



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 13, 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, May 13, 2014, at 9:34 a.m., there were present:

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

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 9:40 a.m.

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.

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

Supervisor Herrity asked everyone to keep in thoughts the family of Reverend Father Richard B. Martin, pastor of the Church of the Nativity in Burke, who died of complications from diabetes. Rev. Fr. Martin's legacy will be Operation StarFish, a humanitarian effort begun to help the poor and the needy of Haiti; that mission is now shared by over 300 churches, schools, and organizations. Rev. Fr. Martin was a role model, a good person, a mentor to many, and will be sorely missed by the community.

Supervisor Foust asked everyone to keep in thoughts the family of Sean Logan, a tenth grade student at Herndon High School, who died this past weekend from injuries suffered in an automobile accident. He was kind, good-natured, and an excellent student who will be greatly missed.

BOARD MATTERS

2. **INTRODUCTION OF INTERNS** (9:37 a.m.)

Supervisor Hyland introduced Samra Asghedom, a rising sophomore at the College of William and Mary, who is interning in the Mount Vernon District office, and warmly welcomed her to his staff.

Chairman Bulova introduced Adam Coleman, a senior at Longwood University majoring in political science, who is interning in her office, and warmly welcomed him to the Board Auditorium.

AGENDA ITEMS

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE LONGFELLOW MIDDLE SCHOOL SCIENCE BOWL TEAM (DRANESVILLE DISTRICT)** (9:38 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Longfellow Middle School Science Bowl Team for exceptional and outstanding knowledge in biology, chemistry, Earth science, physics, energy and math, resulting in first place at the middle school regional completion of the US Department of Energy Science Bowl in Newport News, Virginia. Supervisor Hyland seconded the motion.

Discussion ensued concerning the high priority of science, technology, engineering, and mathematics (STEM) education in County public schools.

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

4. **RESOLUTION OF RECOGNITION PRESENTED TO MR. LEO SCHEFER**
(9:46 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Mr. Leo Schefer for 24 years of distinguished leadership and service to the County and the region. The motion was unanimously seconded.

Discussion ensued concerning Mr. Shefer's many contributions and accomplishments, including serving as president of the Washington Airports Task Force; the planning and opening of the Udvar-Hazy Center of the National Air and Space Museum; the creation of a coalition of cities resulting in an Open Skies agreement; the reopening of Reagan National Airport following the 9/11 terrorist attacks; development of the Dulles International Airport; and his chairmanship of the Private Energy Task Force.

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

ADDITIONAL BOARD MATTER

5. **RECOGNITION OF FORMER SUPERVISOR ELAINE McCONNELL**
(SPRINGFIELD DISTRICT) (10:05 a.m.)

Chairman Bulova recognized the presence of former Springfield District Supervisor Elaine McConnell and warmly welcomed her to the Auditorium.

AGENDA ITEMS

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE MESSIAH**
UNITED METHODIST CHURCH (BRADDOCK DISTRICT) (10:05 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to the Messiah United Methodist Church for its fiftieth anniversary and outstanding service to the community. Supervisor Cook and Supervisor Hyland jointly seconded the motion.

Following discussion concerning its participation in many community service projects and the contributions of Mr. and Mrs. "Mac" McConnell, Supervisor Herrity noted that Reverend Ralph Rowley, pastor of the church, will be assigned to a new church in Virginia Beach, and wished him well as he embarks on this new journey.

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

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE PENDERBROOK**
COMMUNITY ASSOCIATION (PROVIDENCE DISTRICT) (10:17 a.m.)

Supervisor Smyth moved approval of the Resolution of Recognition presented to the Penderbrook Community Association for its outstanding accomplishments resulting in a 2013 Community Association of the Year award from the Washington

Metropolitan Chapter of the Community Association Institute. Supervisor Foust seconded the motion and it carried by unanimous vote.

8. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE RESTON MASTER PLAN SPECIAL STUDY TASK FORCE (HUNTER MILL DISTRICT)** (10:25 a.m.)

Chairman Bulova noted the presence of Robert Simon, founder of Reston, and warmly welcomed him to the Auditorium.

Supervisor Hudgins moved approval of Certificates of Recognition presented to members of the Reston Master Plan Special Study Task Force for exceptional efforts and dedication, working with the community to develop texts to update the Reston Master Plan and Comprehensive Plan. Chairman Bulova seconded the motion.

Following discussion concerning the development of and plans for redevelopment of Reston, the question was called on the motion and it carried by unanimous vote.

9. **RESOLUTION OF RECOGNITION PRESENTED TO THE McLEAN VOLUNTEER FIRE DEPARTMENT (DRANESVILLE DISTRICT)** (10:39 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to the McLean Volunteer Fire Department, which was chartered in 1923 and designated Company 1, for its service to the community and placement on the Inventory of Historic Sites by the County History Commission. Supervisor Gross seconded the motion.

Supervisor Foust noted that a recent publication, "The History of the McLean Volunteer Fire Department," had been distributed to the Board.

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

Homer Johns, Volunteer, Department of Fire and Rescue, noted a number of firsts for the department including: establishment of the first Ladies Auxiliary; purchase and installation of the first aerial platform in Northern Virginia; admission of the first female volunteer; hiring of the first minority County firefighter; and employment of the first career woman firefighter.

10. **PROCLAMATION DESIGNATING MAY 18–24, 2014, AS "EMERGENCY MEDICAL SERVICES WEEK" IN FAIRFAX COUNTY** (10:49 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 18–24, 2014, as "*Emergency Medical Services Week*" in Fairfax County and urged all residents to observe the week with appropriate recognition and appreciation of the value of emergency medical services

programs and teams. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Richard Bowers, Fire Chief, FRD, announced that the department will be recognizing US military personnel serving in the department, other public safety agencies and County government that are currently serving in any capacity, their family members, as well as those who have lost their life. Department personnel will be wearing a camouflage type of tee shirt with emblems saying: "We'll Never Forget" and "Supporting our Troops." All donations received during the week the shirts are worn will be forwarded to the Fort Belvoir Wounded Warrior Program.

11. **PROCLAMATION DESIGNATING MAY 2014 AS "OLDER AMERICANS MONTH" IN FAIRFAX COUNTY** (10:58 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2014 as "*Older Americans Month*" in Fairfax County and urged all residents to recognize the contributions made to the community by older adults. Supervisor Foust seconded the motion.

Following discussion of this year's theme, "Safe Today, Healthy Tomorrow" which focuses on injury prevention, and the revision of the 50+ Plan which has been distributed in preparation for next week's meeting, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

12. **PROCLAMATION DESIGNATING MAY 18-23, 2014, AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (11:07 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 18-23, 2014, as "*Public Works Week*" in Fairfax County and urged all residents to acquaint themselves with the various services and programs provided by the Department of Public Works and Environmental Services and to recognize the commitment exhibited by staff to the community's health, safety and welfare. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Following discussion of the myriad of community needs that the department is responsible for, and its efficient and professional response to those needs, the question was called on the motion and it carried by unanimous vote.

13. **10:30 A.M. – PRESENTATION OF THE VOLUNTEER FIRE COMMISSION (VFC) ANNUAL REPORT** (11:20 a.m.)

Tim Fleming, Chief, Franconia Volunteer Fire Department, the Chair of the VFC, presented its annual report.

Discussion ensued concerning:

- Volunteer contributions, as noted at the end of the report
- Maintenance of canteens and their value during sustained responses

At the request of Supervisor Gross, Chief Fleming expanded upon length-of-service awards.

Discussion continued concerning recruitment efforts and cooperative collaboration.

Chairman Bulova thanked the VFC for its reports and the work it does in partnership with career firefighters and emergency medical technicians (EMTs).

