



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**TUESDAY  
November 18, 2014**

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**DET:det**

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, November 18, 2014, at 9:37 a.m., there were present:

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

Supervisor Michael Frey, Sully District, was absent from the entire meeting.

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

**BOARD MATTERS**1. **MOMENT OF SILENCE** (9:37 a.m.)

Supervisor Smyth asked everyone to keep in thoughts the family of Mr. David Keyes who died on November 4. Mr. Keyes was the voice of reason during consideration of a controversial proposal for the consolidation of the old Fairlee subdivision for redevelopment at the Vienna Metro station. He worked for the Federal Bureau of Investigation for 27 years, participated in the Planning Commission's Transit-oriented Development Committee, and was very active in his church as well as the Wounded Warriors Cyber Combat Academy.

Supervisor McKay asked everyone to keep in thoughts the family and coworkers of Ms. Shirley Magalis who died last week. She was a County employee for nearly 30 years and spent her entire career serving as the dedicated director of the Burgundy Village Community Center in Lee District.

Supervisor McKay asked everyone to keep in thoughts the family of Mr. Paul Gagnon who died Saturday. He was a County magistrate, chair of the Lee District Land Use Committee for many years, and ran for Lee District supervisor in 1995. His wife, Johna Good Gagnon, is an elected official in the County serving on the Northern Virginia Soil and Water Conservation District Board. Mr. Gagnon was very active in civic affairs in Lee District and leaves an enormous gap to fill in civic involvement.

Supervisor Hyland asked everyone to keep in thoughts the family of Ms. Hannah Graham. He noted that on Saturday he attended a remarkable celebration of her life; she will be remembered as a remarkable young woman who was talented, intelligent, and funny. He added that the celebration was an example of what one person can do with his or her life in a very short period of time.

2. **ABSENCE OF SUPERVISOR FREY (SULLY DISTRICT)** (9:45 a.m.)

Chairman Bulova announced the absence of Supervisor Frey due to shoulder surgery.

3. **ORDERS OF THE DAY** (9:47 a.m.)

Chairman Bulova announced that later in the day the following public hearings would be deferred:

- Rezoning Application RZ 2014-MA-003 – Markham Place LLC
- Special Exception Application SE 2014-SU-016 – Mai-Huong Thi Nguyen/Helen Home Daycare LLC

- Special Exception Application SE 2014-SU-044 – Gita D. Kumar/Peek A Boo Child Care, Incorporated
- Special Exception Application SE 2014-SU-042 – Montessori Mansion/Naima Qadir Dar
- Special Exception Application SE 2014-SU-031 – Mary Gray/Elf Exploring, Learning and Fun
- Lease with McLean Youth Athletics
- Proffered Condition Amendment Application PCA 88-S-022 – Union Mill Associates Limited Partnership

Chairman Bulova announced the reordering of the 4 p.m. public hearings as follows:

- Issuance of a County Revenue Bond to Finance Silver Line Parking Garages through the Fairfax County Economic Development Authority
- Proposed Plan Amendment 2014-I-A1
- Rezoning Application RZ 2014-SP-005 – Christopher Land, LLC
- Proposed Amendments to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation), Regarding Taxicab Rates and Penalties for Operating an Uncertificated Taxicab

Supervisor Smyth announced that the following public hearing would also be deferred:

- Rezoning Application RZ 2014-PR-004 – Amherst Property LLC concurrently with Proffered Condition Amendment Application PCA 88-D-005-08 – Amherst Property LLC

#### **AGENDA ITEMS**

4. **PRESENTATION TO FAIRFAX COUNTY OF THE RE-CERTIFICATION FOR THE CERTIFIED CRIME PREVENTION COMMUNITY BY THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS)**  
(9:50 a.m.)

Lieutenant Colonel Tom Ryan, Deputy Chief of Police, County Police Department, announced the re-certification of the County as a certified crime prevention community by the Virginia DCJS Services and introduced Mr. Richard Arrington of the DCJS who outlined background and components of the re-certification.

5. **PROCLAMATION PRESENTED TO MEMBERS OF THE CHANTILLY HIGH SCHOOL DRUMLINE (SPRINGFIELD AND SULLY DISTRICTS)** (9:59 a.m.)

Supervisor Herrity moved approval of the Proclamation presented to members of the Chantilly High School Drumline for representing Virginia and Fairfax County in an outstanding and professional way and to congratulate them for a noteworthy achievement at the Winter Guard International Championships in Dayton, Ohio. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE McLEAN CITIZENS ASSOCIATION (DRANESVILLE AND PROVIDENCE DISTRICTS)** (10:09 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to the McLean Citizens Association for its one-hundredth anniversary and commitment and contributions to the residents of greater McLean. Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO THE ARTS COUNCIL OF FAIRFAX COUNTY 2014 HONOREES** (10:18 a.m.)

Supervisor Hudgins moved approval of the Certificates of Recognition presented to the Arts Council of Fairfax County 2014 honorees for their contributions to the community. Chairman Bulova seconded the motion.

Discussion ensued concerning the upcoming December 10 ribbon-cutting ceremony at the Arts Council's new location in Providence District.

The question was called on the motion and it carried by a vote of nine, Supervisor Frey being absent.

8. **PROCLAMATION DESIGNATING DECEMBER 1, 2014, AS "HIV/AIDS AWARENESS DAY" IN FAIRFAX COUNTY** (10:33 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate December 1, 2014, as "*HIV/AIDS Awareness Day*" in Fairfax County and encouraged all residents to know their HIV status and participate in activities and observances designed to increase awareness of HIV/AIDS. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **PROCLAMATION DESIGNATING NOVEMBER 2014 AS "PANCREATIC CANCER AWARENESS MONTH" IN FAIRFAX COUNTY** (10:43 a.m.)

Supervisor Gross moved approval of the Proclamation to designate November 2014 as "*Pancreatic Cancer Awareness Month*" in Fairfax County and urged all residents to increase their awareness about pancreatic cancer, including research, early detection, causes and effective treatments. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

Information on pancreatic cancer can be found at [www.pancan.org](http://www.pancan.org). Chairman Bulova noted that there are no early warning signs of pancreatic cancer.

10. **10:30 A.M. – PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (10:59 a.m.)

Larry Zaragoza, Vice Chairman, EQAC, presented the annual report which included the following recommendations:

- The need for continuing long-term financial support to sustain three environmental programs that will only be effective and lasting if funded through multiple years:
  - An increase in the Stormwater Service District rate by one-quarter penny
  - Continued funding of Environmental Improvement Program projects
  - Increased funding for natural resource management and stewardship in the County Park Authority
- The development and implementation of programs that are important to address climate change
- To increase the value and environmental benefit of recycled materials, the County should investigate ways to improve the quality of recyclables collected at residential and commercial properties

Mr. Zaragoza cited a number of organizations, as well as County staff, that significantly contribute to the environment, and introduced EQAC members that were present in the Board Auditorium.

Discussion ensued, with input from Mr. Zaragoza and Kambiz Agazi, Environmental Coordinator, concerning glass and multi-stream recycling.

Discussion continued concerning a memorandum from Stella Koch, EQAC Chairman, requesting that the Board send a letter to the Governor asking for support for funding for the Stormwater Local Assistance Fund (SLAF). Supervisor McKay asked unanimous consent that the Board direct staff to evaluate the recommendation and respond to the Board. Without objection, it was so ordered.

Discussion continued concerning the Energy Dashboard and making it available to the public, with input from Mr. Zaragoza and Mr. Agazi regarding:

- Energy saving opportunities as a result of this work
- Opportunities for efficiencies made available to the public
- County monitoring of energy usage and taking action where appropriate
- Review of a response to the Faith Alliance for Climate Solutions which will be shared with the Board and the County Executive

Supervisor Gross moved that the Board receive the report, refer it to staff for appropriate comment and bring back certain items, including the Energy Dashboard, to a meeting of the Environment Committee. Chairman Bulova seconded the motion.

Discussion ensued concerning:

- The best ways to make the information available, understandable, and effective
- A useful display showing the County's energy usage
- A display of that information at libraries
- Recommendation #3 which includes the formation of an energy alliance to provide a resource for the community for information and assistance regarding green energy and energy efficiency

The question was called on the motion and it carried by a vote of nine, Supervisor Frey being absent.

EBE:ebe

11. **10:45 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:24 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 November 18, 2014,” as distributed around the dais. Supervisor Hyland seconded the motion.

Discussion ensued regarding the Oversight Committee on Drinking on Driving and the following issues:

- Vacancies which have not been filled
- No quorum for the Committee due to vacancies
- The mission of the Committee and its relevance
- Need to review the structure of the Committee
- Seeking direction and role of the Committee

Discussion ensued with input from Edward L. Long Jr., County Executive, who noted that the Committee is under review by the Police Department and recommendations will be provided to the Board.

