



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
December 2, 2014**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, December 2, 2014, at 9:36 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:36 a.m.)

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. Michael Ranney, who died last week. He was a co-founder of the Great American Restaurants chain, which is truly a Northern Virginia and Fairfax County institution. His dedication to the community, both in service and through his restaurants, is unparalleled and he will be greatly missed. Supervisor Herrity also asked to keep the entire Great American Restaurant family in thoughts.

Supervisor McKay announced that the Board was scheduled to recognize Mr. Leon Plenty this morning for his years of service to the County. Unfortunately Mr. Plenty was in a minor car accident yesterday and is at home recovering, so the Board will recognize him at a future Board meeting. He asked everyone to keep Mr. Plenty in thoughts and wished him a full recovery.

Supervisor Gross asked everyone to keep in thoughts County Circuit Court Judge Terry Ney, who died recently. She asked the County Attorney to provide more details.

AGENDA ITEMS2. **RECOGNITION OF COUNTY EMPLOYERS SELECTED AS “BEST WORKPLACES FOR COMMUTERS”** (9:39 a.m.)

Philip Winters, Director, Transportation Demand Management Program Center for Urban Transportation Research, University of South Florida, recognized County employers who were selected as “Best Workplaces for Commuters” by the County’s Department of Transportation and the University’s National Center for Transit Research.

Mr. Winters and Chairman Bulova presented awards to the following employers that have met the national standard of excellence for offering commuter benefits to their employees:

- Navy Federal Credit Union
- Northrop Grumman
- Volume Integration
- Innovative Workflow/ Virpack
- Russ Reid

- Interstate Moving/ Relocation/ Logistics
- XLA
- AFCEA International
- Alzheimer's Association

3. **RESOLUTION OF RECOGNITION PRESENTED TO MR. JERRY FREEAR**
(9:46 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Mr. Jerry Freear for 38 years of distinguished and exceptional service to the County. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO DR. ROBERT G. TEMPLIN, JR. (SPRINGFIELD AND SULLY DISTRICTS)** (9:58 a.m.)

Supervisor Cook moved approval of the Resolution of Recognition presented to Dr. Robert Templin for his noteworthy and outstanding leadership as the president of Northern Virginia Community College. Supervisor Gross seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO FRANKLIN SHERMAN ELEMENTARY SCHOOL (DRANESVILLE DISTRICT)** (10:19 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition congratulating Franklin Sherman Elementary School for its one-hundredth anniversary and educational excellence. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Smyth being out of the room.

6. **RESOLUTION OF RECOGNITION PRESENTED TO MS. TERESA JOHNSON (SPRINGFIELD AND SULLY DISTRICTS)** (10:24 a.m.)

Jointly with Supervisor Frey, Supervisor Herrity moved approval of the Resolution of Recognition presented to Teresa Johnson, principal of Chantilly High School, for being named the 2014 Journalism Education Association Administrator of the Year. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO CENTREVILLE, CHANTILLY, AND WESTFIELD HIGH SCHOOLS** (10:29 a.m.)

Supervisor Frey moved approval of the Certificates of Recognition presented to Centreville, Chantilly, and Westfield High Schools for the noteworthy cooperation of its staff, in providing assistance to facilitate the Police Department with the

active-shooter training drills conducted for its officers. Supervisor Cook and Supervisor Gross jointly seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor McKay, and Supervisor Smyth being out of the room.

8. **RESOLUTION OF RECOGNITION PRESENTED TO THE WOMEN'S CENTER OF NORTHERN VIRGINIA (HUNTER MILL DISTRICT)**
(10:38 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition congratulating The Women's Center of Northern Virginia for its fortieth anniversary and service in the community. Supervisor Hyland seconded the motion and it carried by unanimous vote.

9. **10:30 A.M. – PRESENTATION OF THE 2013 TRANSPORTATION ADVISORY COMMISSION (TAC) TRANSPORTATION ACHIEVEMENT AWARD** (10:44 a.m.)

Jeffrey M. Parnes, Chair, TAC, presented the 2013 TAC Transportation Achievement Award to:

- Jane Rosenbaum, Senior Transportation Planner, Department of Transportation

10. **10:35 A.M. – BOARD ADOPTION OF THE 2015 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY, APPROVAL OF THE COUNTY'S 114TH CONGRESS FEDERAL LEGISLATIVE STRATEGY, AND ADOPTION OF PRINCIPLES FOR FEDERAL LEGISLATION FOR THE 114TH CONGRESS** (10:53 a.m.)

Supervisor McKay, Chair of the Board's Legislative Committee, announced that the Board will be adopting the County's state and federal legislative program. He said there were a number of changes and minor adjustments to the program which were made available online yesterday and a copy is in Board Members' red folders at the dais.

After an opening statement regarding the key priorities of the 2015 State Legislative Program and Human Services Issue Paper, Supervisor McKay announced one addition to the Program, increased State support for public libraries, which was discussed at last Tuesday's Legislative Committee, and is included in the draft Program.

Supervisor McKay also briefly highlighted the County's Federal Strategy and Principles.

Supervisor McKay moved adoption of the 2015 Legislative Program and Human Services Issue Paper. Supervisor Hudgins and Chairman Bulova jointly seconded the motion.

Supervisor Hudgins noted that legislation on transit benefits may be considered by congress soon. She stated that it is an important benefit for ridership and the Metro system. Supervisor McKay mentioned the Board's recent letter to the congressional delegation on the topic.

Chairman Bulova noted that, later in the meeting at the appropriate time, the Board will be considering Action Item A-3, regarding the Virginia Railway Express (VRE) budget, which is also affected by the transit subsidy.

Supervisor Herrity thanked Supervisor McKay and legislative staff for their work and stated he was happy to see language supporting funding for unaccompanied minors, and raising awareness on heroin, in addition to a few other issues.

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

Supervisor McKay moved adoption of the 114th Congressional Federal Funding Strategy and the Principles for Federal Legislation in the 114th Congress. Chairman Bulova seconded the motion and it carried by unanimous vote.

Supervisor McKay thanked legislative staff for their work and reminded the Board that the annual work session will be held on Tuesday, December 9, at 3:30 p.m. at the Government Center, following a reception at 3 p.m.

A brief discussion ensued, with input from Claudio Arko, Legislative Director, who announced that the public hearing before the Fairfax Delegation to the General Assembly will be held on Saturday, January 10, 2015, at 9 a.m. County residents who wish to present testimony can call the Office of the Clerk to the Board at 703-324-3151 to register.

(NOTE: Later in the meeting, the Board took action regarding the VRE Budget. See Clerk's Summary Item #15.)

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11. **10:40 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:04 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 December 2, 2014," as distributed around the dais. Supervisor Foust seconded the motion.

Supervisor Gross announced that Janet R. Hall, Mason District Representative to the Planning Commission will be retiring on December 31, 2014, and moved to amend the motion to appoint Ms. Julie M. Strandlie as the Mason District Representative, effective January 1, 2015. This was accepted.

Supervisor Hyland asked to amend the motion to defer the appointment of the At-Large #1 Representative to the Wetlands Board, and this was accepted.

Supervisor Foust clarified that Richard C. Sullivan, Jr., Dranesville District representative to the Park Authority Board will be leaving on December 11, 2014, and asked to amend the motion to appoint The Honorable Grace H. Wolf as the Dranesville District Representative, effective December 12, 2014. This was accepted.

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

Appointments are as follows:

ADVISORY SOCIAL SERVICES BOARD

Appointment of:

- Ms. Margaret E. (Maggie) Osborne as the Lee District Representative

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder (Single Family) and Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Reappointment of:

- Ms. Frieda A. Tatem as the At-Large #1 Representative

ATHLETIC COUNCIL

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Lee District Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

The Board deferred the appointment of the Alternate #2 Representative.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

The Board deferred the appointment of At-Large #1 and Professional #6 Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Sully District Representative.

CHILD CARE ADVISORY COUNCIL

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

CITIZEN CORPS COUNCIL

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

COMMISSION FOR WOMEN

The Board deferred the appointment of the Braddock District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

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

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Confirmation of:

- Ms. Glendy Bowman as the Head Start Fairfax County Representative

ECONOMIC ADVISORY COMMISSION

Reappointment of:

- Mr. Frank McDermott as the At-Large #4 Chairman's Land Use Representative

- Mr. Denton Kent as the At-Large Chairman's #2 Representative
- Mr. Alfred Thieme, Jr. as the Mason District Representative
- Mr. John H. Thillmann as the Sully District Representative

The Board deferred the appointment of the Lee District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Reappointment of:

- Mr. Timothy Lavelle as the At-Large #2 Business Community Representative
- Ms. Leeann Alberts as the At-Large Chairman's Representative

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Lucinda Shannon as a Long Term Care Providers Representative
- Mr. Donald J. Kissinger, Jr. as the Disabilities Services Board Representative

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Ms. Molly Long as the Braddock District Representative

(Nomination was announced on November 18, 2014.)

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Consumer #4 and #6, and the Provider #1 Representatives.

HISTORY COMMISSION

The Board deferred the appointment of the At-Large #2 and Citizen #10 Representatives.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Lee District #1 Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Reappointment of:

- Ms. Susan Hoffman as the Mason District Representative

The Board deferred the appointment of the Springfield District Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Braddock District Representative.

LIBRARY BOARD

Appointment of:

- Mr. Darren T. Ewing as the Dranesville District Representative

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

PARK AUTHORITY

Appointment of:

- Honorable Grace H. Wolf as the Dranesville District Representative

(NOTE: Appointment will be effective December 12, 2014.)

PLANNING COMMISSION

Appointment of:

- Ms. Julie M. Strandlie as the Mason District Representative

(NOTE: Appointment will be effective January 1, 2015.)

ROAD VIEWERS BOARD

Reappointment of:

- Mr. John W. Ewing as the At-Large #2 Representative

The Board deferred the appointment of the At-Large #1, #4, and #5 Representatives.

SMALL BUSINESS COMMISSION

Appointment of:

- Marcantonio W. Barnes as the Springfield District Representative

The Board deferred the appointment of the At-Large #1, Braddock, and Dranesville District Representatives.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #5 Representative.

TENANT LANDLORD COMMISSION

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

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the Mason District Representative.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Providence District Representative.

WETLANDS BOARD

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

DET:det

12. **ADMINISTRATIVE ITEMS** (11:06 a.m.)

