



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 6, 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, October 6, 2015, at 9:38 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 the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:38 a.m.)

Supervisor Foust, noting that later in the meeting the Board will recognize the All Dulles Area Muslim Society (ADAMS), said that one of the founders of ADAMS and a pillar of its community died recently. Dr. Jamal Barzinji was a resident of Herndon. He was a leader of the Muslim community locally, nationally, and internationally. Dr. Barzinji had over 40 years of progressive experience in the development and leadership of diverse business, educational, think-tank, political, and charitable organizations. In addition to serving as a founder of ADAMS, Dr. Barzinji formally served in many important roles including as President of the Muslim Students Association and founding general manager of North American Islamic Trust. Dr. Barzinji was also a founding member, trustee, and president of the International Institute of Islamic Thought (IIIT). He was on the Board of Advisors College of Humanities and Social Sciences of George Mason University, and was also a member of the selection committee for the IIIT Chair for Islamic Studies. Supervisor Foust asked everyone to keep Dr. Barzinji and his family and friends in thoughts.

(NOTE: Later in the meeting, the Board recognized ADAMS. See Clerk's Summary Item #7.)

Chairman Bulova said the County's Urban Search and Rescue (USAR) Team has arrived in South Carolina to assist with the flood relief efforts and is facing a very dangerous situation. Chairman Bulova asked everyone to keep the USAR team and their families, as well as the community of South Carolina, in thoughts.

(NOTE: Later in the meeting, the Board received an update regarding the USAR team. See Clerk's Summary Item #4.)

AGENDA ITEMS2. **PROCLAMATION DESIGNATING OCTOBER 2015 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (9:42 a.m.)

Supervisor Cook moved approval of the Proclamation to designate October 2015 as "*Domestic Violence Awareness Month*" in Fairfax County to recognize the impact of domestic violence in the community, encourage all residents to become involved in efforts to prevent and respond to domestic violence, and acknowledge the importance of the Lethality Assessment Program in the mission to eradicate domestic violence. Supervisor Hyland seconded the motion.

Supervisor Cook announced that his office will be hosting a Domestic Violence Awareness event on October 15, 2015, at 5 p.m., at Chuy's Restaurant in Braddock District. Co-hosts are Sheriff Stacey Kincaid and Fairfax City Mayor Scott Silverthorne. He invited everyone to attend the event.

Supervisor Frey announced that the K-9 Krawl event will be held October 17, 2015, 9 a.m., at the Government Center. It is a joint effort between the Fairfax County Police Department, the Fairfax County Animal Shelter, and the friends of the Animal Shelter, to promote awareness of not only cruelty to animals, but the links between cruelty to animals and later instances of cruelty to others, including domestic partners and/or strangers. He invited everyone to bring their dogs out and attend the event.

Chairman Bulova thanked Fairfax County Judge Thomas Mann for his work in domestic violence awareness and prevention and the ongoing Diversion First efforts to reduce the number of people with mental illness in local jails.

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

3. **PRESENTATION OF AN ALLSTATE FOUNDATION PURPLE PURSE**
(9:58 a.m.)

Shak Hill, Shak Hill Insurance, partnered with Allstate Foundation, gave a presentation regarding Domestic Violence issues, noting that Carrie Washington, star of the TV drama show *Scandal*, is the national spokeswoman helping Allstate Foundation Purple Purse make it easier to recognize domestic violence and financial abuse.

To bring awareness to the County, Mr. Hill presented Chairman Bulova with a purple purse from the Allstate Foundation, inspired by Ms. Washington, to raise public awareness to provide support services for victims of domestic violence. Purple purse charms were also distributed to Board Members.

4. **PROCLAMATION DESIGNATING OCTOBER 4–10, 2015, AS "FIRE PREVENTION WEEK" IN FAIRFAX COUNTY** (10:08 a.m.)

In recognition of Breast Cancer Awareness Month, Chairman Bulova noted that pink T-shirts had been distributed around the dais, and, on behalf of the Board, she thanked the Fire Department.