Discussion continued regarding:

- Expansion of the mission of the Committee to include texting and driving, distracted driving, et cetera.
- Difficulty filling vacancies on other Boards, Authorities and Commissions (BACs)
- The significant barrier for people who live a long distance from the Government Center to be able to participate in meetings
- Legal avenues available to allow electronic participation
- Allowing these committees to meet in various locations throughout the County

Supervisor McKay asked unanimous consent that the Board direct staff to evaluate if there have been any changes made to State Law regarding the concept of using video conferencing technology to allow participation in meetings and provide recommendations. Without objection, it was so ordered.

Supervisor Gross noted that the Commission on Aging meets during the day and at different locations and pointed out that if changes are made, it would require changes to the bylaws of the various BACs.

Supervisor Gross asked unanimous consent that the Board direct the Clerk of the Board to streamline the system of notifying the Board of BAC member absences. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor Frey being absent.

Appointments are as follows:

#### **ADVISORY SOCIAL SERVICES BOARD**

The Board deferred the appointment of the Lee District Representative.

#### **AFFORDABLE DWELLING UNIT ADVISORY BOARD**

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

#### **AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

#### **ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD**

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

#### **ARCHITECTURAL REVIEW BOARD**

Reappointment of:

- Ms. Michele C. Aubry as the Archaeologist Representative

#### **ATHLETIC COUNCIL**

Appointment of:

- Ms. Lisa MicKey as the Lee District Principal Representative

Confirmation of:

- Ms. Barbara Glakas as the Town of Herndon Principal Representative



- Mr. Daniel Alvarado as the Town of Herndon Alternate Representative

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

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

The Board deferred the appointment of the Lee District Representative.

**BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS**

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

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS**

Reappointment of:

- Mr. Arthur S. Nachman as the Professional #2 Representative
- Ms. Noelle M. Holmes as the Professional #4 Representative
- Ms. M. Yvonne Demory as the Professional #5 Representative

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

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

The Board deferred the appointment of the Sully District Representative.

**CHILD CARE ADVISORY COUNCIL**

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

**CITIZEN CORPS COUNCIL**

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

**CIVIL SERVICE COMMISSION**

Reappointment of:

- Mr. Ronald Copeland as the At-Large #2 Representative

**COMMISSION FOR WOMEN**

Confirmation of:

- Ms. Laura Sizemore as the Student Representative

The Board deferred the appointment of the Braddock District Representative.

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION**

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

**CONSUMER PROTECTION COMMISSION**

Reappointment of:

- Mr. Michael J. Roark as the Fairfax County Resident #2 Representative

**ECONOMIC ADVISORY COMMISSION**

Reappointment of:

- Mr. Peter G. Hartmann as the At-Large Chairman's #1 Representative
- Mr. Mohammad S. Sheikh as the At-Large Chairman's #3 Representative
- Mr. Taylor Chess as the Braddock District Representative
- Mr. Marcus B. Simon as the Dranesville District Representative
- Mr. Mark Silverwood as the Hunter Mill District Representative
- Mr. Stephen Keat as the Mount Vernon District Representative
- Mr. John Harrison as the Providence District Representative
- Mr. Brian Schoeneman as the Springfield District Representative

The Board deferred the appointment of the At-Large #4 Chairman's Land Use, At-Large Chairman's #2, and the, Lee, Mason, and Sully District Representatives.

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)**

Appointment of:

- Mr. Kenneth J. Lanfear as the Hunter Mill District Representative

**FAIRFAX AREA DISABILITY SERVICES BOARD**

Reappointment of:

- Ms. Linda Collins as the Braddock District Representative

The Board deferred the appointment of the At-Large #2 Business Community, At-Large Chairman's, At-Large Fairfax County, and the Lee, Mason, and Sully District Representatives.

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**

Confirmation of:

- Ms. Julia Stephens as Long Term Care Providers Representative

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS**

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

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

Nomination of:

- Ms. Molly Long as the Braddock District Representative

(The Board is scheduled to take action on this appointment on December 2, 2014.)

**HEALTH CARE ADVISORY BOARD**

The Board deferred the appointment of the Sully District Representative.

**HEALTH SYSTEMS AGENCY BOARD**

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

**HISTORY COMMISSION**

Reappointment of:

- Ms. Gretchen Bulova as the At-Large #4 Representative
- Mr. Steve Sherman as the Citizen #9 Representative
- Ms. Page Shelp as the Historian #3 Representative

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

**HUMAN SERVICES COUNCIL**

Reappointment of:

- Colonel Marion “Barney” Barnwell as the Mount Vernon District #2 Representative

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

**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE**

Reappointment of:

- Mr. Steven Lam as the Braddock District Representative
- Mr. Edward Blum as the Providence District Representative

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

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

The Board deferred the appointment of the Braddock District Representative.

**LIBRARY BOARD**

The Board deferred the appointment of the Dranesville District Representative.

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

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

**PARK AUTHORITY**

Reappointment of:

- Mr. Anthony Vellucci as the Braddock District Representative
- Mr. Frank Vajda as the Mason District Representative
- Mr. Linwood M. Gorham as the Mount Vernon District Representative
- Mr. Michael Thompson as the Springfield District Representative

**PLANNING COMMISSION**

Reappointment of:

- Mr. Timothy J. Sargeant as the At-Large #2 Representative
- Mr. Peter F. Murphy, Jr. as the Springfield District Representative

The Board deferred the appointment of the Mason District Representative.

**POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES**

Reappointment of:

- Mr. Brendan Harold as the Citizen At-Large #2 Representative

**ROAD VIEWERS BOARD**

Reappointment of:

- Mr. Marcus Wadsworth as the At-Large #3 Representative

The Board deferred the appointment of the At-Large #1, #2, #4, and #5 Representatives.

**SMALL BUSINESS COMMISSION**

Reappointment of:

- Ms. Beatrice Malone as the Hunter Mill District Representative
- Ms. Kelly Pride Hebron as the Lee District Representative
- Ms. Katy Fike as the Mount Vernon District Representative

Appointment of:

- Ms. Eva Freund as the Providence District Representative

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

#### **SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

Appointment of:

- Ms. Darlena Ricks as the Fairfax County #3 Representative

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

#### **TENANT LANDLORD COMMISSION**

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

#### **TRAILS AND SIDEWALKS COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

#### **TRANSPORTATION ADVISORY COMMISSION**

The Board deferred the appointment of the Providence District Representative.

#### **TREE COMMISSION**

Reappointment of:

- Mr. Lyle C. McLaren as the Providence At-Large Chairman's Representative
- Ms. Eleanor F. Quigley as the Mount Vernon District Representative

#### **WETLANDS BOARD**

Reappointment of:

- Ms. Julia Ellegood Pfaff as the Lee District Representative
- Mr. Gavin Carter as the Mount Vernon District Representative

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

12. **ADMINISTRATIVE ITEMS** (11:35 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 6 – Authorization to Advertise a Public Hearing to Lease Board-Owned Property at 12000 Government Center Parkway to Fairfax 2015, Incorporated, and raised a question regarding inventory and utilization of space. Discussion ensued, with input from Edward L. Long Jr., County Executive, regarding Suite 251 in the Government Center, which was used by the Focus Project team and is currently being used by the 2015 World Police and Fire Games group. He noted that staff is reviewing options for future use of the space.

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

**ADMIN 1 – SUPPLEMENTAL APPROPRIATION RESOLUTION AS 15147 FOR VARIOUS COUNTY AGENCIES TO ACCEPT DEPARTMENT OF HOMELAND SECURITY URBAN AREAS SECURITY INITIATIVE (UASI) SUBGRANT AWARDS FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY (HSEMA)**

(SAR) Approved SAR AS 15147 for various County agencies to accept Department of Homeland Security UASI subgrant awards from HSEMA in the amount of \$12,271,466. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment One of the Board Agenda Item. All projects will be implemented in accordance with the program guidance documents. Funding will continue to support five fulltime-exempt existing grant positions.

**ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2010-LE-017 (WMATA BUS FACILITY) (LEE DISTRICT)**

(AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 2010-LE-017 to September 9, 2015, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL, LEE, PROVIDENCE, AND SULLY DISTRICTS)**

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

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Dogwood Pool Renovation (Reston Section 36 Block 5)	Hunter Mill	Glade Drive (Route 4721) [Additional Right-of-Way (ROW) Only]
		Green Range Drive (Route 5327) (Additional ROW Only)
The Land of Richard R. Fleming (Somerford Place)	Hunter Mill	Leesburg Pike (Route 7) (Additional ROW Only)
		Reston Avenue (Route 7917) (Additional ROW Only)
Embassy Suites Springfield	Lee	Loisdale Road (Route 877) (Additional ROW Only)
Fosters Crest	Lee	Fleet Drive (Route 635) (Additional ROW Only)
Epiphany of Our Lord Byzantine Catholic Church	Providence	Woodburn Road (Route 846) (Additional ROW Only)
V Karting Parcel A Barthelson Plaza	Sully	Lee Road (Route 661) (Additional ROW Only)

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY OFF FLOYD AVENUE (LEE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 13, 2015, at 4 p.m.**, to convey Board-owned property off Floyd Avenue.