AGENDA ITEM

14. **10:45 A.M. – ELECTORAL BOARD RESPONSE TO THE BIPARTISAN COMMISSION RECOMMENDATIONS** (11:34 a.m.)

Chairman Bulova announced that this report reflects the recommendations of the BiPartisan Election Process Improvement Commission which was chaired by former Chairman of the Board, Katherine K. Hanley, and former Dranesville District Supervisor, Stuart Mendelsohn.

Brian W. Schoeneman, Secretary, Electoral Board, presented the Commission's recommendations, as contained in the report dated May 7, 2014.

Discussion ensued, with input from Mr. Schoeneman and Seth T. Stark, Chairman, Electoral Board, concerning:

- Identifying correct entrances to voting sites in co-located precincts
- Satellite voting location ballots
- Problems associated with the length of time spent waiting in line to vote

Chairman Bulova thanked the Commission for its work during the last election.

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15. **10:55 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS (BACs), AND ADVISORY GROUPS** (11:55 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 May 13, 2014,” as distributed around the dais. Chairman Bulova seconded the motion.

Supervisor McKay asked to amend the motion to vote on the Springfield District Representative to the Water Authority Board separately. This was accepted.

Supervisor Foust asked to amend the motion to reappoint Ms. Barbara Glakas as the Dranesville District Representative to the Barbara Varon Volunteer Award Selection Committee. This was accepted.

Supervisor Hyland asked to amend the motion to defer the reappointment of the At-Large #1 Representative to the Wetlands Board. This was accepted.

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

Supervisor Herrity moved to reappoint Mr. Burton Jay Rubin as the Springfield District Representative to the Water Authority. Supervisor Frey and Supervisor Cook jointly seconded the motion.

Discussion ensued, regarding a letter sent on behalf of the Water Authority Board to the Congressional Delegation, on the effects of the Affordable Care Act, the process by which the letter was drafted and sent, and the impression the letter created.

The question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Foust, Supervisor Gross, and Supervisor McKay voting “NAY.”

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Reappointment of:

- Mr. Francis Steinbauer as the Non-Profit Housing Representative

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ATHLETIC COUNCIL

Reappointment of:

- Mr. Elmer Arias as the Member-At-Large Principal Representative
- Mr. Michael Thompson as the Springfield District Principal Representative
- Ms. Jenni Cantrell as the Women's Sports Principal Representative

The Board deferred the appointment of the Braddock District Alternate and the Women's Sports Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointment of:

- Mr. Ken Balbuena as the At-Large Chairman's Representative
- Mr. William Hanks as the Braddock District Representative
- Ms. Barbara Glakas as the Dranesville District Representative
- Ms. Therese Martin as the Hunter Mill District Representative
- Ms. Judith Fogel as the Mason District Representative
- Mr. Joshua Foley as the Springfield District Representative
- Ms. Olga Hernandez as the Sully District Representative

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

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 the Professional #2 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Sully District Representative.

CHILD CARE ADVISORY COUNCIL

Appointment of:

- Ms. Rosemary Anderson Kendall as the Dranesville District Representative

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

CITIZEN CORPS COUNCIL

Reappointment of:

- Mr. Andrew Levy as the At-Large Chairman's Representative
- Mr. James Kirkpatrick as the Springfield District Representative
- Ms. Karrie Delaney as the Sully District Representative

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

COMMISSION ON AGING

Reappointment of:

- Ms. Eleanor Fusaro as the Hunter Mill District Representative

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

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

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

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Confirmation of:

- Ms. Mary Jane Cleary as the League of Women Voters Representative

The Board deferred the appointment of the Sully District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the At-Large #1 Business Community and the Sully District Representatives.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Reappointment of:

- Ms. Theresa Fox as the Mason District Representative
- Mr. Robert Maurer as the Providence District Representative

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

FAIRFAX –FALLS CHURCH COMMUNITY SERVICES BOARD

Nominations of:

- Mr. Gary Ambrose as the At-Large #3 Representative
- Mr. Jeffrey Wisoff as the Providence District Representative
- Ms. Lori Stillman as the Springfield District Representative

(The Board is scheduled to take action on these appointments on June 17, 2014.)

The Board deferred the appointment of the At-Large #4 Representative and the Dranesville District Representative.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

Reappointment of:

- Mr. Philip Tobey as the Consumer #2 Representative

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

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Lee District #1 and Sully District #1 Representatives.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

LIBRARY BOARD

Reappointment of:

- Mr. Willard O. Jasper as the Lee District Representative

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

The Board deferred the appointment of the Fairfax County #2 Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Confirmations of:

- Lieutenant Colonel Ted Armn as the Police Department Representative
- Mr. Philip Disharoon as the Department of Alcoholic Beverage Control Representative
- Colonel Eric Heath as the George Mason University Police Department Representative

- Captain Daniel Janickey as the Vienna Police Department Representative
- Ms. Sara Freund as the Unified Prevention Coalition Representative
- Captain Brad Anzengruber as the Herndon Police Department Representative
- First Sergeant Neil Johnson as the Virginia State Police Department Representative

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

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Stephen Gallagher as the Citizen At-Large #3 Representative

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #2 and #4 Representatives.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #3 and #5, and the Reston Association #2 Representatives.

TENANT LANDLORD COMMISSION

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

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the Mason District Representative.

TRANSPORTATION ADVISORY COMMISSION

Reappointment of:

- Mr. Edson Tennyson as the At-Large Representative
- Mr. Kevin Morse as the Braddock District Representative

- Ms. Jennifer Joy Madden as the Hunter Mill District Representative
- Mr. Harry Zimmerman as the Lee District Representative
- Mr. Roger Hoskin as the Mason District Representative
- Mr. Eric Thiel as the Springfield District Representative
- Mr. Jeff M. Parnes as the Sully District Representative

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

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Appointment of:

- Honorable Laurie DiRocco as the Adjacent Community #1 Representative

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Ms. Shaughnessy Pierce as the Citizen appointed by the BOS #2 Representative

WATER AUTHORITY

(NOTE: Earlier in the meeting, the Board discussed the reappointment of the Springfield District Representative. See page 7.)

Reappointment of:

- Mr. Harry F. Day as the Mason District Representative
- Mr. Burton Jay Rubin as the Springfield District Representative

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

WETLANDS BOARD

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

16. **ADMINISTRATIVE ITEMS** (12:18 p.m.)

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

Supervisor Herrity asked to amend the motion to consider Admin 1 separately, and this was accepted.

The question was called on the motion, as amended, to approve the Administrative Items, with the exception of Admin 1, 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 TO ADVERTISE A PUBLIC HEARING PERTAINING TO THE CONVEYANCE OF BOARD-OWNED PROPERTY AND TO CONSIDER A PROPOSED COMPREHENSIVE AGREEMENT BETWEEN THE BOARD AND THE ALEXANDER COMPANY, INCORPORATED FOR THE DEVELOPMENT OF THE PROPERTY UNDER THE PROVISIONS OF THE PUBLIC-PRIVATE EDUCATION AND INFRASTRUCTURE ACT OF 2002, AS AMENDED, KNOWN AS THE LAUREL HILL ADAPTIVE REUSE AREA (MOUNT VERNON DISTRICT)

(A) (NOTE: Earlier in the meeting, the Board took action to consider this item separately. See above.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #17.)

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SYDENSTRICKER ROAD WALKWAY FROM BRIARCLIFF DRIVE TO GALGATE DRIVE (SPRINGFIELD DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 17, 2014, at 4 p.m.** regarding the acquisition of certain land rights necessary for the construction of Sydenstricker Road Walkway from Briarcliff Drive to Galgate Drive.

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 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 **June 3, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the West Potomac RPPD, District 36.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE LANGLEY OAKS TEMPORARY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT T2 (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 3, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to establish the Langley Oaks Temporary RPPD, District T2.

