



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 2, 2017**

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DAL:dal

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, May 2, 2017, at 9:31 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** (9:32 a.m.)

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. William “Bill” Blocher, who died recently. He was a former chairman of the Fairfax County Chamber of Commerce (now known as the Northern Virginia Fairfax Chamber of Commerce); was active in State, local, and national government and remained so even after leaving the area; and was the owner of Access Solutions.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING MAY 7-12, 2017, AS "TEACHER APPRECIATION WEEK" IN FAIRFAX COUNTY** (9:33 a.m.)

Supervisor Herrity moved approval of the Proclamation designating May 7-12, 2017, as "*Teacher Appreciation Week*" in Fairfax County and thanked and congratulated all teachers in Fairfax County Public Schools for the excellent work they do. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

3. **PROCLAMATION DESIGNATING MAY 15-21, 2017, AS "POLICE WEEK" AND MAY 15, 2017, AS "PEACE OFFICERS MEMORIAL DAY" IN FAIRFAX COUNTY** (9:41 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating:

- May 15-21, 2017, as "*Police Week*" in Fairfax County to honor these women and men for their vital public service.
- May 15, 2017, as "*Peace Officers Memorial Day*" in Fairfax County to honor those police officers and sheriff's deputies who have made the ultimate sacrifice in service to the community, including Deputy Sheriff George A. Malcolm; Police Officer Karen Bassford; Special Police Officer Hendrik “Sandy” Gideonse; Captain Tommy Bernal; Detective Vicky O. Armel; Master Police Officer Michael E. Garbarino; and Second Lieutenant Francis “Frank” J. Stecco.

This motion was multiply seconded and carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **PROCLAMATION DESIGNATING MAY 2017 AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (9:51 a.m.)

Supervisor Herrity moved approval of the Proclamation designating May 2017 as "*Foster Care and Foster Family Recognition Month*" in Fairfax County and urged all residents to volunteer their time and talents on behalf of children in foster care and to support and recognize the commitment of foster families and professional staff who work with these children and youth. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY 14-20, 2017, AS "FOOD ALLERGY AWARENESS WEEK" IN FAIRFAX COUNTY** (10:03 a.m.)

Supervisor Storck moved approval of the Proclamation designating May 14-20, 2017, as "*Food Allergy Awareness Week*" in Fairfax County and urged all residents to increase their understanding and awareness of this potentially life-threatening medical condition. Supervisor Foust, Supervisor K. Smith, and Supervisor L. Smyth jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING MAY 7-13, 2017, AS "CHILD CARE PROFESSIONALS WEEK" IN FAIRFAX COUNTY** (10:12 a.m.)

Supervisor McKay moved approval of the Proclamation designating May 7-13, 2017, as "*Child Care Professionals Week*" in Fairfax County and urged all residents to recognize child care professionals for their important work in the community. Supervisor Foust and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING MAY 4, 2017, AS "CHILDREN'S MENTAL HEALTH AWARENESS DAY" IN FAIRFAX COUNTY** (10:25 a.m.)

Supervisor K. Smith moved approval of the Proclamation designating May 4, 2017, as "*Children's Mental Health Awareness Day*" in Fairfax County and urged all residents to renew their commitment to the well-being of every child and youth in the County. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING MAY 2017 AS "BREAK THE SILENCE ON OVARIAN CANCER MONTH" IN FAIRFAX COUNTY** (10:34 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating May 2017 as "*Break the Silence on Ovarian Cancer Month*" in Fairfax County and urged all residents to celebrate

survivors of ovarian cancer and encouraged all women to be proactive in seeking health care, diagnosis, and treatment. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **PROCLAMATION DESIGNATING MAY 2017 AS "BUILDING SAFETY MONTH" IN FAIRFAX COUNTY** (10:42 a.m.)

Supervisor K. Smith moved approval of the Proclamation designating May 2017 as "*Building Safety Month*" in Fairfax County and urged all residents to recognize the importance of modern construction safety codes and the vital contributions rendered by the dedicated individuals promoting building and construction safety. Supervisor Gross seconded the motion and it carried by unanimous vote.

10. **10 A.M. – BOARD ADOPTION OF THE FISCAL YEAR (FY) 2018 BUDGET PLAN** (10:56 a.m.)

(FPR)

(ARs) (O)

Supervisor McKay, the Board's Budget Chair, moved that the Board set the real property tax rate at \$1.13 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2017 will be maintained at the present rate of \$1.13 per \$100 of assessed value. Chairman Bulova seconded the motion and it carried by unanimous vote.

Having established the real property rate at \$1.13 per \$100 of assessed value, Supervisor McKay moved that the Board approve the FY 2018 Tax Rate Resolution adopting Tax Rates for Fairfax County, as detailed in Attachment II of the Memorandum to the Board dated May 1, 2017. Chairman Bulova 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."

Supervisor McKay moved Board approval of the FY 2018 Appropriation Resolution for County Agencies/Funds, the FY 2018 Appropriation Resolution for School Board Funds, and the FY 2018 Fiscal Planning Resolution as set forth in Attachments III, IV, and V of the Memorandum to the Board dated May 1, 2017. Chairman Bulova seconded the motion.

Discussion ensued, with input from Joseph Mondoro, Chief Financial Officer and Director, Department of Management and Budget, regarding the budget markup and adoption process.

The question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor L. Smyth, and

Chairman Bulova voting “AYE,” Supervisor K. Smith and Supervisor Storck voting “NAY.”

As part of this year’s budget process, an amendment to the sewer ordinance was proposed. The public hearing was advertised on March 3 and March 10, 2017, and held on April 4, 2017, at 3 p.m.

Therefore, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), Article 10 (Charges) as advertised. Supervisor Gross 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.”

DET:det

11. **ADMINISTRATIVE ITEMS** (11:03 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor McKay 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 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA EARLY CHILDHOOD FOUNDATION FOR THE MIXED-DELIVERY PRESCHOOL GRANT PROGRAM

Authorized DFS, Office for Children, to apply for and accept grant funding, in the amount of \$250,000, if received, from the Virginia Early Childhood Foundation. Funding will be used for a two-year pilot program to field-test the delivery of Virginia Preschool Initiative (VPI)-like services in a family child care setting and will enable the County to develop a cohort of family child care providers who will provide high quality Pre-K and comprehensive services to 20 at-risk four-year-olds meeting VPI eligibility requirements yearly. There is one full-time exempt new grant position associated with this award. No local cash match is required.