**ADMIN 5 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SULLY DISTRICT)**

- Endorsed the installation of “Watch for Children” signs on Moore Road (Sully District)



- Directed staff of the Department of Transportation to install the approved measures as soon as possible

**ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE BOARD-OWNED PROPERTY AT 12000 GOVERNMENT CENTER PARKWAY TO FAIRFAX 2015, INCORPORATED (BRADDOCK DISTRICT)**

- (A) (NOTE: Earlier in the meeting, this item was discussed. See page 15.)

Authorized the advertisement of a public hearing to be held before the Board on **January 13, 2015, at 4:30 p.m.**, to lease Board-owned property at 12000 Government Center Parkway to Fairfax 2015, Incorporated.

**ADMIN 7 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF HOMELAND SECURITY GRANT FOR THE ASSISTANCE TO FIREFIGHTERS GRANT (AFG)**

Authorized FRD to apply for and accept, if received, grant funding in the amount of \$2,954,865, from the US Department of Homeland Security for the 2014 AFG Program. A 15 percent local cash match of \$443,230 is required. Funding will support five individual projects, including the purchase of a multi-story burn container for full-scale live fire training, the replacement of aged thermal imaging cameras, the installation of traffic pre-emption devices in heavily congested roadways within the County, the certification of additional peer fitness trainers, and the procurement of functional training lockers to support departmental wellness-fitness initiatives. Grant funding may be awarded for any or all of the projects included in the application. There are no positions associated with this grant.

13. **A-1 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) HEALTH CARE REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT)** (11:37 a.m.)

- (R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution approving the issuance by the IDA of the County of its Health Care Revenue Bonds (Inova Health System Project) Series 2014, in an aggregate principal amount not to exceed \$740,640,000. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being absent.

Supervisor Gross noted that the team at Inova expressed their appreciation to Joe LaHait, Debt Coordinator, Department of Management and Budget, who has been extraordinarily helpful in the process.

14. **A-2 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE TOWN OF CLIFTON, VIRGINIA (THE TOWN) FOR THE COUNTY TO OPERATE A VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) FOR THE TOWN** (11:38 a.m.)

(R) On motion of Supervisor Herrity, seconded by Chairman Bulova, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being absent, the Board concurred in the recommendation of staff and adopted a Resolution dated November 18, 2014, authorizing the County Executive to execute a MOU with the Town for the County to operate a VSMP. The MOU has been prepared by the Department of Public Works and Environmental Services and the Office of the County Attorney and coordinated with Town staff and the Town’s Attorney.

15. **A-3 – APPROVAL OF A REPRESENTATIVE TO THE JOINT CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD ACTION PLAN AND ADVISORY COMMITTEE WITH THE TOWN OF HERNDON AND THE TOWN OF VIENNA FOR THE COUNTY** (11:39 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Frey being absent, the Board concurred in the recommendation of staff and:

- Selected the Director of the Department of Public Works and Environmental Services (DPWES) as the representative to participate on the Joint Action Plan Advisory Committee
- Authorized the Director of DPWES to appoint a designee to participate in his place

16. **A-4 – APPROVAL OF THE DISCLOSURE AGREEMENT RELATED TO THE ISSUANCE OF REFUNDING REVENUE BONDS, SERIES OF 2014, BY THE UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (SULLY DISTRICT)** (11:40 a.m.)

On behalf of Supervisor Frey, Supervisor Gross moved that the Board concur in the recommendation of staff and:

- Approve the Disclosure Agreement related to the issuance of refunding revenue bonds by UOSA
- Authorize the Chairman to execute the Agreement on behalf of the Board in substantially the form presented

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

17. **A-5 – APPROVAL TO LICENSE BOARD-OWNED PROPERTY AT 6800-A INDUSTRIAL DRIVE TO FAIRFAX 2015, INCORPORATED (MASON DISTRICT)** (11:41 a.m.)

On motion of Supervisor Gross, jointly seconded by Supervisor Herrity and Supervisor Hyland, and carried by a vote of nine, Supervisor Frey being absent, the Board concurred in the recommendation of staff and:

- Approved a License Agreement between Fairfax 2015, Incorporated and the County that will allow Fairfax 2015 to use up to 50,000 square feet of County-owned warehouse space for the World Police and Fire Games
- Authorized the County Executive or his designee to execute this Agreement on behalf of the County

18. **A-6 – APPROVAL OF A RESOLUTION ALLOCATING FISCAL YEAR (FY) 2016 REVENUE SHARING FUNDS TO FUND THE ROLLING ROAD WIDENING PROJECT FROM OLD KEENE MILL ROAD AND ENDING AT THE INTERSECTION OF FRANCONIA SPRINGFIELD PARKWAY AND FAIRFAX COUNTY PARKWAY** (11:42 a.m.)

(R) On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being absent, the Board concurred in the recommendation of staff and:

- Authorized the Department of Transportation to apply for FY 2016 Virginia Department of Transportation (VDOT) Revenue Sharing Funds
- Adopted a Resolution designating a maximum of \$10 million in FY 2016 VDOT Revenue Sharing Program funds for the Rolling Road widening project.

A local cash match of \$10 million is required and will be provided by Fund 40010–County and Regional Transportation Projects, or Northern Virginia Transportation Authority regional funds.

19. **A-7 – APPROVAL OF A PROJECT FUNDING AGREEMENT WITH THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) FOR THE DESIGN AND CONSTRUCTION OF THE TOWN CENTER PARKWAY UNDERPASS RAIL SUPPORT STRUCTURE PROJECT (HUNTER MILL DISTRICT)** (11:43 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Frey being absent, the Board concurred in the recommendation of staff and:

- Approved, in substantial form, a project funding agreement with MWAA for the design and construction of the Town Center Parkway Underpass Rail Support Structure project
- Authorized the Director of the Department of Transportation to execute the agreement

20. **I-1 – RECOGNITION OF COMPREHENSIVE ANNUAL FINANCIAL REPORTS AND THE ANNUAL BUDGET BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION; PERFORMANCE MEASUREMENT PROGRAM BY THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION; AND INVESTMENT POLICY BY THE ASSOCIATION OF PUBLIC TREASURERS** (11:44 a.m.)

The Board next considered an item contained in the Board Agenda dated November 18, 2014, announcing that the County has received several awards.

Chairman Bulova noted that the County has been recognized for the excellent work that it does on the County's CAFR and was awarded a Certificate of Achievement for Excellence and Financial Reporting for the thirty-seventh consecutive year and the Integrated Sewer System received the Certification for the eleventh consecutive year. She congratulated the fiscal staff and the County Executive for that distinction.

21. **I-2 – CONTRACT AWARD – GROUNDWATER PLANNING, REMEDIATION, AND SAMPLING CONSULTING** (11:45 a.m.)

The Board next considered an item contained in the Board Agenda dated November 18, 2014, announcing that the Purchasing Agent is awarding contracts totaling approximately \$2,750,000 over a five-year term to ARM Group Incorporated and Draper Aden Associates for groundwater planning, remediation, and sampling services.

**DET:det**

### **ADDITIONAL BOARD MATTERS**

22. **RECOGNITION OF MR. ROBERT “BOB” BEACH** (11:46 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and announced the recognition of Mr. Robert “Bob” Beach for his dedication and professionalism throughout his career. He has shown:

- Leadership
- Social responsibility

- Integrity
- An unwavering commitment to serving the community

On November 7, 2014, Mr. Beach was presented with the Distinguished Achievement Award from the Virginia Society of the American Institute of Architects which recognizes him for his outstanding work as citizen architect. Through his efforts, he has raised the standard of architecture throughout the Commonwealth of Virginia.

Recently, Mr. Beach designed *The Turning Point Suffragist Memorial* which will honor the lives of the suffragists who worked for the passage of the Nineteenth Amendment giving women the right to vote. In addition, he also dedicates countless hours to volunteering on various boards, including the County's History Commission.

The Board appreciates the service that Mr. Beach has provided to the community. His noteworthy contributions do not go unnoticed and the Board congratulates him on his Distinguished Achievement Award and wishes him great success in all his future endeavors. Chairman Bulova asked unanimous consent that the Board direct staff to prepare a letter of congratulations to be sent to Mr. Beach. Without objection, it was so ordered.

