



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
April 28, 2015**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, April 28, 2015, at 9:33 a.m., there were present:

- Vice-Chairman Penelope A. Gross, Mason District, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully 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

Chairman Sharon Bulova arrived at 10:07 a.m.

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 MATTERS1. **LATE ARRIVAL OF CHAIRMAN BULOVA** (9:33 a.m.)

Vice-Chairman Gross announced that Chairman Bulova has been delayed and will be arriving later in the morning.

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

Supervisor Herrity asked everyone to keep in thoughts the 69 men and women of the County's Virginia Task Force 1 Urban Search and Rescue Team who are deployed to Kathmandu, Nepal, assisting with the earthquake rescue efforts. He expressed well wishes for a successful deployment and safe return.

Supervisor Cook asked everyone to keep in thoughts the family of Braddock District resident Larry Kunkel, who died recently. He was a retired Navy Captain with 30 years of military service. He provided over 20 years of service to the County as a seasonal employee in the Office of Elections, first as an elections officer and then as a rover with the Electoral Board. He is survived by his wife of 57 years, Regina, and their three sons, Jeffrey, Stephen, and Thomas, seven grandchildren, and four great-grandchildren.

AGENDA ITEMS3. **PRESENTATION BY THE GOVERNING BOARD OF THE FAIRFAX-FALLS CHURCH COMMUNITY PARTNERSHIP TO PREVENT AND END HOMELESSNESS** (9:37 a.m.)

Michael O'Reilly, Chairman of the Governing Board, Fairfax-Falls Church Community Partnership to Prevent and End Homelessness, gave a presentation on the campaign to end homelessness in the County, including the Mayor's Challenge and the launch of the Mannequin Project.

Discussion ensued regarding homelessness in the County and efforts to reduce the number of persons who are homeless.

4. **PROCLAMATION DESIGNATING MAY 4-8, 2015, AS "TEACHER APPRECIATION WEEK" IN FAIRFAX COUNTY** (9:57 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 4-8, 2015, as "*Teacher Appreciation Week*" in Fairfax County and thanked and congratulated all teachers in Fairfax County Public Schools for the excellent work they do. Supervisor Foust seconded the motion and it carried by a vote of nine, Chairman Bulova not yet having arrived.

5. **PROCLAMATION DESIGNATING MAY 3–9, 2015, AS "CHILD CARE PROFESSIONALS WEEK" IN FAIRFAX COUNTY** (10:04 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate May 3–9, 2015, as "*Child Care Professionals Week*" in Fairfax County and urged all residents to recognize child care professionals for their important work in the community. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross relinquished the gavel to Chairman Bulova upon her arrival.

6. **PROCLAMATION DESIGNATING MAY 2015 AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (10:13 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2015 as "*Foster Care and Foster Family Recognition Month*" in Fairfax County and urged all residents, during the month and throughout the year, to volunteer their time and talents on behalf of children in foster care, and to support and recognize the commitment of foster families and professional staff who work with these children. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

7. **PROCLAMATION DESIGNATING MAY 2015 AS "PARENTS WHO HOST LOSE THE MOST MONTH" IN FAIRFAX COUNTY** (10:22 a.m.)

Supervisor Cook moved approval of the Proclamation to designate May 2015 as "*Parents Who Host Lose the Most Month*" in Fairfax County and urged all residents to join in the campaign to educate adults about the legal, health, and safety risks of providing alcohol to those under 21 years of age. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING MAY 2015 AS "ASIAN/PACIFIC AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:30 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 2015 as "*Asian/Pacific American Heritage Month*" in Fairfax County, providing an opportunity for residents to recognize the history, concerns, contributions, and achievements of Asian/Pacific Americans and create a favorable climate for a harmonious and fully integrated community. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **PROCLAMATION DESIGNATING MAY 4-8, 2015, AS "SMALL BUSINESS WEEK" IN FAIRFAX COUNTY** (10:37 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 4-8, 2015, as "*Small Business Week*" in Fairfax County and urged all residents to support small business in the County. This motion was multiply seconded and carried by unanimous vote.

10. **PROCLAMATION DESIGNATING MAY 2015 AS "LYME DISEASE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:47 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2015 as "*Lyme Disease Awareness Month*" in Fairfax County and urged all residents to learn more about Lyme disease by visiting www.fairfaxcounty.gov/FightTheBite. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Herrity announced that he will present a Board Matter, later in the meeting, regarding Lyme disease.

(NOTE: Later in the meeting, Supervisor Herrity presented his Board Matter. See Clerk's Summary Item #36.)

11. **PROCLAMATION DESIGNATING MAY 2015 AS "BUILDING SAFETY MONTH" IN FAIRFAX COUNTY**

AND

RESOLUTION OF RECOGNITION PRESENTED TO MS. AUDREY CLARK (10:58 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 2015 as "*Building Safety Month*" in Fairfax County and urged all residents to recognize the importance of modern construction safety codes and the vital contributions rendered by the dedicated individuals promoting building and construction safety. This motion was multiply seconded and carried by a vote of nine, Supervisor Cook being out of the room.

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Audrey Clark, upon her retirement, for more than 30 years of service to the County, most recently as Acting Director, Land Development Services (LDS), Department of Public Works and Environmental Services (DPWES). This motion was multiply seconded.

Supervisor Hudgins congratulated Ms. Clark for receiving the 2015 Virginia Building Code Officials Association Meritorious Service Award.

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

As part of the Building Safety Month observance, Guy Tomberlin, Branch Chief, Residential Inspections, LDS, DPWES, presented the Seventeenth Annual Building Safety Community Partnership Award to:

- Emory Rodgers, Deputy Director, Building and Fire Regulations, Virginia Department of Housing and Community Development

The award recognizes private or corporate citizens for their contributions toward the advancement of DPWES' mission of ensuring building and construction safety in the County.

(NOTE: Later in the meeting, there was an Information Item regarding International Building Safety Month. See Clerk's Summary Item #26.)

12. **PROCLAMATION DESIGNATING MAY 6–12, 2015, AS "NURSE'S WEEK" IN FAIRFAX COUNTY** (11:24 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 6–12, 2015, as "Nurse's Week" in Fairfax County to raise awareness of nursing and its vital role in the community. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

EBE:ebe

13. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:34 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 April 28, 2015," as distributed around the dais. Supervisor McKay seconded the motion and it carried by unanimous vote.

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Providence 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.

ANIMAL SERVICES COMMISSION

The Board deferred the appointment of the Mason District Representative.

ATHLETIC COUNCIL

Reappointment of:

- Mr. Gregory Beckwith as the Dranesville District Principal Representative
- Ms. Lisa MicKey as the Lee District Principal Representative
- Mr. Jonathan Willmott as the Mount Vernon District Principal Representative

The Board deferred the appointment of the Dranesville District Alternate and Springfield District Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointment of:

- Ms. Glenda DeVinney as the Lee District Representative

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

The Board deferred the appointment of the Alternate #2, #3, #4, and Design Professional #2 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 and Mount Vernon District Representatives.

CITIZEN CORPS COUNCIL

Appointment of:

- Mr. Jonathan Kiell as the Mount Vernon District Representative

COMMISSION ON AGING

The Board deferred the appointment of the At-Large Chairman's Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

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

COMMUNITY ACTION ADVISORY BOARD (CAAB)

The Board deferred the appointment of the Springfield District Representative.

ECONOMIC ADVISORY COMMISSION

The Board deferred the appointment of the Lee District Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

Reappointment of:

- Dr. Robert L. Norwood as the Citizen #1 Representative
- Mr. Paul Noursi as the Citizen #3 Representative

Confirmation of:

- Mr. Chad Crawford as the DPWES Representative

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

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

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

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

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

HISTORY COMMISSION

The Board deferred the appointment of the Citizen #10 Representative.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #12 Representative.

