



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 28, 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 28, 2017, at 9:34 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** (9:35 a.m.)

Supervisor Hudgins referenced yesterday's bomb threat incidents to Jewish schools, noting particularly the Gesher Jewish Day School in the County, and reaffirmed the need for the community to be tolerant and accepting of everyone with diverse backgrounds, faith, and ethnicity. She noted that the County collaborates with different faith communities to affirm its belief in the foundation of the country to make certain that everyone has a place in the community.

Chairman Bulova also expressed that the County celebrates the diversity that exists in the County.

Supervisor McKay asked everyone to keep in thoughts the family of Senator Charles "Chuck" Colgan, who died recently. Senator Colgan represented Prince William County for many years and advocated for numerous issues. He was well respected by his colleagues in Richmond.

AGENDA ITEMS2. **PRESENTATION OF THE CARNEGIE MEDAL** (9:40 a.m.)

Eric Zahren, Executive Director, the Carnegie Hero Fund Commission, presented the Carnegie Medal to County resident Peter F. Pontzer in recognition of his assistance to save a boy from drowning in Emerald Isle, North Carolina.

3. **PROCLAMATION DESIGNATING MARCH 2017 AS "DEVELOPMENTAL DISABILITIES INCLUSION MONTH" IN FAIRFAX COUNTY** (9:50 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating March 2017 as "*Developmental Disabilities Inclusion Month*" in Fairfax County and urged all residents to recognize the tremendous value and potential of people with developmental disabilities and include them in all aspects of community life. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor McKay noted that Mr. Allan Phillips recently retired as the Director of the Infant and Toddler Connection, and thanked him and all the people who work with the developmental disability community for their great work.

4. **PROCLAMATION DESIGNATING MARCH 2017 AS "ALTERNATIVE DISPUTE RESOLUTION MONTH" IN FAIRFAX COUNTY** (10:08 a.m.)

Supervisor Cook moved approval of the Proclamation designating March 2017 as "*Alternative Dispute Resolution Month*" in Fairfax County and urged all residents to recognize the many benefits of alternative dispute resolution programs and to acknowledge the valuable role of volunteers who offer their services to neighbors and communities, their fellow students, and peers in the workplace. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING APRIL 3-9, 2017, AS "PUBLIC HEALTH WEEK" IN FAIRFAX COUNTY** (10:18 a.m.)

Supervisor Gross moved approval of the Proclamation designating April 3-9, 2017, as "*Public Health Week*" in Fairfax County and urged all residents to join in opportunities to create the healthiest nation in one generation. Supervisor Foust seconded the motion and it carried by unanimous vote.

6. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:26 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, announced that the 2017 General Assembly adjourned on Saturday, February 25. He noted that a copy of the Final Report of the General Assembly was distributed and will be posted on the County's website later this week.

Supervisor McKay presented the report on General Assembly activities, noting that:

- 2,959 bills and resolutions were introduced; 1,830 bills were reviewed by County operational and legal staff; and the Board took formal positions on 214 bills.
- The Board originally opposed or sought to amend 59 bills; at the end of the session, only 14 bills remained in that category. Of those 14, one bill was fixed the last week of the session and Governor McAuliffe has indicated he will veto two bills, including HB 2077, which would prevent government agencies from enforcing gun bans at emergency shelters.
- The General Assembly passed its budget on Saturday, which overall contains good news for the County. The budget includes the State share of a two percent teacher salary increase and distributes an additional \$34 million in lottery proceeds in Fiscal Year (FY) 2018 to school districts throughout the State. Preliminary analysis indicates Fairfax County Public Schools (FCPS) will receive \$4.2 million more than was included in the Superintendent's FY 2018 advertised budget (that is approximately \$700,000 more than what the School Board indicated). While more work remains to restore the substantial State budget cuts to K-12 and other core services in recent years, the gains

made last year and this year are a good start, particularly when considering the State revenue shortfall that occurred last spring.

- While the usual onslaught of problematic tax bills was not seen this year, those that were introduced largely failed early in the session. The most significant land use issue that arose during the 2017 General Assembly related to the siting of wireless telecommunications infrastructure, negotiations were successful and all sides agreed to a compromise that addressed many local government concerns.
- Another key issue during the 2017 General Assembly session was the establishment of the Metro Safety Commission. The urgency of that issue increased earlier this month when Virginia, Maryland, and the District of Columbia were notified that the Federal Transit Administration (FTA) would begin withholding transit funding until the Commission is formed and certified. Legislation pertaining to the Commission passed the General Assembly with an emergency clause allowing the legislation to go into effect immediately upon being signed by the Governor.
- In addition to the numerous other bills considered, the General Assembly also passed a bill that preserves existing local zoning authority to regulate short-term rentals (Airbnb, among others). The bill allows localities to create registries of operators of short-term rentals and to assess a penalty of up to \$500 for those who fail to register. The enactment of this legislation is a significant and welcome change from last session on this issue, which has received so much attention in the neighborhoods.
- The close of this session marked a season of change. This was the last session for Governor McAuliffe, the last session presiding over the Senate for Lieutenant Governor Ralph Northam, who is running for Governor, and the last session for Speaker Bill Howell, who announced his retirement. It was also the last session in the General Assembly building, which will be torn down and rebuilt over the next four years, with legislators moving to the Pocahontas building as their temporary home.

Supervisor McKay thanked legislative staff for their great work during the session on behalf of the Board and residents of the County.

Supervisor McKay moved that the Board adopt the 2017 General Assembly Final Legislative Report. Chairman Bulova seconded the motion and it carried by unanimous vote.

7. **10:30 A.M. – PRESENTATION ON THE MISSION, PROGRAMS, AND COMMITTEES OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG)** (10:35 a.m.)

Chairman Bulova acknowledged Chuck Bean, Executive Director, COG, and Rick Konrad, Cooperative Purchasing Program Manager, COG, and, on behalf of the Board, warmly welcomed them to the Board Auditorium.

Mr. Bean and Mr. Konrad presented a report on the missions, programs, and committees of COG. Mr. Bean announced that COG has an upcoming Regional Opioid and Substance Abuse Summit scheduled with Virginia Governor Terry McAuliffe, Maryland Governor Larry Hogan, and DC Mayor Muriel Bowser.

