



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 1, 2016**

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04-16

DET:det

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, March 1, 2016, 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 Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Linda Q. Smyth, Providence District
- Supervisor Daniel G. Storck, Mount Vernon District

Others present during the meeting were Edward L. Long Jr., County Executive; Elizabeth A. 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** (9:33 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family, friends, and colleagues of Prince William County police officer Ashley Guindon who succumbed to injuries she received in the line of duty on Saturday, February 27. The funeral is today; the viewing begins at 10 a.m. with the service beginning at 12 p.m. at the Hylton Memorial Chapel. All of public safety is saddened by the loss of Officer Guindon as well as the injury of two of her colleagues. Police work is dangerous but it is something that police officers do to keep us safe. We owe them an enormous debt of gratitude and we all mourn when one of those individuals is lost in the line of duty.

AGENDA ITEMS2. **PRESENTATION TO THE COUNTY FROM THE UNITED WAY OF THE NATIONAL CAPITAL AREA** (9:35 a.m.)

Kelly Brinkley, Chief Operating Officer for the United Way, presented the County with a check in the amount of \$100,000 representing the amount that was contributed through the Fairfax-Falls Church Community Impact Fund in 2015.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE JAMES MADISON HIGH SCHOOL VOLLEYBALL TEAM (HUNTER MILL DISTRICT)** (9:40 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to members of the James Madison High School volleyball team for winning the Virginia High School League 6A State championship. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING MARCH 2016 AS "ALTERNATIVE DISPUTE RESOLUTION MONTH" IN FAIRFAX COUNTY** (9:48 a.m.)

Supervisor Cook moved approval of the Proclamation to designate March 2016 as "*Alternative Dispute Resolution Month*" in Fairfax County and urged all residents to recognize the many benefits of alternative dispute resolution programs and to acknowledge the valuable role of volunteers who offer their services to neighbors, fellow students, and peers in the workplace. Supervisor McKay seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MARCH 2016 AS "WOMEN'S HISTORY MONTH" IN FAIRFAX COUNTY** (9:58 a.m.)

Supervisor Gross moved approval of the Proclamation to designate March 2016 as "*Women's History Month*" in Fairfax County as a time to recognize all women

whose tireless efforts toward equality continues to benefit the community. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING MARCH 7-14, 2016, AS "RESTAURANT WEEK" IN FAIRFAX COUNTY** (10:10 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate March 7-14, 2016, as "*Restaurant Week*" in Fairfax County and urged all residents to support and enjoy the local culinary treasures and recognized industry for its support in the community. Supervisor L. Smyth and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

7. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:20 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, announced that the committee met on February 19 and 26; a report from the committee was distributed today. Supervisor McKay presented the report on General Assembly activities.

He announced that two County initiatives have passed the General Assembly:

- One clarifies that juvenile law enforcement records can be released to facilitate participation in diversion program
- The other changes the \$250 no-plate penalty to an annual penalty for each year a vehicle is not properly registered and does not display Virginia license plates

Supervisor McKay noted that the Senate version of the proffer legislation, which the County opposes, also passed the General Assembly and is on its way to the Governor who will have seven days to sign, amend, or veto it when received. As previously mentioned, in anticipation that this legislation would pass, Chairman Bulova and Supervisor McKay met with the Governor to express the County's concerns about the impact this legislation will have on development in the County. Legislative staff will continue to update the Board on the status of the proffer legislation as information becomes available.

The most critical piece of unfinished business this session is the State budget. During the February 26 Legislative Committee meeting, staff provided an analysis of how the budgets adopted by the House and Senate affect key County priorities, particularly funding of K-12 education. The good news is both the House and Senate budgets provide additional funding for County public schools, although neither budget provides the level of funding needed to ensure adequate funding for County schools. They are steps in the right direction and move the discussion forward. Events in Richmond will be closely monitored and staff will be providing updates to the Board as the budget process unfolds. He added that work with the

County's delegation will continue and to strongly push this issue with the General Assembly during the remainder of this year's budget process and in the months and years ahead.

Supervisor McKay thanked his colleagues who attended the County's February 17 reception in Richmond honoring the Fairfax delegation to the General Assembly. This provided an opportunity for productive, in-person conversations on key legislation, including the proffer bill and education funding.

Supervisor McKay moved adoption of Legislative Committee Report Number Three. Supervisor Gross seconded the motion. Following discussion concerning Airbnb legislation, the question was called on the motion and it carried by unanimous vote.

EBE:ebe/det/pmh

8. **ADMINISTRATIVE ITEMS** (10:25 a.m.)

Supervisor Gross moved approval of Administrative Items, with the exception of Admin 5, which will be considered separately. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

ADMIN 1 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2012-PR-012 (TD BANK) (PROVIDENCE DISTRICT)

(AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 2012-PR-012 to December 18, 2016, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 2 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individuals, identified with their registration numbers, as Plans Examiners:

- Jessica L. Mack, PE (313)
- Keith G. Simpson (314)
- Michael R. Albright (315)

ADMIN 3 – 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, BASE CHARGES, AND THE EQUIVALENT FLOW FACTOR, AND TO MAINTAIN THE AVAILABILITY CHARGES AND FIXTURE UNIT CHARGE

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 5, 2016, 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, base charges, and the equivalent flow factor, and to maintain the availability charges and fixture unit charge.

ADMIN 4 – RESOLUTION FOR ENDORSEMENT OF BELLVIEW ROAD TO BE CONSIDERED FOR CUT-THROUGH MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE DISTRICT)

- (R) Adopted a Resolution endorsing Bellview Road (between Towlston Road and Georgetown Pike) to be included as part of the RTAP for cut-through measures.

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2017 BUDGET AND REQUIRED TAX RATES, THE FY 2017 EFFECTIVE TAX RATE INCREASE, AND THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYs 2017-2021 (WITH FUTURE FYs TO 2026)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #9.)