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 BROOKFIELD CORPORATE DRIVE (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 3, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix R, to establish parking restrictions on Brookfield Corporate Drive.

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 SPRINGFIELD RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 7 (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 3, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the West Springfield RPPD, District 7.

ADMIN 7 – APPROVAL OF TRAFFIC CALMING MEASURES AND “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MOUNT VERNON, MASON, AND SPRINGFIELD DISTRICTS)

- (R)
- Endorsed the following traffic calming measures:
 - Two speed tables on Riverside Road (Mount Vernon District)
 - Adopted the Resolution authorizing installation of “\$200 Additional Fine for Speeding” signs on the following roads:
 - Holmes Run Road from South Street to Sleepy Hollow Road (Mason District)
 -

- South Street from Arlington Boulevard (Route 50) to Annandale Road (Mason District)
- Aspen Lane from Arlington Boulevard (Route 50) to Sleepy Hollow Road (Mason District)
- Clifton Road from Ox Road to Wolf Run Shoals Road (Springfield District)
- Directed staff to schedule the installation of the approved traffic calming measures as soon as possible.
- Directed staff to request the Virginia Department of Transportation (VDOT) install the approved signs as soon as possible.

ADMIN 8 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, NATIONAL INSTITUTE OF JUSTICE, PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT

Authorized the FCPD to apply for and accept funding in the amount of \$130,990, if received, from the US Department of Justice, Office of Justice Programs, National Institute of Justice, Paul Coverdell Forensic Science Improvement Grant. If awarded, funding will be used to support devices that are used in the Crime Scene Section to locate and document microscopic fingerprints and trace evidence.

ADMIN 9 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, PROVIDENCE, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Property of Joan B. Robertson	Dranesville	Old Falls Road (Route 807) [Additional Right-of-Way (ROW) Only]
Oakcrest Farms Estates	Providence	Lynch Lane Hunter Mill Road (Rote 674) (Additional ROW Only)
CCIP Property and Markey Business Center (Lee Road III)	Sully	Lee Road (Route 661) (Additional ROW Only)

ADMIN 10 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2009-BR-020, T-MOBILE NORTHEAST AND COMMONWEALTH SWIM CLUB (BRADDOCK DISTRICT)

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 2009-BR-020 to March 27, 2016, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 11 – AUTHORIZATION TO CONDUCT A JOINT PUBLIC HEARING FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION’S (VDOT) SECONDARY SIX-YEAR PROGRAM FOR FISCAL YEARS (FYs) 2015 THROUGH 2020, AND THE FY 2015 BUDGET

Authorized conduction of a joint public hearing on June 17, 2014, at 4 p.m. to solicit comments and input on the proposed Secondary Six-Year Program for FYs 2015–2020, and the FY 2015 budget. Since this is a joint public hearing VDOT will provide the required advertisements.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SECTION 3-7-24, TO REDUCE THE EMPLOYEE CONTRIBUTION RATE TO THE POLICE OFFICERS RETIREMENT SYSTEM

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 17, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), regarding an amendment to the Police Officers Retirement System ordinance for the purpose of changing the employee contribution rate.

ADMIN 13 – APPROVAL OF A RESOLUTION TO ALLOW BUTLER MEDICAL TRANSPORT (BMT) TO OPERATE TRANSPORT SERVICES FOR HOSPITALS AND NURSING HOMES WITHIN THE COUNTY

- (R) Adopted a Resolution authorizing BMT to operate transport services for hospitals and nursing homes within the County.

17. **ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING PERTAINING TO THE CONVEYANCE OF BOARD-OWNED PROPERTY AND TO CONSIDER A PROPOSED COMPREHENSIVE AGREEMENT BETWEEN THE BOARD AND THE ALEXANDER COMPANY, INCORPORATED FOR THE DEVELOPMENT OF THE PROPERTY UNDER THE PROVISIONS OF THE PUBLIC-PRIVATE EDUCATION AND INFRASTRUCTURE ACT OF 2002, AS AMENDED, KNOWN AS THE LAUREL HILL ADAPTIVE REUSE AREA (MOUNT VERNON DISTRICT)** (12:18 p.m.)

- (A) (NOTE: Earlier in the meeting, the Board took action to consider this item separately. See Clerk’s Summary Item #16.)

Authorized the advertisement of a public hearing to be held before the Board on **June 3, 2014, at 3:30 p.m.** regarding disposition of the Laurel Hill Adaptive Reuse Area and approval of the Comprehensive Agreement.

Fred Selden, Director, Department of Planning and Zoning, presented the staff report.

Discussion ensued, with input from Edward L. Long Jr., County Executive, regarding the project and the \$12.8 million gap, the need to close the gap, and how much money is spent on maintenance.

Chairman Bulova called the question to authorize the public hearing and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting “NAY.”

18. **A-1 – APPROVAL OF HEAD START/EARLY HEAD START POLICY COUNCIL BYLAWS, SELF-ASSESSMENT REPORT, AND MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE POLICY COUNCIL AND THE BOARD** (12:23 p.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the Head Start/Early Head Start Policy Council Bylaws, self-assessment report, and a MOU between the Policy Council and the Board. Supervisor Hyland seconded the motion.

Supervisor Hudgins noted that this is the Board’s requirement as the overseer of the program and is in compliance.

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

19. **A-2 – ENDORSEMENT OF ADVANCING THE RECOMMENDED (HYBRID) ALTERNATIVE FOR THE SOAPSTONE CONNECTOR (CONNECTING SUNSET HILLS ROAD AND SUNRISE VALLEY DRIVE) TO THE PRELIMINARY DESIGN PHASE** (12:24 p.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and endorse the Recommended (Hybrid) Alternative, presented in the Feasibility Study Technical Report, to be advanced to the preliminary design phase. The Soapstone Connector will create a direct connection between Sunrise Valley Drive, Soapstone Drive and Sunset Hills Road; reduce traffic on Wiehle Avenue; increase connectivity across the Dulles Toll Road; and enhance multi-modal access to Wiehle-Reston East Metrorail Station. Supervisor Hyland seconded the motion.

Discussion ensued, with input from Tom Biesiardny, Director, Department of Transportation, regarding the review of design of the facility and timing to look at some additional information as part of that activity.

Supervisor Hudgins submitted items for the record.

Discussion ensued, regarding community approval, pavement width of trail connectivity alternatives, the need for a buffer between the shared use path and bike lane, and, pothole design solutions to reduce the cross-section.

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

20. **A-3 – APPROVAL OF A RESOLUTION TO AUTHORIZE THE SALE OF ECONOMIC DEVELOPMENT AUTHORITY (EDA) FACILITIES REVENUE AND REFUNDING BONDS SERIES 2014 A (COUNTY FACILITIES PROJECTS) FOR THE PUBLIC SAFETY HEADQUARTERS PROJECT (BRADDOCK DISTRICT), THE SCHOOL BOARD CENTRAL ADMINISTRATION BUILDING REFINANCING (PROVIDENCE DISTRICT), AND EDA FACILITIES REVENUE BONDS SERIES 2014 B (COUNTY FACILITIES PROJECTS) FOR THE WORKHOUSE ARTS CENTER (MOUNT VERNON DISTRICT)** (12:32 p.m.)

(R)
(BONDS) Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Adopt a Resolution which requests the EDA to issue bonds to finance the Projects.
- Approve the form and authorized the execution of the Installment Purchase Contract between the EDA and the Board, which contract sets out the terms and conditions for the County to make payments to the EDA to pay the debt service on the Bonds and the responsibilities of the respective parties.
- Approve the form of a Bond Purchase Agreement between the EDA and the underwriters and approved by the County, which contract sets

out the terms and conditions of the purchase of the Bonds by the underwriters.