Following discussion regarding regional collaboration, Supervisor Gross, noting that the Regional Opioid and Substance Abuse Summit will be held on May 9, which is a Board Committee meetings day, asked unanimous consent that the Board direct the County Executive to send representatives and provide information from the summit. Without objection, it was so ordered.

Supervisor Foust announced that at the Board's next Economic Advisory Commission meeting, scheduled for March 21, 2017, COG will give a presentation on regional economic development.

8. **10:40 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (10:57 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 February 28, 2017." Supervisor McKay seconded the motion.

Supervisor Gross announced that new Park Authority Board member Mr. Ronald J. Kendall is being appointed to replace Mr. Frank Vajda, the long-serving Mason District Representative to the Park Authority, who is moving and has submitted his resignation.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite Mr. Vajda, with members of the Park Authority Board, to appear before the Board to be recognized. Without objection, it was so ordered.

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

The full list of Appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Reappointment of:

- Ms. Eileen J. Garnett as the Mason District Representative
- Mr. Philip E. Rosenthal as the Springfield District Representative

Appointment of:

- Mr. Michael Coyle as the Sully District Representative

The Board deferred the appointment of the At-Large Chairman's and Mount Vernon District Representatives.

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Appointment of:

- Mr. Kenneth Heyman as the Builder (Single Family) Representative

The Board deferred the appointment of the Engineer/Architect/Planner #2 and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

Appointment of:

- Mr. Michael F. Rioux as the Mount Vernon District Business Representative

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

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Mason District Representative.

ARCHITECTURAL REVIEW BOARD

Appointment of:

- Mr. John A. Carter as the Related Professional Group #4 Representative

The Board deferred the appointment of the Attorney Representative.

ATHLETIC COUNCIL

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

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

Reappointment of:

- Mr. Wayne Bryan as the Alternate #1 Representative
- Mr. Michael J. Grinnell as the Alternate #2 Representative
- Mr. Thomas J. Schroeder as the Design Professional #1 Representative

The Board deferred the appointment of the Alternate #4 and the Design Professional #3 Representatives.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

Appointment of:

- Mr. Robert Kyle McDaniel as the Professional #3 Representative

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

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

CHILD CARE ADVISORY COUNCIL

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

COMMISSION FOR WOMEN

Appointment of:

- Ms. Lisa A. Sales as the Mount Vernon District Representative

COMMISSION ON AGING

The Board deferred the appointment of the Hunter Mill District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Reappointment of:

- Mr. Jim Edwards-Hewitt as the Mason District Representative

Appointment of:

- Ms. Lanita R. Thweatt as the Mount Vernon District Representative

Confirmation of:

- Ms. Alice Yam as South Target Area #2 Representative

The Board deferred the appointment of the Hunter Mill District Representative.

CONSUMER PROTECTION COMMISSION

Appointment of:

- Mr. Umair Javed as the Fairfax County Resident #13 Representative

ENGINEERING STANDARDS REVIEW COMMITTEE

Confirmation of:

- Mr. Robert Meredith as the League of Women Voters Representative
- Mr. Paul B. Johnson as the Northern Virginia Building Industry Association Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Mason District Representative.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

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

Reappointment of:

- Ms. Elise Ruff Murray as the Citizen #3 Representative

The Board deferred the appointment of the Citizen #7 and the Historian #1 Representatives.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Mount Vernon District #1 Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

The Board deferred the appointment of the Mount Vernon District Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Reappointment of:

- Ms. Patricia L. Smith-Solan as the Hunter Mill District Representative
- Ms. Joleane Dutzman as the Mount Vernon District Representative

The Board deferred the appointment of the At-Large Chairman's Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

PARK AUTHORITY

Appointment of:

- Mr. Ronald J. Kendall as the Mason District Representative

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

Appointment of:

- Mr. Jay A. Jupiter as the Citizen At-Large #1 Representative

The Board deferred the appointment of the Citizen At-Large #3 Representative.

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #1, #2, and #4 Representatives.

SMALL BUSINESS COMMISSION

Appointment of:

- Ms. Samantha Lentz as the Springfield District Representative

The Board deferred the appointment of the Hunter Mill District Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #6 and #8 Representatives.

TENANT LANDLORD COMMISSION

Reappointment of:

- Mr. Michael R. Congleton as the Citizen Member #1 Representative

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

TRAILS AND SIDEWALKS COMMITTEE

Appointment of:

- Mr. Robert W. Cosgriff as the Braddock District Representative

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Reappointment of:

- Hon. Laurie DiRocco as the Adjacent Community Member #1 Representative
- Ms. Sally Horn as the Adjacent Community Member #2 Representative
- Mr. James Policaro as the Commercial or Retail Ownership #1 Representative
- Mr. Barry Mark as the Commercial or Retail Ownership #3 Representative
- Mr. Mark Zetts as the Dranesville District Representative
- Mr. Jay Klug as the Hunter Mill District #1 Representative
- Mr. Raymond Baxter as the Hunter Mill District #2 Representative
- Mr. Christopher M. Auth as the Providence District #1 Representative
- Mr. Pindar Van Arman as the Residential Owners and HOA/Civic Association #1 Representative

- Ms. Claudia Diamond as the Residential Owners and HOA/Civic Association #3 Representative

Confirmation of:

- Ms. Cindy Clare as the Apartment or Rental Owner Association Representative
- Hon. Stuart Mendelsohn as the Chamber of Commerce Lessees of Non-Residential Space Representative
- Mr. Terrence J. Miller as the Tysons Partnership #1 Representative
- Mr. Aaron Georgelas as the Tysons Partnership #2 Representative

The Board deferred the appointment of the Commercial or Retail Ownership #2, Providence District #2, and the Residential Owners and HOA/Civic Association #2 Representatives.

UPPER OCCOQUAN SEWAGE AUTHORITY

Confirmation of:

- Mr. John W. di Zerega as the Fairfax County #2 Representative
- Mr. Randy Bartlett as the Fairfax County Alternate #2 Representative

WETLANDS BOARD

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

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9. **ADMINISTRATIVE ITEMS** (10:59 a.m.)

