



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

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

**TUESDAY  
March 3, 2015**

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**DAL:dal**

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, March 3, 2015, at 9:32 a.m., there were present:

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

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

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:32 a.m.)

Supervisor Foust asked everyone to keep in thoughts the family of Ms. Judith Downer who died recently. She was known for her spirit, volunteerism, and commitment to the community. She served as the Dranesville District representative to the Planning Commission (PC) from 1992–2000, and as the PC parliamentarian. She masterfully managed some very difficult land-use cases in the Dranesville District and received many honors for her community service, including being named Lady Fairfax for the Dranesville District in 1991. Ms. Downer was a very active member of the Herndon community and he noted several activities in which she was involved.

Supervisor Smyth noted that she served with Ms. Downer on the PC and that she was amazing. She shared a personal story about Ms. Downer.

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. Ed Wandelt, who died yesterday, after a battle with brain cancer. He was a longtime Clifton resident and member of the Clifton Lions Club.

**AGENDA ITEMS**2. **PROCLAMATION DESIGNATING MARCH 2015 AS "INTELLECTUAL AND DEVELOPMENTAL DISABILITIES INCLUSION MONTH" IN FAIRFAX COUNTY** (9:37 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate March 2015 as "*Intellectual and Developmental Disabilities Inclusion Month*" in Fairfax County and urged all residents to recognize the tremendous value and potential of people with intellectual and developmental disabilities and include them in all aspects of community life. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **PROCLAMATION DESIGNATING MARCH 2–6, 2015, AS "READ ACROSS AMERICA WEEK" IN FAIRFAX COUNTY** (9:49 a.m.)

Supervisor Gross moved approval of the Proclamation to designate March 2–6, 2015, as "*Read Across America Week*" in Fairfax County and urges all residents to engage in reading programs and activities with children to make America's youth the best readers in the world. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE CENTREVILLE HIGH SCHOOL FOOTBALL TEAM** (10:02 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to members of the Centreville High School football team for remarkable perseverance, teamwork, and resiliency to overcome numerous challenges, resulting in winning the 6A Northern Region and advancing to the Virginia High School League State Championship. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE TOWN OF VIENNA** (10:10 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to the Town of Vienna for its 125<sup>th</sup> anniversary. Supervisor Foust seconded the motion and it carried by unanimous vote.

6. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE LAUREL HILL PROJECT ADVISORY COMMITTEE** (10:19 a.m.)

(BACs)

Supervisor Hyland moved approval of the Certificates of Recognition presented to the following members of the Laurel Hill Project Advisory Committee for their years of service to ensure that the development process of Laurel Hill was objective and transparent to County residents and that implementation was in accordance with the Laurel Hill Adaptive Reuse Area Master Plan:

- Mr. Tim Sargeant
- Mr. Robert Cosgriff
- Mr. Douglas Wrenn

Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING MARCH 2015 AS "WOMEN'S HISTORY MONTH" IN FAIRFAX COUNTY** (10:33 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate March 2015 as "*Women's History Month*" in Fairfax County and urged all residents to recognize the many ways the stories of women have become woven into the fabric of our national narrative and shaped American history. Supervisor Foust, Supervisor Gross, and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING MARCH 2015 AS "PURCHASING MONTH" IN FAIRFAX COUNTY** (10:57 a.m.)

Supervisor Foust moved approval of the Proclamation to designate March 2015 as "*Purchasing Month*" in Fairfax County and urged all residents and County employees to join in commemorating this observance. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Herrity, and Supervisor McKay being out of the room.

9. **RESOLUTION OF RECOGNITION PRESENTED TO MS. JANET HUBBELL** (11:06 a.m.)

Supervisor Gross moved approval of the Resolution of Recognition presented to Ms. Janet Hubbell for more than 20 years of meritorious and noteworthy service to the County. Supervisor Hudgins and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

10. **10:30 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (11:18 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, presented the report on General Assembly activities.

Supervisor McKay moved adoption of the 2015 General Assembly Final Legislative Report. Supervisor Hyland seconded the motion.

Chairman Bulova noted that, later in the meeting, the Board will consider advertisement of the proposed Fiscal Year (FY) 2015 real estate tax rate and having the flexibility of additional State funding will be very helpful.

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

Supervisor McKay noted that member retirements were announced during the last session of the General Assembly.

Supervisor McKay asked unanimous consent that the Board direct staff to invite Senator Toddy Puller and Delegate Tom Rust to appear before the Board to be recognized for their service. Without objection, it was so ordered.

Supervisor McKay:

- Announced that the General Assembly also recognized retiring Supervisor Frey and Supervisor Hyland with commending resolutions which praised them for their years of service and contributions to the Commonwealth.

- Noted that the Board's Legislative Committee meeting scheduled for March 6 had been cancelled.
- Thanked legislative staff for all of their hard work and service to the County.

(NOTE: Later in the meeting, the Board took action regarding the advertisement of the proposed real estate tax rate. See Clerk's Summary Item #12.)

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

Supervisor Gross moved approval of Administrative Items, with the exception of Admin 7, which will be considered separately. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

**ADMIN 1 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (LEE DISTRICT)**

- Endorsed a traffic-calming plan for Cottonwood Drive consisting of one speed hump on Cottonwood Drive (Lee District)
- Directed staff to schedule the installation of the approved measures as soon as possible

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), TO REVISE THE SEWER SERVICE CHARGES AND BASE CHARGES AND TO MAINTAIN THE AVAILABILITY CHARGES**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 7, 2015, at 3 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), to revise the sewer service charges and base charges and to maintain the availability charges.

**ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON DISTRICT)**

- (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>
Grist Mill Woods	Mount Vernon	Grist Mill Woods Way
		Grist Mill Woods Court

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER EXPANDING THE CULMORE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 24, 2015, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Culmore RPPD, District 9. The proposed District expansion includes the following streets:

- Knollwood Drive (Route 943), from Wilkins Drive to Nevius Street
- Nevius Street (Route 1888), from Knollwood Drive to Leesburg Pike

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2015 REVISED BUDGET PLAN**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 7, 2015, at 4 p.m., April 8 and April 9 at 1 p.m.** to amend the current appropriation level in the FY 2015 Revised Budget Plan. The advertisement encompasses both the County and the Schools' *FY 2015 Third Quarter Reviews*.

**ADMIN 6 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT**

Authorized FRD to apply for funding in the amount of \$4,134,316 to be received over two years from DHS for the SAFER grant program to hire an additional 18 merit firefighter medic positions. No local cash match is required. However, the required County funding over a two-year period is \$412,524. The total cost of this program activity over a two-year period is \$4,134,316 including DHS funding, non-eligible grant costs, and full position costs for the two-year performance period.

**ADMIN 7 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2016 BUDGET AND REQUIRED TAX RATES, THE FY 2016 EFFECTIVE TAX RATE INCREASE, AND THE CAPITAL IMPROVEMENT PROGRAM FOR FYS 2016 – 2020 (WITH FUTURE FYS TO 2025)**

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #12.)

12. **ADMIN 7 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2016 BUDGET AND REQUIRED TAX RATES, THE FY 2016 EFFECTIVE TAX RATE INCREASE, AND THE CAPITAL IMPROVEMENT PROGRAM FOR FYS 2016 – 2020 (WITH FUTURE FYS TO 2025)**

(A) (NOTE: Earlier in the meeting, the Board took action to consider this item separately. See page 5.)

Supervisor Gross moved that the Board authorize the advertisement of the following items for public hearings to be held before the Board on April 7–9, 2015:

- A brief synopsis of the FY 2016 Budget
- Proposed tax rates for Tax Year 2015 including a real estate tax rate of \$1.090 per \$100 of assessed value
- Advertised Capital Improvement Program for FYS 2016 – 2020 (with Future FYS to 2025)

Chairman Bulova seconded the motion.

Discussion ensued with Board Members expressing their views and support/non-support of the motion.

Supervisor Gross raised a question regarding the Real Estate Tax Relief Program for the elderly and disabled and asked unanimous consent that the Board direct staff to report with a plain language response for Board Members to disseminate to constituents. Without objection, it was so ordered.