Supervisor Gross moved approval of the Administrative Items which included a revision to Admin 7 - Authorization to Advertise Public Hearings on a Proposed Amendment to the Public Facilities Manual (PFM) Regarding Storm Drainage Pro Rata Share Provisions, Chapter 6 (Storm Drainage), and Proposed Revisions to the Pro Rata Share Agreement Form, which had been distributed. Discussion ensued concerning the revision, with input from Craig A. Carinci, Director, Office of Stormwater Planning, Stormwater and Wastewater Programs, Department of Public Works and Environmental Services (DPWES), concerning the revision which entailed missing pages.

Supervisor Herrity called the Board's attention to Admin 10 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Public Facilities Manual (PFM), and The Code of The County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance), Regarding As-Built Requirements, regarding the locating of trails, both horizontally and vertically, bus shelters, and pedestrian bridges, and the purpose of, as they relate to cost and time, with input from Jan Shaw Leavitt, Engineer IV, Site Code Research and Development Branch, Land Development Services, DPWES, regarding requirements for the above.

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

ADMIN 1 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE AN AMENDMENT TO THE AGREEMENT FOR THE SALE, DELIVERY, AND USE OF RECLAIMED WATER BETWEEN COVANTA FAIRFAX, INCORPORATED, (COLLECTIVELY, “COVANTA”) AND THE COUNTY

Authorized the County Executive to execute an amendment to the Water Reuse Agreement between the County and Covanta.

ADMIN 2 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE AND PROVIDENCE DISTRICTS)

- Endorsed the following traffic calming measures:
 - One Speed Hump on Randolph Road (Dranesville District)
 - One Speed Hump and one Raised Crosswalk on Blake Lane (Providence District)

- Directed staff to schedule the 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 G, TO EXPAND THE WEST FALLS CHURCH RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 2 (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 13, 2015, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the West Falls Church RPPD, District 2 (Dranesville District). The proposed District expansion includes Grayson Place, from Berkeley Street south to the end, excluding areas abutting the Washington Metropolitan Area Transit Authority (WMATA) substation property.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE DUNN LORING RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 3 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 13, 2015, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Dunn Loring RPPD, District 3 (Providence District). The proposed District expansion includes Cottage Street, from Gallows Road to Drexel Street.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO ESTABLISH PARKING RESTRICTIONS ON DALY DRIVE (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 13, 2015, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix R, establishing parking restrictions on Daly Drive (Route 7682) (Sully District).

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF IMPROVEMENTS AT THE INTERSECTION OF OLD DOMINION DRIVE / BELLVIEW ROAD PHASE II (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 13, 2015, at 4 p.m.**, on the acquisition of certain land rights necessary

for the construction of Project 2G40-028-014 (RSP101-01500), Old Dominion Drive/ Bellview Road Phase II Intersection Improvements, Fund 400-C40011, County and Regional Transportation Projects (Dranesville District).

ADMIN 7 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING STORM DRAINAGE PRO RATA SHARE PROVISIONS, CHAPTER 6 (STORM DRAINAGE) AND PROPOSED REVISIONS TO THE PRO RATA SHARE AGREEMENT FORM

- (A) (NOTE: Earlier in the meeting, this item was discussed. See page 11.)

Authorized the advertisement of public hearings to be held before the Planning Commission on January 7, 2015, at 8:15 p.m., and before the Board on **January 27, 2015, at 4:30 p.m.**, to consider proposed amendments to the PFM, regarding storm drainage pro rata share provisions, Chapter 6 (Storm Drainage), and proposed revisions to the pro rata share agreement form. If adopted, the proposed amendments will become effective at 12:01 a.m. on July 1, 2015.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF WESTMORELAND STREET AT OLD CHESTERBROOK ROAD PHASE II IMPROVEMENTS (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 13, 2015, at 4:30 p.m.**, on the acquisition of certain land rights necessary for the construction of Project ST-000003-044 (PPTF01 – 004400B) - Westmoreland Street at Old Chesterbrook Road Phase II Improvements, Fund 400-C40011, County and Regional Transportation Projects (Dranesville District).

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 124 (STORMWATER MANAGEMENT ORDINANCE), CHAPTER 101 (SUBDIVISION ORDINANCE), AND APPENDIX Q (LAND DEVELOPMENT SERVICES FEES), REGARDING IMPLEMENTATION OF THE VIRGINIA STORMWATER MANAGEMENT ACT AND VIRGINIA STORMWATER MANAGEMENT PROGRAM REGULATION

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on January 8, 2015, and before the Board on February 17, 2015, to consider proposed amendments to the Code of the County of Fairfax, Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fees), regarding Implementation of the Virginia Stormwater Management Act and Virginia Stormwater Management Program Regulation (9 Vac 25-870 Et Seq.).

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112 (ZONING ORDINANCE), REGARDING AS-BUILT REQUIREMENTS

(A) (R) (NOTE: Earlier in the meeting, this item was discussed. See page 11.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 8, 2015, and before the Board on February 17, 2015, to consider proposed amendments to the PFM and the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance), regarding as-built requirements. If adopted, the proposed amendments will become effective at 12:01 a.m. on the day following adoption.

ADMIN 11 – EXTENSION OF REVIEW PERIODS FOR 2232 APPLICATIONS (MOUNT VERNON, SULLY, MASON, BRADDOCK, AND SPRINGFIELD DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-Y14-7	Verizon Wireless and Milestone Communications Telecommunications Facility (Monopole) 6309T Bull Run Post Office Road Centreville, VA Sully District	February 13, 2015
FS-M14-33	Verizon Wireless Telecommunications Facility 6316 Castle Place Falls Church, VA Mason District	February 13, 2015
456A-B95-23-2	Verizon Wireless Telecommunications Facility 7920 Woodruff Court Springfield, VA Braddock District	February 15, 2015

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-V14-16	Verizon Wireless Telecommunications Facility 10112 Furnace Road Lorton, VA Mount Vernon District	February 27, 2015
FS-S14-32	Cellco Partnership d/b/a Verizon Wireless Telecommunications Facility 9526 Old Keene Mill Road Springfield, VA Springfield District	March 23, 2015

ADMIN 12 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2011-MA-001 (HOMAN SOLEMANINEJAD) (MASON DISTRICT)

(AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 2011-MA-001 to October 12, 2015, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

13. **A-1 – APPROVAL OF A PARKING REDUCTION FOR THE NEWINGTON BUSINESS CENTER (MOUNT VERNON DISTRICT)**
(11:11 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 20.5 percent (45 fewer spaces) for Newington Business Center, located at 8350, 8352, and 8354 Terminal Road. This recommendation is pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, Paragraph 4(B), based on an analysis of the parking requirements for each use on the site and a study of the hourly parking accumulation characteristics, on the conditions as outlined in the Board Agenda Item.

14. **A-2 – APPROVAL OF A RESOLUTION TO AUTHORIZE THE SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND PUBLIC IMPROVEMENT REFUNDING BONDS** (11:11 a.m.)

(R)
(BONDS) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and:

- Approve the sale of General Obligation Public Improvement Bonds that will generate \$256.3 million to fund construction of

capital facilities and infrastructure as previously approved by the Board.

- Adopt a Resolution authorizing the issuance of the General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds, which also:
 - Authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale.
 - Delegates to the County Executive or Chief Financial Officer authority to award the bonds to the lowest responsive bidder. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions.
 - Approves the form of the notice of sale and the Official Statement for the Public Improvement Bonds.
 - Authorizes the Chairman, Vice-Chairman, County Executive, or Chief Financial Officer to sign the Official Statement for the Public Improvement Bonds.
 - Provides the flexibility that Public Improvement Refunding Bonds (or public improvement bonds) may be sold in a negotiated transaction with a County chosen underwriter (s).

Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

Vice-Chairman Gross returned the gavel to Chairman Bulova.

15. **A-3 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS TASK FORCE’S RECOMMENDATIONS REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2016 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET** (11:12 a.m.)

Supervisor Cook moved approval of a substitute endorsement of the two funding options that are currently on the table before the VRE Operations Board, as presented by the VRE chief executive officer:

- A three percent fare increase and a two percent subsidy increase, or
- An alternative four percent fare increase

Chairman Bulova seconded the motion.

Discussion ensued, concerning background and need, including:

- Closure of a projected short-fall of approximately \$3.9 million
- The management audit indicating understaffing in the finance function
- Understaffing, particularly in the area of financing
- Grant funding
- Current and projected ridership and the need for expansion
- Impact of fare increases in ridership
- Concern that a fare increase will cause riders to switch to personal vehicles

Chairman Bulova restated the motion, with further input from Supervisor Cook concerning the options presented.

Discussion ensued concerning the impact on ridership of a four percent fare increase, with input from Michael Lake, Senior Transportation Planner, Coordination and Funding Division, Department of Transportation.

Discussion continued concerning:

- Ridership and federal subsidies
- The impact of budget cuts on service
- The VRE budget schedule
- County funding of a subsidy increase

Discussion continued concerning the fiscal impact of a subsidy cost of increase, with input from Thomas Biesiadny, Director, Department of Transportation.

Discussion continued concerning:

- The opening of I-95 high occupancy transit (HOT) lanes and the impact that may have on VRE ridership
- VRE ridership capacity and the need to ensure access by County residents via needed expansion

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

16. **A-4 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR FISCAL YEAR (FY) 2021 REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDS** (11:30 a.m.)

On motion of Supervisor McKay, seconded jointly by Supervisor Foust and Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Department of Transportation to apply for FY 2021 RSTP and CMAQ funds. No Local Cash Match (LCM) is required for the RSTP and CMAQ funds.

17. **A-5 – APPROVAL OF FAIRFAX CONNECTOR JANUARY 2015 SERVICE CHANGES** (11:31 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 Fairfax Connector's January 2015 service change proposal as outlined in the Board Agenda Item.

18. **A-6 – AUTHORIZATION FOR THE COUNTY TO ENTER INTO VARIOUS AGREEMENTS RELATED TO FUNDING FOR PHASE 2 OF THE DULLES CORRIDOR METRORAIL PROJECT (PHASE 2), INCLUDING AGREEMENTS WITH THE US DEPARTMENT OF TRANSPORTATION (USDOT) RELATING TO A TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT (TIFIA) LOAN** (11:33 a.m.)