Chairman Bulova announced that Admin 3 would be considered later in the meeting and Admin 4 would be considered separately.

Supervisor Gross moved approval of Admin 1 and Admin 2. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), TO REVISE THE SEWER SERVICE CHARGES, BASE CHARGES, AVAILABILITY CHARGES, FIXTURE UNIT CHARGE, AND EQUIVALENT UNIT FLOW

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 4, 2017, at 3 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), to revise the sewer service charges, base charges, availability charges, fixture unit charge, and equivalent unit flow.

ADMIN 2 –STREET INTO THE SECONDARY SYSTEM (MOUNT VERNON DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Laurel Highlands	Mount Vernon	Laurel Crest Drive

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED CREATION OF A RESTON TRANSPORTATION SERVICE DISTRICT (HUNTER MILL AND DRANESVILLE DISTRICTS)

(NOTE: Earlier in the meeting it was noted that this item would be considered later in the meeting. See page 12.)

(NOTE: Later in the meeting action was taken regarding this item. See Clerk's Summary Item #47.)

ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2018 BUDGET AND REQUIRED TAX RATES, THE FY 2018 EFFECTIVE TAX RATE INCREASE, AND THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYs 2018-2022 (WITH FUTURE FYs TO 2027)

(NOTE: Earlier in the meeting it was noted that this item would be considered separately. See page 12.)

(NOTE: Later in the meeting action was taken regarding this item. See Clerk's Summary Item #10.)

10. **ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2018 BUDGET AND REQUIRED TAX RATES, THE FY 2018 EFFECTIVE TAX RATE INCREASE, AND THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYS 2018-2022 (WITH FUTURE FYS TO 2027)** (11 a.m.)

(A) (NOTE: Earlier in the meeting it was noted that this item would be considered separately. See Clerk’s Summary Item #9, Page 12.)

Chairman Bulova recognized the presence of Sandy Evans, Chairman of the Fairfax County School Board, and warmly welcomed her to the Board Auditorium.

Supervisor McKay, Chairman of the Board’s Budget Committee, noted that the action being taken today is to advertise the rates, not to adopt the budget.

Therefore, Supervisor McKay moved that the Board authorize advertisement of the publication of the FY 2018 advertised Budget, a real estate tax rate of \$1.13 per \$100 of assessed value, the advertised CIP, and required tax rates as outlined in Administrative Item 4. Chairman Bulova seconded the motion, providing an explanation of the tax rate.

Supervisor K. Smith moved to amend the motion to increase the advertised real estate tax rate to \$1.15 per \$100 of assessed value, instead of the current rate of \$1.13. Supervisor Storck seconded the motion.

Discussion ensued, with input from Edward L. Long Jr., County Executive, regarding employee compensation and the forecast for future funding.

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

The question was called on the amendment to increase the advertised real estate tax rate to \$1.15 and it **FAILED** by a recorded vote of seven, Supervisor Hudgins, Supervisor K. Smith, and Supervisor Storck voting “**AYE.**”

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

11. **A-1 – APPROVAL OF LICENSE AGREEMENTS WITH BIKES FOR THE WORLD FOR THE USE OF COUNTY-OWNED PROPERTY AT THE I-95 LANDFILL AND WEST OX TRANSFER STATION (MOUNT VERNON AND SPRINGFIELD DISTRICTS)** (11:45 a.m.)

On motion of Supervisor Herrity, seconded by Supervisor Storck, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized staff to execute a license agreement for space at the I-95 Landfill and

West Ox Transfer Station to Bikes for the World (BFW) to permit the temporary storage of bicycles as part of a recycling program.

12. **A-2 – APPROVAL OF CALENDAR YEAR (CY) 2017 FOREST PEST MANAGEMENT PROGRAM** (11:46 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and direct staff to take action concerning the County's CY 2017 Forest Pest Management Program, as outlined in the Board Agenda Item. Supervisor L. Smyth seconded the motion.

Discussion ensued, with input from Troy Shaw, Urban Forester IV, Stormwater Management Division, Department of Public Works and Environmental Services, regarding cankerworm spraying and outreach efforts for pest management. He noted that there will not be any spraying for cankerworms this year.

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

13. **A-3 – APPROVAL OF THE DISEASE CARRYING INSECTS PROGRAM** (11:51 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and direct staff to take action concerning Fairfax County's Disease Carrying Insects Program, as outlined in the Board Agenda Item. Supervisor Foust seconded the motion.

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

14. **A-4 – APPROVAL OF A LICENSE AGREEMENT WITH GEORGE MASON UNIVERSITY (GMU) FOR THE USE OF COUNTY-OWNED PROPERTY AT THE I-95 LANDFILL (MOUNT VERNON DISTRICT)** (11:52 a.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and authorize staff to execute a license agreement with GMU for the use of County-owned property to permit the installation, operation, and maintenance of at least four apiaries. Supervisor McKay seconded the motion.

Discussion ensued, with input from Eric Forbes, Complex Manager of the I-95 Landfill, Maintenance and Stormwater Management Division, Department of Public Works and Environmental Services, regarding where the beehives will be located on the landfill property.

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

15. **A-5 – ADJUSTMENT TO FAIRFAX CENTER, CENTREVILLE, TYSONS, TYSONS-WIDE, AND TYSONS GRID OF STREETS ROAD FUNDS (DRANESVILLE, SPRINGFIELD, HUNTER MILL, BRADDOCK, SULLY, AND PROVIDENCE DISTRICTS)** (11:57 a.m.)

On motion of Supervisor L. Smyth, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the rate schedule, including a 2.04 percent adjustment of the existing contribution rates in all fund areas with the new rate effective March 1, 2017. Adjustments to Fairfax Center, Centreville, Tysons, Tysons-Wide, and Tysons Grid of Streets Road Funds are needed to compensate for inflation, as defined in the Consumer Price Index, to keep pace with increases in construction costs for which the fund areas were established.

16. **A-6 – ESTABLISHMENT OF THE RESTON ROAD FUND AND ADOPTION OF THE RESPECTIVE GUIDELINES (DRANESVILLE AND HUNTER MILL DISTRICTS)** (11:58 a.m.)