Supervisor Gross moved approval of the Proclamation to designate October 4–10, 2015, as "*Fire Prevention Week*" in Fairfax County and urged all residents to check their smoke alarms to ensure their safety and the safety of their families. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Fire Chief Richard Bowers gave an update on the United Search and Rescue (USAR) team which was deployed to South Carolina to assist with the flood relief efforts.

(NOTE: Earlier in the meeting, Chairman Bulova announced that the USAR team was deployed to South Carolina. See Clerk's Summary Item #1.)

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE LANGLEY HIGH SCHOOL BOYS' SOCCER TEAM (DRANESVILLE DISTRICT)** (10:21 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Langley High School Boys' Soccer team for winning its first Virginia Group 6A State championship. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

6. **PROCLAMATION DESIGNATING NOVEMBER 2015 AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (10:27 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate November 2015 as "*Adoption Awareness Month*" in Fairfax County and urged all residents to support children by opening their hearts and homes through adoption, becoming foster parents, donating time to help children in need, or by supporting adoptive and foster parents in the community. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

7. **RESOLUTION OF RECOGNITION PRESENTED TO ALL DULLES AREA MUSLIM SOCIETY (ADAMS)** (10:36 a.m.)

(NOTE: Earlier in the meeting, an ADAMS founder was memorialized. See Clerk's Summary Item #1.)

Supervisor Foust moved approval of the Resolution of Recognition presented to the All Dulles Area Muslim Society, also known as ADAMS, for its noteworthy contributions to the community. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

8. **RESOLUTION OF RECOGNITION PRESENTED TO EXXON MOBIL** (10:55 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Exxon Mobil for its noteworthy contributions to the community. Supervisor Herrity and Supervisor Smyth jointly seconded the motion.

Noting the closure of its headquarters in the County, Chairman Bulova thanked Exxon Mobil for the beautiful artwork that was donated to the County and currently being displayed throughout the Government Center.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY CHAMBER OF COMMERCE** (11:07 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the Chamber of Commerce for its ninetieth anniversary. This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova thanked the Chamber of Commerce for its work with the Transportation Funding bill, in addition to the work it is currently doing to improve funding for K-12.

10. **10:30 A.M. – PRESENTATION OF THE 2015 ENVIRONMENTAL EXCELLENCE AWARDS** (11:33 a.m.)

(BACs) Stella Koch, Chairman, Environmental Quality Advisory Council, gave a presentation on the history of the awards which are divided into the following categories: resident; business; organization; and County employee. She noted that four awards were being given in two categories this year. Ms. Koch and Chairman Bulova presented the Environmental Excellence Awards to:

- *County Resident* – Duane DeBruyne
- *County Resident* – Stephen Robinson
- *Organization* – Friends of Accotink Creek
- *Organization* – McLean Trees Foundation

EBE:ebe

11. **10:40 A.M. – PRESENTATION OF THE 2015 EXCEPTIONAL DESIGN AWARDS** (11:47 a.m.)

Joseph J. Plumpe, Architectural Review Board Member and Chairman of the 2015 Exceptional Design Awards Jury, gave a presentation regarding the history of the program. He announced the recipients of the 2015 Exceptional Design Awards, as follows:

- *Honorable Mention:* American Farmhouse
Category: Residential
Architect: Donald Lococo Architects, LLC
Owner/Developer: Name withheld
Year Built: 2012
District: Dranesville

- *Honorable Mention:* Fairfax County Fire and Rescue Station No. 10
Category: Institutional
Architect: LeMay Erickson Willcox Architects
Owner/Developer: Fairfax County Department of Public Works and Environmental Services
Year Built: 2014
District: Mason

- *Honorable Mention:* Heritage Fellowship Church
Category: Institutional
Architect: LeMay Erickson Willcox Architects
Owner/Developer:
Year Built: 2012
District: Hunter Mill

- *Honorable Mention:* Sage – East Coast Headquarters
Category: Commercial Office (Interiors)
Architect: Architecture, Inc.
Owner/Developer: Sage North America
Year Built: 2015
District: Hunter Mill