HUMAN SERVICES COUNCIL

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative.

LIBRARY BOARD

Appointment of:

- Ms. Frances E. Millhouser as the Mason District Representative
- Ms. Miriam Smolen as the Providence 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.

REDEVELOPMENT AND HOUSING AUTHORITY

Reappointment of:

- Mr. Christopher T. Craig as the Braddock District Representative
- Ms. C. Melissa Jonas as the Dranesville District Representative

ROAD VIEWERS BOARD

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

SMALL BUSINESS COMMISSION

The Board deferred the appointment of the At-Large #2 Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Reappointment of:

- Mr. Gerald Padmore as the Fairfax County #4 Representative

The Board deferred the appointment of the Fairfax County #5, #7, and #8 Representatives.

TENANT LANDLORD COMMISSION

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

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the Mason District Representative.

TREE COMMISSION

Confirmation of:

- Mr. Richard Healy as the Environmental Quality Advisory Council Representative

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Residential Owners and HOA/Civic Association #1 and #2 Representatives.

WETLANDS BOARD

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

PMH:pmh

14. **BOARD ADOPTION OF THE FISCAL YEAR (FY) 2016 BUDGET PLAN**
(11:38 a.m.)

(Rs)(FPR) **Real Property Tax Rate**

Having provided public notice and a public hearing in accordance with Virginia Code §58.1-3321 (B), and because it is necessary to set the real property tax rate higher than the lowered tax rate specified in Virginia Code §58.1-3321 to support the FY 2016 Adopted Budget, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board set the real property tax rate at \$1.090 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2016 will be maintained at the present rate of \$1.09 per \$100 of assessed value. Vice-Chairman Gross and Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Vice-Chairman Gross, and Chairman Bulova voting “**AYE**,” Supervisor Herrity, and Supervisor Smyth voting “**NAY**.”

(NOTE: Later in the meeting the motion was clarified. See Clerk’s Summary Item #48.)

FY 2016 Tax Rate Resolution

Having established the real property tax rate at \$1.090 per \$100 of assessed value, Chairman Bulova moved that the Board approve the FY 2016 Tax Rate Resolution Adopting Tax Rates for Fairfax County, as detailed in Attachment II of the Memorandum to the Board dated April 27, 2015. Supervisor Foust seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Vice-Chairman Gross, and Chairman Bulova voting “**AYE**,” Supervisor Herrity, and Supervisor Smyth voting “**NAY**.”

Approval of the FY 2016 Appropriation Resolutions for County Agencies/Funds and School Board Funds and the FY 2016 Fiscal Planning Resolution

Chairman Bulova moved approval of the FY 2016 Appropriation Resolution for County Agencies/Funds, the FY 2016 Appropriation Resolution for School Board Funds, and the FY 2016 Fiscal Planning Resolution as set forth in Attachments III, IV, and V of the Memorandum to the Board dated April 27, 2015. Vice-Chairman Gross seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Vice-Chairman Gross, and Chairman Bulova voting “**AYE**,” Supervisor Frey, Herrity, and Supervisor Smyth voting “**NAY**.”

Vice-Chairman Gross returned the gavel to Chairman Bulova.

EBE:ebe

15. **ADMINISTRATIVE ITEMS** (11:42 a.m.)

Supervisor Gross moved approval of the Administrative Items with questions on Admin 2. The second to this motion was inaudible.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked to amend the motion to consider Admin 5 separately, and this was accepted.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

Supervisor Gross called the Board's attention to Admin 2 – Authorization to Advertise a Public Hearing on a Proposed Amendment to the Public Facilities Manual (PFM) Regarding Sidewalk Modifications and Waivers and raised a question regarding whether District Supervisors will have input in reviewing waivers. Discussion ensued, with input from Paul Shirey, Director, Code Development and Compliance, Department of Public Works and Environmental Services (DPWES) and James W. Patteson, Director, DPWES, regarding:

- Consultation with Board Members before waivers are granted
- Streamlining the process to avoid delays in processing waivers
- Use of walkway contingency funds
- Revision of the language to reflect suggested changes

Following discussion, Supervisor Gross amended her motion to defer Admin 2, until later in the meeting, to allow staff time to revise language in the item.

(NOTE: Later in the meeting, action was taken on Admin 2. See Clerk's Summary Item #27.)

The question was called on the motion, as amended, to approve Administrative Items 1, 3, and 4, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADMIN 1 – AUTHORIZATION FOR THE FAIRFAX COUNTY GENERAL DISTRICT COURT (GDC) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE: ADULT DRUG COURT DISCRETIONARY GRANT PROGRAM FOR THE VETERANS TREATMENT DOCKET

Authorized GDC to apply for and accept funding, if received, from the Federal Bureau of Justice Assistance, Adult Drug Court Discretionary Grant Program, for the Veterans Treatment Docket. Funding in the amount of \$466,667, including \$116,667

in local cash match, will support establishment of a Veterans Treatment Docket to serve the community and increase public safety by integrating and incorporating a coordinated treatment response for justice-involved Veterans with substance abuse and/or mental health issues. One new grant position is associated with this award.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING SIDEWALK MODIFICATIONS AND WAIVERS

(NOTE: Earlier in the meeting, the Board deferred this item until later in the meeting. See page 11.)

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #27.)

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Village at Lorton Valley Section 1	Mount Vernon	Fifth Place
		Whitehaven Court
		Sloway Coast Drive
		Middle Ruddings Drive
		Wasdale Head Drive
		Linnett Hill Drive
		Alerdale Court
Fairfield Manor	Providence	Hargrove Court
		Hunter Road (Route 700) [Additional Right-of-Way (ROW) Only]
Pennell Street Condominium (Arlington Boulevard Buildings D & E)	Providence	Williams Drive
		Pennell Street

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Vienna Estates at Suncrest	Providence	Falcone Pointe Way Woodford Road (Route 697) (Additional ROW Only)
Vestavia Woods	Sully	Fawn Wood Lane

ADMIN 4 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

- Designated the following individuals, identified with their registration numbers, as inactive Plans Examiners:
 - Assadullah Ayoubi #113 (retired)
 - Keith H. Chilton #219
 - Denis Hannan #235 (retired)
 - Daniel Heil #305 (moved out of state)
 - Jeremiah Kamerer #257
 - Scott Shelton #294
 - Aleksandra Tuliszka #105
 - Edward Venditti #25 (retired)
- Designated the following individuals, identified with their registration numbers, as Plans Examiners:
 - Constantine Mavromatakis #309
 - Max Burkhalter #310

ADMIN 5 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT FUNDING FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (DBHDS) FOR A CRISIS INTERVENTION TEAM (CIT) ASSESSMENT SITE GRANT

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page 11.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #16.)

16. **ADMIN 5 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT FUNDING FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (DBHDS) FOR A CRISIS INTERVENTION TEAM (CIT) ASSESSMENT SITE GRANT** (12 noon)

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See Clerk's Summary Item #15.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize CSB to apply for and accept funding, if received, from DBHDS for CIT Assessment Site funds. Funding in the amount of \$1,402,058 per year for two years for a total of \$2,804,116 will support a secure assessment site at Merrifield Center open 24 hours a day, 7 days a week, 365 days a year for individuals experiencing a mental health crisis. A total of 10 new grant positions and 5 new Police Officer II merit positions for a total of 15 new positions are associated with this funding. A required local match of 20 percent in the first year and 30 percent in the second year will be met with in-kind resources. Supervisor Cook seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

ADDITIONAL BOARD MATTER

17. **MENTAL HEALTH, PUBLIC SAFETY, AND JUSTICE COLLABORATIVE PROGRAM** (12:01 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and, jointly with Supervisor Cook, noted that, last month, she met with Sheriff Stacey Kincaid, Mental Health Advocate Reverend Jennifer McKenzie, Deputy County Executive Patricia Harrison, Fire Chief Richard Bowers, Police Chief Edwin Roessler, and Fairfax-Falls Church Community Services Board (CSB) Director Tisha Deegan, to discuss grant opportunities to assist in the development of a Collaborative Mental Health program in the County.

