



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 14, 2017**

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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, February 14, 2017, at 9:36 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** (9:37 a.m.)

Supervisor Cook asked everyone to keep in thoughts Chief Petty Officer Ryan Owens, who was killed in a fire fight during an intelligence gathering raid overseas at the end of January; three other service members were wounded. He was the son-in-law of Gerald and Carole Weigand who live in Burke Center. Chief Petty Officer Owens was from Peoria, Illinois, enlisted in the Navy in 1998, and earned numerous awards and decorations, including two bronze stars with a combat "V" for valor and heroic service.

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO MR. TROY MARSHALL AND MR. JOE KELLY** (9:39 a.m.)

Supervisor Storck moved approval of the Resolution of Recognition presented to Mr. Joe Kelly and Mr. Troy Marshall for their extraordinary, noteworthy, and greatly appreciated contribution to the County. Supervisor Herrity seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. BRANDON McGORTY** (9:50 a.m.)

Supervisor K. Smith moved approval of the Certificate of Recognition for Mr. Brandon McGorty from Chantilly High School for his tenacity and perseverance throughout the season and setting the bar for excellence at the highest level, resulting in winning the 800 and 1600 meter Virginia High School League 6A track championships. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

Corey Bowerman, Director of Student Activities, Chantilly High School, accepted the certificate on behalf of Mr. McGorty, who was unable to attend.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE CHANTILLY HIGH SCHOOL TENNIS TEAM** (9:55 a.m.)

Supervisor K. Smith moved approval of the Certificate of Recognition presented to members of the Chantilly High School Tennis team for its striving spirit, good student leadership, and outstanding team chemistry, resulting in winning the Virginia High School League 6A championship. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE CHANTILLY HIGH SCHOOL BASEBALL TEAM** (10 a.m.)

Supervisor K. Smith moved approval of the Certificate of Recognition presented to members of the Chantilly High School Baseball team for its noteworthy experience, impressive resilience, competitive spirit, and pronounced confidence, resulting in winning the Virginia High School League 6A championship. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

6. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:04 a.m.)

Supervisor McKay, Chairman of the Board’s Legislative Committee, presented the report on General Assembly activities, noting the following:

- The Legislative Committee met on Friday, January 27, and Friday, February 10, and Board Members have in their red folders a report from the Committee.
- Last Tuesday was “crossover,” or the deadline for bills to pass their originating chambers and cross over to the opposite chamber. As a result, there is a much smaller universe of bills to be worked on in the remainder of the session. In the tracking chart, attached to the report, many bills which were problematic for the County have been amended or are no longer under consideration.
- In particular, the Legislative Committee received an update on the wireless telecommunications legislation, which the County initially opposed. Though the House version was defeated, the Senate version has been amended substantially to address many of the County’s concerns and as a result the Legislative Committee decided to monitor this legislation moving forward. Legislative staff will continue to provide updates to the Board as information becomes available.
- A key area of focus for the remainder of the session will be the amendments to the 2016-2018 biennium budget. On Sunday February 5, the House Appropriations and Senate Finance Committees reported their respective budgets. Both budgets passed their respective chambers on February 9; the House budget passed by a vote of 98-2 and the Senate budget passed unanimously. Conference committee negotiations will be where most of the remaining unresolved issues will be worked out, including County priorities such as funding for K-12 education. Legislative staff provided an update on the House and Senate budgets at Friday’s Legislative Committee meeting.

Supervisor McKay:

- Thanked his colleagues who made the trip to Richmond on February 2 for the Virginia Association of Counties (VACo) Day, during which they had the opportunity to discuss County issues and priorities with the Delegation. Many Board Members made a second trip to Richmond the following week to attend the County's reception on February 9. There was great attendance at the reception which provided another opportunity for productive in-person conversations with the Delegation, as well as the Governor, Lieutenant Governor, and Attorney General, who made time in their busy schedules to attend the event.
- Announced that the next Legislative Committee meeting is scheduled for Friday, February 17, at 4 p.m. in Conference Rooms 9 and 10.

Supervisor McKay moved adoption of Legislative Committee Report Number Two. Chairman Bulova seconded the motion.

Chairman Bulova expressed appreciation to:

- Members of the Board for being so engaged in the legislative process.
- Staff who work diligently in Richmond during the General Assembly for their personal attention with each Member of the Delegation.

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

7. **10:30 A.M. – COUNTY EXECUTIVE'S PRESENTATION OF THE PROPOSED FISCAL YEAR (FY) 2018 AND FY 2019 MULTI-YEAR BUDGET PLAN** (10:09 a.m.)

Edward L. Long Jr., County Executive, gave a presentation on the budget.

Following comments regarding the proposed budget, Chairman Bulova announced that the Board's next Budget Committee meeting is scheduled for February 21, 2017, at 3 p.m.

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

- Jane Strauss, Vice-Chairman
- Tamara Derenak Kaufax, Lee District Member

- Dalia Palchik, Providence District Member

Chairman Bulova also recognized the presence of Steve Lockard, Interim Superintendent of Schools, and warmly welcomed him to the Board Auditorium.

A brief discussion ensued, with input from Joseph M. Mondoro, Chief Financial Officer, regarding Board Members' scheduled Town Hall Budget meetings.

Supervisor McKay referred to Slide 27, Non-residential Equalization, and raised a question regarding the cause of the .26 percent decrease in industrial properties valuation. Mr. Long stated that staff would report with further information as a Budget Question and Answer (Q&A).

Supervisor McKay asked unanimous consent that the Board direct staff to provide information regarding the increase in residential assessments, particularly in the affordable housing neighborhoods in Lee District and whether it is a trend occurring Countywide. Without objection, it was so ordered.

Supervisor McKay submitted a Budget Q&A for consideration regarding the School Board's discussion of changes to the Educational Employees' Supplementary Retirement System of Fairfax County (ERFC).

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information regarding whether the Diversion First Initiative has resulted in a reduction in the jail population and associated costs. Without objection, it was so ordered.

Discussion ensued, with input from Mr. Long, regarding:

- The projected budget shortfall for FY 2019
- Pension costs
- Average/median home assessment values
- Funding for individuals with intellectual and developmental disabilities (ID/DD)
- Metro/transit funding

With regard to metro funding, Supervisor Foust asked unanimous consent that the Board direct staff to provide information regarding available transportation funding reserves and the anticipated costs for FY 2019. Without objection, it was so ordered.

Chairman Bulova announced that she will be chairing a Task Force of elected officials from Loudoun County, Prince William County, Washington DC, and Maryland counties, to specifically explore the issue of funding going forward, both for capital as well as operating. They will also be meeting with the Board of Trade and Federal representatives.

Discussion ensued regarding metro funding.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information regarding:

- The number of employees who will see pay increases due to performance and longevity
- A comparison of the previous two years since the new compensation plan was established
- The potential of a January 1 market rate adjustment

Without objection, it was so ordered.

Discussion continued, with input from Mr. Long, regarding the real estate tax rate, Middle School Resource Officers, staffing for the new South County Police Station, and the list of cuts included in the budget.