- *Merit Award:* Fairfax County Animal Shelter
Category: Institutional
Architect: Cole & Denny Architects
Owner/Developer: Fairfax County Department of Public Works and Environmental Services
Year Built: 2014
District: Springfield

- *Merit Award:* Newington DVS Maintenance Facility
Category: Institutional
Architect: Gauthier Alvarado & Associates
Owner/Developer: Fairfax County Department of Public Works and Environmental Services
Year Built: 2013
District: Mount Vernon

- *Honor Award:* Linden Lane
Category: Residential
Architect: Reader & Swartz Architects
Owner/Developer: John and Diann Austin
Year Built: 2011
District: Providence

- *Honor Award:* Oak Marr RECenter
Category: Recreational
Architect: Hughes Group Architects
Owner/Developer: Fairfax County Park Authority
Year Built: 2014
District: Providence

12. **ADMINISTRATIVE ITEMS** (12:04 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Smyth 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 AND “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE AND BRADDOCK DISTRICTS)

- (R)
- Endorsed a traffic calming plan for Pimmit Drive consisting of the following:
 - Two speed humps on Pimmit Drive (Dranesville District)
 - Adopted the Resolution authorizing installation of “\$200 Additional Fine for Speeding” signs on the following road:
 - Queensberry Avenue between Braddock Road and Ravenel Lane (Braddock District)
 - Directed the Department of Transportation to:
 - Schedule the installation of the approved traffic calming measures as soon as possible
 - Request the Virginia Department of Transportation (VDOT) to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (SPRINGFIELD 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>
Board of Supervisors Lot 27B (Katherine Hanley Family Shelter)	Springfield	Katherine Hanley Court Lee Highway (Route 29) (Supplemental Right-of- Way Only)

13. **A-1 – ADOPTION OF A RESOLUTION ESTABLISHING PROCEDURES FOR USE OF THE CONSTRUCTION MANAGEMENT AND DESIGN BUILD METHODS OF CONSTRUCTION CONTRACTING** (12:05 p.m.)

(R) Supervisor Frey moved that the Board concur in the recommendation of staff and adopt the Resolution establishing procedures for use of the construction management and design build methods of construction contracting. Supervisor Gross seconded the motion.

Discussion ensued with input from Cathy A. Muse, Director, Department of Purchasing and Supply Management, and Edward L. Long Jr., County Executive, regarding:

- The Design-Build (DB) process; advantages and disadvantages of using DB versus the conventional method; examples of DB projects done in the County; and cost reductions of the DB process
- Establishing procedures for approval to use DB methods
- Criteria and standards for use of construction management and DB
- Community input process into the process
- The Board will be notified when these methods are selected for use
- Cost reductions associated with DB practice

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

ADDITIONAL BOARD MATTERS

14. **REQUEST FOR RECOGNITION** (12:15 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a proclamation to be sent to the National Capital Affiliate of the Pancreatic Cancer Action Network to

proclaim November 13, 2015, as “*Pancreatic Cancer Awareness Day*” in Fairfax County. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

15. **WORKHOUSE ARTS CENTER GALA** (12:16 p.m.)

Supervisor Hyland thanked Chairman Bulova for attending the Workhouse Arts Center Gala, held on October 3, 2015, where she was recognized for her leadership on behalf of the Board in establishing the Workhouse Center.

Following discussion regarding the celebration, Chairman Bulova noted that the outgoing Executive Director John Mason was thanked for his leadership in helping the Workhouse Center reach its true potential in the South County area. She welcomed Ava Spece, the new Executive Director of the Workhouse Center.

DAL:dal

16. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:19 p.m.)

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

17. **CENTREVILLE DAY – REQUEST TO WAIVE TIPPING FEE (SULLY DISTRICT)** (12:19 p.m.)

Supervisor Frey said this year Centreville Day will take place on Saturday, October 17. The Friends of Historic Centreville is sponsoring Centreville Day, a family event with the purpose of building community spirit in Centreville. The festivities will include a parade, live entertainment, crafters, local businesses, community groups and food vendors, children’s activities, and tours of the Historic District. Also, because this event is close to Halloween, there will be several Halloween themed activities including a trick-or-treat trail.

