



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
July 1, 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, July 1, 2014, at 9:33 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor 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; 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** (9:34 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family of Mr. Thomas Meaney, Jr., a Braddock District resident, who died June 21. Mr. Meaney served as the Braddock District representative to the County's Transportation Task Force; enjoyed mentoring young people; was very active in local politics; a professional engineer by education and a fellow with the American Society of Civil Engineers; he served at the State level on a Department of Professional and Occupational Regulation Board. Mrs. Marion Meaney, his wife, co-authored *Braddock's True Gold*.

Supervisor McKay asked everyone to keep in thoughts the family of Tamara "Tammy" Derenak Kaufax, Lee District School Board Member, whose mother died last week in Pennsylvania.

Supervisor McKay asked everyone to keep in thoughts Ms. Norma Hoffman, an environmental force in the County. Ms. Hoffman recently suffered a fall and broke a hip and a shoulder.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING SEPTEMBER 2014 AS "DIRECT SUPPORT PROFESSIONALS MONTH" IN FAIRFAX COUNTY** (9:38 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate September 2014 as "*Direct Support Professionals Month*" in Fairfax County and urged all residents and associated businesses to express encouragement and appreciation for the critical services performed by these individuals. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **RESOLUTION OF RECOGNITION PRESENTED TO MR. JAY PEARSON (HUNTER MILL AND PROVIDENCE DISTRICTS)** (9:47 a.m.)

Supervisor Smyth moved approval of the Resolution of Recognition presented to Jay Pearson, principal of Marshall High School, for being named Fairfax County Schools' 2014 Principal of the Year and for his selection by *The Washington Post* to receive a 2014 Washington Post Distinguished Education Leadership Award. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. DONN GROVER (LEE DISTRICT)** (9:56 a.m.)

Supervisor McKay moved approval of the Certificate of Recognition presented to Mr. Donn Grover for his meticulous work, noteworthy artistic ability, and undeniable enthusiasm in restoring the Lake Accotink 80-year-old carousel and its 26 hand-carved wooden horses. Supervisor Herrity seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION COMMEMORATING THE FIFTIETH ANNIVERSARY OF THE CIVIL RIGHTS ACT OF 1964** (10:01 a.m.)

Supervisor Cook moved approval of the Resolution of Recognition commemorating the fiftieth anniversary of the Civil Rights Act of 1964 and urged all residents to celebrate this important occasion in the history of the nation. Supervisor Herrity, Supervisor Hudgins, and Supervisor Hyland jointly seconded the motion. Following discussion on the Civil Rights Act and ensuing legislation, the question was called on the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE ECONOMIC DEVELOPMENT AUTHORITY (EDA)** (10:23 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition, presented to Dr. Gerry Gordon, President and Chief Executive Officer, congratulating the EDA for 50 years of promoting the County as one of the world's best business locations and for helping to build a strong, diversified economic base. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Following discussion concerning the Authority's accomplishments and its many contributions to growing and maintaining economic development in the County, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **RESOLUTION OF RECOGNITION PRESENTED TO FAIRFAX COUNTY PUBLIC LIBRARY** (10:46 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to the Fairfax County Public Library on the celebration of its seventy-fifth anniversary and thanks and commends library staff, both past and present, for outstanding dedication and distinguished service to the community. Supervisor McKay seconded the motion. Following discussion concerning the many contributions the Library has made to the community, the question was called on the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER8. **INTRODUCTION OF INTERN (HUNTER MILL DISTRICT)** (11:08 a.m.)

Supervisor Hudgins introduced Ms. Vivianna Del Toro, a recent South Lakes High School graduate who will be attending George Mason University committed to a communications and business major. She was the photographer for her high school newspaper and was raised in Italy and Switzerland; in addition to English, she speaks Italian and German. On behalf of the Board, Chairman Bulova warmly welcomed her to the Board Auditorium.

AGENDA ITEMS9. **10:30 A.M. – PRESENTATION OF THE HISTORY COMMISSION ANNUAL REPORT** (11:10 a.m.)

(BACs) Gretchen Bulova, Chairman, History Commission, introduced the following members of the History Commission who were present in the Board Auditorium:

- Lynne Garvey-Hodge, Springfield District Representative
- Elise Ruff Murray, Hunter Mill District Representative
- Robert Beach, Braddock District Representative
- Laurie Turkawski, History Commission Staff Coordinator, Department of Planning and Zoning

Ms. Bulova presented the Commission's annual report noting some of the Commission's endeavors as follows:

- Monitoring and review of cellphone tower applications and Route 1 improvements at Fort Belvoir
- Participation at local history events/festivals as well as lecturing at schools, community organizations and historical societies
- The resident curator program
- A marker program which designates and highlights important sites in the County
- Commemoration of the bicentennial of the War of 1812
- Commemoration of the 150th anniversary (Sesquicentennial) of the Civil War

Discussion ensued about the Commission's work concerning:

- Markers/marker dedications and re-enactments
- The Woodlawn Elementary School renovation and the preservation of part of a historic building that was once a Quaker school house
- The resident curator program and its importance in saving some of the County's historic buildings
- Moving books out of the warehouse

Chairman Bulova thanked the Commission for its work.

EBE:ebe

10. **ADMINISTRATIVE ITEMS** (11:24 a.m.)

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

Supervisor Smyth asked to amend the motion to withdraw Admin 8 – Additional Time to Commence Construction for Special Exception Amendment Application SEA 00-P-050 (TCR Mid Atlantic Properties Incorporated) (Providence District), and this was accepted.

Supervisor Herrity called the Board's attention to - Admin 3 – Authorization to Advertise a Public Hearing on the Approval of Financing for the Purchase of a New Ambulance by the Greater Springfield Volunteer Fire Department, Incorporated (VFD) (Springfield District) and asked unanimous consent that the Board direct staff to correct the Board Agenda Item to indicate that this item is in the Lee District, and this was accepted.

The question was called on the motion, as amended, to approve the Administrative Items with the exception of Admin 8, 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 FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF HOMELAND SECURITY FOR THE 2014 STATE HOMELAND SECURITY (SHS) GRANT TO SUPPORT THE HAZARDOUS MATERIALS RESPONSE TEAM, ADMINISTERED BY THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

Authorized FRD to apply for and accept grant funding in the amount of \$150,000 from the US Department of Homeland Security for the 2014 SHS grant. The funding will allow the procurement of hazardous materials detection, decontamination, and

documentation equipment to support the Hazardous Materials Response Team. No new positions will be created with this grant. No local cash match is required.