ADMIN 2 – APPROVAL OF TRAFFIC CALMING MEASURES AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATIVE PROGRAM (DRANESVILLE, MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)

- Endorsed the traffic calming plans for Buena Vista Avenue, Devonshire Road, Cavalier Woods Lane, and Moore Road consisting of the following:

- One speed hump on Buena Vista Avenue (Dranesville District)
- Two speed humps on Devonshire Road (Mount Vernon District)
- One speed hump on Cavalier Woods Lane (Sully District)
- One speed hump on Moore Road (Sully District)
- Approved the installation of “Watch for Children” signs on the following roads:
 - Ferry Landing Court (Mount Vernon District)
 - Idyl Lane (Providence District)
- Directed the Department of Transportation (DOT) to schedule the installation of the approved traffic calming measures as soon as possible

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED SALE OF SEWER REVENUE BONDS, SERIES 2017

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 6, 2017, at 3:30 p.m.**, regarding the proposed sale of Sewer Revenue Bonds in an estimated maximum amount of \$110 million on or about June 14, 2017. The bond proceeds will be used to fund a portion of the County’s share of construction costs for Capital Improvement Programs (CIP) at the Wastewater Treatment Plants outlined in the Board Agenda Item, and also for upgrades to meet current environmental regulations, renovations, and replacements of aging System infrastructure, to purchase additional treatment capacity if needed by the Integrated Sewer System, and to fund required deposits to bond reserves.

ADMIN 4 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

- Designated the following individuals, identified with a registration number, as inactive Plans Examiners:
 - Victor Amole 223 (Requested to be inactive)
 - John William Ewing 109
 - John Gaston 268

- Designated the following individuals, identified with a registration number, as Plans Examiners:
 - Glen Faunce 321
 - Malak Bahram Bahrami 322

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PLANNED DEVELOPMENT DISTRICT RECREATIONAL FACILITIES

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on May 25, 2017, at 8:15 p.m., and before the Board on **June 20, 2017, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding Planned Development District Recreational Facilities, to increase the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, PRM, and PTC Districts from \$1,800 to \$1,900.

ADMIN 6 – STREETS INTO THE SECONDARY SYSTEM (PROVIDENCE, SULLY, MASON, AND DRANESVILLE DISTRICTS)

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Avion Development Stonecroft Boulevard	Sully	Stonecroft Boulevard
Calvert Oaks	Mason	Virginia Street
Marquette	Dranesville	Dara Lane
Suzanne's Way	Providence	Stolen Moments Terrace

12. **A-1 – ENDORSEMENT OF THE BREAK IN THE ROUTE 7 LIMITED ACCESS RIGHT-OF-WAY TO SUPPORT THE ESTABLISHMENT OF A PEDESTRIAN FACILITY LOCATED AT THE SOUTHEAST QUADRANT OF ROUTE 7 AND THE DULLES TOLL ROAD (DRANESVILLE AND HUNTER MILL DISTRICTS)** (11:04 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to support the establishment of access for the pedestrian facility located at the southeast quadrant of Route 7 and the Dulles Toll Road by permitting a break in the Limited Access Line.

13. **A-2 – BOARD ENDORSEMENT OF A BREAK IN LIMITED ACCESS FOR THE BACKLICK ROAD BRIDGE OVER THE CSX RAILROAD REPLACEMENT PROJECT LOCATED EAST OF THE FAIRFAX COUNTY PARKWAY ON-RAMP FROM TELEGRAPH ROAD (LEE AND MOUNT VERNON DISTRICTS)** (11:04 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to sign a letter to support the establishment of the temporary access road located east of the Fairfax County Parkway on-ramp from Telegraph Road by temporarily permitting a break in the Limited Access Line.

14. **A-3 – BOARD APPROVAL OF MAJOR SERVICE CHANGES, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICIES TO MEET FEDERAL TRANSIT ADMINISTRATION (FTA) REQUIREMENTS (COUNTYWIDE)** (11:05 a.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and approve the Major Service Changes, Disparate Impact, and Disproportionate Burden Policies for FTA-supported projects. Supervisor Hudgins seconded the motion.

Chairman Bulova briefly summarized the item and following discussion the question was called on the motion and it carried by unanimous vote.

15. **A-4 – ENDORSEMENT OF THE RECOMMENDED LIST OF POTENTIAL IMPROVEMENTS FOR CONSIDERATION FOR THE TRANSFORM I-66 OUTSIDE THE BELTWAY PROJECT (BRADDOCK, HUNTER MILL, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (11:06 a.m.)

Chairman Bulova announced that this item is to be deferred. Tom Biesiadny, Director, Department of Transportation, stated that it will be brought before the Board on May 16.

Supervisor Hudgins moved to defer consideration of this item. Supervisor L. Smyth and Chairman Bulova jointly seconded the motion.

Discussion ensued concerning the need to review traffic calming measures on surrounding streets. Supervisor Foust noted that this item is on the agenda for the Board's Transportation Committee meeting next Tuesday and that representatives from the Virginia Department of Transportation will be attending.

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

16. **A-5 – APPROVAL OF TESTIMONY AND COMMENTS FOR A PUBLIC HEARING ON THE COMMONWEALTH OF VIRGINIA'S SIX-YEAR IMPROVEMENT PROGRAM (SYIP) FOR INTERSTATE, PRIMARY, AND URBAN HIGHWAY SYSTEMS AND PUBLIC TRANSPORTATION FOR FISCAL YEAR (FY) 2018 THROUGH FY 2023** (11:09 a.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and approve the testimony and letter transmitting its comments regarding the development of the SYIP which allocates funds to highway, road, bridge, rail, bicycle, pedestrian, and public transportation projects. Chairman Bulova seconded the motion.

Supervisor L. Smyth noted that the public hearing presents the public with an opportunity to voice their concerns and encouraged their participation.

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

17. **I-1 – CONTRACT AMENDMENT – NURSING AND OTHER HEALTHCARE SERVICES** (11:10 a.m.)

The Board next considered an item contained in the Board Agenda, announcing that the Department of Procurement and Material Management is extending the contract period of Maxim Healthcare Services, Incorporated, Pediatric Services of America, Incorporated, and MPS Healthcare, Incorporated, from July 1, 2017, to December 31, 2017, in the estimated total amount of \$794,424, to ensure the continuity of nursing services to school-aged children with complex medical needs who attend Fairfax County Public Schools when the school is unable to meet the medical needs of the student.

18. **I-2 – CONTRACT AWARD – PRENATAL CARE AND GENETIC TESTING SERVICES** (11:10 a.m.)

The Board next considered an item contained in the Board Agenda, announcing that staff is awarding a contract to Inova Health Care Services for prenatal care and genetic testing services to ensure that pregnant women served through the safety net receive continuity of care throughout the entire term of their pregnancy, to identify women who may be at increased risk during their pregnancy, and to provide parents-to-be information about the absence of certain genetic conditions. This contract will begin on the date of award and terminate on June 30, 2020, with the option for two one-year renewal periods based on satisfactory contractor performance and if agreeable to all parties. The total estimated amount of this contract over the entire life of the contract is approximately \$750,000.

19. **I-3 – CONTRACT AWARD – PRIMARY HEALTH CARE SERVICES**
(11:11 a.m.)