The Friends of Historic Centreville is a non-profit organization and this year the proceeds from the event will go towards restoring the Historic District and other charitable causes.

Therefore, Supervisor Frey moved that the Board direct staff to waive the fees for trash disposal and work with American Disposal, who will be providing trash removal for the event, to ensure that the fee is waived. Supervisor Herrity seconded the motion and it carried by unanimous vote.

18. **CLEAN-UP AROUND CENTREVILLE REGIONAL LIBRARY – REQUEST TO WAIVE TIPPING FEE (SULLY DISTRICT)** (12:20 p.m.)

Supervisor Frey said that recently his office met with the Police Department, Sherriff's Department, Facilities Management Department, and the Public Libraries to address a safety issue at the Centreville Regional Library.

Supervisor Frey noted that the resolution to this issue will entail the Sheriff's Community Labor Force removing a substantial amount of trash and foliage from the area that will need to be deposited into a roll off dumpster and taken to the West Ox Transfer Station.

Therefore, Supervisor Frey moved that the Board waive the tipping fee associated with this work. Supervisor Hyland seconded the motion and it carried by unanimous vote.

19. **HOME IMPROVEMENT COUNTY PERMITS AND HOMEOWNER ASSOCIATIONS (HOA) ARCHITECTURAL REVIEW PROVISIONS** (12:21 p.m.)

Supervisor Frey said he received inquiries about home improvement projects that are located in neighborhoods with HOAs and require members to present these projects to the HOA for approval. Many of these projects also require a County permit, and he was asked if the County could consider including on its permit application forms a signature line asking the applicant if any mandatory HOA approvals have been obtained.

It is well-recognized that the County cannot condition approval of a permit on compliance with HOA approvals. The view as to whether in relevant permit application forms the County can simply ask for a signature or affirmation that an applicant has obtained such approvals is not as clear cut. Therefore, a formal legal review and opinion regarding this question would be helpful. If the answer is to be positive, a review of the steps involved to implement the addition of this signature line to the applicable County permit forms should also be included in the study.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to investigate if a signature line can be required on the County home improvement permit forms to verify if the applicant has acquired any compulsory HOA approval for such improvement. Without objection, it was so ordered.

PMH:pmh

20. **VIDEO LINK-UP CONVERSATION WITH INTERNATIONAL SPACE STATION (BRADDOCK DISTRICT)** (12:23 p.m.)

Supervisor Cook announced that he had participated in a video link-up conversation between Robinson Secondary School students and Kjell Lindgren,

former Robinson student and NASA astronaut aboard the international space station. Chairman Bulova noted that she also participated.

21. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (12:25 p.m.)

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

22. **FAIRFAX COUNTY CHAMBER OF COMMERCE EVENT** (12:25 p.m.)

Supervisor Herrity announced that on December 8 the Chamber of Commerce has arranged the Inaugural Capital Region Business Forum which is the same day the Board has its meeting.

A brief discussion ensued regarding scheduling.

23. **RESTON COMMUNITY CENTER PREFERENCE POLL (HUNTER MILL DISTRICT)** (12:26 p.m.)

(APPTS) Supervisor Hudgins said that the Reston Community Center has completed the annual preference poll election for its Board of Governors. A total of 1,846 ballots were entered. The following individuals were elected to serve three-year terms on the Reston Community Center Board of Governors:

- Mr. William G. (Bill) Bouie
- Ms. Lisa Sechret-Ehrhardt
- Mr. Gerald Zavala

Therefore, Supervisor Hudgins moved the appointment of the above listed individuals. Supervisor Hyland seconded the motion and it carried by unanimous vote.

24. **RICHARD BYRD LIBRARY (LEE DISTRICT)** (12:28 p.m.)

Supervisor McKay said that the Richard Byrd Library and its Friends group have a long history of engagement in the Springfield community and have long been focused on outreach to children and families.