At this meeting, they discussed some of the gaps in the current mental health system and learned that many sister jurisdictions in Virginia already have programs in place for jail diversion for mentally-ill persons committing non-major crimes. Crisis Intervention Training (CIT) is part of the Criminal Justice Academy's training for recruits who go on to serve in the Jail or in the Police Department and that is important.

A large proportion of inmates at the County Adult Detention Center (ADC) have been identified as needing some level of mental health care during incarceration. While there are some processes in place for diversion, they typically are insufficient to prevent someone with a serious mental illness and/or co-occurring

substance abuse issues from entering the ADC. In addition, first responders in the community do not have all the necessary tools and systems in place to accept custody of such individuals.

Therefore, Chairman Bulova moved that the Board direct staff from the County and the Fairfax-Falls Church Community Services Board to work with branches of Public Safety and the Criminal Justice Advisory Board to pursue the development of a Countywide collaborative mental health program that would include improving and streamlining both diversion from the ADC, as well as for individuals already detained. Supervisor Hudgins and Supervisor Cook jointly seconded the motion.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information regarding the history of CIT training programs. Following a brief discussion, without objection, it was so ordered.

Supervisor Cook expressed his hope that this issue be put on the agenda of a future Board's Public Safety or Human Services Committee meeting.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

AGENDA ITEMS

18. **A-1 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF REVENUE BONDS FOR THE BENEFIT OF NEIGHBORHOOD HEALTH (FORMERLY ALEXANDRIA NEIGHBORHOOD HEALTH SERVICES, INCORPORATED)** (12:10 p.m.)
- (R) On motion of Supervisor Hyland, seconded by Supervisor McKay, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," the Board concurred in the recommendation of staff and adopted a Resolution for the EDA to issue revenue bonds in an amount up to \$8 million for the benefit of Neighborhood Health.
19. **A-2 – AUTHORIZATION TO EXECUTE AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR EXPEDITED REVIEW OF LOCALLY FUNDED TRANSPORTATION PROJECTS** (12:10 p.m.)
- (R) Supervisor McKay moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing the Director of the Department of Transportation to execute the agreement with VDOT to provide funding for structured and expedited reviews. Supervisor Foust seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation (DOT), regarding local governments streamlining a State review process and making sure results are monitored for the money spent and improved turnaround time for review.

Supervisor Foust asked unanimous consent that the Board direct staff to provide information and costs associated with the elimination of the State process. Without objection, it was so ordered.

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

20. **A-3 – APPROVAL OF ADDITIONAL FUNDING FOR ROUTE 29 WIDENING FROM LEGATO ROAD TO SHIRLEY GATE ROAD (BRADDOCK DISTRICT)** (12:17 p.m.)

On motion of Supervisor Cook, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the use of \$3 million in 2007 transportation bond referendum revenues for the construction of the Route 29 Widening project from Legato Road to Shirley Gate Road.

21. **A-4 – APPROVAL OF THE PROPOSED FIVE-YEAR CONSOLIDATED PLAN FOR FISCAL YEARS (FY) 2016-2020 AND PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FY 2016** (12:17 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Herrity being out of the room, the Board concurred in the recommendation of staff and:

- Adopted the Proposed Five-Year Consolidated Plan for FY 2016-2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016 as issued by the Consolidated Community Funding Advisory Committee with funding allocations as outlined in the Board Agenda Item dated April 28, 2015
- Authorized signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by the US Department of Housing and Urban Development (HUD) by May 15, 2015

22. **A-5 – AUTHORIZATION TO EXECUTE THE ISLANDING AGREEMENT BETWEEN VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION VIRGINIA POWER (DVP) AND THE COUNTY TO FACILITATE THE USE OF STANDBY GENERATORS AT THE NOMAN M. COLE, JR., POLLUTION CONTROL PLANT**

(12:18 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to execute the Islanding Agreement between the County and DVP to facilitate the operation of standby generators at the Noman M. Cole, Jr., Pollution Control Plant. This will allow plant staff to disconnect the plant from the DVP grid and operate the standby generators in an islanding mode in anticipation of severe weather events providing uninterrupted operation of the plant.

23. **A-6 – ENDORSEMENT OF COMMENTS ON HOUSE BILL HB 2 (2014) IMPLEMENTATION POLICY GUIDE** (12:19 p.m.)

Tom Biesiadny, Director, Department of Transportation (DOT) gave background information regarding this item.

Discussion ensued with input from Mr. Biesiadny and Noelle Dominguez, Coordination and Funding Division, DOT, regarding local sources of revenue and project cost increases.

Following discussion, Supervisor McKay moved that the Board concur in the recommendation of staff and endorse a letter to the Commonwealth Transportation Board (CTB) regarding the HB 2 (2014) Implementation Policy Guide related to funding distribution of State transportation funding. The letter comments on various issues within the policy guide pertaining to submission eligibility; project screening; evaluation measures; weighting schemes; project cost for analysis; and changes in project costs and scopes. The motion, the second to which was inaudible, carried by unanimous vote.

24. **I-1 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232A-L09-13-2, T MOBILE, 6500 BYRON AVENUE (LEE DISTRICT)** (12:37 p.m.)

The Board next considered an item contained in the Board Agenda dated April 28, 2015, announcing the PC's approval of Public Facilities Application 2232A-L09-13-2. The PC noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. The application sought approval to install three additional panel antennas on the existing stealth monopine tower.

25. **I-2 – CONTRACT AWARD – ENVIRONMENTAL CONSULTING AND SERVICES** (12:37 p.m.)

The Board next considered an item contained in the Board Agenda dated April 28, 2015, announcing that staff is awarding a contract to HDR Engineering, ARCADIS US Incorporated, and CDM Smith Incorporated, for environmental consulting and services. The contract will total approximately \$3 million over a five-year term from the award date.

26. **I-3 – INTERNATIONAL BUILDING SAFETY MONTH** (12:37 p.m.)

(NOTE: Earlier in the meeting, the Board recognized Building Safety Month. See Clerk's Summary Item #11.)

The Board next considered an item contained in the Board Agenda dated April 28, 2015, announcing that, in observance of International Building Safety Month, May 2015, the Department of Public Works and Environmental Services (DPWES) is conducting a campaign to promote public awareness of building safety in the County. This is in keeping with DPWES' mission to enforce building codes and related County ordinances to ensure the construction of safe buildings in the County.

27. **ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING SIDEWALK MODIFICATIONS AND WAIVERS** (12:38 p.m.)

(A) (NOTE: Earlier in the meeting, this item was deferred. See Clerk's Summary Item #15.)

Supervisor Gross moved that the Board authorize the advertisement of a public hearing to be held before the Planning Commission on May 20, 2015, and before the Board on **June 23, 2015, at 4 p.m.**, to consider proposed revised amendments to the PFM as distributed around the dais. The amendment clarifies when the requirement to install a sidewalk may be modified or waived, and when an escrow is required for future construction. The proposed amendment will become effective at 12:01 a.m. on the day following adoption. Supervisor Smyth seconded the motion and it carried by unanimous vote.