The Board next considered an item contained in the Board Agenda, announcing that staff is awarding a contract to Neighborhood Health for primary health care services. The contract will terminate on June 30, 2018, with the option for four one-year renewal periods based on satisfactory contractor performance and agreement of the parties. The total estimated amount over the entire life of the contract is approximately \$562,500.00

EBE:ebe

ADDITIONAL BOARD MATTERS

20. **DIVERSION FIRST WINS AN ACHIEVEMENT AWARD** (11:11 a.m.)

Chairman Bulova announced that the Diversion First Program has won the National Association of Counties 2017 Achievement Award in the category of criminal justice and public safety. The Award recognizes innovative Government Programs.

21. **FALSE RUMOR REGARDING IMPENDING DEPARTURE OF THE CHAIRMAN OF THE BOARD** (11:13 a.m.)

Chairman Bulova announced that a rumor about her impending departure from the Board this year is false. A brief discussion ensued regarding her tenure.

22. **REQUEST TO RECOGNIZE JUNE 2017 AS “LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBTQ+) PRIDE MONTH” IN FAIRFAX COUNTY** (11:15 a.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust reminded the Board that on April 4, 2017, it adopted a resolution of diversity and inclusion. He referred to his written Board Matter regarding the significant achievements of the LGBTQ+ community and moved that the Board direct staff to invite representatives of the LGBTQ+ community, and its supporters to appear before the Board on June 6 as the Board proclaims June 2017 as “*LGBTQ Pride Month*,” in Fairfax County. Supervisor Gross and Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

23. **AUTONOMOUS VEHICLES** (11:17 a.m.)

Supervisor Foust announced that an autonomous vehicles event, sponsored by the County in conjunction with Virginia Tech, is scheduled for May 3, at 12 noon, at the Government Center.

A brief discussion ensued regarding the event.

24. **INNOVATIONS CHALLENGE** (11:18 a.m.)

Supervisor Foust announced that an Innovations Challenge event is scheduled for Thursday, May 18, from 8 a.m.–12 noon at ICF International, 9300 Lee Highway, Fairfax. He noted that the event is sponsored by the County’s Human Services Council. It will be an opportunity for social entrepreneurs, businessmen, and community leaders to come together to focus on ways to address challenges within the County that will help individuals, families, and children through innovation.

25. **NOMINATIONS FOR INVESTMENT FROM THE ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF)** (11:19 a.m.)

Supervisor Foust said the County Executive will be issuing a list of projects for “Initial Screening” as part of the four-step process for investment in opportunities to stimulate economic growth. He announced that if Board Members have a project they would like to be considered for “initial screening” please submit it to Deputy County Executive Robert A. Stalzer or Ms. Eta Davis.

DET:det

26. **MOTION TO SCHEDULE A PUBLIC HEARING FOR FLINT HILL SCHOOL – SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-P-046-02 (PROVIDENCE DISTRICT)** (11:04 a.m.)

Supervisor L. Smyth said that the Flint Hill School has a pending special exception amendment application for a private school of general education on a property located in the northwest corner of the intersection of Jermantown Road and Oakton Road. The applicant is requesting to amend the approved special exception to relocate the Middle School (grades 7 and 8) to this campus. Due to the August recess, this matter would not be scheduled for a Board meeting until September. The applicant has requested that the Board hearing be scheduled for July 11, 2017, rather than in September.

Therefore, Supervisor L. Smyth moved that the Board direct staff to expedite the Board public hearing for Special Exception Amendment Application SEA 99-P-046-02 to a date and time certain of **July 11, 2017, at 4:30 p.m.** This motion should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Supervisor L. Smyth added that the public hearing before the Planning Commission would also need to be rescheduled. Supervisor Foust seconded the motion and it carried by unanimous vote.

27. **ECHO, INCORPORATED (LEE DISTRICT)** (11:23 a.m.)

Supervisor McKay said that ECHO, Incorporated, is preparing to file a special exception amendment application to allow for the construction of a parking lot at

7209 Old Keene Mill Road. ECHO, Incorporated, is a nonprofit charitable organization that helps the community by assisting those who suffer the effects of long-term poverty as well as people who are experiencing an emergency need.

After consultation with the County Attorney's Office, Supervisor McKay expressed his belief that good cause exists under Zoning Ordinance Chapter 18-106 to waive the fees associated with the filing of this special exception amendment application.

Therefore, Supervisor McKay moved that the Board waive the fees associated with the filing by ECHO, Incorporated, of Special Exception Amendment Application SEA 84-L-013. Supervisor Foust seconded the motion and it carried by unanimous vote.

28. **TWENTY-NINTH ANNUAL SPRINGFIELD DAYS CELEBRATION (LEE DISTRICT)** (11:24 a.m.)

In a joint Board Matter with multiple Board Members, Supervisor McKay announced that the Twenty-Ninth Annual Springfield Days celebration will take place this year on the weekend of June 3-4.

A wide variety of activities will take place across Springfield as part of the celebration, most notably the Springfield 5K at Edison High School and the famous Cardboard Boat Regatta at Lake Accotink Park.

Supervisor McKay stated that this is all possible due to the partnership of several local business and community organizations as referenced in his written Board Matter: American Legion Post 176; Behaved Barkers; Felix and Oscar Pet Food; the Greater Springfield Chamber of Commerce; the Greater Springfield Volunteer Fire Department; Lake Accotink Park; Metro Run and Walk; the South Run RECenter; Friends of Richard Byrd Library; and the Springfield United Methodist Church.

Therefore, Supervisor McKay moved that the Board:

- Direct staff to prepare a proclamation declaring Springfield Days on June 3 and 4, to be presented to the Springfield Days Committee at the PetFest entertainment stage on June 3
- Invite all residents of the County to celebrate this community event

Supervisor Herrity seconded the motion. Following discussion regarding the Cardboard Boat Regatta, the question was called on the motion and it carried by unanimous vote.

29. **EMERGENCY MEDICAL SERVICES (EMS) WEEK 2017** (11:26 a.m.)

Supervisor Gross announced that the Fire and Rescue Department (FRD) will be celebrating EMS Week during the week of May 21 - 27, 2017. The theme for this year is “EMS STRONG: Always in Service” to drive awareness, interest, and excitement about the profession year-round. National EMS Week brings together local communities and medical personnel to publicize the safety, honor, and dedication of those who provide the day-to-day lifesaving services of medicine’s “front line.”

Therefore, Supervisor Gross asked unanimous consent that the Board:

- Proclaim the week of May 21 - 27, 2017 as “*Emergency Medical Services Week*” in Fairfax County
- Direct staff to prepare a proclamation, to be signed by the Chairman, to be presented off-site on May 22, 2017, at the County’s FRD EMS Symposium

A copy of the proclamation is attached to her written Board Matter.