Joining forces with other nonprofits, the Friends of Richard Byrd Library has established Educator's Night, an event that takes place yearly at the library. Neighborhood schools are invited to send their teachers to select 10 to 15 books for their classroom libraries. This lets teachers come to their children's community library (the teacher may not live in the area) and learn about library services that support them; it greatly enriches the schools' supply of books and it offers neighborhood children books to spark their interest in reading and learning.

Educator's Night was created in 2013 by Friends member Michele Duell. That first year, three of the library's closest schools and 23 teachers attended. The second year, the event was moved to the library's largest meeting room, the same three schools were invited, along with their principals. Fifty-one teachers and three principals attended that year.

The Friends wished to expand the event but needed help from the community. The Greater Springfield Chamber of Commerce held a book drive and the Woman's Club of Springfield helped organize and participated in the event.

This year, the event included six neighborhood schools and 94 teachers attended the September 24 Educator's Night.

The Friends of Richard Byrd Library's Educator's Night exemplifies the commitment of Springfield principals, teachers, Chamber of Commerce, and the Woman's Club to make life better for children.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a certificate of appreciation for him to jointly sign and present to the Friends of Richard Byrd Library at the next Friends meeting. Without objection, it was so ordered.

25. **ENVIRONMENTAL EXCELLENCE 20-YEAR VISION PLAN** (12:28 p.m.)

Supervisor Gross referred to her written Board Matter and said that on June 21, 2004, the Board adopted its first-ever Environmental Excellence 20-Year Vision Plan. The vote was unanimous, and established an achievable and workable plan that centered on two principles:

- Conservation of limited natural resources must be interwoven into all government decisions
- Commitment to provide the necessary resources to protect the environment

The Plan was organized into six areas: growth and land use, air quality and transportation, water quality, solid waste, parks/trails/open space, and environmental stewardship. At the time, it was known that none of the recommendations in the vision plan would be adopted overnight and that some legislative changes, budgetary decisions, and how staff decisions are made or implemented, might be necessary. She noted the shift in the Vision Plan made, both in dialogue and the decisions made in the County:

- Adoption of the stormwater ordinance and utility fee
- The Chairman's Private Energy Task Force

- The agreement with Covanta, operator of the waste-to-energy plant
- Partnering with the Park Authority on stewardship of open spaces
- Incredible changes in the way land use decisions are approached

Supervisor Gross said that the County is now 11 years into the 20-year vision, and it is time to examine that vision and determine if the plan needs to be updated.

Therefore, Supervisor Gross moved that the Board direct the County Executive to review the existing plan and report with suggestions and a timeline for community and Board involvement. The County Executive's report can be presented to the Board's Environment Committee in the spring of 2016. Chairman Bulova seconded the motion and it carried by unanimous vote.

26. **NATIVE PLANTS FOR NORTHERN VIRGINIA** (12:32 p.m.)

Supervisor Gross said that at last week's Legislative Committee, there was some discussion about possible General Assembly proposals to require labeling for non-native, invasive plants, such as kudzu, English ivy, and Japanese barberry, sold in local nurseries. While it was determined that education, rather than regulation, might be the best approach at this time, Supervisor Gross mentioned that the Northern Virginia Regional Commission had partnered with a number of State, local, and non-profit organizations to publish "Native Plants for Northern Virginia," a full color and very helpful guide that promotes the use of native plants in the urban and suburban landscapes of Northern Virginia.

Including native plants in the landscape has many social, cultural, and economic benefits for the community, and she provided a copy of the Plant NoVA Natives Guide, which is in its third printing, for each Board Member as an educational resource from the Northern Virginia Regional Commission.

27. **PERSONAL PROPERTY TAX EVADERS** (12:33 p.m.)

Supervisor Gross said that this Board Matter also is an outgrowth of Board discussions at the Legislative Committee last week.

Supervisor Gross noted that the County has been pursuing tax evaders for years through the TARGET program, in an effort that enables citizens to report vehicle owners who may be evading the County's personal property tax laws. While the program has been effective in proactively identifying vehicles for investigation (the Police Department has located and forwarded approximately 1300 vehicle tags, from all of the districts, to the Department of Tax Administration for investigation).