ADMIN 2 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF HOMELAND SECURITY FOR THE 2014 STATE HOMELAND SECURITY (SHS) GRANT TO SUPPORT THE VIRGINIA COMMUNICATIONS CACHE, ADMINISTERED BY THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

Authorized FRD to apply for and accept grant funding in the amount of \$189,000 from the US Department of Homeland Security for the 2014 SHS grant. The funds will support sustainment of the Virginia Communications Cache and will be utilized to replace aging communications equipment, purchase repair parts and miscellaneous cache supplies, and replace an obsolete equipment trailer, as well as support training, exercise, planning, and instruction costs for the team to maintain certifications and capabilities. No new positions will be created with this grant. No local cash match is required.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE APPROVAL OF FINANCING FOR THE PURCHASE OF A NEW AMBULANCE BY THE GREATER SPRINGFIELD VOLUNTEER FIRE DEPARTMENT, INCORPORATED (VFD) (LEE DISTRICT)

- (A) (NOTE: Earlier in the meeting, a correction was made to this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **July 29, 2014, at 4:30 p.m.**, regarding approval of financing for the purchase of a new ambulance by the Greater Springfield VFD.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE APPROVAL OF FINANCING FOR THE PURCHASE OF A NEW AMBULANCE BY THE BAILEY’S CROSSROADS VOLUNTEER FIRE DEPARTMENT, INCORPORATED (VFD) (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 29, 2014, at 4:30 p.m.**, regarding approval of financing in an amount of up to \$220,000 for the purchase of a new ambulance by the Bailey’s Crossroads VFD.

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

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 29, 2014, at 4 p.m.**, on proposed amendments to the Code of the County of Fairfax, Appendix M, to consider expanding the Green Trails CPD, in accordance with current CPD restrictions. The proposed district expansion includes the following streets:

- Roamer Lane (Route 8614), from Rock Canyon Drive to Roamer Court
- Roamer Court (Route 8634), from Roamer Lane east and west to the cul-de-sacs, inclusive

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE WEST POTOMAC RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 36 (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 29, 2014, at 4 p.m.**, on proposed amendments to the Code of the County of Fairfax, Appendix G, to consider expanding the West Potomac RPPD, District 36. The proposed district expansion includes Dawn Drive (Route 1432), from the western boundary of 2707 Dawn Drive east to the cul-de-sac inclusive.

ADMIN 7 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2011-PR-007 (PAGE ANNANDALE ROAD ASSOCIATES, LLC) (PROVIDENCE DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 2011-PR-007 to July 10, 2015, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 8 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-P-050 (TCR MID ATLANTIC PROPERTIES INCORPORATED) (PROVIDENCE DISTRICT)

(NOTE: Earlier in the meeting, this item was withdrawn. See page 5.)

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 22 (COURT AND SHERIFF’S FEES), TO ADD A NEW SECTION 4-22-6, IMPOSING AN ELECTRONIC SUMMONS SYSTEM FEE

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 29, 2014, at 5 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 22 (Court and Sheriff’s Fees), to add a new Section 4-22-6, Imposing an Electronic Summons System Fee.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE AMENDED AND RESTATED REAL ESTATE EXCHANGE AGREEMENT BETWEEN THE BOARD AND ROCKS ENGINEERING COMPANY AND NUGGET JOINT VENTURE, LC (COLLECTIVELY, “RECO”) (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 29, 2014, at 4:30 p.m.**, regarding the amended and restated Real Estate Exchange Agreement between the Board and RECO.

11. **A-1 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE FEDERAL BUREAU OF INVESTIGATION (FBI)** (11:26 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOU between the FCPD and the FBI authorizing the full-time assignment of two detectives and the part-time assignment of one detective to the Metro Area Violent Crimes Task Force.

12. **A-2 – ESTABLISHMENT OF THE TYSONS TRANSPORTATION MANAGEMENT ASSOCIATION (TMA) AND APPOINTMENT OF THE TYSONS PARTNERSHIP TO OPERATE THE TYSONS TMA (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (11:26 a.m.)

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

- Approve the establishment of a new Tysons TMA
- Appoint the Tysons Partnership as operator of the Tysons TMA

Supervisor Smyth noted that the TMA funds are proffered funds specifically for the Transportation Demand Management (TDM) in Tysons and she asked unanimous consent that the Board direct staff to determine if the funds can be set up as a separate account and not part of the Tysons transportation funds.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, who noted that staff will research the issue and report with its findings when the formal agreement comes before the Board. Without objection, it was so ordered.

Chairman Bulova seconded the motion.

Discussion ensued with input from Mr. Biesiadny, who confirmed that the item will be presented for discussion at the Transportation Committee meeting before presenting to the Board for approval.

Supervisor Herrity asked unanimous consent that the Board direct staff to report with the formal agreement for discussion at a Transportation Committee meeting. Without objection, it was so ordered.

Discussion continued, with input from Mr. Biesiadny, regarding:

- Regular re-evaluation of TDM strategies
- Status of proffered TDM funds
- Cost of implementing TDM strategies
- Penalties for non-compliance and where penalty funds will be deposited
- How to measure compliance and success of TDM proffers
- The implementation of TDM proffers County-wide

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

13. **A-3 – ESTABLISHMENT OF PARKING FEES AT WIEHLE-RESTON EAST METRORAIL GARAGE** (11:37 a.m.)

Chairman Bulova noted that this item will be deferred until later in the meeting to consider it in conjunction with the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5 (Stopping, Standing and Parking), Section 82-5-39.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #47.)

14. **A-4 – APPROVAL OF CHANGES TO THE COUNTY'S PURCHASING RESOLUTION** (11:38 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved changes to the Purchasing Resolution, to become effective on July 1, 2014.

15. **A-5 – APPROVAL OF THE 2014 ZONING ORDINANCE AMENDMENT WORK PROGRAM** (11:38 a.m.)

Supervisor Frey moved that the Board concur in the recommendation of staff and approve the 2014 Zoning Ordinance Amendment Work Program, as recommended by the Development Process Committee. Supervisor Foust seconded the motion.

Discussion with input from Michelle O’Hare, Deputy Zoning Administrator, Ordinance Administration Branch, Department of Planning and Zoning (DPZ), regarding:

- Status of the authorization to advertise the Residential Studios amendment and the issue of not having had the Planning Commission (PC) vote on it before presenting the Work Program to the Board
- Anticipated timeframe to discuss the issue of Adult Day Health Care Centers and Alternative Financial Institutions potential Zoning Ordinance amendments at a future Development Process Committee meeting

Chairman Bulova noted that the Board chose not to move forward on the issue of the proposed Group Assembly amendment and it is not included in the work program.