Chairman Bulova noted that:

- The current real estate tax rate is \$1.090
- The proposed budget is balanced and includes approximately \$24 billion in proposed reductions/cuts

- Due to increasing assessments, if the current real estate tax rate is adopted, the average County taxpayer's bill will increase by approximately \$188 annually
- The Board cannot adopt a real estate tax rate higher than what is advertised

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

13. **A-1 – DECISION ON THE CONVEYANCE OF BOARD-OWNED PROPERTY AND THE PROPOSED COMPREHENSIVE AGREEMENT WITH WESLEY-HAMEL LEWINSVILLE LLC FOR THE REDEVELOPMENT OF THE LEWINSVILLE SENIOR CENTER AND DAYCARE PROPERTY (DRANESVILLE DISTRICT)** (11:43 a.m.)

(NOTE: On January 27, 2015, the Board held a public hearing regarding this item and deferred decision until March 3, 2015.)

On motion of Supervisor Foust, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the conveyance of Board-owned property and the Comprehensive Agreement with Wesley-Hamel,
- Authorized the County Executive to send the Locality CEO Letter to the Virginia Housing Development Authority in support of Wesley-Hamel's application for Low-Income Housing Tax Credits

Contingent upon the Board's approval of Special Exception Amendment Application SEA 94-D-002-02, which will be considered later in the meeting. Chairman Bulova seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board approved Special Exception Amendment Application SEA 94-D-002-02. See Clerk's Summary Item #37.)

14. **A-2 – DECISION OF THE CONVEYANCE OF BOARD-OWNED PROPERTY AND ON A PROPOSED COMPREHENSIVE AGREEMENT AMONG THE BOARD, LAKE ANNE DEVELOPMENT PARTNERS, LLC, AND COMMUNITY PRESERVATION AND DEVELOPMENT CORPORATION (CPDC) FOR THE REDEVELOPMENT OF THE CRESCENT PROPERTY AND OTHER PARCELS IN THE LAKE ANNE VILLAGE CENTER (HUNTER MILL DISTRICT)** (11:44 a.m.)

(NOTE: On January 27, 2015, the Board held a public hearing regarding this item and deferred decision until March 3, 2015.)



Supervisor Hudgins announced that this item is being deferred until later in the meeting, following the decision regarding Development Plan Amendment Application DPA A-502-07, Planned Residential Community Application PCA A-502-03, and Proffered Condition Amendment Application PCA A-502 (Lake Anne Development).

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #32.)

15. **A-3 – APPROVAL OF THE DISEASE CARRYING INSECTS PROGRAM**  
(11:44 a.m.)

On motion of Supervisor Gross, seconded by Chairman Bulova, and carried by a vote of nine, Supervisor Herrity being out of the room, the Board concurred in the recommendation of staff and directed staff to take the actions concerning the County's Disease Carrying Insects Program, as outlined in the Board Agenda Item dated March 3, 2015.

16. **A-4 – APPROVAL OF A RESOLUTION AUTHORIZING EXECUTION OF A PROJECT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR PRELIMINARY ENGINEERING AND DESIGN OF THE FRONTIER DRIVE EXTENSION PROJECT (LEE DISTRICT)** (11:43 a.m.)

(R) On motion of Supervisor McKay, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Herrity being out of the room, the Board concurred in the recommendation of staff and adopted a Resolution executing a project agreement with VDOT for the preliminary engineering and design of the Frontier Drive Extension project.

17. **A-5 – APPROVAL OF A GRANT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM) AND THE COUNTY TO ACCEPT FEDERAL FUNDS FROM VDEM FOR THE ACQUISITION, STRUCTURAL DEMOLITION, AND LAND RESTORATION OF 6615 DEARBORN DRIVE (MASON DISTRICT)**  
(11:46 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved and authorized the County Executive or his designee to sign the agreement with VDEM to accept Federal and State funds from VDEM for the acquisition, structural demolition and land restoration of 6615 Dearborn Drive.

18. **A-6 – APPROVAL OF THE CALENDAR YEAR (CY) 2015 FOREST PEST MANAGEMENT PROGRAM** (11:47 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and direct staff to take the actions concerning the County's CY 2015 Forest Pest Management Program, as outlined in the Board Agenda Item dated March 3, 2015. Chairman Bulova seconded the motion.

Supervisor Hyland raised a question regarding ground spraying and whether there has been any situation in the County where the cankerworm has resulted in defoliation and/or tree loss and whether it is monitored. Discussion ensued, with input from Troy Shaw, Urban Forester III, Urban Forest Management Division, Department of Public Works and Environmental Services.

Supervisor Hyland stated that he had numerous items for the record opposing the program.

Chairman Bulova raised a question regarding whether the program includes gypsy moth spraying, with input from Mr. Shaw, who stated that the program does not include gypsy moths.

Supervisor Hyland asked to amend the motion to exclude the spraying of cankerworms from the Forest Pest Management Program. This was not accepted.

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

- The spraying areas included in the program
- Loss/preservation of tree canopy
- Whether this is a State program
- Whether property owners can request to be excluded from the program

The question was called on the motion and it CARRIED by a recorded vote of nine, Supervisor Hyland voting “NAY.”

19. **A-7 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO LOAN UP TO \$590,000 FROM HOUSING BLUEPRINT FUNDS TO CUMBERLAND COURT APARTMENTS, LLC, FOR THE RENOVATION OF LINDSAY HILL APARTMENTS (MOUNT VERNON DISTRICT)** (12:07 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize FCRHA to loan up to \$590,000 from Housing Blueprint Funds, to

Cumberland Court Apartments, LLC, for the renovation of Lindsay Hill Apartments. Supervisor Foust seconded the motion.

Supervisor Herrity commented regarding the disparity between the assessed property value and the appraised property value.

Following a brief discussion, Supervisor Herrity withdrew his comments.

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

20. **A-8 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO LOAN UP TO \$2,900,000 TO NEW WEXFORD LLC FROM HOUSING BLUEPRINT FUNDS FOR THE ACQUISITION, REHABILITATION AND PRESERVATION OF WEXFORD MANOR APARTMENTS (PROVIDENCE DISTRICT)** (12:10 p.m.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and authorize FCRHA to make a loan to New Wexford, LLC, in an amount not to exceed \$2.9 million, from Housing Blueprint Funds for the acquisition, rehabilitation, and preservation of Wexford Manor Apartments. Supervisor Hudgins seconded the motion.

Supervisor Herrity commented regarding the disparity between the assessed versus appraised property value.

Supervisor Smyth raised a question regarding who paid for the property appraisals and discussion ensued, with input from Curt Kreager, Director, Department of Housing and Community Development (HCD).

Supervisor Smyth said she thought there was a policy set with HCD that the County would do an independent appraisal, when funds were being invested in a project, to alleviate problems with appraisals and computations. Discussion ensued, with input from Aseem Nigam, Director, Real Estate Finance and Grants Management Division, HCD, and Hossein Malayeri, Deputy Director, Real Estate, HCD, regarding the value of the appraisals.

Supervisor McKay stated that, when future items come before the Board, it would be helpful for the Department of Tax Administration (DTA) to provide an explanation regarding the delta between the appraised and assessed values.

Supervisor Herrity moved to defer action regarding this item until an independent appraisal can be performed to validate the purchase price. Discussion ensued, with input from Mr. Kreager who stated that the project is poised to apply for housing tax credits on Friday, and the applicant has gone through the expense of preparing the application.

Supervisor Hudgins stated her belief that the Board should move forward with the approval today and explore an opportunity for DTA and HCD to review the issue with the Board's Housing and Community Development Committee.

Following additional discussion, Supervisor Herrity again moved to defer action regarding this item. Discussion ensued, with input from Kevin Greenlief, Director, Department of Tax Administration, regarding the disparity between the appraised versus assessed value.

Chairman Bulova stated that:

- The item should move forward to meet the deadline
- The issue of property appraisals should be referred to the Board's Housing and Community Development Committee
- The Policy of obtaining an independent appraisal should be reviewed

Discussion ensued, with input from:

- Mr. Kreager, who stated that he would review the Policy
- Mr. Greenlief, who stated that he would meet with HCD, in advance of future items, to review and provide input, before it comes before the Board

Supervisor Frey raised a question regarding what happens to the financing if the nine percent tax credit is not granted, with input from Mr. Kreager, who stated that the applicant would have to reapply next year and staff would re-underwrite the project based on then current cost. He also stated that County funding is contingent on Virginia Housing and Development Authority funding.

Supervisor Herrity's motion died for lack of a second.

The question was called on the main motion, and it CARRIED by a recorded vote of nine, Supervisor Herrity voting "NAY."