Mr. Mondoro noted that the Budget presentation and all the budget documents are available on the County's website at <http://www.fairfaxcounty.gov/dmb/>.

During the Board's discussion on Mr. Long's presentation, the following budget meetings, by District, were announced:

<u>MEETING</u>	<u>DATE/TIME</u>	<u>LOCATION</u>
Mount Vernon District Budget Town Hall	February 4 – 9:30 a.m.	Mount Vernon High School, 8515 Old Mount Vernon Road, Alexandria
Dranesville District Budget Town Hall	February 21 – 7:30 p.m.	Great Falls Library, 9830 Georgetown Pike A, Great Falls
Mount Vernon Council Civic Association with presentation by Joseph Mondoro, Chief Financial Officer	February 22 – 8 p.m.	Mount Vernon Government Center (Community Room) 2511 Parkers Lane, Alexandria

<u>MEETING</u>	<u>DATE/TIME</u>	<u>LOCATION</u>
Hunter Mill District Community Summit with budget and other staff	March 4 – 8:30 a.m.	Frying Pan Park, Visitors Center, 2389 West Ox Road, Herndon
Providence District Community Budget with Providence District School Board Member Dalia Palchik	March 8 – 7 p.m.	Providence Community Center, 3001 Vaden Drive, Fairfax (First Floor Multi- Purpose Rooms)
Sully District Budget Town Hall with Sully District School Board Member Thomas Wilson	March 8 – 7 p.m.	Rocky Run Middle School, 4400 Stringfellow Road, Chantilly
Braddock District Council Budget Town Hall	March 8 – 7:30 p.m.	Braddock Hall
Mason District Budget Town Hall with County Executive Edward L. Long Jr.	March 9 – 7 p.m.	Mason District Government Center, 6507 Columbia Pike, Annandale (Main Community Room Mason)
Dranesville District Budget Town Hall	March 16 – 7:30 p.m.	McLean Community Center, 1234 Ingleside Avenue, McLean
Springfield District Budget Town Hall with County Executive Edward L. Long Jr.	March 20 – 7 p.m.	West Springfield Government Center, 6140 Rolling Road, Springfield (Community Room)
Lee District Budget Town Hall	March 22 – 7 p.m.	Franconia Governmental Center, 6121 Franconia Road, Alexandria

<u>MEETING</u>	<u>DATE/TIME</u>	<u>LOCATION</u>
Braddock District Budget Town Hall with School Board Member-at-Large, Jeanette Hough, and County Executive Edward L. Long Jr.	March 27 – 7:30 p.m.	Robinson Secondary School, 5035 Sideburn Road, Fairfax (Recital Hall)

DET:det

8. ADMINISTRATIVE ITEMS (11:47 a.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman Bulova seconded the motion.

Supervisor Herrity called the Board's attention to Admin 13 - Authorization to Advertise a Public Hearing to Approve Disposition of County-Owned Property Pursuant to a Real Estate Exchange Agreement (REEA) Between the Board of Supervisors and Columbia Crossroads LP (Mason District) and asked to amend the motion to consider this item separately. This was accepted.

Discussion ensued, with input from Rob Stalzer, Deputy County Executive, concerning whether this action is needed for relocation of the previous shelter, Board actions, and funding of the East County Human Services Center.

The question was called on the motion to approve the Administrative Items, as amended, with the exception of Admin 13, 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 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2018

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 14, 2017, at 4:30 p.m.**, on the proposed Consolidated Plan One-Year Action Plan for FY 2018, as forwarded by the Consolidated Community Funding Advisory Committee. The public will have an opportunity to comment on the proposed use of funds as described in the proposed Action Plan in accordance with the US Department of Housing and Urban Development regulations and guidelines. Citizens may also comment on housing and community service needs in the County as well as provide information concerning changes in housing and community service trends since the last Board public hearing on the Consolidated Plan for FY 2017 held in 2016.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF MEDFORD DRIVE WALKWAY-ANNANDALE HS-DAVIAN DRIVE (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 14, 2017, at 4 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project 5G25-060-000, Pedestrian Improvements 2014, Fund C30050, Transportation Improvements.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CONTRACTION OF SMALL AND LOCAL SANITARY DISTRICT FOR VACUUM LEAF COLLECTION SERVICE (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 14, 2017, at 4:30 p.m.**, to consider a change to the small and local sanitary district for leaf collection service within the Hunter Mill District, in accordance with the Board's adopted criteria for the administration of Small and Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
Small District within Hunter Mill District (Equus Court area)	Contract	Vacuum leaf collection

ADMIN 4 – APPROVAL OF A STREET NAME CHANGE FROM SCIENCE APPLICATIONS COURT TO QUANTUM DRIVE (PROVIDENCE DISTRICT)

Approved a street name change in the Official County Digital Property Map and the Master Addressing Repository from Science Applications Court to Quantum Drive, on Tax Map Number 039-2, effective 30 days following Board approval, in accordance with Section 102-1-9 of the Code of the County of Fairfax.

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE AND HUNTER MILL DISTRICTS)

- (R) Approved the request that the following streets be accepted into the State System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Bachman Property Section 1	Hunter Mill	Hunting Crest Lane
		Hunting Crest Way
		Admirals Hill Court

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Garfield Park Section Two	Dranesville	Centrillion Drive
		Alvermar Ridge Drive
		Ballestrade Court
		Dominion Reserve Drive
		Burford Drive
Goepfert Property	Dranesville	Autumn Mist Lane
		Aidan Run Court

ADMIN 6 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATIONS (MOUNT VERNON AND HUNTER MILL 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-V16-2	Fairfax County Park Authority Mason Neck Park West 10418 Old Colchester Road Lorton, VA Mount Vernon District Accepted December 19, 2016	August 17, 2017
2232-H16-40	Metropolitan Washington Airports Authority Virginia Department of Rail and Public Transportation, and Board of Supervisors of Fairfax County 2000 Edmund Halley Drive Reston, VA Hunter Mill District Accepted December 21, 2016	August 19, 2017
FS-H16-41	AT&T Mobility Corporation 11800 Sunrise Valley Drive Reston, VA Hunter Mill District Accepted November 17, 2016	April 16, 2017

ADMIN 7 – ADDITIONAL TIME TO ESTABLISH THE USE OR COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION SE 2013-LE-008, VTLC, LLC – NGUYEN H.T. VUONG (LEE DISTRICT)

- (AT) Approved the request for 12 months of additional time to establish the use for Special Exception SE 2014-LE-008 to December 4, 2017, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 8 – ADDITIONAL TIME TO OBTAIN A NON-RESIDENTIAL USE PERMIT (NON-RUP) FOR SPECIAL EXCEPTION SE 2013-HM-024, UNIVERSITY OF NORTH AMERICA, INCORPORATED (HUNTER MILL DISTRICT)

- (AT) Approved the request for six months of additional time to obtain a NON-RUP for Special Exception SE 2014-HM-024 to May 31, 2017, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION SE 2013-LE-014, HAJIMOHAMMAD REVOCABLE TRUST (LEE DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception SE 2013-LE-014 to November 13, 2017, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER EXPANDING THE MCLEAN RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 21 (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 14, 2017, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the McLean RPPD, District 21. The proposed District expansion includes the following:

- Great Falls Street (Route 694):
From Sea Cliff Road to Baldwin Drive, north side only
- Sea Cliff Road (Route 2062):
From Margie Drive to the High School driveway
From Warner Avenue to Margie Drive
From the High School driveway to Great Falls Street

ADMIN 11 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MASON AND DRANESVILLE DISTRICTS)

- Endorsed the following traffic calming measures:
 - One speed hump adjacent to 6020 and 6021 Lebanon Drive (Mason District)
 - One speed hump adjacent to 1106 and 1107 Carper Street (Dranesville District)
- Directed staff to schedule the installation of the approved traffic calming measures as soon as possible.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE APPLICATION OF SPRINGFIELD YELLOW CAB REGARDING A TRANSFER OF CONTROL

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 14, 2017, at 4:30 p.m.**, to consider the Consumer Protection Commission's unanimous recommendation to the Board to approve the transfer of control of Springfield Yellow Cab.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO APPROVE DISPOSITION OF COUNTY-OWNED PROPERTY PURSUANT TO A REAL ESTATE EXCHANGE AGREEMENT (REEA) BETWEEN THE BOARD OF SUPERVISORS AND COLUMBIA CROSSROADS LP (MASON DISTRICT)

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page 8.)

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

9. **ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO APPROVE DISPOSITION OF COUNTY-OWNED PROPERTY PURSUANT TO A REAL ESTATE EXCHANGE AGREEMENT (REEA) BETWEEN THE BOARD OF SUPERVISORS AND COLUMBIA CROSSROADS LP (MASON DISTRICT)** (11:51 a.m.)

- (A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See Clerk's Summary Item #8.)

Supervisor Gross moved that the Board authorize the advertisement of a public hearing to be held before the Board on **February 28, 2017, at 4:30 p.m.**, to

consider disposition of the County land [Tax Maps 61-2 ((19)) parcels 5A and 11A] in connection with the REEA with Columbia Crossroads providing for an exchange of real property and joint infrastructure development in conjunction with the development of the County land, the Weissberg Land [Tax Maps 61-2 ((1)) parcels 113, 113A, 113C and 114 and 61-4 ((30)) parcels 15 and 17], and the Landmark Parcel [Tax Map 61-2 ((1)) parcel 112A]. Supervisor Hudgins seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting “NAY.”

10. **A-1 – CAPITAL IMPROVEMENT PROJECT FINAL PLAN APPROVAL AND CONSTRUCTION CONTRACT AWARD – McLEAN COMMUNITY CENTER RENOVATION AND EXPANSION (DRANESVILLE DISTRICT)** (11:51 a.m.)

On motion of Supervisor Foust, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the final project plans and resulting construction bid for the McLean Community Center Renovation and Expansion project, and authorize the award of the contract for construction to Sorensen Gross Company in the lump sum amount of \$5,100,000.

11. **A-2 – APPROVAL OF A LETTER AGREEMENT BETWEEN THE COUNTY AND THE PARK AUTHORITY FOR THE FUNDING AND ADMINISTRATION OF THE CROSS COUNTY TRAIL PAVING – WAKEFIELD PARK (BRADDOCK DISTRICT)** (11:52 a.m.)

On motion of Supervisor Cook, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the director of the Department of Transportation to enter into a Letter Agreement between the County and the Park Authority for the funding and administration of the Cross County Trail Paving – Wakefield Park.

12. **A-3 – ENDORSEMENT OF THE COUNTY’S BICYCLE PARKING GUIDELINES** (11:53 a.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and endorse the Fairfax County Bicycle Parking Guidelines to provide guidance to the development community on the number, type, and location of bicycle parking proposed with new development. Supervisor McKay seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, concerning:

- The proximity of bicycle parking to retail entrances
- Flexibility in adhering to the guidelines

- Clarification that these are guidelines and not ordinance requirements

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

13. **A-4 – APPROVAL OF REVISIONS TO CHAPTERS 2, 4, 6, 10, AND 12 OF THE PERSONNEL REGULATIONS TO ALIGN DEFINITIONS, CORRECT TYPOGRAPHICAL ERRORS, ALIGN PRACTICE WITH POLICY, AND PROVIDE ADMINISTRATIVE CLARIFICATION**
(11:58 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 approved the proposed revisions to Chapters 2, 4, 6, 10, and 12 of the Personnel Regulations to ensure compliance with Virginia Code, provide administrative direction, and policy clarification.

EBE:ebe

ADDITIONAL BOARD MATTERS

14. **REQUEST FOR RECOGNITIONS** (11:59 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to process the following presentation requests as contained in her written Board Matter:

- Invite Mr. John Yeatman to appear before the Board on May 2, 2017, to accept a proclamation designating May 2017 as “*Break the Silence on Ovarian Cancer Month*” in Fairfax County
- Invite Ms. Margaret Hunt, her daughter Athena, and representatives from the Food Allergy Research and Education group to appear before the Board on May 2, 2017, to accept a proclamation designating May 14-20, 2017, as “*Food Allergy Awareness Week*” in Fairfax County
- Invite representatives from the Department of Family Services and the Fairfax County Foster Care and Adoption Association to appear before the Board on May 2, 2017, to accept a proclamation designating May 2017 as “*Foster Care and Foster Family Recognition Month*” in Fairfax County

Without objection, it was so ordered.

15. **NEW ROOM AND GUIDELINES FOR BOARD OF SUPERVISORS COMMITTEE MEETINGS** (12:01 p.m.)

Chairman Bulova said that Conference Room 11 in the Government Center Conference Center is almost ready to use. The new room will hold future Board Committee meetings and has many positive features:

- It can accommodate larger audiences
- The microphones will work! And there are enough of them for everyone, including staff
- Channel 16 will broadcast meetings so interested residents and the press can tune in remotely

Chairman Bulova explained that moving committee meetings into a new space presents an opportunity to freshen up committee meeting procedures as well. She added that she is interested in working with the County Executive and staff to find ways to tighten and streamline presentations to the Board to help maximize time for productive discussion. Since committee meetings will be broadcast, Channel 16 will require materials in advance including standardized meeting agendas and PowerPoint presentations with a minimum font size.

Chairman Bulova noted that Conference Room 11 was repurposed from space previously used by the Department of Finance and was not an add-on to the Government Center.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the County Executive to send a memorandum to department heads outlining new guidelines, procedures, and information regarding the structure of committee meetings moving forward. Without objection, it was so ordered.

A brief discussion ensued regarding reallocation of existing space and Powerpoint presentations.

16. **FOLLOW-UP FROM JOINT BOARD RETREAT 2016 PLANNING COMMISSION SCHOOLS COMMITTEE JOINT BUDGET COMMITTEE** (12:04 p.m.)

Chairman Bulova noted that in October 2016, the Board of Supervisors and the Fairfax County School Board agreed to the creation of a Joint Work Program to develop recommendations for how the two boards can work more closely together on shared priorities. Specifically, her Board Matter directed the creation of a Joint Budget Workgroup to prioritize fiscal recommendations; directed the Successful Children and Youth Partnership Team (SCYPT) to prioritize “Children and Families” issues; and directed the Schools Committee of the Planning Commission (PC) to prioritize land use issues identified at the retreat.