Supervisor Smyth asked unanimous consent that the Board direct staff to notify the PC about the Board’s request for information regarding the Adult Day Care Centers and the Alternative Financial Institutions. Without objection, it was so ordered.

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

16. **A-6 – BOARD APPROVAL OF THE COUNTY’S TITLE VI PROGRAM FOR THE FEDERAL TRANSIT ADMINISTRATION (FTA)** (11:43 a.m.)

On motion of Supervisor McKay, seconded jointly by Supervisor Gross and Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the County’s Title VI Program.

17. **A-7 – ESTABLISHMENT OF A REVISED MEMBERSHIP FOR THE MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY (CDA) BOARD (PROVIDENCE DISTRICT)** (11:44 a.m.)

(BACs)
(APPTs)

On motion of Supervisor Foust, seconded jointly by Chairman Bulova and Supervisor Smyth, and carried by unanimous vote, the Board concurred in the

recommendation of staff and approved the revised membership of the Mosaic District CDA. The CDA shall be constituted as follows:

- The Providence District Supervisor
- An additional District Supervisor
- Director, Office of Community Revitalization
- County Debt Coordinator
- A representative of the developer

Supervisor Foust moved to appoint Supervisor Linda Smyth as the Providence District Supervisor Representative to the Mosaic District CDA Board. Supervisor Gross seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

18. **EVENINGS ON THE ELLIPSE** (11:45 a.m.)

Chairman Bulova said that she is very excited about hosting the second annual “Evenings on the Ellipse” concert series this summer. The concerts kick off this Thursday, July 3, and will take place every Thursday from 5:30 p.m. to 7 p.m. until August 28. She asked everyone to join her in the County Government Center's "back yard" for music, relaxation, and fun.

The concerts are designed for employees and nearby residents who wish to celebrate the end of the day in Wolf Trap-esque style! Consider ending your day by stopping by the Farmers Market and food truck to pick up provisions before coming to the concerts and spending time with family, co-workers, and friends. This concert series is possible thanks to a fantastic partnership with the Park Authority and generous corporate neighbors. Chairman Bulova thanked them for helping make these good times happen!

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

- The Park Authority, the Facilities Management Department, and the Department of Cable and Consumer Services to continue their valuable assistance with the coordination of this event
- The Office of Public Affairs to publicize these concerts through Newslink and other media

Without objection, it was so ordered.

19. **REQUEST FOR RECOGNITION OF “HUMAN TRAFFICKING AWARENESS MONTH”** (11:47 a.m.)

Chairman Bulova said Human Trafficking is a serious issue in all corners of the globe, including the County. According to the US Department of State, approximately 800,000 individuals are trafficked across international borders every year. The issue of human trafficking is a major concern for the County, and addressing it is one of the highest public safety and human rights priorities.

Chairman Bulova noted that the Commission for Women has elected to make human trafficking its central focus and had contacted her office regarding National Human Trafficking Awareness Month. Commemorating January 2015 as “Human Trafficking Awareness Month” in the County will provide an excellent opportunity to increase public awareness of this alarming issue.

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff to invite representatives from the Commission for Women to appear before the Board during the first Board meeting in 2015 to accept a proclamation recognizing January 2015 as “Human Trafficking Awareness Month,” in Fairfax County. Without objection, it was so ordered.

20. **“CARE ENOUGH TO WEAR PINK, PINK HEALS TOUR” – REQUEST FOR RECOGNITION** (11:48 a.m.)

Chairman Bulova announced that the Guardians of the Ribbon Incorporated will be bringing the internationally recognized “Care Enough to Wear Pink, Pink Heals Tour” campaign to the County Government Center, as well as other locations around the County. The Guardians of the Ribbon is a non-profit organization consisting of firefighters and law enforcement officers whose sole purpose is raising awareness for the fight against cancer. Last summer, the “Pink Heals Tour” made a stop in the County and is pleased that the Tour will return to the County in September.

Jointly with Supervisor Hudgins, Chairman Bulova asked unanimous consent that the Board direct staff to invite representatives from the Guardians of the Ribbon to appear before the Board on September 9, 2014, to accept a proclamation recognizing the “Care Enough to Wear Pink, Pink Heals Tour.” Without objection it was so ordered.

21. **TRENCH RESCUE – REQUEST FOR RECOGNITION** (11:49 a.m.)

Chairman Bulova said that on June 12, 2014, units from the Fire and Rescue Department (FRD) were dispatched to Falls Church for a report of a man buried in a trench. Units arrived to find a worker buried up to his chest at the bottom of a 20-foot deep trench as the result of a partial collapse of a trench wall. The soil and trench walls were in very poor condition with additional collapses occurring as rescuers arrived.

Members of the FRD's Technical Rescue Operations Team quickly assembled a "trench box" and used a fire department aerial tower to lower the trench box over the victim to protect him from additional collapses. Shortly after the box was in position, a further, significant collapse occurred that would likely have buried the victim if the equipment was not in place. The crew removed the dirt and mud from the trench to extricate him. Due to complications from the soil being saturated and settling around the victim, the operation lasted just over eight hours.

During the time that the victim was trapped, he was continuously monitored and treated by the FRD's Operational Medical Director and paramedics. The victim was removed from the trench and transported to Fairfax Hospital. He was released from the hospital and is expected to make a complete recovery.

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff to invite representatives from the FRD to appear before the Board on July 29, 2014, to be recognized for their heroic work. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

22. **CONSIDERATION ITEM FOR CARRYOVER: FULL-DAY MONDAYS FOR ELEMENTARY SCHOOLS** (11:52 a.m.)

Supervisor Foust said that on June 26, the Fairfax County School Board voted to lengthen the Monday schedule for elementary schools to a full instructional day. Parents in particular were most supportive of the change to full-day Mondays. Elementary school parents were surveyed via an online survey and via a phone survey for those parents who did not have an email on record. Approximately 80 percent of the online survey and 85 percent of the phone survey respondents were in favor of the change. More than 80 percent of those in favor of the change supported doing so in September 2014.