Supervisor Smyth noted that he will be testifying before the Board this afternoon so the Board will be able to congratulate him in person at that time.

(NOTE: Later in the meeting Mr. Beach presented testimony. See Clerk's Summary Item #61.)

23. **RECOGNITION OF "NONPROFIT ADVANCEMENT DAY"** (11:48 a.m.)

Chairman Bulova asked unanimous consent that the Board direct staff to prepare a proclamation for the Center for Nonprofit Advancement recognizing November 18, 2014, as "*Nonprofit Advancement Day*," in Fairfax County. The proclamation will be presented later today at the Center for Nonprofit Advancement's thirty-fifth annual celebration. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

24. **RECOGNITION OF SUPERVISOR GROSS (MASON DISTRICT)**  
(11:48 a.m.)

Supervisor Hyland announced that Supervisor Gross has been elected president of the Virginia Association of Counties (VACo). Discussion ensued concerning her acceptance speech which was enthusiastically received.

EBE:ebe

25. **FINAL REPORT OF THE JOINT BUDGET DEVELOPMENT COMMITTEE** (11:54 a.m.)

Supervisor Smyth announced that the final report of the Joint Budget Development Committee has been emailed to Board Members. She added that the Committee will be looking at it briefly at the meeting with the School Board on November 25, 2014. The report should be on the website and she noted that the Committee is proposing, in terms of immediate action, that Board Members accept the report to be used as a framework for future discussions of the budget with the School Board. Some action items in the report include discussions about:

- Transportation, including students utilizing public buses
- Space utilization
- A pilot for cooperative efforts which will be building on the Successful Children and Youth Policy Team (SCYPT)
- Pre-K Educational priorities

26. **RECOGNIZING THE LAKE BRADDOCK BOYS' CROSS COUNTRY TEAM AS THE 6A CROSS COUNTRY STATE CHAMPIONS (BRADDOCK DISTRICT)** (11:57 a.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Cook congratulated the young men of the Lake Braddock Secondary School's Cross Country Team for winning the 6A Cross Country championship this weekend at Great Meadow. This is the second boys State title in school history, with the first coming in 1987.

In addition to the team win, Bruin senior, Alex Corbett, took first place, finishing the race in 15:08, the fifth fastest time in the meet's history. His teammate, Kevin Monogue, came in 11 seconds later, taking second place.

Therefore, jointly with Supervisor Herrity, Supervisor Cook asked unanimous consent that the Board direct staff to invite the Boys' Cross Country Team from Lake Braddock Secondary School to appear before the Board to be acknowledged for their tremendous achievement. Without objection, it was so ordered.

PMH:pmh

27. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (11:59 a.m.)

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

28. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**  
(11:59 a.m.)

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

29. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (11:59 a.m.)

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

30. **FREE WI-FI NETWORK** (11:59 a.m.)

In a joint Board Matter with Supervisor Cook and Supervisor Herrity, Supervisor McKay said that a number of localities throughout the country are providing free, public, high speed Wi-Fi networks. Close to home, these include Arlington County's Arlingtonwireless and the City of Alexandria's Wireless Alexandria.

Supervisor McKay noted that a free network could be a valuable asset to the County's revitalization areas, especially the central Springfield business district. In addition to being a convenient public service, such free wireless access could also stimulate economic development and promote central Springfield as a high-tech community. With the revitalization and opening of the Springfield Town Center and the possible relocation of FBI headquarters, this may be the optimal time to consider implementing such a network.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Department of Information and Technology to research the potential and next steps needed to implement a free pilot Wi-Fi network in the Central Springfield business district including the legal, financial, and privacy issues and that a report be provided to the Board the first quarter of 2015. Without objection, it was so ordered.

31. **CELEBRATING THE CAREER OF MS. PAULA SAMPSON** (Noon)

In a joint Board Matter with Chairman Bulova, Supervisor Hudgins said that after 15 years as Director of the Department of Housing and Community Development (HCD) and 22 years of County service, Ms. Sampson will be retiring on January 13, 2015. Ms. Sampson serves as both the Executive Director of HCD, and the Redevelopment and Housing Authority (RHA).

Supervisor Hudgins referred to her written Board Matter outlining Ms. Sampson's history with the County.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Ms. Sampson to appear before the Board to be recognized and honored for her contributions to housing and outstanding service to the County. Without objection, it was so ordered.

32. **LETTER TO FEDERAL DELEGATION REGARDING COMMUTER TRANSIT BENEFITS** (12:02 p.m.)

In a Joint Board Matter with Supervisor McKay, Supervisor Hudgins said that the American Recovery and Reinvestment Act of 2009 included a provision that temporarily increased the monthly tax exclusion amount for employer-provided commuter transit benefits from \$120 to \$230 per month. This was equal to tax-free parking benefits already available to commuters who drive. Both employees and their employers see a reduction in their tax liability because of this provision. However, following the expiration of the transportation parity provision on December 31, 2013, the large disparity between the two benefits has reemerged. Federal tax law now provides \$250 monthly for parking, but only \$130 monthly for diverse modes of public transportation such as mass transit, buses, and van pools. The achievement of parity between the monthly parking and transit benefits generates significant increases in transit ridership, particularly in the Washington, DC area.

Supervisor Hudgins explained that legislation that would require parity between transit and parking benefits, entitled the Commuter Parity Act (H.R. 2288), has been introduced in the House of Representatives and similar legislation, titled the Commuter Benefits Equity Act (S. 1116) has been introduced in the Senate. Congressmen James Moran and Gerald Connolly are both cosponsors of H.R. 2288. Unfortunately, no action has been taken on either bill.

Failure to restore the parity of this benefit could have a significant negative impact on County residents and will deter transit ridership on local and regional transit systems. Further, since the majority of County transit riders have vehicles available, continuing the disparity in these benefits may result in more workers driving, thereby worsening the already substantial congestion on Northern Virginia's roads.

The current draft of the Board's *Recommended Strategies for the 114<sup>th</sup> Congress* which the Board is scheduled to adopt at its December 2 meeting also includes a position supporting permanent parity for parking and transit benefits. Historically, the Board has supported this parity.

Therefore, Supervisor Hudgins moved that the Board approve sending the letter as contained in her written Board Matter to the County's Federal delegation requesting that it work to pass legislation creating permanent parity between mass transit and parking benefits. Supervisor McKay seconded the motion.

A brief discussion ensued regarding the motion and Supervisor McKay asked unanimous consent that the Board direct staff to send copies of the letter to the new members of the Congressional delegation. Without objection, it was so ordered.



Discussion ensued regarding the drop in Metro ridership and Supervisor Cook asked to amend the motion to include in the letter:

- The percentage of Metro riders who are federal government employees
- The percentage of VRE riders who are federal government employees
- The importance of the federal government as the largest employer in the area

This was accepted.

The question was called on the motion, as amended, it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Frey being absent.

33. **SHANNON BROOKS - STATE CHAMPION (HUNTER MILL DISTRICT)**  
(12:09 p.m.)

Supervisor Hudgins announced that the Hunter Mill District is proud to celebrate the accomplishments of one of its young citizens, Madison High School's Shannon Brooks. This year, Ms. Brooks achieved the triple crown in girls' scholastic golf. Ms. Brooks won the Liberty District conference and the 6A North Region Championship. On October 28, she added the final jewel of the triple crown, the Virginia High School League's Girls State Open.

Supervisor Hudgins noted that Ms. Brooks is a repeat champion having won the State title last year.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the two-time State champion, Shannon Brooks, to appear before the Board before the end of this school year and receive the Board's congratulations. Without objection, it was so ordered.

34. **HUNTER MILL DISTRICT HOLIDAY OPEN HOUSE** (12:09 p.m.)

Supervisor Hudgins announced that the Hunter Mill District Office is preparing for this year's Hunter Mill District Holiday Open House on Wednesday, December 10, from 4:30 until 6:30 p.m. and she invited everyone to attend. The festivities will take place at the Vienna Volunteer Fire Station Flame Room, 400 Center Street in Vienna.

35. **ABSENCE OF SUPERVISOR MICHAEL FREY (SULLY DISTRICT)**  
(12:10 p.m.)

Chairman Bulova announced that Supervisor Frey is absent from today's meeting recovering from shoulder surgery.

