.) (Sully District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory Miklasiewicz*, Case Nos. GV16-011091 and GV16-011092 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
40. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Janice T. McCallum*, Case Nos. GV16-004924 and GV16-011655 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
41. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. LaHoussaine Amajoud and Fatima Amajoud*, Case Nos. GV16-011297, GV16-011298, GV16-011299, GV16-011338, and GV16-011339 (Fx. Co. Gen. Dist. Ct.) (Lee District)

42. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Maria Mateus and Sareena Corporation*, Case No(s). GV16-012825 and GV16-012826 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
43. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Harry M. Studds*, Case No. GV16-006124 (Fx. Co. Gen. Dist. Ct.); *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harry M. Studds*, Case No. GV16-006125 (Lee District)
44. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Charles Brennt*, Case No. GV16-015089-00 (Fx. Co. Gen. Dist. Ct.) (Mason District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wallace K. Hsueh and Victoria S. Hsueh*, Case No. GV16-017406 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mohammad Y. Sikder*, Case No. GV16-017407 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sandy Ying-Tang Cheng and Yuk Yee Cheng*, Case Nos. GV-16-011340, GV16-011341, GV16-011342, and GV16-011343 (Fx. Co. Gen. Dist. Ct.) (Lee District)
48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Larry M. Kirkpatrick*, Case Nos. GV16-012827 and GV16-012828 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
49. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Deutsche Bank Trust Company Americas*, Case No. GV16-017138 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

And in addition:

- *Gerard Morrison, et al. v. County of Fairfax, Virginia*, United States District Court for the Eastern District of Virginia Case No. 1:14-cv-00005
- Acquisition and Exchange of Real Property in the Mason District

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

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At 3:58 p.m., the Board reconvened in the Board Auditorium with all Members being present and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

71. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:58 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Foust and Chairman Bulova 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."

72. **DENIAL OF CLAIM OF JAMES EVANS AND JOANNA LHULIER** (3:59 p.m.)

Supervisor Gross moved that the Board deny the claim of John Evans and Joanna Lhulier in accordance with the terms and conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Cook voting "NAY."

73. **AUTHORIZATION FOR ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN THE MASON DISTRICT** (4 p.m.)

Supervisor Gross moved that the Board authorize the acquisition of certain real property located in the Mason District of Fairfax County, Virginia, and related necessary actions based on the terms and conditions as outlined in closed session. Chairman Bulova seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY."

74. **AUTHORIZATION TO FILE A LAWSUIT AGAINST VERIZON VIRGINIA, INCORPORATED AND COXCOM D/B/A COX COMMUNICATIONS NORTHERN VIRGINIA** (4 p.m.)

Supervisor L. Smyth moved that the Board authorize the filing of a lawsuit against Verizon Virginia, Incorporated, for underpayment of cable franchise fees, and a lawsuit against Coxcom, LLC, d/b/a Cox Communications Northern Virginia, for underpayment of cable franchise fees, and public, educational, and government access grants, as outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

75. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-MV-019 (CHARLES COUNTY SAND AND GRAVEL COMPANY) (MOUNT VERNON DISTRICT)** (4:02 p.m.)

(NOTE: On July 26, 2016, the Board deferred this public hearing until September 20, 2016.)

The application property is located at 9520 Gunston Cove Road, Lorton, 22079, Tax Map 107-4 ((1)) 62A (part).

Mr. Grayson P. Hanes reaffirmed the validity of the affidavit for the record.

Mary Ann Tsai, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Hanes 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.

William Childs, President and CEO, Chaney Enterprises, gave a presentation.

Following the public hearing, which included testimony by four speakers, Mr. Hanes presented rebuttal.

Ms. Tsai presented the staff and Planning Commission recommendations.

Following comments, Supervisor Storck moved to defer decision on Special Exception Application SE 2015-MV-019 until October 18, 2016, while keeping the record open to receive written comments. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

76. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-S-027-08 (MACS RETAIL LLC) (SULLY DISTRICT)** (4:50 p.m.)

(O) The application property is located in the northeast quadrant of the intersection of Westfields Boulevard and Sequoia Farms Drive, Tax Map 44-3 ((7)) B3 (part).

Ms. Sara V. Mariska reaffirmed the validity of the affidavit for the record.

Carmen Bishop, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

Following the public hearing, which included testimony by one speaker, Ms. Mariska presented rebuttal.

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

Supervisor K. Smith moved approval of:

- Proffered Condition Amendment Application PCA 84-S-027-08, subject to the proffers dated August 3, 2016.
- Modifications and waivers dated September 20, 2016, as follows:
 - Reaffirmation of the modification of the transitional screening and barrier requirements of Sections 13-303 and 304 of the Zoning Ordinance in favor of existing landscaped vegetation.
 - Waiver of the loading space requirement of Section 11-200 of the Zoning Ordinance for the Final Development Plan Amendment (FDPA) area, as conditioned.
 - Approval of a modification of the open space requirement for the FDPA area, pursuant to Section 6-110 of the Zoning Ordinance for the FDPA area to permit 13 percent in lieu of 20 percent, with the overall open space for the shopping center remaining at 20 percent.