The change to full-day Mondays will have several advantages:

- It increases instructional time for all elementary students and allows for 20 minutes of daily recess.
- Fairfax County Public Schools (FCPS) currently does not meet the 990-hour requirement in state law due to the current early Monday, thus the school system had to make-up three instructional days beyond the advertised last day of school to meet the 180-day requirement. Having a uniform elementary school day will prevent the school system from having to make-up days if there are fewer than 13 inclement weather days.

- A uniform elementary day also allows the school system to utilize an innovative school year calendar that builds in consistent holidays, such as a full two weeks at the winter break, and it provides for strategic planning days throughout the year.
- The new uniform elementary day would only be implemented with new regulations/rules that provided all elementary teachers with at least 60 minutes of self-directed time four times per week and at least 60 minutes one time per week for collaborative team planning equating to a total minimum planning time per week of 300 minutes.

FCPS staff estimates that the change to full-day Mondays and the provision of the dedicated planning time for elementary school teachers will cost a maximum of \$7.6 million. The School Board and Superintendent are working to find resources in its Fiscal Year (FY) 2015 budget to implement this change this September. Finding this amount in the recently-adopted school budget will be difficult.

This change will have far-reaching benefits to students, teachers and parents. It is an investment that needs to be made and should be implemented this September if possible.

Therefore, Jointly with Supervisor McKay, Supervisor Foust moved that the Board direct the County Executive to work with the Superintendent to determine whether the Schools will need any financial support from the County's FY 2014 Carryover to implement the full day Monday schedule this coming September, and if so, to propose how that support may be provided. Supervisor McKay and Chairman Bulova seconded the motion.

Chairman Bulova noted that this issue was the subject of discussion at a strategic planning meeting and exercise that the School Board conducted. She added that Board Members were invited.

Discussion ensued with input from Edward L. Long, Jr., County Executive, regarding:

- The \$8 million cost of the program
- The process for addressing the funding issue
- The need for discussion of this issue as part of the FY 2016 budget not the FY 2015 Carryover budget
- The breakdown of the costs for this program
- The suggestion to hold a joint strategic Budget Committee meeting with the School Board

- The advantages of additional instructional time
- The Board's Carryover Policy to not fund recurring expenses
- Positive impact on children and families of the change
- The need to view the change to a full day Monday schedule as part of a longer term strategy to improve student achievement
- Resources needed to implement the program
- Opportunities for the Board to discuss issues prior to voting on Carryover in September

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

23. **JUNE 2014 QUARTERLY REPORT OF THE AUDITOR OF THE BOARD**
(12:28 p.m.)

Supervisor Foust said the Board has received the Auditor of the Board's Quarterly Report for June 2014. The report includes the following study areas:

- Housing Cash Proffers (Remaining Balance)
- Cable Revenue Sources and Uses
- Bus Route Evaluation Methodologies
- Dulles Metrorail Project Status

The Auditor's findings and recommendations are set forth in the report, and several are summarized below:

Housing Cash Proffers – The Auditor recommended that the Department of Housing and Community Development establish written procedures that specifically address accounting practices related to housing cash proffers and continue efforts to identify and reconcile the variance between reported fund balances for the Housing Trust Fund.

Bus Route Evaluation Methodologies – During the past five years, the Department of Transportation has focused on the expansion of the Connector bus system and has not implemented a formal process for conducting routine evaluations of bus routes. Department officials indicated that they have a “suggested evaluation process” for the routine evaluation of bus routes that was prepared by a consultant in 2011. The consultant noted that the Department does not have a formal systematic and periodic process for measuring bus route

performance. The Auditor recommended that the Department formalize and implement a methodology for the routine evaluation of Connector bus routes.

Supervisor Foust moved that the Board:

- Adopt the Auditor of the Board's June 2014 Quarterly Report
- Approve the Audit Committee Work Plan for the upcoming quarter

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

DET:det

24. **RECOGNITION OF THE SOUTH COUNTY SECONDARY SCHOOL SOFTBALL TEAM FOR WINNING THE STATE CHAMPIONSHIPS (MOUNT VERNON DISTRICT)** (12:32 p.m.)

Supervisor Hyland announced that the South County Secondary School softball team had high expectations for the 2014 season with 13 returning players and a 20-3 record the previous season. Its record during the regular season was 18-2 and played its eighth straight conference title against Lake Braddock, but lost 1-0 in extra innings. He noted that the team outscored all opponents in the regional tournament, 25-3, and won the 6A North Regional Championship 2-1 over Lake Braddock. In the State semi-finals, the team won a long 11 inning game against First Colonial High School. The final game was against Cosby High School, undefeated in the regular season; however South County won 4-1 and received its first State title.

Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite the South County Softball Team to appear before the Board to be recognized for its achievement. Without objection, it was so ordered.

25. **APPRECIATION FOR STAFF HELP IN COORDINATION, RESPONSE, AND CLEAN-UP AFTER A STRONG JUNE THUNDERSTORM** (12:33 p.m.)

Supervisor Hyland stated that on Wednesday, June 18, through the morning of Thursday, June 19, a severe storm did significant damage to many areas of the northeastern portion of the Mount Vernon District, most notably in the Bucknell Manor, Belle View, New Alexandria, Riverview, and Belle Haven neighborhoods. Public Safety personnel worked extremely hard to clean up the damage from the storm as quickly as possible. The Office of Emergency Management (OEM) coordinated the efforts and established a unified command center in the Belle View Shopping Center parking lot.

Supervisor Hyland said he wanted to especially thank the County's Emergency Coordinator Dave McKernan; Department of Public Works and Environmental Services (DPWES) Director James Patteson; as well as Steve Aitcheson and their

staffs. He thanked Fire Chief Bowers and Deputy Fire Chief Danny Gray for sounding the alarm at zero dark thirty to get the communities the help needed. Additionally, he sincerely thanked all of the Fire and Rescue Department (FRD) staff from the Penn Daw Station and other supporting stations, as well as Police Officers from the Mount Vernon District Station who went door to door to ensure that everyone was safe. He noted that he and the Board appreciate the diligence and hard work to protect County residents.

Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite representatives from OEM, DPWES, FRD, the Police Department, and others to appear before the Board to be recognized for their efforts. Without objection, it was so ordered.

26. **CONGRATULATING VIRGINIA RAILWAY EXPRESS (VRE) AND COUNTY STAFF ON EARNING THE GOLD SECURITY EXCELLENCE AWARD** (12:36 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Cook announced that VRE and County staff were presented with the Gold Security Excellence Award last week from the American Public Transportation Association. The award is in recognition of a safety drill held at Lake Accotink Park in Springfield.