36. RECESS/CLOSED SESSION (12:12 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. *Sulema Diaz-Pineda v. William M. Arnest, John Carney, Officer Chang, Michelle M. Conroy, Walter R. Fasci, Andrew M. Hirshey, Officer Hyang, Peter G. Masood, Jose R. Morillo, Lieutenant Reed, Officer Ruff, Timothy B. Scholling, and Justin M. Urbaniak*, Case No. 1:14-cv-768 (E.D. Va.)
  2. *Sebastian Cerda v. Fairfax County Department of Family Services*, Record No. 2030-13-4 (Va. Ct. App.)
  3. Erroneous Real Estate Tax Assessment Appeals filed by Wilkes Artis, Chartered, Against Board of Supervisors of Fairfax County, Virginia (Fx. Co. Cir. Ct.) (All Districts)
  4. *Virginia Ann Brown v. County of Fairfax, Brian Joseph Byerson, Delvine John Egan, John Doe, and H & R Transport, Ltd.*, Case No. CL13008303-00 (Pr. Wm. Co. Cir. Ct.)
  5. *In Re: November 6, 2013, Decision of the Fairfax County Board of Zoning Appeals; Board of Supervisors, Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator*

- v. NRG EV Services, LLC, d/b/a eVgo, and Westview Associates, LLC (Fx. Co. Cir. Ct.) (Sully District)*
6. *Pat McHugh Natural Stone, LLC v. Marc H. Bentlin, Linda M. Bentlin, Samuel I. White, P.C., Prosperity Home Mortgage, LLC, Prosperity Mortgage Company, Glasser & Glasser, P.L.C., Mortgage Electronic Registration Systems, Inc., CitiBank, N.A., Fairfax County Federal Credit Union, Joseph Thomas, Brenda Jackson, Virginia Department of Transportation, Media General Cable of Fairfax County, Inc., Virginia Electric and Power Company, and Board of Supervisors of Fairfax County, Case No. CL-2014-0006333 (Fx. Co. Cir. Ct.) (Springfield District)*
  7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John Hicks, Betty Pearson-Pavone, Dallas Hicks, Harold E. Pearson, Alice Hicks, and Edward Hicks, Case No. CL-2012-0013536 (Fx. Co. Cir. Ct.) (Providence District)*
  8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ted J. Fares, Case No. CL-2013-0019056 (Fx. Co. Cir. Ct.) (Mason District)*
  9. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)*
  10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mery Raquel Vilcapoma Inga, Hung Nguyen and Hiep Nguyen, Case No. CL-2008-0006906 (Fx. Co. Cir. Ct.) (Mason District)*
  11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)*

12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mann Realty, Inc., and 495 Shipping, Inc.*, Case No. CL-2010-0005205 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)
15. *Leslie B. Johnson, 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)
16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Blanka Krizek*, Case No. CL-2013-0008510 (Fx. Co. Cir. Ct.) (Dranesville District)
17. *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*, Case No. CL-2014-0007202 (Fx. Co. Cir. Ct.) (Hunter Mill District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard Chiu*, Case No. CL-2013-0007284 (Fx. Co. Cir. Ct.) (Mason District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James M. Shifflett, Sr., et al.*, Case No. CL-2009-0014727 (Fx. Co. Cir. Ct.) (Mount Vernon District)

20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edward E. Ankers, Jr.*, Case No. CL-2006-0010511 (Fx. Co. Cir. Ct.) (Hunter Mill District)
21. *Zenglai Ge and Hongyan Guo v. Fairfax County Board of Supervisors*, Case No. CL-2014-0010272 (Fx. Co. Cir. Ct.) (Dranesville District)
22. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. The Retter Family Trust*, Case No. CL-2014-0001639 (Fx. Co. Cir. Ct.) (Providence District)
23. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Preeti Kumari*, Case No. CL-2014-0003578 (Fx. Co. Cir. Ct.) (Dranesville District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tony A. Hicks and Christina V. Hicks*, Case No. CL-2014-0002384; *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Tony A. Hicks and Christina V. Hicks*, Case No. CL-2014-0002383 (Fx. Co. Cir. Ct.) (Springfield District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John L. Butterfield and Nancy S. Butterfield*, Case No. CL-2014-0010617 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Paul Chau*, Case No. CL-2014-0011502 (Fx. Co. Cir. Ct.) (Lee District)
27. *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)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Xiu Lin*, Case No. CL-2014-0009027 (Fx. Co. Cir. Ct.) (Braddock District)

29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roberto Abarca*, Case No. CL-2014-0012936 (Fx. Co. Cir. Ct.) (Providence District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Anthony T. Satterwhite and Sheilah Miller Satterwhite*, Case No. CL-2014-0013474 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Board of Supervisors of Fairfax County and James W. Patteson, Director of the Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long*, Case No. CL-2014-0013597 (Fx. Co. Cir. Ct.) (Mason District)
32. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mary Josephine Smith*, Case No. CL-2014-0013669 (Fx. Co. Cir. Ct.) (Providence District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Viva Tequila, Inc., the Susan Soh Trust, Susan Soh, Trustee, and her Successor Trustees in Trust*, Case No. CL-2014-0014125 (Fx. Co. Cir. Ct.) (Lee District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Stephen R. Himelfarb, Anne S. Himelfarb, and Daniel S. Himelfarb*, Case No. CL-2014-0014162 (Fx. Co. Cir. Ct.) (Dranesville District)
35. *Oscar Benitez v. Fairfax County Risk Management and Herbert Michael Napper*, Case No. GV14-008942 (Fx. Co. Gen. Dist. Ct.)
36. *Nationwide Property & Casualty Ins. Co. a/s/o Gregory Delcotto v. Fairfax County*, Case No. GV14-022548 (Ffx. Co. Gen. Dist. Ct.)
37. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Catherine*

- S. Green*, Case No. GV14-011794 (Fx. Co. Gen. Dist. Ct.) (Sully District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert L. Sheldon and Doris A. Sheldon*, Case No. GV14-016767 (Fx. Co. Gen. Dist. Ct.) (Lee District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael Collins*, Case No. GV14-021793 (Fx. Co. Gen. Dist. Ct.) (Mason District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Margaret Gardner*, Case No. GV14-0021794 (Fx. Co. Gen. Dist. Ct.) (Providence District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Charles R. Cunningham and Patsy A. Cunningham, Trustees, Cunningham Family Trust*, Case No. GV14-021796 (Fx. Co. Gen. Dist. Ct.) (Lee District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John D. Williamson and Tracy A. Williamson*, Case No. GV14-021795 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kia Younger*, Case No. GV14-022052 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Priya Krishnan and Natarajan Krishnan*, Case No. GV14-022051 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
45. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John M. Eliff, III*, Case No. GV14-022436 (Fx. Co. Gen. Dist. Ct.) (Mason District)
46. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. 8222 Frye Road, LLC*, Case No. GV14-022610 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steve McEntee, Heir to Richard L. and Virginia L. McEntee, and His Successors-in-Interest*, Case Nos. GV14-022695 and GV14-022696 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marta Kowalczyk*, Case No. GV14-022693 (Fx. Co. Gen. Dist. Ct.) (Providence District)
49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Loan Thi Thuy Nguyen a/k/a. Thuy Loan T. Nguyen*, Case No. GV14-022694 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

And in addition:

- Transportation Infrastructure Finance and Innovation Act
- Validation of Economic Development Authority Bonds for Silver Line Parking Garages

Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

**DAL:dal**

At 3:15 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Frey, and with Chairman Bulova presiding.

#### **ACTIONS FROM CLOSED SESSION**

37. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:15 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 a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey being absent.



38. **ACQUISITION OF PROPERTY - 6615 DEARBORN DRIVE (MASON DISTRICT)** (3:16 p.m.)

Supervisor Gross moved that the Board authorize the acquisition of the property located at 6615 Dearborn Drive, Falls Church, Virginia [Tax Map 60-4((15)) parcel 4], and that the Board direct the County Executive and the County Attorney to take the necessary steps to acquire this property as outlined in closed session. Supervisor McKay and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

**AGENDA ITEMS**

39. **3 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2015 VIRGINIA GENERAL ASSEMBLY** (3:17 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 31 and November 7, 2014.

Following the public hearing, which included testimony by one speaker, Chairman Bulova announced that the Board will continue to meet and take positions on legislation that will be introduced throughout the general assembly session. Anyone interested in listening to the process and what is being introduced is welcome to attend the meetings.

Supervisor McKay announced that:

- The Board's next Legislative Committee meeting is scheduled for November 25, 2014.
- Today's public hearing is in advance of the Board's adoption of its Proposed Legislative Program on December 2, 2014.
- The annual legislative work session with the County's Delegation to the General Assembly is scheduled for December 9, 2014.

Chairman Bulova announced that the record will remain open until the Board's adoption of the Proposed Legislative Program.

40. **3 P.M. – PH ON REZONING APPLICATION RZ 2014-PR-006 (TRUSTEES OF FIRST BAPTIST CHURCH OF MERRIFIELD) (PROVIDENCE DISTRICT)** (3:24 p.m.)