Without objection, it was so ordered.

30. **FAIRFAX PETS ON WHEELS MONTH PROCLAMATION** (11:27 a.m.)

Supervisor Gross said that this year, Fairfax Pets on Wheels, Incorporated, (FPOW) celebrates its thirtieth year of “Helping Lick Loneliness” in the Fairfax community. FPOW connects pets with people living in nursing homes and assisted living facilities. An all-volunteer program begun 30 years ago, it donates more than 5,000 hours of pet visitation annually to 14 long-term care facilities and 3 adult day health care centers. Petting animals has been medically proven to assist in curtailing the loneliness, depression, and withdrawal often associated with residency in a nursing facility, enabling older adults to recall happier times.

Therefore, Supervisor Gross moved that the Board applaud this milestone and:

- Proclaim October 2017 as “*Fairfax Pets on Wheels Month*” in Fairfax County
- Direct staff to invite members of FPOW to appear before the Board on September 12, 2017, to be recognized

A copy of the proclamation is attached to her written Board Matter.

Without objection, it was so ordered.

31. **AMENDMENT TO THE COUNTY'S 2017 HOLIDAY CALENDAR**
(11:29 a.m.)

Supervisor Gross announced that this year, July 4, falls on a Tuesday. Given the timing of this important Federal holiday, it makes sense to make Monday, July 3, a full-day off which will give most County employees a well-deserved four-day weekend.

Therefore, Supervisor Gross moved that the Board amend the 2017 holiday calendar to grant a full-day holiday for County employees on July 3. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

32. **OVERTIME POLICIES REVIEWS** (11:30 a.m.)

Supervisor Herrity announced that last Monday he received a response to his budget question regarding total compensation for County employees grossing more than \$100,000 as a result of overtime in calendar year 2016. The response points to potential issues with the County's overtime pay policies including fiscal and safety issues. The list included an employee that grossed more than three times their annual pay. Unfortunately, it was not an isolated occurrence.

Therefore, Supervisor Herrity moved that the Board direct the County Executive to review overtime pay and scheduling policies throughout the County from both a fiscal and job safety stand point and present his findings to the Board. Chairman Bulova seconded the motion.

Supervisor Gross asked to amend the motion to direct the County Executive to present his findings to the Personnel Committee, and this was accepted. Supervisor L. Smyth noted that the issue was discussed during the Board's consideration of Lines of Business (LOBs).

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

33. **2017 GOVERNOR'S COMMUNITY ORGANIZATION AWARD GOES TO A COUNTY 50+ INITIATIVE** (11:32 a.m.)

Supervisor Herrity said that the 2017 Governor's Community Organization Award was presented to GrandInvolve and recognized the efforts of Ms. Dorothy Keenan in its development. He read from a press release describing the work of GrandInvolve and its impact on the children of the County, both socially and academically, and asked unanimous consent that the Board direct staff to invite Ms. Keenan to appear before the Board to be recognized. Without objection, it was so ordered.

Supervisor McKay asked unanimous consent that the Board direct staff to invite Greenspring Village to be included in the recognition. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to invite other GrandInvolve locations within the County to be included in the recognition. Without objection, it was so ordered.

34. **FOURTH TEEN JOB FAIR – SOUTH COUNTY** (11:35 a.m.)

Supervisor Herrity announced that the Fourth Teen Job Fair was held this past Saturday at South County High School. It was the most successful of the fairs: over 600 students participated with 40 potential employers. He recognized the contributions of several sponsoring/support organizations as well as participating Board and School Board Members and staff.

Supervisor Storck commented on the success of the Job Fair.

DAL:dal

35. **REQUEST TO RECOGNIZE SOUTH COUNTY HIGH SCHOOL INDOOR DRUMLINE (MOUNT VERNON DISTRICT)** (11:38 a.m.)

Supervisor Storck said that the South County Indoor Drumline was reinstated in 2014, with a brand new staff and a young motivated group of performers. Over the last four years, the ensemble has developed and improved at a rapid pace. By 2015, the group was promoted to the highest class in the State - open class; by the end of 2016, they earned the bronze medal at the Virginia State Championship.

Supervisor Storck referred to his written Board Matter which outlined the accomplishments of the Drumline.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office Public Affairs to invite the South County High School Indoor Drumline, their instructors and parents, and Principal Matt Ragone, to appear before the Board to be recognized for their world class dedication and performance. Without objection, it was so ordered.

36. **AMENDMENT TO THE RESTON TRANSPORTATION SERVICE ADVISORY BOARD (HUNTER MILL DISTRICT)** (11:39 a.m.)

Supervisor Hudgins said that on April 4, 2017, the Board approved the creation of a Reston Transportation Service District Advisory Board. At the time, she suggested amendments to the proposed Advisory Board Structure. She has since learned that there was a miscommunication – her intent was misunderstood.

Supervisor Hudgins clarified her support for the following revised Advisory Board that would consist of 14 members as outlined below:

- One member from the Dranesville District

- Two members from the Hunter Mill District
- Three members to represent residential owners and homeowner/civic associations
- One member to represent apartment or rental owner associations
- Three members to represent commercial or retail ownership interests
- One member from the Reston Chamber of Commerce to represent lessees of non-residential space
- One member from the Reston Association
- One member from the Reston Town Center Association
- **One homeowner member from the Reston Town Center Association**

Therefore, Supervisor Hudgins moved that the Board authorize the proposed amendment to the Reston Transportation Service District Advisory Board as outlined above. Supervisor Foust seconded the motion and it carried by unanimous vote.

37. **SUNSET HILLS ROAD REALIGNMENT (HUNTER MILL DISTRICT)**
(11:41 a.m.)

Supervisor Hudgins said that traffic on Hunter Mill Road and at the intersection of Hunter Mill Road and Sunset Hills Road/Westbound Dulles Toll Road has been a transportation concern of the community for many years.

Supervisor Hudgins said that in 2014, at her request, the Department of Transportation (DOT) initiated the Hunter Mill Road Study to assess the transportation operations of Hunter Mill Road from Sunrise Valley Drive to Hunting Crest Lane and to develop an alternative that would address transportation issues along this segment of Hunter Mill Road and at the intersection of Hunter Mill Road and Sunset Hills Road/Dulles Toll Road. The process included extensive community involvement in the development of measures of effectiveness and alternatives for the study. Six community meetings were held throughout the two-year process, from December 2014 to November 2016, in which extensive community input was received. At the November 2016 meeting, a preferred alternative was presented to the public.

The Preferred Alternative includes a realignment of Sunset Hills Road to Crowell Road with a four-leg roundabout, while the existing signals would remain in the three other study intersections on Hunter Mill Road. The study also confirmed

the need for four lanes on Hunter Mill Road from Sunrise Valley Drive to Sunset Hills Road, as currently recommended on the Transportation Plan Map.