Supervisor Cook said that the drill was a full-scale, realistic emergency simulation of a nighttime passenger train derailment in a heavily wooded area. The drill brought together first responders from the Police Department and the Fire and Rescue Department, and utilized the police helicopter to locate a missing passenger.

Sixty percent of VRE trains operate entirely under the cover of darkness depending on the time of year, and most of the routes are wooded with tracks built into steep geographic fills.

This award comes in addition to the Transportation Security Administration's 2014 Baseline Assessment for Security Enhancement audit which gave VRE a "Gold Standard" rating.

Therefore, Supervisor Cook asked unanimous consent that the Board congratulate the VRE and County staff on this award. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a proclamation or certificate for presentation to appropriate staff. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

PMH:pmh

27. **REQUEST FOR RECOGNITION OF LIEUTENANT KENNETH BAINE, POLICE DEPARTMENT (HUNTER MILL DISTRICT)** (12:37 p.m.)

Supervisor Hudgins said that Lieutenant Kenneth Baine stationed at the Reston District Police Station is retiring after 26 years of service with the County Police Department. Lieutenant Baine joined the Police Department in 1988 and has served many different roles within the Police Department.

Supervisor Hudgins referred to her written Board Matter which outlined Lieutenant Baine's many accomplishments.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Lieutenant Kenneth Baine to appear before the Board to be recognized for his service with the Police Department. Without objection, it was so ordered.

28. **NATIONAL NIGHT OUT – REQUEST FOR RECOGNITION** (12:38 p.m.)

Supervisor Hudgins announced that August 5 is National Night Out and will be held in communities all over the United States. This night, County residents are asked to turn on their porch lights and to join with their neighbors and local police in a variety of activities. Throughout the County, there will be crime prevention block parties, cookouts, ice cream socials, flashlight walks, safety fairs, and neighborhood meetings.

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

- Invite representatives from the Police Department to appear before the Board at its July 29 meeting to receive a proclamation encouraging all Fairfax to participate in the National Night Out.
- Work with the Police Department to publicize this event.

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 July 29.

29. **CELEBRATING THE CAREER OF MS. WYNN THOMPSON (HUNTER MILL DISTRICT)** (12:39 p.m.)

Supervisor Hudgins announced that the facility and staff of South Lakes High School recognized the services of Wynn Thompson, who retired on June 6 after 25 years of service.

Supervisor Hudgins noted that Ms. Thompson has made significant contributions to both South Lakes and the Reston Community. As part of the Political Science Program, Ms. Thompson provided interns for John Kerry, Hillary Rodham Clinton, the National Education Association (NEA), the World Affairs Council and most importantly, the Hunter Mill District office.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Ms. Thompson to appear before the Board and that the Office of Public Affairs prepare a certificate with dual signatures from the Board commemorating the service of Ms. Thompson. Without objection, it was so ordered.

30. **WIEHLE-RESTON EAST METRORAIL STATION GARAGE RIBBON CUTTING AND TRANSPORTATION OPEN HOUSE (HUNTER MILL DISTRICT)** (12:41 p.m.)

Supervisor Hudgins said that the Washington Metropolitan Area Transportation Authority (WMATA) has announced the opening date for the Silver Line Metrorail system for July 26.

In conjunction with the opening of the Silver Line Metrorail system, the Department of Transportation (DOT) will be hosting a ribbon cutting ceremony for the Wiehle-Reston East Metrorail Station parking garage (11389 Reston Station Boulevard) on July 19, beginning at 10 a.m. The parking garage was constructed as part of a public - private partnership with Comstock Partners.

Supervisor Hudgins noted that all are welcome to attend this celebration of one of the newest County facilities and she asked unanimous consent that the Board direct staff to help publicize this event. Without objection, it was so ordered.

31. **UNACCOMPANIED CHILDREN – A REQUEST FOR INFORMATION** (12:42 p.m.)

Supervisor Gross said that the County has a long history of welcoming newcomers. In the mid-1970s, Vietnamese refugees, many with professional degrees, came to Fairfax after the fall of Saigon. In the early 1980s, Afghani refugees, including educators and engineers, came after the Russians invaded their homeland. They have opened businesses, raised families, and became an integral part of the diverse tapestry of the community. In 2005, after Hurricanes Katrina and Rita devastated the Gulf Coast, the County welcomed a few hundred families who were forced out of their homes. Volunteers and non-profit agencies stepped forward, as did the school system, to provide temporary assistance for about a year, until the families could return home.

Recent media reports have focused on thousands of children fleeing to the United States from Central and South America, unaccompanied by their parents or other responsible adults. The federal government, according to the reports, is housing

the children in old federal facilities in Arizona, California, and Texas, while efforts to identify the children and what do to about them continue. The numbers apparently have overwhelmed the ability of the Border Patrol and other federal agencies to handle the situation. Last week, the small town of Lawrenceville, Virginia, near the North Carolina border, was in the news when it learned of a federal plan to house 500 children at Saint Paul's College, a historic black college that is closing. The town of about 1400 residents apparently had not been consulted ahead of time, and town leaders were concerned about how its existing infrastructure - police, fire protection, schools — could handle an increase of so many children at once. No one had time to plan.

Local governments provide local services; the federal government does not. Local governments plan for gradual growth in services needed by residents and businesses, based on trends tracked across time. While extra services, such as those generated by weather-related incidents, usually can be accommodated on an emergency basis for a short time, the situation is much different for long-term needs. Long-term planning is critical, and Supervisor Gross asked unanimous consent that the Board direct the County Executive to examine these issues and provide the Board with recommendations about steps that may be needed to handle an unexpected influx of unaccompanied children, and report with his findings at the July 29 Board meeting.

Following discussion regarding the request, without objection, it was so ordered.

32. **REDEVELOPMENT PROPOSAL FOR AVALON BAY COMMUNITIES, INCORPORATED (MASON DISTRICT)** (12:49 p.m.)