- (O) The application property is located on the south side of Porter Road, approximately 200 feet east of its intersection with Gallows Road, Tax Map 49-4 ((1)) 36, 37 and 37A; 49-4 ((3)) 8, 8A and 9.

Mr. Sherman Patrick, Jr. reaffirmed the validity of the affidavit for the record.

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

Mr. Patrick 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 Smyth recognized the Pastor of First Baptist Church and members who were present in support of the application, and asked them to stand. On behalf of the Board, she warmly welcomed them to the Board Auditorium.

Following the public hearing, Supervisor Smyth stated that a letter had been received from the pastor of the church and has already been forwarded to the Clerk of the Board.

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

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2014-PR-006, from the R-3 and HC Districts to the C-3 and HC Districts, subject to the proffers dated September 12, 2014.
- Modification of the peripheral lot landscaping requirements in favor of the landscaping and streetscapes shown on the Generalized Development Plan (GDP).
- Modification of the front yard setbacks in favor of the setbacks shown on the GDP, as specified in Section 2-418 of the Zoning Ordinance.
- To direct the Director of the Department of Public Works and Environmental Services to permit approval of a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the GDP, as proffered.

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

41. **3 P.M. – PH ON REZONING APPLICATION RZ 2014-MA-003 (MARKHAM PLACE LLC) AND A WAIVER #4604-WPFM-002-1 TO ALLOW UNDERGROUND STORM WATER DETENTION FACILITY IN RESIDENTIAL DEVELOPMENT (MASON DISTRICT)** (3:33 p.m.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2014-MA-003 until **December 2, 2014, at 3 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

42. **3 P.M. – PH ON REZONING APPLICATION RZ 2014-BR-007 (NVR, INCORPORATED) (BRADDOCK DISTRICT)** (3:34 p.m.)

This property is located in the south east quadrant of the intersection of Lee Highway and Forest Hill Drive, Tax Map 56-2 ((4)) 1; 56-2 ((1)) 54, 55, 57, 58 and 59.

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

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

Supervisor Cook raised a question regarding the proposed right turn lane to Shirley Gate Road, with input from Elizabeth Iannetta, Transportation Planner, Department of Transportation.

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

- Donald E. King, McGuire Woods, LLP

Mr. Riegler 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.

Chairman Bulova raised a question regarding future plans for Shirley Gate Road and whether the median break at Nancy Ann Drive is expected to remain, with input from Ms. Iannetta.

Discussion continued regarding future plans for Shirley Gate Road, with input from Ms. Iannetta and Kris Abrahamson, Branch Chief, ZED, DPZ.

Following the testimony of Christopher Miles, President, Shirley Gate Estates Homeowners Association (Speaker One), Supervisor Cook stated that he and staff from the Department of Transportation attended community meetings and there was extensive discussion regarding the issue of the connection of

Shirley Gate Road down to the parkway and the issue of the potential for the flyover over Lee Highway.

Discussion ensued, with input from Mr. Lynskey, Ms. Abrahamson, and Ms. Iannetta, regarding issues raised by Mr. Miles concerning:

- Tree preservation
- Stormwater run-off
- Noise impacts
- Safety issues
- Future impacts

Discussion continued, with input from Ms. Iannetta, Ms. Abrahamson, and Mr. Lynskey regarding traffic calming measures.

Following the testimony of Mr. Sean Foohey (Speaker Three), a brief discussion ensued regarding cut-through traffic.

Following the public hearing, which included testimony by eight speakers, Supervisor Cook stated that he had items for the record.

Mr. Riegler presented rebuttal, addressing issues raised by a couple of the speakers.

Mr. Lynskey presented the staff and Planning Commission recommendations.

Following comments, and in light of the discussion and issues raised during the public hearing, Supervisor Cook moved to:

- Defer decision on Rezoning Application RZ 2014-BR-007 until **December 2, 2014, at 4 p.m.**
- Keep the record open to receive recommendations from the Braddock Land Use Committee after its meeting tonight, as well as any additional citizen input/comments

Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Following a brief discussion regarding cut-through traffic, the question was called on the motion and it carried by a vote of nine, Supervisor Frey being absent.

43. **3 P.M. – PH ON A PROPOSED ORDINANCE TO APPROVE A REGIONAL JOINT ACTION AGREEMENT FOR THE NORTHERN VIRGINIA LONG-TERM CARE OMBUDSMAN PROGRAM** (4:55 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 October 31 and November 7, 2014.

Sharon Lynn, Director, Fairfax Area Agency on Aging, Department of Family Services, presented the staff report.

A brief discussion ensued, with input from Ms. Lynn, regarding the proposed ordinance.

Supervisor Gross, noting that this was previously a joint agreement between Fairfax, Arlington, Loudoun, and Prince William Counties, and the City of Alexandria, raised questions regarding Prince William County's withdrawal from the program in 2013 and whether they will return to the partnership. Discussion ensued, with input from Ms. Lynn.

Following the public hearing, Supervisor Gross moved approval of the proposed Ordinance to allow approval of the Regional Joint Action Agreement for the Northern Virginia Long-Term Care Ombudsman Program, pursuant to Virginia Code Ann. 15.2-1300. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey being absent.

44. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-PR-009 (TYSONS WESTPARK, LC) (PROVIDENCE DISTRICT)** (5 p.m.)

- (O) (NOTE: On October 28, 2014, the Board deferred this public hearing until November 18, 2014.)

The application property is located in the southeast quadrant of the intersection of Leesburg Pike and Westpark Drive, Tax Map 29-3 ((15)) 8.

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

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

- Christopher A. Brigham of Tysons Westpark, LC

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

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

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

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2013-PR-009, from the C-7, HC, and SC Districts to the PTC, HC, and SC Districts, subject to the proffers dated October 23, 2014.
- Waiver of Section 2-505 of the Zoning Ordinance to permit structures and vegetation on a corner lot as shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP).
- Waiver of Paragraph 7 of Section 6-505 of the Zoning Ordinance requiring the designation of specific outdoor dining areas on the CDP to that as contained in the proffers.
- Waiver of Paragraph 1 of Section 6-506 to allow a district size of less than 10 acres for an application.
- Modification of Paragraph 3E of Section 10-104 to permit a maximum fence height of eight feet around outdoor recreational courts/fields shown on an FDP.
- Modification of Section 11-201 and 11-203 of the Zoning Ordinance to permit a reduction in the required number of loading spaces to that shown on the CDP/FDP.
- Modification of Paragraph 12 of Section 11-102 and Paragraph 1 of Section 6-509 of the Zoning Ordinance to allow for tandem spaces and valet spaces controlled by building management to count towards required parking specified in the Zoning Ordinance.
- Modification of Paragraph 4 of Section 11-202 of the Zoning Ordinance requiring a minimum distance of 40 feet of a loading space in proximity to drive aisles, to that shown on the CDP/FDP.
- Waiver of Section 11-302 of the Zoning Ordinance to allow a private street to exceed 600 feet in length as shown on the CDP.

- Waiver of the service drive requirement along Leesburg Pike.
- Modification of Section 17-201 of the Zoning Ordinance to permit the streetscape and on-road bike lane system shown on the CDP/FDP in place of any trails and bike trails shown for the subject property on the Comprehensive Plan.
- Waiver of Paragraph 3 of Section 17-201 of the Zoning Ordinance to provide any additional interparcel connections to adjacent parcels beyond that shown on the CDP/FDP and as proffered.
- Waiver of Paragraph 4 of Section 17-201 of the Zoning Ordinance requiring any further dedication, construction, or widening of existing roads beyond that which is indicated on the CDP/FDP and proffers.
- Waiver of Paragraph 7 of Section 17-201 of the Zoning Ordinance to permit the applicant to establish parking control signs and parking meters along private streets within and adjacent to the development.
- Modification of Section 12-0508 of the Public Facilities Manual (PFM) to allow for tree preservation target deviations as justified by PFM 12-0508.3A(1) and 3A(3).
- Modification of Section 12-0510 of the PFM to permit trees located in rights-of-way and easements to count toward the 10-year tree canopy requirement subject to the proffered replacement provisions.
- Waiver to allow the use of underground stormwater management and best management practices in a residential development (826-WPFM-002-1) subject to the conditions dated August 26, 2014, contained in Attachment A of Appendix 11 of the staff report.

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

(NOTE: On October 23, 2014, the PC approved Final Development Plan Application FDP 2013-PR-009, subject to the Development Conditions dated October 8, 2014, and contained in Appendix 2 of the staff report.)

45. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-016 (MAI-HUONG THI NGUYEN/HELEN HOME DAYCARE LLC) (SULLY DISTRICT)** (5:08 p.m.)