21. **A-9 – ADOPTION OF THE STRATEGIC PLAN TO FACILITATE THE ECONOMIC SUCCESS OF THE COUNTY** (12:36 p.m.)

Following comments, Supervisor Foust moved that the Board:

- Concur in the recommendation of staff and adopt the Strategic Plan to Facilitate the Economic Success of the County

- Direct staff to report to the Economic Advisory Commission semi-annually on the status of the implementation of action items included in the plan

Supervisor Hyland seconded the motion. Discussion ensued with Board Members commenting and expressing their views.

Supervisor Hudgins raised a question regarding the next steps and whether the County will have the opportunity to combine elements of its strategic plan with the Schools' strategic plan, with input from Robert Stalzer, Deputy County Executive.

Following additional discussion, with Board Members commenting and expressing their views, the question was called on the motion and it carried by unanimous vote.

Mr. Stalzer noted that he submitted a memorandum to the Board last Friday with language relative to Dulles Airport and towns and cities, which is not included in the Plan document, but should be incorporated.

Following discussion regarding the suggestions, Supervisor Foust moved that the Board direct staff to incorporate the comments and recommendations into the Plan document. Supervisor Hudgins and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite members of the Economic Advisory Commission and the Implementation Committee to appear before the Board to be recognized and thanked for their work. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

22. **A-10 – APPROVAL OF A PARKING REDUCTION FOR LAKE ANNE VILLAGE CENTER (HUNTER MILL DISTRICT)** (12:54 p.m.)

(NOTE: On January 27, 2015, the Board deferred action regarding this item until February 17, 2015. On February 17, 2015, the Board deferred action regarding this item until March 3, 2015.)

Supervisor Hudgins announced that this item will be considered later in the meeting, following Board decision regarding Development Plan Amendment Application DPA A-502-07, Planned Residential Community Application PCA A-502-03, and Proffered Condition Amendment Application PCA A-502 (Lake Anne Development). (NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #33.)

23. **A-11 – ENDORSEMENT OF A REGIONAL PARTNER TO PARTICIPATE IN THE I-66 INSIDE THE BELTWAY MULTIMODAL IMPROVEMENT PROJECTS WITH THE COMMONWEALTH OF VIRGINIA** (12:54 p.m.)

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

- Endorse the Northern Virginia Transportation Commission (NVTC) as the regional partner to participate in the I-66 inside the Beltway multimodal improvement projects with the Commonwealth of Virginia, with the conditions as outlined in the Board Agenda Item dated March 3, 2015
- Authorize the Chairman to sign a letter transmitting these recommendations to Secretary of Transportation Aubrey Layne

Supervisor Hyland seconded the motion.

Supervisor Smyth raised a question regarding the Transportation Planning Board's resolution, with input from Tom Biesiadny, Director, Department of Transportation.

With regard to the letter to the Secretary of Transportation, Mr. Biesiadny noted that the Falls Church City Council met last night regarding the letter and asked that the following be added to the letter:

- Two introductory sentences at the beginning of the letter: **“We appreciate the administration’s collaborative effort to improve travel on I-66 inside the Beltway. The Virginia Department of Transportation and the Department of Rail and Public Transportation are in the process of additional public input and environmental assessment to determine the final improvements and funding sources that may include tolling.”**
- In the third bulleted item of the letter, add the word **“potential”** before the word “toll”

This was accepted.

The question was called on the motion, with the changes as stated by Mr. Biesiadny, and it carried by a vote of nine, Supervisor Hyland being out of the room.

24. **I-1 – CONTRACT AWARD – DOMESTIC VIOLENCE LEGAL SERVICES** (12:57 p.m.)

The Board next considered an item contained in the Board Agenda dated March 3, 2015, announcing that staff is awarding a contract to Legal Services of Northern Virginia from date of award through September 30, 2016, with two one-year renewal options.

**DET:det**

**ADDITIONAL BOARD MATTERS**

25. **ESTABLISHMENT OF THE AD HOC POLICE PRACTICES REVIEW COMMISSION** (12:58 p.m.)

(BACs) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and announced that this matter has been circulated.

Chairman Bulova stated that the County is the safest jurisdiction of its size due in no small part to the hard work and dedication of its public safety personnel. The Fairfax County Police Department (FCPD), celebrating its seventy-fifth anniversary this year, has long served and protected the community, and through a model of community policing, has built and maintained the public trust and confidence.

The Board and the Police Department recognize the importance of maintaining that public trust and the importance of always reviewing policies and practices and seeking to improve.

To that end, the Board is taking a hard look at the way the County handles significant police-involved incidents. On January 13, the Board directed the County Executive to seek independent expertise to assist in reviewing policies and procedures with respect to information disclosures in the case of serious incidents involving the Police Department. That work is underway.

In response to the Chairman's question, Edward L. Long Jr., County Executive, stated that a memorandum would be distributed to the Board this afternoon outlining a process and timeline.

In July of last year, the Chief of Police enlisted the services of the Police Executive Research Forum to review the FCPD's use-of-force and critical incident response policies, training, and practices. This work is being led by an oversight board established by the Internal Auditor in order to ensure objectivity. The results of this review are due this month.

Chairman Bulova said she has had informal discussions with senior County staff regarding ways the County can improve its policies and procedures in order to strengthen the public's trust of public safety and Fairfax County government. She

also has had conversations with members of the local media to better understand their expectations as to how and when information should be released.

These efforts to evaluate the County's current practices and to effect change can be enhanced through engagement with the community in an open and transparent process. To that end, Chairman Bulova stated that she is establishing an *Ad Hoc* Police Practices Review Commission.

This Commission should recommend changes, consistent with Virginia law, that it feels would help Fairfax County achieve its goal of maintaining a safe community, ensuring a culture of public trust, and making sure our policies provide for the fair and timely resolution of police-involved incidents.

The Commission will be tasked with:

- Reviewing existing policies, practices, and programs regarding police – community relations
- Reviewing existing policies, practices, and laws regarding police-involved incidents, including:
  - History of recent use-of-force (lethal and non-lethal) incidents involving the FCPD and subsequent public release of information
  - FCPD use-of-force training policies
  - FCPD threat assessment policies
  - FCPD Internal Affairs Division policies
- Reviewing the policies, practices, and laws regarding the public release of information including:
  - Relevant provisions of the Virginia Freedom of Information Act (FOIA)
  - The roles of Police Public Information Officers (PIOs) and the Office of Public Affairs
  - The role and relationship between the FCPD and the Office of the Commonwealth's Attorney

The Commission may solicit presentations from local, regional, state, or national organizations regarding best practices related to use-of-force and the public release of information by law enforcement bodies. The Commission should seek out models for investigation of serious police-involved incidents that are different



from what is currently the practice in Fairfax County. In addition to the organizations represented on the Commission, presentations/information could be sought from other relevant organizations.

In making its recommendations, the Commission should review the results of the Board-authorized consultant review of information release policies as well as results of the review of FCPD policies by the Police Executive Research Forum. However, the Commission should not wait on those results to begin its review of existing County policies.

Chairman Bulova stated that she has asked Mr. Michael Hershman, one of two citizen members of the Board's Audit Committee, to chair the Commission; he is uniquely qualified to chair this effort and has agreed to serve. His biography has been distributed.

Membership of the Commission will be comprised of citizen members, law enforcement and legal experts, media, and representatives from academia.

Chairman Bulova moved that the Board direct staff from all relevant departments to support and assist with the work of the Commission. Requests for information approved by the Commission will be made through Deputy County Executive Dave Rohrer, who will be the County's liaison and staff support. The Chairman of the Commission, working with County staff and the Chairman's office, is asked to develop a work plan and timeline to facilitate delivery of its recommendations to the Board by October 1. Supervisor Hyland seconded the motion.

Chairman Bulova stated that included with her Board Matter is a list of individuals and organizations who have agreed to serve on the Commission and asked that Board Members contact her about other additions.

Supervisor Smyth asked to amend the list of participants to include a representative of the FCPD Citizens Advisory Committees. This was accepted.

Board Members expressed their support/non-support of the motion.

Discussion ensued concerning:

- The selection of Mr. Michael J. Hershman to chair the commission
- The role of the Board's Public Safety Committee
- The Board's involvement and engagement in the work of the Commission
- The role of the County Attorney's office

Chairman Bulova agreed to include the County Attorney's office in the commission's review of the role and relationship between the FCPD and the Office of the Commonwealth's Attorney.