- Approve the form of the Third Supplemental Trust Agreement, between the EDA and the trustee, which agreement sets forth the terms of the Bonds; the application of the proceeds of the Bonds and the pledged revenues, and the provisions for the payment of the Bonds.

Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Susan Datta, Director, Department of Management and Budget, regarding the School Board Central Administration Building refinancing and the annual debt service savings.

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.”

21. **C-1 – NATIONAL ASSOCIATION OF COUNTIES’ (NACo) ANNUAL CONFERENCE** (12:34 p.m.)

The Board next considered an item contained in the Board Agenda dated May 13, 2014, regarding Board designation of a voting and alternate delegate to represent the County at the NACo Annual Conference to be held in Orleans Parish/New Orleans, Louisiana, July 11-14, 2014.

Supervisor Gross moved the appointment of:

- Supervisor Hyland as the Voting Delegate for NACo.
- Supervisor Gross as the Alternate Delegate for NACo.

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

22. **I-1 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-V13-17, FURNACE ASSOCIATES, INCORPORATED (MOUNT VERNON DISTRICT)** (12:35 p.m.)

The Board next considered an item contained in the Board Agenda dated May 13, 2014, announcing the PC’s approval of Public Facilities Application 2232-V13-17. The PC noted that the application 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 to have an electrical generating facility on the subject property. The property is located on the west side of Furnace Road approximately 2,693 feet south of Lorton Road, and 2,650 feet north of the I-95 underpass, Tax Map 113-1 ((1)) 12 and 13.

23. **I-2 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-V13-18, FURNACE ASSOCIATES, INCORPORATED (MOUNT VERNON DISTRICT)** (12:36 p.m.)

The Board next considered an item contained in the Board Agenda dated May 13, 2014, announcing the PC's approval of Public Facilities Application 2232-V13-18. The PC noted that the application 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 to have solar and wind electrical generating facilities on the subject property. The property is located at 10001, 10201, 10209, 10215, 10219, and 10229 Furnace Road, Lorton, VA 22079, Tax Map 113-1 ((1)) part 5, 7, 8 and 113-3 ((1)) 1, 2, 4.

ADDITIONAL BOARD MATTERS

24. **REQUESTS FOR RECOGNITION** (12:36 p.m.)

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

- Invite representatives from the following offices to appear before the Board on July 29, 2014:
 - Community Action Advisory Board to accept a proclamation recognizing its fiftieth anniversary of Community Action.
 - The Office of Elections and the Electoral Board to present certificates to Election Officers who have served more than 20 elections.
- Prepare a proclamation for the Washington Coalition for Comfort Women Issues in recognition of the installation of the Peace Memorial Garden at the County Government Center. This memorial will honor the victims of human trafficking during World War II. The proclamation will be presented at a ceremony on May 30 at 5 p.m. in the forum of the Government Center.

Without objection, it was so ordered.

25. **ESTABLISHMENT OF A JOINT STRATEGIC PLANNING BUDGET COMMITTEE** (12:37 p.m.)

Chairman Bulova said that she plans to establish a Joint Strategic Planning Budget Committee and will be providing membership details in June.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

26. **PROCLAMATION DESIGNATING MAY 31-JUNE 1, AS “SPRINGFIELD DAYS” IN FAIRFAX COUNTY (LEE DISTRICT)** (12:38 p.m.)

Jointly with Chairman Bulova, Supervisor Cook, and Supervisor Herrity, Supervisor McKay referred to his written Board Matter and said that the Twenty-Sixth Annual Springfield Days celebration will be held Saturday, May 31 and Sunday, June 1.

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

- Prepare a proclamation declaring “Springfield Days” on May 31 and June 1 and invite all County residents to celebrate this community event.
- Prepare a proclamation declaring Springfield Days 2014 to be presented to the Springfield Days Committee at the PetFest entertainment stage on May 31.

Without objection, it was so ordered.

27. **REQUEST FOR RECOGNITION OF MS. MELISSA PORFIRIO FOR RECEIVING THE 2014 VIRGINIA TEACHER OF THE YEAR AWARD (LEE DISTRICT)** (12:38 p.m.)

Supervisor McKay said that Ms. Melissa Porfirio, a first grade teacher at Crestwood Elementary School and the 2014 Virginia Teacher of the Year was one of four finalists for the national Teacher of the Year award and was honored by President Obama at a White House ceremony on May 1, 2014.

Ms. Porfirio, a Crestwood Elementary School teacher since 2005, is known as a mentor to new teachers and a gifted educator who instills a love of learning in her students. She has been recognized for her creative and effective teaching by the Virginia Department of Education and received the *Washington Post's* 2013 Agnes Meyer Outstanding Teacher Award. She was named Fairfax County Public School (FCPS) 2013 Teacher of the Year in the County. She received Crestwood Elementary School's 2008 Human Relations Award in 2008. Ms. Porfirio's dedication to her students does not end with the afternoon school bell. She assembled a team of parents and teachers to plan Crestwood Elementary School's first International Night, bringing the culturally diverse community together for music, dance, food, and information. She is a buddy runner in the school's Girls on the Run program, attends Parent Teacher Association (PTA) fundraisers, dance recitals, sports competitions, works on the Crestwood Partners in Print program, and visits student homes to build relationships with their families.

Therefore, Supervisor McKay asked unanimous consent that the that the Board direct staff to invite Ms. Porfirio, her first grade students, and Timothy Kasik, Crestwood Elementary School principal, to appear before the Board to be recognized at the June 17 Board meeting. Without objection, it was so ordered.

DET:det

28. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (12:39 p.m.)

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

29. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (12:39 p.m.)

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

PMH:pmh

30. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:39 p.m.)

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

31. **REQUEST FOR RECOGNITION OF CHANTILLY DRUMLINE - BRONZE MEDAL WIN AT THE 2014 WINTER GUARD INTERNATIONAL CHAMPIONSHIPS (SPRINGFIELD DISTRICT)** (12:39 p.m.)

Supervisor Herrity said that at the Winter Guard International Championships in Dayton, Ohio this year, Chantilly High School became the first group from Virginia to medal in this prestigious class by claiming third place and winning the bronze medal. The Winter Guard International Championships is the "Super Bowl of Indoor Drumline competitions" and Chantilly represented the Commonwealth and the County in an outstanding and professional way.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite members of the Indoor Drumline from Chantilly High School to appear before the Board to receive a resolution recognizing them for their tremendous achievement. Without objection, it was so ordered.

32. **SILAS BURKE PROPERTY - REVIEW OF PLAN AMENDMENT PROPOSAL (SPRINGFIELD DISTRICT)** (12:40 p.m.)

Supervisor Herrity said that the property located at 9617 Burke Lake Road identified as Tax Map Reference 78-3 ((1)) 4 (the subject property) is owned by Suzanne S. Fowler (the owner) and developed with the historic Silas Burke House. The owner has long contemplated future plans for the subject property

with a particular interest in preserving the historic home. Mr. Silas Burke and his wife Hannah Coffey built the home in 1824. The historical value of the home lies in the fact that Lieutenant Colonel Burke donated a considerable portion of his property for the development of Burke Station on the Orange and Alexandria Railroad. This donation helped put Burke and the surrounding area on the map. The home sits on approximately five acres and continues to be an important landmark to the community.

Supervisor Herrity noted that the owner has signed a contract with Edward Burnett (contract purchaser) to establish an assisted living community (medical care facility) on the subject property which is in keeping with the County's goal of increasing the stock of senior housing. The proposed density for the assisted living facility is at 2-3 dwelling units per acre (du/ac). Additionally, as part of the proposed development, the owner and contract purchaser are committed to preserving the Silas Burke House in perpetuity. The subject property is currently planned for 1-2 du/ac. Accordingly, a Comprehensive Plan amendment will be necessary to permit an assisted living facility on the subject property.