Therefore, Supervisor Gross asked unanimous consent that the Board direct the:

- County Executive to provide an update on progress in the Target Program
- Office of Public Affairs to publicize the existence of the program so that individuals can turn in problem vehicles

Without objection, it was so ordered.

Supervisor McKay asked unanimous consent that the Board direct staff to report with information on how all County agencies are working together on this problem and use limited resources to enhance programs. Without objection, it was so ordered.

28. **RECESS/CLOSED SESSION** (12:38 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. In Re: April 15, 2015, Decision Of The Fairfax County Board of Zoning Appeals In BZA Appeal No. A 2012-HM-020, Case No. CL-2015-0006478 (Fx. Co. Cir. Ct.) (Hunter Mill District)

3. *Betty Whilden v. Juan Romero and County of Fairfax*, Case No. CL-2015-0004778 (Fx. Co. Cir. Ct.)
4. *Poplar Place Homeowners Association v. Fairfax County* (State Building Code Tech. Rev. Bd.) (Dranesville District)
5. *Gary P. Poon and Matthew A. Stevenson v. Fairfax County, Board of Supervisors of Fairfax County, Virginia, and Zoning Administrator of Fairfax County, Virginia*, Case No. CL-2015-0004729 (Fx. Co. Cir. Ct.) (Providence District)
6. *Wilson Haywood Phillips v. Fairfax County Park Authority and County of Fairfax*, Case No. CL-2015-0012152 (Fx. Co. Cir. Ct.)
7. *Potomac Relocation Services, LLC v. Board of Supervisors of Fairfax County, Virginia and the Fairfax County Redevelopment and Housing Authority*, Case No. CL-2015-0011068 (Fx. Co. Cir. Ct.) (Lee District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jose S. Portillo and Francisca E. Portillo*, Case No. CL-2014-0016150 (Fx. Co. Cir. Ct.) (Providence District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)
10. *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)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robinson Socrates Nunn and Glanetta Miller*, Case No. CL-2015-0003878 (Fx. Co. Cir. Ct.) (Hunter Mill District)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ali Alahmed and Nadejada Nikiforova*, Case No. GV15-016183 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
13. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gilbert L. Southworth Jr.*, Case No. GV15-016109 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
14. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Donald W. Major, Richard B. Major, and Dennis G. Major*, Case No. GV15-009950 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District/Town of Vienna)

And in addition:

- *WM/Olayan Holdings, LLC v. Board of Supervisors of Fairfax County, Virginia, and Fairfax Ridge Condominium Unit Owners Association*, Case Number CL-2015-0009480 (Fairfax County Circuit Court) (Providence District)
- Virginia Code Section 15.2-2302(A)

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

DET:det

At 3:33 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

29. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:33 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."

30. **AUTHORIZATION FOR THE COUNTY ATTORNEY TO TAKE LEGAL ACTION TO ENFORCE PROFFER 16.B. APPROVED WITH REZONING CASE (APPLICATION) NUMBER RZ 2006-PR-027** (3:34 p.m.)

Supervisor Smyth moved that the Board authorize the County Attorney to take legal action in the County Circuit Court to enforce Proffer 16.B. approved with Rezoning case (Application) Number RZ 2006-PR-027, as outlined by the County Attorney in closed session. Supervisor McKay seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

31. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-MV-003 (FIRST YEARS LEARNING CENTER LLC / CLAUDIA TRAMONTANA) (MOUNT VERNON DISTRICT)** (3:35 p.m.)

(NOTE: On June 23, 2015, the Board deferred this public hearing until July 28, 2015. On July 28, 2015, the Board deferred this public hearing until September 22, 2015. On September 22, 2015, the Board deferred this public hearing until October 6, 2015.)

Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 2015-MV-003 until **October 20, 2015, at 5:30 p.m.** He stated that the deferral request came from the applicant's attorney who had a conflict. Supervisor Foust seconded the motion and it carried by unanimous vote.

32. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-MV-007 (FELECIA HAYES / SARATOGA LEARNING CENTER (MOUNT VERNON DISTRICT)** (3:36 p.m.)