- (Rs) Chairman Bulova asked Susan Datta, Chief Financial Officer and Director, Department of Management and Budget, to provide background on this item.

Supervisor Hudgins moved that the Board concur in the recommendation of staff and adopt Resolutions which collectively:

- Authorize the execution and delivery of a TIFIA Loan Agreement by and among USDOT, the County, and the Economic Development Authority (EDA) in an approximate amount of \$403.3 million, including a moral obligation of the County to provide credit enhancement to the loan; County staff recommends \$218.2 million of the loan to be repaid from the Dulles Rail Phase 2 Transportation Improvement District (Phase 2 District) and \$185.1 million of the loan to be repaid from the County and Regional Transportation Projects Fund (C&I Fund), plus interest
- Authorize the execution and delivery of a Letter Agreement between USDOT and the County whereby the County agrees to

construct, operate, and maintain the parking garages at the future Herndon and Innovation Center Metrorail stations

- Approve a form of a Trust Agreement between the EDA and a trustee
- Authorize the execution and delivery of a Support Agreement between the EDA and the County
- Authorize the execution and delivery of a Project Agreement by and between the County, the Phase 2 District, and the EDA
- Authorize the execution and delivery of such other documents and agreements relating to these transactions as may be necessary or required

Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

19. **C-1 – APPEAL OF PLANNING COMMISSION APPROVAL OF FINAL DEVELOPMENT PLAN APPLICATION FDP 2014-BR-007, SUBJECT TO OPTION A ONLY; NVR, INCORPORATED (BRADDOCK DISTRICT)**
(11:36 a.m.)

Supervisor Cook moved to defer consideration of this item until later in the meeting, to be considered in conjunction with the decision-only on Rezoning Application RZ 2014-BR-007. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

(NOTE: Later in the meeting, this item was considered. See Clerk’s Summary Item #64.)

20. **I-1 – PRESENTATION OF THE FISCAL YEAR (FY) 2014 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (11:38 a.m.)

The Board next considered an item contained in the Board Agenda dated December 2, 2014, regarding the FY 2014 CAFR.

Chairman Bulova noted that the County has consistently won awards on this report.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide additional information concerning the Department of Management and Budget (DMB) Circular A-133 Compliance Audit as to the following:

- Page 24, Procurement, Suspension and Debarment – Whether Suspension and Debarment Report responses were checked with Fairfax County Public Schools (FCPS)
- Page 30, Public Housing Enterprise Income Verification, Fairfax County Redevelopment and Housing Authority (FCRHA) – Whether an income verification check was performed on the 25 percent
- Page 34, Moving to Work Time Sheets – Whether the paper time sheets are being coded correctly

Without objection, it was so ordered.

21. **I-2 – CONTRACT AWARD – CONSULTING SUPPORT FOR A NATIONAL CAPITAL REGION (NCR) STUDY FOR REGIONAL NEXT GENERATION 9-1-1 DESIGN** (11:39 a.m.)

The Board next considered an item contained in the Board Agenda dated December 2, 2014, announcing that the County Purchasing Agent is awarding a contract to Mission Critical Partners (MCP) for consulting support for an NCR Study for Regional NG9-1-1 Design.

(NOTE: Later in the meeting this item was revisited. See Clerk's Summary Item #23.)

22. **I-3 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-D13-9, CWS VII, LLC AND THE TRUSTEES OF ANDREW CHAPEL UNITED METHODIST CHURCH (DRANESVILLE DISTRICT)** (11:40 a.m.)

Supervisor Foust moved to defer consideration of this item until later in the meeting, in conjunction with the public hearing on Special Exception Application SE 2013-DR-019. Supervisor McKay seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, this item was considered. See Clerk's Summary Item #59.)

23. **I-2 – CONTRACT AWARD – CONSULTING SUPPORT FOR A NATIONAL CAPITAL REGION (NCR) STUDY FOR REGIONAL NEXT GENERATION 9-1-1 DESIGN** (11:41 a.m.)

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information on a time-line for County E-9-1-1 service. Without objection, it was so ordered.

DAL:dal

ADDITIONAL BOARD MATTERS

24. **LIBRARY COLLECTION, GIFT FUND, FRIENDS' FUNDS** (11:42 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and said that recently, Board Members were contacted by the Federation of Citizens Associations regarding the inventory tracking practice and fiscal policies of the Fairfax County Public Library (FCPL). She shared with Board Members her response to the inquiry.

Inventory Tracking – Fairfax County Public Libraries conduct an annual inventory that reflects holdings by audience and item type. She attached to her written Board Matter a sample page from the 2013 inventory.

FCPL staff can also provide daily records of check-ins, checkouts, transfers, new items added, and items removed from the collection. Staff run regular reports to verify holdings and help identify items that are missing or lost. She attached to her written Board Matter a copy of the Circulation Priority reports. Staff also regularly reviews material that has high circulation and low activity to determine its status.

She noted that the library systems in Montgomery and Prince William Counties, and Falls Church and Alexandria Cities do not perform collection inventories, but the County does.

Financial Policies – The Federation asked about the accounting practices of three separate entities: the FCPL Departmental Gift Fund, the Fairfax Library Foundation, and the Friends of the Library groups. Each follows different practices as they are separate funds with separate policies.

The FCPL Departmental Gift Fund is subject to stringent fiscal controls, as are all departmental gift funds. The Department of Finance shares oversight responsibility with the Office of Internal Audit which is charged with ensuring all policies and procedures are followed, as well as ensuring agency compliance with audit recommendations. An October 2013 Office of Internal Audit review found “adequate controls over the business processes reviewed during our audit.”

The Fairfax Library Foundation is a separate 501(c)(3) and as such is required to file taxes and is audited annually by a private firm. Audit reports for the last three years, as well as its fund management policies, can be found on the Foundation’s website www.FairfaxLibraryFoundation.org.

The Friends of the Library groups are also separate 501(c)(3) organizations and are required to file regularly with the Internal Revenue Service (IRS). Friends groups hold book sales, solicit donations, and provide other support to their local

library branch. While the Friends groups have Memorandums of Understanding (MOUs) with the Library Board of Trustees, it is not clear whether the Friends groups are using standard reporting methods or following similar practices when it comes to supporting their local branch.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Financial and Program Audit to add to its work plan a review of the fiscal reporting practices and expenditures of the Friends of the Library groups as well as the Departmental Gift Fund. This review should include an examination of the revenue generated by the sale of donated books, the monetary donations the groups receive, and any other financial transactions carried out by the Friends groups and the Departmental Gift Fund.

Supervisor Smyth raised a question regarding the request and what it means for the Friends groups in terms of providing the information, with input from David Molchany, Deputy County Executive.

Following discussion regarding the process for obtaining the information, Supervisor Herrity suggested adding “subject to Library Board approval” at the beginning of the request.

Supervisor Smyth suggested adding “in conjunction with the Library Board.”

Chairman Bulova suggested adding “engaging the Library Board of Trustees.”

Following further discussion, Chairman Bulova moved that the Board direct the Office of Financial and Program Audit to add to its work plan a review of the fiscal reporting practices and expenditures of the Friends of the Library groups as well as the Departmental Gift Fund. This review should include an examination of the revenue generated by the sale of donated books, the monetary donations the groups receive, and any other financial transactions carried out by the Friends groups and the Departmental Gift Fund. Supervisor McKay seconded the motion.

Discussion ensued about reporting methods to the Library Board regarding this issue, with input from Mr. Molchany. He added that the Library Board requested information from the Friends groups and some complied and some did not.

Supervisor Hudgins noted that the agreements with the Friends groups are with the Library Board of Trustees and it has the right to decide whether to continue the agreement. Mr. Molchany noted that Edwin S. Clay, III, Library Director, is responsible for working with the Library Board.

Discussion continued regarding:

- Whether this issue has been discussed with the Library Board
- Information that has been requested by the Library Board

- A request by the Board of Supervisors to direct the Auditor to the Board to put this issue on the work plan to help get information about what happens to gifts that are donated to the libraries

Noting that the Board has a meeting with the Library Board of Trustees in January, Supervisor Gross suggested that it would be advisable to broach this issue with the Library Board in January.

Noting that the next Audit Committee meeting is scheduled for February, Chairman Bulova said that this motion tasks the Auditor to the Board with starting to reach out and gather information.

Additional discussion ensued with input from Mr. Molchany regarding the MOU between the Friends groups and the Library Board and what it requires.

The question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Hudgins and Supervisor Smyth voting “NAY.”

25. **REQUESTS FOR RECOGNITION** (12:11 p.m.)

Chairman Bulova asked unanimous consent that the Board direct staff to:

- Invite representatives from the Arts Council to appear before the Board on January 13, 2015, to receive recognition for being awarded the Global Arts Initiative grant from the National Endowment for the Arts.
- Prepare a proclamation for Pastor Ron Qualley, recognizing his 45 years of ministry at Lord of Life Lutheran Church and his efforts in founding Faith Communities in Action. This proclamation will be presented at his retirement banquet on January 18, 2015.

Without objection, it was so ordered.

26. **BOARD COMPENSATION** (12:13 p.m.)

Chairman Bulova said State law is very specific regarding the legal requirements and process to adjust the Board Members' compensation. It is not permitted for a Board to increase its own compensation. Any action to adjust Board compensation may only be considered every four years and action must be taken prior to adoption of the budget during an election year. An adjustment voted on by the Board would only apply to Members of the Board of Supervisors elected as a result of the upcoming election.

Action was last taken to increase compensation for the Board in 2007 and was effective when Board Members assumed office in January 2008. At that time, compensation was increased from \$59,000 to the current \$75,000 annual salary.

The window of time for the Board to consider making any adjustment to Board Members' compensation opens in January of 2015 and an increase would not be effective until 2016 when the new Board takes office. Another opportunity to increase Board compensation would not take place until 2019.

Chairman Bulova asked unanimous consent that the Board direct the County Executive to:

- Report in 2015 with the legal process and requirements for adjusting the compensation of Board Members and the compensation of members of the Planning Commission.
- Prepare for the Board's consideration comparative data regarding compensation for boards representing jurisdictions of similar size and scope of responsibilities to the County.

Supervisor Herrity and Supervisor Smyth stated their opposition to the request.