Chairman Bulova said that attached to her Board Matter are the work plans developed by the Joint Budget Workgroup and the PC's Schools Committee - School Board Working Group. The Board of Supervisors previously approved the SCYPT work plan presented jointly by Supervisor Hudgins and Supervisor McKay at the January 24 Board meeting.

Therefore, Chairman Bulova moved approval of both the Joint Budget Workgroup Work Plan as discussed at the last Budget Committee meeting and the PC's recommendations for work it will be pursuing in its Schools Committee-School Board Working Group. Supervisor McKay seconded the motion.

Discussion ensued concerning whether the Work Plan would address pensions, impacts of commercial and residential rezoning on schools, and the number of properties converted to commercial use.

Supervisor L. Smyth called the Board's attention to Page 2 of the PC Schools Committee Land Use and Capacity Planning for Schools Work Plan, IV, School Planning and Economic Development, Item F, and suggested to change the word "land" to "**property**."

Following discussion regarding the impact of conversion, Supervisor Herrity stated that he and Supervisor L. Smyth are working on a Board Matter which they will present at the next Board meeting and suggested that staff look at the amount of property converted from commercial to residential from two different aspects: the increased number of students generated by converting to residential use, and the impact on the commercial tax base.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

17. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANSVILLE DISTRICT)** (12:11 p.m.)

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

18. **HUNTER MILL DISTRICT COMMUNITY SUMMIT** (12:12 p.m.)

(NOTE: Earlier in the meeting, Supervisor Hudgins announced dates for her Summit. See Clerk's Summary Item #7, page 7.)

Supervisor Hudgins noted that she had already announced details of the Hunter Mill District Community Summit.

DET:det

19. **BUDGET CONSIDERATION ITEM REAL ESTATE TAX EXEMPTION FOR SURVIVING SPOUSE OF FIRST RESPONDERS KILLED IN THE LINE OF DUTY** (12:12 p.m.)

Supervisor Herrity said that last November voters overwhelmingly approved a constitutional amendment allowing local governments to exempt from real estate taxes surviving spouses of first responders killed in the line of duty. Although nothing will ever truly make up for the sacrifice made by those taken from their families, exempting them from real estate taxes is a small way of recognizing their sacrifice.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the County Executive to:

- Report with the estimated cost to implement this exemption including an implementation timeline for enactment of an ordinance, if approved by the Board
- Include the amount as a Consideration Item in this year's budget deliberations

Following discussion and clarification that this was a request for information, without objection, it was so ordered.

20. **2017 FAIRFAX COUNTY TEEN JOB FAIRS** (12:13 p.m.)

Jointly with Supervisor L. Smyth, Supervisor K. Smith, and Supervisor Storck, Supervisor Herrity, referring to his written Board Matter, said that last year he held a couple of job fairs and it is being expanded to four job fairs this year:

- Saturday, March 18 – 10 a.m. to 12 noon, Chantilly High School (HS) – Co-sponsored by Supervisor K. Smith, the Chantilly HS STEM Academy, and the Dulles Regional Chamber
- Saturday, March 18 – 1 p.m. to 3 p.m., Oakton HS – Co-sponsored by Supervisor L. Smyth and the Oakton HS Marketing Department
- Saturday, April 1 – 12 noon to 2 p.m., West Springfield HS – Co-sponsored by the West Springfield HS Student Government Association and the Greater Springfield Chamber
- Saturday, April 29 – 11 a.m. to 1 p.m., South County Secondary School – Co-sponsored by Supervisor Storck, the South Fairfax Chamber, the South County Federation, and the South County Secondary School

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the Office of Public Affairs to help publicize the 2017 Fairfax County Teen Job Fairs and Resume Building Workshops to the local community. Without objection, it was so ordered.

21. **HIGH SCHOOL STUDENT SHARK TANK TECHNOLOGY CHALLENGE 2016/17 (SPRINGFIELD DISTRICT)** (12:15 p.m.)

Supervisor Herrity, referring to his written Board Matter, said that this was first done in 2015 and it is incredible what the students come up with. It is an intergenerational challenge where students are asked to help solve some of the issues of aging-in-place and growing older. He noted that the 2016 accomplishments were listed in his written Board Matter. In 2017, the competition was expanded to include applications (apps) and devices that would benefit persons with disabilities as well as older adults and caregivers. Over 45 students from 5 County high schools have submitted project proposals. The best projects will be presented to the Shark Tank judges on March 24, 2017, and the winners will be announced the following day.

Supervisor Herrity asked unanimous consent that the Board direct staff to:

- Reserve April 4, 2017, for a reception honoring the Shark Tank Technology Challenge winning students and their families
- Invite the winners to appear before the Board at the April 4 meeting to receive a resolution recognizing their contributions and achievements

Without objection, it was so ordered.

22. **COGNAC FAIR LAKES APPLICATION EXPEDITED PROCESSING (SPRINGFIELD DISTRICT)** (12:16 p.m.)

Supervisor Herrity said that Cognac Fair Lakes, LLC ("applicant") owns approximately 8.36 acres identified as Tax Map 55-2 ((1)) 14A ("subject property") that is currently improved with an approximately 260,000 square foot office building. An existing building tenant seeks to relocate additional employees to the subject property from other parts of the region. This particular building serves as the tenant's headquarters and thus the tenant seeks to consolidate employees from other locations to this building. The tenant has informed the applicant that the amount of existing parking is not sufficient to serve their long-term needs.

Therefore, the applicant proposes to construct an additional parking structure in an area that is currently occupied by surface parking. The applicant recently filed three Final Development Plan Amendments (FDPAs) to allow for construction of

the new parking structure. Given the timing associated with lease negotiations and the importance of retaining quality office tenants in the County, it is critical that this case be reviewed and scheduled for a public hearing expeditiously.

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

- Expeditiously review and schedule a public hearing for the three FDPAs filed by the applicant
- Concurrently process any site plans filed with respect to the subject property

This motion should not be construed as a favorable recommendation for these FDPAs or any subsequent applications. Supervisor L. Smyth seconded the motion and it carried by unanimous.

23. **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.

24. **ISSUES SURVEY (BRADDOCK DISTRICT)** (12:18 p.m.)

Supervisor Cook announced that he conducted an issues survey to which he received 766 responses and shared the following:

- Question #2 asked individuals to identify what they would cut in the budget: schools; police and fire; mental health and disability services; or increase taxes, which displeased several respondents who thought it was unfair because an easier option was not provided.
- Question #4 dealt with police retention of license plate and cell phone data with 60 percent of the respondents replying that the information should only be collected with a warrant. He noted his intent to include this issue of retention on the September Public Safety agenda.
- Question #6 was budget related with 25 percent of the respondents agreeing with the following statement: “I would support more money for schools if I thought the money would go to teachers, but I am not confident that it will so I don’t support educational funding.”

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25. **BAILEY'S CROSSROADS COMMUNITY SHELTER AND SUPPORTIVE HOUSING PROJECT (MASON DISTRICT)** (12:21 p.m.)