9. **ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2017 BUDGET AND REQUIRED TAX RATES, THE FY 2017 EFFECTIVE TAX RATE INCREASE, AND THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYs 2017-2021 (WITH FUTURE FYs TO 2026)** (10:27 a.m.)

- (A) (NOTE: Earlier in the meeting it was noted that this item would be considered separately. See page 4.)

Supervisor McKay moved that the Board authorize the advertisement of the publication of the FY 2017 advertised Budget, the effective tax rate increase, the advertised CIP, and required tax rates as outlined in Administrative Item 5, with the adjustment that the Board advertise a real estate tax rate of \$1.14 per \$100 of assessed value which is more than the County Executive recommended and reflects a five cent increase over the current real estate tax rate of \$1.09 per \$100 of assessed value. As a result of advertising this rate, the Board may not go higher than \$1.14

per \$100 of assessed value. While not committing to this rate, the Board is providing flexibility as it hears from the community and ultimately make a decision on the tax rate in April. Chairman Bulova seconded the motion.

Chairman Bulova provided an explanation of the tax rate increase and the County's ability to meet the needs of the community.

Chairman Bulova recognized the following School Board Members who were present and warmly welcomed them to the Board Auditorium:

- Dalia Palchik, Providence District
- Karen Corbert Sanders, Mount Vernon District

Supervisor Storck moved a substitute motion to increase the matching tax rate to be advertised at \$1.15 per \$100 of assessed value which is a six cent increase over the current rate of \$1.09. Supervisor K. Smith seconded the motion.

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

Chairman Bulova recognized the following School Board Members who were present and warmly welcomed them to the Board Auditorium:

- Elizabeth Schultz, Springfield District
- Megan McLaughlin, Braddock District
- Chairman Pat Hynes, Hunter Mill District

Discussion continued regarding revenue that could be generated by cigarette and alcohol taxes.

Supervisor McKay noted that the funding piece of the Senate and House Budget's sales tax numbers provided at Friday's Legislative Committee meeting had been revised as follows; the total FY 2017 increase for FCPS could be \$15.7 million in the House budget and \$17.5 million in the Senate budget.

Following additional discussion, the question was called on the substitute motion and it **FAILED** by a recorded vote of seven, Supervisor Foust, Supervisor K. Smith, and Supervisor Storck voting "AYE."

The question was called on the main motion and it **FAILED** by a recorded vote of five, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, and Chairman Bulova voting "AYE."

Supervisor Gross moved that the Board authorize the County Executive's recommendation, to include a four cent tax increase, as outlined in the Board Agenda Item dated March 1, 2016.

Chairman Bulova seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor Herrity, Supervisor K. Smith, and Supervisor Storck voting "NAY."

Following comments regarding funding sources, Supervisor Hudgins moved that the Board direct staff to provide the following information:

- An update on the 2014 report from the "Meals Tax in Fairfax County Task Force"
- Should a meals tax referendum be successful, a timeline of implementation to assist the restaurant industry
- An explanation of the cost to help the industry be prepared to implement a meals tax should a referendum be successful
- A timeline for the Board to take steps necessary to be in compliance with a referendum if successful

Chairman Bulova seconded the motion.

Following discussion regarding the motion, Supervisor Herrity asked to amend the motion to direct staff to:

- Include information from neighboring jurisdictions that do not have a meals tax
- Update the report with impacts from the restaurant industry

This was accepted.

Supervisor Cook asked to amend the motion to include a request for information about revenue that could be generated by a potential alcohol tax and for an analysis of the Business, Professional, and Occupational licensing (BPOL) tax. This was accepted.

Supervisor L. Smyth asked to amend the motion to include a review of the history of the Transit Occupancy Tax. This was accepted.

Supervisor McKay asked to amend the motion to include a legal analysis on how to ensure that 100 percent of the revenues generated through a meals tax will be retained in Northern Virginia. This was accepted.

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

(NOTE: Later in the meeting further action was taken regarding this item. See Clerk's Summary Item #46.)

10. **A-1 – APPROVAL OF AN OFF-SITE PARKING REQUEST FOR 6862 ELM STREET (DRANESVILLE DISTRICT)** (11:30 a.m.)

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 use of off-site parking spaces to serve the existing office building located at 6862 Elm Street during the interim construction period for the proposed development of the multi-family building and parking garage approved under Rezoning Application RZ 2012-DR-019, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 1, based on an analysis of the parking requirements for the existing building and the Parking Plan, #3728-PKS-002-1, subject to the conditions outlined in the Board Agenda Item dated March 1, 2016.

11. **A-2 – CALENDAR YEAR (CY) 2016 FOREST PEST MANAGEMENT PROGRAM** (11:32 a.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and directed staff to take the actions concerning the County's CY 2016 Forest Pest Management Program, as outlined in the Board Agenda Item dated March 1, 2016.

Supervisor Cook asked unanimous consent that the Board direct staff to develop a summary of information on the Zika Virus for public distribution. Without objection, it was so ordered.

12. **A-3 – GRANT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (VDEQ) AND THE COUNTY FOR THE ACCOTINK TRIBUTARY AT WAKEFIELD PARK, SOUTH; ACCOTINK TRIBUTARY AT WAKEFIELD PARK, NORTH; PAUL SPRING BRANCH AT GILBERT McCUTCHEON PARK; COLONY PARK; ACCOTINK TRIBUTARY AT DAVENTRY; DIFFICULT RUN AT OAKTON ESTATES; INVERCHAPEL ROAD OUTFALL REHABILITATION; AND FLATLICK BRANCH, PHASE I PROJECTS (BRADDOCK, MASON, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)** (11:36 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Cook, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the Grant Agreement between VDEQ and the County

- Authorized the County Executive or his designee to sign the agreement with VDEQ to provide Stormwater Local Assistance Funds (SLAF) grant funds to the County for the design and construction of the Accotink Tributary at Wakefield Park, South; Accotink Tributary at Wakefield Park, North; Paul Spring Branch at Gilbert McCutcheon Park; Colony Park; Accotink Tributary at Daventry; Difficult Run at Oakton Estates; Inverchapel Road Outfall Rehabilitation; and Flatlick Branch, Phase I projects

13. **A-4 – APPROVAL OF THE DISEASE CARRYING INSECTS PROGRAM**
(11:37 a.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by unanimous vote, 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 1, 2016.