Chairman Bulova stated that Supervisor Hyland has requested a meeting of the Board's Public Safety Committee and it is her desire that the Board would have several opportunities through that Committee to track the work of the Commission and comment and weigh-in.

The Commission meetings will be open to the public and held at the Government Center. Given the time-frame and number of individuals involved, Chairman Bulova stated that it has been suggested that the Commission be broken into sub-groups which would provide for additional representation. Individuals interested in participating should be directed to the Chairman's office.

Supervisor Foust asked to amend the motion to include statutory and case law to the discussion of FOIA, and this was accepted.

Issues were raised concerning:

- The role of the Board as the governing body of the County
- FCPD policies and procedures
- Requirements placed on the Board with regard to the release of public information
- Relations between the County, the Commonwealth's Attorney, police organizations, the Internal Affairs investigation, and the federal review
- Recommendations for possible improvements
- Restoring faith and trust in the Police Department
- The academic assets available in the County in addition to George Mason University (GMU), including Northern Virginia Community College (NVCC) as well as other branch campuses
- Expanding the scope of the Commission to look at an issue that is part of a national discussion of the militarization of police techniques

Supervisor Cook referred to his written Board Matter and stated it is vital that law enforcement officials be equipped with the proper tools and tactics to respond to crises in the safest manner for all those involved. Crisis Intervention Team (CIT) training promotes safety for the person in crisis, the law enforcement officer, and

the community. The purpose of CIT is to educate law enforcement officers to properly assess a person with a serious mental illness, emotional distress, or an intellectual or developmental disability, and to provide them with critical information regarding crisis intervention. Nationally, scholarly journals are reporting CIT-trained officers are significantly more likely to report verbal engagement or negotiation as the highest level of force used and are more likely to refer people in crisis to mental health services rather arrest them.

Supervisor Cook asked to amend the motion to include in the *Ad Hoc* Commission's scope of work:

- A review of the level of CIT within the Police Department
- How the quality and curriculum of that training compares with national models

This was accepted.

Discussion ensued regarding:

- Board Member participation on the Commission
- The timing of the October 1 deadline
- Circulation of the Board Matter prior to today's meeting
- The timing of the Commission's work relative to the pending investigation
- Ensuring that the Commission's recommendations would not adversely affect the work of the Commonwealth Attorney or the US Attorney

Supervisor Gross asked unanimous consent that the Board direct the Clerk to the Board to create a synopsis that outlines concerns that can be shared with the Commission. Without objection, it was so ordered.

The question was called on the motion, as amended, and it CARRIED by a recorded vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor Hyland voting "NAY."

26. **ORDERS OF THE DAY** (1:45 p.m.)

Chairman Bulova announced that she would finish her Board Matters and that the Board could complete Board Matters following the afternoon's public hearings.

27. **REQUEST FOR A PRESENTATION** (1:45 p.m.)

Chairman Bulova asked unanimous consent that the Board direct staff to invite those, whose efforts over the years have contributed to the success of Santa's Ride, be invited to appear before the Board to be recognized for their contributions. Without objection, it was so ordered.

28. **DRIVE TO DONATE** (1:45 p.m.)

Chairman Bulova said Transurban, operators of the I-495 and I-95 Express Lanes, have announced a new initiative, *Drive to Donate*, to help and support the region's local fire and rescue organizations. The value of all tolls collected on Saturday, March 21, on the Express Lanes will be donated to Fairfax County Fire and Rescue, Prince William County Fire and Rescue, and Stafford County Fire and Rescue.

Drivers are asked to make sure that their EZ-Passes are properly mounted and high occupancy vehicle (HOV) drivers are asked to participate in the fundraiser by switching their EZ-Pass to toll mode on March 21.

Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to assist in publicizing this good cause. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

29. **RECESS/CLOSED SESSION** (1:47 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. *Cellco Partnership d/b/a Verizon Wireless and CWS VII, LLC v. Fairfax County, Virginia, and The Board of Supervisors of Fairfax County, Virginia*, Civil Action No. 1:15cv2 (E.D. Va.) (Dranesville District)
2. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)
3. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Ted J. Fares*, Case No. CL-2013-0019056 (Fx. Co. Cir. Ct.) (Mason District)
4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)
5. *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)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. BuildAmerica at Skyline, A Condominium*, Case No. CL-2014-0009149 (Fx. Co. Cir. Ct.) (Mason District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Russell M. Jaffe*, Case No. CL-2014-0014124 (Fx. Co. Cir. Ct.) (Hunter Mill District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaqua R. Moon, Victorine N. Moon, and Isabelle B. Moon*, Case No. CL-2015-001460 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Them Dang and Ha Thi Truoc*, Case No. CL-2015-0001579 (Fx. Co. Cir. Ct.) (Mason District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gwendolynn T. Naraghi and Ali*

*Naraghi*, Case No. GV15-000515 (Fx. Co. Gen. Dist. Ct.) (Sully District)

11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gwendolynn T. Naraghi and Ali Naraghi*, Case No. GV15-000514 (Fx. Co. Gen. Dist. Ct.) (Sully District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Walter H. Pfanmuller and Davi T. Pfanmuller, Trustees of the Walter H. Pfanmuller Trust*, Case No. GV15-001725 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- *Maura Harrington v. Colonel Edwin C. Roessler Jr., et al.*, Case Number CL-2014-11744

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

At 4:32 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

### **ACTIONS FROM CLOSED SESSION**

30. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:32 p.m.)

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

31. **OFFICE OF THE COUNTY ATTORNEY** (4:24 p.m.)

Supervisor Gross announced that the Board and the County Attorney had a discussion during closed session regarding communication and information sharing. The County Attorney has indicated that he will reorganize the day-to-day operations of the office and he has informed the Board that he will retire effective June 30, 2016. The Board will begin the search process for a County Attorney by the end of this year.

**AGENDA ITEMS**

32. **3 P.M. – DECISION ONLY ON DEVELOPMENT PLAN AMENDMENT APPLICATION DPA A-502-07 (LAKE ANNE DEVELOPMENT PARTNERS LLC) AND A WAIVER #8260-WPFM-001-1 FOR THE LOCATION OF UNDERGROUND STORM WATER FACILITIES IN A RESIDENTIAL AREA (HUNTER MILL DISTRICT)**

**AND**

**DECISION ONLY ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC-502-03 (LAKE ANNE DEVELOPMENT PARTNERS LLC) AND A WAIVER #8260-WPFM-001-1 FOR THE LOCATION OF UNDERGROUND STORM WATER FACILITIES IN A RESIDENTIAL AREA (HUNTER MILL DISTRICT)**

**AND**

**DECISION ONLY ON PROFFERED CONDITION AMENDMENT APPLICATION PCA A-502 (LAKE ANNE DEVELOPMENT PARTNERS LLC) AND A WAIVER #8260-WPFM-001-1 FOR THE LOCATION OF UNDERGROUND STORM WATER FACILITIES IN A RESIDENTIAL AREA (HUNTER MILL DISTRICT)** (4:24 p.m.)

**AND**

**A-2 – DECISION ON THE CONVEYANCE OF BOARD-OWNED PROPERTY AND ON A PROPOSED COMPREHENSIVE AGREEMENT AMONG THE BOARD, LAKE ANNE DEVELOPMENT PARTNERS, LLC, AND COMMUNITY PRESERVATION AND DEVELOPMENT CORPORATION (CPDC) FOR THE REDEVELOPMENT OF THE CRESCENT PROPERTY AND OTHER PARCELS IN THE LAKE ANNE VILLAGE CENTER (HUNTER MILL DISTRICT)**

- (O) (NOTE: On January 27, 2015, the Board deferred the public hearing regarding these items until February 17, 2015. On February 17, 2015, the Board held a public hearing regarding these items and deferred decision until March 3, 2015.)

(NOTE: Earlier in the meeting it was noted that Action Item A-2 was being deferred until later in the meeting. See Clerk's Summary Item #14.)

The property for the DPA, PRC, and PCA applications is located on the south side of Baron Cameron Avenue at its intersection with Village Road, Tax Map 17-2 ((8)) 6 C, 17-2 ((14)) (1) 2 G, 17-2 ((16)) 1 A, and 17-2 ((7)) 6 B2 and 6 B3, 17-2 ((1)) 7, 17-2 ((31)) 1645, 17-2 ((31)) common elements (part) (parking lot), and a portion of Village Road to be vacated/abandoned.

