



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
November 1, 2016**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, November 1, 2016, at 9:33 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 Teare, 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; Denise A. Long, Chief 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** (9:34 a.m.)

Supervisor Gross asked everyone to keep in thoughts the family of Ms. Muriel Strickland, who died recently. A longtime resident of the Mason District, she served on the Community Services Board; the National Alliance of Mental Illness (NAMI); and was very active with the Northern Virginia Mental Health Institute. Supervisor Gross said she was a lovely woman and a good friend.

AGENDA ITEMS2. **RECOGNITION PRESENTED TO THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES)** (9:35 a.m.)

The American Public Works Association (APWA) presented DPWES with its accreditation for following nationally-recognized public works practices.

James Patteson, Director, DPWES, thanked Peter Schumann and his team for their work and introduced Elizabeth Treadway, Past President of APWA, who presented the award.

3. **RESOLUTION OF RECOGNITION PRESENTED TO THE RESTON CHORALE** (9:41 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to the Reston Chorale for its fiftieth anniversary, noteworthy dedication to choral music, and extraordinary contributions to the County. Supervisor McKay seconded the motion and it carried by unanimous vote.

The Reston Chorale gave a musical performance.

Chairman Bulova recognized the presence of Congressman Gerry Connolly, Virginia's US House of Representatives 11th District Member, and former Chairman of the Board, and on behalf on the Board, warmly welcomed him to the Board Auditorium.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MR. MICHEL MARGOSIS** (9:58 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Mr. Michel Margosis for his years of extraordinary and exemplary service on the Human Rights Commission and numerous outstanding contributions to the County. Supervisor Gross seconded the motion.

Following discussion regarding his contributions and the work he does with the Holocaust Museum, the question was called on the motion and it carried by unanimous vote.

Congressman Connolly gave remarks noting Mr. Margosis' commitment to Human Rights and presented him with a copy of the tribute the congressman made in the US.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MS. KAREN GARZA** (10:13 a.m.)

Supervisor K. Smith moved approval of the Resolution of Recognition presented to Ms. Karen Garza for her years of dedicated service and outstanding visionary contributions to the County and the community as the Superintendent of Fairfax County Public Schools. Supervisor Storck seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING NOVEMBER 2016 AS "AMERICAN INDIAN HERITAGE AND ALASKA NATIVE MONTH" IN FAIRFAX COUNTY** (10:42 a.m.)

Supervisor Cook moved approval of the Proclamation designating November 2016 as "*American Indian Heritage and Alaska Native Month*" in Fairfax County and urged all residents to join in recognizing members of the American Indian, Native Alaskan, and Native Hawaiian community in the County and throughout the United States. Supervisor Gross seconded the motion and it carried by unanimous vote.

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE BURGUNDY FARM COUNTRY DAY SCHOOL** (10:59 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to the Burgundy Farm Country Day School for its seventieth anniversary. Supervisor Storck seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING NOVEMBER 2016 AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (11:10 a.m.)

Supervisor Herrity moved approval of the Proclamation designating November 2016 as "*Adoption Awareness Month*" in Fairfax County and urged all residents to reflect on the dreams of children who wait for a permanent family and those families who desire the joys and responsibilities of parenthood. Supervisor L. Smyth and Supervisor Storck jointly seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING DECEMBER 1, 2016, AS "HIV/AIDS AWARENESS DAY" IN FAIRFAX COUNTY** (11:19 a.m.)

Supervisor Storck moved approval of the Proclamation designating December 1, 2016, as "*HIV/AIDS Awareness Day*" in Fairfax County and urged all residents to know their HIV status and participate in activities and observances designed to increase awareness of HIV/AIDS. Supervisor Gross and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

10. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY MASTER GARDENERS ASSOCIATION** (11:39 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the Fairfax County Master Gardeners Association for its fortieth anniversary and dedicated service to the County. Supervisor McKay seconded the motion.

Discussion ensued regarding the work and contributions of the Association and its partners. More information on its programs can be found on the web at: www.fairfaxgardening.org.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

11. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (11:56 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard November 1, 2016," as distributed around the dais. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

The full list of Appointments is as follows:

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder (Single Family), Engineer/Architect/ Planner #2, and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

Reappointment of:

- Mr. Darren Dickens as the At-Large #3 Representative

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

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Mason and Mount Vernon District Representatives.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of Attorney, Landscape Architect, and Related Professional Group #4 Representatives.

ATHLETIC COUNCIL

The Board deferred the appointment of the Mason District Alternate and Mount Vernon District Principal Representatives.

AUDIT COMMITTEE

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Mason and Mount Vernon District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

The Board deferred the appointment of the Alternate #4 Representative.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

The Board deferred the appointment of the At-Large #2 and #3 Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

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

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Hunter Mill, Mount Vernon, and Springfield District Representatives.

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

The Board deferred the appointment of the Providence and Sully District Representatives.

COMMISSION FOR WOMEN

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

COMMISSION ON AGING

The Board deferred the appointment of the Hunter Mill and Mason District Representatives.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

COMMUNITY ACTION ADVISORY BOARD (CAAB)

The Board deferred the appointment of the Hunter Mill and Mount Vernon District Representatives.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #13 Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointment of the At-Large and Springfield District Representatives.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Reappointment of:

- Mr. George W. Lamb as the At-Large #3 Representative
- Ms. Johna Gagnon as the Lee District Representative

The Board deferred the appointment of the Braddock District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Reappointment of:

- Ms. Deborah K. Hammer as the Mount Vernon District Representative

The Board deferred the appointment of the At-Large #1, Mason, and Providence District Representatives.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Ms. Daria Akers as the At-Large Chairman's Representative

(Nomination announced on October 18, 2016.)

The Board deferred the appointment of the Providence District Representative.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Consumer #2 and Provider #1 Representatives.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen #7 Representative.

HUMAN RIGHTS COMMISSION

Appointment of:

- Ms. Vanessa Griffin Paul as the At-Large #7 Representative

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Dranesville District #2, Mason District #1 and #2, and the Mount Vernon District #1 Representatives.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

Reappointment of:

- Ms. Stella Koch as the Fairfax County #2 Representative

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Braddock, Dranesville, Hunter Mill, Lee, Mount Vernon, and Providence District Representatives.

PARK AUTHORITY

Appointment of:

- Dr. Cynthia Jacobs Carter as the Lee District Representative

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

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

REDEVELOPMENT AND HOUSING AUTHORITY

The Board deferred the appointment of the Springfield District Representative.

ROAD VIEWERS BOARD

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

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

TENANT LANDLORD COMMISSION

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

TREE COMMISSION

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

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Appointment of:

- Mr. Pindar Van Arman as the Residential Owners and HOA/Civic Association #1 Representative

WETLANDS BOARD

The Board deferred the appointment of the Alternate #1 and the Lee District Representatives.

DAL:dal

12. **ADMINISTRATIVE ITEMS** (11:57 a.m.)

Supervisor Gross moved approval of the Administrative Items, with an amendment to Admin 5 (a change of the address and phone number for the Department of Transportation in the actual advertisement). Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting "AYE," Supervisor Storck being out of the room.