14. **A-5 – APPROVAL OF PROJECT FUNDING ADJUSTMENTS FOR THE TRANSPORTATION PRIORITIES PLAN** (11:38 a.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and approve funding for the following projects:

- \$1,200,000 – for warranted traffic signals throughout the County
- \$500,000 – for Old Telegraph Road Walkway
- \$460,000 – to extend the southbound Fairfax County Parkway left turn lane storage at John J. Kingman Road
- \$7,250,000 – for the purchase of property associated with a road extension in Bailey's Crossroads. \$6,350,000 million will be for the purchase of the land, and the remaining \$900,000 will be used for demolition of the office building currently on the property

Supervisor Gross seconded the motion.

Tom Biesiadny, Director, Department of Transportation, gave a brief presentation on the sources of revenue and uses of the transportation funds.

Discussion ensued, with input from Mr. Biesiadny, regarding funding for traffic signals.

Discussion continued, with input from Robert Stalzer, Deputy County Executive, regarding the \$7,250,000 amount for the purchase of the property and the appraisals that were conducted.

Discussion ensued, with input from Mr. Biesiadny and Mr. Stalzer regarding:

- Other sources of funds used to support transportation projects
- Reallocation of reserved funds to support other projects
- Use of general fund dollars for transportation improvements
- Cost for the demolition of an existing structure on the Bailey's property

Following discussion, Supervisor Herrity noted the reason for his previous recusal and said that he will not support the motion because of the fourth bulleted item.

Discussion continued regarding the criteria for use of reserved funds for other projects.

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

DET:det

ADDITIONAL BOARD MATTERS

15. **JOINT RETREAT – SAVE THE DATE** (11:56 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and announced that the Board will hold a joint retreat with the Fairfax County School Board on June 14, 2016, from 9 a.m. to 2 p.m., and asked Board Members to please reserve the date. The location, agenda, and other information will be forthcoming.

Discussion ensued concerning adding naming rights for school and County facilities to the agenda.

16. **AGENDA ITEM FOR PLANNING COMMISSION SCHOOL FACILITIES COMMITTEE** (11:59 a.m.)

Chairman Bulova stated that the County's growth strategy is to encourage new development in its activity centers. Because some of the new development is residential, there is also a need for Fairfax County Public Schools (FCPS) to provide additional classroom capacity in those areas. The County and FCPS were able to take advantage of an opportunity to re-purpose a vacant office building for a school in the Bailey's Crossroads/Seven Corners area, but the need for classrooms and facilities continues to grow.

To assist the County in making future locational decisions about schools in the County's activity centers, Chairman Bulova moved that the Board request that the

Planning Commission's School Facilities Committee, which is chaired by Commissioner-at-Large Tim Sargeant, develop locational and character criteria for such schools for potential inclusion in the Public Facilities section of the Policy Plan element of the County's Comprehensive Plan, and that this effort be completed no later than October 1 of this year. Vice-Chairman Gross seconded the motion.

Discussion ensued concerning:

- Providing flexibility in locational decisions to account for geographic differences and that land is sometimes not available where classrooms are needed
- Developing criteria that can be used to evaluate sites, as opposed to identifying specific sites

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

17. **REQUEST FOR RECOGNITIONS** (12:04 p.m.)

Chairman Bulova asked unanimous consent that the Board direct staff to:

- Invite representatives from the Health Department to appear before the Board in April to accept a proclamation recognizing "*Public Health Week*" in Fairfax County
- Invite representatives from the Health Department to appear before the Board on December 1 to accept a proclamation recognizing "*HIV/AIDS Awareness Day*" in Fairfax County
- Invite representatives from the Office of Public Private Partnerships and Cox Charities to appear before the Board to announce grants awarded to local non-profits that further the academic success of youth in the County
- Prepare a proclamation recognizing the past achievements of the Fairfax Partnership for Youth as it winds down operations which will be presented by the Chairman at a separate meeting
- Prepare and send to the Health Department proclamations and certificates recognizing "*Fight the Bite Awareness Month*" in June and "*Immunization Awareness Month*" in August
- Prepare and send to the local board of the National Multiple Sclerosis (MS) Society a proclamation recognizing March 7-13 as "*MS Awareness Week*"

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

18. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:05 p.m.)

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

EBE:ebe

19. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (12:05 p.m.)

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

20. **REAFFIRMATION OF COMMITMENT TO DOWNZONING OF OCCOQUAN WATERSHED (SPRINGFIELD DISTRICT)** (12:06 p.m.)

Supervisor Herrity said that on July 26, 1982, the Board down-zoned approximately 41,000 acres in the Occoquan Basin to a maximum density of one house per five acres and imposed water supply protection controls on approximately 64,500 acres. This action was taken to protect the Occoquan Watershed and the Occoquan Reservoir that supplies drinking water to 600,000 people in Northern Virginia from the effects of non-point source pollution. The decision was challenged and upheld by the Fairfax County Circuit Court in 1985, preserving the zoning that helps protect the reservoir and reinforcing the ability of local governments in Virginia to implement comprehensive plans and effectively plan for the future.