Supervisor Gross said that last September the County purchased a property located at 5914 Seminary Road [Tax Map 61-2 ((20)) 7], in the southeast quadrant of Bailey's Crossroads, with the intention of providing a permanent location for the new Bailey's Crossroads Community Shelter and Supportive Housing project. At the last Board meeting on January 24, 2017, the Board approved an amendment to the Comprehensive Plan to permit the community shelter to relocate to this property, a site which is less than a quarter-of-a-mile away from the existing shelter site on Moncure Avenue. The new facility will eliminate the need for a temporary shelter location and will permit the construction of a three-story, approximately 14,800 square-foot, facility which will include a combination of approximately 52 beds for emergency housing as well as 18 units of permanent supportive housing. The emergency housing will provide beds for 30 men and 18 women, as well as 4 beds for "high risk medical" clients who may require additional supervision/supportive care. The supportive housing will be provided on the top two floors of the building; each unit will contain 275 square feet and will provide housing for residents who have moved on from the shelter but continue to receive supportive services. The facility will be staffed 24 hours-per-day and will also provide supportive services to unsheltered individuals needing assistance, including lunch and shower facilities. The facility will also serve as the regional operations center for the hypothermia prevention program which operates annually from November through March.

The property is currently zoned C-8, CRD, and HC, which would permit the construction of a building with a maximum floor area ratio (FAR) of 0.50; to achieve the level of service intended, it is necessary to obtain approval of a vacation of a small area of right-of-way along the Seminary Road frontage and to receive approval of a special exception to permit a maximum FAR of 0.70. The vacation process is currently underway with the Virginia Department of Transportation (VDOT), but it is time to proceed with the special exception application.

Therefore, Supervisor Gross moved that the Board:

- Initiate a Board's Own Motion special exception application to permit waivers and modifications in the Commercial Revitalization District to include an increase in FAR from .5 to .7, on a 21,849 square foot property located at 5914 Seminary Road and described as Tax Map 61-2 ((7)) [*sic*] and a portion of the adjacent Seminary Road right-of-way to be vacated and abandoned

- Authorize the following individuals to act as agents on the Board's behalf, for all actions associated with the special exception application:
 - Joan Beacham, Project Coordinator, Public Private Partnerships Branch, Building Design and Construction Division (BDCD), Department of Public Works and Environmental Services (DPWES)
 - Katayoon Shaya, Chief, Public Private Partnerships Branch, BDCD, DPWES
 - James Patteson, Director, DPWES
 - Dean Klein, Director, Office to Prevent and End Homelessness

Chairman Bulova seconded the motion.

Following a brief discussion, with regard to the first bulleted item of her motion, Supervisor Gross clarified that the Tax Map Number is **61-2 ((20)) 7**.

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

26. **NO BOARD MATTERS FOR SUPERVISOR K. SMITH (SULLY DISTRICT)** (12:25 p.m.)

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

27. **THANK YOU TO CHIEF RICHARD BOWERS, THE FIRE AND RESCUE DEPARTMENT (FRD), AND THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES)** (12:25 p.m.)

Supervisor Storck said that on Thursday evening, February 2, a fire at Covanta's Lorton waste-to-energy facility started as a one-alarm fire and progressed throughout the event. Fire investigators determined that the fire originated on the tipping floor and extended to the holding pit of the facility. When Supervisor Storck was contacted by staff, he immediately went to the site and joined FRD crews as well as James Patteson and John Kellas from DPWES.

Supervisor Storck thanked Fire Chief Richard Bowers and the entire FRD team for their immediate and exemplary response to this fire event and their continued efforts to protect the community; this was a first for the Lorton community. There were no reported civilian or firefighter injuries, and for that, we are very thankful. Supervisor Storck also thanked the very professional services of Mr. Patteson and

his team for their expertise and hands-on support before, during, and after the event.

28. **THANK YOU TO COUNTY STAFF FOR PARTICIPATING IN THE THIRTIETH ANNUAL MOUNT VERNON DISTRICT TOWN MEETING**
(12:27 p.m.)

Supervisor Storck said that on February 4, 2014, he hosted the Thirtieth Annual Mount Vernon Town meeting at Mount Vernon High School. At 7:45 a.m. the doors opened to the exhibit hall where over 60 County agencies, non-profit organizations, and other groups were able to connect with and answer questions from Mount Vernon District residents. This year the town meeting theme was #ConnectMVD, and the focus was on how to better connect residents to each other, to available services, to current events in Mount Vernon, and also helping constituents understand the importance of community engagement.

Supervisor Storck thanked all the agencies that were able to attend and continue to make this tradition so successful. He also thanked Chairman Bulova, County Executive Edward L. Long Jr., Fort Belvoir Public Affairs Director Joe Richards, Mount Vernon District School Board Member Karen Corbett Sanders, Congressman Connolly, and Congressman Beyer, for their willingness to join him on Super Bowl Saturday and for providing residents updates on key issues affecting the Mount Vernon District, the County, and the nation.

Supervisor Storck extended a special thanks to the Channel 16 Crew who helped livestream and Facebook live the event - Donna Monacci, Sara Mingo, Greg Smalfelt, Patrick Balsamo, John Graham, Josh Bass, Albee Sinayoko, Steve Adams, Ali Al Taweel, Douglas Zambrano, Larry Aronson, Scott Coco, Bob DeMarco, and Sean Metzger; the tremendous Department of Information Technology team, Joey Taguding and Mark Leonard; and Matt Miller from Geographic Information Systems (GIS). Mr. Miller worked with Mount Vernon District staff to help create the first truly virtual flying tour of the district by utilizing the same technology that is available to residents at Virtual Fairfax on the County's website. The software allows you to visualize, analyze, and host 3D GIS with available tools for flooding analysis, line of sights, and viewsheds.

Supervisor Storck announced that the town meeting will air play on Cox Cable Channel 16 at 8 p.m. on the following dates: February 11, February 13, and February 26. DVD copies are also available at Mount Vernon District libraries.

29. **REQUEST FOR RECOGNITION OF ELIZABETH McNALLY, UNITED CHRISTIAN MINISTRY (UCM) (LEE DISTRICT)** (12:30 p.m.)

Supervisor McKay announced that after 16 years of service with UCM to the residents of Lee District, Elizabeth McNally is stepping down from her role as Deputy Executive Director.

Supervisor McKay referred to his written Board Matter which outlined Ms. McNally's many accomplishments.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a certificate to be jointly signed by Chairman Bulova, Supervisor Storck, and the Lee District Supervisor, for presentation to Ms. McNally at a future Board meeting. Without objection, it was so ordered.

30. **RECESS/CLOSED SESSION** (12:31 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. Application of Dominion Virginia Power, PUR-2017-00002 (Va. State Corp. Comm'n) (Providence District)
 2. *Magaly Hernandez v. Fairfax County, Virginia*, Case No. 1:16-cv-502 (E.D. Va.)
 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, and Brian Edmonston*, Case No. CL-2016-0007306 (Fx. Co. Cir. Ct.)
 4. *Lenir Richardson v. Officer O.J. Faulk, Officer D.N. Custer, Officer Rizza, Commonwealth of Attorney [sic], Sergeant Mario Torres*, Record No. 16-1911 (U.S. Ct. of App. for the Fourth Cir.)