(Approval of these applications may enable the vacation and/or abandonment of portions of the public rights-of-way for Village Road to proceed under Section 15.2-2272 (2) of the Code of Virginia).

Supervisor Hudgins called the Board's attention to A-2 and moved that the Board concur in the recommendation of staff and:

- Approve the disposition of the property
- Direct the County Executive to execute, on behalf of the Board, the Comprehensive Agreement among the County, Lake Anne Development Partners, LLC (LADP), and the Community Preservation and Development Corporation (CPDC), contingent upon the Board's approval of Development Plan Amendment Application DPA A-502-07, Planned Residential Community Application PRC A-502-03, and Proffered Condition Amendment Application PCA A-502
- Authorize the County Executive to send the Locality CEO Letter to the Virginia Housing Development Authority in support of CPDC's application for Low Income Housing Tax Credits.

Supervisor Frey seconded the motion.

Supervisor Herrity stated that he would not be supporting the motion and noted his concerns regarding impact on the school system.

The question was called on the motion and it CARRIED by a recorded vote of nine, Supervisor Herrity voting "NAY."

Following a query by Supervisor Hudgins, Ms. Lynne J. Strobel, the applicant's representative, confirmed, for the record, that the applicant was in agreement with the proposed PRC A-502-03 development condition dated January 22, 2015.

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA A-502, subject to the proffers dated February 11, 2015.
- Approval of Development Plan Amendment Application DPA A-502-07 and Planned Residential Community Application PRC A-502-03, subject to the PRC development condition dated January 22, 2015.
- Waiver of Paragraph 2 of Section 6-306 of the Zoning Ordinance for privacy yards a minimum of 200 square feet for buildings D12 and D21 through D24.



- Modification of Section 11-208 of the Zoning Ordinance for the minimum required loading spaces for residential, office, retail, and other uses to that shown on the DPA/PRC plan.
- Waiver of Paragraph 2 of Section 11-302 of the Zoning Ordinance on the requirement that no private streets in a residential development shall exceed 600 feet in length.
- Waiver of Paragraph 1 of Section 13-305 of the Zoning Ordinance for transitional screening and barriers between uses.
- Waiver Number 8260-WPFM-001-1 to permit underground stormwater facilities within a residential development in accordance with Section 6-0303.1 of the Public Facilities Manual (PFM), and subject to the conditions contained in attachment A of Appendix 8a, dated June 18, 2014.

Supervisor Frey seconded the motion.

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning, called attention to the following corrections to the motion:

- With regard to bulleted item 4, the modification is of Section 11-203 for the minimum required loading spaces
- With regard to bulleted item 7, the waiver is in accordance with Section 6-0303.6 of the PFM

This was accepted.

The question was called on the motion, as corrected, and it **CARRIED** by a recorded vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “**AYE**,” Supervisor Herrity voting “**NAY**.”

33. **A-10 – APPROVAL OF A PARKING REDUCTION FOR LAKE ANNE VILLAGE CENTER (HUNTER MILL DISTRICT)** (4:24 p.m.)

(NOTE: Earlier in the meeting, it was noted that this item was being deferred. See Clerk’s Summary Item #22.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve a parking reduction of 18 percent (447 fewer parking spaces) in required parking for Lake Anne Village Center, based on an analysis of the parking requirements for the use on the site and a parking reduction study number

8260-PKS-001-1, subject to the conditions set forth in the Board Agenda Item dated February 17, 2015, except for a revision to condition number 13 to read as follows: “Unless an extension has been approved by the Board the approval of this parking reduction request shall expire without notice six months from the date of acquisition by the application if condition number 12 has not been satisfied.” Chairman Bulova seconded the motion and it carried by unanimous vote.

34. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-059 (CHANTILLY PLAZA LLC) (SULLY DISTRICT) (4:35 p.m.)**

(NOTE: On January 27, 2015, the Board deferred this public hearing until February 17, 2015. On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

The application property is located at 13653 A Lee Jackson Memorial Highway, Chantilly, 20151, Tax Map 44-2 ((1)) 9C.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

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

- Robert M. Haft, a limited partner with CPLP (Combined Properties Limited Partnership) Tier II Limited Partnership in Section 1(c) of the affidavit

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

- White Flint Plaza LLC, which is not a party to this application and does not have any ownership interest in the application property but it is indirectly related to the Applicant/Lessee, Chantilly Plaza LLC, through Combined Properties Limited Partnership (CPLP), which is listed in the affidavit

William O’Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location. He noted that revised development conditions have been distributed and reflect the Planning Commission’s (PC) motion of approval to edit development condition number 6 to ensure that any non-English signs include English-translated text. In addition, the date on the Special Exception plat in development condition number 3 was changed to October 24, 2014.

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

Following the public hearing, Mr. O'Donnell presented the staff and PC recommendations.

Supervisor Frey moved approval of Special Exception Application SE 2014-SU-059, subject to the development conditions dated November 27, 2014, with the deletion of the last sentence of development condition number 6. Supervisor Herrity seconded the motion and it carried by unanimous vote.

35. **ORDERS OF THE DAY** (4:43 p.m.)

Chairman Bulova announced that the Board would consider the next item later in the day to accommodate public hearing speakers.

36. **3 P.M. – DECISION ONLY ON PROPOSED COMPENSATION ADJUSTMENTS TO \$95,000 FOR MEMBERS OF THE BOARD AND TO \$100,000 FOR THE CHAIRMAN, EFFECTIVE JANUARY 1, 2016**

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #59.)

37. **3:30 P.M. – DECISION ONLY ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-D-002-02 (WESLEY HAMEL LEWINSVILLE LLC) (DRANESVILLE DISTRICT)** (4:43 p.m.)

(NOTE: On February 17, 2015, the Board held a public hearing regarding this item and deferred decision until March 3, 2015.)

NOTE: Earlier in the meeting, the Board approved A-1 contingent upon the Board's approval of Special Exception Amendment Application SEA 94-D-002-02. See Clerk's Summary Item #13.)

The application property is located at 1609 Great Falls Street, McLean, VA 22101, Tax Map 30-3 ((1)) 42.

Mr. Evan Pritchard reaffirmed the affidavit for the record.

Supervisor Foust noted concerns of the McLean Citizens Association which had been addressed:

- Parking
- Left-hand turn lane
- Stormwater management facilities

Following a query by Supervisor Foust, Mr. Pritchard confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated November 27, 2014.

Supervisor Foust moved:

- Approval of Special Exception Amendment Application SEA 94-D-002-02, subject to the development conditions dated February 6, 2015.
- Modification of the transitional screening requirements along the periphery of the site in favor of that shown on the SEA plat.
- Modification of the barrier requirements along the periphery of the site in favor of those shown on the SEA plat.
- Modification of Standard 1 of Section 9-306 of the Zoning Ordinance to permit residents 55 years of age or older in the proposed independent living facility.
- Modification of Standard 10 of Section 9-306 of the Zoning Ordinance to permit the front yard setback along Great Falls Street for that depicted on the SEA plat.
- Modification of Standard 15(B) of Section 9-306 of the Zoning Ordinance in favor of the deed of lease, which is subject to federal low income housing tax credit provisions.

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

Supervisor Foust submitted an item for the record.

38. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-BR-063 (LAURA BERNHARDT; JOHN BERNHARDT BERNHARDT’S BUSY BEARS CHILDCARE, INCORPORATED) (BRADDOCK DISTRICT) (4:47 p.m.)**

(NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

The application property is located at 5509 Mitcham Court Springfield 22151 Tax Map 79-1 ((8)) 20.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

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

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

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

Following a query by Supervisor Cook, Ms. Laura Bernhardt confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 3, 2015.

Supervisor Cook moved approval of Special Exception Application SE 2014-BR-063, subject to the development conditions dated February 3, 2015. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

39. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 89-S-002-03 (MA PROPERTIES) (SPRINGFIELD DISTRICT)**  
(4:52 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 February 13 and February 20, 2015.

The application property is located at 13419 Compton Road and 7001 Union Mill Road, Clifton, 20124, Tax Map 74-2 ((1)) 14Z and 75-1 ((1)) 11Z.

Michael H. Lynskey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission (PC) recommendations.

Following the public hearing, which included testimony by the applicant, Mr. Lynskey presented the staff and PC recommendations.