Therefore, Chairman Bulova moved that the Board direct the County Executive to:

- Report in January 2015 with legal process and requirements for adjusting the compensation of Board Members and the compensation of members of the Planning Commission.
- Prepare for the Board's consideration comparative data regarding compensation for boards representing jurisdictions of similar size and scope of responsibilities to the County.

Supervisor McKay seconded the motion.

Following discussion regarding the motion, Supervisor Frey asked to amend the motion to direct the County Executive to also report with information regarding the legal requirements and process to adjust the School Board's compensation. This was accepted.

Chairman Bulova amended the motion to direct the County Executive to include in the report whether the School Board is required to hold a public hearing to adjust its compensation. This was accepted.

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of eight, Supervisor Herrity and Supervisor Smyth voting "NAY."

Vice-Chairman Gross returned the gavel to Chairman Bulova.

27. **REQUEST FOR RECOGNITION – PLANNING COMMISSIONER JANET HALL (MASON DISTRICT)** (12:19 p.m.)

Supervisor Gross said the Mason District has experienced stable leadership at the Planning Commission since 1995, when Mason District resident Janet Hall accepted the Commissionership from then-Supervisor Tina Trapnell. In the years ensuing, Ms. Hall has accepted four reappointments to the Planning Commission, and currently serves as Secretary of the Planning Commission. When Commissioner Hall first began in the 1990s with the Planning Commission, she was a board member of the Parent Teacher Associations for local schools. She recently retired from the Department of Justice and spends much of the colder months on the ski slopes as a ski instructor. She will not be seeking a reappointment to the Planning Commission when her term expires this month.

Therefore, Supervisor Gross asked unanimous consent that the Board applaud Ms. Hall for her efforts and leadership with the Planning Commission by directing the Office of Public Affairs to prepare a proclamation with her and the Chairman's signature, to be presented to Ms. Hall at a future Board meeting. Without objection, it was so ordered.

28. **REQUEST FOR RECOGNITION – TEEN DATING VIOLENCE AWARENESS MONTH** (12:20 p.m.)

Jointly with Supervisor Cook, Supervisor Gross said teen dating violence is an increasing concern and the impact on young people in the community demands the public's attention. Nationally, 1 in 3 adolescents is a victim of physical, sexual, emotional, or verbal abuse from a dating partner. Additionally, 1 in 10 high school students have been purposefully hit, slapped, or physically hurt by a boyfriend or girlfriend.

The County's Office for Women and Domestic Violence Services is advancing efforts to promote prevention, raise awareness of the warning signs of abuse, and letting youth know there is help available if they are experiencing abuse. To increase the public's awareness of this important issue, a "Teen Dating Violence Awareness Month" has been proposed for the month of February 2015.

Jointly with Supervisor Cook, Supervisor Gross asked unanimous consent that the Board:

- Proclaim February 2015 as "*Teen Dating Violence Awareness Month*" in Fairfax County.
- Direct staff to prepare a proclamation to present at the January 27, 2015, Board meeting, in advance of the awareness month kick-off.

Without objection, it was so ordered.

A brief discussion ensued, with input from Anthony Castrilli, Director of Public Affairs, regarding the number of presentations scheduled for January 27, 2015.

29. **PROFFERED CONDITION AMENDMENT APPLICATION PCA 76-M-007-02 – REQUEST FOR PUBLIC HEARING AND CONCURRENT PROCESSING (MASON DISTRICT)** (12:22 p.m.)

Supervisor Gross said the Fairfax County School Board will be submitting a Proffered Condition Amendment Application PCA 76-M-007-02, for the new Bailey's Upper Elementary School for the Arts and Sciences located on the south side of Leesburg Pike (Route 7) across from the Seven Corners Shopping Center. The Bailey's Upper Elementary School consists of approximately 3.43 acres and is identified as Tax Map Parcels 51-3-((1))-30 and -31; 51-3-((11))-188A, and 51-3-((13))-15 (*sic*), -10, and -11 (collectively, the Property).

Bailey's Upper Elementary School opened this school year after a comprehensive interior renovation of an existing office building that the School Board acquired to provide relief for the overcrowding at Bailey's Elementary School, located approximately 1.5 miles away. Bailey's Elementary School was projected to be at 160 percent of capacity by the 2017–18 school year, and the initial phase of creating this new "upper" school for Bailey's involved modifications to only the interior of the building. Over the last few months, the School Board has been working with the community on plans for exterior improvements to the property to provide on-site recreational facilities for the students. The purpose of the PCA application is to amend the approved Generalized Development Plan (GDP) to permit a gymnasium building, outdoor play area, sport court, and a standard bus lane for pick-up and drop-off of students.

To address time constraints in seeking the PCA approval and the need to expeditiously complete the construction of the recreational facilities for the new school, the School Board has requested a Board public hearing date be scheduled for the PCA application and authorization to concurrently process with the PCA application the site plan for the proposed recreational improvements. The application is in conformance with the Comprehensive Plan and applicable provisions of the Zoning Ordinance.

Therefore, Supervisor Gross moved that the Board direct:

- Staff to schedule the Board public hearing on Proffered Condition Amendment Application PCA 76-M-007-02 for May 2015.
- The Department of Public Works and Environmental Services to accept and concurrently process the associated site plan and other plans with Proffered Condition Amendment Application PCA 76-M-007-02.

This motion does not relieve the School Board from complying with all regulations, ordinances, or adopted standards, and will not prejudice the consideration of the PCA application in any way. Supervisor Foust seconded the motion.

Following a brief discussion, Supervisor Gross clarified the last Tax Map Parcels as 51-3-((13))-5, -10, and -11.

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

30. **LETTER COMMENDING THE COUNTY'S POLICE AND FIRE DEPARTMENTS (MASON DISTRICT)** (12:26 p.m.)

Supervisor Gross said that after the Thanksgiving holiday, while looking at her in-box, she found a letter from Glen Sea, the former pastor of Hope Lutheran Church in Mason District, addressed to her, Police Chief Roessler, and Chief Bowers. She shared the contents of the letter which stated that on November 15 police and fire dispatch was called about Ms. Pearl Rogal, a 94-year old woman who lives in Annandale. Friends had called him because he is her former pastor. Ms. Rogal had failed to attend a lunch with friends and they were unable to contact her by phone. The pastor had a key to the front door, but the storm door was latched, so he could not get in. Two days of newspapers and mail were lying on the porch so they called the police.

Responders saw Ms. Rogal lying on the floor, so they broke the glass on the storm dorm and used the key to gain entry. She was conscious and talking to them. She had fallen Friday morning and had been lying there for approximately 30 hours. Ms. Rogal was transported to the hospital and is now in rehab to regain her strength.

In Mr. Sea's letter he said he was writing to tell us about the high professionalism and competence shown by all members of police and fire EMS service that responded. The police officers, firemen, and emergency medical personnel were focused on her health and recovery. He said they failed to get the names of the first responders, but wanted to commend them.

Supervisor Gross asked unanimous consent that the Board direct staff to ensure that a copy of the letter is put in the personnel files of everyone who was involved. Without objection, it was so ordered.

31. **SPRINGFIELD-FRANCONIA HOST LIONS CLUB FEE WAIVER REQUEST (LEE DISTRICT)** (12:29 p.m.)

Supervisor McKay said he is requesting a waiver of the application fees for permits associated with the flea markets held by the Springfield-Franconia Host Lions Club Charities, Incorporated. The Board has approved this waiver request annually since 1994. The Springfield-Franconia Host Lions Club Charities, Incorporated recently contacted him to express appreciation for help in the past and to ask that the Board support a waiver again this year.

The flea markets are held twice a month on Saturdays from April through November at the Virginia Railway Express (VRE) parking lot off Backlick Road.

All net proceeds from the flea markets are returned to the community. The Springfield-Franconia Host Lions Club Charities, Incorporated supports organizations such as Koinonia, ECHO, the Juvenile Diabetes Foundation, and assists indigent citizens with eye glass prescriptions and hearing aids.

Therefore, Supervisor McKay moved that the Board waive the application fees for 21-day permits associated with the Springfield Host Lions Club Charities 2015 flea markets. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

PMH:pmh

32. **ADDRESSING THE TROUBLING CULTURE OF SEXUAL ASSAULT**
(12:30 p.m.)

Supervisor Cook said that once again, sexual assault is in the headlines with the furor over a gang rape at the University of Virginia (UVA). This is not a new issue, and unfortunately, too often we fall into the trap of believing that sexual assault only happens to somebody else, and is only committed by people we don't know.

During Domestic Violence Awareness Month this past October, it was learned that one in four women are the victims of sexual assault sometime in their lives. There is a cultural problem with sexual assault. Those reviewing the latest allegations at UVA are calling for a change in the campus culture.

Supervisor Cook said that he was pleased to report that officials at George Mason University (GMU), which sits in the Braddock District, have been working on this issue for some time. He added that those officials have agreed to provide him and Fairfax City Mayor Scott Silverthorne with a briefing of their efforts. He plans to urge GMU to tap into whatever resources are available to prevent such crimes.

Supervisor Cook said that more must be done to change the culture, and that means reaching our children before they go to college. Parents need to teach their children that such conduct is not just "boys being boys," or something that happens if you have too many drinks. Sexual assault is a serious crime that must not be tolerated in society. In that regard, Supervisor Cook moved that the Board direct staff to work with school staff:

- To assess and summarize current efforts to educate and prevent cases of sexual violence and report with its findings to the Board and the School Board, in writing, within 90 days. The summary should provide an analysis of whether students understand what sexual assault is and explain the attitudes of the youth toward sexual assault
- And community leaders, to develop ideas on how to work together to increase awareness and educate students about sexual assault to

change the culture of acceptance and apathy toward such assaults. Staff should present these recommendations to the Board and School Board no later than June 30, 2015

Supervisor Hyland seconded the motion.

Supervisor Smyth asked unanimous consent that the Board direct staff to review the issue of underage drinking in conjunction with the problem of sexual violence. Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the Board include this issue on the Legislative agenda. Without objection, it was so ordered.

Supervisor Cook asked unanimous consent that the Board direct staff to provide an overview of proposed bills to the agenda of the next Legislative Committee meeting. Without objection, it was so ordered.

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

33. **RECOMMENDATIONS FROM THE JOINT BUDGET DEVELOPMENT COMMITTEE (JBDC)** (12:40 p.m.)

