



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 24, 2017**

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GMA:gma

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, October 24, 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 Kirk W. Kincannon, Acting 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; Ekua Brew-Ewool, Kecia Kendall and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:32 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family of Dorothy Stanners, who recently died at age 93. Mrs. Stanners is the mother of Mrs. Sue Robinson of the County Executive's Office and the wife of Mr. Tom Stanners, who was a former member of the County Employees' Retirement System Board of Trustees.

Supervisor Cook asked everyone to keep in thoughts the mother of Megan McLaughlin, Braddock District School Board Representative, whose home was destroyed in the California wildfire.

AGENDA ITEMS2. **WELCOMING THE STUDENTS FROM LYCÉE JEAN ROUSTAND, CHANTILLY, FRANCE, TO FAIRFAX COUNTY** (9:34 a.m.)

On behalf of the Board, Chairman Bulova welcomed students from Lycée Jean Roustand, Chantilly, France, to the County.

Supervisor K. Smith moved approval of the Resolution presented to the students from Lycée Jean Roustand, welcomed them to the County and wished them well in their research as the County looks forward to continuing the exchange of ideas and friendship. Supervisor Gross seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER3. **INTRODUCTION OF NEW STAFF MEMBER (SULLY DISTRICT)** (9:44 a.m.)

Supervisor K. Smith introduced Ms. Amber-Lee Leslie, a new staff member in the Sully District office.

On behalf of the Board, Chairman Bulova warmly welcomed her to the Board Auditorium.

AGENDA ITEMS4. **PRESENTATION OF THE CAPSTONE OF THE YEAR AWARD TO FAIRFAX COUNTY FOR THE ALTERNATIVE ACCOUNTABILITY PROGRAM** (9:44 a.m.)

The Center for Juvenile Justice Reform at Georgetown University awarded the County the Capstone of the Year Award for the Alternative Accountability

Program, which is a community restorative justice program that uses early diversion options for youths in the juvenile justice system.

Supervisor Gross raised a question on the total number of youths diverted through the program. Bob Bermingham, Director of Court Services for Juvenile and Domestic Relations District Court, stated that to date, 430 youths have been diverted from formal prosecution.

Supervisor Storck raised a question about the statistic of diverted youths that do not re-enter the system. Mr. Bermingham stated that 94 percent of youths diverted from formal prosecution do not re-enter the juvenile justice system.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE GEORGE MASON UNIVERSITY (GMU) MASON MAPPERS** (9:44 a.m.)

Supervisor Bulova relinquished the chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the GMU Mason Mappers for its work on the History Commission's Roadside Markers Map for the 275th anniversary of the County. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **RESOLUTION OF RECOGNITION PRESENTED TO PUBLIC ART RESTON** (10:08 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Public Art Reston for its tenth anniversary. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

7. **RESOLUTION OF RECOGNITION PRESENTED TO BAHÀ' Í COMMUNITY OF FAIRFAX COUNTY** (10:16 a.m.)

Chairman Bulova relinquished the chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Bahà' í Community of Fairfax County for its achievements and promotion of the well-being of communities in the County. Supervisor K. Smith and Supervisor McKay jointly seconded the motion and it carried by a unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova

8. **PROCLAMATION DESIGNATING NOVEMBER 2017 AS "AMERICAN INDIAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:28 a.m.)

Supervisor Cook moved approval of the Proclamation designating November 2017 as "*American Indian Heritage Month*" in Fairfax County and urged all residents to join in recognizing members of the American Indian, Native Alaskan, and Native Hawaiian community in the County and throughout the United States. Supervisor Hudgins and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING OCTOBER 2017 AS "CYBER SECURITY MONTH" IN FAIRFAX COUNTY** (10:41 a.m.)

Supervisor Foust moved approval of the Proclamation designating October 2017 as "*Cyber Security Month*" in Fairfax County and urged all residents and County agencies to take the proper precautions to protect personal and County infrastructure and resident data. Supervisor Gross seconded the motion and it carried by unanimous vote.