Therefore, Supervisor Herrity moved that the Board direct staff from the Department of Planning and Zoning (DPZ) to:

- Review the Plan amendment proposal for the property identified as Tax Map 78-3 ((1)) 4 which is located in the Main Branch Community Planning Sector (P2) of the current Comprehensive Plan. The review should consider the appropriateness of the parcel redeveloping as an assisted living facility up to approximately 54,000 gross square feet
- Concurrently process this Plan amendment along with any rezoning, or any other application necessary to permit the proposed assisted living facility, filed with respect to the subject property.

This motion should not be construed as a favorable recommendation for this proposed Plan Amendment or any subsequent rezoning or other applications. Chairman Bulova seconded the motion and it carried by unanimous vote.

33. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (12:43 p.m.)

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

34. **LAND UNIT J PLAN AMENDMENT (SULLY DISTRICT)** (12:44 p.m.)

Supervisor Frey said that on July 9, 2013, the Board adopted the Comprehensive Plan Amendment Work Program, which authorized a study of the Dulles Suburban Center and estimated its completion in early 2016. The primary

purpose of the study will be to evaluate the effect of the pending Countywide Transit Network Study on the area. The study is also scheduled to review the feasibility of the adopted Plan guidance for a mixed use focal point in Land Unit J, specifically for Tax Map parcel 44-3 ((1))15. This 50-acre property is bordered by Route 28, Westfield Boulevard, and Stonecroff Boulevard. Limited road access and the presence of an extensive Chesapeake Bay Resource Protection Area will influence the development pattern of this last remaining large vacant area in Land Unit J. The property owner is poised to submit a rezoning application for this site that proposes to implement the planned mixed use concept, and although it does not increase the anticipated intensity of the site, it does propose a larger residential component than the current language suggests. This development could potentially reduce planned vehicle trips by offering an alternative mix of uses, could advance the enhanced transit envisioned in both the Comprehensive Plan and the ongoing Countywide Transit Network Study, and protect valuable environmental features.

Therefore, Supervisor Frey moved that the Board authorize staff to consider an amendment to the current Comprehensive Plan ordinance for the mixed use focal point on Tax Map parcel 44-3((1))15. In particular, the consideration should examine the appropriate amount of and placement of planned residential use, and potential road improvements to alleviate congestion in the area. The amendment should also consider to the extent feasible a design that is compatible with the location of the transit stops under review in the Countywide Transit Network Study. This motion should not be construed as a favorable recommendation for a potential Plan amendment or any subsequent rezoning or other applications. Chairman Bulova seconded the motion and it carried by unanimous vote.

35. **DULLES DISCOVERY (DD) SOUTH RETAIL LC (SULLY DISTRICT)**
(12:46 p.m.)

Supervisor Frey said that DD South Retail LC, a related entity of the Peterson Companies (the applicant), is processing Proffered Condition Amendment Application PCA 2003-SU-035-02 and Special Exception Application SE 2013-SU-017 for Dulles Discovery South (DDS) Retail, a 6.36-acre parcel surrounded by the Dulles Discovery North and the Dulles Discovery South office campuses. Together, the campuses contain approximately 132 acres and are approved for a total of approximately 2.4 million square feet of office and accessory uses to be occupied by the same tenant.

To address the need for retail and support services for the office use, the applicant proposes to modify the approved Conceptual Development Plan/Final Development Plan (CDP/FDP) to permit a child care center, drive-in bank, fast food restaurant, and service station/quick service food store. The proposed uses will be located at the main entrance to the DDS office campus and within walking distance for employees of both campuses. The gross floor area proposed is 26,400 square feet at a 0.09 floor area ratio (FAR), which is significantly less than

that currently entitled on the property. The special exception application is to permit the fast food restaurant.

The applicant has requested permission to begin concurrently processing the site plan and requested that the Board hearing be scheduled as soon as possible after the June 18 Planning Commission public hearing. The applicant has worked with the community and the Sully Foundation, and is working with staff to address green building commitments.

Therefore, Supervisor Frey moved that the Board direct staff to:

- Schedule the Board public hearing on Proffered Condition Amendment Application PCA 2003-SU-035-02 and Special Exception Application SE 2013-SU-017 to occur as soon as practicable after June 18
- Accept and concurrently process the associated site plan and other plans with Proffered Condition Amendment Application PCA 2003-SU-035-02 and Special Exception Application SE 2013-SU-017

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

36. **THIRD ANNUAL CHANTILLY DAY (SULLY DISTRICT)** (12:50 p.m.)

Supervisor Frey announced that the Third Annual Chantilly Day is scheduled for Saturday, May 17, from 11 a.m. until 4 p.m. on the site of the Sully Plaza Shopping Center.

37. **REQUEST FOR A FEE WAIVER, AND EXPEDITED AND CONCURRENT PROCESSING OF THE COLLINGWOOD LIBRARY AND MUSEUM ON AMERICANISM (MOUNT VERNON DISTRICT)** (12:50 p.m.)

Supervisor Hyland said that the Board approved Special Exception Application SE 2003-MV-020 to allow the National Sojourners to operate a library and museum on the Collingwood site at 8301 East Boulevard Drive. The organization has experienced fiscal challenges and is proposing to amend the boundaries of its special exception to allow for the subdivision and sale of a residential lot. The organization has requested a waiver of the zoning fee as well as expedited and concurrent processing of their zoning and site plan applications. He noted that the Zoning Ordinance (Section 18-106) authorizes the Board to waive the filing fees for “good cause shown.” He said that the National Sojourners have agreed, to place a lien on their property, should their special exception amendment be

approved, and will reimburse the County upon settlement of its simple subdivision. The organization currently does not have the funds to pay the filing fee.

Therefore, Supervisor Hyland moved that the Board:

- Waive the special exception fee for the Collingwood Library and Museum on Americanism located at 8301 East Boulevard Drive, Tax Map 102-4 ((1)) lots 71 and 71 B
- Authorize expedited and concurrent processing of the applicants zoning and site plans

This motion should not be construed to prejudice the consideration of the application in any way, nor does it relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion.

Following discussion, regarding the waiver of the fees, the question was called on the motion and it carried by unanimous vote.

38. **SEKAS HOMES, LTD. - REQUEST FOR EXPEDITIOUS AND CONCURRENT PROCESSING (HUNTER MILL DISTRICT)** (12:53 p.m.)

Supervisor Hudgins said that Sekas Homes, Ltd. has filed Rezoning Application RZ 2013-HM-016 (Iris Hills). The property is located at 12410 Lawyers Road - Tax Map 025-4 ((1)) Parcel 17. The area is approximately 5.26 acres, and is proposing to rezone from R-1 [one dwelling unit per acre (du/ac)] to R-2 (two du/ac) for nine single-family detached houses.

The Planning Commission public hearing is scheduled for Thursday, June 12, at 8:15 p.m. The applicant is requesting an expedited Board date and concurrent processing of the site plan and any other associated plans concurrently with the application.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to schedule an expedited public hearing before the Board on July 1 and direct the Director of the Department of Public Works and Environmental Services to process the site plan and other associated plans concurrently with Rezoning Application RZ 2013-HM-016. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

39. **DR. HOWARD LEROY KELLY - COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION (HUNTER MILL DISTRICT)**
(12:55 p.m.)

(BACs) Supervisor Hudgins referred to her written Board Matter and noted that since 2001, Dr. Howard Leroy Kelley has served on the County Commission on Organ and Tissue Donation and Transplantation. Over the last 13 years, Dr. Kelley has actively and personally worked to successfully elevate the commission's profile and mission.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Dr. Kelly to appear before the Board to be recognized for more than 13 years of dedicated service and invaluable support on the Commission on Organ and Tissue Donation and Transplantation. Without objection, it was so ordered.