Chairman Bulova and Supervisor Herrity jointly seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor Hudgins, Supervisor McKay, and Supervisor L. Smyth being out of the room.

(NOTE: On September 14, 2016, the PC approved FDPA 84-S-027-06, subject to the development conditions dated August 30, 2016, with a modification to development condition #15 as follows: "Loading for the quick service food store will take place from the west side of the gas station canopy. All loading and fuel deliveries shall take place during off-peak hours, and shall not occur from 6 a.m. to 9 a.m. or from 4 p.m. to 9 p.m.")

77. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-L-065 (DOGWOOD PETROLEUM REALTY, LLC) (MOUNT VERNON DISTRICT)** (4:59 p.m.)

The application property is located at 8071 Alban Road, Springfield, Tax Map 99-1 ((17)) 3.

Ms. Sara V. Mariska reaffirmed the validity of the affidavit for the record.

Angelica Gonzalez, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

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

Following a query by Supervisor Storck, Ms. Mariska confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated August 4, 2016.

Supervisor Storck moved:

- Approval of Special Exception Amendment Application SEA 97-L-065, subject to the development conditions dated August 4, 2016.
- Modification of Section 2-414 of the Zoning Ordinance requiring that commercial buildings be located 75 feet from an interstate right-of-way to permit the building to remain at approximately 58 feet.

Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor K. Smith and Supervisor L. Smyth being out of the room.

78. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA B-715 (L & F BOCK FARM LLC) (MOUNT VERNON DISTRICT)**

AND

PH ON REZONING APPLICATION RZ 2015-MV-015 (L & F BOCK FARM LLC) (MOUNT VERNON DISTRICT)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2015-MV-030 (L & F BOCK FARM LLC) (MOUNT VERNON DISTRICT) (5:05 p.m.)

The applications property is located approximately 0.1 mile southwest of the intersection of Hinson Farm Road and Parkers Lane, Tax Map 102-1 ((1)) 3C (part).

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Laura Arseneau, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

Following the public hearing, which included testimony by seven speakers, Mr. Riegle presented rebuttal.

Supervisor Foust raised a question regarding a park contribution; discussion ensued with input from Mr. Riegle.

Ms. Arseneau presented the staff and Planning Commission recommendations.

Following comments, Supervisor Storck moved to defer decision on Proffered Condition Amendment Application PCA-B-715, Rezoning Application RZ 2015-MV-015, and Special Exception Application SE 2015-MV-030 until October 18, 2016. Chairman Bulova seconded the motion and it carried by unanimous vote.

79. **3:30 P.M. – PH ON REZONNG APPLICATION RZ 2016-MV-008 (JRLAND, LLC) (MOUNT VERNON DISTRICT)** (5:47 p.m.)

- (O) The application property is located on the north side of Mims Street, approximately 800 feet northwest of its intersection with Richmond Highway, Tax Map 113-2 ((1)) 18 (part).

Mr. Peter L. Rinek reaffirmed the validity of the affidavit for the record.

William Mayland, Assistant Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

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

Supervisor Storck moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2016-MV-008, from the R-1 District to the I-6 District, to correct a mapping error. Supervisor Herrity 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.”

Supervisor Gross raised a question regarding the process for correcting anomalies, with input from Barbara Berlin, Director, ZED, DPZ.

80. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-C-054-02/CDPA 86-C-054 (GENERAL DYNAMICS CORPORATION) (HUNTER MILL DISTRICT)** (5:55 p.m.)

- (O) The application property is located on the south side of Sunset Hills Road, north of Dulles Airport Access Road and west of Hunter Mill Road, Tax Map 18-3 ((1)) 11 B1.

Mr. Mark Looney reaffirmed the validity of the affidavit for the record.

Mary Ann Tsai, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

Following the public hearing, Supervisor Hudgins submitted items for the record.

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

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA 86-C-054-02 and Conceptual Development Plan Amendment Application CDPA 86-C-054 subject to the proffers dated August 30, 2016.
- Modification of Paragraph 3 of Section 10-104 of the Zoning Ordinance to permit an increase in fence height up to 10 feet.
- Modification of Paragraph 15 of Section 11-202 of the Zoning Ordinance to permit a reduction in the number of required loading spaces from five to two spaces.
- Modification of Section 13-304 of the Zoning Ordinance to permit a security fence in lieu of the barrier requirement.
- Approval and concurrence with the Director of the Department of Public Works and Environmental Services' determination that, pursuant to Paragraph 1, Section 11-101 of the Zoning Ordinance, 250 parking spaces for both Phases 1 and 2 of the development are adequate, subject to the proffers dated August 30, 2016.

Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting "AYE," Supervisor McKay and Supervisor Storck being out of the room.

(NOTE: On September 14, 2016, the PC approved Final Development Plan Amendment Application FDPA 86-C-054-02-01, subject to the proposed FDPA condition dated August 31, 2016.)

81. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING SHAPE FACTOR IN THE R-C DISTRICT, INCREASE IN RESIDENTIAL BUILDING HEIGHT; AND MINOR LOT LINE ADJUSTMENTS** (6:12 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 September 2 and September 9, 2016.

Lorrie Kirst, Senior Deputy Zoning Administrator, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by seven speakers, Ms. Kirst presented the staff and Planning Commission (PC) recommendation.

Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding shape factor in the R-C District; increase in residential building height; and minor lot line adjustments, with an effective date of 12:01 a.m. on the day following adoption, and as recommended by the PC. Specifically, the amendment:

- Creates a proposed maximum by-right shape factor in the R-C District of 35, an increase in the maximum shape factor in the R-C District can be approved by the Board with special exception approval of 65.
- Allows the Board more flexibility in its consideration of a special exception to increase the shape factor in the R-C District to also include the preservation and/or minimization of the impacts on existing vegetation, topography, historic resources and/or other environmental features. This language is recommended by the PC and contained in Paragraph 1 of Section 9-626 on Page 5 of the September 20, 2016, proposed amendment.
- Increases the maximum building height in the R-C, R-E, and R-1 Districts from 35 to 40 feet when there is a minimum required yard of 50 feet from all lot lines for any dwelling with a building height greater than 35 feet.
- Revises the minor lot line adjustment provisions in Section 2-405 as advertised and as recommended by the PC.

Because the proposed shape factor component of the amendment would only impact new lots in the R-C District that are 5 acres or more in size and do not require subdivision approval under the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions), Supervisor K. Smith further moved:

- That lots in the R-C District, that have been recorded in the Fairfax County land records on or before the effective date of the amendment, be grandfathered from the shape factor requirement.

With regard to the shape factor amendment, Supervisor K. Smith additionally moved that the PC recommendation be amended to:

- Increase the proposed maximum by-right shape factor in the R-C District from 35 to 60, and increase the maximum shape factor in the R-C District that can be approved by the Board with special exception approval from 65 to 100. These changes are reflected in

Paragraph 3 of Section 2-401 and Paragraph 1 of Section 9-626, which are reflected on Pages 2 and 5 respectively of the revised text dated September 20, 2016, which was distributed around the dais.

Supervisor Herrity and Supervisor Storck jointly seconded the motions.

Following discussion regarding the motion, Supervisor L. Smyth moved to amend the motion concerning the increase in the maximum residential building height, to delete the R-1 District. Therefore, the motion would be:

- Increase the maximum height in R-C and R-E Districts from 35 to 40 feet when there is a minimum required yard of 50 feet from all lot lines for any dwelling with a building height greater than 35 feet.

Supervisor Gross seconded the motion. Discussion ensued, with input from Ms. Kirst and Leslie Johnson, Zoning Administrator, DPZ, regarding:

- The proposed amendment
- Setback issues
- The methodology for determining building heights
- Whether staff considered establishing a minimum lot size in R-1 Districts for the increase in heights
- The need for discussion at a future Development Process Committee meeting regarding building height in the R-1 District

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to add the R-1 issue to the agenda of a future meeting of the Board's Development Process Committee. Following discussion, with input from Ms. Johnson, without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova clarified that Supervisor K. Smith has moved the PC recommendation with an amendment to the shape factor and Supervisor L. Smyth has moved an amendment to remove the R-1 District from the height factor with the understanding that it be discussed at a future Development Process Committee meeting.

Following discussion, the question was called on the amendment to remove R-1 from the third bulleted item of the main 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.”

Chairman Bulova clarified that the motion is now on the main motion, which is the PC recommendation, with the first bulleted item amended.

Following a brief discussion, with input from Ms. Johnson, Chairman Bulova, noting that the motion was read incorrectly due to a typographical error, clarified that the amendment increases the shape factor in the R-C District from 35 to 60 by right and up to 100 that can be approved by the Board with special exception.

The question was called on the main motion, as amended and clarified, 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.”

82. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2013-CW-8CP, 2015 HERITAGE RESOURCES PLAN UPDATE** (7:07 p.m.)

Stephanie Goodrich, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Gross moved approval of Plan Amendment 2013-CW-8CP, as recommended by the PC, and found in Appendix 1 of the Staff Report dated June 23, 2016. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

83. **BOARD ADJOURNMENT** (7:12 p.m.)

The Board adjourned.

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