10. **PROCLAMATION DESIGNATING OCTOBER 28, 2017, AS "VOLUNTEERFEST DAY" IN FAIRFAX COUNTY** (10:51 a.m.)

Supervisor L. Smyth moved approval of the Proclamation designating October 28, 2017, as "*VolunteerFest Day*" in Fairfax County and thanked all residents who observe this with neighbors, friends, co-workers, family, faith-based, school, and civic groups by engaging in service that benefits, celebrates, and strengthens the community. Supervisor Foust seconded the motion and it carried by unanimous vote.

11. **PRESENTATION OF THE 2017 BARBARA VARON AWARD** (11:01 a.m.)

Roberta Kelley Paul, Barbara Varon Volunteer Award Selection Committee member, gave a presentation regarding the history of the award, noting that it is given annually to a County resident whose dedication to improving the community through volunteer service honors the memory of Barbara Varon, former Chairman of the County's Electoral Board.

Ms. Paul presented the 2017 Barbara Varon Award and a book about Ms. Varon to Mr. Robert "Bob" Meredith for his tireless efforts to assist with voter registration and election education throughout the County.

EBE:ebe

12. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (11:15 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 October 24, 2017.” Supervisor McKay seconded the motion and it carried by unanimous vote.

The full list of Appointments is as follows:

ADVISORY PLANS EXAMINER BOARD

Reappointment of:

- Ms. Sarah Newman as the Hunter Mill District Representative

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Reappointment of:

- Ms. Frieda A. Tatem as the At-Large #1 Representative

The Board deferred the appointment of the At-Large #5 Representative.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Mason District Representative.

ARCHITECTURAL REVIEW BOARD

Reappointment of:

- Mr. Christopher Daniel as the Related Professional Group #5 Representative

The Board deferred the appointment of the Attorney Representative.

ATHLETIC COUNCIL

Reappointment of:

- Ms. Rachel A. Huhn as the Braddock District Alternate Representative
- Ms. Barbara R. Lowrey as the Mason District Principal Representative
- Mr. Stephen A. McLaughlin as the Providence District Principal Representative

CONFIRMATION OF:

- Mr. Stew Clark as the Basketball Council Alternate Representative
- Mr. Jay White as the Fastpitch Softball Council Alternate Representative
- Ms. Vicki Garner as the School Board Alternate Representative
- Mr. Rob Baily as the Volleyball Council Alternate

The Board deferred the appointment of the Mason District Alternate and Member-At-Large Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

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

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 Providence and Springfield District Representatives.

COMMISSION FOR WOMEN

Reappointment of:

- Ms. Elise H. Aguilar as the Providence District Representative

The Board deferred the appointment of the Springfield District Representative.

CONSUMER PROTECTION COMMISSION

Reappointment of:

- Mr. Michael J. Roark as the Fairfax County Resident #2 Representative

ECONOMIC DEVELOPMENT AUTHORITY

The Board deferred the appointment of the At-Large #5 Citizen Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Appointment of:

- Dr. Ayman Eldarwish as the Mason District Representative.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the Mason District Representative.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Appointment of:

- Mr. Kevin North as the At-Large #1 Representative
- Mr. Robert C. Carlson as the At-Large #3 Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Ms. Adrienne M. Walters as the Sully District Representative

(NOTE: Nomination was announced on September 26, 2017.)

Confirmation of:

- Dr. Diane R. Tuininga as the City of Fairfax Representative

The Board deferred the appointment of the Providence District Representative.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Dranesville District Representative.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Consumer #1 Representative.

HISTORY COMMISSION

The Board deferred the appointment of the Historian #1 Representative.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #8 and #9 Representatives.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Providence District #2 Representative.

INDUSTRIAL DEVELOPMENT AUTHORITY

The Board deferred the appointment of the At-Large #3, #4, and #5 Representatives.

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT CITIZENS ADVISORY COUNCIL

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

LIBRARY BOARD

The Board deferred the appointment of the Springfield District Representative.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

Appointment of:

- Mr. Peyton Smith, IV as the Sully District Representative

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

PARK AUTHORITY

Appointment of:

- Mr. Kiel Stone as the Braddock District Representative

REDEVELOPMENT AND HOUSING AUTHORITY

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

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Appointment of:

- Mr. Alexander Rough as the Dranesville District Representative

The Board deferred the appointment of the Residential Owners and HOA/Civic Association #1, #2, and #3 Representatives.