In 2002, this Board celebrated the twentieth anniversary of the downzoning decision and proclaimed 2002 as the Occoquan Watershed Year. Since then, the County has continued to protect and restore this vital natural resource through the implementation of stormwater management projects. Additionally, the Board has welcomed the diversity of agritourism uses that are in keeping with the tradition and heritage of the area and at the same time continue to preserve the downzoning and protect the water quality of our streams.

Today, the Occoquan Reservoir provides safe drinking water for over one million Northern Virginia residents, the streams are rated as among the healthiest in the County, and many residents serve as stewards of the watershed to help protect its viability. The Occoquan Watershed Coalition, whose mission since 1994 has been to preserve the watershed's rural nature and character, is regrouping and recommitting themselves to protecting this environmentally sensitive area. Many others have served and continue to serve as leaders and stewards of this area including the Audubon Naturalist Society's Webb Nature Sanctuary, Fairfax Trails and Streams, Friends of Little Rocky Run, Friends of the Occoquan, Northern Virginia Soil and Conservation District, Occoquan Watershed Monitoring Lab, and the Western Fairfax County Citizens Association.

Supervisor Herrity said that this Board has seven members (including himself) who did not participate in the 2002 proclamation. In light of that and the recommitment

of the stewards dedicated to the preservation of the area, he believes it is important to reaffirm the commitment to the protection of the Occoquan watershed.

Therefore, jointly with Chairman Bulova, Supervisor K. Smith, and Supervisor Storck, Supervisor Herrity moved that the Board, on behalf of all citizens of the County, reaffirm their commitment to the continued efforts by the County, related agencies and residents to protect and preserve this important natural resource for future generations. Supervisor Foust seconded the motion.

Following a brief discussion regarding the motion, the question was called on the motion and it carried by a vote of eight, Supervisor K. Smith and Supervisor Storck being out of the room.

21. **ARDEN COURTS - FAIR OAKS OF FAIRFAX VA, LLC WAIVER OF FILING FEES (SPRINGFIELD DISTRICT)** (12:10 p.m.)

Supervisor Herrity said that Arden Courts – Fair Oaks of Fairfax VA, LLC, has a pending Special Exception Amendment Application, SEA 84-P-129-04, to add eight beds to an existing assisted living facility located at Tax Map Number 45-4, ((1)), parcel 6B. In conjunction with that application, staff recently notified the applicant that it also must file a proffered condition amendment application as a housekeeping measure to conform a proffered plan associated with this site to the special exception amendment application if approved. Both applications will be addressed in a single staff report and there will be few additional costs associated with the filing of this proffered condition amendment application, except for the substantial filing fee.

Supervisor Herrity said that after consultation with the County Attorney's Office, he believes that good cause exists pursuant to Zoning Ordinance Section 18-106 to waive the fees associated with the filing of this proffered condition amendment application. The applicant will continue to be responsible for paying all fees associated with the filing of the special exception amendment application.

Therefore, Supervisor Herrity moved that the Board waive the fees associated with the filing by Arden Courts - Fair Oaks of Fairfax VA, LLC, of a proffered condition amendment application for the property located at Tax Map Number 45-4, ((1)), parcel 6B. This motion should not be construed as a favorable recommendation for this proposed amendment or any subsequent rezoning or other applications. Chairman Bulova seconded the motion.

Discussion ensued, with input from Elizabeth A. Teare, Deputy County Attorney, regarding Zoning Ordinance provisions for waiving fees.

Supervisor Cook asked unanimous consent that the Board direct the County Attorney and staff to review whether a policy can be developed to address fee waivers and filing requirements for proffered condition amendments and what the ramifications will be. Without objection, it was so ordered.

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

22. **ROBINSON SECONDARY SCHOOL SWIMMING AND DIVING CHAMPIONSHIPS (SPRINGFIELD DISTRICT)** (12:19 p.m.)

Supervisor Herrity said that on February 20, 2016, Robinson Secondary School's Men's and Women's Swim and Dive teams swept the 2016 Virginia 6A State High School Championships. Throughout the past few years, the Robinson Women had finished seventh in 2013, fifth in 2014, third in 2015, and were able to finish as champions in 2016. Overall, the Women's team finished the meet with a total of 212 points. This is due in part to Hannah Baker who scored first place in the 50-freestyle and the 100-freestyle, as well as anchoring the 200 freestyle relay.

Swimmer James Murphy's four first place finishes helped ensure the Men's third state championship within the last four years. Each of these team's swimmers' commitment to excellence reflects positively on the County and its scholastic and academic programs.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite the Robinson Secondary School Men's and Women's Swim and Dive teams to appear before the Board to receive a resolution honoring their outstanding accomplishments of winning the 2016 Virginia 6A Women's and Men's State High School Championships. Without objection, it was so ordered.

23. **CONGRATULATIONS TO MS. KATE MURPHY (SPRINGFIELD DISTRICT)** (12:20 p.m.)

Supervisor Herrity said he wanted to congratulate Lake Braddock Secondary School student Kate Murphy on her record-breaking performance at the Millrose games. She won the gold medal after finishing a 4:41:84 mile beating the record by four seconds, and was also the fastest mile run in the US this year. While being bumped to the back of the pack at the start of the race, Kate pushed through and made it to the front.

PMH:pmh

24. **RECOGNIZING APRIL AS NATIONAL DONATE LIFE MONTH** (12:21 p.m.)

Supervisor Cook said that earlier this year, Charlie Dane, an active member of the County's Commission on Organ and Tissue Donation and Transplantation, died.

Supervisor Cook noted that April has long been recognized as a month to celebrate those who have received organ or tissue transplants, to recognize those who continue to wait, to honor donors and their families and to thank registered donors for giving hope. More than 121,000 people in the United States are currently on a waiting list to receive an organ transplant — nearly 700 are listed at Inova Fairfax Hospital. Tragically, on average 22 people die every day waiting for the short supply of donated organs.