Chairman Bulova noted that this item is deferred until later in the meeting.

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

17. **A-7 – ADOPTION OF GUIDELINES FOR THE ECONOMIC OPPORTUNITY RESERVE AND ECONOMIC DEVELOPMENT SUPPORT FUND** (11:58 a.m.)

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

- “Eight Principles of Investment in Economic Opportunities to Support Economic Success” as guidelines for each fund
- “Process to Evaluate Investment in Economic Opportunities to Support Economic Success”

The guidelines and process will become effective March 1, 2017. Chairman Bulova seconded the motion.

Supervisor L. Smyth raised a question regarding proprietary information of private companies and the need for transparency in the allocation of the funds, with input from Robert A. Stalzer, Deputy County Executive.

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

18. **A-8 – CLARIFICATIONS FOR ACTION ITEM 17, ESTABLISHMENT OF A POLICE CIVILIAN REVIEW PANEL, APPROVED BY THE BOARD ON DECEMBER 6, 2016** (12:02 p.m.)

On motion of Supervisor Cook, jointly seconded by Supervisor Gross and Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the clarifications for the appointment and terms of the members for the Police Civilian Review Panel and the Panel's Chair.

19. **C-1 – APPEAL OF MERION HOMES PIMMIT, LLC, FROM A DECISION OF THE EXCEPTION REVIEW COMMITTEE (ERC) PURSUANT TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE FOR PIMMIT HILLS SECTION 3, LOT 33, TAX MAP NUMBER 0401-02-0033 (DRANESVILLE DISTRICT)** (12:06 p.m.)

The Board next considered an item contained in the Board Agenda regarding consideration of an appeal of the ERC's decision to deny a request for an encroachment exception under Section 118-6-7 (Loss of Buildable Area) of the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), and disapprove the associated Water Quality Impact Assessment (WQIA).

A brief discussion ensued, with input from Elizabeth Teare, County Attorney, regarding the rules of order.

Bruce McGranahan, Senior Engineer III, Site Code Research and Development Branch, Land Development Services, presented the staff report.

Supervisor Foust said, based on a review of the staff report and the materials submitted by the applicant, the application for exception request subject to the proposed conditions set forth in the March 9, 2016, staff report meets or exceeds those criteria.

Therefore, Supervisor Foust moved that the Board overturn the April 6, 2016, decision of the ERC and approve Exception Request #5134-WRPA-018-1 and the associated WQIA #5134-WQ-006-1, subject to conditions contained in the original staff report dated March 9, 2016. Supervisor Herrity seconded the motion.

Discussion ensued, with input from Mr. McGranahan, regarding the square footage calculations of the dwelling unit.

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

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ADDITIONAL BOARD MATTERS

20. **NO BOARD MATTERS FOR CHAIRMAN BULOVA** (12:18 p.m.)

Chairman Bulova announced that she had no Board Matters to present today.

21. **SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS (STEM) ALL STARS (MASON DISTRICT)** (12:18 p.m.)

Supervisor Gross said that the STEM All Stars, a non-profit club consisting of students who attend the Thomas Jefferson High School for Science and Technology (TJHSST), won a Best-in-State award for the Verizon Innovative Learning App Challenge. Inspired by issues related to animal endangerment, the team's 'spotted app' would allow users to take and save geo-tagged photos, ranking users by the number of photos taken. Information about conservation, habitat, status, and ways to protect animals would be included in the app's database. The students' winning app idea was selected from more than 1,800 submissions nationwide.

The team will receive a \$5,000 award from the Verizon Foundation for its STEM All Star organization and tablets for each student team member.

Therefore, Supervisor Gross moved that the Board:

- Applaud the TJHSST STEM All Stars for its creative use of technology to address societal issues facing the community
- Direct staff to prepare a Certificate of Recognition, to be signed by Chairman Bulova and Supervisor Gross, to be presented to the team at an event at TJHSST on March 3, 2017.

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

EBE:ebe

22. **REQUEST TO PUBLICIZE MOUNT VERNON'S IDES OF BARK EVENT** (12:20 p.m.)

Supervisor Storck, referring to his written Board Matter, said that the Ides of Bark will be making a comeback to Grist Mill Park on March 26, 2017, from 1 - 5 p.m. He asked that the canines of the County and their human companions join him to celebrate responsible pet ownership, enjoy games, prizes, food, health assessments, pet adoptions, dog registrations, and demonstrations by the County's Police Canine Unit.

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

23. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:22 p.m.)

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

DAL:dal

24. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (12:22 p.m.)

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

25. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (12:22 p.m.)

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

26. **REQUEST FOR RECOGNITION – JAMES MADISON HIGH SCHOOL (JMHS) SWIM AND DIVE STATE CHAMPS (HUNTER MILL DISTRICT)** (12:22 p.m.)

Supervisor Hudgins said that despite winning lots of second places, instead of first, the JMHS Girls' Swim and Dive team won a big one.

Therefore, Supervisor Hudgins:

- Asked unanimous consent that the Board direct staff to invite the JMHS Girls' Swim and Dive team to appear before the Board to receive congratulations on its State title.
- Extended congratulations to the JMHS Boys' Swim and Dive members who finished strong as State champion runner-ups.

Without objection, it was so ordered.

27. **REQUEST TO RECOGNIZE THE INDIVIDUAL WINNERS OF THE VIRGINIA 6A WRESTLING CHAMPIONSHIP TITLES (BRADDOCK, DRANESVILLE, AND SPRINGFIELD DISTRICTS)** (12:23 p.m.)

In a joint Board Matter with Supervisor Herrity and Supervisor Foust, Supervisor Cook congratulated the following individuals who won State titles in the Virginia 6A Wrestling Championship at Oscar Smith High School in Chesapeake on February 18:

- Aaron Howell and Thomas Mukai – Robinson Secondary School
- Tyler Matheny – Lake Braddock Secondary School

- Brendan Grammes – McLean High School

These individuals, through hard work and commitment, have achieved a tremendous accomplishment.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite these individuals to appear before the Board to be recognized for their accomplishments. Without objection, it was so ordered.