ROAD VIEWERS BOARD

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

SMALL BUSINESS COMMISSION

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #8 Representative.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Citizen Member #1 and Condo Owner Representatives.

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the Mason District Representative.

TREE COMMISSION

Reappointment of:

- Ms. Catherine C. Ledec as the Mount Vernon District Representative

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

TRESPASS TOWING ADVISORY BOARD

Reappointment of:

- Mr. Fred Scheler as the Towing #1 Representative

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Commercial or Retail Ownership #2 and the Providence District #2 Representatives.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen appointed by BOS #4 Representative.

WETLANDS BOARD

The Board deferred the appointment of the Alternate #1 Representative.

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13. **ADMINISTRATIVE ITEMS** (11:17 a.m.)

Chairman Bulova announced that Admin 7 – Authorization to Advertise a Public Hearing for the De-Creation of Small and Local Sanitary District for Discontinuing Refuse, Recycling and Vacuum Leaf Collection Service and Admin 8 – Authorization to Advertise a Public Hearing for the De-Creation of Small and Local Sanitary District for Discontinuing Refuse, Recycling and Vacuum Leaf Collection Service were withdrawn by staff.

Supervisor K. Smith called the Board's attention to Admin 5 – Authorization to Advertise a Public Hearing on a Proposed Amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) Regarding Restaurants and asked to amend the motion to consider this item separately, this was accepted.

Supervisor Gross moved approval of the Administrative Items, as amended. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting "AYE," Supervisor Storck being out of the room.

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 2, (PROPERTY UNDER COUNTY CONTROL)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2017, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 2, (Property Under County Control), addressing property seized by police, disposition of unclaimed property, sale or donation of unclaimed bicycles, and perishable or bulky property seized by police.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE LAKE BRADDOCK RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 5 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2017, at 4 p.m.**, to consider a proposed amendment to the Code of the County of Fairfax, Appendix G, to expand the Lake Braddock RPPD, District 5.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82, (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5, SECTIONS 32, 32.1, 32.1A, AND 32.2

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 5, 2017, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 82, (Motor Vehicles and Traffic), related to the removal, immobilization, and disposition of vehicles lawfully parked on private or county property.

ADMIN 4 – STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON DISTRICT)

(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>
Summit Oaks – Section 2	Mount Vernon	Tangerine Place Clementine Court

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING RESTAURANTS

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page #10.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #14.)

ADMIN 6 – EXTENSION OF REVIEW PERIOD FOR 2232 PUBLIC FACILITY REVIEW APPLICATION (PROVIDENCE DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-P17-37	Verizon Wireless 1766 Chain Bridge Road McLean, VA Providence District Accepted August 11, 2017	Extend to January 8, 2018

ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE DE-CREATION OF SMALL AND LOCAL SANITARY DISTRICT FOR DISCONTINUING REFUSE, RECYCLING AND VACUUM LEAF COLLECTION SERVICE (DRANESVILLE DISTRICT)

This item was withdrawn by staff.

ADMIN 8 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE DECREATION OF SMALL AND LOCAL SANITARY DISTRICT FOR DISCONTINUING REFUSE, RECYCLING AND VACUUM LEAF COLLECTION SERVICE (MASON DISTRICT)

This item was withdrawn by staff.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED AMENDMENT TO DEED OF LEASE WITH COMSTOCK RESTON STATION HOLDINGS, LC REGARDING FURTHER DEVELOPMENT AT THE WIEHLE-RESTON EAST METRORAIL STATION (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 5, 2017, at 4 p.m.**, to consider an amendment to the existing Deed of Lease between the Board, as landlord, and Comstock Reston Station Holdings, as tenant, regarding further development at the Wiehle-Reston East Metrorail Station.

14. **ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING RESTAURANTS** (11:18 a.m.)

- (A) (R) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See Clerk’s Summary Item #13.)