Therefore, Supervisor Hudgins moved that the Board authorize a Plan Amendment to reflect these recommendations in the Comprehensive Plan and on the Transportation Plan Map, so that the Comprehensive Plan reflects the preferred alternative for Sunset Hills Road and Hunter Mill Road. Chairman Bulova seconded the motion and it carried by unanimous vote.

38. **REALIGNMENT OF THE OVERSIGHT COMMITTEE ON DRINKING AND DRIVING** (11:43 a.m.)

(BACs) Supervisor Hudgins pointed out that the Oversight Committee on Drinking and Driving was established to address the increasing number of alcohol-related motor vehicle crashes and fatalities within the County. Since the formation of this committee, the distractions, threats, and dangers to drivers have changed.

According to the National Highway Traffic Safety Administration, drunk driving continues to be a leading cause of car-crash fatalities in the United States - accounting for 29 percent of all motor vehicles fatalities in 2015. But, with modern conveniences, pleasures, and demands, the cause of fatal crashes has expanded beyond the consumption of alcohol. Distracted driving, which includes texting, talking on cellphones, and eating, has increased in relevance, accounting for 14 percent of all motor vehicle crashes in 2015. Additionally, national and governmental organizations have modified their classification of drunk driving to impaired driving or driving under the influence, accounting for vehicle operation while under the influence of various medications and recreational drugs.

Furthermore, the risk of drowsy driving has come to the forefront in motorist safety. A study by the American Automobile Association (AAA) Foundation for Traffic and Safety has found that not only have 37 percent of drivers reported falling asleep at the wheel, and that an estimated 21 percent of fatal crashes have been caused by drowsy driving, but that drivers who only have 4-5 hours of sleep carry the same risk as those who drive with a blood alcohol content (BAC) equal and slightly above the legal limit.

To ensure that the County and the current Oversight Committee's efforts are being utilized effectively, and align with the current landscape, the name and mission of the committee should be modified accordingly.

Supervisor Hudgins moved that the Board authorize the renaming of the Oversight Committee on Drinking and Driving to the Oversight Committee on Distracted and Impaired Driving, and the realignment of the committee's mission and purpose to reflect its new name. Supervisor Gross seconded the motion.

Following discussion regarding the organization of Boards, Authorities, and Commissions (BACs), Supervisor Gross asked unanimous consent that the Board

direct the Clerk to the Board to report with additional information by June 15. Without objection, it was so ordered.

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

39. **REQUEST TO RECOGNIZE MR. DAVID EISENMAN (HUNTER MILL DISTRICT)** (11:52 a.m.)

Supervisor Hudgins announced that David Eisenman, General Manager of the Hyatt Regency, retired on April 30 after 17 years at the Reston Hyatt and a 37 year career with Hyatt Hotels and Resorts.

Supervisor Hudgins referred to her written Board Matter outlining Mr. Eisenman's many accomplishments.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to prepare a resolution, with dual signatures, to be presented on June 20, recognizing and thanking Mr. Eisenman for his many years of service. Without objection, it was so ordered.

40. **REQUEST TO RECOGNIZE SUICIDE PREVENTION MONTH** (11:54 a.m.)

Supervisor Cook referred to his written Board Matter regarding suicide prevention and noted that the vast majority of suicidal individuals display warning signs. Organizations such as Psychiatric Rehabilitation Services (PRS) CrisisLink and the American Foundation for Suicide Prevention offer help. Last year, PRS CrisisLink answered 4,223 crisis hotline calls from the County, Fairfax City, and Falls Church City. Of those calls, eight percent were actively suicidal with a plan to end their lives. This fiscal year, PRS CrisisLink has seen a four percent increase in Fairfax/Falls Church calls. In Fiscal Year (FY) 2016, PRS CrisisLink handled 886 CrisisText conversations from the Fairfax-Falls Church area. Nine percent of texters were actively suicidal with a plan to end their lives. Nearly half of the textline volume was from Fairfax County Public School students. PRS CrisisLink makes it possible for anyone in the community to text their concerns for a prompt response, counsel, and referral. All you have to do is text 'CONNECT' to 855-11.

In addition, the Community Service Board (CSB) has a 24/7 Mental Health Crisis Emergency Service number: 703-573-5679, or those who need help can visit the Merrifield Center at 8221 Willow Oaks Corporate Drive, Fairfax, VA 22031.

Therefore, Supervisor Cook asked unanimous consent that the Board:

- Proclaim September 2017 as "*Suicide Awareness Month*" in Fairfax County

- Direct staff to invite the American Foundation for Suicide Prevention, PRS CrisisLink, and the CSB to appear before the Board on July 11 to accept this proclamation and shed light on this important issue

Without objection, it was so ordered.

41. **REQUEST FOR THE FAIRFAX AREA LONG TERM CARE COORDINATING COUNCIL (LTCCC) TO REPORT TO THE HEALTH, HOUSING, AND HUMAN SERVICES COMMITTEE** (11:56 a.m.)

Supervisor Cook said that on January 11, 2017, the LTCCC adopted the LTCCC Housing Plan “Understanding the Housing Needs of Fairfax Residents with Disabilities and Older Adults and Recommendations for Affordable and Accessible Housing for These Residents.” These recommendations are well-reasoned and significant, and in some cases far-reaching.

Supervisor Cook explained that this plan is the culmination of a year's work by the LTCCC Housing Committee.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to assess these recommendations and that both staff and the LTCCC appear before the Health, Housing, and Human Services Committee to report their findings.

Following a brief discussion regarding a staff assessment, without objection, it was so ordered.

42. **APPOINTMENT OF MR. ROBERT GOLDENKOFF TO THE GEORGE MASON UNIVERSITY (GMU) FAIRFAX CAMPUS ADVISORY BOARD (BRADDOCK DISTRICT)** (11:58 a.m.)

(BACS)
(APPT)

Supervisor Cook moved the appointment of Mr. Robert Goldenkoff as a community member of the GMU Fairfax Campus Advisory Board.

Supervisor Cook referred to his written Board Matter which outlined Mr. Goldenkoff's many accomplishments.

Supervisor Cook announced that the next meeting of the Campus Advisory Board is May 4 at City Hall and noted that this motion is out-of-turn to permit Mr. Goldenkoff to attend that meeting as a new member.

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

43. **METRO ASSESSMENT PROCESS** (11:59 a.m.)

Supervisor Cook referred to the Metro Assessment process and said that the Northern Virginia Transportation Commission (NVTC) will put together a set of question-and-answers (Q&As).

Therefore, Supervisor Cook encouraged Board Members to submit questions to him for inclusion in NVTC's submission to the Washington Metropolitan Area Transit Authority (WMATA).

Chairman Bulova noted that Board Members received a copy of the technical report that was presented to the Metropolitan Washington Council of Governments (COG) regarding all the different aspects of Metro.