Supervisor Smyth said that the JBDC has concluded its work and provided both the Board and the School Board with a recommended multi-year framework and suggestions for continued cooperative work around budget issues. She noted that Board Members have received a copy of the report and that she summarized the recommendations at the joint meeting of the Board of Supervisors and School Board last week. Based on the Board's discussion Supervisor Smyth moved that the:

- Recommendations be accepted
- Board direct staff to begin to work on the recommendations as outlined in the document

This motion, the second to which was inaudible, carried by unanimous vote.

34. **PROVIDENCE DISTRICT OFFICE RELOCATING** (12:42 p.m.)

Supervisor Smyth announced that her office will be relocating in the near future and a grand opening is tentatively scheduled for January 17, 2015.

35. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:43 p.m.)

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

36. **HUNTER MILL DISTRICT OFFICE RELOCATING** (12:43 p.m.)

Supervisor Hudgins announced that her office will be relocating in the near future.

37. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (12:43 p.m.)

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

38. **REQUEST TO AUTHORIZE A PLAN AMENDMENT FOR THE HUNTINGTON COMMUNITY PLANNING SECTOR LAND UNITS C AND D (MOUNT VERNON DISTRICTS)** (12:43 p.m.)

Supervisor Hyland said that on the north side of Huntington Avenue, across the street from Huntington Metro Station entrance, is land owned by the Hoffman family, who has developed the successful Hoffman Town Center on Eisenhower Avenue. They have been working with a residential developer and the Huntington Community Association to replan and rezone property that is currently zoned to the C-3 District and identified as Tax Map 83-1 ((1)) 42 and 49A to something more in line with the community and County's vision of development near mass transit areas. The 14 acres along Cameron Run has existing storm water issues, which the applicant has met with staff about and is eager to assist in their resolution. The area also has the potential to have heritage resources, which will need to be explored with any proposed development. The applicant has provided staff with draft plan language, which they are in the process of reviewing and is enclosed with this Board Matter.

Therefore, Supervisor Hyland moved that the Board authorize a Comprehensive Plan amendment and public hearings for the Huntington Community Planning Sector, Land Units C and D. Supervisor Foust seconded the motion and it carried by unanimous vote.

39. **VISIT TO CHANTE, FRANCE (SULLY DISTRICT)** (12:45 p.m.)

Supervisor Frey announced that he had visited the County's partnership city in Chante, France along with other members of the Chantilly community.

Supervisor Frey noted that they were invited to France to participate in the commemorative ceremonies for World War I Armistice Day.

40. **RECESS/CLOSED SESSION** (12:49 p.m.)

Supervisor Smyth moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly-held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Equity Trustees, L.L.C., Substitute Trustee v. Board of Supervisors of Fairfax County, Fairfax County Redevelopment and Housing Authority, and Lisa N. Grande*, Case No. CL-2014-0008568 (Fx. Co. Cir. Ct.) (Sully District)

Samuel I. White, P.C., Substitute Trustee v. Fairfax County Redevelopment and Housing Authority, Board of Supervisors of Fairfax County, Tiwana Saunders, Westbrook Court Condominium Unit Owners Association, CACH LLC, and Fairfax Oral and Maxillofacial Surgery, P.C., Case No. CL-2014-0007210 (Fx. Co. Cir. Ct. (Braddock District)

Equity Trustees, L.L.C., Substitute Trustee v. Fairfax County Redevelopment and Housing Authority, Board of Supervisors of Fairfax County, Rida Saadiq, Sayyida Rahim-Saadiq, and Great Falls Crossing Community Association, Inc., Case No. CL-2014-0010803 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 2. *Walgreen Co. v. County of Fairfax, Virginia*, Case No. 2013-0019234 (Fx. Co. Cir. Ct.) (Mt. Vernon)
 - 3. *Angela Pledger v. Fairfax County*, Case No. 14-1590 (U.S. Ct. of App. for the Fourth Cir.)
 - 4. *Dora E. Caudle v. Christopher D. Colandene, David P. Bobzien, the Fairfax County Retirement Administration Agency, and Does 1 through 20*, Case No. 5:14cv00031 (W.D. Va.)

5. *In Re: November 20, 2013, Decision Of The Fairfax County Board of Zoning Appeals In BZA Appeal No. A-2013-SU-024, Case No. CL-2013-0018953 (Fx. Co. Cir. Ct.) (Sully District)*
6. *Marco Mendoza v. State Building Code Technical Review Board and Audrey Clark, Building Official for Fairfax County, Virginia, Case No. CL-2009-0008980 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
7. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Edward Caine and Susan Power, Case No. CL-2013-0008131 (Fx. Co. Cir. Ct.) (Dranesville District)*
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
9. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Helen M. Parker-Smith, Case No. CL-2014-0001775 (Fx. Co. Cir. Ct.) (Providence District)*
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)*
11. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)*
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sergio Andrade, Case No. CL-2008-0016277 (Fx. Co. Cir. Ct.) (Sully District)*
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Donald O. Bussard, Jr., Case No. CL-2009-0006891 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Randal S. Cordes, Case No. CL-*

- 2013-0000441 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Board of Supervisors of Fairfax County, Virginia v. Zafar Ansari and Erum Nazli*, Case No. CL-2014-0004394 (Fx. Co. Cir. Ct.) (Lee District)
 16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis J. Palacios and Cristina Palacios*, Case No. CL-2014-0012055 (Fx. Co. Cir. Ct.) (Mason District)
 17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Russell M. Jaffe*, Case No. CL-2014-0014124 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert E. Willkie*, Case No. CL-2014-0014330 (Fx. Co. Cir. Ct.) (Providence District)
 19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2014-0014446 (Fx. Co. Cir. Ct.) (Providence District)
 20. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Nazari Living Trust, Majid Nazari, Trustee, or his Successors in Trust Under the Nazari Living Trust*, Case Nos. GV14-007894, GV14-007895, and GV14-007988 (Fx. Co. Gen. Dist. Ct.) (Mason District)
 21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ming Yang, Xin Yu, and Fan Yang*, Case No. GV14-012591 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. JPMorgan Chase Bank, N.A.*, Case No. GV14-021529 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
 23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. JPMorgan*

Chase Bank, N.A., Case No. GV14-021528 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

24. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Juan Onofre Augusto D. Alvarez, II, and Anita Sanchez-Alvarez*, Case No. GV14-012492 (Fx. Co. Gen. Dist. Ct.) (Lee District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Margaret Gardner*, Case No. GV14-0021794 (Fx. Co. Gen. Dist. Ct.) (Providence District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael Collins*, Case No. GV14-021793 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Won Pae Kim and Chung Sook Kim*, Case No. GV14-021707 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Charles R. Cunningham and Patsy A. Cunningham, Trustees, Cunningham Family Trust*, Case No. GV14-021796 (Fx. Co. Gen. Dist. Ct.) (Lee District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John D. Williamson and Tracy A. Williamson*, Case No. GV14-021795 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kia Younger*, Case No. GV14-022052 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert J. Sherman*, Case No. GV14-023282 (Fx. Co. Gen. Dist. Ct.) (Lee District)
32. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mary Ann Kenny and Jonathan Kenny*, Case No. GV14-

023679 (Fx. Co. Gen. Dist. Ct.) (Providence District)

33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robinson Socrates Nunn and Glanetta Miller*, Case No. GV14-023870 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

And in addition:

- Special Exception Application SE 2013-DR-019; CWS VII, LLC, and Trustees of Andrew Chapel United Methodist Church

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

DET:det

At 3:09 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

41. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:09 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 Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

42. **SETTLEMENT OF CIRCUIT COURT CASES** (3:10 p.m.)

Supervisor Hudgins moved that the Board authorize the settlement of:

- *Equity Trustees, LLC, Substitute Trustee v. Board of Supervisors of Fairfax County, et al.*, Fairfax County Circuit Court Case Number CL-2014-0008568
- *Samuel I. White, PC, Substitute Trustee v. Fairfax County Redevelopment and Housing Authority, et al.*, Fairfax County Circuit Court Case Number CL-2014-0007210

- *Equity Trustees, LLC, Substitute Trustee v. Fairfax County Redevelopment and Housing Authority, et al.*, Fairfax County Circuit Court Case Number CL-2014-0010803

each as outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

43. **APPOINTMENT OF THE DIRECTOR OF THE INTERNAL AUDIT OFFICE** (3:11 p.m.)

Supervisor Gross moved appointment of Ms. Sharon Pribadi as Director of the Internal Audit Office, E-9, with an annual salary of \$140,864 effective December 13, 2014. Supervisor Foust seconded the motion and it carried by unanimous vote.

Chairman Bulova noted that Ms. Pribadi was in the Board Auditorium and congratulated her.

AGENDA ITEMS

44. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-PR-022 (ESKRIDGE II, LLC) (PROVIDENCE DISTRICT)** (3:12 p.m.)

The application property is located at 8301 Lee Highway, Fairfax, 22031, Tax Map 49-3 ((1)) 97 pt.

Mr. Steven F. Teets reaffirmed the validity of the affidavit for the record.

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Teets 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 one speaker, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Following a query by Supervisor Smyth, Mr. Teets confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated November 19, 2014.

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2014-PR-022, subject to the development conditions dated November 19, 2014.

- Waiver of the loading space requirement.

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

45. **3 P.M. – PH ON REZONING APPLICATION RZ 2014-BR-009 (NCL XI, LLC) (BRADDOCK DISTRICT)** (3:21 p.m.)

- (O) The application property is located on the northwest quadrant of the intersection of Zion Drive and Guinea Road, Tax Map 77-2 ((1)) 14.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

Supervisor Herrity disclosed that he had received a campaign contribution in excess of \$100 from the following:

- Frank W. Stearns, Esquire, a partner in the law firm of Donohue and Stearns, PLC

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Stearns 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 introduced Francis Gary Garczynski, president of National Capital Land (NCL), the applicant, who made a presentation. At the conclusion of that presentation, Mr. Stearns noted that:

- The historic Burke post office, currently on site, will be relocated, at the applicant's expense, provided a new location can be found
- The property owner, Mr. James D. Young, has consented to allow members of the Burke Historical Society access to the old home to remove any artifacts worth preserving as well as plantings

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

Supervisor Cook noted that the Burke Historical Society will be moving into the old Burke post office once it is relocated.