By registering to become a donor, each person has the potential to give life. One organ donor can save and heal the lives of up to eight people through organ donation and countless others through tissue donation. To register to become an organ, eye, and tissue donor visit www.DonateLifeVirginia.org.

Therefore, Supervisor Cook asked unanimous consent that the Board recognize April as “*National Donate Life Month*” in Fairfax County and direct staff to invite members of the Commission on Organ and Tissue Donation and Transplantation to appear before the Board to be recognized for their dedication to this cause. Without objection, it was so ordered.

25. **NO BOARD MATTERS FOR SUPERVISOR HUDGINS (HUNTER MILL DISTRICT)** (12:22 p.m.)

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

26. **CHANTILLY HIGH SCHOOL – 2016 FIRST AMENDMENT PRESS FREEDOM AWARD (SULLY DISTRICT)** (12:22 p.m.)

Supervisor K. Smith announced that the Journalism Education Association (JEA) recently named Chantilly High School as a recipient of the 2016 First Amendment Press Freedom Award. Chantilly High School was one of 11 high schools from across the US to receive this award. This is the second consecutive year that Chantilly received this recognition.

Therefore, Supervisor K. Smith asked unanimous consent that the Board direct staff to invite Principal Teresa Johnson and the journalism students from Chantilly High School to appear before the Board to be acknowledged for their superior achievement. Without objection, it was so ordered.

27. **MACS RETAIL LLC EXPEDITED PROCESSING (SULLY DISTRICT)** (12:23 p.m.)

Supervisor K. Smith said that MACS Retail LLC has filed a proffered condition amendment and a final development plan amendment application to redevelop an existing service station within the Sully Station Shopping Center located on property identified as Tax Map Reference 44-3 ((7)) B3 (part). The applicant proposes to remove an existing 530 square foot retail kiosk, replace it with three additional fueling dispensers, and add an approximately 3,520 square foot quick service food store to the subject property. The proposed improvements will expand and update a longstanding existing use within the Sully Station Shopping Center. Due to timing associated with the applicant's lease, the applicant seeks to expedite and concurrently process a site plan application.

Therefore, Supervisor K. Smith moved that the Board direct staff to:

- Expediently process the pending proffered condition amendment and final development plan amendment applications

- Accept for concurrent and simultaneous processing any site plans, architectural drawings, or other drawings as may be necessary in conjunction with the pending applications.

This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

28. **SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 98-Y-011 EXPEDITED PROCESSING (SULLY DISTRICT)** (12:25 p.m.)

Supervisor K. Smith said that Special Exception Amendment Application SEA 98-Y-011, filed by RWG Ventures, Incorporated, is requesting to delete an existing development condition to permit the existing service station to be able to sell alcoholic beverages, consistent with other similar businesses in the vicinity; the application is currently scheduled to be heard by the Planning Commission for public hearing on May 26, 2016. There are no site modifications requested, and there would be no construction or other changes to the existing operation of the service station. Staff has informed her that their preliminary review of this application has identified no issues.

Therefore, taking these factors into consideration, as well as the amount of time that will be required to pursue an ABC license with the State, Supervisor K. Smith moved that the Board direct staff to process the application as expeditiously as possible. This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

29. **MOTION FOR ZONING ORDINANCE AMENDMENT TO ADD A SHAPE FACTOR REQUIREMENT IN THE RC DISTRICT** (12:27 p.m.)

In a joint Board Matter with Supervisor L. Smyth and Supervisor Herrity, Supervisor K. Smith said that in 2006 the Board adopted a Zoning Ordinance amendment that added a shape factor requirement for lots located in the R-E through R-8 Districts. The requirement was adopted in response to concerns raised by the Board and staff regarding the considerable increase in the number of irregularly shaped lots being created within conventional single family subdivisions. These irregularly shaped lots exhibited characteristics such as elongated appendages, extreme width to depth ratios, and lot lines with sharply acute angles which often made it difficult, if not impossible, for homeowners to ascertain certain lot line locations. More regular lot shapes result in lots that have more easily identifiable front, side, and rear yards which facilitates the determination of a building footprint and the location of any future additions and/or

accessory structures. Lots that are more regularly shaped also provide fewer difficulties with respect to yard and septic system maintenance. Lots that were the most irregular were those that were designed for the purpose of achieving minimum lot width or for septic drain fields. It was staff's view that a great majority of the irregularly shaped lots were created in order to maximize lot yield.

Shape factor is designed to prevent irregularly shaped lots by providing a measurement by which the compaction and degree of regularity of the shape of a lot can be evaluated. Shape factor is the non-dimensional ratio of the lot perimeter squared, divided by the lot area, where the perimeter and area are derived from the same unit of measurement. To understand the context of shape factor, the most compact geometric shape is the circle which has a shape factor of 12.5. A square has a shape factor of 16. The 2006 amendment allowed a maximum shape factor of 35 by-right in the R-E through R-8 Districts with the potential of increasing the shape factor up to 50 in very limited circumstances with special exception approval by the Board. At the time of the amendment it was believed that shape factor should not apply to the R-C District as most lots in the R-C District required septic drain fields, the minimum lot size for a conventionally developed lot in the R-C District was five acres and subdivision approval is not required for such development.

However, it was recognized after the shape factor requirement went into effect that it might be appropriate to include a shape factor requirement in the R-C District. The incorporation of a shape factor requirement in the R-C District was added to the Priority 2 list of the Zoning Ordinance Amendment Work Program in 2007. Recently, there have been a number of residential developments in the R-C District, specifically along Bull Run Post Office Road in the Sully District, that have resulted in lots with highly irregular shapes. An example of such a development is included on the handout. Lot 6 is outlined in red and this lot has a shape factor of 1,211, which is approximately 35 times greater than that allowed in other districts. It is very clear that such lots are undesirable for a number of reasons.