On behalf of Supervisor Frey, Supervisor Herrity moved to defer the public hearing on Special Exception Application SE 2014-SU-016 until **December 2, 2014, at 3 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

46. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2014-PR-004 (AMHERST PROPERTY LLC) AND A WAIVER # 25530-WPFM-001-1 TO PERMIT THE LOCATION OF UNDERGROUND STORMWATER MANAGEMENT FACILITIES IN A RESIDENTIAL AREA (PROVIDENCE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-D-005-08 (AMHERST PROPERTY LLC) (PROVIDENCE DISTRICT)** (5:09 p.m.)

Supervisor Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA 88-D-005-08 until **December 2, 2014 at 4 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

47. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-MV-028 (EJIGAYEHU AYALEW – JC’S CHILD CARE) (MOUNT VERNON DISTRICT)** (5:11 p.m.)

The application property is located at 9607 Sloway Coast Drive, Lorton, 22079, Tax Map 107-3 ((6)) 182.

Ms. Ejigayehu Ayalew reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, and brief discussion, with input from Barbara Berlin, Director, ZED, DPZ, regarding the date of the affidavit, Ms. Ayalew reaffirmed the validity of the affidavit.

Ms. Bishop presented the staff and Planning Commission recommendations.

Supervisor Hyland moved approval of Special Exception Application SE 2014-MV-028, subject to the development conditions dated October 30, 2014.



Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

48. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-MV-029 (NEGAT H. IEHDEGO/NEGAT’S HOME CHILD CARE) (MOUNT VERNON DISTRICT)** (5:16 p.m.)

Following a brief inquiry to David P. Bobzien, County Attorney, it was noted that this public hearing had been withdrawn.

49. **ORDERS OF THE DAY** (5:17 p.m.)

Chairman Bulova announced that the 4 p.m. public hearings will be held out of order because some of the presenters need to leave for another meeting.

50. **4 P.M. – PH ON THE ISSUANCE OF A COUNTY REVENUE BOND TO FINANCE SILVER LINE PARKING GARAGES THROUGH THE ECONOMIC DEVELOPMENT AUTHORITY (EDA)** (5:17 p.m.)

(R)

(BONDS)

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 October 31 and November 7, 2014.

Susan Datta, Chief Financial Officer and Director, Department of Management and Budget, presented the staff report.

Following the public hearing, a brief discussion ensued, with input from Erin C. Ward, Senior Assistant County Attorney, who noted that the motion requires a roll call vote.

Chairman Bulova announced that Supervisor Frey is absent from today’s meeting due to shoulder surgery.

Supervisor Hudgins moved:

- Adoption of a Resolution which requests the EDA to issue bonds to finance the Silver Line parking garages (the “County Resolution”).
- Approval of the form and authorization to execute of the Loan Agreement (including the Form of Bond) between the EDA and the Board, which 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 (the “Loan Agreement”).

- Approval of the form of the 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 (the “Trust Agreement”).
- That each of the approvals detailed above are contingent on the closing of the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan to the County.

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

#### **ADDITIONAL ACTION FROM CLOSED SESSION**

51. **PROPOSED ISSUANCE OF BONDS REGARDING PHASE 2 OF THE SILVER LINE PROJECT** (5:22 p.m.)

Supervisor Gross moved that the Board authorize the County Attorney to file a motion that the County intervene as a party-plaintiff in an action to be brought by the Fairfax County Economic Development Authority to validate the proposed issuance of bonds to finance the construction of parking garages at two proposed Metrorail stations which will be part of Phase 2 of the Silver Line project, pursuant to Article 6 of Chapter 26 of Title 15.2 of the Code of Virginia, as amended. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

#### **AGENDA ITEMS**

52. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2014-I-A1, LOCATED AT 5285 PORT ROYAL ROAD, BETWEEN FORBES PLACE AND WOODRUFF COURT (BRADDOCK DISTRICT)** (5:23 p.m.)

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

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

Supervisor Cook moved approval of Plan Amendment 2014-I-A1, as recommended by the Planning Commission, and contained in the Board Agenda Item dated November 18, 2014. The Plan amendment supports the redevelopment of the existing warehouse at 5285 Port Royal Road, as a self-storage use at an intensity up to 1.0 Floor Area Ratio (FAR), with the rental

of trucks on site. Any redevelopment should be contained within the existing structure. Supervisor Hudgins seconded the motion.

Supervisor Gross raised a question regarding redevelopment and the process required to allow rental trucks, with input from Mr. Bolden.

The question was called on the motion and it carried by a vote of nine, Supervisor Frey being absent.

53. **4 P.M. – PH ON REZONING APPLICATION RZ 2014-SP-005 (CHRISTOPHER LAND, LLC) (SPRINGFIELD DISTRICT)** (5:23 p.m.)

(O) The application property is located on the east side of Gambrill Road, approximately 750 feet north of its intersection with Pohick Road, Tax Map 98-1 ((1)) 44.

Mr. E. John Regan, Jr. reaffirmed the validity of the affidavit for the record.

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

Mr. Clark L. Massie 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.

Supervisor Herrity moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2014-SP-005, from the R-1 District to the PDH-2 District, subject to the proffers dated October 22, 2014.
- To direct the Director of the Department of Public Works and Environmental Services to approve modifications to the Public Facilities Manual to allow construction of:
  - A cul-de-sac with a radius of 30 feet, as shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP).
  - Sidewalks on one side of the cul-de-sac in favor of the landscape treatment and trail connection, as shown on the proposed CDP/FDP and as conditioned.

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

(NOTE: On November 6, 2014, the PC approved Final Development Plan Application FDP 2014-SP-005, subject to the development conditions dated October 24, 2014.)

54. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84.1 (PUBLIC TRANSPORTATION), REGARDING TAXICAB RATES AND PENALTIES FOR OPERATING AN UNCERTIFICATED TAXICAB** (5:36 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 October 31 and November 7, 2014.

Susan Hafeli, Utility Analyst, Department of Cable and Consumer Services, presented the staff report.

Following the public hearing, which included testimony by two speakers, Ms. Hafeli presented the staff recommendation, noting a housekeeping matter to correct the name of the department in the proposed ordinance.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation), increasing taxicab fares by 3.5 percent and revising penalty provisions for violations of Chapter 84.1. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Following a brief discussion, with input from Erin C. Ward, Senior Assistant County Attorney, regarding the name of the department, Supervisor Gross clarified the motion that the Board adopt proposed amendments to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation), increasing taxicab fares by 3.5 percent, revising penalty provisions for violations of Chapter 84.1, and correcting the name of the department in the Chapter to the Department of Cable and Consumer Services.

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

55. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-044 (GITA D. KUMAR/PEEK A BOO CHILD CARE INCORPORATED) (SULLY DISTRICT)** (5:49 p.m.)

On behalf of Supervisor Frey, Supervisor Herrity moved to defer the public hearing on Special Exception Application SE 2014-SU-044 until **December 2, 2014, at 3 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

56. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-042 (MONTESSORI MANSION/NAIMA QADIR DAR) (SULLY DISTRICT)** (5:49 p.m.)

On behalf of Supervisor Frey, Supervisor Herrity moved to indefinitely defer the public hearing on Special Exception Application SE 2014-SU-042. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

57. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-031 (MARY GRAY/ELF EXPLORING, LEARNING AND FUN) (SULLY DISTRICT)** (5:50 p.m.)

On behalf of Supervisor Frey, Supervisor Herrity moved to defer the public hearing on Special Exception Application SE 2014-SU-031 until **December 2, 2014, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

58. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047-02 (HOME DEPOT USA, INCORPORATED) (MASON DISTRICT)** (5:51 p.m.)

The application property is located at 6210 Seven Corners Center, Falls Church, 22044, Tax Map 51-3 ((16)) (B) 1 A and 51-3 ((1)) 29 A.

Mr. Andrew A. Painter reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 94-M-047-02, subject to the development conditions dated November 14, 2014.
- Approval of a 20 percent parking reduction in a CRD, in consideration of the presence of a transit transfer center, a pedestrian crossing of Arlington Boulevard, pedestrian facilities, and the close proximity of multiple stores.
- Modification of transitional screening and barrier requirement(s) along the northern boundary of Parcel 29A adjacent to the multi-family development, in favor of the existing conditions.
- Modification of barrier requirement(s) along the northern boundary of Parcel 29A adjacent to the Willston Multi-Cultural Center, in favor of the existing conditions.
- Waiver of the transitional screening and barrier requirement(s) along the northern boundary of Parcel 1A adjacent to the multi-family development, in favor of the alternatives as shown on the proposed plat and as conditioned.
- Modification of the transitional screening and barrier requirement(s) along the eastern boundary of Parcel 1A, in favor of the alternatives as shown on the proposed plat and as conditioned.
- Modification of barrier requirement(s) along the southwestern boundary of Parcel 1A adjacent to the Bailey's Upper Elementary School for the Arts and Sciences, in favor of the alternatives as shown on the proposed plat and as conditioned.
- Modification of peripheral parking lot landscaping requirements along all street frontages, in favor of the alternatives as shown on the proposed plat and as conditioned.
- Modification of interior parking lot landscaping requirements, in favor of the alternatives as shown on the proposed plat and as conditioned.
- Modification of trail requirement along Arlington Boulevard, in favor of the existing 4-foot wide sidewalk.