Supervisor Gross said that Avalon Bay Communities, Incorporated has been working diligently with staff and others to assemble a redevelopment proposal for the southeast quadrant of the interchange between Leesburg and Columbia Pikes - the "Crossroads" of Bailey's Crossroads. She announced that this project is now ready to be initiated. This proposal will not only foster new residential development in Bailey's Crossroads; it will also establish the first phase of a new street grid and provide for the future development of a new urban elementary school. The proposed redevelopment consists of a consolidation of ten parcels, which are owned by three separate entities (including the Board), totaling 7.4 acres located on Tax Map parcels listed below:

- 61-2 ((1)) 112, 113, 113A, 113C, 114; *62-2 (sic) ((19)) 5A, 11A; 61-2 ((45)) B
- *61-4 ((15)) ((17)) (sic), which are located to the northeast of the intersection of Columbia Pike and Moncure Avenue, in Sub-Unit B-2 of the Bailey's Crossroads CBC

The developer has recently submitted an application to rezone this property from the R-3, R-16, C-3 and C-8 Districts to the PRM and C-8 Districts to permit the development of a five story, 251 unit multiple family residential building along

the Columbia Pike frontage, as well as five single family attached townhomes along the southeastern portion of the site along Moncure Avenue. In addition, provision has been made for the location of a future elementary school at the northeast corner of Columbia Pike and Moncure Avenue, which could accommodate a 125,000 square foot school building as well as structured parking and athletic facilities. This elementary school will further ease the significant overcrowding of the Bailey's Elementary School and provide additional capacity for the future residential growth envisioned for Bailey's Crossroads in the Comprehensive Plan. The applicant is proposing to provide an interim park facility until such time as the school is built.

The proposed development would further the overall intent of the Comprehensive Plan, which envisions redevelopment of this area with a mix of uses, including the development of additional residential uses and the provision of significant road improvements to establish a more effective road network. To effectuate this proposal it has been determined that an amendment to the Comprehensive Plan is necessary.

To ensure that these vital revitalization efforts can move forward in the most expeditious manner possible, Supervisor Gross moved that the Board:

- Authorize a Plan amendment to consider a mix of uses, including an elementary school and multi-family residential for the area as described in this motion. In the course of this review, an approach to encourage coordinated redevelopment which will implement the planned grid system to improve Moncure Avenue and to include new links to Williams Lane or Seminary Road, and creating new coordinated access to Columbia Pike should be evaluated. Other access and transportation options, such as reducing the planned width of Columbia Pike in this vicinity from six to four lanes to better balance the needs of vehicular, cyclist and pedestrian realms should also be evaluated. If necessary, the description of the planned vision for this sub-unit and general Comprehensive Plan guidance should be revised to reflect recommended new options.
- Authorize and concur in the filing of any and all necessary zoning applications approved by the County Executive, to facilitate the proposed development.
- Designate the County Executive, and his designees, to act as agents for the County for all matters concerning these applications.
- That rezoning and site plan reviews occur expeditiously and concurrently, as provided for in the Commercial Revitalization District to ensure that this redevelopment effort proceed as quickly as possible to allow the applicant to meet contractual obligations.
- That the Board waive any rezoning fees which may be associated with the final development plan for the future school, for good cause shown, per Section 18-106 of the Zoning Ordinance to recognize the public benefit and value of this pioneer project in the Bailey's

Crossroads Commercial Revitalization District and the value of the provision of a future elementary school property to the County.

These motions should not in any way be construed as a favorable recommendation on any application or plan by the Board, and do not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. This action in no way prejudices the substantive review of the application/plans. Chairman Bulova seconded the motion.

Following discussion, with input from Robert A. Stalzer, Deputy County Executive, regarding the first bullet, first line of the motion:

- Authorize a Plan amendment to

Supervisor Gross clarified that the motion would authorize the initiation of the appropriate steps for a Plan amendment and a rezoning.

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

(NOTE: *Later in the meeting action was taken to correct the tax map numbers referenced in the motion. See Clerk's Summary Item #45.)

33. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (12:56 p.m.)

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

34. **NO BOARD MATTERS FOR SUPERVISOR McKAY (LEE DISTRICT)** (12:56 p.m.)

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

35. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (12:56 p.m.)

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

36. **VERIZON WIRELESS AND MILESTONE COMMUNICATIONS –SPECIAL EXCEPTION APPLICATION SE 90-S-121 AND PUBLIC FACILITIES APPLICATION 2232-Y13-10 – CONCURRENT PROCESSING AND SCHEDULING OF THE PUBLIC HEARING (SULLY DISTRICT)** (12:56 p.m.)

Supervisor Frey said that Verizon Wireless and Milestone Communications have filed the above-reference special exception and public facilities application to permit a telecommunications facility at the Johnson Substation located at 15001 Lee Highway.

Supervisor Frey noted that the Planning Commission (PC) public hearing has been scheduled for October 1 and the applicant has agreed to a deferral of the 150-day

processing time for the public facilities application so that the applications can run concurrently. The applicant has requested that the Board public hearing be scheduled to allow for concurrent advertising of the PC and Board public hearings and the Department of Planning and Zoning has no objection.

Therefore, Supervisor Frey moved that the Board direct staff to schedule a public hearing to be held before the Board regarding Special Exception Application SE 90-S-121 and Public Facilities Application 2232 Y13-10 on October 7, or as soon as practicable after the PC decision. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and will not prejudice the consideration of this application in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

37. **RECESS/CLOSED SESSION** (12:58 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. *Sheila E. Frace, Trustee v. John F. Ribble, III*, Case No. CL-2013-0017108); *Leslie B. Johnson v. Sheila E. Frace, Trustee*, Case No. CL-2014-0000128 (Fx. Co. Cir. Ct.) (Dranesville District)
 2. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Ted J. Fares*, Case No. CL-2013-0019056 (Fx. Co. Cir. Ct.) (Mason District)
 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. James G. Miller, Trustee of the James G. Miller Living Trust, and Atlantic Construction Fabrics, Inc.*, Case No. CL-2009-0002430 (Fx. Co. Cir. Ct.) (Sully District)

4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lowell Fine and Ethel V. Fine*, Case No. CL-2011-0003529 (Fx. Co. Cir. Ct.) (Lee District)
5. *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)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. 7610 Lee Highway, LLC*, Case No. CL-2008-0003570 (Fx. Co. Cir. Ct.) (Providence District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2012-0019078 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John B. Gardiner and Patricia S. Compton*, Case No. CL-2011-0010554 (Fx. Co. Cir. Ct.) (Braddock District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County v. Nathalie Kay Jacobsen*, Case No. CL-2013-0008288 (Fx. Co. Cir. Ct.) (Lee District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Fernando A. Ovalle*, Case No. CL-2013-0005407 (Fx. Co. Cir. Ct.) (Lee District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Think V. Luong and Thuy T. Trinh*, CL-2010-0008779 (Fx. Co. Cir. Ct.) (Mason District)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)