Supervisor Cook moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2014-BR-009,

from the R-1 District to the PDH-3 District, subject to the proffers dated October 31, 2014.

- Waiver of the 600-foot maximum length for a private street.
- Modification of the minor paved trail requirement in favor of the proposed trail network on the Conceptual Development Plan/ Final Development Plan (CDP/FDP).
- To direct the Director of the Department of Public Works and Environmental Services to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the CDP/FDP, as proffered.

Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

Supervisor Cook thanked Mr. Young and noted that this property has been in his family for over 130 years.

(NOTE: On November 6, 2014, the PC approved Final Development Plan Application FDP 2014-BR-009.)

46. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-MV-017 (VERIZON VIRGINIA LLC) (MOUNT VERNON DISTRICT)** (3:39 p.m.)

Supervisor Hyland, noting an affidavit issue for this application, moved to defer the public hearing on Special Exception Application SE 2014-MV-017 to January 13, 2015. Supervisor Foust seconded the motion and it carried by unanimous vote.

47. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-016 (MAI-HUONG THI NGUYEN/HELEN HOME DAYCARE LLC) (SULLY DISTRICT)** (3:39 p.m.)

(NOTE: On November 18, 2014, the Board deferred this public hearing until December 2, 2014.)

Michael Lynskey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, noted that the applicant, Ms. Mai Huong Thi Nguyen, was not present. Chairman Bulova announced that she would call this public hearing later in the meeting.

(Note: Later in the meeting, this public hearing was held. See Clerk’s Summary Item #55.)

48. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-044 (GITA D. KUMAR/PEEK A BOO CHILD CARE INCORPORATED) (SULLY DISTRICT)** (3:41 p.m.)

(NOTE: On November 18, 2014, the Board deferred this public hearing until December 2, 2014.)

The application property is located at 5642 Powers Lane, Centreville, 20120, Tax Map 54-4 ((26)) 201.

Ms. Gita D. Kumar reaffirmed the validity of the affidavit for the record.

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Ms. Kumar 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, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Application SE 2014-SU-044 subject to the development conditions dated November 14, 2014. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

49. **3 P.M. – PH ON REZONING APPLICATION RZ 2014-MA-003 (MARKHAM PLACE LLC) AND A WAIVER #4604-WPFM-002-1 TO ALLOW UNDERGROUND STORM WATER DETENTION FACILITY IN RESIDENTIAL DEVELOPMENT (MASON DISTRICT)** (3:47 p.m.)

(O) (NOTE: On November 18, 2014, the Board deferred this public hearing until December 2, 2014.)

The application property is located on the east side of Markham Street, approximately 263 feet north of its intersection with Little River Turnpike, Tax Map 71-1 ((20)) 2.

Mr. David S. Houston reaffirmed the validity of the affidavit for the record.

Supervisor Foust disclosed that he had received a campaign contribution in excess of \$100 from:

- Ms. Bonnie L. Mattingly of Fairfax Investors Limited Partnership, LLP

- Mr. David H. Kinney of Fairfax Investors Limited Partnership, LLP

Michael Lynskey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Houston 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 Gross submitted items for the record.

Mr. Lynskey presented the staff and Planning Commission (PC) recommendations.

Supervisor Gross, noting that copies of the modifications and waivers dated October 30, 2014, had been distributed, read excerpts from a letter from the Annandale Chamber of Commerce concerning the project providing much-needed revitalization.

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2014-MA-003, from the PDC, CRD, HC, and SC Districts to the PRM, CRD, HC, and SC Districts, subject to the proffers dated October 10, 2014.
- Approval of the associated waivers and modifications dated October 30, 2014, which shall be included in the record as follows:
 - Modification of Section 2-506, Paragraph 2, to allow an architectural projection to exceed maximum height limits, as depicted on the CDP/FDP.
 - Modification of the minimum loading space requirements to allow two indoor loading docks in place of the five spaces required.
 - Modification of Section 17-201, Paragraph 4, to accept the proposed roadway dedications and improvements, as shown on the CDP/FDP, as satisfying all immediate roadway dedication and construction requirements at site plan stage.
 - Waiver of Section 17-201, Paragraph 3a service drive requirement along Little River Turnpike.

- Modification of Section 17-201, Paragraph 7, to not require installation of “no parking” signs in the area designated as interim street parking on the CDP/FDP.
- Approval of Waiver #4606-WPFM-002-1 of Section 6-303.8 of the Public Facilities Manual (PFM) to allow an on-site, underground stormwater detention facility in a residential development, subject to the conditions contained in Appendix 16, dated April 8, 2014.
- Modification of Section 11-102, Paragraph 12 and direct the Director of the Department of Public Works and Environmental Services (DPWES) to modify Public Facility Manual (PFM) Section 7-0802, Paragraph 2, to allow for the projection, of no more than four percent of the stall area, of structural columns into parking stalls in the parking structure, and to allow those parking spaces to count towards the number of parking spaces required.
- That the Board direct the Director of DPWES to modify:
 - PFM Section 7-0405, Paragraph 6, to allow a minimum distance of less than 25 feet between entrances, as indicated on the CDP/FDP.
 - Tree Preservation Target, per PFM Section 12-0508, Paragraph 3a(3), in lieu of proposed vegetation shown on the CDP/FDP.
 - PFM Section 12-0601.1B to permit the reduction of the minimum planter opening area for trees used to satisfy the tree cover requirement, in favor of that shown on the CDP/FDP and/or as proffered.

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

(NOTE: On October 30, 2014, the PC approved Final Development Plan Application FDP 2014-MA-003.)

50. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-S-022 (UNION MILL ASSOCIATES LIMITED PARTNERSHIP) (SULLY DISTRICT)** (3:59 p.m.)

(O) (NOTE: On November 18, 2014, the Board deferred this public hearing until December 2, 2014.)

The application property is located in the northwest quadrant of the intersection of Union Mill Road and Braddock Road, Tax Map 55-3 ((1)) 47A, 47B, 47C, 47F; 66-1 ((1)) 16D, 16E, and 16G.

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

Supervisor Herrity disclosed that he had received a campaign contribution in excess of \$100 from the following:

- Mr. Gary D. Rappaport of Rappaport Management Company

Kris Abrahamson, Branch Chief, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), introduced Sharon Williams, Staff Coordinator, ZED, DPZ, who 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 he/she proceeded to present his/her case.

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

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 88-S-022, subject to the proffers dated October 23, 2014. Supervisor Cook and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland and Supervisor McKay being out of the room.

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-HM-036 (ELAINE M. WHITEHURST D/B/A WHITEHURST FAMILY DAYCARE) (HUNTER MILL DISTRICT)** (4:04 p.m.)

The application property is located at 13174 Diamond Mill Drive, Herndon, 20171, Tax Map 16-3 ((7)) 69.

Ms. Elaine M. Whitehurst reaffirmed the validity of the affidavit for the record.

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

Ms. Whitehurst 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, Supervisor Hudgins submitted an item for the record.

Ms. Tsai presented the staff and Planning Commission recommendations.

Following a query by Supervisor Hudgins, Ms. Whitehurst confirmed, for the record, that she, the applicant, was in agreement with the proposed development conditions dated November 5, 2014.

Supervisor Hudgins moved approval of Special Exception Application SE 2014-HM-036, subject to the development conditions dated November 5, 2014. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McKay being out of the room.

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SP-037 (AIDA G. CHAVERA AIDA’S DAY CARE) (SPRINGFIELD DISTRICT) (4:09 p.m.)**

The application property is located at 6616 Green Ash Court, Springfield, 22152, Tax Map 88-2 ((9)) 63.

Ms. Aida G. Chavera reaffirmed the validity of the affidavit for the record.

Megan Duca, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Ms. Chavera 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. Duca presented the staff and Planning Commission recommendations.

Following a query by Supervisor Herrity, Ms. Chavera confirmed, for the record, that she, the applicant, was in agreement with the proposed development conditions dated November 19, 2014.

Supervisor Herrity moved approval of Special Exception Application SE 2014-SP-037, subject to the development conditions dated November 19, 2014. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

EBE:ebe

53. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-HM-024 (MARY BETH SWICORD D/B/A FIRST MARKS ART STUDIO) (HUNTER MILL DISTRICT)** (4:15 p.m.)

The application property is located at 1398 Concord Point Lane, Reston, 20194, Tax Map 11-4 ((6)) 12.

Mr. Patrick M. Via reaffirmed the validity of the affidavit for the record.

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

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

Mr. Via introduced the applicant, Mary Beth Swicord, who also gave a presentation.

Following a query by Supervisor Hudgins, Ms. Swicord confirmed, for the record, her agreement with the proposed development conditions dated September 23, 2014.

Following the public hearing, which included testimony by two speakers, Supervisor Hudgins submitted items for the record.

Mr. Via presented rebuttal.

Ms. Bishop presented the staff and Planning Commission recommendations.

Following brief comments regarding the application, Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2014-HM-024, subject to the development conditions dated September 23, 2014.
- Waiver of the transitional screening and barrier requirements and a reduction in the parking requirement to permit 8 spaces instead of 10.

Supervisor Cook seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

54. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-010 (CSH ARTISAN FAIRFAX, LLC) (SULLY DISTRICT) (4:34 p.m.)**

The application property is located at 13622 Lee Jackson Memorial Highway, Chantilly, 20151, Tax Map 34-4 ((1)) 60.

Mr. Scott Adams reaffirmed the validity of the affidavit for the record.

Supervisor Foust disclosed that he had received a campaign contribution in excess of \$100 from:

- Mr. Donald E. King, McGuire Woods, LLP

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Adams 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 three speakers, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Following lengthy comments regarding the application, with input from Mr. O'Donnell, Supervisor Frey moved:

- Approval of Special Exception Application SE 2014-SU-010, subject to the development conditions dated October 21, 2014.
- Modification of the Additional Standard for Medical Care Facilities, Section 9-308.5, requiring a 100-foot setback from adjacent residential properties zoned to the R-1 District, in favor of the 30-foot setback shown on the SE plat.
- Modification of the transitional screening and barrier requirements along the north, northwest, and east boundaries in favor of the landscaping shown on the SE plat.
- Waiver of the service drive requirement along Route 50, Lee Jackson Memorial Highway.