5. *Shirley A. Stewart v. Eric H. Holder (U.S. Dept. of Justice), Stephen Holl (Metropolitan Washington Airports Authority), Edwin C. Roessler (Fairfax County Police Dept.), Stacy Kincaid (Fairfax County Sheriff Dept.), Mark Chapman (Loudoun County Sheriff Dept.), Jeh Johnson (U.S. Homeland Security), John F. Kerry (U.S. Dept. of State), Sarah Saldana (Immigration and Customs Enforcement), and Thomas S. Winkowski (Custom and Border Protection), Case No. 1:15-cv-682 (E.D. Va.)*
6. *Justin C. Cuffee v. Fairfax County Fire and Rescue Department, Case No. 1:16-cv-584 (E.D. Va.)*
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tony Duy Ta and Huong Lan Thi Dao, Case Nos. GV16-023469 and GV16-023468 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
8. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sumati Krishnan, Case No. CL-2017-0000908 (Fx. Co. Cir. Ct.) (Dranesville District)*
9. *I.G.S. Limited Liability Company v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, Virginia, and CESC Commerce Executive Park L.L.C. Case No. CL-2017-0000197 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
10. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Sweet Heat BBQ LLC, Case No. CL-2017-0000063 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
11. *David J. Laux and Tara K. Laux a/k/a Tara K. Long v. Board of Supervisors of Fairfax County, James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and the Commonwealth of Virginia, Record No. 17-1051 (U.S. Ct. of App. for the Fourth Cir.) (Mason District)*
12. *David J. Laux and Tara K. Laux, a/k/a Tara K. Long v. James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and Brian J. Foley, Fairfax County Building*

Official, Record No. 161808 (Va. Sup. Ct.) (Mason District)

13. In Re: December 7th, 2016, Decision of the Fairfax County Board of Zoning Appeals; Case No. CL-2017-0000249 (Fx. Co. Cir. Ct.) (Mason District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Joseph C. Merek and Kerry P. Merek*, Case No. GV17-000486 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph C. Merek and Kerry P. Merek*, Case No. GV17-000488 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
16. *Gregory Shawn Mercer v. Fairfax County Child Protective Services, Alicia Wasklewicz, Tanya E. Powers, Fairfax County Department of Code Compliance, Elizabeth Perry, Jack Blair, LaTycia Tanks, Kerry S. Allander, Kenneth S. Houtz, Kathleen H. MacKay, Walter S. Felton, Jr., Larry G. Elder, Elizabeth A. McClanahan, Leroy R. Hassell, Sr., Barbara M. Keenan, Lawrence L. Koontz, Donald W. Lemons, Leroy F. Millette, S. Bernard Goodwyn, and Cynthia D. Kinser*; Record No. 16-1138 (U.S. Ct. of App. for the Fourth Cir.) (Providence District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Natividad Rojas*, Case No. CL-2017-0000361 (Fx. Co. Cir. Ct.) (Providence District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Amin Barek*, Case No. GV17-000487 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- Federal Communications Commission WT Docket Number 16-421
- John Doe v. County of Fairfax, Case Number 1:17-cv-147

- Cheri Zosh v. Fairfax County, Case Number 1:16-cv-910
- Legal Analysis Regarding the Contract Between the County and Covanta
- State and Local Government Conflict of Interests Act

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

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At 4:10 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

31. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:11 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."

32. **APPOINTMENT OF RICHARD SCHOTT, INDEPENDENT POLICE AUDITOR** (4:11 p.m.)

Supervisor Gross moved the appointment of Mr. Richard Schott to the position of Independent Police Auditor with a starting salary of \$143,000 annually, effective April 17, 2017. Supervisor Cook seconded the motion and it carried by unanimous vote.

Chairman Bulova recognized the presence of Mr. Schott in the Board Auditorium, and, on behalf of the Board, she welcomed and wished him a Happy Valentine's Day.

33. **AUTHORIZATION TO SUBMIT COMMENTS TO THE FEDERAL COMMUNICATIONS COMMISSION (FCC)** (4:13 p.m.)

Supervisor K. Smith moved that the Board authorize the submission of comments on its behalf, by counsel, in response to the FCC's Notice of Proposed Rulemaking regarding deployment of small cell infrastructure and Mobilitie, LLC's Petition for Declaratory Ruling. These comments will be directed by preserving the ability of local governments to control land use decisions to the maximum extent possible, as outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

34. **AUTHORIZATION TO FILE A NOTICE OF PARTICIPATION WITH THE STATE CORPORATION COMMISSION (SCC)** (4:13 p.m.)

Supervisor L. Smyth moved that the Board authorize the filing of a Notice of Participation with the SCC in the application of Virginia Electric and Power Company for Approval and Certification of Electric Facilities, Case Number PUR-2017-00002, on the terms and conditions outlined by the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by unanimous vote.

35. **ANNOUNCEMENT REGARDING SHOOTING INCIDENT ON JANUARY 16, 2017, OF MR. MOHAMMAD AZIM DOUDZAI** (4:14 p.m.)

With regard to the shooting incident on January 16, 2017, of Mr. Mohammad Azim Doudzai, Chairman Bulova announced that, per the Board's Policy, the Board was briefed by Chief of Police Colonel Edwin C. Roessler Jr., and he will release a statement shortly, to the press, the Board, and the public, with his reasons for an extension for completing his threat assessment and releasing the name of the officer involved.

AGENDA ITEMS

36. **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)
(4:15 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, and again until February 14, 2017.)

Following remarks regarding changes needed to the development plan, Supervisor Storck stated that a new public hearing before the Planning Commission (PC) and the Board is required.

Therefore, Supervisor Storck moved that the Board:

- Remove Proffered Condition Amendment Application PCA B-715, Rezoning Application RZ 2015-MV-015, and Special Exception Application SE 2015-MV-030 from the Board's current agenda.
- Pursuant to Paragraph 1 of Section 18-204 of the Zoning Ordinance, direct the PC and the Department of Planning and Zoning (DPZ) to prepare new notices for a new public hearing on an amended application and direct DPZ and the Clerk to the Board to prepare new notices for a new public hearing after PC action.

Supervisor L. Smyth seconded the motion.

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

37. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-SP-019 (VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION VIRGINIA POWER) (SPRINGFIELD DISTRICT) (4:27 p.m.)**

The application property is located at 8234 Roseland Drive, Fairfax, 22039, Tax Map 97-3 ((01)) 14, 97-3 ((15)) 8, 106-1 ((01)) 1 and 2.

Ms. Angeline Crowder reaffirmed the validity of the affidavit for the record.

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

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

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

Following a query by Supervisor Herrity, Ms. Crowder confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 9, 2017.

Supervisor Herrity moved:

- Approval of Special Exception Application SE 2016-SP-019, subject to the development conditions dated February 9, 2017.

- Modification of Section 13-303 of the Zoning Ordinance for transitional screening to permit the existing vegetation to meet the requirement.
- Waiver of Section 13-304 of the Zoning Ordinance for the barrier requirement.