Supervisor Herrity moved approval of Agricultural Renewal Application AR 89-S-002-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the MA Properties Local Agricultural and Forestal District, subject to the Ordinance provisions dated January 28, 2015. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross,

Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Smyth being out of the room.

40. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-LE-046 (AMSALE M. BIZUNEH) (LEE DISTRICT)** (4:58 p.m.)

The application property is located at 7494 Digby Green, Alexandria 22315, Tax Map 91-3 ((15)) 105.

Ms. Amsale Bizuneh reaffirmed the validity of the affidavit for the record.

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

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

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

Following a query by Supervisor McKay, Ms. Bizuneh confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated January 13, 2015.

Supervisor McKay moved approval of Special Exception Application SE 2014-LE-046, subject to the development conditions dated January 13, 2015. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

41. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2014-BR-019 (CHRISTOPHER AT KENILWORTH LLC) (BRADDOCK DISTRICT)** (5:02 p.m.)

Supervisor Cook stated that on February 18, 2015, the Planning Commission public hearing on this proposed rezoning application was cancelled due to inclement weather; that hearing has been rescheduled for March 26, 2015.

Therefore, Supervisor Cook moved to defer the public hearing on Rezoning Application RZ 2014-BR-019 until **February 7, 2015, at 2:30 p.m.** (sic) Supervisor Frey seconded the motion.

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, noted that the correct public hearing date is

**April 7, 2015.** Supervisor Cook restated the date and time of the public hearing to **April 7, 2015, at 2:30 p.m.**

Supervisor Herrity asked unanimous consent that the Board direct staff to include discussion of deferrals and reschedulings on a Development Process Committee Agenda. Without objection, it was so ordered.

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

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42. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-061 (SHALINI RAJKUMAR) (SULLY DISTRICT) ( 5:05p.m.)**

(NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

The application property is located at 4611 Deerwatch Drive, Chantilly 20151, Tax Map 44-2 ((22)) 53.

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

Following a query by Supervisor Frey, Mr. Rajkumar confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 3, 2015.

Supervisor Frey moved approval of Special Exception Application SE 2014-SU-061, subject to the development conditions dated February 3, 2015. Supervisor Herrity seconded the motion and it carried by unanimous vote.

43. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SP-038 (SEOUL PRESBYTERIAN CHURCH, TRUSTEES) (SPRINGFIELD DISTRICT) (5:10 p.m.)**

(NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

The application property is located at 6426 and 6428 Ox Road and 6401 Wolf Run Shoals Road, Fairfax Station 22039. Tax Map 77-3 ((1)) 35, 36, and 36B.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

William Mayland, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Ms. Kelsey 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. Mayland presented the staff and Planning Commission recommendations.

Following a query by Supervisor Herrity, Ms. Kelsey confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 3, 2015.

Supervisor Herrity moved:

- Approval of Special Exception Application SE 2015-SP-038 (sic)\*, subject to the development conditions dated February 3, 2015.
- Modification of the transitional screening and barrier requirements along all property lines, pursuant to Section 13-305 of the Zoning Ordinance in favor of that shown on the SE Plat.
- Waiver of the frontage improvements for the widening of Ox Road in accordance with Section 17-201.4 of the Zoning Ordinance for Phase 1.
- Waiver of construction of a second (sic)\* drive along Ox Road in accordance with Section 17-201.4 of the Zoning Ordinance.

Supervisor Hyland seconded the motion.

\*Following a brief discussion, Supervisor Herrity clarified that the:

- Application is Special Exception Application SE **2014**-SP-038.
- Fourth bulleted item is: Waiver of construction of a **service** drive along Ox Road in accordance with Section 17-201.4 of the Zoning Ordinance.



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

44. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-MV-045 (ZAHIDA BABAR D/B/A AZEEM DAY CARE HOME) (MOUNT VERNON DISTRICT) (5:17 p.m.)**

(NOTE: On January 27, 2015, the Board deferred this public hearing until February 17, 2015. On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

The application property is located at 8467 Byers Drive, Alexandria, 22309, Tax Map 101-3 ((34)) 127.

Ms. Zahida Babar reaffirmed the validity of the affidavit for the record.

William Mayland, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Ms. Babar 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. Mayland presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. Mayland and Ms. Babar, regarding the use of the community playground with homeowners association approval and the hours of operation approved in the revised development conditions.

Following a query by Supervisor Hyland, Ms. Babar confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated January 15, 2015.

Supervisor Hyland moved approval of Special Exception Application SE 2014-MV-045, subject to the development conditions dated January 15, 2015. Supervisor Foust seconded the motion and it carried by unanimous vote.

45. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SP-053 (ROLLING VALLEY MALL LLC) (SPRINGFIELD DISTRICT) (5:28 p.m.)**

(NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

The application property is located at 9276 Old Keene Mill Road, Burke, VA 22015, Tax Map 88-2 ((1)) 4 A.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

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

- Mr. Robert M. Haft, Limited Partner with CPLP Tier II, Inc

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

- White Flint Plaza, LLC, which is not a party to this application, and does not have any ownership interest in the application property, but is indirectly related to the applicant/title owner, Rolling Valley Mall, LLC, through Combined Properties Limited Partnership, which is listed in the affidavit

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

Ms. Stagg 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.

Following a query by Supervisor Herrity, Ms. Stagg confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated November 10, 2014.

Supervisor Herrity moved approval of Special Exception Application SE 2014-SP-053, subject to the development conditions dated November 10, 2014. Supervisor Smyth seconded the motion and it carried by a vote of nine, Chairman Bulova being out of the room.

46. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112 (ZONING ORDINANCE), REGARDING AS-BUILT REQUIREMENTS** (5:35 p.m.)

(Os) (NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

John Matusik, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the PFM and the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), and Chapter 112 (Zoning Ordinance), regarding as-built requirements. The proposed amendments shall become effective at 12:01 a.m. on March 4, 2015. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Gross voting "AYE," Chairman Bulova being out of the room.

47. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 124 (STORMWATER MANAGEMENT ORDINANCE), CHAPTER 101 (SUBDIVISION ORDINANCE), AND APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE), REGARDING IMPLEMENTATION OF THE VIRGINIA STORMWATER MANAGEMENT ACT AND VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) REGULATION (5:38 p.m.)**

- (Os) (NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

John Friedman, Land Development Services, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the public hearing, Supervisor Foust moved:

- Adoption of proposed amendments to the Code of the County of Fairfax, Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fee Schedule), as contained in the Staff Report dated December 2, 2014, and recommended by the Planning Commission.
- That amendments to Chapter 124 (Stormwater Management Ordinance) and Appendix Q (Land Development Services Fee Schedule) become effective at 12:01 a.m. on March 4, 2015.
- That amendments to Chapter 101 (Subdivision Ordinance) become effective at 12:01 a.m. on April 1, 2015, with the exception that Final Subdivision Plats submitted to DPWES prior to April 1, 2015, and approved prior to October 1, 2015, shall be grandfathered from the amendment to the Subdivision Ordinance.

Supervisor Gross 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 out of the room.

48. **4 P.M. – PH PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE SUNSET MANOR RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 18 (MASON DISTRICT)** (5:43 p.m.)

(O) (NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

Charisse Padilla, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by seven speakers, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Sunset Manor RPPD, District 18. The District expansion includes Bouffant Boulevard (Route 3436): from Dowden Terrace Park boundary to the eastern property boundary of 5600 Bouffant Boulevard, north side only; and from Dowden Terrace Park boundary to Paul Street, south side only. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

Supervisor Gross referred to Ms. Coleen Harvey’s (Speaker 1) photo of the area and suggestions of signage to staff for review.

49. **4 P.M. – PH ON REZONING APPLICATION RZ 2014-MA-011 (SPECTRUM DEVELOPMENT, LLC) (MASON DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2014-MA-013 (SPECTRUM DEVELOPMENT, LLC) (MASON DISTRICT)** (6:04 p.m.)

(O) (NOTE: On January 27, 2015, the Board deferred this public hearing until February 17, 2015. On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

The Rezoning Application RZ 2014-MA-011 property is located on the south side of Leesburg Pike, between Charles Street and Washington Drive, Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4 and 5.

The Special Exception Application SE 2014-MA-013 property is located at 5885 Leesburg Pike, 3408 and 3410 Washington Drive, and 3425 and 3401 Charles Street, Falls Church, 22041, Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4 and 5.