DAL:dal

ADDITIONAL BOARD MATTERS

28. **REQUEST FOR RECOGNITIONS** (12:39 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives from the following organizations to appear before the Board:

- Department of Public Works and Environmental Services to accept a proclamation recognizing May 18-22, 2015, as “*Public Works Week*” in Fairfax County, to be presented at the Board meeting on May 12, 2015
- Annandale Rotary Club to accept a proclamation recognizing their fiftieth anniversary, to be presented at the Board meeting on June 23, 2015
- Park Authority to accept a proclamation recognizing July 2015 as “*National Recreation and Parks Month*” in Fairfax County, to be presented at the Board meeting on June 23, 2015

In addition, that a proclamation be prepared for:

- The Leather and Lace Motorcycle Club recognizing May 2015 as “*Motorcycle Safety Month*” in Fairfax County, to be presented in her office on May 1, 2015. She invited Board Members to attend the presentation.
- The Benevolent and Protective Order of Elks recognizing May 1-7, 2015, as “*Elks National Youth Week*” in Fairfax County, to be sent to their Arlington-Fairfax office

Without objection, it was so ordered.

29. **USE OF ‘TYSONS’ IN OFFICIAL COMMUNICATIONS** (12:41 p.m.)

Chairman Bulova said the area formerly known as Tysons Corner is now being referred to as Tysons in County communications. Recently, the Tysons Partnership was told by Wikipedia that, due to the seemingly interchangeable usage of both terms on the County website, Wikipedia would not drop Corner from the Tysons page. While both Tysons and Tysons Corner can still be used as addresses, the Tysons Partnership, of which the County is a member, is marketing the area to potential businesses and residents as simply Tysons.

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff to, in all forms of official communication, use Tysons exclusively and whenever feasible and practical, and change previous instances to reflect the new Tysons designation. Without objection, it was so ordered.

Supervisor Smyth reminded the Board that there is a Tysons Corner Metro Station and Tysons Corner Center, so ‘Corner’ cannot be eliminated entirely because it is institutionalized in some ways.

Supervisor Hyland noted the disparity for a portion of County residents who have an Alexandria postal code, and are referred to as the “Alexandria section” of Fairfax County.

Supervisor Gross also noted that Thomas Jefferson High School (TJHS) for Science and Technology is often referred to as Alexandria’s TJHS for Science and Technology, but it is Fairfax County’s TJHS for Science and Technology.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Hudgins also noted the disparity in the Herndon/Reston boundaries.

30. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(12:46 p.m.)

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

EBE:ebe

31. **RECOGNIZING WILLIAM BATES AS 2015 FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) PRINCIPAL OF THE YEAR** (12:47 p.m.)

Supervisor Foust said that he would like to congratulate William Bates for being named the “2015 FCPS Principal of the Year.” He is also one of the recipients of the *Washington Post’s* Distinguished Educational Leadership Awards. He has served as principal of Herndon High School since 2009 and has worked for the school system for 15 years. He currently serves as president of the FCPS High School Principals Association.

Mr. Bates is praised for artfully creating an environment at Herndon High that is conducive to learning and fosters creativity and personal development. He is known for his philosophy as a Hopeologist - giving all children hope for their future. With his backing, Herndon High and the Herndon Pyramid have adopted the national Kids at Hope program which inspires organizations serving youth to create an environment where all children experience success. A PRIDE (participation, respect, integrity, diligence, and empathy) matrix is a part of all activities at Herndon High.

The mission for Herndon High states "All Hornets are capable of success... No Exceptions!" Staff members are challenged to support this mission. Mr. Bates with his staff have succeeded in changing the culture at Herndon by improving school spirit and ownership. He is fully engaged with his students during both school hours and extracurricular activities. He discusses with students topics ranging from bullying and suicide awareness, to the physical conditions of the school, student perceptions of staff members, and expectations for academic achievement.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite Mr. Bates, along with his family and school officials, to appear before the Board on June 23, 2015, to be recognized for his significant achievements. Without objection, it was so ordered.

32. **ANIMAL SERVICES** (12:49 p.m.)

Supervisor Frey noted that in the late 1990's the Department of Animal Control had essentially hit bottom. The public had little confidence in either animal control programs or the animal shelter. The County was unable to attract qualified candidates during several searches for a director, and the Animal Advisory Commission wouldn't even let staff attend their meetings.

In search of solutions, the County Executive and the Board turned to the Police Department, and under the leadership of then Chief Tom Manger and his successor Dave Rohrer, a transformation began. Karen Diviney was brought in, and with the help of new staff, both sworn and civilian over the next 12-15 years, a true success story developed. More humane, innovative practices were implemented, particularly in the shelter, volunteer programs were initiated that are flourishing, and true citizen input and involvement were sought, including numerous partnerships with rescue and humane organizations. Under the leadership today of Tawny Hammond and Chief Ed Roessler, the County received special recognition last summer from Wayne Pacelle, President of the Humane Society of the United States (HSUS).

While the County has achieved much, it should never stop striving for better. The world of animal welfare services is rapidly evolving around the country. New and more effective adoption policies are being developed, better shelter management and humane health practices are being implemented, and more focus on human and wildlife interactions is needed as populations grow and wildlife habitat is intruded upon.

Supervisor Frey said that he believes that, as successful as the nearly 20 years under the Police Department has been, if the County is to continue to progress and improve, it needs to seriously look at reorganization. More and more jurisdictions around the country are moving animal services out of police or other larger departments and creating standalone animal services departments. The County needs to do the same.

While this is the organizational structure the County used to have, and were forced to change, there are several major and significant differences between then and now. The County now has a Deputy County Executive for Public Safety to oversee it, which it didn't have then. The County has a tremendous staff with strong backgrounds in animal services, and most importantly we have an open, transparent operation with tremendous public participation and strong partnerships with the Animal Services Commission, breed, rescue, and humane groups, as well as all of our neighboring jurisdictions.

Therefore, Supervisor Frey moved that the Board direct the County Executive and the Deputy County Executive for Public Safety to undertake an organizational review of the County's animal control services and the animal shelter. The review should specifically evaluate removing these functions from the Police Department to a standalone Department of Animal Services. This should also include the programs operated by the Wildlife Biologist.

One issue that will need special attention is the sworn animal control officer, and whether that is still needed for animal control. There are numerous ways it is being done around the country, from all sworn officers to none, replacing them with humane investigators, and combinations of the two. The County also needs to look at the training these officers go through whatever decision is reached about their sworn status.

Finally, Supervisor Frey noted that this is a process that jurisdictions all over are going through and there are numerous organizations that have helped in implementing new structures and developing best practices. Among these are the HSUS, the National Animal Control Association, and the Washington Humane Society. He recommended that the County reach out to groups such as those for their help and expertise.

This motion was multiply seconded. Following a brief discussion, the question was called on the motion and it carried by unanimous vote.

PMH:pmh

33. **SIX-YEAR INTERSTATE, URBAN, PRIMARY, AND TRANSIT IMPROVEMENT PROGRAM** (1 p.m.)

Supervisor McKay said that on April 16, 2015, the Virginia Department of Transportation (VDOT) released its Draft Six-Year Interstate, Urban, Primary, and Transit Improvement Program for Fiscal Years (FYs) 2016 through 2021.

By law, the Commonwealth Transportation Board (CTB) has the responsibility to hold public hearings and adopt a final program based on the official revenue forecast by July 1, 2015. For Northern Virginia, the public hearing will be held on Tuesday, April 28, 2015, at VDOT's Northern Virginia District Office. Unfortunately, this scheduling did not allow County staff time to prepare a formal Board Item for consideration.