40. **COMMITTEE FOR HELPING OTHERS (CHO) TRUCK REQUEST (HUNTER MILL DISTRICT)** (12:55 p.m.)

Supervisor Hudgins said on May 19, 2008, the Board approved her Board Matter requesting the CHO be placed in the queue for a replacement truck, retired from the County's vehicle fleet. CHO utilizes the truck to collect used furniture from, donations and delivers the items to families in need. They provide this vital service in the Dunn Loring, Merrifield, Oakton and Vienna communities.

Therefore, Supervisor Hudgins moved that the Board direct staff to work with the Hunter Mill District Office and the CHO on identifying an appropriate replacement vehicle from the County's retired trucks as soon as possible. Chairman Bulova seconded the motion and it carried by unanimous vote.

41. **RECOGNITION OF MS. JANE SEEMAN (HUNTER MILL DISTRICT)**
(12:55 p.m.)

Supervisor Hudgins said that earlier this year Ms. Jane Seeman died. She served on the Town of Vienna council for 17 years, four as a Council member, and eight years as Mayor.

Supervisor Hudgins said that on June 2, the Town of Vienna will hold a reception in honor of Mayor Jane, in recognition of her years of service and dedication to the town.

Therefore, Supervisor Hudgins moved that the Board direct staff to prepare a certificate with dual signatures from the Board commemorating the service of Mayor Jane Seeman for presentation on June 2 at the Town's reception. Chairman Bulova seconded the motion and it carried by unanimous vote.

42. **REQUEST FOR RECOGNITION FOR MS. LAURIE GENEVRO COLE (HUNTER MILL DISTRICT)** (12:56 p.m.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Vienna Town Council Member Laurie Genevro Cole to appear before the Board to be recognized upon completion of her term. Without objection, it was so ordered.

43. **RECESS/CLOSED SESSION** (12:57 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. Authorization to File Three Lawsuits Challenging Rulings by the State Tax Commissioner With Respect to Appeals of Determinations by the Director of the Fairfax County Department of Tax Administration Regarding the Out-Of-State Deduction for Business, Professional and Occupational Licenses Tax Receipts
 2. *Louise Root v. County of Fairfax*, Case No. 13-1027 (U. S. Sup. Ct.)
 3. *Augusta E. Jackson v. Fairfax County Government*, Record No. 2244-13-2 (Va. Ct. App.)
 4. *The Board of Supervisors, Fairfax County, Virginia and Lexington Insurance Company as a subrogee of Fairfax County Government and Fairfax County Public Schools v. DCK North America, LLC and Dulles Drywall, Inc.*, CL-2013-03443 (Fairfax County Circuit Court)

5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Duc Dang*, Case No. CL-2012-0011237 (Fx. Co. Cir. Ct.) (Providence District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kevin N. Strickler and Joyce King-Strickler*, Case No. CL-2014-0000840 (Fx. Co. Cir. Ct.) (Providence District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. JDRP Properties No. 6, L.P.*, Case No. CL-2014-0004933 (Fx. Co. Cir. Ct.) (Sully District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Tatianna M. Le*, Case No. CL-2014-0004934 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Mohammad T. Farzad, a/k/a M. Tawab Farzad*, Case No. CL-2014-0005184 (Fx. Co. Cir. Ct.) (Providence District)
11. *Alfred William Massey by GEICO, as subrogee v. Shawn C. Carroll, Fairfax County, and David Bobzien*, Case No. GV13-019232 (Fx. Co. Gen. Dist. Ct.)
12. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Roger W. Webb, Jr.*, Case No. GV13-027242 (Fx. Co. Gen. Dist. Ct.) (Providence District)
13. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Beverly K. Lester*, Case No. GV14-005406 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
14. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. James*

Edward Beard, Case No. GV14-008408 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gordon F. Crago and Bernadine H. Crago*, Case No. GV14-005404 (Fx. Co. Gen. Dist. Ct.) (Providence District)
16. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Smith and Jeanice Warwick Smith*, Case No. GV14-008400 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edwin Hercules Funk, Jr.*, Case Nos. GV13-015379 and GV14-008403 (Fx. Co. Gen. Dist. Ct.) (Lee District)
18. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Edwin Hercules Funk, Jr.*, Case Nos. GV13-003199, GV13-003355, GV14-008401, and GV14-008402 (Fx. Co. Gen. Dist. Ct.) (Lee District)
19. *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)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. JPMorgan Chase Bank, N.A.*, Case No. GV14-008722 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
21. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. JPMorgan Chase Bank, N.A.*, Case No. GV14-008723 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

And in addition:

- Franconia Two, LP v. Board of Supervisors of Fairfax County, Virginia, Case Number CL-2012-0019262
- Erroneous Real Estate Tax Assessment Appeals filed by Wilkes Artis, Chartered, Against Board of Supervisors of Fairfax County
- Chapter 10 of the Fairfax County Zoning Ordinance Regarding Accessory Uses

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

DAL:dal/DET:det

At 3:36 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

44. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:36 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."

45. **AUTHORIZATION TO FILE SUIT AGAINST THE STATE TAX COMMISSIONER** (3:37 p.m.)

Supervisor Hyland moved that the Board authorize the County Attorney to file suit on behalf of the Board and the County challenging the rulings of the State Tax Commissioner set forth in Public Documents 14-29-, 14-30, and 14-31, dated March 5, 2014, as outlined by the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by unanimous vote.

46. **SETTLEMENT OF FRANCONIA TWO, LP VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** (3:38 p.m.)

Supervisor McKay moved that the Board approve the settlement of *Franconia Two, LP versus Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2012-0019262, as outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

47. **ABSENCE OF SUPERVISOR PENNY GROSS (MASON DISTRICT)** (3:38 p.m.)

Supervisor Gross announced that she would be leaving at 7:30 p.m.; she will be addressing an international conference in Leipzig, Germany, as part of her role as

a member of the Northern Virginia Regional Commission and also as president of the National Association of Regional Councils.

DAL:dal

AGENDA ITEMS

48. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-M-075-02 (MUBARAK CORPORATION) (MASON DISTRICT)** (3:39 p.m.)

(NOTE: On April 29, 2014, the Board deferred the public hearing on this item until May 13, 2014.)

The application property is located at 6318 Leesburg Pike, Falls Church, 22044. Tax Map 51-3 ((1)) 33 and 34.

Chairman Bulova disclosed that Luke M. Vaughan of the Aisling Group, LLC, a consultant agent listed in Sections 1A and 1B of the affidavit filed in this case has provided and does provide political consultant services to her. Although it is not legally required, she voluntarily recused herself from the public hearing on this application, relinquished the Chair to Acting-Chairman McKay, and left the room.

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

Brent Krasner, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a Powerpoint slide presentation depicting the application and site location.

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

Following the public hearing, which included testimony by one speaker, Mr. Krasner presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Kris Abrahamson, Branch Chief, ZED, DPZ, and Mr. Krasner, regarding the development conditions.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 97-M-075-02, subject to the development conditions dated April 30, 2014.
- Re-affirmation of a previously-approved waiver of the service drive requirement along the Route 7 frontage.

- Re-affirmation of a previously-approved waiver of the open-space requirement per Section 9-612.
- Modification of the minimum off-street parking requirements in a Commercial Revitalization District to allow a 20 percent reduction in required spaces.

Supervisor Foust seconded the motion and it carried by a vote of nine, Chairman Bulova being out of the room.

Acting-Chairman McKay returned the gavel to Chairman Bulova.

49. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-LE-013 (EASTWOOD PROPERTIES, INCORPORATED) (LEE DISTRICT)**
(3:50 p.m.)