Supervisor K. Smith moved adoption of the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on November 30, 2017, at 8:15 p.m., and before the Board on **January 23, 2018, at 4 p.m.**, to consider a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding restaurants. Chairman Bulova seconded the motion.

With regard to Administrative Item #5, Supervisor K. Smith stated that staff has continued to review the proposed grandfather provisions included in the staff report. Revisions to the proposed grandfather provisions have been prepared and were distributed to the Board. Staff recommends adding parking reductions and tabulations to the grandfather provisions. No change is required to the advertisement to accommodate these changes, but the revised language should be included in the staff report.

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 L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Storek being out of the room.

15. **A-1 – APPROVAL OF A LICENSE AGREEMENT WITH THE GUM SPRINGS HISTORICAL SOCIETY FOR THE USE OF SPACE WITHIN THE GUM SPRINGS COMMUNITY CENTER (MOUNT VERNON DISTRICT)** (11:18 a.m.)

This item was withdrawn by staff.

16. **A-2 – APPROVAL OF A STANDARD PROJECT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR ROADWAY IMPROVEMENTS ON LEE HIGHWAY (ROUTE 29) FROM UNION MILL ROAD TO BUCKLEYS GATE DRIVE (SPRINGFIELD AND SULLY DISTRICTS)** (11:19 a.m.)

On motion of Supervisor Foust, the second to which was inaudible, and carried by a vote of nine, Supervisor Storck being out of the room, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to execute a Project Administrative Agreement (PAA) with VDOT, substantially in the form of Attachment 2 of the Board Agenda Item, for the continued implementation of Phase II of roadway improvements on Lee Highway from Union Mill Road to Buckleys Gate Drive.

17. **A-3 – AUTHORIZATION TO EXECUTE A PROJECT AGREEMENT BETWEEN THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND FAIRFAX COUNTY TO PROVIDE FUNDING FOR THE OPERATING COST FOR SUPPLEMENTAL BUS SERVICE TO MITIGATE IMPACTS RESULTING FROM THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S (WMATA) SAFETRACK PROGRAM** (11:19 a.m.)

On motion of Supervisor Foust, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor Storck being out of the room, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation (DOT) to execute the Agreement on behalf of the County, so that it can be reimbursed for a portion of the operating costs of supplemental bus service from June 14, 2016, to June 30, 2017.

18. **A-4 – RECEIPT OF THE FAIRFAX COUNTY, VIRGINIA, ANALYSIS OF IMPEDIMENTS (AI) TO FAIR HOUSING CHOICE 2016-2020** (11:21 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and act to receive the Fairfax County, Virginia, AI to Fair Housing Choice 2016-2020, and directed that the document be forwarded to the County Office of Human Rights and Equity Programs, Human Rights Division (OHREP-HRD), in conjunction with other affected departments and agencies, to pursue and ensure progress regarding the recommendations contained in the AI. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to reach out to organizations that have more of an understanding and familiarity with the State, the Dillon Rule, and Fairfax County form of government, the next time this report needs to be done. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

19. **A-5 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) HEALTH CARE REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT) SERIES 2017 REFUNDING BOND ISSUE** (11:22 a.m.)

(BONDS)

(R)

On motion of Supervisor Foust, seconded by Supervisor Herrity, and 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,” the Board concurred in the recommendation of staff and approved the issuance by the IDA of its Health Care Revenue Bonds (Inova Health System Project) Series 2017 Bonds, by adopting the Resolution that is set forth as Attachment 1 of the Board Agenda Item.

20. **A-6 – APPROVAL OF A STANDARD PROJECT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE SOAPSTONE DRIVE EXTENSION PROJECT (HUNTER MILL DISTRICT)** (11:23 a.m.)

On motion of Supervisor Hudgins, jointly seconded by Supervisor Foust and Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation (DOT) to execute a Project Administrative Agreement (PAA) with VDOT, substantially in the form of Attachment 2 of the Board Agenda Item, for the implementation of the Project.