The General Assembly's passage of HB 2 and HB 1887 directs the CTB to develop a process for allocating State transportation funds after July 1, 2016. As a result, funding for some projects which have not completed the State environmental review process or the Federal National Environmental Policy Act (NEPA) process has been removed from the plan, and other changes of this type are expected prior to final adoption of the plan. This will affect projects Statewide, including a number of projects in the County and Northern Virginia.

Supervisor McKay said that staff has prepared draft testimony based on review of the Adopted FYs 2015 – 2020 Six-Year Improvement Program and the Board's testimony on the FYs 2016 – 2021 Program which was presented at the October 16, 2014, public hearing.

Therefore, Supervisor McKay moved that the Board:

- Approve the April 28, 2015, testimony to be forwarded to the Virginia Secretary of Transportation
- Authorize Tom Biesiadny, Director of Transportation, to present the Board's comments to the CTB at the Six-Year Program hearing, since the Board meeting may not be finished before the public hearing starts

Chairman Bulova seconded the motion. Discussion ensued, with input from Mr. Biesiadny, regarding design and funding for Rolling Road.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to include:

- Projects that were approved by the Northern Virginia Transportation Authority (NVTA) and those that are priorities for the County
- Those projects that may be candidates for future funding under different programs

This was accepted.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor McKay amended the motion to include all projects that were funded by NVTA.

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

34. **COMMUNITY ACTION ADVISORY BOARD (CAAB) FOOD BANK**
(1:07 p.m.)

Supervisor McKay said that the CAAB advises the Board of Supervisors on the needs, concerns, and aspirations of low-income persons and recommends policies that promote meaningful change. Its mission is to make a positive difference in the lives of low-income families and individuals in the County.

Last summer, the CAAB held its first summer food bank collection, selecting the summer months because, although the need is high, local food pantries are at their lowest levels and students in need do not have school meals available.

Last summer, the CAAB collected 2,673 pounds of food and \$300 that it delivered to Food for Others. The CAAB will hold the drive again this summer with the goal of exceeding last year's totals and partnering with local institutions to expand the number of collection sites.

Collection boxes will be set up throughout the County and locations posted on the County's Board, Authorities, and Commissions (BACs) website <http://www.fairfaxcounty.gov/bacs/>. Additional information is available by emailing CAAB@fairfaxcounty.gov.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to publicize this summer food bank drive and that members of the CAAB be invited to appear before the Board for recognition on June 23. Without objection, it was so ordered.

35. **SPRINGFIELD DAYS (LEE DISTRICT)** (1:08 p.m.)

Supervisor McKay announced that this year will be the Twenty-Seventh Annual Springfield Days celebration held on Saturday, May 30, and Sunday, May 31. Saturday, May 30 will feature PetFest and an entertainment stage at South Run REC Center, the Springfield Days Stride, headquartered at the Springfield Town Center, and a farmers market, also at the Springfield Town Center. New to the festival this year is the Springfield Market Expo for small business vendors at the Springfield Methodist Church. Also on Saturday, American Legion Post 176 will again host a vintage car show in its parking lot from 10 a.m. to 2 p.m.

This celebration has many partners that make this event possible, including, to name only a few, Safford Chrysler Jeep Dodge of Springfield, the presenting sponsor; Greater Springfield Chamber of Commerce; Fairfax County Park Authority; Felix and Oscar-Pet Food...Naturally; Metro Run and Walk; Olde Towne Pet Resort, Springfield Town Center and American Legion Post 176.

Supervisor McKay noted that on Sunday, May 31, the Cardboard Boat Regatta will again set sail at Lake Accotink Park.

Therefore, Supervisor McKay asked unanimous consent that the:

- Board direct staff to prepare a proclamation declaring May 30 and May 31 as "*Springfield Days*" in Fairfax County and invite all residents of the County to celebrate this community event
- Proclamation be presented to the Springfield Days Committee at the PetFest entertainment stage on May 30

Without objection, it was so ordered.

Supervisor McKay announced that the Springfield 15K/5K race is not being held in conjunction with Springfield Days but is being planned for a fall run associated with Lake Accotink Park.

36. **LYME DISEASE** (1:10 p.m.)

(NOTE: Earlier in the meeting, there was a discussion regarding Lyme disease. See Clerk's Summary Item #10.)

Supervisor Herrity referred to his written Board regarding Lyme Disease tests and asked unanimous consent that the Board direct staff to invite Temple Douglas, Dr. Petricoin and members of the Center for Applied Proteomics and Molecular Medicine in the School of Systems Biology Health Department at George Mason University to appear before the Board in June to receive a resolution acknowledging their breakthrough efforts to find a better test for Lyme Disease. Without objection, it was so ordered.

37. **FIRST FARM BREWERY IN THE COUNTY (SPRINGFIELD DISTRICT)**
(1:11 p.m.)

Supervisor Herrity said that recently an application was made to the Virginia Department of Alcoholic Beverage Control for the first farm brewery in the County. The farm brewery is proposed to be located on approximately 20 acres of land zoned to the Residential-Conservation (RC) District, located at the corner of Yates Ford and Clifton Road in the Clifton community. As the Board is probably aware, last year the General Assembly passed (almost unanimously) and the Governor signed into law Senate Bill (SB) 430, known as the Farm Brewery Bill, with an effective date of July 1, 2014. This bill created a new limited brewery license for breweries that manufacture no more than 15,000 barrels of beer per calendar year, are located on a farm and on land zoned agricultural, and use agricultural products that are grown on the farm in the manufacture of their beer. More importantly, the bill also limits local regulation of farm breweries, similar to the farm winery bill that was passed by the Virginia Legislature and signed into law in 2006, and specifically preempts local government regulation of, among others: the manufacturing of beer, and the production and harvesting of agricultural products for its manufacturing; the on premises sale, tasting or consumption of beer during regular business hours, the sale of beer related items that are incidental to the sale of beer; and the hosting of on-site activities and events customary to such operations.

As stated in Virginia Code Section 15.2-2288.3:1, the approved legislation reads: "...local restriction upon such activities and public events of breweries...to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are

usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. "

In response to this farm brewery proposal, a number of citizens in the Clifton community have expressed concerns regarding the proposed brewery, ranging from whether the use is permitted in the R-C District to environmental issues with regard to water usage, water quality, and septic controls, to other land use impacts such as traffic, noise, and frequency of events which may impact the surrounding properties. It appears that a farm brewery would be deemed an agriculture use under the County's Zoning Ordinance, and agriculture is a permitted use in the R-C District as well as other zoning districts available in several magisterial districts.

In light of this legislation and the concerns expressed by members of the Clifton community in response to the proposed farm brewery, Supervisor Herrity moved that the Board direct the County Executive to prepare a memorandum for the Board on currently available and potential regulatory options to address farm breweries. The memorandum should be added to the agenda for the next Development Process Committee meeting. Chairman Bulova seconded the motion and it carried by unanimous vote.

38. **RECOGNITION OF MS. MARY AGEE** (1:15 p.m.)

Supervisor Herrity said that Board Members understand the importance that non-profits play in helping citizens, especially those in need, obtain services and Northern Virginia Family Service (NVFS) is one of those non-profits.

Supervisor Herrity referred to his written Board Matter and noted that Ms. Mary Agee has been with NVFS for over 40 years and has served as Chief Executive Officer (CEO) for the last 27 of those years. He noted that Ms. Agee has been instrumental in making NVFS what it is today, dedicating her life for the betterment of others.

Therefore, Supervisor Herrity moved that the Board:

- Direct staff to prepare a resolution for presentation at NVFS' annual gala thanking Ms. Agee for her tireless commitment to helping those in need
- Declare May 8, 2015, as "*Mary Agee Day*" in Fairfax County.