Mr. William B. Lawson, Jr., reaffirmed the validity of the affidavit for the record.

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

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

Mr. Lawson submitted items for the record.

Discussion ensued, with input from Mr. Lawson and Mr. Krasner, regarding:

- Land-Use Committee support of the application
- Layout of the drive-thru next to the pharmacy
- Staff's recommendation of denial
- Orientation and realignment of the existing shopping center

Following the public hearing, which included testimony by 13 speakers, Mr. Lawson and Mr. Peter Batten, the Developer, provided a rebuttal and confirmed Proffer 26 for lot 7.

Mr. Krasner presented the staff and Planning Commission recommendations.

Following comments regarding the application, Supervisor Gross moved to defer decision only of Rezoning Application RZ 2014-MA-011 and Special Exception Application SE 2014-MA-013 until **March 24, 2015, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

50. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2014-I-B1, LOCATED NORTH OF COLUMBIA PIKE AND WEST OF CARLIN SPRINGS ROAD (MASON DISTRICT) (7:31 p.m.)**

Jennifer R. Bonnette, Planner III, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Bonnette presented the staff and Planning Commission (PC) recommendations.

Supervisor Gross moved approval of Plan Amendment 2014-I-B1, as recommended by the PC. Chairman Bulova seconded the motion and it carried by a vote of six, Supervisor Cook, Supervisor Frey, Supervisor Herrity, and Supervisor McKay being out of the room.

51. **4 P.M. – PH ON APPROVAL OF THE UPDATE TO THE COUNTY’S SOLID WASTE MANAGEMENT PLAN** (7:39 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 February 13 and February 20, 2015.

Pamela Gratton, Director, Recycling, Engineering and Environmental Compliance, Solid Waste Management Program, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued, with input from Ms. Gratton, regarding updating the estimated life of the Lorton Landfill from five to three years and encouraging the recycling of construction and demolition debris in the revised plan.

Following the public hearing, Supervisor Gross moved approval of staff recommendations. Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor McKay being out of the room.

52. **4 P.M. – PH ON A PROPOSAL TO VACATE, ABANDON, AND DISCONTINUE ANDERSON LANE (MOUNT VERNON DISTRICT)** (7:43 p.m.)

(O) (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 13 and February 20, 2015.

Donald Stephens, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Hyland moved adoption of the:

- Order abandoning Anderson Lane
- Ordinance vacating part of a plat on which is shown Anderson Lane

- Resolution authorizing discontinuance of the remaining portion of Anderson Lane

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

53. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE SPRINGDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 33 (MASON DISTRICT)** (7:45 p.m.)

- (O) (NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

Charisse Padilla, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by three speakers, discussion ensued, with input from Ms. Padilla, regarding the reason why three of the houses were not included in the RPPD.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Springdale RPPD, District 33. The District expansion includes the following streets:

- Arnet Street (Route 1845): from Munson Road to Lacy Boulevard; from Lacy Boulevard to eastern cul-de-sac end; south side only
- Munson Road (Route 795): from Arnet Street to Summers Lane; from Arnet Street to Reservoir Heights Avenue, east side only

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

54. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 109.1 (SOLID WASTE MANAGEMENT)** (7:58 p.m.)

- (O) (NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

Pamela Gratton, Director, Recycling, Engineering and Environmental Compliance, Solid Waste Management Program, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 109.1 (Solid Waste Management). Chairman Bulova and Supervisor Foust jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

55. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE GRAHAM RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 34 (PROVIDENCE DISTRICT)** (8:02 p.m.)

- (O) (NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

Charisse Padilla, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by four speakers, Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Graham RPPD, District 34. The District expansion includes Elmwood Drive (Route 1780): from Lawrence Drive to Stuart Drive. Chairman Bulova and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Gross being out of the room.

56. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE CARDINAL FOREST II COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)** (8:14 p.m.)

- (O) (NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

Charisse Padilla, Transportation Planner, Department of Transportation, presented the staff report.

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



Ms. Padilla presented the staff report.

A brief discussion ensued regarding the length of driveways in the neighborhood and whether parking of recreational vehicles is allowed in driveways.

Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Cardinal Forest II CPD in accordance with current CPD restrictions. The established CPD includes the following streets:

- Dominican Drive (Route 4139), from Sherborn Lane to Roxbury Avenue
- Grigsby Drive (Route 4179), from Sherborn Lane to Roxbury Avenue
- Roxbury Avenue (Route 4136), from Sherborn Lane to Winslow Avenue
- Sherborn Lane (Route 4137), from Forrester Boulevard to Roxbury Avenue

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

57. **5 P.M. – PH ON PROPOSED PLAN AMENDMENT 2014-III-P1, LOCATED ON THE EAST SIDE OF BURKE LAKE ROAD BETWEEN SHIPPLET BOULEVARD AND LEE CHAPEL ROAD (SPRINGFIELD DISTRICT) (8:34 p.m.)**

(NOTE: On February 17, 2015, the Board deferred this public hearing until March 3, 2015.)

Mary Ann Tsai, Planner III, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by three speakers, discussion ensued, with input from Ms. Sara Mariska (Speaker Two), regarding the Silas Burke property and preserving trees on the property.

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

Following comments, Supervisor Herrity moved approval of Plan Amendment 2004-III-P1 (sic), as recommended by the PC. The amendment would add an option for residential use at two to three dwelling units per acre or for a medical

facility subject to the conditions to retain the Silas Burke House. Supervisor Cook seconded the motion and it carried by unanimous vote.

### **ADDITIONAL BOARD MATTER**

58. **COMMENTS ON ISSUES OF CONCERN** (8:55 p.m.)

Chairman Bulova recognized Mr. George Becerra, who addressed the Board regarding the Ad Hoc Police Commission.

### **AGENDA ITEM**

59. **3 P.M. – DECISION ONLY ON PROPOSED COMPENSATION ADJUSTMENTS TO \$95,000 FOR MEMBERS OF THE BOARD AND TO \$100,000 FOR THE CHAIRMAN, EFFECTIVE JANUARY 1, 2016** (8:59 p.m.)

(NOTE: Earlier in the meeting, this item was deferred. See Clerk's Summary Item #36.)

(NOTE: On January 27, 2015, the Board held a public hearing regarding this item and deferred decision until March 3, 2015.)

Following comments, Supervisor Frey moved to adjust the compensation for Members of the Board to \$95,000 and \$100,000 for the Chairman, effective January 1, 2016. Supervisor Hyland and Supervisor McKay jointly seconded.

Supervisor Hyland stated that he had items for the record.

Following a brief discussion regarding the motion, the question was called on the motion and it CARRIED by a recorded vote of six, Supervisor Cook, Supervisor Gross, Supervisor Herrity, and Supervisor Smyth voting "NAY."

DET:det

### **ADDITIONAL BOARD MATTERS**

60. **MOTION TO ADOPT THE FEBRUARY 2015 QUARTERLY REPORT OF THE AUDITOR OF THE BOARD** (9:10 p.m.)

Supervisor Foust announced that the Board has received a "Quarterly Report on Operations" memo from the new Auditor of the Board, Jim Shelton.

Supervisor Foust moved that the Board adopt the Auditor's February 2015 memo and approve the Audit Committee Work Plan for the upcoming quarter. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

61. **RECOGNIZING LANGLEY HIGH SCHOOL GIRLS' SWIM AND DIVE TEAM: 2015 STATE CHAMPIONS (DRANESVILLE DISTRICT)**  
(9:11 p.m.)

Supervisor Foust congratulated the Langley High School Girls' Swim Team for winning the Virginia Group 6A swim and dive team championship in Richmond. The Langley girls' team has won six State championships, the last in 2011.

Supervisor Foust asked unanimous consent that the Board direct staff to invite the Langley Girls' Swim and Dive Team, its coaches, and school officials to appear before the Board on April 7 to be recognized for its outstanding achievement. Without objection, it was so ordered.

62. **RECOGNIZING MCLEAN HIGH SCHOOL GIRLS' GYMNASTICS TEAM: 2015 STATE CHAMPIONS (DRANESVILLE DISTRICT)**  
(9:11 p.m.)

Supervisor Foust congratulated members of the McLean High School Girls Gymnastics Team for winning the Virginia High School League's 6A State Championship on February 20. This was the first State championship for the team that also won the regional and conference crowns.