Following a brief discussion regarding the process, Supervisor McKay suggested that Board Members submit their questions to Supervisor Cook and Kate Mattice, Executive Director of NVTC.

Additional discussion ensued regarding the process.

44. **NO BOARD MATTERS FOR SUPERVISOR K. SMITH (SULLY DISTRICT)** (12:06 p.m.)

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

45. **RECESS/CLOSED SESSION** (12:06 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. *Kingstowne M&N LP v. Fairfax County*, Case No. CL-2015-0017985 (Fx. Co. Cir. Ct.) (Lee District)
2. *Shirley A. Stewart v. B.A. Pitts (Fairfax Sheriff), in his personal capacity; Doug Comfort (Fairfax Police), in his personal capacity; and Jason S. Manyx (U.S. Homeland Security), in his personal capacity*, Case No. 1:16-cv-682 (E.D. Va.)
3. *Cynthia Geoghagan v. Victor Nardone*, Case No. GV17-005911 (Fx. Co. Gen. Dist. Ct.)
4. *Humphrey Daniels v. Elizabeth Melendez*, Case No. GV16-025644 (Fx. Co. Gen. Dist. Ct.)
5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harry F. Kendall, III, and Laura P. Kendall*, Case No. CL-2008-0003244 (Fx. Co. Cir. Ct.) (Braddock District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose Orellana*, Case Nos. GV16-018734 and GV16-018756 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Carolyn Umstott Fisher, Trustee of the Carolyn W. Umstott Revocable Trust, and Nancy Susan Umstott, Trustee of the Carolyn W. Umstott Revocable Trust*, Case No. CL-2017-0004336 (Fx. Co. Cir. Ct.) (Dransville District)
8. In re: March 1, 2017, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Case No. CL-2017-0004596 (Fx. Co. Cir. Ct.) (Dransville District)
9. *Board of Supervisors of Fairfax County and James W. Patteson, Director of the Fairfax County Department of Public Works and Environmental Services v. Nirmaladevi Jayanthan and Jayanthan Balasubram, a/k/a Balasubram Jayanthan, Jayanthan Bala, Bala Jayanthan, and Jay Bala*, Case No. CL-2015-0008179 (Fx. Co. Cir. Ct.) (Dransville District)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kannan M. Annamalai and Rajeswari Krishnamoorthy*, Case No. CL-2017-0004054 (Fx. Co. Cir. Ct.) (Hunter Mill District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary K. Devers, Trustee and Kenneth R. Arnold*, Case No. CL-2017-0004536 (Fx. Co. Cir. Ct.) (Hunter Mill District)
12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Olga Selvaggi, Individually and as heir of Phillip S. Selvaggi and the Phillip S. Selvaggi Living Trust, and Nina Selvaggi, Individually and as heir of Phillip S. Selvaggi and the Phillip S. Selvaggi Living Trust*, Case No(s). GV17-006686 and GV17-006893 (Fx. Co. Gen. Dis. Ct.) (Hunter Mill District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Aranibar Chinchilla and Rossemay Jeanneth Arnez Villarroel*, Case No. CL-2016-0006961 (Fx. Co. Cir. Ct.) (Lee District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bobby H. Dunn, Sr., and Wanda B. Dunn*, Case No. GV17-007123 (Fx. Co. Gen. Dist. Ct.) (Lee District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Bobby H. Dunn, Sr., and Wanda B. Dunn*, Case No. GV17-007124 (Fx. Co. Gen. Dist. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael Woolfrey*, Case No. GV17-007126 (Fx. Co. Gen. Dist. Ct.) (Lee District)
17. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Woolfrey*, Case No. GV17-007127 (Fx. Co. Gen. Dist. Ct.) (Lee District)
18. *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)

19. *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. 0182-17-4 (Va. Ct. App.) (Mason District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ajay Miglani*, Case No. GV16-018198 (Fx. Co. Gen. Dist. Ct.) (Mason District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Unknown Heirs of Albert E. Mays and Prabaharan Ponnuthurai*, Case No. CL-2015-0001081 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel Minchew*, Case No. CL-2017-0004962 (Fx. Co. Cir. Ct.) (Mount Vernon District)
23. *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)
24. *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)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Natividad Rojas*, Case No. CL-2017-0000361 (Fx. Co. Cir. Ct.) (Providence District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ly Chau*, Case No. CL-2013-0011534 (Fx. Co. Cir. Ct.) (Providence District)
27. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kamal M. Ayoub*, Case No. GV17-004935 (Fx. Co. Gen. Dist. Ct.) (Providence District)

28. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Yung Chi Yung*, Case No. CL-2017-0004961 (Fx. Co. Cir. Ct.) (Springfield District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Laretta Marshall*, Case No. CL-2016-0010299 (Fx. Co. Cir. Ct.) (Springfield District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lloyd G. Strickland*, Case No. CL-2016-0008753 (Fx. Co. Cir. Ct.) (Springfield District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John J. Mehan, III*, Case No. GV17-007125 (Fx. Co. Gen. Dist. Ct.) (Sully District)
32. *Board of Supervisors of Fairfax County v. Novastar Prep, Inc.*, Case No. CL-2017-0001904 (Fx. Co. Cir. Ct.) (Dranesville, Hunter Mill, and Providence Districts)
33. *Board of Supervisors of Fairfax County v. Enshin Karate of Fairfax LLC*, Case No. GV17-004328 (Fx. Co. Gen. Dist. Ct.) (Providence District)
34. *Board of Supervisors of Fairfax County v. Hamilton's Sofa Gallery*, Case No. GV16-025193 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill, Providence, Springfield, and Sully Districts)

And in addition:

- Federal Communications Commission Docket Numbers 17-79 and 17-84
- Virginia Electric and Power Company, Application PUR-2017-00002, before the State Corporation Commission
- Virginia Attorney General Opinion No. 14-409

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

EBE:dal

At 3:47 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

46. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:47 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 McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

47. **COUNTY EXECUTIVE EDWARD L. LONG JR. RETIRING** (3:48 p.m.)

Chairman Bulova announced that she received a letter from County Executive Edward L. Long Jr. informing the Board that he plans to retire on September 15, 2017. The Board had a brief discussion during closed session regarding the process for moving forward.

The Board will be developing a process for recruiting and filling the position of County Executive, to include a national search.

48. **AUTHORIZATION TO SUBMIT COMMENTS TO THE FEDERAL COMMUNICATIONS COMMISSION (FCC)** (3:50 p.m.)

Supervisor K. Smith moved that the Board authorize the submission of comments in response to the FCC's April 20 Notice of Proposed Rulemaking and Notice of Inquiry related to wireless infrastructure deployment. These comments will be aimed at preserving the ability of local governments to control and use decisions to the maximum extent possible and on the grounds discussed with the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

49. **ORDERS OF THE DAY** (3:51 p.m.)