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF KIRBY ROAD SIDEWALK (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2016, at 4:30 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Kirby Road Sidewalk in Project ST-000036, County-Maintained Pedestrian Improvements, in Fund C30050, Transportation Improvements.

ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATIONS (PROVIDENCE, DRANESVILLE, AND MOUNT VERNON DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-D16-37	Verizon Wireless 1451 Chain Bridge Road McLean, VA Dransville District Accepted August 24, 2016	January 21, 2017
2232-V16-38	Verizon Wireless 6065 Richmond Highway Alexandria, VA Mount Vernon District Accepted August 24, 2016	January 21, 2017
FS-P16-39	Fairfax County Public Schools Oakton High School 2900 Sutton Road Vienna, VA Providence District Accepted September 21, 2016	March 31, 2017

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84.1 (PUBLIC TRANSPORTATION), REGARDING TAXICAB REGULATIONS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2016, at 5 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation), regarding taxicab regulations.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON PART OF LEE ROAD (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2016, at 5 p.m.**, regarding a proposal to abandon a portion of Lee Road.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE PART OF ESKRIDGE ROAD (PROVIDENCE DISTRICT)

- (A) (NOTE: Earlier in the meeting, it was noted that this item had been amended. See page 9.)

Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2016, at 5 p.m.**, regarding a proposal to vacate a portion of Eskridge Road.

ADMIN 6 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MASON DISTRICT)

- Endorsed a traffic calming plan for Clifton Street consisting of two speed humps (Mason District)
- Directed staff to schedule the installation of the approved measures as soon as possible

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE REHABILITATION OF THE DIFFICULT RUN FORCE MAIN (HUNTER MILL AND DRANESVILLE DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2016, at 5 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project WW-000008-003, Difficult Run Force Main Rehabilitation, Fund 690-C69300, Sewer Construction Improvements.

13. **A-1 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD), THE UNITED STATES (US) ATTORNEY FOR THE DISTRICT OF COLUMBIA (DC) AND THE METROPOLITAN POLICE DEPARTMENT (MPD) OF DC** (11:58 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize the Chief of Police to sign the MOU between the FCPD, the US Attorney for DC, and the MPD of DC for the FCPD to participate as members in the Presidential Inauguration Task Force. Supervisor Hudgins seconded the motion.

Supervisor Gross raised a question regarding the reimbursement process, with input from Lieutenant Eli Cory, Police Department.

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

14. **A-2 – AUTHORIZATION TO SIGN A STANDARD COMPONENT AGREEMENT (SCA) FOR DISTRIBUTION OF I-66 INSIDE THE BELTWAY TOLL REVENUES ALLOCATED BY THE COMMONWEALTH TRANSPORTATION BOARD (CTB) TO THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC) (PROVIDENCE AND BRADDOCK DISTRICTS)** (12:01 p.m.)

Supervisor Cook moved that the Board concur in the recommendation of staff and authorize the Director of the Department of Transportation to sign the SCA between the County and the NVTC for distribution of \$3.3 million in I-66 toll revenues. These funds will be allocated to the County by the NVTC to finance new commuter bus service on I-66 between the County Government Center Park-and-Ride lot and the State Department complex in Foggy Bottom. Supervisor McKay seconded the motion.

Tom Biesiadny, Director, Department of Transportation, gave a brief synopsis of the item.

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

15. **A-3 – APPROVAL OF THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES’ (NCS) GYM ALLOCATION POLICY** (12:03 p.m.)

- (P) Supervisor Gross and Supervisor Hudgins jointly moved that the Board concur in the recommendation of staff and approve the proposed Gym Allocation Policy. Supervisor Herrity seconded the motion.

Christopher Leonard, Director, NCS, gave a brief synopsis of the Policy and process.

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

16. **A-4 – APPROVAL TO EXPEND OFFICE OF ECONOMIC ADJUSTMENT (OEA) FUNDING FOR THE RICHMOND HIGHWAY WIDENING PROJECT FROM JEFF TODD WAY/MOUNT VERNON MEMORIAL HIGHWAY TO TELEGRAPH ROAD TO ADDRESS ACCESS TO THE WOODLAWN PLANTATION (MOUNT VERNON DISTRICT)** (12:05 p.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and approve the expenditure of OEA funding for the Richmond Highway (Route 1) Widening Project from Jeff Todd Way (Route 618)/Mount Vernon

Memorial Highway (Route 235) to Telegraph Road (Route 611) in an amount up to \$100,000 to fund design and construction of the right turn lane on southbound Richmond Highway (Route 1), to provide access to a historically-significant barn structure and the relocated Otis Mason House on the east side of the National Trust for Historic Preservation (NTHP) property, formerly known as the Stables. Supervisor Foust and Supervisor McKay jointly seconded the motion.

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

17. **I-1 – CONTRACT AWARD – MEDICAL SERVICES FOR YOUTH**
(12:08 p.m.)

The Board next considered an item contained in the Board Agenda announcing that staff is awarding a contract to Lishan Kassa, LLC, for the provision of medical care services by a licensed, qualified physician for male and female residents/detainees of the Juvenile Detention Center and Shelter Care II. The physician will also review and approve standing orders of residents at the Boys Probation House, Foundations and Transitional Living Programs. This contract will begin on November 1, 2016, and terminate on August 31, 2018, with the option to renew for three one-year periods. The total estimated amount of this contract over five years is \$125,000.

DET:det

ADDITIONAL BOARD MATTERS

18. **VIENNA METRO-PENTAGON EXPRESS BUS SERVICE (PROVIDENCE AND DRANESVILLE DISTRICTS)** (12:08 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and commended Fairfax Connector drivers and planners for an outstanding job filling the unanticipated gaps in regional transit service caused by Metro's SafeTrack program. She said she was proud of how well Fairfax Connector has been able to provide alternative transit service for residents whose commutes have been disrupted by the much-needed repair work to the Metrorail system. Not only has the Connector helped Metro riders, it has benefited drivers who otherwise would have had to compete for scarce road capacity with displaced rail users.

Her office has received great feedback from long-time Metro riders who are trying the Connector for the first time and have been impressed with its efficiency and quality. In particular, she has been contacted by numerous residents who rode the express service providing a connection from Vienna Metro to the Pentagon; in fact many of the riders have reached out because they prefer the bus service over the rail service it replaced.

Chairman Bulova said she recognized that the Board did not budget for this route or other SafeTrack service and that this route was intended to operate only when

Safety Surge 9 was impacting the Orange Line. However, in response to the comments and requests received, it is prudent to evaluate whether this service ought to be made permanent. A potential model for this type of service is Connector Route 599, which provides limited-stop service connecting Wiehle-Reston East to the Pentagon. Riders pay a premium fare for this service.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the County's Department of Transportation (DOT) to provide information, at the upcoming meeting of the Board's Transportation Committee, about the cost of the Vienna Metro-Pentagon service as well as options for continuing it through the end of the fiscal year. Without objection, it was so ordered.