The application property is located at 8047 Winding Way Court, Springfield, 22153, Tax Map 98-1 ((4)) 542.

Ms. Felecia Hayes reaffirmed the validity of the affidavit for the record.

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

Ms. Hayes had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing.

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

Following a query by Supervisor Hyland, Ms. Hayes confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 23, 2015.

Supervisor Hyland moved approval of Special Exception Application SE 2015-MV-007, subject to the development conditions dated September 23, 2015. Supervisor Foust seconded the motion and it carried by unanimous vote.

33. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-M-016 (EXTRA SPACE STORAGE INCORPORATED) (MASON DISTRICT) (3:40 p.m.)**

Supervisor Gross moved to defer the public hearing on Special Exception Amendment Application SEA 97-M-016 until **October 20, 2015, at 5:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

34. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-PR-044-02 (TYSONS CORNER PROPERTY HOLDINGS LLC, TYSONS CORNER HOLDINGS LLC, TYSONS CORNER RESIDENTIAL I LLC, TYSONS CORNER OFFICE I LLC, AND TYSONS CORNER HOTEL PLAZA LLC) (PROVIDENCE DISTRICT)**

AND

PH ON CONCEPTUAL DEVELOPMENT PLAN AMENDMENT CDPA 2004-PR-044 (TYSONS CORNER PROPERTY HOLDINGS LLC AND TYSONS CORNER HOLDINGS LLC) (PROVIDENCE DISTRICT) (3:41 p.m.)

- (O) The application property is located east of International Drive, south of Chain Bridge Road, west of Interstate 495, north of Towers Crescent Drive and Leesburg Pike, Tax Map 29-4 ((1)) 35A, 35C, 35D, 35E, and 35F; and 39-2 ((1)) 2, 4, and 5, and Tax Map 29-4 ((1)) 35A pt.; 39-2 ((1)) 2 pt., 4 pt., and 5 pt.

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

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

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

Following the public hearing, Ms. Wright presented the staff and Planning Commission (PC) recommendations.

Supervisor Smyth, noting that Tysons mall's original rezoning preceded the Tysons Plan, moved:

- Approval of Proffered Condition Amendment Application PCA 2004-PR-044-02, subject to the proffers dated September 29, 2015.
- Approval of the modifications and waivers listed in the handout dated September 10, 2015, as follows:
 - Modification of Section 11-203 of the Zoning Ordinance to permit the reduction in the number of loading spaces to that shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA).
 - Modification of Section 13-202 of the Zoning Ordinance to modify the interior parking lot landscaping to that shown on the CDPA/FDPA.
 - Modification of Section 13-300 of the Zoning Ordinance to modify the transitional screening requirement along eastern boundary to that shown on CDPA/FDPA.
 - Waiver of Section 17-201-3A of the Zoning Ordinance requiring a Service Drive on all property boundaries.
 - Waiver of Section 2-505 of the Zoning Ordinance to allow the structures and vegetation on a corner lot as shown on the CDPA/FDPA.
 - Modification of Section 11-202(4) of the Zoning Ordinance to permit a loading space to be within 40 feet of an intersection.
 - Modification of Section 17-201 of the Zoning Ordinance and Section 8-0201.3 of the Public Facilities Manual (PFM) to permit sidewalks and pedestrian trails as shown on the CDPA/FDPA in lieu of all required trails.
 - Modification of Section 12-0508 of the PFM to permit the tree preservation target to be met on the site as a whole.

- Modification of Section 12-0510 of the PFM to permit the width of planting area to be no less than 6 feet upon a showing at site plan of alternative technology and to permit trees within the right of way to be counted toward the 10-year tree canopy if maintained by the applicant.
- Modification of 12-0601(1)(B) of the PFM to permit a reduction of the minimum planter opening for trees used to count towards the tree cover requirements upon a showing of appropriate alternative technology.

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.”

(NOTE: On September 24, 2015, the PC approved Final Development Plan Amendment Application FDPA 2004-PR-044.)