Chairman Bulova announced that, because of the number of speakers registered for the 4:30 p.m. public hearing on Sunrise Development, the Board will break at 5 p.m. and hold the Public Comment period and then return to the 4:30 p.m. item.

50. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 96-L-005-04 (GREENSPRING VILLAGE INCORPORATED) (LEE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 96-L-034-04 (CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS/GREENSPRING VILLAGE INCORPORATED) (LEE DISTRICT) (3:51 p.m.)

- (O) The application property is located at 7410 Spring Village Drive, Springfield, 22150, Tax Map 90-1 ((001)) 63G.

Mr. Frank Stearns reaffirmed the validity of the affidavit for the record.

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

- Mr. Frank W. Stearns, Esquire, a partner in the law firm of Donohue and Stearns, PLC

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

Mr. Stearns 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. Posusney presented the staff and Planning Commission recommendations.

Following a query by Supervisor McKay, Mr. Stearns confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated April 12, 2017.

Supervisor McKay moved:

- Approval of Proffered Condition Amendment Application PCA 96-L-005-04, subject to the proffers dated March 1, 2017.
- Approval of Special Exception Amendment Application SEA 96-L-034-04, subject to the development conditions dated April 12, 2017.

- Modification of the transitional screening requirement for the adjacent multi-family use in favor of the existing 19-foot tall retaining wall and vegetation on the site as depicted on the Generalized Development Plan/Special Exception Amendment Plat.
- Waiver of the barrier requirement for the adjacent multi-family use.

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.”

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-P-027 (KBSII WILLOW OAKS, LLC) (PROVIDENCE DISTRICT)** (3:59 p.m.)

The application property is located at 8260, 8270, and 8280 Willow Oaks Corporate Drive, Fairfax, 22031, Tax Map 49-3 ((01)) 138, 139, and 140.

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

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

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, Ms. Gresham presented the staff and Planning Commission recommendations.

Following a query by Supervisor L. Smyth, Ms. Stagg confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated March 28, 2017.

Supervisor L. Smyth moved approval of Special Exception Amendment Application SEA 97-P-027, subject to the development conditions dated March 28, 2017. Supervisor Foust seconded the motion and it carried by unanimous vote.

52. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2015-PR-017 (FP TYSONS I, LLC) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN (PROVIDENCE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION PCA 2011-PR-005/CDPA 2011-PR-005 (TYSONS CENTRAL LOT A, LLC) (PROVIDENCE DISTRICT) (4:04 p.m.)

(O) The application property is located on the east side of Leesburg Pike immediately south of Greensboro Metro Station, Tax Map 29-3 ((1)) 65A pt.

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

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

- Mr. Steven M. Cumbie, Tysons Central, LLC

Stephen Gardner, Planner, Zoning Evaluation Division, Department of Planning and Zoning, 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.

Following the public hearing, Mr. Gardner presented the staff and Planning Commission (PC) recommendations.

Supervisor L. Smyth moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2015-PR-017, from the PTC, SC, and HC Districts to the PTC, SC, and HC Districts, subject to the proposed conceptual development plan conditions dated April 6, 2017, and as contained in Appendix 2 of the staff report.
- Approval of Proffered Condition Amendment/Conceptual Development Plan Amendment Application PCA/CDPA 2011-PR-005, subject to the proffers statement dated April 3, 2017.
- Waiver of the tree conservation requirements of Part 4 of Section 13-400 of the ZO.

- Reaffirmation of all previously approved waivers and modifications, as outlined on Sheets 21 and 22 of the staff report, as follows:
 - Modification of ZO Paragraph 2 of Section 17-201 and Public Facilities Manual (PFM) Section 8-0201.3 to permit construction of sidewalks and on-road bike trails as shown on the Conceptual Development Plan (CDP)
 - Waiver of Section 2-505 to permit structures and vegetation on a corner lot as shown on the CDP/Final Development Plan (FDP)
 - Waiver of Paragraph 1 of Section 6-506 to permit a minimum district size of less than 10 acres for a PTC zoned parcel
 - Waiver to allow use of underground stormwater management and best management practices in a residential development
 - Modification of Paragraph 2 of Section 2-506 to allow for a parapet wall, cornice or similar projection to exceed the height limit by more than three feet as indicated on the FDP to screen mechanical equipment
 - Waiver of Paragraphs 3(E) and (G) of Section 10-104 to increase the maximum fence height from 7 feet to 14 feet around accessory structures located within the rear yard
 - Modification of Paragraph 4 of Section 11-202 requiring a minimum distance of 40 feet between loading spaces and drive aisles to permit the loading spaces shown on the CDP
 - Waiver of ZO Section 11-302 to allow a private street to exceed 600 feet in length as shown on the CDP
 - Modification of PFM Section 7-800 to allow the use of tandem parking spaces and valet services to be counted as required parking
 - Waiver of Section 16-403 to permit a site plan for public improvements plans associated with public roadway, infrastructure, or final or interim parks spaces

as shown on the CDP to be filed without an approved FDP

- Waiver of Paragraph 3(B) of Section 17-201 to provide any additional interparcel connections to adjacent parcels beyond that shown on the Plans and as proffered
- Waiver of Paragraph 3(A) of Section 17-201 which requires a service drive along Leesburg Pike and Chain Bridge Road
- Waiver of Paragraph 7 of Section 17-201 to allow establishment of parking control, signs, and parking meters along private streets
- Waiver of Paragraph 4 of Section 17-201 to allow for the dedication and construction of roads as indicated in the plans/proffers
- Modification of Section 12-515.6(B) to reduce minimum planter opening areas for trees used to satisfy tree cover requirements in favor of that shown on the CDP/FDP
- Modification of Section 12-515.6B to allow trees located above any proposed percolation trench or bioretention areas to count towards county tree cover requirements
- Modification of the 10 year tree canopy requirements in favor of that shown on the Plans and as proffers
- Modification of the ZO and PFM for required tree preservation target and 10 percent canopy to be calculated as shown on the overall CDP area
- Modification of ZO Paragraph 8 of Section 13-202 and Paragraph 5 of Section 13-203 for interior and peripheral parking landscaping for new interim surface parks lots to what on shown on an approved FDP or a landscape plan for existing surface lots

Supervisor Foust and Supervisor Herrity 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.”

(NOTE: On April 19, 2017, the PC approved Final Development Plan Amendment Application FDPA 2011-PR-005-02, subject to the development conditions dated April 6, 2017. The PC also approved Final Development Plan Application FDP 2015-PR-017.)

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2016-SP-009 (WINCHESTER HOMES INCORPORATED) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN (SPRINGFIELD DISTRICT)**
(4:14 p.m.)

(O) The application property is located in the southeast quadrant of the intersection of West Ox Road with Post Forest Drive, Tax Map 56-1 ((1)) 11H.