Supervisor McKay noted that the specialized Connector service running to the Pentagon out of Franconia-Springfield is enormously successful and popular and asked unanimous consent that the Board direct staff to provide statistics on that service as well. Without objection, it was so ordered.

Discussion continued, with input from Tom Biesiadny, Director, DOT, concerning:

- Increased express bus service in other areas of the County
- Implications of construction on I-66 on planning and future service
- Evaluating gaps in service areas
- Whether express bus service that has been added during SafeTrack can become permanent

Mr. Biesiadny said that these items would be among those addressed at the Board's next Transportation Committee meeting.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

19. **2016-2017 WINTER COAT CLOSET (HUNTER MILL DISTRICT)**
(12:16 p.m.)

Supervisor Hudgins announced that the Hunter Mill District and Cornerstones are partnering to provide coats to children and families in need. Pertinent information is contained in her written Board Matter and she asked unanimous consent that the Board direct the Office of Public Affairs to publicize the dates, times, and locations. Without objection, it was so ordered.

EBE:ebe

20. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (12:18 p.m.)

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

21. **RECOGNIZING THE McLEAN HIGH SCHOOL MARCHING BAND AS STATE CHAMPIONS** (12:18 p.m.)

Supervisor Foust congratulated the McLean High School Marching Band for winning the US Bands Virginia State Championship, held in Virginia Beach on October 22, 2016. This is the first time that the McLean Marching Band has participated fully in the US Bands circuit so receiving the State crown is an amazing achievement. The marching band also won Best Color Guard, Best Music, Best Overall Effect, Best Percussion, and Best Visual.

The band's winning performance, entitled "Story of My Life," combines recognizable tunes smartly woven with exciting formations by the 160-person marching band and color guard who dance, jump, and are hoisted into the air. In the end, they all fall into a perfect heart. Throughout the show, a simple narration of a grandmother reading a letter to her grandchild reminds the audience what is most important in our lives: love. It is remarkable to see a high school marching band tell such a profound, intimate story on a football field.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite members of the McLean Marching Band, directors Chris Weise and Deidra Denson, along with parents and school officials, to appear before the Board at its December 6, 2016, meeting to be recognized for its outstanding achievement. Without objection, it was so ordered.

22. **RECOGNIZING THE WOMAN'S CLUB OF McLEAN'S FIFTIETH ANNUAL HOLIDAY HOMES TOUR** (12:19 p.m.)

Supervisor Foust said that 58 years ago, 18 McLean residents formed The Woman's Club of McLean for the purpose of community service. Since that time, the Club has put its mission into action by undertaking numerous programs that have benefited local charities, service organizations, and schools.

In 1966, the Club held its first holiday homes tour. The tour proved so popular that the Club decided to make it an annual event, and it is now the Club's sole fund raiser. All profits from the tour are turned back into the community in the form of many and varied service projects. A partial list of donations made include: Alternative House, The McLean Orchestra, Share, Shelter House for Homeless Families, and Canine Companions. In addition, each year the Club awards a college scholarship to two seniors from local high schools. This year, the homes tour will be held on December 1, from 10 a.m. - 3 p.m.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to:

- Invite Joan Morton, President of The Woman's Club of McLean, as well as Club members, to appear before the Board at its December 6, 2016, meeting to be recognized for the fiftieth

anniversary of the Holiday Homes Tour and for the outstanding community service that the club has provided for 58 years.

- Distribute information publicizing the Holiday Homes Tour.

Without objection, it was so ordered.

DAL:dal

23. **COAT DRIVE AT PENN DAW FIRE STATION (MOUNT VERNON DISTRICT)** (12:21 p.m.)

Supervisor Storck thanked the firefighters, with support from police officers and sheriff deputies, for the Coat Drive held last Thursday at the Penn Daw Fire Station where they gave out hundreds of coats. They also provided books for the younger children and had service dogs for them to pet.

He personally thanked Captain Will Bailey, Fire and Rescue Department, and all the individuals at the Penn Daw Fire Station for making it available for the coat drive.

24. **EXTENDING HOURS FOR COMMUNITY USE OF SCHOOL GYMNASIUMS** (12:23 p.m.)

Supervisor Cook said that, earlier in the meeting, the Board approved the latest revisions to the County's Gym Policy as recommended by the Athletic Council. While he commends the continued efforts to equitably assign public athletic space, he recognizes that the availability of such space is extremely limited. In particular, the community's indoor athletic use is almost wholly dependent upon the availability of Fairfax County Public Schools (FCPS) gymnasiums.

Supervisor Cook stated his understanding that the latest time that school gyms are available for use is 10:15 p.m. Such a cutoff time severely limits County staffs' ability to provide access to gyms for indoor athletic users, primarily adult groups willing to play later in the evening. Outdoor sports use of public space, including school athletic fields, may run until 11 p.m., and private adult hockey leagues run until midnight or later in private rinks, all to accommodate high demand and minimal supply. He noted that, with over 200 school buildings in the County, approximately 200 games could be added, per week, by just adding one more hour to each evening.

Therefore, Supervisor Cook moved that the Board direct staff to:

- Work with FCPS and the Athletic Council to examine the feasibility of moving the end-time for community use of public school gymnasiums to 11 p.m., recognizing that a later closing time is likely to have cost implications, however, recreational leagues contribute financially to use of the facilities.

- Report with cost implications of extended hours and discuss the possibility of working with recreational leagues to meet those costs. Such a report should be provided by the spring of 2017.

Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Supervisor Herrity asked to amend the motion to direct staff to request FCPS to explore the inclusion of full-size gymnasiums in elementary schools, where feasible, because the current gymnasiums are too small for many indoor sports. Following a brief discussion, this was accepted.

Supervisor L. Smyth asked unanimous consent that the Board direct staff to provide information regarding the impact, of the gyms staying open later, on the remainder of the school facility. Without objection, it was so ordered.

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

25. **CONGRATULATING MR. LUCAS KOZENIESKY FOR PARTICIPIATING IN THE 2016 US OLYMPIC TEAM (BRADDOCK AND SULLY DISTRICTS)** (12:28 p.m.)

Supervisor Cook said he and Supervisor K. Smith are honored to recognize Lucas Kozeniesky, a Robinson High School graduate and current senior at North Carolina State University. Mr. Kozeniesky trained at the Izaak-Walton League in Centreville and represented the US in the 2016 Rio Summer Olympics where he competed in the 10-meter Air Rifle event. Earlier this year, Mr. Kozeniesky also won the United States of America (USA) National Individual Championships in Air Rifle; was a qualifier for the National College Athletic Association (NCAA) championships; and a National Rifle Association (NRA) All-American.

The Arlington-Fairfax Chapter of the Izaak-Walton League will hold an event to honor the USA 2016 Olympic Rifle Team competitors Ginny Thrasher and Lucas Kozeniesky. Both began their shooting careers at the Arlington-Fairfax Chapter Air Rifle Range. On behalf of the County, Supervisor Cook and Supervisor K. Smith congratulated both shooters for their outstanding hard work and dedication to their sport.