21. **A-7 - APPROVAL OF A MEMORANDUM OF AGREEMENT (MOA) WITH THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC) TO ASSIST THE COUNTY WITH A DRIVER CONTROL UNIT (DCU) SUPPORT PROJECT, OFF-BOARD FARE PAYMENT, AND THE REGION’S NEXT GENERATION FARE COLLECTION PROJECT, COLLECTIVELY THE REGIONAL FARE COLLECTION PROGRAM** (11:24 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the MOA with NVTC, in substantially the form of Attachment 1 of the Board Agenda Item, and authorized the Director of the Department of Transportation to execute the finalized MOU on behalf of the County. Supervisor McKay seconded the motion and it carried by unanimous vote.

22. **A-8 – ADOPTION OF A RESOLUTION ENDORSING TRANSPORTATION PROJECTS BEING SUBMITTED FOR STATE AND FEDERAL FUNDING THROUGH MULTIPLE PROGRAMS** (11:25 a.m.)

(R) On motion of Supervisor Foust, seconded by Supervisor McKay, and 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,” the Board concurred in the recommendation of staff and adopted a resolution in substantially the form of Attachment 1 of the Board Agenda Item, endorsing nine County transportation projects for submission to the following grant programs:

- State funding through the Virginia Department of Transportation’s (VDOT) Revenue Sharing Program for Fiscal Year (FY) 2019-2020
- Federal funding through the following programs:
 - United States Department of Transportation’s (USDOT) Infrastructure for Rebuilding America (INFRA) Discretionary Grant Program for FY 2017-2018
 - Transportation Alternatives Grant Program for FY 2019-2020
 - Bike and Pedestrian Safety Program (BPSP) for FY 2019-2020

23. **A-9 – APPROVAL OF REVISIONS TO THE TYSONS URBAN CENTER WORKFORCE DWELLING UNIT ADMINISTRATIVE POLICY GUIDELINES** (11:26 a.m.)

Supervisor L. Smyth moved that the Board concur in the recommendation of staff and authorize the proposed revisions to the Tysons Urban Center Workforce Dwelling Unit (WDU) and Administrative Policy Guidelines (Tysons Policy), as set forth in Attachment 2 of the Board Agenda Item. Supervisor Foust seconded the motion.

Discussion ensued concerning:

- The challenge of providing WDUs in condominium ownership high-rise buildings
- Availability and affordability of WDUs in Tysons
- The need for flexibility in responding to market fluctuations

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.”

24. **A-10 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FUNDING FROM THE FISCAL YEAR (FY) 2017 TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (TIGER) GRANT PROGRAM (LEE AND MOUNT VERNON DISTRICTS)** (11:31 a.m.)

- (R) Supervisor McKay moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing the Department of Transportation to apply for \$37.0 million in FY 2017 TIGER program grant funds. Supervisor Storck seconded the motion.

Supervisor McKay stated that both of the projects listed are critical and address:

- Route 1 congestion
- The Transportation Security Administration (TSA) relocation to Springfield

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

25. **C-1 – AMENDMENTS TO THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) BYLAWS** (11:33 a.m.)

- (BACs) The Board next considered an item contained in the Board Agenda regarding approval of the amended bylaws for the CSB.

Supervisor McKay moved that the Board concur in the recommendation of staff and approve the amended bylaws for the CSB. Supervisor Gross seconded the motion and it carried by unanimous vote.

26. **C-2 – PROFFER INTERPRETATION APPEAL ASSOCIATED WITH THE RESERVE AT TYSONS CORNER RELATED TO PROFFERS ACCEPTED FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2003-PR-008 (PROVIDENCE DISTRICT)** (11:34 a.m.)

The Board next considered an item contained in the Board Agenda regarding an appeal of a proffer interpretation that determined Proffer 49 of Rezoning/Final Development Plan Application RZ/FDP 2003-PR-008 remains in effect but is not enforceable against a property not included in the subject rezoning.

Kelly M. Atkinson, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented background and a summation of the

Zoning Determination for the application. Supervisor L. Smyth presented a brief history and additional background on the application. Discussion ensued, concerning the appellant and the property owner, with input from Ms. Atkinson.