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

39. **COMBO CLASSIC GOLF TOURNAMENT (SPRINGFIELD DISTRICT)**
(1:18 p.m.)

Supervisor Herrity said that for 25 years the Combo Classic Golf Tournament has been an annual two-day tournament held at Twin Lakes Golf Course, where two people are paired in a scramble format, pairing golfers with a disability and those without, including wounded warriors; and contestants experience two championship courses comprising the 36-hole facility - the Oaks and the Lakes at Twin Lakes Golf Course.

Therefore, Supervisor Herrity asked unanimous consent that the Board:

- Declare June 5-6 as “*The Combo Classic Golf Tournament Days*” in Fairfax County
- Direct the Park Foundation, Park Authority Board, and staff to appear before the Board in June to receive a proclamation recognizing the Twenty-Fifth Anniversary of the Combo Classic Golf Tournament

Without objection, it was so ordered.

40. **I-66 COMMUNITY MEETING** (1:19 p.m.)

Supervisor Smyth announced that in conjunction with the Virginia Department of Transportation (VDOT) she is hosting a community meeting on I-66 outside of the beltway. She added that the meeting will held on Monday, May 11 from 6:30 p.m. – 9 p.m. at Oakton High School.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct the Office of Public Affairs to publicize the meeting. Without objection, it was so ordered.

41. **NO BOARD MATTERS FOR SUPERVISOR HUDGINS (HUNTER MILL DISTRICT)** (1:20 p.m.)

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

42. **MS. CHRISTINE MORIN INJURED IN CAR ACCIDENT (MOUNT VERNON DISTRICT)** (1:21 p.m.)

Supervisor Hyland asked everyone to keep in thoughts Ms. Christine Morin of his staff, who was injured in a car accident.

43. **CELEBRATING FROST MIDDLE SCHOOL’S 50 YEARS OF SERVING THE COMMUNITY (BRADDOCK DISTRICT)** (1:22 p.m.)

Supervisor Cook referred to his written Board Matter and outlined the history of Frost Middle School.

On May 2, the Frost Middle School community will gather for a Fiftieth Anniversary celebration to reflect on past successes and step forward toward another 50 years of greatness. Festivities will begin with a 5K Race and Fun Run followed up by an open house including a slide show of 50 years of Frost family and friends. There will also be building tours, an art gallery highlighting the artwork of current Frost students, a memorabilia display, and student chorus, drama, band, and orchestra performances.

Therefore, Supervisor Cook asked unanimous consent that the Board:

- Offer its congratulations to Frost Middle School
- Direct staff to prepare a certificate to be presented at the school's fiftieth anniversary celebration on May 2

Without objection, it was so ordered.

44. **REZONING APPLICATION RZ 2015-BR-001 AND SPECIAL EXCEPTION APPLICATION SE 2015-BR-001 (BRADDOCK DISTRICT)**
(1:23 p.m.)

Supervisor Cook said that in November, 2014 the Board adopted an out-of-turn amendment to the Area 1 Comprehensive Plan for the Ravensworth Industrial Area. That amendment added an optional recommendation for Tax Map Parcels 70-4((10)) 503 and 503A to allow self-storage use and the rental of trucks with an intensity up to 1.0 floor area ratio (FAR).

The owner of these two properties, AREC 2018, LLC, has submitted Rezoning Application RZ 2015-BR-001 and Special Exception SE 2015-BR-001 which would permit the establishment of a U-Haul truck rental and self-storage facility at 5271 and 5285 Port Royal Road. The owner has made a presentation before the Braddock District Land Use and Environment Committee and the Ravensworth Farm Homeowners' Association. These applications are currently scheduled for public hearing before the Planning Commission on May 21.

Therefore, Supervisor Cook moved that the Board direct the:

- Director of the Department of Public Works and Environmental Services to accept for concurrent and simultaneous review a site plan, architectural drawings, and other plans as may be necessary to implement the improvements contemplated by the applicant with this rezoning application.
- Clerk to the Board to schedule the Board public hearing on Rezoning Application RZ 2015-BR-001 and Special Exception Application SE 2015-BR-001 to be held before the Board on June 23, 2015.

The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Chairman Bulova seconded the motion and it carried by unanimous vote.

45. **RECESS/CLOSED SESSION** (1:25 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. *Eric S. Clark v. The County of Fairfax, Virginia, John H. Kim, T. B. Smith, and John Spata*, Case No. 14-1210 (U.S. Sup. Ct.)
 2. *George H. Samartino v. Fairfax County Fire and Rescue*, Record No. 1406-14-4 (Va. Ct. App.)
 3. *David T. Clenney v. Officer V.R. Swartz*, Case No. 1:14cv1702 (E.D. Va.)
 4. *Craig J. Blakeley and Kathleen M. McDermott v. County of Fairfax and Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2014-0000059 (Fx. Co. Cir. Ct.) (Mason District)
 5. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Helen M. Parker-Smith*, Case No. CL-2014-0001775 (Fx. Co. Cir. Ct.) (Providence District)
 6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Joyce P. Borden*,

Case No. CL-2014-0008508 (Fx. Co. Cir. Ct.)
(Mount Vernon District)

7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Janak R. Sachdev and Neelam Sachdev*, Case No. CL-2014-0010732 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jerry A. Demoney and Vicki L. Demoney*, Case No. CL-2014-0014975 (Fx. Co. Cir. Ct.) (Springfield District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Karl A. Eickmeyer*, Case No. CL-2014-0014976 (Fx. Co. Cir. Ct.) (Braddock District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghassem Sharifi and Souren Hakopian*, Case No. CL-2011-0005857 (Fx. Co. Cir. Ct.) (Providence District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlaez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Esther Schwartz, Morris Goldberg, Rose Goldberg, Alvin Peck, Stella Peck, Melvin Zweig, Kathryn Zweig, M. A. M. Enterprises, and the Heirs of Alvin Peck*, Case No. CL-2012-0004129 (Fx. Co. Cir. Ct.) (Providence District)
14. *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)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nina Selvaggi*, Case No. CL-2013-0003608 (Fx. Co. Cir. Ct.) (Dranesville District)

16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Domingos C. Costa and Maria Graciete Costa*, Case No. CL-2015-0001165 (Fx. Co. Cir. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Cecilio Vasquez*, Case No. CL-2014-0015904 (Fx. Co. Cir. Ct.) (Lee District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Zina Theresa Bleck*, Case No. CL-2015-0000047 (Fx. Co. Cir. Ct.) (Hunter Mill District)
19. *Kaveh Sari v. Jack Weyant, Bijan Sistani, and Cynthia McNeal*, Case No. CL-2015-0002378 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Malbrook Homeowners Partnership v. Gene Woo, Mai N. Woo, EVG-RR Ventures, LLC, Cardinal Bank, F. Kevin Reynolds, Trustee, Dennis Griffith, Trustee, and the Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2015-0002624 (Fx. Co. Cir. Ct.) (Mason District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Angelo Alfaro, Sr., and Anna Maria Alfaro*, Case No. CL-2015-0003502 (Fx. Co. Cir. Ct.) (Springfield District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robinson Socrates Nunn and Glanetta Miller*, Case No. CL-2015-0003878 (Fx. Co. Cir. Ct.) (Hunter Mill District)
23. *Michael Moravitz v. Officer Richard Anderson*, Case No. GV15-005734 (Fx. Co. Gen. Dist. Ct.)
24. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gloria S. Royall, Trustee of the Gloria S. Royall Trust*, Case No. GV15-003961 (Fx. Co. Gen. Dist. Ct.) (Mason District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Fang Yu Zheng and Dun C. Lin*, Case No. GV15-003832 (Fx. Co. Gen. Dist. Ct.) (Providence District)