Therefore, jointly with Supervisor K. Smith, Supervisor Cook asked unanimous consent that the Board direct staff to prepare a resolution honoring Lucas Kozeniesky for his outstanding achievement, to be combined with Supervisor Herrity's prior request to recognize Ms. Thrasher. Without objection, it was so ordered.

Supervisor Herrity noted that Ms. Thrasher will be honored at the Izaak-Walton event.

Supervisor K. Smith noted that the event is scheduled for Wednesday, November 23.

Without objection, it was so ordered.

26. **WELL WISHES TO CHIEF OF STAFF KIEL STONE (BRADDOCK DISTRICT)** (12:31 p.m.)

Supervisor Cook announced that today is his Chief of Staff Kiel Stone's last Board meeting. He has accepted a position as the Outreach Manager for the Nature Conservancy. Supervisor Cook stated that Mr. Stone has done a phenomenal job and will be missed. On behalf of the Board, he congratulated Mr. Stone and wished him well.

27. **SPRINGFIELD COMMUNITY BUSINESS CENTER (CBC) COMMUNITY PARKING GARAGE (LEE DISTRICT)** (12:32 p.m.)

(R) Supervisor McKay said that on July 12, 2016, the Board authorized the Department of Transportation (DOT) to execute a Standard Project Administration Agreement (SPA) with the Virginia Department of Transportation (VDOT) and accept grant funding for the Springfield CBC Commuter Parking Garage.

The five-story project will create approximately 1,000 commuter parking spaces, provide up to seven bus bays for Fairfax Connector buses, and include a dedicated area for passengers utilizing the extensive informal carpool system (i.e., slugging). The facility design includes pedestrian and bicycle access, bicycle storage, passenger waiting areas, and transit system information. In addition, the project includes a pedestrian bridge over Old Keene Mill Road.

Construction of the project will be managed by the County, but the resolution in support of the project inadvertently indicated that the VDOT would administer the project. Before signing the agreement, VDOT requires the Board to approve the corrected resolution to clarify that VDOT will not be administering the project. There is no change to the actual agreement previously approved by the Board for this project.

Therefore, Supervisor McKay moved that the Board approve the revised resolution (a copy of which is attached to his written Board Matter) in support of the Springfield CBC Commuter Parking Garage project. Supervisor Foust seconded the motion and it carried by unanimous vote.

28. **HAYFIELD HIGH SCHOOL FOOTBALL TEAM (LEE DISTRICT)**
(12:33 p.m.)

Supervisor McKay announced that the Hayfield High School football team defeated South Lakes High School; is now in first place for the division; and has home field advantage for the playoffs.

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

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

30. **REQUEST TO RECOGNIZE “TEEN CANCER AWARENESS WEEK” IN FAIRFAX COUNTY** (12:34 p.m.)

Supervisor K. Smith said that cancer among adolescents is rare but is still the leading cause of death from disease in teenagers between the ages of 15 and 19. Adolescent cancer patients often feel out of place because most pediatric oncology programs focus on the needs of younger patients; similarly, adult cancer facilities are not suited to provide the unique care necessary for adolescent patients. Adolescent cancer patients are thus stranded between two medical systems, neither of which adequately addresses their clinical and psychosocial needs. An average of 9 percent of cancer patients between the ages of 15 and 24 are enrolled in clinical trials, compared with 40 percent of cancer patients aged 14 and younger. The 5-year survival rate of adolescents with cancer is much lower than that of children with cancer. Adolescents with cancer have unique concerns about their education, social lives, body image, infertility, and other issues. Many adolescent cancer survivors have difficulty readjusting to school, social settings, experience anxiety, and may face increased learning difficulties. It is important to understand the clinical needs of adolescents with cancer, seek to prevent cancer in adolescents, and increase awareness in the County about the unique challenges facing adolescents with cancer.

Therefore, Supervisor K. Smith moved that the Board:

- Designate the third week of January 2017 as “*Teen Cancer Awareness Week*” in Fairfax County.
- Direct staff to prepare a resolution and invite members of “Bite me Cancer®” to appear before the Board at its December 6 meeting to be recognized for bringing this issue to the Board’s attention.

Without objection, it was so ordered.

31. **ZONING ORDINANCE AMENDMENT FOR INDOOR RECREATION USES IN THE PDH DISTRICT** (12:36 p.m.)

Supervisor K. Smith said it was recently brought to her attention that, pursuant to longstanding interpretations of the Zoning Administrator, fencing and indoor trampoline-type facilities, among others, have consistently been deemed to be most similar to “Group 5 Special Permit uses: indoor firing ranges, archery ranges, fencing, and other similar indoor recreation uses.” These Group 5 Special Permit Indoor Recreation Uses are not listed among the Group 5 Commercial Recreation Uses that are currently permitted as a secondary use in the Planned Development Housing (PDH) District. Thus, the Zoning Ordinance (ZO) completely bars fencing and trampoline facilities (among others) in the PDH District, although skating rinks and bowling alleys (among others) are permitted secondary uses. Supervisor K. Smith stated that she was stunned to find that there is no opportunity for this type of family-friendly indoor recreation use to locate in a PDH District. The ZO’s peculiar oversight in this regard was highlighted in the context of a recent final development plan amendment (FDPA) application that was accepted for such an indoor commercial recreation use on a property in the Sully District – namely, the currently-vacant Sears building located at the Franklin Farm Shopping Center.

Supervisor K. Smith said it is vital that the ZO provide flexibility in planned districts and, particularly, that it allow family-friendly indoor recreational uses to support the residential development in the PDH District. Further, as discussed in a recent Community Revitalization and Reinvestment Committee meeting, it is imperative for the County to be able to bring vacant buildings back into service through the establishment of such indoor recreation uses. The Zoning Administrator has indicated that a ZO amendment could address the existing problem by adding such indoor recreation uses to the list of Group 5 Commercial Recreation Uses currently permitted in the PDH District. It is important to note that this amendment would not allow the use by-right, but would allow for review by the Planning Commission (PC) and/or Board as part of an amendment to the approved development plan. Therefore, Supervisor K. Smith said she is requesting that this amendment be added to the ZO Amendment Work Program and that the amendment be expedited so that the applicant may continue to process concurrently an FDPA to allow this use to be considered for approval. Staff has indicated that the amendment could be prepared for the Board’s authorization to advertise at the January Board meeting.

Therefore, based on these unusual facts and in the interests of public necessity, general welfare, and good zoning practice, Supervisor K. Smith moved that the Board direct:

- The Zoning Administrator to prepare a ZO amendment that would allow indoor recreation uses, such as fencing and trampoline facilities, as a secondary use in the PDH District when shown on

an approved development plan. This amendment should be brought for authorization to advertise in January 2017.

- Staff to continue to concurrently process the previously-filed FDPA application for the vacant Sears building at the Franklin Farm Shopping Center. This motion should not be construed as a favorable recommendation by the Board or the PC on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards.