35. **3:30 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) (3:59 p.m.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2014-MA-011 and Special Exception Application SE 2014-MA-013 until **October 20, 2015, at 5:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

36. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-BR-011 (JAYE S. BAWA) (BRADDOCK DISTRICT)** (4 p.m.)

The application property is located at 5210 Dunleigh Drive, Burke, 22015, Tax Map 69-4 ((14)) 45.

Mr. Jaye S. Bawa reaffirmed the validity of the affidavit for the record.

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

Mr. Bawa had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing.

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

Following a query by Supervisor Cook, Mr. Bawa confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 24, 2015.

Supervisor Cook moved approval of Special Exception Application SE 2015-BR-011, subject to the development conditions dated September 24, 2015. Supervisor Hyland seconded the motion and it carried by unanimous vote.

37. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-C-088-10 (BLOCK 4 LLC) (HUNTER MILL DISTRICT)**

AND

PH ON DEVELOPMENT PLAN AMENDMENT APPLICATION DPA 85-C-088-08 (BLOCK 4 LLC) (HUNTER MILL DISTRICT)

AND

PH ON PLANNED RESIDENTIAL COMMUNITY AMENDMENT APPLICATION PRCA 85-C-088-03 (BLOCK 4 LLC) (HUNTER MILL DISTRICT) (4:06 p.m.)

- (O) The applications properties are located south of New Dominion Parkway, west of Reston Parkway, north of Market Street and Freedom Drive, and east of Fountain Drive, Tax Map 17-1 ((16)) 1A (formerly known as 1 and 4).

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

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

Mr. Winterhalter 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, Supervisor Hudgins submitted an item for the record. Ms. Tsai presented the staff and Planning Commission (PC) recommendations.

Following a query by Supervisor Hudgins, Mr. Winterhalter confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 22, 2015.

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA 85-C-088-10, Development Plan Amendment Application DPA 85-C-088-08, and Planned Residential Community Amendment Application PRCA 85-C-088-03, subject to the proffers dated September 22, 2015, and subject to the PRC condition dated September 22, 2015.
- Modification of Section 11-203 of the Zoning Ordinance for the loading space requirements to that shown on the DPA/PRCA Plan.
- Modification of Sections 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements to that shown on the DPA/PRCA Plan.

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.”

38. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MINOR/EDITORIAL REVISIONS** (4:17 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 September 18 and September 25, 2015.

Saundra O’Connell, Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report. She noted that the Planning Commission (PC) further recommended that the Board direct staff to evaluate and report with the appropriate recommendations regarding the phrase “child care providers’ own children” and how it is defined, especially when it comes to children who are not counted toward the total number of children permitted in a home child care facility.

Supervisor Hyland asked unanimous consent that the Board direct the County Attorney to provide information relevant to a National Association of Counties (NACo) article regarding requirements when a legislative body, such as the Board, takes action on a telecommunication facility. Without objection, it was so ordered.

Following the public hearing, Ms. O’Connell presented the staff and PC recommendations.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) entitled “Minor/Editorial Revisions,” as advertised, with an effective date of October 7, 2015, at 12:01 a.m., with the exception of the changes to Article 14 regarding noise standards. Because the Board deferred decision on the amendment related to the Noise Ordinance, he further moved that the effective date of the proposed changes to Article 14 be deferred to coincide with the consideration of the other changes, as advertised, to the Noise Ordinance which is currently scheduled for the Board’s consideration on November 17, 2015. Supervisor Herrity 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 Smyth, and Chairman Bulova voting “AYE,” Supervisor McKay being out of the room.

39. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING DONATION DROP-OFF BOXES** (4:24 p.m.)

Supervisor Frey moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding donation drop-off boxes until **November 17, 2015, at 3:30 p.m.** Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

40. **ORDERS OF THE DAY** (4:25 p.m.)

Chairman Bulova noted that the next item of business was public comment; David P. Bobzien, County Attorney, advised the Board that it could proceed.

41. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (4:25 p.m.)

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

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

- Mr. George Becerra regarding school program evaluation

42. **BOARD ADJOURNMENT** (4:29 p.m.)

The Board adjourned.

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