To minimize the creation of irregularly shaped lots from occurring in the R-C District in the future, Supervisor K. Smith moved that the Shape Factor item on the Priority 2 list of the 2015 Zoning Ordinance Amendment Work Program be moved to the Priority 1 list, and that this proposed amendment be brought to the Board for authorization of public hearings prior to the summer recess. Supervisor Herrity seconded the motion and it carried by unanimous vote.

30. **TRANSFORMING NORTH HILL (MOUNT VERNON DISTRICT)**
(12:32 p.m.)

Supervisor Storck said that in June of 2015, the Board authorized Embark, a major study of the Richmond Highway Corridor, to consider Comprehensive Plan land use guidance supportive of a new multimodal transit system from the Huntington Metro Station to Accotink Village. The North Hill site, which is seeking authorization as a separate Comprehensive Plan amendment to allow a focused and expedited review, is located in the Richmond Highway Corridor study area north of Dart Drive.

The North Hill site is part of a 48-acre tract, formerly known as the Woodley Nightingale Mobile Home Park, which has been owned by the Redevelopment and Housing Authority (RHA) since 1981. In 1991, the RHA redeveloped a 15-acre portion of the tract for 115 mobile home pad sites, while removing pad sites from the 33-acre North Hill site principally in response to concerns about the stability of marine clay soils on steep slopes.

In the years since then, various proposals for re-use of North Hill have been discussed and by-right development of 11 acres of the land for 67 manufactured homes was being considered. But now, through a proposal received through the Public Private Education Facilities and Infrastructure Act of 2002, there appears to be an opportunity to provide affordable and market rate housing, support the further revitalization of Richmond Highway, and increase future transit use.

Therefore, Supervisor Storck moved that the Board authorize a Comprehensive Plan amendment for the North Hill area, an area of approximately 33 acres east of Richmond Highway and north of Dart Drive to consider a mix of approximately 278 multifamily units and 195 townhouses, as well as limited community serving uses as may be appropriate. The study should evaluate approaches to:

- Provide housing affordable to a wide range of incomes
- Mitigate transportation impacts
- Use building form, height, and orientation to create a vibrant and active community
- Create a large public park accessible to all members of the community as well as private recreational amenities for the new residential community
- Address public facilities needs generated by new uses

Chairman Bulova seconded the motion.

Supervisor McKay asked unanimous consent that the Board direct staff to evaluate transportation challenges on Route 1 and impacts on schools in the area. Without objection, it was so ordered.

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

31. **REQUEST FOR WAIVER OF FEES FOR ALEXANDRIA ASIAN AMERICAN LIONS CLUB (LEE DISTRICT)** (12:37 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor McKay said that he is requesting a waiver of the application fees for permits associated with the flea markets held by the Alexandria Asian American Lions Club.

The Board has approved waiver requests for the Lions annually since 1994. Because of high demand from the vendors and shoppers, the Alexandria Asian American Lions Club has been asked by the Springfield Franconia Host Lions Club to operate a flea market on April 30, May 14, June 11, July 16 and 30, August 13, September 17, October 1 and 29, and November 12, 2016, at the VRE parking lot off Backlick Road. The Alexandria Asian American Lions Club flea market will not conflict with the Springfield Franconia Host Lions Club's regular twice-a-month schedule.

All net proceeds from these flea markets are returned to the community. The Alexandria Asian American Lions Club supports organizations such as ECHO, ADA, and the Juvenile Diabetes Foundation and assists indigent citizens with eyeglass prescriptions and hearing aids.

Therefore, Supervisor McKay moved to waive the application fees for permits associated with the Alexandria Asian American Lions Club flea markets. Supervisor Gross seconded the motion and it carried by unanimous vote.

32. **CRIME VICTIMS' RIGHTS WEEK** (12:38 p.m.)

Supervisor McKay said that Americans are the victims of more than 20 million crimes each year. Crime can touch the lives of anyone regardless of age, national origin, race, creed, religion, gender, sexual orientation, immigration, or economic status.

Many victims face challenges in finding appropriate services, including victims with disabilities, young victims of color, deaf and hard-of-hearing victims, LGBTQ victims, tribal victims, elder victims, victims with mental illness, immigrant victims, teen victims, victims with limited English proficiency, and others.

Victims of repeat victimization who fail to receive supportive services are at greater risk for long-term consequences of crime. The victim services community has worked for decades to create an environment that is safe, supportive, and effective. Intervening early with services that support and empower victims provides a pathway to recovery from crime and abuse; honoring the rights of victims, including the right to be heard and to be treated with fairness, dignity, and respect, and working to meet their needs rebuilds their trust in the criminal justice and social service systems. Serving victims and rebuilding their trust restores hope to victims and survivors, as well as their communities.

National Crime Victims' Rights Week, April 10-16, 2016, is an opportune time to commit to ensuring that all victims of crime—even those who are challenging to reach or serve—are offered culturally and linguistically accessible and appropriate services in the aftermath of crime; and the Fairfax County Police Department Victim Services Section is dedicated to building partnerships with trusted sources of support, including other victim service providers, community leaders, religious

groups, schools, and other agencies to better reach and serve all victims of crime, no matter their community.

Therefore, Supervisor McKay moved that that the Board proclaim April 10-16, 2016, as “*Crime Victims’ Rights Week*” in Fairfax County and affirm its commitment to creating a victim service and criminal justice response that assists all victims of crime; and to express the Board’s sincere gratitude and appreciation for those community members, victim service providers, and criminal justice professionals who are committed to improving the response to all victims of crime, so they may find relevant assistance, support, justice, and peace. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

33. **FREE TAX RELIEF ASSISTANCE (LEE DISTRICT)** (12:41 p.m.)

Supervisor McKay said that on Monday, March 7, and Thursday, March 10, the Department of Tax Administration (DTA) will provide free tax relief assistance for eligible Lee District older adults and people with disabilities.