13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Trang P. Mai*, Case No. CL-2014-0001385 (Fx. Co. Cir. Ct.) (Mason District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Nasreen Chowdhury and Anwaruz Zaman*, Case No. CL-2013-0017123 (Fx. Co. Cir. Ct.) (Springfield District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Grand Shopping Center, LLC, and Amkim, Inc.*, Case No. CL-2013-0017032 (Fx. Co. Cir. Ct.) (Mason District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Grand Shopping Center, LLC, and BRJ Kim, Inc.*, Case No. CL-2013-0017062 (Fx. Co. Cir. Ct.) (Mason District)
17. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Mohammad T. Farzad*, Case No. CL-2014-0005184 (Fx. Co. Cir. Ct.) (Providence District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Rajendra Bernard Edwards*, Case No. CL-2012-0008576 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jean W. Lupton*, CL-2014-0007204 (Fx. Co. Cir. Ct.) (Lee District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Westwood Buildings Limited Partnership, Istanbuli Mediterranean Grill, Inc., D/B/A Mint Café, Anis Rhanime, and Moe Rafaie*,

CL-2014-0007202 (Fx. Co. Cir. Ct.) (Hunter Mill District)

21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Terry R. Rychlik and Rebecca L. Smith*, Case No. CL-2014-0007481 (Fx. Co. Cir. Ct.) (Mason District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Roger T. Wood*, Case No. CL-2014-0007886 (Fx. Co. Cir. Ct.) (Mason District)
23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph F. Campagna and Juliana Campagna*, Case No. CL-2014-0007888 (Fx. Co. Cir. Ct.) (Hunter Mill District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Karl A. Eickmeyer*, Case Nos. GV14009285- GV14009288 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
25. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Frederick L. Yontz and Kay L. Yontz*, Case No. GV14-004905 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Barbara Jean Oksanen*, Case No. GV14-007896 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John M. Casey and Barbara Casey*, Case No. GV14-008517 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rafaela Leon*, Case No. GV14-005098 (Fx. Co. Gen. Dist. Ct.) (Providence District)

29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert A. Meskunas, Trustee, Meskunas Family Trust Dated September 16, 2002, and Margaret A. Meskunas, Trustee, Meskunas Family Trust Dated September 16, 2002*, Case Nos. GV14-011324 and GV14-011325 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luz A. Uzmanor and Nelson Naitive, a/k/a Nelson Nativi*, GV14-011326 (Fx. Co. Gen. Dist. Ct.) (Lee District)
31. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Brian A. Robertson*, GV14-011446 and GV14-011447 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
32. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Catherine S. Green*, Case No. GV14-0011794 (Fx. Co. Gen. Dist. Ct.) (Sully District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy V. Marshall*, Case No. GV14-012084 (Fx. Co. Gen. Dist. Ct.) (Providence District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Barbara A. Rojas*, Case No. GV14-012406 (Fx. Co. Gen. Dist. Ct.) (Lee District)
35. *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)

And in addition:

- Virginia Code Section 15.2-2314
- The Municipalities Continuing Disclosure Cooperative Initiative

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

DAL:dal

At 3:35 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

38. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:35 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

39. **AUTHORIZATION FOR ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN THE MASON DISTRICT** (3:35 p.m.)

Supervisor Gross moved that the Board authorize the acquisition of certain real property located in the Mason District of Fairfax County, Virginia, and the related actions necessary thereto, on the terms and conditions as outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

40. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2012-DR-019 (ELM STREET RESIDENTIAL, LLC) (DRANESVILLE DISTRICT)** (3:36 p.m.)

- (O) The application property is located at 6862 Elm Street, McLean, 22101, Tax Map 30-2 ((1)) 61.

Mr. Brian Winterhalter reaffirmed the validity of the affidavit for the record.

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

Supervisor Gross raised a question regarding the loose parts play area, with input from Mr. Rogers, who stated that the applicant would provide an explanation.

Ms. Bailey Hopple 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. She also addressed Supervisor Gross' earlier inquiry, providing a detailed explanation of the loose parts play area.

Following the public hearing, which included testimony by one speaker, Supervisor Foust submitted an item for the record.

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

Supervisor Foust moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-DR-019, from the C-3, CRD, and HC Districts to the PRM, CRD, HC, and SC Districts, and approval of the associated Conceptual Development Plan, subject to the proffers dated June 27, 2014.
- Approval of the modifications and waiver, provided in the Memorandum to the Board, dated June 27, 2014, which shall be made a part of the record for this case.

Supervisor McKay 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."

(NOTE: On June 25, 2014, the PC approved Final Development Plan Application FDP 2013-DR-019, dated June 24, 2014, to include the new S3 sheet, subject to the development conditions dated June 5, 2014.)

41. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-SU-035-02 (DD SOUTH RETAIL LC) (SULLY DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2013-SU-017 (DD SOUTH RETAIL LC) (SULLY DISTRICT) (3:54 p.m.)

- (O) The Proffered Condition Amendment Application PCA 2003-SU-035-02 property is located between Air and Space Museum Parkway and Historic Sully Way, east of Route 28, Tax Map 34-2 ((1)) 1B.

The Special Exception Application SE 2013-SU-017 property is located between Air and Space Museum Parkway and Historic Sully Way, east of Route 28, Tax Map 34-2 ((1)) 1B pt.

Mr. Francis A. McDermott 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. McDermott 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 (PC) recommendations.

Following remarks regarding the proposed project, Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 2003-SU-035-02, subject to the proffers dated June 18, 2014. 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."

Supervisor Frey moved approval of Special Exception Application SE 2013-SU-017, subject to the development conditions dated June 10, 2014. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Frey moved approval of the following:

- Waiver of the barrier requirement between the financial institution and the child care center, pursuant to Paragraph 1 of Section 13-305 of the Zoning Ordinance.
- Waiver of Paragraph 7.A of Section 6-206 of the Zoning Ordinance, to permit a service station to be located within a commercial center consisting of fewer than three commercial establishments, such commercial establishments to be other than automobile oriented.

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

Supervisor Frey moved approval of a waiver of Paragraph 6 of Section 11-203 of the Zoning Ordinance, which requires one loading space for the financial

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

(NOTE: On June 25, 2014, the PC approved Final Development Plan Amendment Application FDPA 2003-SU-035-02, subject to the development conditions dated June 10, 2014.)

42. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-HM-016 (SEKAS HOMES, LTD) (HUNTER MILL DISTRICT)** (4:14 p.m.)

(O) The application property is located on the west side of Lawyers Road, opposite of the intersection with Myterra Way, Tax Map 25-4 ((1)) 17.