26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Malte M. Nikcevich and Andrea Acker*, Case No. GV15-004524 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Adilio Folgar Lopez and Delmi Ortiz Lopez*, Case No. GV15-004523 (Fx. Co. Gen. Dist. Ct.) (Mason District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case Nos. GV15-005693 and GV15-005694 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
29. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laura M. MacQueen*, Case No. GV15-005739 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator, v. Daniel Minchew*, Case Nos. GV15-005741, GV15-006057, and GV15-006072 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
31. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel Minchew*, Case Nos. GV15-006056, GV15-006058, and GV15-006073 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. A. Brian Bartlett*, Case No. GV15-005834 (Fx. Co. Gen. Dist. Ct.) (Providence District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. A. Brian Bartlett*, Case No. GV15-005833 (Fx. Co. Gen. Dist. Ct.) (Providence District)

34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ashley Yuan*, Case No. GV15-005835 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lynn Solliday Todorov*, Case No. GV15-006699 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sang G. Lim and Mirim Lim*, Case No. GV15-007101 (Fx. Co. Gen. Dist. Ct.) (Mason District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Flor Barreda*, Case No. GV15-007102 (Fx. Co. Gen. Dist. Ct.) (Mason District)

And in addition:

- RN Golf Management, BZA Appeal Application A 2012-HM-020
- Special Exception Amendment Application SEA 81-V-017-02; Fairfax County Water Authority

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

DET:det

At 3:31 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

46. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:31 p.m.)

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

47. **SETTLEMENT OF CRAIG J. BLAKELEY AND KATHLEEN M. McDERMOTT V. COUNTY OF FAIRFAX AND BOARD OF SUPERVISORS OF FAIRFAX COUNTY, CASE NUMBER CL-2014-00059** (3:32 p.m.)

Supervisor Gross moved that the Board approve the settlement of *Craig J. Blakeley and Kathleen M. McDermott v. County of Fairfax and Board of Supervisors of Fairfax County*, Case Number CL-2014-00059, on the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous vote.

AGENDA ITEM

48. **CLARIFYING MOTION ON THE REAL PROPERTY TAX RATE** (3:33 p.m.)

(NOTE: Earlier in the meeting, the Board adopted a Resolution adopting tax rates. See Clerk's Summary Item #14).

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and stated that, having provided public notice and a public hearing in accordance with Virginia Code § 58.1-3321 (B), and because it is necessary to set the real property tax rate higher than the lowered tax rate specified in Virginia Code § 58.1-3321 to support the Fiscal Year (FY) 2016 Adopted Budget, moved that the Board set the real property tax rate at \$1.09 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year **2015** will be maintained at the present rate of \$1.09 per \$100 of assessed value. Vice-Chairman Gross seconded the motion.

Following discussion, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Vice-Chairman Gross, and Chairman Bulova voting "AYE," Supervisor Herrity and Supervisor Smyth voting "NAY."

Vice-Chairman Gross returned the gavel to Chairman Bulova.

ADDITIONAL BOARD MATTER

49. **ORDERS OF THE DAY** (3:35 p.m.)

Chairman Bulova announced that the public hearings on Rezoning Application RZ 2013-MV-015, Proffered Condition Amendment Application PCA 1998-MV-032, Proffered Condition Amendment Application PCA 1998-MV-033, and Special Exception Amendment Application SEA 81-V-017-02, will be called at the same time. She provided instructions for the speakers and stated that these public hearings will be the last public hearing called before Public Comment.

AGENDA ITEMS

50. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-LE-035 (HAIMANOT DENGITU / HAIMI'S HOME CHILD CARE) (LEE DISTRICT)** (3:38 p.m.)

The application property is located at 6060 Joust Lane, Alexandria, 22315, Tax Map 91-4 ((9)) (24) 48.

Ms. Haimanot Yidengitu reaffirmed the validity of the affidavit for the record.

Bob Katai, Planner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Supervisor McKay raised a series of questions concerning parking, with input from Mr. Katai and Catherine E. Lewis, Branch Chief, ZED, DPZ. Noting general parking concerns with many townhouse child care applications, he stated that he would further discuss the issue with staff.

Ms. Yidengitu 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.

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

Following a query by Supervisor McKay, Ms. Yidengitu confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated March 4, 2015.

Supervisor McKay moved approval of Special Exception Application SE 2014-LE-035, subject to the development conditions dated March 4, 2015. Supervisor Hyland and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-LE-064 (EYORUSALEM HAILU / BEST CHILD CARE) (LEE DISTRICT)** (3:52 p.m.)

The application property is located at 7422 Heatherfield Lane, Alexandria 22315, Tax Map 91-3 ((15)) 125.

Ms. Eyorusalem Hailu reaffirmed the validity of the affidavit for the record.

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

Ms. Hailu 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.

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

Following a query by Supervisor McKay, Ms. Hailu confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated April 1, 2015.

Supervisor McKay moved approval of Special Exception Application SE 2014-LE-064, subject to the development conditions dated April 1, 2015. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-MA-069 (SEVEN CORNERS SHOPPING CENTER FALLS CHURCH LIMITED PARTNERSHIP) (MASON DISTRICT) (3:57 p.m.)**

The application property is located at 6270, 6290, and 6288 Arlington Boulevard, Falls Church, 22044, Tax Map 51-3 ((1)) 35A and 35B.

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

Sharon Williams, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location. She noted that, since the publication of the staff report, the applicant has revised the Arlington Boulevard graphic on the SE plat which reduces the sign height.

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

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

Discussion ensued concerning sign size, with input from Ms. Williams.

Supervisor Gross moved Planning Commission approval of Special Exception Application SE 2014-MA-069, subject to the development conditions dated March 25, 2015, with a change in development condition number 4 to delete the first sentence so the remainder of the paragraph reads:

“Architectural treatment of the sign shall be consistent with the sign elevation detail. The sign shall be internally lit. The colors shall match the updated façade treatment within the shopping center.”

Chairman Bulova seconded the motion.

Discussion ensued concerning the wording of the motion. Supervisor Gross restated the motion, moving that the **Board**, not the Planning Commission, approve Special Exception Application SE 2014-MA-069. Chairman Bulova reaffirmed her second.

Discussion continued, concerning the size of the sign, with input from Ms. Williams, regarding the staff recommendation.

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

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-MV-015 (VULCAN CONSTRUCTION MATERIALS, LP) (MOUNT VERNON DISTRICT)**

(NOTE: Later in the meeting, this public hearing was held. See Clerk’s Summary Item #57.)

54. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-MV-032 (FAIRFAX COUNTY WATER AUTHORITY) (MOUNT VERNON DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-MV-033 (FAIRFAX COUNTY WATER AUTHORITY) (MOUNT VERNON DISTRICT)

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-V-017-02 (FAIRFAX COUNTY WATER AUTHORITY) (MOUNT VERNON DISTRICT)

(NOTE: Later in the meeting, this public hearing was held. See Clerk’s Summary Item #57.)

55. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-M-038-02 (CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS BROYHILL CREST RECREATION CLUB, INCORPORATED) (MASON DISTRICT)** (4:05 p.m.)

The application property is located at 7212 Early Street, Annandale, 22003, Tax Map 60-3 ((24)) 9B.

Mr. Benjamin Pelletier reaffirmed the validity of the affidavit for the record.