- (O) (NOTE: On April 8, 2014, the Board deferred this public hearing until April 29, 2014. On April 29, 2014, the Board deferred this public hearing until May 13, 2014.)

The application property is located on the south side of the Franconia-Springfield Bypass, approximately 750 feet west of its intersection with Beulah Street, Tax Map 91-1 ((1)) 18, 19, and 20.

Ms. Lori R. Greenlief reaffirmed the validity of the affidavit for the record.

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

- Mr. Donald E. King, McGuire Woods LLP

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

Ms. Greenlief 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. Rogers presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2013-LE-013, from the R-1 District to the R-8 District, subject to the proffers dated February 24, 2014.
- Approval of the modifications and waivers dated May 13, 2014, which shall be made part of the record of this case.

Supervisor Gross 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."

50. **3:30 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 87-D-002-3 (1999 LAND ACQUISITIONS, LLC) (DRANESVILLE DISTRICT)**
(3:58 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 April 28 and May 5, 2014.

The application property is located at 1013A Leigh Mill Road, Great Falls, 22066, Tax Map 13-4 ((1)) 47Z.

Brent Krasner, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Sheri Akin, Land Use Planner, McGuire Woods LLP, gave a presentation on behalf of the applicant.

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

Supervisor Foust moved approval of Agricultural Renewal Application AR 87-D-002-3, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Rhinehart Local Agricultural and Forestal District, subject to the Ordinance provisions dated April 10, 2014. Supervisor Herrity and Supervisor McKay 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."

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-MA-002 (TD BANK, NATIONAL ASSOCIATION) (MASON DISTRICT)** (4:04 p.m.)

The application property is located at 6566 Little River Turnpike, Alexandria, 22312, Tax Map 72-1 ((1)) 20E.

Ms. Lori K. Murphy reaffirmed the validity of the affidavit for the record. Mike Van Atta, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

Ms. Murphy 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. Van Atta presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of:

- Special Exception Application SE 2013-MA-002, subject to the development conditions dated May 6, 2014.
- The following waivers and modifications:
 - Waiver of the loading space requirements for a drive-in financial institution use.
 - Modification of Part 8 of Section 11-102 of the Zoning Ordinance to allow a four-foot parking setback along Little River Turnpike, as shown on the SE plat, in lieu of the ten-foot setback requirement.
 - Modification of Paragraph 5 of Section 11-104 of the Zoning Ordinance, to allow a six- and four-stacking scheme, as shown on the SE plat, in lieu of the eight- and two-stacking requirement.

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

52. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2010-PR-021 (CAPITAL ONE BANK) (USA) AND WAIVER #6835-WPFM-001-1 (PROVIDENCE DISTRICT)** (4:12 p.m.)

(O) The application property is located at 1680 Capital One Drive, McLean, 22102, Tax Map 29-4 ((5)) A2.

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

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

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

Following the public hearing, which included testimony by one speaker, Chairman Bulova and Supervisor Smyth noted that Board Members received several letters of support.

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

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2010-PR-021, subject to the proffers dated May 5, 2014.
- Approval of waivers and/or modifications as listed on the cover of the March 19, 2014, Staff Report.
- That the Board direct staff to report with a recommendation to the Board on whether to designate Building Three as a gateway building in Tysons from the Comprehensive Plan Amendment now in process, as the MCA recommended.

Supervisor Herrity 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 April 23, 2014, the PC approved Final Development Plan Amendment Application FDPA 2010-PR-021, subject to the development conditions dated April 3, 2014.)

53. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-LE-014 (MOHAMMAD HAJIMOHAMMAD, TRUSTEE AND FLORA HAJIMOHAMMAD, TRUSTEE OF THE HAJIMOHAMMAD REVOCABLE TRUST) (LEE DISTRICT)** (4:27 p.m.)

The application property is located at 5630 South Van Dorn Street, Alexandria, 22310, Tax Map 81-2 ((3)) 8A.

Ms. Lynne J. Strobel 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. Strobel 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.

Supervisor McKay moved:

- Approval of Special Exception Application SE 2013-LE-014, subject to the development conditions dated April 18, 2014.
- Approval of the waivers and modifications stated in the handout dated May 8, 2014.

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

54. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-MV-011 (KIMBERLY B. AND KELLY P. CAMPBELL) (MOUNT VERNON DISTRICT)** (4:35 p.m.)

The application property is located at 11727 River Drive, Mason Neck, 22079, Tax Map 122-2 ((2)) 7.

Mr. Jason Hickman reaffirmed the validity of the affidavit for the record.

Megan Duca, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a Powerpoint slide presentation depicting the application and site location.

Supervisor Hyland raised questions regarding:

- What the implications will be to the applicant if the application is not approved by the Board
- How long this matter has been going on
- The environmental impact will be if the application is not approved

Discussion ensued, with input from Ms. Duca; Paul Emerick, Assistant County Attorney; Thakur Dhakal, Engineer IV, Land Development Services (LDS), Department of Public Works and Environmental Services (DPWES); Mary Ann Welton, staff to the Wetlands Board, Planning Division, DPZ;

Supervisor Foust raised questions regarding:

- Additional applications like this one pending approval
- Outstanding violations for similar conduct

Discussion ensued, with input from Barbara Berlin, Director, ZED, DPZ; William Mayland, Branch Chief, ZED, DPZ; Ms. Duca and Ms. Welton.

Mr. Hickman 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.

Supervisor Foust raised questions regarding the absence of the applicant and the slope stability issue, with input from Mr. Hickman.

Supervisor McKay raised a question regarding whether a permit was issued for the fill, with input from Mr. Hickman and Ms. Duca.

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. This motion died for lack of a second.

Ms. Duca presented the staff and PC recommendations.

Supervisor Hyland moved approval of:

- Special Exception Application SE 2013-MV-011, subject to the development conditions dated May 12, 2014.
- The accompanying Resource Protection Area Encroachment Exception #5203-WRPA-010-2 and Water Quality Impact Assessment #5203-WQ-019-2, subject to the development

conditions contained in Appendix Two of the Staff Report Addendum.

Chairman Bulova seconded the motion.

Supervisor Smyth announced that she will be abstaining from the vote and expressed her concerns.

With regard to Appendix 8 of the Staff Report, Supervisor McKay raised a question regarding the series of emails attached to it with significant portions blanked out and discussion ensued, with input from Kanthan Sivapalarasah, Senior Engineer III, LDS, DPWES.

Discussion continued, with Board Members expressing their concerns with the application.

Supervisor Hyland raised questions regarding the:

- Expense to the applicant for the work already completed
- Expense to correct it in the future
- Number of applications similar to this one

Discussion ensued, with input from Mr. Hickman and Ms. Welton.

Supervisor Gross announced that she will not be supporting the motion and expressed her concerns and discontent with the application.

Following addition discussion, with Board Members expressing their concerns, Supervisor Hudgins stated that in the future this issue needs to be considered from a legislative standpoint with a statute that individuals will be penalized at the point of violation, not at the point of correcting it.

The question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Smyth, Supervisor Foust, and Supervisor Gross voting “NAY,” Supervisor Frey being out of the room.

Supervisor Smyth suggested that the Board provide staff with guidance on future development conditions for similar applications that should be recorded with the property deed so future owners understand the implications and expectations of compliance. Discussion ensued, with input from Ms. Welton who noted that Development Condition Number 15 of the revised conditions requires recording.

Supervisor Smyth raised a question regarding whether such recording will be done on a regular basis, with input from Ms. Welton.

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

- Create a standard development condition that requires recording with the property deed.
- Schedule for discussion, at a future Development Process Committee meeting, what type of information should be provided when someone purchases waterfront property, so that the owner has special guidance regarding what is allowed/not allowed.
- Confer with the realtor association to ensure the information is provided to the new waterfront property owners at the time of sale.