No appointments will be necessary for this service—just drop by the community room of the Franconia Governmental Center anytime between 10 a.m. and 2 p.m.

Also, on Wednesday, March 30 at 7 p.m., Supervisor McKay said he will hold a budget meeting for Lee District residents. He will be joined by Tamara Derenak Kaufax, the Lee District School Board Representative, as well as budget staff from both the County and the Schools.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to inform the community of both the free tax relief assistance service and the Lee District community budget meeting. Without objection, it was so ordered.

34. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(12:42 p.m.)

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

35. **RECESS/CLOSED SESSION** (12:42 p.m.)

Supervisor Gross 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. *Lenir Richardson v. Officer O.J. Faulk, Officer D.N. Custer, Officer Rizza, Commonwealth of Attorney [sic], Sergeant Mario Torres*, Case No. 1:15cv1489 (E. D. Va.)
 2. *Anthony D. Craft v. County of Fairfax, Virginia*, Case No. 1:16cv86 (E.D. Va.)
 3. *Randy H. Hadijski and Dimitri Hadijski v. County of Fairfax Department of Planning and Zoning*; Case No. CL-2015-0016225 (Fx. Co. Cir. Ct.) (Lee District)
 4. *Wilson Haywood Phillips v. Fairfax County Park Authority and Fairfax County*, Case No. CL-2015-0012152 (Fx. Co. Cir. Ct.)
 5. *Amy Marshall v. Damien Cichocki*, Case No. CL-2015-0009608 (Fx. Co. Cir. Ct.)
 6. *In Re: Decision of September 17, 2014, of the Board of Zoning Appeals of Fairfax County, Virginia, and Jonathan Clark and Carolyn Clark v. Fairfax County Board of Supervisors, Leslie B. Johnson, Zoning Administrator, and Jeffrey L. Blackford, Director, DCC*, CL-2014-0013587 (Fx. Co. Cir. Ct.) (Mason District)
 7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marsha G. Savage*, Case No. CL-2010-0013693 (Fx. Co. Cir. Ct.) (Lee District)
 8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2012-0019078 (Fx. Co. Cir. Ct.) (Dranesville District)

9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2010-0002573 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John R. Ross, III, and Alice W. Ross*, Case No. CL-2015-0011118 (Fx. Co. Cir. Ct.) (Hunter Mill District)
12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jubilo Incorporated*, Case Nos. GV15-015625, and GV15-026466 (Fx. Co. Gen. Dist. Ct.) (Sully District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory Miklasiewicz*, Case Nos. GV15-028913 and GV15-028914 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
14. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Ching*, Case No. GV15-026821 (Fx. Co. Gen. Dist. Ct.) (Sully District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Andrea Viski and Brian Lucas*, Case No. GV16-002241 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ali Matthew Bastani*, Case No. GV16-002242 (Fx. Co. Gen. Dist. Ct.) (Providence District)

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

DAL:dal

At 2:36 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

36. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:36 p.m.)

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

37. **APPOINTMENT OF THOMAS FLEETWOOD AS DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)** (2:37 p.m.)

Supervisor Gross moved the appointment of Thomas Fleetwood as Director, HCD, Grade E-12, with a starting salary of \$160,000 effective March 1, 2016. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

Chairman Bulova recognized the presence of Mr. Fleetwood in the Board Auditorium and, on behalf of the Board, congratulated him on the appointment.

AGENDA ITEMS

38. **2:30 P.M. – SNOWZILLA SNOW SUMMIT** (2:38 p.m.)

Chairman Bulova set the stage for the summit, noting that a Snow Summit Agenda was distributed around the dais. Presentations were given from the following perspectives:

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

Branco Vlacich, District Maintenance Engineer, VDOT, gave a presentation outlining the following:

- VDOT Roads and Resources
- How Subdivisions are Assigned and Plowed

- Mobilization for Snowzilla
- Frequently Asked Questions
- Lessons Learned
- Information Resources

FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS)

Jeffrey Platenberg, Assistant Superintendent, FCPS, gave a presentation outlining the following:

- School Closure Decision Making Process
- Impact of Snow Removal Operations
- Things that Worked Well
- Clearing Sidewalks
- Use of GPS and Radios to Support Emergency Operations
- Challenges

PUBLIC SAFETY

David Rohrer, Deputy County Executive for Public Safety, gave a presentation, noting the following key points:

- Preplanning worked well
- Decision to close County government/courts at noon, Friday, January 22
- County government/courts closure decisions for Monday and Tuesday, January 25–26
- Safety as key focus area
- Public messaging/outreach
- Emergency Operations Center
- Operational updates were effective
- Calls for service

- Power outages were low
- Challenges

COUNTY SNOW OPERATIONS

James Patteson, Director, Department of Public Works and Environmental Services (DPWES), and Joseph Bui, Assistant Director, DPWES, gave a presentation, outlining the following:

- Strengths of Snow Removal efforts
- Lessons Learned from Snowmagedon
- Challenges of Snow Removal Efforts
- Local Jurisdictions Snow Removal Ordinance Comparison
- Department of Transportation – County Assets
- Snow Removal Feedback from Tysons Partnership
 - Strengths
 - Areas for Improvement
- Next Steps

Discussion ensued, with Board Members expressing their views and noting the concerns, issues, and problems encountered by constituents in their respective Districts during and after the Snowzilla, including:

- Matching of snow removal equipment to the situation (some snow plows were unable to handle the load)
- Clearing passageways for pedestrians, to keep them from walking in the street
- Neighborhood streets not being plowed in a timely manner
- Priority being given for plowing out emergency personnel
- Sidewalks being cleared, then piled with snow again
- Reaching individuals with medical needs

- Pothole, parking, and traffic sign issues

Chairman Bulova thanked everyone for their participation in the summit.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff, working with the County Executive and staff from each District Office, to develop a work plan of things on which to follow up. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

Chairman Bulova announced that a public hearing is being deferred and the Board will proceed with the deferral.

40. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2011-PR-023/CDPA 2011-PR-023 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT)** (4:40 p.m.)

(NOTE: On February 16, 2016, the Board deferred this public hearing until March 1, 2016.)

Supervisor L. Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA 2011-PR-023 until **March 15, 2016, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

41. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 79-D-071-02 (THE TEA CENTER, LLC) (DRANESVILLE DISTRICT)** (4:41 p.m.)

The application property is located at 999 Balls Hill Road, McLean 22101, Tax Map 21-3 ((1)) 66B.

Ms. Susan Langdon reaffirmed the validity of the affidavit for the record.

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

Ms. Langdon 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, Supervisor Foust submitted items for the record.

Mr. Van Atta presented the staff and Planning Commission recommendations.

Following a query by Supervisor Foust, Ms. Mayosha Mendis confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 29, 2016.

Supervisor Foust moved:

- Approval of Special Exception Amendment Application SEA 79-D-071-02, subject to the development conditions dated February 29, 2016.
- Modification of the peripheral parking lot landscaping requirement along the Balls Hill Road frontage of the application property in favor of the existing landscaping, as shown on the SEA Plat.
- Modification of the transitional screening and barrier requirements along the southern property line in favor of the existing conditions, as shown on the SEA Plat.

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

42. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-SU-010 (CLAUDIO A. VARGAS) (SULLY DISTRICT)** (4:51 p.m.)

The application property is located at 3930 Kernstown Court, Fairfax, 22033, Tax Map 45-1 ((8)) (16) 21.

Mr. Claudio Vargas reaffirmed the validity of the affidavit for the record.

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

Discussion ensued, within input from Ms. Abrahamson, regarding:

- The total square footage area of the daycare
- Parking issues

Supervisor McKay asked unanimous consent that the Board direct staff to provide information regarding whether square footage standards can be applied to future special exception applications. Without objection, it was so ordered.

Discussion continued, with input from Ms. Abrahamson, who noted that there are no state requirements regarding square footage requirements for home daycare centers.

Mr. Vargas 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. Abrahamson presented the staff and Planning Commission recommendations.

Following a query by Supervisor K. Smith, Mr. Vargas confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 14, 2015.

Supervisor K. Smith moved approval of Special Exception Application SE 2015-SU-010, subject to the development conditions dated October 14, 2015. Supervisor Herrity seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor McKay voting “NAY.”

43. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-SP-022 (EILEEN MEADE DBA MEADE FAMILY DAYCARE) (SPRINGFIELD DISTRICT)** (5:04 p.m.)

The application property is located at 9697 South Run Oaks Drive, Fairfax Station, 22039, Tax Map 97-1 ((6)) 166.

Ms. Eileen Meade reaffirmed the validity of the affidavit for the record.

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

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

Following the public hearing, which included testimony by three speakers, Ms. Meade presented rebuttal.

Ms. Arseneau presented the staff and Planning Commission recommendations.

Following comments, Supervisor Herrity moved to defer decision and leave the record open for written comments on Special Exception Application SE 2015-SP-022 until March 15, 2016. Supervisor McKay and Supervisor L. Smyth jointly seconded the motion.

Supervisor Gross raised a question regarding the language in development condition number 14, and asked unanimous consent that the Board direct staff to review the wording. Without objection, it was so ordered.

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

44. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2015-SP-007 (MRD PROPERTIES LLC) (SPRINGFIELD DISTRICT)** (5:30 p.m.)

- (O) The application property is located on the north side of Westbrook Drive opposite the intersection with Devin Green Lane, Tax Map 55-1 ((8)) H and 55-2 ((3)) G1 and G2.

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

Following the public hearing, which included testimony by four speakers, Ms. Mariska presented rebuttal.

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

Following comments, Supervisor Herrity moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2015-SP-007, from the R-1 and WS Districts to the PDH-3 and WS Districts, and approval of the associated Conceptual Development Plan, subject to the proffers dated January 20, 2016.
- To direct the Director of the Department of Public Works and Environmental Services to permit a deviation from the Tree Preservation Target.

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

(NOTE: On January 21, 2016, the PC approved Final Development Plan Application FDP 2015-SP-007, subject to the development conditions dated December 22, 2015.)

45. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2011-PR-023/CDPA 2011-PR-023 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT)** (No time)

(NOTE: Earlier in the meeting, the Board deferred this public hearing. See Clerk's Summary Item #40.)

46. **RECONSIDERATION OF A PORTION OF ADMIN 5 – REGARDING ADVERTISEMENT OF THE REAL ESTATE TAX RATE** (5:52 p.m.)

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See Clerk's Summary Item #9.)

Supervisor Foust said that he, after consultation with the County Attorney's Office, had additional motions regarding advertisement of the Real Estate Tax Rate that the Board considered earlier in the meeting.

Supervisor Cook raised a point of order regarding parliamentary procedure, and discussion ensued with input from Elizabeth A. Teare, Deputy County Attorney.

Chairman Bulova noted that David Bobzien, County Attorney, had also been consulted regarding the motions.

Discussion continued, with input from Ms. Teare, regarding the process and whether the motions would be considered sequentially.

Supervisor Foust moved that the Board reconsider its action on Supervisor Gross's motion to advertise the County Executive's recommendation of \$1.13 per \$100 of assessed value. Supervisor K. Smith seconded the motion.

Discussion ensued, with Board Members expressing their views/concerns regarding the motion and their support/nonsupport.

The question was called on the motion and it **FAILED** by a recorded vote of five, Supervisor Foust, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting "AYE."

47. **BOARD ADJOURNMENT** (6:20 p.m.)

The Board adjourned.

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