28. **INVITING VISIT FAIRFAX TO MEET WITH THE BOARD** (12:24 p.m.)

Supervisor Cook said one of the County's most important economic sectors is tourism; it brings people from all over the world and is a proven economic boon to an area. Visit Fairfax works to attract tourism to the area and has fostered a tourism economy right in the backyard of Washington, DC.

Recently, Supervisor Cook discussed with Barry Biggar, President and Chief Executive Officer of Visit Fairfax, the need for the Board to meet with the Visit Fairfax Board to discuss the opportunities of the tourism industry. Such a discussion would be beneficial to both the Board and Visit Fairfax as it would allow better coordination of objectives for attracting tourists to the region.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite the Visit Fairfax Board to meet with the Board in the fall for a productive discussion on the future of the County's tourism sector. Without objection, it was so ordered.

29. **THE ONE FAIRFAX POLICY – HIGH SCHOOL SPORTS REPLACEMENT EQUIPMENT** (12:26 p.m.)

Supervisor McKay reminded the Board that on December 6, 2016, Board Matters were approved en masse due to the lateness of the hour. He noted that he presented a Board Matter and has not received a response.

Therefore, Supervisor McKay restated his Board Matter that the Board adopted its One Fairfax Policy in July 2016 to ensure that residents in all parts of the County are receiving the same opportunities regardless of race, income, religion, and other social and racial factors.

Not long after the Board took that action, students from a school in the Lee District began raising money to help the football team afford new helmets. Using that One Fairfax lens, Supervisor McKay expressed concern that such a critical piece of safety equipment needs to be replaced even partly through fundraising – especially in light of all of the strides that have been made to understand concussions.

Fairfax County Public Schools (FCPS) provides a small amount of funds to each of the high schools to recondition helmets and other safety equipment. The bulk of dollars used comes from athletic boosters, ticket sales, and fundraisers held by each respective school throughout the year.

If this is truly the way important safety equipment is being financed, some parts of the County would be able to do this significantly faster than others. In addition, there are large differences in the student populations among the high and secondary schools which clearly have an impact on ticket sales volume. This policy may create challenges, the first of which is ensuring the safety of the students.

Therefore, Supervisor McKay asked unanimous consent that:

- The Board direct staff to work along with FCPS leadership to learn how critical sports replacement equipment is funded, when the last time upgrades were made to this equipment at each of the high schools in the County, and whether this particular action would make a good candidate for review as part of the One Fairfax policy.
- This request be considered a budget question and that staff report within the next two weeks.

Without objection, it was so ordered.

30. **DC DIVAS – FULL CONTACT, ALL-FEMALE, PROFESSIONAL FOOTBALL TEAM** (12:28 p.m.)

Supervisor McKay said the DC Diva's are a full contact, all-female, professional football team that has won two back-to-back national titles, has never held its home games in Virginia, and recently put out their schedule for this season, where it will be holding all of its professional games at Robert E. Lee High School in Springfield, Virginia. The first game being on Saturday, April 22, against the Boston Renegades.

Supervisor McKay invited his colleagues to follow them, celebrate them, and attend some of the games for the excitement.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to publicize the team's Virginia game schedule. Without objection, it was so ordered.

31. **REQUEST FOR RECOGNITION – CHANTILLY HIGH SCHOOL – 2017 FIRST AMENDMENT PRESS FREEDOM AWARD (SULLY DISTRICT)** (12:30 p.m.)

Supervisor K. Smith said the Journalism Education Association (JEA), with representatives from the National Scholastic Press Association (NSPA) and the Quill and Scroll International Honorary Society, recently named Chantilly High School a recipient of the 2017 First Amendment Press Freedom Award. Chantilly High

School was one of 11 high schools from across the United States to receive this award and this is the third consecutive year that Chantilly received this recognition.

The award recognizes public high schools that actively support, teach, and protect First Amendment rights and responsibilities of students and teachers, with an emphasis on student-run media where students make all final decisions of content.

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

32. **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. Coxcom, LLC, d/b/a Cox Communications, Audit of Cable Franchise Fees and Public Educational and Governmental Access Grants
 2. *Mirsada Karalic-Loncarevic, by GEICO, Subrogee v. Jeffrey Dion Cox*, Case No. GV16-018480 (Fx. Co. Gen. Dist. Ct.)
 3. *Tristan di Montenegro v. National Security Agency, et al.*, Case No. 1:16cv1608 (E.D. Va.)
 4. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Beverly K. Lester*, Case No. CL-2016-0009115 (Fx. Co. Cir. Ct.) (Braddock District)

5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David J. Cho and Judith S. Cho*, Case No. GV16-016090 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John S. Walker*, Case No. GV16-026779 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Smithrose Investments, LLC*, Case No. GV16-022800 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edgar Gramajo and Miryam Gramajo*, Case No. CL-2017-0001352 (Fx. Co. Cir. Ct.) (Lee District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. H.D. Development of Maryland, Inc.*, Case No. CL-2017-0000707 (Fx. Co. Cir. Ct.) (Lee District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Steven P. Weber, Jan E. Weber and Karla A. Farnsworth*, Case No. GV16-026252 (Fx. Co. Gen. Dist. Ct.) (Lee District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hiep V. Nguyen and Thu T.T. Nguyen*, Case No. CL-2010-0011200 (Fx. Co. Cir. Ct.) (Mason District)
12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Abas Corporation and A. Matthew Bastani*, Case No. CL-2016-0011631 (Fx. Co. Cir. Ct.) (Providence District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. A. Brian Bartlett*, Case No. CL-2015-0011709 (Fx. Co. Cir. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Venture Associates, 72-3 LLC*, Case

No. CL-2017-0001638 (Fx. Co. Cir. Ct.) (Providence District)

And in addition:

- Discussion and Consideration of Specific Prospective Candidates for Appointment by the Board
- *John Doe v. County of Fairfax*, Case No. 1:17-cv-147, United States District Court for the Eastern District of Virginia

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

DET:det

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

ACTIONS FROM CLOSED SESSION

33. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:34 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."