Supervisor Foust asked unanimous consent that the Board direct staff to invite the McLean High School Girls' Gymnastics Team, its coach, and school officials to appear before the Board on April 7 to be recognized for its outstanding achievement. Without objection, it was so ordered.

63. **NORTHERN VIRGINIA HOUSING EXPO (DRANESVILLE DISTRICT)**  
(9:12 p.m.)

Supervisor Foust announced that the fifth annual Northern Virginia Housing Expo will be held Saturday, March 21, from 10 a.m. to 3 p.m., at Herndon High School in the Dranesville District. This regional affordable housing event will showcase both rental and homeownership opportunities for individuals and families across a spectrum of income levels. In addition to an exhibition hall, the Expo will feature educational workshops on a broad range of topics, including personal finance, understanding credit scores, being "ready to rent," and home maintenance basics.

Supervisor Foust, who plans to visit the event and encouraged his colleagues to do the same, asked unanimous consent that the Board direct the Office of Public Affairs to distribute information publicizing this event to County offices, libraries and community groups. Without objection, it was so ordered.

DAL:dal

64. **IDES OF BARK EVENT (MOUNT VERNON DISTRICT)** (9:13 p.m.)

Supervisor Hyland said Julius Caesar may have had to “beware the Ides of March” (do you think he got the point), but the canines of the County and their human companions are welcome to come out and enjoy the *Ides of Bark!* Mount Vernon's first, and soon to be famous, event for dogs and dog owners to enjoy games, prizes, food, health assessments, pet adoptions, dog registrations, and demonstrations by the County's Police Canine Unit. What better way to ring in Spring than to get outside and let your dog run off its cooped up winter energy. The *Ides of Bark* will be held March 15, at Grist Mill Park, from 1–4 p.m., with a rain date of March 22. He said he hopes the event will be fun and informative. All are welcome to attend.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to advertise and promote the *Ides of Bark* on Channel 16, new releases, and social media. Without objection, it was so ordered.

65. **REQUEST FOR RECOGNITION OF MS. SUE KEELER (MOUNT VERNON AND LEE DISTRICTS)** (9:14 p.m.)

Jointly with Supervisor McKay, Supervisor Hyland said that for the last forty years, the Executive Directors of Mount Vernon Estate and Gardens have relied upon Ms. Sue Keeler (who lives in the Lee District) to give tours to Monarchs, Presidents, Heads of State, Senators, Congressmen, VIPs, and other dignitaries. Her incredible depth of knowledge about the history of the estate and the life and legacy of George Washington along with her endearing charm has been critical for Mount Vernon to attract major donors. The transformation of Mount Vernon into an institute of learning is due, in large part, because of her efforts. She is writing a book on all of her experiences and stories over the years. Supervisor Hyland also noted that last month she achieved a landmark in her life of being 80 years young.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite Ms. Keeler to appear before the Board to be recognized for her accomplishments and continued service to Mount Vernon Estate and Gardens. Without objection it was so ordered.

66. **REQUEST FOR THE COUNTY EXECUTIVE AND COUNTY ATTORNEY TO REVIEW AND RECOMMEND REGULATIONS ON THE TRANSPORTATION OF LOADED RIFLES AND SHOTGUNS** (9:16 p.m.)

Supervisor Hyland referred to his written Board Matter and asked unanimous consent that the Board refer to the County Executive and staff the subject of

ordinance authority which the County has had, but not utilized, regarding whether it should prohibit loaded shotguns from being carried in vehicles in the County. Due to the recent change in State legislation staff should review the existing and enacted statute and report with its recommendation. Without objection, it was so ordered.

67. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (9:17 p.m.)

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

PMH:pmh

68. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)**  
(No Time)

Supervisor Frey had no Board Matters to present today.

69. **FIFTY YEARS OF HORIZONS HEAD START AND EARLY HEAD START (MASON DISTRICT)** (9:17 p.m.)

Supervisor Gross announced that Higher Horizons Head Start and Early Head Start is celebrating its fiftieth anniversary this year.

Therefore, Supervisor Gross asked unanimous consent that the Board:

- Applaud this milestone
- Direct staff to prepare a Certificate of Appreciation that contains the Chairman Signature and the Mason District Supervisor's signature for Higher Horizons, to be presented at its fiftieth anniversary celebration, to be held on Saturday, April 11, 2015

Without objection, it was so ordered.

70. **PUBLIC SAFETY TELECOMMUNICATION WEEK** (9:17 p.m.)

Supervisor Gross asked unanimous consent that the Board:

- Proclaim April 12-18, 2015, as "*Public Safety Telecommunications Week*" in Fairfax County
- Direct staff to invite representatives from the Department of Public Safety Communications to appear before the Board to be recognized with the proclamation at the March 24, 2015, Board meeting.

Without objection, it was so ordered.

71. **REQUEST THAT INCREASED FUNDING OF THE NATIONAL ARMY MUSEUM BE AS A BUDGET CONSIDERATION ITEM** (9:18 p.m.)

Supervisor Cook referred to his written Board Matter and asked unanimous consent that the Board direct staff to add increased funding of the National Army Museum as a Budget Consideration Item. Without objection, it was so ordered.

72. **CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS (HUNTER MILL DISTRICT)** (9:19 p.m.)

Supervisor Hudgins said that the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints has filed a Planned Residential Community Application PRC 80-C-111, for expansion of the existing parking for their church at 1515 Poplar Grove Drive. The improvements will expand the southern end of the parking lot from 121 to 160 spaces and replace an existing shed. No other changes are being proposed. The Planning Commission public hearing is scheduled for May 13, 2015. The applicant is requesting an expedited Board public hearing.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to schedule a public hearing to be held before the Board on June 2, 2015, regarding Planned Residential Community Application PRC 80-C-111 for a date certain of June 2, 2015. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations or adopted standards in any way. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey not being present for the vote.

73. **LYME DISEASE AWARENESS MONTH** (9:20 p.m.)

Supervisor Herrity referred to his written Board Matter asked unanimous consent that the Board direct staff to invite Mr. Monte Skall from the National Capital Lyme Disease Association to appear before the Board in April for presentation of a resolution declaring May 2015 as "*Lyme Disease Awareness Month*" in Fairfax County. Without objection, it was so ordered.

74. **BUDGET CONSIDERATION ITEM – SMART 911 SYSTEM** (9:21 p.m.)

In a joint Board Matter with Supervisor Cook and Supervisor Hyland, Supervisor Herrity referred to his written Board Matter and asked unanimous consent that the Board direct staff to:

- Identify possible funding sources for Smart 911
- Add it as a Budget Consideration item

Without objection, it was so ordered.

75. **MOUNT VERNON WOODS ELEMENTARY SCHOOL CELEBRATES ITS FIFTIETH ANNIVERSARY (LEE DISTRICT)** (9:22 p.m.)

Supervisor McKay referred to his written Board Matter and asked unanimous consent that the Board direct staff to invite Pamela Simpkins, the school's principal, teachers, counselors, and students to appear before the Board on April 7 for recognition of 50 years of education. Without objection, it was so ordered.

76. **BOARD ADJOURNMENT** (9:22 p.m.)

The Board adjourned.

# Index

<b>AGENDA ITEM</b>	<b>Page</b>
<b>Presentations: Certificates/Awards</b> .....	<b>2-4</b>
<b>Report on General Assembly Activities</b> .....	<b>4-5</b>
<b>Items Presented by the County Executive</b>	
<b>Administrative Items</b> .....	<b>5-8</b>
<b>Action Items</b> .....	<b>8-14</b>
<b>Information Items</b> .....	<b>15</b>
<b>Board Matters</b>	
<b>Chairman Bulova</b> .....	<b>15–20</b>
<b>Supervisor Cook</b> .....	<b>46</b>
<b>Supervisor Foust</b> .....	<b>2, 43–43</b>
<b>Supervisor Frey</b> .....	<b>n/a</b>
<b>Supervisor Gross</b> .....	<b>45</b>
<b>Supervisor Herrity</b> .....	<b>2, 46</b>
<b>Supervisor Hudgins</b> .....	<b>46</b>
<b>Supervisor Hyland</b> .....	<b>44–46</b>
<b>Supervisor McKay</b> .....	<b>47</b>
<b>Supervisor Smyth</b> .....	<b>n/a</b>
<b>Actions from Closed Session</b> .....	<b>22</b>
<b>Public Hearings</b> .....	<b>23– 42</b>