- Waiver of service drive requirement along Leesburg Pike, in favor of the retention of the existing landscape areas, buffers, and parking
- Pursuant to Site Plans 9037-SP-01 and 9037-SP-02, waiver of frontage improvements along Leesburg Pike, subject to provision of all necessary ancillary and construction easements; and modification of streetscape and dedications as recommended for the Bailey's Crossroads/Seven Corners CRD.

Supervisor McKay seconded the motion. He encouraged the applicant to convey that when conditions are approved by the Board, those conditions should be communicated to store managers.

Following a brief discussion, with input from Mr. Gorney, regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Frey being absent.

59. **5 P.M. – PH TO AMEND THE DEED OF LEASE WITH McLEAN YOUTH ATHLETICS (MYA) OF BOARD-OWNED PROPERTY AT 1311 SPRING HILL ROAD (HOLLADAY FIELD) (DRANESVILLE DISTRICT)**  
(6:06 p.m.)

Supervisor Foust moved to defer the public hearing to amend the Deed of Lease with MYA of Board-owned property at 1311 Spring Hill Road until **January 13, 2015, at 3 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

60. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE OLD COLUMBIA PIKE COMMUNITY PARKING DISTRICT (CPD) (MASON DISTRICT)** (6:07 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 October 31 and November 7, 2014.

Charisse Padilla, RPPD/CPD Program Manager, Department of Transportation, presented the staff report.

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

Discussion ensued, with input from Ms. Padilla, regarding an issue raised during the public hearing concerning signage.

Following comments, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Old Columbia Pike CPD. The proposed District encompasses Old Columbia Pike from the western boundary of 4500 Old Columbia Pike to the eastern boundary of 4308 Columbia Pike, north side only, and from Little River Turnpike to Elmdale Road, south side only. Supervisor McKay seconded the motion.

Following a brief discussion regarding CPD's, the question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey being absent.

61. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE COUNTY CODE OF THE COUNTY OF FAIRFAX, TO ADD A NEW CHAPTER 125 (RESIDENT CURATOR PROGRAM ORDINANCE)** (6:27 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 October 31 and November 7, 2014.

Linda C. Blank, Historic Preservation Planner IV, Department of Planning and Zoning, presented the staff report.

Supervisor Herrity raised a question regarding whether the ordinance requires a full program each time a resident curator is set up, with input from Ms. Blank.

Discussion ensued, with input from Kirk Kincannon, Director, Park Authority, and Edward L. Long Jr., County Executive, regarding:

- Establishment of the regulations and criteria of the ordinance
- Implementation of the Resident Curator Program

Discussion continued regarding the program, with input from Ms. Blank.

Following the testimony of Robert Beach (Speaker Two), History Commission, Chairman Bulova recognized the presence of members of the History Commission and warmly welcomed them to the Board Auditorium.

Following the public hearing, which included testimony by 11 speakers, Ms. Blank presented the staff recommendation.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, adding a new Chapter 125 (Resident Curator Program



Ordinance), as recommended by the County Executive and set forth in the Staff Report included as Attachment I of the Board Item dated November 18, 2014. This ordinance will facilitate the County's ability to create a Resident Curator Program in accordance with the provisions of Virginia Code Section 15.2-2306, Preservation of Historical Sites and Historical Areas.

- That, in light of citizen comment and request at a recent public meeting for continued public participation, the Board directs staff to continue public engagement through outreach and participation as this program is established and implemented.

Supervisor Foust, Supervisor Herrity, and Supervisor Hyland jointly seconded the motion.

Supervisor Foust raised a question regarding property tax, with input from Sara Silverman, Assistant County Attorney.

Supervisor Foust asked unanimous consent that the Board direct staff to report with information regarding:

- The issue of property tax assessed on properties in the resident curator program
- Financing - Are there any programs available to assist with financing

Without objection, it was so ordered.

Supervisor Smyth expressed her hope that, during the process, staff will consult with District Supervisor Offices when the property is in their district.

Supervisor Cook suggested that the County Executive report with information in early 2015 (February-March time frame) on how to get the program underway.

Supervisor Hudgins submitted an item for the record, in support of the program, from Barbara Naef, a member of the History Commission.

Following addition discussion regarding the program, the question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

62. **5:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE COUNTY CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), SECTIONS 7-2-4, 7-2-8, 7-2-12, AND 7-2-13, RELATING TO ELECTION PRECINCTS AND POLLING PLACES** (7:43 p.m.)

- (O) (NOTE: On September 9, 2014, the Board deferred this public hearing until November 18, 2014.)

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 October 31 and November 7, 2014.

Cameron P. Quinn, General Registrar, 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 7 (Elections), Sections 7-2-4, 7-2-9, 7-2-12, and 7-2-13, relating to election precincts and polling places, as recommended by the County Executive. Supervisor Herrity seconded the motion.

Following a brief discussion regarding split precincts, the question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being absent.

63. **5:30 P.M. – PH ON REZONING APPLICATION RZ 2014-PR-013 (TYSONS WEST ASSEMBLAGE, LLC) (PROVIDENCE DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2014-PR-040 (TYSONS WEST ASSEMBLAGE, LLC) (PROVIDENCE DISTRICT)** (7:49 p.m.)

- (O) The Rezoning Application RZ 2014-PR-013 property is located on the north side of Tyco Road, east of its intersection with Leesburg Pike, 22182, Tax Map 29-1 ((25)) 1 and 2.

The Special Exception Application SE 2014-PR-040 property is located at 8500 Tyco Road, Vienna, 22182, Tax Map 29-1 ((25)) 1pt.

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

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

- Mr. Theodore J. Georgelas

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

- Donald E. King, McGuire Woods, LLP

Chairman Bulova disclosed that:

- Luke M. Vaughn of the Aisling Group, LLC, a consultant/agent listed in Sections 1(a) and 1(b) of the affidavit, provided political consultant services to her

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

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

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

Noting that development condition #11 had been modified, Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2014-PR-013, from the I-4 and HC Districts to the I-4, C-8, and HC Districts, subject to the proffers dated November 3, 2014.
- Waiver of the 15 percent open space requirement of Section 4-808 of the Zoning Ordinance to permit 11.2 percent open space in the C-8 area of the project site.
- Waiver of the 15 percent open space requirement of Sect. 5-408 of the Zoning Ordinance to permit 8.97 percent open space in the I-4 area of the project site.
- Modification of the transitional screening requirements of Section 13-303 and waiver of the barrier requirements of Section 13-304, respectively, of the Zoning Ordinance, on the northern boundary of the property, to permit the existing vegetation as shown on the Generalized Development Plan/Special Exception (GDP/SE) Plat.

- Modification of peripheral parking lot landscaping requirement of Section 13-203 of the Zoning Ordinance in favor of maintaining existing vegetation along the eastern boundary of the subject property as shown on the GDP/SE Plat.
- Waiver of Paragraph 14 of Section 17-201 of the Zoning Ordinance to permit the existing street lights along Tyco Road depicted on the GDP/SE Plat.
- Waiver of Paragraph 4 of Section 17-201 of the Zoning Ordinance to allow only for the dedication and construction of roads as indicated on the GDP/SE Plat and in the proffers.
- Modification of Paragraph 11 of Section 11-102 of the Zoning Ordinance to permit parking lot surfacing to that which currently exist as shown on the GDP/SE Plat.
- Modification of the 10 percent tree canopy requirements to permit the canopy as shown on the GDP/SE Plat.

Supervisor Smyth requested that the applicant confirm, for the record, agreement with the proposed development conditions dated November 18, 2014, with input from Ms. Mariska, who confirmed agreement.

Supervisor Smyth further moved that the Board approve:

- Special Exception Application SE 2014-PR-040, subject to the development conditions dated November 18, 2014.

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

64. **5:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-S-022 (UNION MILL ASSOCIATES LIMITED PARTNERSHIP) (SULLY DISTRICT) (7:58 p.m.)**

On behalf of Supervisor Frey, Supervisor Herrity moved to defer the public hearing regarding Proffered Condition Amendment Application PCA 88-S-022 until **December 2, 2014, at 3 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being absent.

65. **BOARD ADJOURNMENT** (8 p.m.)

The Board adjourned.

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