34. **AUTHORIZATION OF A REQUEST FOR RULING WITH THE VIRGINIA DEPARTMENT OF TAXATION** (3:34 p.m.)

Supervisor K. Smith moved that the Board authorize the filing of a Request for Ruling with the Virginia Department of Taxation relating to the effect of the Communications Sales and Use Tax on existing cable franchise agreements, as outlined by the County Attorney in closed session. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

35. **APPOINTMENT OF TRACY STRUNK** (3:35 p.m.)

Supervisor Gross announced that Tracy Strunk has been appointed Acting Director, Zoning Evaluation Division, Department of Planning and Zoning. Chairman Bulova congratulated her on the appointment.

AGENDA ITEMS

36. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-H-013 (MACS RETAIL, LLC) (HUNTER MILL DISTRICT)** (3:36 p.m.)

Supervisor Hudgins moved to defer the public hearing on Special Exception Amendment Application SEA 95-H-013 until **March 14, 2017, at 4 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

37. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2011-PR-011-02 (CITYLINE PARTNERS, LLC) (PROVIDENCE DISTRICT)** (3:37 p.m.)

Supervisor L. Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA 2011-PR-011-02 until **July 11, 2017, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

38. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-HM-046-03 AND CONCEPTUAL DEVELOPMENT PLAN AMENDMENT (CDPA) APPLICATION CDPA 2003-HM-046 (WOODLAND PARK PARCEL I, LP AND NVR, INCORPORATED) (HUNTER MILL DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-HM-044-02 AND CDPA 2000-HM-044 (WOODLAND PARK PARCEL I, LP AND NVR, INCORPORATED) (HUNTER MILL DISTRICT) (3:38 p.m.)

- (O) The Proffered Condition Amendment Application PCA 2003-HM-046-03 and CDPA 2003-HM-046 property is located on the east side of Corporate Oak Drive approximately 700 feet north of its intersection with Sunrise Valley Drive, Tax Map 016-4 ((1)) 43, 45 pt., and 46 pt.

The Proffered Condition Amendment Application PCA 2000-HM-044-02 and CDPA 2000-HM-044 property is located on the south side of Dulles Toll Road and west side of Monroe Street, Tax Map 016-4 ((1)) 45 pt. and 46 pt.

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

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

- Dwight C. Schar, a member of the Board of Directors of NVR, Incorporated, a co-applicant listed in Section 1(a) of the affidavit

Chairman Bulova disclosed that she received a campaign contribution in excess of \$100 from:

- Dwight C. Schar, a member of the Board of Directors of NVR, Incorporated, a co-applicant listed in Section 1(a) of the affidavit

William Mayland, 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. Mayland, concerning:

- Designation of the two-over-two dwelling units as townhouses or multi-family units
- Acreage, athletic amenities, and field proffers

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.

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

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

Following a brief summarization by Supervisor Hudgins and input from Ms. Baker concerning workforce and affordable housing units, Supervisor Hudgins moved approval of:

- Proffered Condition Amendment Application PCA 2000-HM-044-02 and CDPA 2000-HM-044, subject to the proffers dated February 27, 2017.
- Approval of Proffered Condition Amendment Application PCA 2003-HM-046-03 and CDPA 2003-HM-046, subject to the proffers dated February 27, 2017.
- Approval of the waivers and modifications as listed in the handout distributed and dated February 28, 2017, which shall be made a part of the record, as follows:
 - Modification of Section 2-414 of the Zoning Ordinance (ZO) for the 75-foot setback from the Dulles International Airport Access Highway to permit the structures as shown on the CDPA/Final Development Plan Amendment (FDPA).

- Modification of Paragraph 5 of Section 6-206 of the ZO to permit the gross floor area for residential uses to exceed 50 percent of the principal uses to permit the residential uses as shown on the CDPA/FDPA.
- Waiver of Paragraph 2 of Section 6-207 of the ZO requiring minimum 200 square foot privacy yard for single-family attached dwelling units.
- Waiver of Paragraph 10 of Section 11-102 of the ZO to permit tandem parking for the two-over-two dwelling units to count towards the off-street parking requirement for multi-family dwelling units.
- Modification of Section 11-203 of the ZO for the loading space requirements to that shown on the CDPA/FDPA.
- Waiver of Paragraph 2 of Section 11-302 of the ZO restricting a private street to 600 feet in length.
- Waiver of Paragraph 1 of Section 13-202 of the ZO for interior parking lot landscaping for Block D structured parking deck.
- Waiver of Sections 13-303 and 13-304 of the ZO for the transitional screening and barrier requirements.
- Waiver of the requirement to provide a dumpster pad and recycling system for the two-over-two dwelling units, pursuant to Sections 10-0303.2 and 10-0306 of the Public Facilities Manual.

Chairman Bulova seconded the motion.

Following discussion concerning set-back provisions, the question was called on 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 abstaining.

(NOTE: On January 11, 2017, the PC approved FDPA 2000-HM-044-02 and FDPA 2003-HM-046, subject to the proposed FDPA conditions dated December 28, 2016.)

ADDITIONAL ACTION FROM CLOSED SESSION39. **APPOINTMENTS TO THE POLICE CIVILIAN REVIEW PANEL**
(3:56 p.m.)

(APPTS) (NOTE: Earlier in the meeting, clarifying action was taken regarding the Police Civilian Review Panel. See Clerk's Summary Item #4.)

Chairman Bulova noted that, at the December 6, 2016, meeting, the Board approved establishment of a Civilian Review Panel. She also noted that, earlier in the meeting, the Board approved clarifications for the appointment and terms of the Chair and members.

Supervisor Cook moved appointment of the following individuals to the Police Civilian Review Panel:

One-year term:

- Mr. Hansel Aguilar
- Ms. Hollye Doane
- Ms. Rhonda Vanlowe

Two-year term:

- Mr. Randy Sayles
- Ms. Jean Senseman
- Mr. Adrian L. Steel, Jr.

Three-year term:

- Ms. Kathleen Davis-Siudut
- Mr. Steve Descano
- Mr. Douglas Kay

Supervisor Cook further moved that the Board appoint Mr. Adrian L. Steel, Jr., as the first Chairman of the Police Civilian Review Panel for a term of one year. Chairman Bulova seconded the motion.