Supervisor L. Smyth seconded the motion. Discussion ensued, regarding the motion and why the trampoline use cannot be dealt with administratively, with input from Leslie Johnson, Zoning Administrator, Department of Planning and Zoning, regarding the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to provide a plan for rewriting the ZO. Following discussion, with input from Ms. Johnson who noted that a diagnostic review of the ZO is currently in the process for consideration, without objection, it was so ordered.

Supervisor McKay raised a question regarding the Planned Districts and whether a rewrite of it could be considered first or separately, with input from Ms. Johnson.

Following additional discussion, Chairman Bulova suggested that the Zoning Administrator, the County Attorney, and others explore whether there is another way to deal with these type of issues.

Supervisor Foust raised a question regarding whether there is a binding precedence associated with zoning interpretations and if there is any flexibility, with input from Ms. Johnson.

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

32. **REQUEST FOR A DATE CERTAIN PUBLIC HEARING FOR PENDER PROFESSIONAL CENTER, LLC (SULLY DISTRICT)** (1:02 p.m.)

- (A) Supervisor K. Smith said Pender Professional Center, LLC, has filed two concurrent applications (Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 2009-SU-020-02) on Tax Map Parcels 46-3 ((1)) 15C and 15A1 on approximately 18 acres zoned to the Planned Development Community (PDC) District to permit additional principal and secondary uses within an existing 78,000 square-foot office building located in the Pender Village Shopping Center. No new construction or changes to the overall intensity of 0.25 floor area ratio (FAR) for the original rezoning application area are proposed. The Planning Commission public hearing is

scheduled for November 17, 2016, and this case should move forward as soon as possible.

Therefore, Supervisor K. Smith moved that Board direct staff to expedite the scheduling of a Board public hearing for Proffered Condition Amendment Application PCA 2009-SU-020-02 to a date certain of **December 6, 2016, at 3 p.m.** This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in anyway. Supervisor Foust seconded the motion and it carried by unanimous vote.

33. **REQUEST FOR EXPEDITED PROCESSING AND WAIVER OF FEES FOR THE IZAAK WALTON LEAGUE (SULLY DISTRICT)** (1:04 p.m.)

Supervisor K. Smith said that the Arlington Fairfax Chapter of the Izaak Walton League of America, a non-profit organization founded in 1936, has provided a variety of outdoor recreation and conservation-oriented activities on a parcel consisting of approximately 108 acres located at Tax Map 64-2 ((1)) 20, also known as 14708 Mount Olive Road, in Centreville. The League has owned and operated this property for well over 60 years, and has been governed by Special Exception SE 97-Y-050 since approval by the Board on April 27, 1998. This site was also the venue for several events during the recent World Police and Fire Games. She referred to her written Board Matter and stated that the organization would like to move forward with the valuable work and services it provides to area residents.

Therefore, Supervisor K. Smith moved that the Board direct staff of the Department of Planning and Zoning to waive all fees associated with the filing of the SEA and that the SEA and site plan be expeditiously and concurrently processed. This motion should not be construed as a favorable recommendation on any application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Supervisor Herrity seconded the motion and it carried by unanimous vote.

34. **AUTHORIZATION FOR A PLAN AMENDMENT FOR THE ROUTE 29 MOTEL (SPRINGFIELD DISTRICT)** (1:05 p.m.)

Supervisor Herrity said that this Board Matter relates to one of the non-conforming properties along the south side of Route 29. This particular property, Tax Map 55-4((1)) 30, 31, contains six acres and is residentially zoned but is developed with a motel that was constructed in the 1940's. The current Comprehensive Plan recommendation of residential development at a density of one to two dwelling units per acre (du/ac) has been in place for some time. The property is deteriorating and in need of revitalization and redevelopment. There

are other uses such as senior housing, which, with clear parameters as to density and buffering in the Comprehensive Plan language, could be compatible with the surrounding residential development. The current Plan language does not afford the flexibility to consider this type of use.

With the understanding that there is a need for senior housing options in the County and that land-use impacts of senior housing are proportionately lower than other forms of housing, Supervisor Herrity stated that he would make a motion to initiate the consideration of a Comprehensive Plan amendment to add an option to Plan language for these properties for age-restricted uses at a density above what would be otherwise allowed under the governing Plan language.

Therefore, Supervisor Herrity moved that the Board authorize the consideration of an amendment to the Comprehensive Plan for Tax Map 55-4 ((l)) 30, 31, which may be considered concurrently with a rezoning application for the subject property. This motion should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

35. **RECESS/CLOSED SESSION** (1:08 p.m.)

Following a query to Elizabeth Teare, County Attorney, regarding the amount of time needed for closed session, 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. Settlement and State Corporation Commission (SCC) approval of transmission line rebuild in Virginia Electric and Power Company d/b/a Dominion Power (Dominion) easement burdening Huntley Meadows Park and environs

2. *Victor Vega v. Larry Collins, Fairfax County Board of Supervisors, Fairfax County Police Department, Fairfax County Department of Risk Management, and Colonel Edwin C. Roessler Jr.*, Case No. CL-2015-0017926 (Fx. Co. Cir. Ct.)
3. *Patricia Tomasello v. Michael Reilly, Peter Pullins, Tim Young, Edward Brinkley, Glen Jackson, Michael Louis, Daniel Kwiatkowski, Sheryl Hemmingway, James Sobota, John Diamantes, Manuel Anthony Barrero, Guy Morgan, Phyllis Schwartz, Terry Hall, John Caussin, Richard Bowers, Brian Edmonston*, Case No. CL-2016-0007306 (Fx. Co. Cir. Ct.)
4. *Magaly Hernandez v. Fairfax County, Virginia*, Case No. 1:16cv502 (E.D. Va.)
5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael Katrivanos*, Case Nos. GV16-018345 and GV16-018346 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose Orellana*, Case Nos. GV16-018734 and GV16-018756 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wallace K. Hsueh and Victoria S. Hsueh*, Case No. GV16-017406 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
8. In Re: January 13, 2016, Decision of the Board of Zoning Appeals of Fairfax County, Case No. CL-2016-0002178 (Fx. Co. Cir. Ct.) (Hunter Mill District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Westwood Buildings, LP and N.G. Group LLC*, Case No. CL 2016-0013760 (Fx. Co. Cir. Ct.) (Hunter Mill District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gilbert L. Southworth Jr.*, Case No. GV16-007299 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Bautista Torres, Angela del*

Rosario Plateros de Torres, and Noe Amilcar Torres, Case No. CL-2016-0013761 (Fx. Co. Cir. Ct.) (Lee District)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas V. Lefler, Case No. CL-2015-0015223 (Fx. Co. Cir. Ct.) (Lee District)*
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria Arrieta, Case No. CL-2016-0000685 (Fx. Co. Cir. Ct.) (Mason District)*
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard Chiu, Case No. CL-2013-0007284 (Fx. Co. Cir. Ct.) (Mason District)*
15. *Board of Supervisors of Fairfax County and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long, Case No. CL-2014-0013597 (Fx. Co. Cir. Ct.) (Mason District)*
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan F. Hernandez and Maria Hernandez, Case Nos. GV16-018343 and GV16-018344 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Pablo Garcia and Norka D. Garcia, Case No. GV16-020364 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
18. *Board of Supervisors of Fairfax County, Virginia, James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and Fairfax County Park Authority v. James G. Lowe and Teresa L. Lowe, Case No. CL-2016-0010771 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Randa Hatem, Case No. GV16-012591 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdelkrim Elmouhib, Case No. CL-2009-0008424 (Fx. Co. Cir. Ct.) (Providence District)*

21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Laretta Marshall*, Case No. CL-2016-0010299 (Fx. Co. Cir. Ct.) (Springfield District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Darrell Davis Poe*, Case No. GV16-020746 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

And in addition:

- Limited Winery and Limited Brewery ABC Board License Applications filed by Pohick Creek, LLC

Chairman Bulova seconded the motion and it carried by unanimous vote.