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

William O'Donnell, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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, Mr. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Supervisor Herrity moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2016-SP-009, from the R-1 and WS Districts to the PDH-8 and WS Districts, and approval of the associated Conceptual Development Plan subject to the proffers dated April 27, 2017.
- Modification of the 200 square-foot minimum privacy yard requirement for single-family attached dwelling units in favor of the option shown on the Conceptual Development Plan/Final Development Plan.
- Modification of the private street limitations of Section 11-302 of the Zoning Ordinance.

Supervisor K. Smith 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.

(NOTE: On March 29, 2017, the PC approved Final Development Plan Application FDP 2016-SP-009, subject to development conditions dated March 14, 2017.)

54. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF MCWHORTER PLACE WALKWAY - MISSING SEGMENTS BETWEEN CUL-DE-SACS, 2G40-088-010 (MASON DISTRICT)** (4:24 p.m.)

Supervisor Gross moved to cancel the proposed public hearing. Since all land rights for this project have now been acquired, the hearing is no longer necessary. Chairman Bulova seconded the motion and it carried by unanimous vote.

55. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2017-CW-1CP, MOBILE AND LAND-BASED TELECOMMUNICATIONS POLICY PLAN** (4:24 p.m.)

Supervisor Gross moved to defer the public hearing on proposed Plan Amendment 2017-CW-1CP until **July 25, 2017, at 4 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

56. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE PICKWICK COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (4:25 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 April 14 and April 21, 2017.

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

Following the public hearing, which included testimony by one speaker, Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Pickwick CPD, in accordance with current CPD restrictions. The District expansion includes the following streets:

- Helmsly Court (Route 8015), from Newhall Court to the cul-de-sac inclusive
- Newhall Court (Route 8014), from Pickwick Road to the cul-de-sac inclusive
- Pickwick Road (Route 1021), from Wharton Lane to Leland Road
- Shelburne Court (Route 8017), from Shelburne Street to the cul-de-sac inclusive
- Shelburne Street (Route 8016), from Wharton Lane to the cul-de-sac inclusive

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

57. **4 P.M. – PH ON SUBMISSION DSC-E4-1 (POHANKA) OF THE DULLES SUBURBAN CENTER STUDY (PLAN AMENDMENT 2013-III-DS1), LOCATED SOUTH OF LEE JACKSON MEMORIAL HIGHWAY BETWEEN WALNEY ROAD AND ELMWOOD STREET (SULLY DISTRICT)** (4:28 p.m.)

Mike D. Van Atta, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Van Atta, presented the staff and Planning Commission (PC) recommendations.

Supervisor K. Smith moved approval of the PC recommendation for Submission DSC-E4-1 (Pohanka) of the Dulles Suburban Center Study (Plan Amendment 2013-III-DS1), which reflects an alternative to the staff recommendation as shown in Attachment II of the Board Item. The amendment modifies the Plan language for Tax Map Parcels 34-4 ((1)) 49, 50, 50A, 51, and 53 to add an option for auto-dealership use with a maximum density of .30 floor area ratio. Supervisor Foust seconded the motion and it carried by unanimous vote.

58. **4 P.M. – PH ON SUBMISSION DSC-J-1 (COMMONWEALTH CENTRE) OF THE DULLES SUBURBAN CENTER STUDY (PLAN AMENDMENT 2013-III-DS1), LOCATED WEST OF WESTFIELDS BOULEVARD AND NORTH OF THE NEWBROOK DRIVE LOOP ROAD (SULLY DISTRICT)** (4:36 p.m.)

Clara Q. Johnson, Planner IV, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Johnson, presented the staff and Planning Commission (PC) recommendations.

Following comments, Supervisor K. Smith moved approval of the PC recommendation for Submission DSC-J-1 (Commonwealth Centre) of the Dulles Suburban Center Study (Plan Amendment 2013-III-DS1). This reflects the staff recommendation as shown in the staff report dated March 15, 2017, pages 14-16. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

59. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-DR-001 (SUNRISE DEVELOPMENT, INCORPORATED) (DRANESVILLE DISTRICT)** (4:47 p.m.)

The application property is located at 1988 Kirby Road, McLean, 22101, Tax Map 40-2 ((1)) 48.

Mr. Stuart Mendelsohn reaffirmed the validity of the affidavit for the record.

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

Mr. Mendelsohn 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.

Discussion ensued, with input from Mr. Mendelsohn, regarding comments made at the Planning Commission (PC) public hearing, buffering for new or existing plantings, and traffic impacts.

Chairman Bulova announced that the Board would proceed with the 5 P.M. Public Comment period and then return to this public hearing.

(NOTE: Later in the meeting, this public hearing was continued. See Clerk's Summary Item #61.)

60. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:20 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of April 14 and April 21, 2017.

Public comment was held and included the following individuals:

- Mr. Forrest Hatcher, regarding Jefferson Park Golf Course
- Mr. Sebastian Wilbern, regarding Neighborhood Gardens and Agricultural Standards

Following the testimony of Mr. Hatcher, Chairman Bulova asked him to provide his contact information so that staff can contact and follow-up with him regarding issues he raised about personal property damage as a result of golf balls from the Jefferson Park Golf Course.

61. **4:30 P.M. – CONTINUATION OF THE PH ON SPECIAL EXCEPTION APPLICATION SE 2016-DR-001 (SUNRISE DEVELOPMENT, INCORPORATED) (DRANESVILLE DISTRICT)** (5:29 p.m.)

(NOTE: Earlier in the meeting this public hearing began. See Clerk's Summary Item #59.)

Following the testimony of Pastor Dwaine Darrah (Speaker 3), discussion ensued regarding testimony before the PC.

Following the public hearing, which included testimony by 64 speakers, Mr. Katai presented the staff and Planning Commission (PC) recommendations.

Supervisor Cook, Supervisor Foust, Supervisor Herrity, and Supervisor Hudgins submitted items for the record.

Mr. Mendelsohn presented rebuttal. Discussion ensued regarding the residential and institutional uses definitions and language of the Comprehensive Plan and the Zoning Ordinance.

Discussion ensued, with input from Mr. Katai and Catherine Lewis, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, regarding the staff and PC recommendations.

Supervisor Foust, after careful evaluation and consideration of the entire record, and in light of the scale and intensity of this particular application, the number of institutional uses already operating in close proximity, and the provisions of the Comprehensive Plan and Zoning Ordinance, stated his belief that the application should be denied.

Therefore, Supervisor Foust moved denial of Special Exception Application SE 2016-DR-001. Supervisor L. Smyth seconded the motion.

Following discussion, with Board Members expressing their support/non-support of the motion, the question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, and Chairman Bulova voting "NAY."

62. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN**

(NOTE: Earlier in the meeting, the public comment period was held. See Clerk's Summary Item #60.)

63. **BOARD ADJOURNMENT** (10:35 p.m.)

The Board adjourned.

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