- Modification of the major paved trail requirement along the north side of Route 50, Lee Jackson Memorial Highway, in favor of the trail shown on the SE plat.

Chairman Bulova seconded the motion.

Following a query by Supervisor Frey, Mr. Adams confirmed, for the record, agreement with the proposed development conditions dated October 21, 2014.

Following a brief discussion regarding ownership of the service drive, the question was called on the motion and it carried by unanimous vote.

55. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-016 (MAI-HUONG THI NGUYEN/HELEN HOME DAYCARE LLC) (SULLY DISTRICT)** (5:07 p.m.)

(NOTE: On November 18, 2014, the Board deferred this public hearing until December 2, 2014.)

(NOTE: Earlier in the meeting, Chairman Bulova announced that this public hearing would be held later in the day. See Clerk's Summary Item #47.)

The application property is located at 13506 Ridge Rock Drive, Chantilly, 20151, Tax Map 44-4 ((2)) 193.

Mr. Ming Nguyen reaffirmed the validity of the affidavit for the record.

Michael Lynskey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

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

Supervisor Frey requested that the applicant confirm, for the record, agreement with the proposed development conditions dated November 17, 2014, with input from Mr. Nguyen, who confirmed agreement.

Supervisor Frey moved approval of Special Exception Application SE 2014-SU-016, subject to the development conditions dated November 17, 2014. Supervisor Herrity seconded the motion and it carried by unanimous vote.

56. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-031 (MARY GRAY/ELF EXPLORING, LEARNING AND FUN) (SULLY DISTRICT)** (5:13 p.m.)

(NOTE: On November 18, 2014, the Board deferred this public hearing until December 2, 2014.)

The application property is located at 4180 Whitlow Place, Chantilly, 20151, Tax Map 44-2 ((23)) 22.

Ms. Mary Gray reaffirmed the validity of the affidavit for the record.

Joseph Gorney, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Ms. Gray 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, Mr. Gorney presented the staff and Planning Commission recommendations.

Supervisor Frey requested that the applicant confirm, for the record, agreement with the proposed development conditions dated November 20, 2014, with input from Ms. Gray, who confirmed agreement.

Supervisor Frey moved approval of Special Exception Application SE 2014-SU-031, subject to the development conditions dated November 20, 2014. Supervisor Foust seconded the motion and it carried by unanimous vote.

57. **4 P.M. – PH ON A PROPOSAL TO REPEAL THE RESOLUTION THAT IMPOSED CERTAIN LIMITATIONS ON THE COUNTY'S SPOT BLIGHT ABATEMENT PROGRAM** (5:18 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2014.

Jeffrey L. Blackford, Director, Department of Code Compliance, presented the staff report.

Following the public hearing, Supervisor Smyth moved adoption of the Resolution repealing the 1996 Spot Blight Abatement Resolution. Supervisor Foust, Supervisor Herrity, and Supervisor McKay jointly seconded the motion.

Following discussion regarding the Spot Blight Abatement Program, the question was called on the motion, and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey being out of the room.

58. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 46 (HEALTH OR SAFETY MENACES), REGARDING PUBLIC NUISANCE** (5:29 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2014.

Jeffrey L. Blackford, Director, Department of Code Compliance, presented the staff report.

Following the public hearing, Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 46 (Health or Safety Menaces), regarding public nuisance. Supervisor McKay seconded the motion.

Following a brief discussion, with input from Mr. Blackford, Supervisor Hudgins asked to amend the motion to direct staff to provide a one year report on the status and how the program is working. This was accepted.

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

59. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-DR-019 (CWS VII, LLC AND THE TRUSTEES OF ANDREW CHAPEL UNITED METHODIST CHURCH) (DRANESVILLE DISTRICT)**

AND

I-3 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-D13-9, CWS VII, LLC AND THE TRUSTEES OF ANDREW CHAPEL UNITED METHODIST CHURCH (DRANESVILLE DISTRICT) (5:34 p.m.)

(NOTE: Earlier in the meeting the Board deferred consideration of Information Item I-3. See Clerk's Summary Item #22.)

The application property is located at 1301 Trap Road, Vienna, 22182, Tax Map 19-4 ((1)) 47.

Mr. Ed Donohue, reaffirmed the validity of the affidavit for the record.

Supervisor Herrity disclosed that he had received a campaign contribution in excess of \$100 from:

- Frank W. Stearns, Donohue and Stearns, PLC

Supervisor Foust noted that Information Item I-3 was deferred earlier in the meeting. Discussion ensued, with input from Elizabeth Teare, Deputy County Attorney, Office of the County Attorney, regarding considering the two applications jointly.

Information Item I-3 announced that the PC approved Public Facilities Application 2232-D13-9, noting that it met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. The application sought approval for a 120-foot telecommunication facility and related ground structure on the property located at 1301 Trap Road, Vienna, Tax Map 19-4 ((1)) 47.

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

Mr. Donohue introduced Tam Murray, President, CWS, who gave a PowerPoint slide presentation regarding the application. Discussion ensued, with input from Mr. Murray, regarding the non-residential buffering around the site and the letters of intent concerning the proposed application.

Paul Dugan, Independent Radio-Frequency Consulting Engineer for Verizon Wireless, also gave a presentation regarding the application.

Following the public hearing, which included testimony by 18 speakers, Ms. Bishop presented the staff and PC recommendations.

Chairman Bulova and Supervisor Foust submitted items for the record.

Following lengthy comments, Supervisor Foust moved that the Board overturn the Planning Commission's decision and **DENY**:

- Public Facilities Application 2232-D13-9
- Special Exception Application SE 2013-DR-019

Supervisor Hyland and Supervisor Smyth jointly seconded the motion.

Following discussion regarding the size/location of cell towers and the need for them, the question was called on the motion and it **CARRIED** by a recorded vote

of eight, Supervisor Herrity voting “NAY,” Supervisor Hudgins being out of the room.

60. **5 P.M. – PH ON PROPOSED PLAN AMENDMENT 2014-I-B2, LOCATED ALONG THE EAST SIDE OF MONCURE AVENUE AND COLUMBIA PIKE FROM MONCURE AVENUE TO A POINT ABOUT 500 FEET WEST OF THE INTERCHANGE WITH LEESBURG PIKE (MASON DISTRICT)** (7:29 p.m.)

Supervisor Gross moved to defer the public hearing on proposed Plan Amendment 2014-I-B2, until **January 13, 2015, at 3 p.m.** Supervisor Foust seconded the motion and it carried by a vote of six, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, and Supervisor McKay being out of the room.

61. **4 P.M. – PH ON REZONING APPLICATION RZ 2014-BR-001 (BLAGOJ SKANDEV SD HOMES LLC) (BRADDOCK DISTRICT)** (7:30 p.m.)

- (O) The application property is located on the east side of Twinbrook Road, approximately 900 feet south of its intersection with Braddock Road, Tax Map 69-3 ((1)) 31.

Mr. Blagoj Skandev reaffirmed the validity of the affidavit for the record.

Joe Gorney, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

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

Supervisor Cook moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2014-BR-001, from the R-1 District to the R-3 District, subject to the proffers dated November 20, 2014.
- Waiver of the location requirements of bio-retention facilities, pursuant to Section 6-1307 of the Public Facilities Manual to allow infiltration trenches to be located on individual lots, provided that a

private maintenance agreement, in a form acceptable to the County Attorney's Office, is completed for each lot.

- Deviation of the Tree Preservation Target, pursuant to Section 12-0508 of the Public Facilities Manual, in favor of the alternatives, as shown on the proposed plan and as conditioned.

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

62. **4 P.M. – PH ON REZONING APPLICATION RZ 2014-PR-004 (AMHERST PROPERTY LLC) AND A WAIVER # 25530-WPFM-001-1 TO PERMIT THE LOCATION OF UNDERGROUND STORMWATER MANAGEMENT FACILITIES IN A RESIDENTIAL AREA (PROVIDENCE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-D-005-08 (AMHERST PROPERTY LLC) (PROVIDENCE DISTRICT)
(7:38 p.m.)

(O's) (NOTE: On November 18, 2014, the Board deferred this public hearing until December 2, 2014.)

The application property is located west of Jones Branch Drive, approximately 400 feet north of its intersection with Westpark Drive, Tax Map 29-4 ((7)) 6 and 7B pt.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

Suzanne Wright, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 88-D-005-08 subject to the proffers dated November 7, 2014.

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2014-PR-004, from the C-3 District to the PTC District, subject to the proffers dated November 7, 2014.
- Waiver to allow the use of underground stormwater management and best management practices in a residential development (25530-WPFM-001-1) subject to the Conditions dated June 10, 2014, contained in Attachment A of Appendix 11 of the staff report.
- Waiver of Section 2-505 of the Zoning Ordinance to permit structures and vegetation on a corner lot as shown on the CDP and FDP.
- Waiver of Paragraph 1 of Section 6-506 of the Zoning Ordinance to permit a minimum district size of less than 10 acres for a PTC zoned parcel.
- Modification of Section 2-506 of the Zoning Ordinance to allow for a parapet wall, cornice or similar projection to exceed the height limit established by more than three feet as may be indicated on the FDP to screen mechanical equipment.
- Waiver of Section 17-201(3)(b) of the Zoning Ordinance to provide any additional interparcel connections to adjacent parcels beyond that shown on the Plans and as proffered.
- Modification of Zoning Ordinance Section 17-201 and Public Facilities Manual (PFM) Section 8-0201.3 to waive all trails and bike trails in favor of the streetscape and on-road bike lane system shown on the plans.
- Waiver of Section 17-201(7) of the Zoning Ordinance to allow establishment of parking control, signs and parking meters along private streets within the development.
- Waiver of Section 17-201(4) of the Zoning Ordinance requiring any further dedication and construction for widening of existing roads to address Comprehensive Plan requirements beyond that which is indicated in the Plans and proffers.
- Waiver and/or modification of Section 13-202 of the Zoning Ordinance and 120514.2 of the PFM requiring five percent interior parking lot landscaping in favor of that shown on the CDP/FDP.

- Modification of PFM Section 12-0515b minimum planter opening area for trees used to satisfy the tree cover requirement in favor of that shown on the CDP/FDP.
- Modification to allow trees located above any proposed percolation trench or bioretention areas to count towards county tree cover requirements as depicted on the CDP/FDP.
- Modification of the 10 year tree canopy requirements in favor of that shown on the Plans and as proffered.
- Modification of the Zoning Ordinance and PFM for required tree preservation target and ten percent canopy to be calculated as shown on the overall CDP.