DET:det

At 3:12 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** (3:12 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 and Chairman Bulova jointly 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. **OBJECTIONS TO POHICK CREEK, LLC'S ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE APPLICATIONS** (3:12 p.m.)

Supervisor Storck moved that the Board authorize and direct the County Attorney to submit objections to Pohick Creek, LLC's ABC license applications for a limited brewery and limited winery. These objections will be submitted on the Board's behalf to the ABC Board based on the legal grounds discussed with the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS**38. 3 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2017 VIRGINIA GENERAL ASSEMBLY (3:13 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 14 and October 21, 2016.

Supervisor McKay, Chair of the Board's Legislative Committee, presented a brief synopsis of the proposed legislative program, noting the following:

- Language, high-lighted in yellow in the distributed draft program dated October 27, 2016, has been added since the Board's last Legislative Committee meeting on October 25; the new language is in response to direction the Board provided staff at that meeting
- Many of the Board's fundamental priorities remain the same from previous years including:
 - State support for education to fully meet its responsibility to adequately fund K-12 education
 - The successful enactment of significant, new transportation revenues by the General Assembly, including current House Bill (HB) 2313, to allocate revenues in a manner that is fair to Northern Virginia
 - A Human Services issues paper requesting the State to restore funding for a number of human service programs, including the following priorities:
 - Increased State resources for the Children's Services Act
 - Increased Medicaid waiver rates and slots for those with intellectual and developmental disabilities
 - State support for diversion programs for non-violent offenders experiencing mental health crises

Supervisor McKay noted that the Board had one other item under consideration as an initiative this year which would permit localities in Planning District 8, Northern Virginia, to require a public hearing before a planning commission to

determine whether a telecommunications tower or electric cooperative facility conforms to a locality's comprehensive plan if the tower or facility is allowed, by right, under the zoning ordinance. This tentative initiative was included in the draft program for today's public hearing to allow for public comment.

The Board's last Legislative Committee meeting for this year will be on November 22, at which time it will finalize the State legislative program in preparation for Board adoption on December 6. Federal issues will also be discussed at the meeting.

Chairman Bulova announced that, after the public hearing, she would make a motion requesting the Board to approve sending letters regarding K-12 funding and its concern for accelerated Virginia Retirement System (VRS) payments.

Chairman Bulova opened the public hearing and, following the testimony of Ms. Laurie Arrants (Speaker 1), Supervisor McKay noted that the Board's principle objective regarding short-term rentals was to retain local authority and clarified language contained in the Legislative Program necessary to minimize potential State impacts relevant to registration/licensing. Supervisor Gross added that the study group Ms. Arrants referenced in her testimony was the creation of the General Assembly; the Virginia Association of Counties (VACo) represented counties in the Commonwealth with the same concerns expressed by Ms. Arrants.

Following the testimony of Mr. Robert Whitfield (Speaker 2), discussion ensued concerning transportation issues. Chairman Bulova announced Board consideration dates of transportation issues and Supervisor McKay noted the posting date of documents associated with this Board Agenda Item.

Chairman Bulova closed the public hearing and relinquished the Chair to Vice-Chairman Gross and said that increased State funding for K-12 education continues to be a top priority for the County. As has been frequently noted, Virginia is in the top 10 of states in income but in the bottom 10 in state education funding. Public education is a shared State and local responsibility, and, after several years of significant State cuts to K-12, local governments throughout the Commonwealth, including the County's Urban Crescent partners, which includes Richmond, Hampton Roads, and surrounding jurisdictions, advocated for more State funding prior to the 2016 General Assembly session.

As discussed at the Board's October 25 Legislative Committee meeting, the Commonwealth's fiscal year (FY) 2016 budget projections did not materialize and a shortfall in the State's budget is anticipated. As a direct result, the additional K-12 money that localities hoped would provide funding for teacher salary increases and other instructional staff may now be used to bridge this gap. Further, as a result of rosy revenue projections that were not realized earlier, the General Assembly's 2016-2018 biennium budget includes a greater burden on local governments to close the budget gap.

Therefore, Chairman Bulova moved that the Board send three letters which were attached to her written Board Matter: the first to Governor McAuliffe, requesting a return to the original VRS rate schedule and that the State seek to provide its portion of salary increases; the second to the County's General Assembly delegation, requesting support for both of those items; and, the third to members of the Urban Crescent, encouraging them to reach out to the Governor and members of the General Assembly with similar requests. Supervisor McKay seconded the motion and it carried by a unanimous vote.

Supervisor McKay announced the following meeting dates:

- The Board's next Legislative Committee meeting date is November 22
- The Board's adoption of the Legislative Program will be December 6
- The Board will host its annual legislative work session with the County's delegation to the General Assembly on December 13

39.

3 P.M. – DECISION ONLY ON PROFFERED CONDITION AMENDMENT APPLICATION PCA B-715 (L & F BOCK FARM LLC) (MOUNT VERNON DISTRICT)

AND

DECISION ONLY ON REZONING APPLICATION RZ 2015-MV-015 (L & F BOCK FARM LLC) (MOUNT VERNON DISTRICT)

AND

DECISION ONLY ON SPECIAL EXCEPTION APPLICATION SE 2015-MV-030 (L & F BOCK FARM LLC) (MOUNT VERNON DISTRICT)
(3:34 p.m.)

(NOTE: On September 20, 2016, the Board held a public hearing regarding these items and deferred decision until October 18, 2016, at which time, the Board deferred decision on these items until November 1, 2016.)

Supervisor Storck, noting the need for additional time to further discuss issues with the applicant and the community, moved to defer decision only on Proffered Condition Amendment Application PCA B-715, Rezoning Application RZ 2015-MV-015, and Special Exception Application SE 2015-MV-030, until **February 14, 2017, at 4 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

40. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE-2016-PR-014 (CABOOSE BREWING COMPANY, LLC) (PROVIDENCE DISTRICT)** (3:38 p.m.)

The application property is located at 8301 Lee Highway, Fairfax, 22031, Tax Map 49-3 ((1)) 96B and 97.

Mr. Steven F. Teets reaffirmed the validity of the affidavit for the record.

William O'Donnell, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location, noting that a minor change to development condition 15 occurred after the Planning Commission (PC) decision. That change, to allow additional architectural and/or artistic features on the building other than those shown on the perspectives, had been distributed.