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

55. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S13-IV-LP1 (VULCAN QUARRY) (MOUNT VERNON DISTRICT)** (5:11 p.m.)

Supervisor McKay moved to defer the public hearing on Plan Amendment S13-IV-LP1 until **June 3, 2014, at 3 p.m.** Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Frey, and Supervisor Hyland being out of the room.

56. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-MV-034 (FURNACE ASSOCIATES, INCORPORATED) (MOUNT VERNON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-L/V-061-02 (FURNACE ASSOCIATES, INCORPORATED) (MOUNT VERNON DISTRICT) (5:12 p.m.)

The Proffered Condition Amendment Application PCA 2000-MV-034 property is located on the west side of Furnace Road, approximately 2,693 feet south of Lorton Road and 2,693 feet north of the I-95 underpass, Tax Map 113-1 ((1)) 12 and 13.

The Special Exception Amendment Application SEA 80-L/V-061-02 property is located at 10001, 10201, 10209, 10215, 10219, and 10229 Furnace Road, Lorton, 22079, Tax Map 113-1 ((1)) 5pt., 7, 8; 113-3 ((1)) 1, 2, and 4.

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

Supervisor Hyland disclosed that he has not had any campaign contributions within the past year. However, in years prior, he has received campaign contributions in excess of \$100 from Mr. Conrad R. Mehan, agent for the applicant.

Although not required legally, Chairman Bulova disclosed that when she ran for Chairman in 2009 she received contributions from ESI and Mr. Conrad R. Mehan, but she has not received any contributions within the past year.

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

Supervisor Hyland raised questions which resulted in a lengthy discussion, with input from Ms. Tsai and William Mayland, Branch Chief, ZED, DPZ; and Elizabeth Teare, Deputy County Attorney, regarding:

- The number of trucks that visit the site daily
- If the application were to be approved, the estimated number of trucks that would continue to visit the site
- Whether the application is a request for expansion of the existing landfill
- Why the pending application does not include the language “no further expansion of the landfill,” which was included in a development condition of the previously approved application in 2007
- Whether the removal of language from the development conditions was coordinated and approved by the County Attorney’s Office
- The Task Force’s attempt to resolve matters of concern
- The outcome of a proposed development condition providing that the applicant would record a covenant requiring the closure of the landfill on a date certain
- The proposed berm
- The additional capacity requested
- The green energy proposals
- Whether staff has verified studies provided by the applicant

- The character of the communities closest to the landfill
- What would happen to the site if the application is not approved
- Additional development conditions

Discussion continued, with input from James W. Patteson, Director, Department of Public Works and Environmental Services, regarding:

- The disposal of construction debris, if the application is not approved
- The extent of other construction debris facilities available in the region
- Where the County disposes of its construction debris
- Whether the County has a policy for recycling construction debris, and if not, is it considering developing a policy
- Green energy policy

Discussion continued, regarding the berm height, with input from Ms. Tsai and Mr. Mayland.

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.

Mr. McDermott distributed a resource binder regarding the application to Board Members.

Supervisor Hyland raised a question regarding why the applicant is unwilling to enter into an agreement which would guarantee the closure of the landfill on a date certain, so that there is certainty of it happening. Discussion ensued with input from Mr. McDermott.

Chairman Bulova announced that the public hearing is estimated to last approximately five hours due to the large number of speakers registered to present testimony. The Board will need to reflect on all of the testimony provided and would like to give staff and the applicant the opportunity to respond, so the record will remain open to receive written testimony. She also noted that a motion will be made later in the meeting to defer decision on this item until the next Board meeting on June 3, 2014.

Supervisor Hyland noted that the June 3 agenda is rather full, and suggested that the Board consider deferring decision until the June 17, 2014, meeting. Chairman Bulova stated she would consider that when making the motion.

Chairman Bulova provided instructions regarding the rules of order for the meeting.

(8:28 p.m.)

Following the testimony of Mr. Joe Vidulich (Speaker 28), discussion ensued concerning:

- The location of his residence
- Recycling of construction debris
- Concessions made to the community by the applicant
- Tysons redevelopment and LEEDS certification as it relates to recycling and/or landfilling

(8:37 p.m.)

Following the testimony of Mr. Ken Garrison, a representative of the Heavy Construction Contractors Association (Speaker 30), a brief discussion ensued regarding landfilling versus recycling.

Chairman Bulova raised a question regarding whether ESI recycles its concrete and debris, with input from Mr. McDermott.

(9:06 p.m.)

Following the testimony of Doug Webber, a representative of Teamsters Local 639 (Speaker 36), Supervisor Hyland raised a question regarding whether the employees of ESI were informed of the landfills closure date, in 2007 when the application was previously approved, with input from Mr. Webber.

(9:17 p.m.)

Following the testimony of Colin Campbell, a representative of the Habitat for Humanity (Speaker 39), Supervisor Hyland raised a question regarding recycling, burning, or landfilling materials donated to Habitat for Humanity, with input from Mr. Campbell.

(10:38 p.m.)

Following the testimony of Mr. John Jennison (Speaker 63), discussion ensued concerning:

- Inclusion of the ESI property as part of the Green Energy Triangle
- Consideration of this topic by the County Federation of Citizens Associations at its May 15 meeting

(10:45 p.m.)

Following the testimony of Ms. Holly Dougherty (Speaker 64), discussion ensued regarding:

- The membership of the Mount Vernon/Lee Chamber of Commerce
- Reconciling the position of the Mount Vernon/Lee Chamber with that of the South County Chamber
- Precedence of local community interests versus County-wide interests

Following the public hearing, which included testimony by 84 speakers, Chairman Bulova announced that the record will remain open to receive written testimony.

Mr. McDermott introduced ESI's Renewable Energy Specialist, Dr. Jeremy Morris, Geosyntec Consultants, who gave a presentation.

Mr. McDermott proceeded to present his rebuttal.

Supervisor Hyland raised questions, with input from Mr. McDermott, regarding:

- The present capacity of the landfill
- The estimated life of the landfill if the applicant continues to landfill at the present rate
- When ESI decided not to terminate landfill operations in 2018
- Whether ESI, when it discussed the possibility of the Green Energy Park with citizens in Lorton, also communicated at that time that it wanted to extend the life of the landfill
- Whether ESI has any present plans to sell the landfill if the application is approved

- The literature distributed to citizens who live in the vicinity of the landfill
- The anticipated number of trucks to visit the recycling facility if the landfill closed

Ms. Tsai presented the staff and PC recommendations.

Supervisor Hyland noted, for the record, that the PC Chairman Peter Murphy did not support the application, but voted in favor of the application to send it to the Board for final decision.

Supervisor Foust raised a question regarding the PC recommendation and the six additional consideration items, with input from Ms. Tsai.

Chairman Bulova relinquished the Chair to Acting-Chairman McKay and moved to defer decision only on Special Exception Amendment Application SEA 80-L/V-061-02 and Proffered Condition Amendment Application PCA 2000-MV-034 until **June 17, 2014, at 4:30 p.m.** Supervisor Herrity seconded the motion.

Following a brief discussion regarding the deferral, the question was called on the motion and it **CARRIED** by a recorded vote seven, Supervisor Hyland voting “**NAY**,” Supervisor Frey and Supervisor Gross being out of the room.

Acting-Chairman McKay noted that the public hearing is closed, but the record will remain open until action is taken on June 17, 2014.

Acting-Chairman McKay returned the gavel to Chairman Bulova.

Chairman Bulova noted that Supervisor Gross and Supervisor Frey had to leave early, but they were present for part of the public hearing and will be reviewing the testimony from the rest of the evening.

57. **BOARD ADJOURNMENT** (12:36 a.m.)

The Board adjourned.

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