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

38. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-V-125 (CHPPENN I, LLC) (MOUNT VERNON DISTRICT)**

AND

PH ON REZONING APPLICATION RZ 2016-MV-014 (CHPPENN I, LLC) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN (CDP) (MOUNT VERNON DISTRICT) (4:31 p.m.)

(Os) The application property is located in the northeast quadrant of the intersection of Richmond Highway and Dart Drive, Tax Map 92-4 ((01)) 82A (pt.).

Ms. Lynne Strobel reaffirmed the validity of the affidavit for the record.

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

Discussion ensued, with input from Ms. Suder, Michael Garcia, Transportation Planner, Department of Transportation, and David Bowden, Director of Planning and Development, Park Authority, concerning:

- Access to the intersection from Lockheed Boulevard, Dart Drive, and Route 1
- Transportation analysis conducted for the intersection and identification of traffic impacts
- Traffic impacts to Lockheed Boulevard and proposed signal modifications
- Funding deficits and the ability to complete other projects on the Master Plan at Mount Vernon Woods Park or the Audubon facility
- Funding for the future park facility and funding sources available to complete unfunded projects

Ms. Strobel 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.

Discussion ensued, with input from Chris Tiesler, Traffic Consultant, Kittleson and Associates, Incorporated, regarding the traffic impact analysis, transportation modifications to mitigate the delays on Lockheed Boulevard, and the future Embark analysis and its impact on the corridor.

Following the public hearing, which included testimony by three speakers, Chairman Bulova and Supervisor McKay submitted items for the record.

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

Discussion continued, with input from Mr. Bowden, regarding timing and expectations for interim development of the park.

Following a query by Supervisor Storck, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 9, 2017.

Supervisor Storck moved:

- Approval of Proffered Condition Amendment Application PCA 78-V-125, subject to the proffers dated February 9, 2017.
- Approval of the waivers and modifications as listed in the handout distributed and dated February 1, 2017, which shall be made a part of the record, as follows:
 - Modification of Paragraph 1 of Section 3-M06 of the Zoning Ordinance (ZO) to permit the minimum district size to be 13.75 acres rather than 15 acres as required in the R-MHP District.
 - Waiver of Paragraph 2 of Section 3-M06 of the ZO to eliminate the 4,000 square foot average lot area requirement in the R-MHP District.
 - Waiver of Paragraph 3 of Section 3-M06 of the ZO to eliminate the 5,000 square foot minimum lot area requirement in the R-MHP District.

- Waiver of Paragraph 2A, B, and C of Section 3-M07 of the ZO to eliminate the 35 foot front yard, 25 foot side yard, and 25 foot rear yard requirements in the R-MHP District for mobile homes.
- Waiver of Paragraph 2D of Section 3-M07 of the ZO to eliminate the 35 foot minimum yard requirement between a mobile home and a public street in the R-MHP District.
- Modification of Section 3-M08 of the ZO to increase the maximum density to nine dwelling units per acre rather than six mobile homes or dwelling units per acre as required in the R-MHP District.
- Waiver of Paragraph 2 of Section 11-302 of the ZO to permit a private street to exceed a maximum 600 feet in length.
- Amendment of the ZO, as it applies to the property which is the subject of Rezoning Application RZ 2016-MV-014, from the C-8, R-2, R-MPH, and HC Districts to the PDH-20 and HC Districts, and approval of the CDP, subject to the proffers dated February 9, 2017.
- Approval of the waivers and modifications as listed in the handout distributed and dated February 1, 2017, which shall be made a part of the record, as follows:
 - Modification of Section 13-303 and waiver of Section 13-304 of the ZO for the transitional screening and barrier requirements between the multi-family and single-family attached dwelling units in favor of the landscaping shown on the CDP/Final Development Plan (FDP).
 - Waiver of Paragraph 2 of Section 6-107 of the ZO for the 200-square foot privacy yard for single-family attached dwelling units.
 - Waiver of Paragraph 2 of Section 11-302 of the ZO to permit the maximum lengths of the proposed private streets to exceed 600 feet.

- Modification of Paragraph 1 of Section 9-306 of the ZO to permit housing and general care for persons who are 55 years of age or over rather than the required 62 years of age or over.

Chairman Bulova seconded the motion.

Following a brief discussion regarding the project and ways to improve access, 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 Storck, and Chairman Bulova voting “AYE.”

(NOTE: On February 8, 2017, the PC approved Final Development Plan Application FDP 2016-MV-014, subject to the development conditions dated February 1, 2017.)

39. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-HM-012 (CARS-DB1, LLC) AND APPROVAL OF A CONCEPTUAL DEVELOPMENT PLAN (CDP) (HUNTER MILL DISTRICT)** (5:39 p.m.)

- (O) The application property is located in the northwest quadrant of the intersection of Spring Hill Road and Leesburg Pike, Tax Map 29-3 ((01)) 2C1, 2C2, and 2D.

Ms. Elizabeth Baker reaffirmed the validity of the affidavit for the record.

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

Ms. Baker 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.

Discussion ensued, with input from Mr. Katai and Catherine Lewis, Branch Chief, ZED, DPZ, regarding the conceptual grid of streets and the surrounding properties.

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

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

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2011-HM-012, from the C-7, HC, and SC Districts to the PTC, HC, and

SC Districts, and approval of the CDP, subject to the proffers dated January 31, 2017.

- Approval of the waivers and modifications as listed in the handout distributed and dated January 18, 2017, which shall be made a part of the record, as follows:
 - Waiver of Section 2-505 of the ZO to permit structures and vegetation on a corner lot as shown on the CDP/Final Development Plan (FDP).
 - Modification of Section 2-506 of the ZO to allow for a parapet wall, cornice, or similar projection to exceed the established height limit by more than 3 feet, but not more than 12 feet, to screen mechanical equipment, as may be indicated on an FDP.
 - Waiver of Paragraph 14 of Section 6-505 of the ZO to allow outdoor display and outdoor storage of vehicles associated with existing vehicle sales, rental, and ancillary service establishments.
 - Waiver of Section 6-506 of the ZO, which requires a minimum district size of 10 acres.
 - Modification of Paragraph 3E of Section 10-104 of the ZO, which limits fence height to 7 feet, to permit a maximum fence height of 14 feet around outdoor recreational courts and fields as shown on an FDP.
 - Modification of Paragraph 4 of Section 11-202 of the ZO requiring a minimum distance of 40 feet of a loading space in proximity to drive aisles, to that shown on the CDP/FDP.
 - Waiver of Paragraph 2 of Section 11-302 of the ZO to allow a private street to exceed 600 feet in length to that shown on the CDP/FDP.
 - Waiver of Paragraph 8 of Section 13-202 of the ZO to modify the interior landscaping requirements for parking lots to that which are shown on the CDP/FDP.
 - Waiver of Section 16-403 of the ZO to permit a public improvement plan for public streets, park

spaces, and interim parking spaces without the need for an FDP.