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

Mr. Pelletier 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, Ms. Williams presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 01-M-038-02, subject to the development conditions dated March 20, 2015.
- Modification of the transitional screening requirement along the northeastern and southwestern property boundaries to utilize existing and proposed vegetation, as shown on the SE plat.
- Waiver of the barrier requirements along the northeastern and southwestern property boundaries in favor of that shown on the SE plat.
- Reaffirmation of the previous waiver of the interior parking lot landscaping in favor of that shown on the SE plat.

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

56. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2014-PR-020 (ADNAN ASHKAR) (PROVIDENCE DISTRICT)** (4:13 p.m.)

(O) The application property is located on the north side of Electric Avenue, approximately 400 feet east of Woodford Road, Tax Map 39-3 ((1)) 52.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

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

Mr. Martin 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, Ms. Bishop 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-020, from the R-1 District to the R-3 District, subject to the proffers dated April 8, 2015.
- To direct the Director of the Department of Public Works and Environmental Services (DPWES) to permit:
 - A deviation from the tree preservation target, pursuant to the Public Facilities Manual (PFM).
 - Detention and Best Management Practices (BMP) facilities to be constructed on individual lots, pursuant to the PFM provided that a private maintenance agreement, in a form acceptable to the Office of the County Attorney, is completed for each lot.

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

57. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-MV-015 (VULCAN CONSTRUCTION MATERIALS, LP) (MOUNT VERNON DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-MV-032 (FAIRFAX COUNTY WATER AUTHORITY) (MOUNT VERNON DISTRICT)

AND**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-MV-033 (FAIRFAX COUNTY WATER AUTHORITY) (MOUNT VERNON DISTRICT)****AND****PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-V-017-02 (FAIRFAX COUNTY WATER AUTHORITY) (MOUNT VERNON DISTRICT) (4:18 p.m.)**

- (O) (NOTE: Earlier in the meeting, Chairman Bulova announced that these public hearings would be combined and held at the end of the public hearing schedule. See Clerk's Summary Item #49.)

The Rezoning Application RZ 2013-MV-015 property is located on the west side of Ox Road, approximately three-quarters of a mile north of the Prince William County line, Tax Map 106-4 ((1)) 20B pt. and 56A pt.; 112-2 ((1)) 8 pt., 14, and Peniwill Drive public right-of-way to be vacated and/or abandoned.

The Proffered Condition Amendment Application PCA 1998-MV-032 property is located on the west side of Ox Road at the terminus of Lorton Road, Tax Map 106-4 ((1)) 56 A pt.

The Proffered Condition Amendment Application PCA 1998-MV-033 property is located north of the Occoquan River immediately east of the high dam, Tax Map 106-4 ((1)) 56A pt.

The Special Exception Amendment Application SEA 81-V-017-02 property is located at 9600 and 10000 Ox Road, Lorton, 22079, Tax Map 106-3 ((1)) 4B and 9; 106-4 ((1)) 20B pt. and 56A; 112-2 ((1)) 8, 9, 11, 12, and 14, and Peniwill Drive public right-of-way to be vacated and/or abandoned.

The Board will also Consider Resource Protection Area (RPA) Encroachment Exception Request Number 7589-WRPA-001-1 to permit encroachment into an RPA for the purpose of reconfiguring an existing stone quarry to facilitate the creation of a water storage, control, and pumping facility.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for Rezoning Application RZ 2013-MV-015 for the record.

Mr. John C. McGranahan, Jr., reaffirmed the validity of the affidavits for Proffered Condition Amendment Application PCA 1998-MV-032, Proffered Condition Amendment Application PCA 1998-MV-033, and Special Exception Amendment Application SEA 81-V-017-02 for the record.

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

- Burton J. Rubin, a Director of the Fairfax County Water Authority

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

- Armand B. Weiss, a Director of the Fairfax County Water Authority

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

- Harry F. Day, Mason District representative to the Water Authority

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

- Francis A. McDermott, Hunton and Williams, LLP

Supervisor Hyland disclosed that:

- Representatives of Vulcan and Joseph Cammarata, Mount Vernon representative to the Water Authority, have purchased tickets and attended his Lobsterfest over the years

Nicholas Rogers, Planner, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the applications and site location.

Supervisor Hyland, with input from Mr. Rogers, raised questions concerning:

- Whether staff walked the southern trail alignment
- Truck traffic to and from the quarry
- Plan amendment language and development conditions as it pertains to the Board of Zoning Appeals (BZA) determination on a Special Permit Application (SPA)

Following additional questioning concerning noise and vibration impacts/levels, with input from Erin M. Haley, Planner II, DPZ, Supervisor McKay noted a development condition update which had been distributed. He inquired about proffer number 20, concerning landscape buffers, with input from Mr. Rogers.

Messrs. Riegle and McGranahan 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. Mr. McGranahan made a brief presentation then introduced Charles Murray, General Manager, Fairfax Water, who proceeded to present the case.

Following Mr. Murray's presentation, Supervisor Hyland, noting his concern about the trail alignment, raised a question concerning easements and stated that it was his intent to defer decision until May 12, in order to address issues which need to be resolved. He also asked that reconsideration be given to a southern alignment, with fencing to address security issues.

Discussion continued on easement clarification.

Following the presentation of Mr. Lawrence Clark, Speaker 2, discussion ensued concerning the facts he was seeking.

Following the public hearing, which included testimony by nine speakers, Supervisor Hyland stated that he had items to submit for the record.

Discussion ensued regarding an information request concerning blasting methods.

Supervisor Hyland requested information from the applicants concerning the following, which would be shared with the Board:

- A response to the community's list of concerns and the extent to which the conditions and proffers of these applications address them
- The extent to which the conditions proposed by the BZA address concerns regarding the quarry operation

Mr. McGranahan and Mr. Cammarata presented rebuttal.

Mr. Rogers presented the staff and Planning Commission (PC) recommendations, noting that since the PC's approval, the following changes were made to the development conditions:

- Addition of supplementary berming (condition 20)
- RPA encroachment exception clarifying acreage calculations

Chairman Bulova announced that Board Members have requested a private briefing on security issues; the briefing will occur on May 12. Supervisor Hyland noted that some Board Members have also requested the opportunity to walk the southern trail alignment and expressed his hope that Fairfax Water would accommodate that request.

Supervisor Hyland moved that the Board defer decision, with the record remaining open for written comment, until **May 12, 2015, at 3:30 p.m.**, for:

- Special Exception Amendment Application SEA 81-V-017-02
- Proffered Condition Amendment Application PCA 1998-MV-032
- Proffered Condition Amendment Application PCA 1998-MV-033
- Rezoning Application RZ 2013-MV-015

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

58. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:06 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 April 10 and April 17, 2015.

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

The public hearing was held and included testimony by the following individuals:

- Ms. Yani Yancey, regarding officer-involved shooting
- Ms. Moira Callaghan, regarding the Noise Ordinance
- Mr. Beni Venkatesan, regarding I-66 expansion
- Mr. Joseph Lynch, regarding I-66 expansion
- Mr. John Eltzroth, regarding I-66 expansion
- Mr. Kwong Hii, regarding I-66 expansion
- Ms. Julie Hirka, regarding I-66 expansion
- Mr. Joseph Siegmann, regarding I-66 expansion

- Mr. Henry Harris, regarding the Noise Ordinance
- Ms. Donna McGrath, regarding the Clifton Brewery

Following the presentation by Mr. Harris, discussion ensued regarding the nature of the activities being conducted. Supervisor McKay, noting concerns similar to those expressed by Mr. Harris, inquired about decibel levels of announcements versus pre-recorded music and school latitude in volume adjustment. Discussion continued concerning proposed language of the Noise Ordinance.

59. **BOARD ADJOURNMENT** (6:53 p.m.)

The Board adjourned.

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