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

Supervisor L. Smyth stated that this was an adaptive reuse of an existing, old, metal, industrial building, and noted concerns about the visual impact of the rear of the building. Following input from Mr. Teets, Supervisor Smyth re-iterated the need to address the building's appearance.

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

Following a query by Supervisor L. Smyth, Mr. Teets confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated November 1, 2016.

Supervisor L. Smyth moved:

- Approval of Special Exception Application SE-2016-PR-014, subject to the development conditions dated November 1, 2016.
- Approval of the list of modifications and waivers dated November 1, 2016, which was provided today and further discussed in the staff report; this list will be made a part of the record as follows:
 - Modification of the Loading Space Size Requirement in favor of the size shown on the SE Plat

- Modification of the transitional screening and barrier requirements in favor of the proposed landscaping shown on the SE Plat
- Approval of a deviation from the tree preservation target percentage in favor of the proposed landscaping and streetscape shown on the SE Plat
- Modification of the use limitations for retail sales in the I-5 District to allow up to 15 percent of building gross square footage to be used for retail sales associated with the eating establishment and alcohol production facility

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

41. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2015-HM-013 (WIEHLE STATION VENTURES, LLC) (HUNTER MILL DISTRICT) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-H-049-02 (WIEHLE STATION VENTURES, LLC) (HUNTER MILL DISTRICT) (3:49 p.m.)

Supervisor Hudgins moved to defer the public hearing on Rezoning Application RZ 2015-HM-013 and Special Exception Amendment Application SEA 94-H-049-02 until **December 6, 2016 at 5:30 p.m.** Supervisor McKay seconded the motion and it carried by unanimous vote.

42. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-114-04 (ARDEN COURTS - FAIR OAKS OF FAIRFAX VA, LLC) (SPRINGFIELD DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-P-129-04 (ARDEN COURTS – FAIR OAKS OF FAIRFAX VA, LLC) (SPRINGFIELD DISTRICT) (3:50 p.m.)

Following input from Chris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, Supervisor Herrity moved to defer the public hearing on Proffered Condition Amendment Application PCA 84-P-114-04 until **January 24, 2017, at 3:30 p.m.** Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

The public hearing on Special Exception Amendment Application SEA 84-P-129-04 was not held.

43. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-LE-005 (RUTH VILLANUEVA DBA THE LITTLE HOME DAYCARE) (LEE DISTRICT)** (3:51 p.m.)

Supervisor McKay moved to defer the public hearing on Special Exception Application SE 2016-LE-005 until **December 6, 2016, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

44. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2015-HM-005 (PULTE HOME CORPORATION) (HUNTER MILL DISTRICT)** (3:52 p.m.)

- (O) The application property is located south of Sunset Hills Road, north of Dulles Toll Road, and east of Michael Faraday Drive, Tax Map 18-3 ((6)) 5.

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

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

- Pulte Home Corporation

Carmen Bishop, Planner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ) gave a PowerPoint slide presentation depicting the application and site location; since publication of the staff report addendum, revised proffers were issued, which were distributed today, that modify the area median income for the workforce dwelling units (WDU) to be 70 percent, 80 percent, and 100 percent.

Supervisor Hudgins raised questions concerning the allotted open space, with input from Ms. Bishop and Andrea Dorlester, Senior Park Planner, Planning and Development Division, County Park Authority, regarding configuration, location, and design, including public access and visibility. Discussion continued concerning location of the WDUs, with input from Ms. Bishop.

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, including rebuttal of issues raised during the DPZ presentation, i.e. road network and open space issues. Following this presentation, Supervisor L. Smyth expressed several concerns regarding allotted parking, with further input from Mr. Winterhalter.

Chairman Bulova opened the public hearing and, following the testimony of Mr. Robert Whitefield (Speaker 1), Elizabeth Iannetta, Transportation Planner III,

Department of Transportation, responded to Mr. Whitefield's question concerning a transportation analysis.

Following the public hearing, which included testimony by one speaker, Supervisor Hudgins stated that items had been submitted for the record.

Ms. Bishop presented the staff and Planning Commission recommendations noting that staff recommended denial of the application.

Following further discussion, Supervisor Hudgins inquired as to the applicant's transportation commitment, with input from Mr. Winterhalter. Following further comment from Supervisor Hudgins concerning transportation and open space issues, William Mayland, Assistant Director, ZED, DPZ, provided input.

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2015-HM-005, from the I-4 District to the R-30 District, subject to the proffers dated November 1, 2016.
- Approval of the list of modifications and waivers dated November 1, 2016, which shall be made part of the record of this case, as follows:
 - Waiver of the minimum district size of three acres, pursuant to Section 3-3006 of the ZO, to permit a district size of 1.58 acres
 - Modification of the minimum front yard requirement of 15 feet and 20 degree angle of bulk plane (ABP), pursuant to Section 3-3010 of the ZO, to permit 8 feet and 8 degree ABP
 - Modification to permit encroachments into the minimum front yard, pursuant to Paragraph 1.C of Section 2-412 of the ZO to be within two feet of the property line
 - Modification of the minimum open space requirement of 26 percent, pursuant to Section 3-3010 of the ZO, to permit 25 percent open space
 - Waiver of the loading requirement of two spaces, pursuant to Section 11-202 of the ZO
 - Modification of the design standards and guidelines for trash and recycling, pursuant to Sections 10-0303.2 and

10-0306 of the Public Facilities Manual (PFM) to permit the storage of containers within garages as shown on the Generalized Development Plan

- Approval of a deviation from the tree preservation target pursuant to Section 12-0508 of the PFM

Supervisor McKay seconded the motion.

Following discussion by Board Members concerning their support/non-support of the motion and the need to continue to monitor parking and transportation concerns, the question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Cook, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Stork, and Chairman Bulova voting "AYE," Supervisor Foust, Supervisor Gross, and Supervisor L. Smyth voting "NAY."

45. **ORDERS OF THE DAY** (4:45 p.m.)

Chairman Bulova announced that the next two public hearings would be held jointly.

46. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2016-DR-021 (THE BOARD OF SUPERVISORS) (DRANESVILLE DISTRICT)**

AND

4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2016-II-M1, PROPOSED EXPANSION OF THE LANGLEY FORK HISTORIC OVERLAY DISTRICT (DRANESVILLE DISTRICT) (4:45 p.m.)

The Rezoning Application RZ 2016-DR-021 property is located on the east side of Turkey Run Road, approximately 250 feet north of its intersection with Georgetown Pike, Tax Map 22-3 ((1)) 50 and 51, addressed as 1013 and 1011 Turkey Run Road, McLean, VA.

Chris Abrahamson, Branch Chief, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), reaffirmed the validity of the affidavit Rezoning Application RZ 2016-DR-021 for the record. (No affidavit is required for the Plan Amendment.)

Linda Cornish Blank, Planner IV, Policy and Plan Development Division, DPZ, gave a PowerPoint slide presentation depicting the application and site location for Plan Amendment 2016-II-M1.