- Waiver of Section 17-201 of the ZO, to not require provision of a service road along Leesburg Pike.
- Modification of Section 17-201 of the ZO to permit the streetscape and on-road bike lane system shown on the CDP/FDP in place of any trails and bike trails shown for the subject property on the Comprehensive Plan.
- Waiver of Paragraph 3 of Section 17-201 of the ZO to provide any additional interparcel connections to adjacent parcels beyond that shown on the CDP/FDP and as proffered.
- Waiver of Paragraph 4 of Section 17-201 of the ZO to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDP/FDP and proffers.
- Waiver of Paragraph 7 of Section 17-201 of the ZO to permit the applicant to establish parking control signs (including spacing and location) and parking meters along private streets within and adjacent to the development in coordination with the County's Department of Transportation.
- Modification of Section 12-0508 of the Public Facilities Manual (PFM) to allow for tree preservation target deviations as justified by PFM 12-0508.3A(1) and 3A(3).
- Modification of Section 12-0510 of the PFM to permit trees located in rights-of-way and easements to count toward the 10-year tree canopy requirement subject to the proffered replacement provisions.

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."

(NOTE: On January 26, 2017, the PC approved Final Development Plan Application FDP 2011-HM-012, subject to the development conditions dated January 4, 2017.)

40. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2008-SP-012 (CHURCH OF THE APOSTLES (ANGLICAN) (BRADDOCK DISTRICT) (5:57 p.m.)**

(O) The application property is located on the south side of Lee Highway, east of its intersection with McKenzie Avenue, Tax Map 56-2 ((1)) 66.

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

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

Discussion ensued, with input from Mr. Gorney, regarding access to the existing cemetery and what is being done to protect the integrity of the cemetery.

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

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

Supervisor Cook moved:

- Approval of Proffered Condition Amendment Application PCA 2008-SP-012, subject to the proffers dated January 31, 2017.
- Approval of the modifications and deviation as listed in the handout dated February 14, 2017, which shall be made a part of the record, as follows:
 - Reaffirmation of the modification of the construction of an on-road bike lane on Lee Highway, in favor of a 10-foot wide bicycle trail.
 - Deviation from the Tree Preservation Target, pursuant to Section 12-0508.3A of the Public Facilities Manual, in favor of the plantings shown on the proposed plan and as conditioned.
 - Modification of the transitional screening requirements along a portion of the eastern boundary of the subject property adjacent to lots 26 and H, and along southern boundary of the subject property adjacent to lot G, pursuant to Paragraph 4 of

Section 13-305 of the ZO, in favor of the seven-foot high architectural block wall and as conditioned.

- Modification of the barrier requirement along Lee Highway, pursuant to Paragraph 7 of Section 13-305 of the ZO, in favor of landscape plantings that include the mixture of category 3 deciduous trees, shrubs, and groundcovers.

Supervisor Herrity 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.”

41. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO ESTABLISH PARKING RESTRICTIONS ON FIELDING STREET (LEE DISTRICT)** (6:13 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 January 27 and February 3, 2017.

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

Following the public hearing, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, to prohibit all vehicles from parking along the south side of Fielding Street (Route 3123), from Ashton Street to the western driveway of Mount Vernon Woods Elementary School, 24 hours-per-day, 7 days-per-week. Chairman Bulova and Supervisor Hudgins jointly 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 Storck, and Chairman Bulova voting “AYE,” Supervisor L. Smyth being out of the room.

42. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING RIDING AND BOARDING STABLES** (6:15 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 January 27 and February 3, 2017.

St. Clair Williams, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report.

Discussion ensued, with input from Mr. Williams, regarding definitions under the current Zoning Ordinance standards and the maximum number of horses allowed per acre.

Following the public hearing, which included testimony by eight speakers, Chairman Bulova, Supervisor Foust, and Supervisor Herrity submitted items for the record.

Mr. Williams presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. Williams, regarding the permit process and how to ensure compliance and enforcement of provisions of the ordinance.

Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding riding and boarding stables, with an effective date of 12:01 a.m. on February 15, 2017. Supervisor Herrity seconded the motion.

Following a brief discussion regarding the benefit of the amendment, 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 Storck, and Chairman Bulova voting "AYE."

43. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 122 (TREE CONSERVATION ORDINANCE), REGARDING THE POSTING OF SIGNS ON PRIVATE PROPERTY WHEN AN INFILL LOT GRADING PLAN IS SUBMITTED TO THE COUNTY FOR REVIEW** (6:52 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 27 and February 3, 2017.

Jerry Stonefield, Engineer IV, Land Development Services (LDS), presented the staff report.

Following the testimony of Mr. Louis V. Genuario, Jr. (Speaker 2), discussion ensued regarding the Northern Virginia Building Industry Association's position on the proposed amendments.

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

Supervisor Foust moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance), as set forth in Attachment A of the staff report dated November 7, 2016.

- These amendments shall become effective at 12:01 a.m. on March 1, 2017, and that the provision shall be applicable to any infill lot grading plans submitted on or after this date.

Supervisor L. Smyth seconded the motion.

Discussion ensued, with input from Bill Hicks, Director, LDS, regarding the proposed amendment, the notification process and associated costs, and outreach efforts to the community.

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

Supervisor Foust asked to amend the motion to include:

- After Paragraph B, add **Section 2, Sunset: “This Article shall expire 18 months from the date of adoption of this Article unless the Board of Supervisors expressly authorizes its continuation by an appropriate amendment to this Chapter.”**

Following discussion, regarding the amendment, this was accepted.

The question was called on the motion, as amended, and it **FAILED** by a recorded vote of five, Supervisor Cook, Supervisor Gross, Supervisor Foust, Supervisor L. Smyth, and Chairman Bulova voting “**AYE**,” Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, and Supervisor Storck voting “**NAY**.”

44. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF INFRASTRUCTURE REPLACEMENT PROGRAM – CONVEYANCE SYSTEM REHABILITATION - MISC (PROVIDENCE DISTRICT)** (8:09 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 27 and February 3, 2017.

Richard Finnell, Branch Chief, Land Acquisition, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor L. Smyth moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project SD-000034, Conveyance System Rehabilitation, Fund 400-C40100, Stormwater Services. Chairman Bulova and Supervisor Foust 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.”

45. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-DR-011 (H&M OF VIRGINIA, LLC) (DRANESVILLE DISTRICT)** (8:13 p.m.)

The application property is located at 7072 Idylwood Road, Falls Church, 22043, Tax Map 40-1 ((1)) 12.

Ms. Lynne Strobel reaffirmed the validity of the affidavit for the record.

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

Ms. Strobel 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 one speaker, Supervisor Foust submitted items for the record.

Ms. Gresham presented the staff and Planning Commission recommendations.

Following a query by Supervisor Foust, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated January 19, 2017.

Supervisor Foust moved approval of Special Exception Application SE 2016-DR-011, subject to the development conditions dated January 19, 2017. Supervisor Herrity seconded the motion.

Discussion ensued, with input from Catherine Lewis, Branch Chief, ZED, DPZ, regarding lot width waivers and whether a public street would have worked instead.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor L. Smyth abstaining.

46. **BOARD ADJOURNMENT** (8:23 p.m.)

The Board adjourned.

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