Supervisor Cook said he was greatly impressed by the applicants and thanked them for their interest. Chairman Bulova noted the diversity of the group and the various backgrounds and interests they represent.

Following clarification of the term selection process, Chairman Bulova announced that the Panel will be establishing bylaws and will initially be staffed by the Office of the Clerk to the Board and then by the Independent Police Auditor.

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

BOARD AGENDA ITEMS

40. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CRAFT BEVERAGE PRODUCTION ESTABLISHMENTS**
(4:03 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2017.

Andrew Hushour, Deputy Zoning Administrator, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report. Discussion ensued, concerning food and beverage manufacturing, production, and processing in the I-4 District, with input from Mr. Hushour.

Following the public hearing, which included testimony by one speaker, Mr. Hushour presented the staff and Planning Commission recommendations.

Chairman Bulova, noting that she had an item for the record, relinquished the Chair to Vice-Chairman Gross and moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding Craft Beverage Production Establishments to include the following options, as discussed in the staff report and proposed in the draft text language to be effective at 12:01 a.m. on the day following adoption:

- A maximum annual production level of 20,000 barrels of beer for craft beverage production establishments, as set forth in the definition proposed in Article 20
- Option 2, for Paragraphs 17 A and B of Section 6-206, regarding the Planned Development Commercial (PDC) District
- Option 2, for Paragraphs 5 (*sic*) A and B of Section 6-305, regarding the Planned Residential Community (PRC) District
- Option 2, for Paragraphs 14 A and B of Section 6-406, regarding the Planned Residential Mixed Use (PRM) District

- Option 2, for Paragraphs 20 A and B of Section 6-505, regarding the Planned Tysons Corner (PTC) District

Following input from Leslie B. Johnson, Director, ZAD, DPZ, Chairman Bulova restated bulleted item 3 as follows:

- Option 2, for Paragraphs **15** A and B of Section 6-305, regarding the PRC District

Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Following a brief discussion, Chairman Bulova asked unanimous consent that the Board direct staff to further review the I-4 District issue. Without objection, it was so ordered.

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.”

Vice-Chairman Gross returned the gavel to Chairman Bulova.

41. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), ARTICLES 6 AND 8, REGARDING THE PLANNED DEVELOPMENT HOUSING (PDH) DISTRICT AND GROUP 5 SPECIAL PERMIT, COMMERCIAL RECREATION USES** (4:24 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2017.

Donna Pesto, Deputy Zoning Administrator, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ) introduced Lily Yegazu, Senior Assistant to the Zoning Administrator, ZAD, DPZ, who presented the staff report.

Discussion ensued, with input from Leslie B. Johnson, Director, ZAD, DPZ, concerning the Final Development Plan Amendment (FDPA) process and expedited processing.

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

Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Articles 6 and 8, regarding the PDH District and Group 5 Special Permit Commercial Recreation

uses effective as set forth in the staff report dated January 24, 2017, with an effective date of 12:01 a.m. on March 1, 2017. Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Following brief background remarks by Supervisor K. Smith, 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."

42. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER EXPANDING THE GRAHAM RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 34 (PROVIDENCE DISTRICT)** (4:32 p.m.)

Supervisor L. Smyth moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Appendix G, to consider expanding the Graham RPPD, District 34, (Providence District) until **March 14, 2017, at 4 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

43. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER EXPANDING THE CULMORE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT)** (4:33 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2017.

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

Following the public hearing, which included testimony by one speaker, Ms. Padilla presented the staff recommendation.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Culmore RPPD, District 9. The District expansion includes Pinetree Terrace (Route 986), from Blair Road to the southern property boundary of 3516 Pinetree Terrace, west side only. 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."

Discussion ensued, with input from Ms. Padilla, concerning sign installation.

44. **4:30 P.M. – PH TO CONVEY BOARD-OWNED PROPERTY AT 1311 SPRING HILL ROAD TO THE PARK AUTHORITY (DRANESVILLE DISTRICT)** (4:40 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 February 10 and February 17, 2017.

Michael Lambert, Assistant Director, Facilities Management, presented the staff report.

Following the public hearing, Mr. Lambert presented the staff recommendation.

Supervisor Foust moved adoption of the Resolution authorizing the conveyance of Board-owned property at 1311 Spring Hill Road in McLean to the Park Authority. Supervisor Gross seconded the motion.

Discussion ensued, concerning the 10 percent goal of County property being part of the park system, with input from Mr. Lambert and David Bowden, Director, Planning and Development Division, Park Authority.

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.”

45. **4:30 P.M. – PH ON THE PROPOSED FUNDING PLAN FOR RESTON TRANSPORTATION PROJECTS (HUNTER MILL AND DRANESVILLE DISTRICTS)** (4:44 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2017.

Tom Biesiadny, Director, Department of Transportation, presented the staff report.

Chairman Bulova noted that Mr. Mark Looney (the first listed speaker) was not present but his testimony was received by the Board and was submitted for the record.

Following the public hearing, which included testimony by five speakers, Mr. Biesiadny:

- Presented the staff recommendation
- Identified other sources of revenues being raised in this plan

- Previewed a map and identified the boundaries of the plan

Following extended remarks on the proposal, Supervisor Hudgins moved that the Board endorse the Reston Transportation Funding Plan. Chairman Bulova seconded the motion.

Mr. Biesiadny restated the southern boundary of the plan and noted that a map can be found in the Board Agenda Item on page 485.

Supervisor Herrity expressed his concern about the total cost of the plan. Discussion ensued, with input from Mr. Biesiadny, concerning the Soapstone Connector Bridge.

Following remarks by Supervisor L. Smyth regarding her vote, the question was called on the motion and it **CARRIED** by a vote of eight, Supervisor Herrity and Supervisor L. Smyth abstaining.

46. **A-6 – ESTABLISHMENT OF THE RESTON ROAD FUND, AND ADOPTION OF THE RESPECTIVE GUIDELINES (DRANESVILLE AND HUNTER MILL DISTRICTS)** (5:26 p.m.)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item #16.)

Tom Biesiadny, Director, Department of Transportation, stated that a replacement page 232 of the Board Agenda Item had been distributed.