Ms. Kelly M. Atkinson 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.

Ms. Atkinson 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 a query by Supervisor Smyth, Ms. Atkinson stated that irises will be replanted within the entry feature.

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

Mr. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2013-HM-016, be amended from the R-1 District to the R-2 District, subject to the proffers dated June 19, 2014.
- Modification of the fence height in front yards, in accordance with Paragraph 3F of Section 10-104, to allow a 7-foot high noise barrier along Lawyers Road, as shown on the Generalized Development Plan (GDP).
- To direct the Director of the Department of Public Works and Environmental Services to modify the sidewalk requirement along Lawyers Road, per Section 8-0102 of the PFM, in favor of a 10-foot wide paved trail, as shown on the GDP.

Supervisor Frey and Supervisor Hyland jointly seconded the motion.

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.”

43. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF ROUTE 123/KELLEY DRIVE (BRADDOCK DISTRICT)** (4:25 p.m.)

Following a brief discussion regarding this public hearing, Chairman Bulova noted that it was cancelled.

44. **4 P.M. – PH ON PROPOSED POLICY PLAN AMENDMENT 2013-CW-3CP GREEN BUILDING POLICY PLAN AMENDMENT** (4:26 p.m.)

Maya Dhavale, Senior Environmental Planner, Planning Division (PD), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation regarding the policy plan amendment.

A lengthy discussion ensued, with input from Ms. Dhavale; Fred Selden, Director, DPZ; and Noel Kaplan, Senior Environmental Planner, PD, DPZ, regarding:

- Exempting certain environmental retrofits (i.e. solar panels) from proffered building heights
- Inclusion of industrial buildings in industrial zoned areas
- Outreach to industry; industry input; were issues raised, and if so, were they addressed
- Staff’s interpretation of the term “encourage” and whether it should be changed to “consider”
- Electric vehicles; current and projected usage and charging stations
- Fiscal impact of green building policies on construction costs
- Energy efficiency costs savings

Following the public hearing, which included testimony by one speaker, Chairman Bulova stated that she had an item for the record.

Ms. Dhavale presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Plan Amendment 2013-CW-3CP, as shown on pages 8 through 11 of the staff report dated April 23, 2014.
- To direct staff to report with information regarding the height issues, solar energy, and electrical vehicle charging.

Chairman Bulova seconded the motion.

Supervisor Herrity moved a substitute motion to defer action on this item until staff can report with specifics about how the energy data would be obtained and analyzed, specifically addressing concerns about:

- Who has the responsibility for collecting, managing, analyzing, retaining, and accessing the data
- How long the data will be collected
- What computations will be made based on the data
- The estimated costs incurred by the County, applicants, and building owners to implement this request
- The ultimate value of these efforts to the County, building owners, and taxpayers

Supervisor Frey seconded the motion.

Chairman Bulova raised a question regarding collecting and analyzing data, and discussion ensued, with input from Ms. Dhavale and Mr. Selden.

Supervisor Frey raised a question regarding whether data is collected on government buildings, with input from Edward L. Long Jr., County Executive.

Discussion continued with several Board Members expressing their views and their support/nonsupport of the substitute motion.

The question was called on the substitute motion and it **FAILED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “**AYE.**”

The question was called on the main motion and it **CARRIED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “**NAY.**”

Supervisor Frey moved that the Board direct the County Executive to report as soon as possible with a policy that will match what the County is requiring of the private sector, to begin to collect data and evaluate it for the greenness of the building.

Following discussion, with input from Mr. Kaplan regarding data collection, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to report with information regarding the process for monitoring, reporting, and tracking energy usage. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

ADDITIONAL BOARD MATTER

45. **CLARIFICATION OF TAX MAP PARCELS FOR AVALON BAY COMMUNITIES, INCORPORATED - REDEVELOPMENT PROPOSAL (MASON DISTRICT)** (5:41 p.m.)

(NOTE: Earlier in the meeting, additional action was taken regarding this Board Matter. See Clerk's Summary Item #32.)

Supervisor Gross said that it has been brought to her attention that earlier today, during her Board Matter authorizing a Plan Amendment on property known as the "Crossroads" of Bailey's Crossroads, she incorrectly identified two of the tax map parcels. To correct the record, she reiterated all of the parcels involved:

- 61-2 ((1)) 112, 113, 113A, 113C, and 114
- 61-2 ((19)) 5A and 11A
- 61-2 ((45)) B
- 61-4 ((30)) 15 and 17, which are located to the northeast of the intersection of Columbia Pike and Moncure Avenue, in Sub-Unit B-2 of the Bailey's Crossroads CBC

AGENDA ITEMS

46. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5 (STOPPING, STANDING AND PARKING), SECTION 82-5-39** (5:43 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 June 13 and June 20, 2014.

Erin C. Ward, Senior Assistant County Attorney, presented the staff report.

Following the public hearing, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5 (Stopping, Standing, and Parking), Section 82-5-39, regulating parking at Metrorail parking areas that are owned or controlled by the County. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Foust and Supervisor Smyth being out of the room.

47. **A-3 – ESTABLISHMENT OF PARKING FEES AT WIEHLE-RESTON EAST METRORAIL GARAGE** (5:46 p.m.)

(NOTE: Earlier in the meeting, the Board deferred this item. See Clerk's Summary Item #13.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and establish the fees for the Wiehle-Reston East Metrorail Garage as follows:

- Wiehle Daily Parking Rate—\$4.85
- Wiehle Reserved Monthly Parking Rate—\$65.00
- Wiehle Bike Locker Room Annual Fee—\$75.00

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

48. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF STATE LAW** (5:46 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 13 and June 20, 2014.

David J. Ferris, Manager, Policy and Planning, Planning and Research Bureau, Police Department, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, Adoption of State Law. Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Foust and Supervisor Smyth being out of the room.

49. **BOARD ADJOURNMENT** (5:48 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-4
Presentation of the History Commission Annual Report	4-5
Items Presented by the County Executive	
Administrative Items	5-8
Action Items	8-11, 35
Board Matters	
Chairman Bulova	11-13, 17
Supervisor Cook	17
Supervisor Foust	13-16
Supervisor Frey	22-23
Supervisor Gross	19-22
Supervisor Herrity	n/a
Supervisor Hudgins	18-19
Supervisor Hyland	16-17
Supervisor McKay	n/a
Supervisor Smyth	n/a
Actions from Closed Session	28
Public Hearings	28-35