Casey Gresham, Planner II, ZED, DPZ, 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 the case.

Following the public hearing, Ms. Gresham presented the staff and Planning Commission (PC) recommendations for Rezoning Application RZ 2016-DR-021.

Supervisor Foust thanked Ms. Cynthia Richardson, the owner of the property, and her daughter, Ms. Melanie Richardson, who nominated the property for inclusion on the list of historic site properties and subsequently requested that the historic district be expanded to include the property.

Supervisor Foust moved that the Board adopt the PC recommendation for Plan Amendment 2016-II-M1. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

Supervisor Foust moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2016-DR-021, be amended from the R-1 District to the R-1 and HD Districts. 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."

47. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2016-II-M2, LOCATED ON THE WEST SIDE OF BEVERLY ROAD AND THE NORTH SIDE OF ELM STREET (DRANESVILLE DISTRICT)** (4:55 p.m.)

Supervisor Foust clarified that the Plan Amendment application number is 2016-II-M2.

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

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

Mr. Klibaner presented the staff and Planning Commission (PC) recommendations.

Supervisor Foust moved approval of the PC recommendation for Plan Amendment 2016-II-M2 as referenced in Attachment 1 of the Board Agenda Item dated November 1, 2016, and shown on pages 11 through 16 of the staff report dated September 22, 2016. Supervisor L. Smyth seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor McKay being out of the room.

48. **4 P.M. – PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL (PFM), CHAPTER 4 (GEOTECHNICAL GUIDELINES), REGARDING EXPANSIVE SOILS AND SLOPE STABILITY** (5:02 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 14 and October 21, 2016.

Beth Forbes, Engineering IV, Site Code Research and Development, Land Development Services, presented the staff report.

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

Supervisor K. Smith moved:

- Adoption of the proposed amendments to the PFM, Chapter 4 (Geotechnical Guidelines), regarding expansive soils and slope stability, as set forth in the staff report dated July 26, 2016 and revised on October 3, 2016
- That the amendment become effective at 12:01 a.m. on November 2, 2016

Supervisor L. Smyth seconded the motion.

Supervisor Gross stated that this amendment aligns with Goal Three of the County's Economic Success Strategic Plan by improving speed, consistency, and predictability of the land development regulatory process and asked unanimous consent that the Board direct staff to provide information regarding recent Board actions that align with the goals of the Plan. Without objection, it was so ordered.

Supervisor Foust announced that a report had been prepared by the Economic Advisory Commission's Implementation Committee and will be presented to the Board in the future. Chairman Bulova added that, as reflected in the Board's discussion earlier in the meeting, there is additional work to be done, especially to clarify and possibly make changes to the County's Zoning Ordinance (ZO) to make it easier to take advantage of vacant spaces and reuse opportunities.

The question was called on 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 Storeck, and Chairman Bulova voting "AYE."

(NOTE: Earlier in the meeting, the Board discussed possible changes to the ZO. See Clerk's Summary Item #31.)

49. **ORDERS OF THE DAY** (5:06 p.m.)

Chairman Bulova announced that the Board would next consider the public hearing on Special Exception Application SE 2016-HM-017, which will be deferred.

50. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-HM-017 (MILESTONE TOWER LIMITED PARTNERSHIP III) (HUNTER MILL DISTRICT)** (5:06 p.m.)

(NOTE: On October 18, 2016, the Board deferred this public hearing until November 1, 2016.)

Supervisor Hudgins moved to defer the public hearing on Special Exception Application SE 2016-HM-017 until **December 6, 2016, at 5:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

51. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2016-CW-1CP, COUNTYWIDE POLICY PLAN** (5:07 p.m.)

David Stinson, Planner II, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Following an inquiry by Supervisor Herrity concerning past Board discussion on this matter, Chairman Bulova stated that it was initiated in a Board Matter she presented on March 1, 2016.

Supervisor Herrity inquired as to:

- The origin of the original prohibition of placing schools in urban areas, with input from Chris Caperton, Branch Chief, PD, DPZ, concerning impediments the language created in siting of the Bailey's Upper School
- A requirement for open space in the proposed Plan Amendment which was addressed by Chairman Bulova

Following additional discussion, Chairman Bulova noted that language in the Plan Amendment provides guidance rather than requirements for the siting of facilities, open space, and recreational uses in denser, more urban residential development areas. Board discussion continued regarding open space requirements.

Supervisor Herrity inquired as to the consideration of security issues in co-use locations, with input from Mr. Caperton and Jeffrey Platenberg, Assistant Superintendent, Department of Facilities and Transportation Services, Fairfax County Public Schools (FCPS).

Supervisor McKay, referencing Objectives 6A and 6B of the Board Agenda Item dated November 1, 2016, inquired as to the elimination of kiss-and-ride lines in future facilities, with input from Mr. Platenberg. Discussion continued concerning Policies A.1 and all of B; Chairman Bulova noted that these were recommended guidelines.

Supervisor Gross, referencing Objective 11, Policies E and F, inquired as to the impact on School Aged Child Care (SACC) programs, with input from Mr. Platenberg and Karen Corbett Sanders, Mount Vernon District Representative, Fairfax County School Board.

Following the public hearing, which included testimony by two speakers, Chairman Bulova stated that she had items for the record.

Mr. Stinson presented the staff and Planning Commission (PC) recommendations.

Chairman Bulova stated that the Board authorized the Plan Amendment on March 1, 2016. The authorization directed staff, working with the Planning Commission Schools Committee, the School Board, and school staff, to consider development of revised locational and character criteria for public school facilities to address the more urban nature of schools in more dense areas of the County. A series of seven public meetings were held among the stakeholders. The Chairman noted that the proposed Plan language provides flexibility for new education facilities in the County's transit-oriented and higher density activity centers, as well as guidelines supporting the adaptive reuse of buildings, alternative education facilities, and transitional schools.

Following additional remarks concerning the proposed Plan Amendment, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the PC's recommendation for Plan Amendment 2016-CW-1CP, as referenced in the PC verbatim and found in the proposed Plan text dated September 14, 2016. Supervisor L. Smyth seconded the motion and discussion ensued, with Board Members' expressing their support for the motion.

Vice-Chairman Gross thanked Kevin Sneed, Special Projects Administrator, Design and Construction/Planning, FCPS, and Mr. Platenberg, for their efforts on Bailey's Upper Elementary.

Chairman Bulova thanked Timothy Sergeant, At-Large Representative, PC, for his great work and leadership.

Chairman Bulova clarified that the Board is not allowing something that it does not already have the right to do, and that is to establish school facilities in urban areas to repurpose older buildings that are commercial, industrial, or residential, and repurpose them to be school facilities. What is being done today is to provide guidance and flexibility.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

52. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-HM-017 (MILESTONE TOWER LIMITED PARTNERSHIP III) (HUNTER MILL DISTRICT)**

(NOTE: Earlier in the meeting, this public hearing was deferred. See Clerk's Summary Item #50.)

53. **BOARD ADJOURNMENT** (6:07 p.m.)

The Board adjourned.

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