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve creation of the Reston Road fund and adopt the Guidelines associated with the fund. The new fund and the Guidelines will become effective March 1, 2017. The proposed initial rates for the Reston Road fund are \$2,090 per residential dwelling unit and \$9.56 per square foot of commercial development as defined in Attachment One of the Board Agenda Item.

Following a query by Supervisor L. Smyth, with input from Mr. Biesiadny, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

47. **ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED CREATION OF A RESTON TRANSPORTATION SERVICE DISTRICT (HUNTER MILL AND DRANESVILLE DISTRICTS)** (5:28 p.m.)

(A) (NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item #9, Page 13.)

Supervisor Hudgins moved that the Board authorize the advertisement of a public hearing to be held before the Board on **April 4, 2017, at 2 p.m.**, on the proposed creation of a Reston Transportation Service District within the County. The Service District would encompass the area within the Reston Transit Station Areas: Wiehle-Reston East, Reston Town Center, and Herndon, as set forth in the Comprehensive Plan, 2013 Edition, Area III - Reston, as amended through October 20, 2015, and as shown in Attachment 1 of the Board Agenda Item. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

48. **4:30 P.M. – PH ON A NEW COOPERATIVE AGREEMENT BETWEEN THE BOARD OF SUPERVISORS AND THE TOWNS OF VIENNA AND HERNDON TO SHARE STORMWATER SERVICE DISTRICT FEES AND RESPONSIBILITIES FOR RELATED SERVICES** (5:29 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2017.

Craig A. Carinci, Director, Stormwater Planning, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Mr. Carinci presented the staff recommendation, and confirmed that the Towns of Vienna and Herndon have approved the agreement.

Supervisor Hudgins moved adoption of an Ordinance authorizing the County Executive to execute an agreement with the Town of Vienna and the Town of Herndon to share certain fees and responsibilities of the County-wide Stormwater Service District revenues and shall become effective at 12:01 a.m. on March 1, 2017. The County Executive is authorized to implement a regional approach to meeting State and Federal stormwater requirements.

Supervisor Foust and Supervisor Gross jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Herrity being out of the room.

49. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2011-MV-033 (LORTON VALLEY III, LLC) (MOUNT VERNON DISTRICT)** (5:33 p.m.)

- (O) The application property is located on the west side of I-95, directly north and south of Dixon Street, Tax Map 107-4 ((1)) 83, 84, 98, and 98A and a vacated portion of Sanger Street public rights-of-way.

Mr. David R. Gill reaffirmed the validity of the affidavit for the record.

Carmen Bishop, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location. Discussion ensued, with input from Ms. Bishop, concerning on-street parking.

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

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

Supervisor Storck moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2011-MV-033, from the R-1 District to the R-5 District, subject to the proffers dated January 12, 2017.
- Modification of the 200-foot minimum distance required between residential buildings and interstate right-of-way pursuant to Paragraph 1 of Section 2-414 of the ZO, to permit a minimum distance of approximately 60 feet as shown on the Generalized Development Plan.
- Approval of an increase in height for a noise barrier pursuant to Paragraph 3F of Section 10-104 of the ZO.

Supervisor Herrity seconded the motion. Discussion ensued, with input from Ms. Bishop, concerning modification of the 200-foot minimum distance and the noise level despite a sound wall.

The question was called on the motion and it **CARRIED** by a recorded 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 voting “**NAY**.”

Discussion ensued, concerning by right development, with input from Ms. Bishop.

50. **4:30 P.M. – PH TO CONSIDER DISPOSITION OF COUNTY-OWNED PROPERTY PURSUANT TO A REAL ESTATE EXCHANGE AGREEMENT (REEA) BETWEEN THE BOARD AND COLUMBIA CROSSROADS LP (MASON DISTRICT)** (5:46 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2017.

Rob Stalzer, Deputy County Executive, gave a PowerPoint slide presentation detailing the REEA. He stated that the relocated Baileys Crossroads Community Shelter is expected to open in the fall of 2019.

Following the public hearing, Chairman Bulova noted that this involves many moving pieces over the years with the ultimate goal of revitalizing the area, providing quality development, improving the transportation network, and moving the Shelter to a new, improved location with more space and services to be provided to its residents.

Supervisor Gross presented a brief historical recap and moved that the Board approve the disposition of the County-owned property 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, and the Landmark Parcel. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

51. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:56 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment period was duly advertised in that newspaper in the issues of February 10 and February 17, 2017.

Public comment was held and included the following individuals:

- Rebecca Elliott, regarding Clean Energy
- David Keply, regarding Clean Energy
- Eric Goplerud, regarding Clean Energy
- Nils Bjork, regarding Clean Energy
- Bruce Wyman, regarding Cool Counties
- Phillip Niedzielski-Eichner, regarding Police Reform
- Caitlin Miller, regarding Clean Energy
- Samantha Ahdoot, regarding Clean Energy
- Peter Clifford, regarding Clean Energy

Following the presentation of Phillip Niedzielski-Eichner (Speaker 6) Chairman Bulova thanked him for his outstanding work on the Ad Hoc Police Practices Review Commission.

In response to the presentations on clean energy/cool counties, Chairman Bulova noted the County's environmental efforts including installation of Leadership in Energy and Environmental Design (LEED) lighting during renovations and revitalizations of County facilities. She stated that the County shares the presenters' concerns and commitments to ensuring that energy is used wisely and sustainably, and introduced Kambiz Agazi, the County's Environmental Coordinator who ensures that energy and environmental protection is imbedded in all of the County's agencies and departments. She added that the County's website was recently updated and contains a dashboard demonstrating the use of energy. Chairman Bulova added that the County is only responsible for approximately three percent of the energy used County-wide.

Because the private sector plays such an important role, it is important that the County encourages it to be energy efficient. Chairman Bulova stated that the County will have the opportunity to hear from the private sector later this summer when the County updates its environmental vision. At that same time her private sector energy task force will be reconvened to review what the private sector has done as well as demonstrate what the County has done.

52. **BOARD ADJOURNMENT** (6:37 p.m.)

The Board adjourned.

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