Supervisor Foust seconded the motion and it carried by a vote of six, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Gross, Supervisor Herrity, Supervisor Hyland, and Supervisor McKay being out of the room.

(NOTE: On November 6, 2014, the PC approved Final Development Plan Application FDP 2014-PR-004, subject to the development conditions dated November 4, 2014.)

63. **4 P.M. – DECISION ONLY ON REZONING APPLICATION RZ 2014-BR-007 (NVR, INCORPORATED) (BRADDOCK DISTRICT) (7:49 p.m.)**

(O) (NOTE: On November 18, 2014, the Board held a public hearing regarding this item and deferred decision until December 2, 2014.)

Supervisor Foust noted that he had made a disclosure when the public hearing was held on November 18, 2014.

Following lengthy remarks regarding the application, Supervisor Cook moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2014-BR-007, from the R-1 District to the PDH-3 District, subject to the proffers dated November 17, 2014, and subject to the approval of only transportation Option B as depicted on Sheet 5B of the CDP/FDP and as proffered.
- Waiver of the 600 feet maximum length requirement for a private street per Paragraph 2 of Section 11-302 of the Zoning Ordinance.
- Waiver of the service drive requirement along Route 29.

- To direct the Director of the Department of Public Works and Environmental Services to approve a deviation from the tree preservation target required per Section 12-0508 of the Public Facilities Manual, in accordance with the deviation request letter.

Supervisor Herrity seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey, Supervisor Gross, and Supervisor Hyland being out of the room.

Supervisor Cook submitted items for the record.

(NOTE: On November 13, 2014, the Planning Commission approved Final Development Plan Application FDP 2014-BR-007, subject to Option A, as depicted on Sheet 5 of the CDP/FDP and including a full public road connection and subject to the development conditions dated November 13, 2014.)

64. **C-1 – APPEAL OF PLANNING COMMISSION (PC) APPROVAL OF FINAL DEVELOPMENT PLAN APPLICATION FDP 2014-BR-007, SUBJECT TO OPTION A ONLY; NVR, INCORPORATED (BRADDOCK DISTRICT)** (8 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action regarding this item. See Clerk’s Summary Item #19.)

The Board next considered an item contained in the Board Agenda dated December 2, 2014, regarding consideration of an appeal filed by NVR, Incorporated, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 16-402(9), challenging the PC’s decision to conditionally approve Final Development Plan Application FDP 2014-BR-007, subject to Option A only, and approval of the concurrent rezoning application.

Supervisor Cook moved that the Board set aside the PC’s decision on Final Development Plan Application FDP 2014-BR-007 and approve Final Development Plan Application FDP 2014-BR-007, subject to Option B only. Supervisor Herrity seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Gross, and Supervisor Hyland being out of the room.

65. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-PR-001 (7799 LEESBURG PIKE, LLLP C/O LERNER ENTERPRISES) (PROVIDENCE DISTRICT)** (8:02 p.m.)

Supervisor Smyth moved to indefinitely defer the public hearing on Special Exception Application SE 2014-PR-001. Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Gross, and Supervisor Hyland being out of the room.

66. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 89-S-004-03 (HOPE FOSTER BRITT) (SPRINGFIELD DISTRICT)** (8:02 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2014.

The application property is located at 13315 Twin Lakes Drive, Clifton, 20124, Tax Map 66-3 ((1)) 3Z, 4Z, 5Z, 6Z, and 21Z.

Michael Lynskey, Planner, Department of Planning and Zoning, presented the staff report.

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

Supervisor Herrity moved approval of Agricultural Renewal Application AR 89-S-004-03 and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Foster Britt Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 22, 2014. Supervisor McKay seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Cook, Supervisor Foust, and Supervisor Hyland being out of the room.

67. **5 P.M. – PH ON PROPOSED PLAN AMENDMENT 2014-I-B2, LOCATED ALONG THE EAST SIDE OF MONCURE AVENUE AND COLUMBIA PIKE FROM MONCURE AVENUE TO A POINT ABOUT 500 FEET WEST OF THE INTERCHANGE WITH LEESBURG PIKE (MASON DISTRICT)**

(NOTE: Earlier in the meeting, the Board deferred this item. See Clerk’s Summary Item #60.)

68. **5 P.M. – PH ON PROPOSED PLAN AMENDMENTS 2013-III-FC1(A) AND S13-III-FC1, FAIRFAX CENTER AREA (BRADDOCK, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (8:05 p.m.)

Kimberly Rybold, Planner III, Department of Planning and Zoning (DPZ), presented the staff report.

Supervisor Cook submitted an item for the record.

Following the testimony of Vincent Picciano (Speaker Two), a brief discussion ensued regarding the existing Waples Mobile Home Park.

Following the public hearing, which included testimony by five speakers, Ms. Rybold presented the staff and PC recommendations.

Jointly with Supervisor Cook, Supervisor Frey, and Supervisor Smyth, Supervisor Herrity referred to his written motion distributed at the dais, and moved that the Board adopt the PC recommendation for land use changes in Subunits U1 and V1 associated with Plan Amendments 2013-III-FC1(A) and S13-III-FC1, shown on pages 45-46 of the staff report. Supervisor Frey seconded the motion.

Discussion ensued, with input from Ms. Rybold, who confirmed that there are no proposed changes to the mobile home park property and it is not included in the motion.

Discussion ensued regarding:

- Significant improvement needed to the Fairfax Forward process
- The process should look at County priorities and not be focused only on site specific proposals
- Planning for facilities needed, such as assisted living, schools, and churches
- The process should encourage a consideration of an area as a whole to decide on what is needed
- An appropriate look at the existing roads
- Two specific proposals that were presented but were not included
- Exclusion of Parcel V2 which is the Mobile Home Park
- Staff's commitment to consider an out of turn special study in the future
- The limited land use options that were presented

The question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Herrity moved that the Board adopt the PC recommendation:

- To retain the current land use plan recommendations for Subunits M2 and S1 associated with Plan Amendments 2013-III-FC1(A) and S13-III-FC1, as shown in the Planning Commission recommendation and handout dated November 20, 2014, which are Attachments I and II of the Board Agenda item.

- And a number of general revisions to the Plan guidance for the entire Phase I study area. These revisions would reflect development that has occurred since the initial adoption of the Fairfax Center Area plan.
- For all other revisions proposed on pages 31-56 of the staff report for Plan Amendments 2013-III-FC1(A) and S13-III-FC1.

Supervisor Frey seconded the motion.

Discussion ensued, with input from Marianne Gardner, Director, Planning Division, DPZ, regarding:

- As this was the pilot project, staff will evaluate the Fairfax Forward process and its outcome
- Discussion at a future development process committee meeting
- Analysis of how the process is working, including any shortcomings and proposals for revisions

The question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

69. **5 P.M. – PH ON PROPOSED PLAN AMENDMENT 2013-III-UP1, LOCATED SOUTH OF BARON CAMERON AVENUE, WEST OF WIEHLE AVENUE, NORTH OF LAKE ANNE AND EAST OF NORTH SHORE DRIVE (HUNTER MILL DISTRICT) (9:05 p.m.)**

Jennifer R. Bonnette, Planner III, Environmental and Development Review Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the testimony of Elizabeth Arguelles (Speaker Two), discussion ensued regarding concerns about displaced tenants during the redevelopment of Lake Anne.

Following the public hearing, which included testimony by two speakers, Ms. Bonnette presented the staff and PC recommendations.

Supervisor Hudgins moved:

- Approval of Plan Amendment 2013-III-UP1, as recommended by the Planning Commission as found on pages 18-26 of the staff report dated October 29, 2014.

- Revision of the boundary between Land Unit A and Land Unit F so that the land area of the Millennium Bank Building would shift to land Unit A
- Removal of Land Unit E from the full Consolidation Option
- Increase the recommended non-residential use in Land Unit D under the full Consolidation Option from 4,000 square feet to 48,000 square feet, and demolish the existing gas station if redevelopment under the Full Consolidation Option
- Increase the total non-residential development from 109,000 square feet to 153,000 square feet under the Full Consolidation Option
- Strengthen the existing recommendation concerning the timing of the realignment of Village Road

Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

70. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 62, (FIRE PROTECTION), REGARDING ADJUSTMENT OF THE FEES CHARGED BY THE FIRE MARSHAL FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES** (9:24 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2014.

Michael Reilly, Deputy Chief, Fire Prevention Division, Fire and Rescue Department (FRD), presented the staff report.

Discussion ensued, with input from Mr. Reilly and James Patteson, Director, Department of Public Works and Environmental Services (DPWES), regarding:

- Increased cost of permits, labor cost and what drives the increase in the fee
- Concern over the quality of plans submitted
- An improvement in the processing time for plan review and approval
- The types of matrix to use in terms of reporting results

- Cost of the permitting and approval process
- Industry expectations that targets will be met

Following the public hearing, which included testimony by two speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 62 (Fire Protection). These amendments shall become effective on January 1, 2015, at 12:01 a.m., and the revised fees shall be applicable to any submission after the effective date. Supervisor Foust, Supervisor Herrity, and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

71. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, CHAPTER 61, (BUILDING PROVISIONS), AND APPENDIX Q, REGARDING ADJUSTMENT OF THE FEES CHARGED BY LAND DEVELOPMENT SERVICES FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES** (9:43 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2014.

Jerry Stonefield, Land Development Services (LDS), Department of Public Works and Environmental Services presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, as follows:

- Appendix Q, as set forth in Attachment A of the staff report dated October 28, 2014.
- Chapter 61 (Building Provisions), as set forth in Attachment B of the Staff Report dated October 28, 2014.

The proposed amendments shall become effective on January 1, 2015, at 12:01 a.m., and the revised fees shall be applicable to any submission after the effective date.

Supervisor Gross and Supervisor Herrity jointly seconded the motion.

Discussion ensued with input from Mr. Patteson, regarding improvements in the process, cooperation of the industry, LDS fees, recent years’ increases in permit fees, and what is being done to address costs.

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

72. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (9:51 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2014.

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

There were no speakers for public comment.

73. **BOARD ADJOURNMENT** (9:51 p.m.)

The Board adjourned.

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