Following a presentation by Ms. Lucia Trigiani, agent for the appellant, discussion continued with input from Laura Gori, Senior Assistant County Attorney, regarding Proffer 49.

Discussion continued, with input from Ms. Gori, concerning terms of the original agreement.

Following additional discussion, concerning the definition and applicability of a proffer, with input from Ms. Janie Rhodes, agent for the appellant, Mr. David Gill of McGuire Woods made a presentation.

Supervisor L. Smyth moved to defer decision on the proffer interpretation appeal associated with the Reserve at Tysons Corner related to proffers accepted for Rezoning/Final Development Plan Application RZ/FDP 2003-PR-008 until November 21, 2017. Supervisor Herrity seconded the motion and it carried by unanimous vote.

27. **I-1 – CONTRACT AWARD – PHARMACEUTICAL SERVICES (PRESCRIPTION AND NON-PRESCRIPTION MEDICATIONS) FOR ADULT DETENTION CENTER INMATES** (12 p.m.)

The Board next considered an item contained in the Board Agenda announcing that staff is awarding a contract to Contract Pharmacy Services, Incorporated. Funds for these services are budgeted and expenditures under the contract are estimated to be \$650,000 per year (\$3,250,000 over five years). The cost will be equally shared between the Sheriff's Office and the Fairfax-Falls Church Community Services Board (CSB) based on the monthly ordering practices of the clinicians in both agencies.

28. **I-2 – CONTRACT AWARD – CONSULTING SERVICES FOR ZONING ORDINANCE MODERNIZATION** (12 p.m.)

The Board next considered an item contained in the Board Agenda announcing that staff is awarding a contract to both Clarion Associates and White and Smith, LLC. The contract term will begin on November 1, 2017, and terminate on October 31, 2022. The total estimated value of these contracts over five years is \$650,000 for the modernization task and \$750,000 for the modernization amendments, for a total of approximately \$1,400,000.

Discussion ensued, concerning the contract term, with input from Barbara A. Byron, Director, Department of Community Revitalization, concerning contract completion before the prescribed date.

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ADDITIONAL BOARD MATTERS

29. **PRESENTATION REQUESTS** (12:03 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite the following representatives from the:

- Fire and Rescue Department to appear before the Board on November 21, 2017, to receive recognition for their hard work and dedication on the 2017 Fill the Boot campaign
- Department of Family Services to appear before the Board on November 21, 2017, to receive a proclamation declaring November 2017 as “*Adoption Awareness Month*,” in Fairfax County

Without objection, it was so ordered.

30. **LORD FAIRFAX CHARITY RIDE** (12:04 p.m.)

Chairman Bulova announced that this year the County is celebrating its 275th anniversary. She noted that many citizens joined by Lord Fairfax of Cameron, a descendant of one of the founders, attended the June 17 signature event celebrating history. As a spinoff of these celebrations, in 2018 Lord Fairfax will serve as the patron of the Lord Fairfax Charity Ride.

The motorcycle ride that Lord Fairfax will lead is focused on circumnavigating the boundary of the original Northern Neck Proprietary (all the land between the Potomac and Rappahannock rivers from the Chesapeake Bay to the Fairfax Stone in West Virginia, approximately five million acres). Rides of varying length will take place from September 22-25/26. The goal of this event is to raise \$500,000 to be shared among various charities, including: The Lamb Center, County Sheriff’s Office Project Lifesaver, and other respected charities in the County.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of the County Executive to connect with the Charity Ride organizers to determine how the County can best assist and be a partner of this worthy event. The County’s history is special and this partnership has the potential to be one of great importance to the County. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

31. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) - GO VIRGINIA APPLICATION- INNOVATION INITIATIVE** (12:07 p.m.)

Supervisor Foust said that the GO Virginia Northern Virginia Region 7 Council, (GO NOVA), has solicited Letters of Interest (LOI) for projects to be funded by the State's new initiative to create jobs in high-wage industries. There are \$3.2 million in State funds currently available for award in this region, to be shared by several successful proposals. State funding through GO Virginia requires at least a 50 percent match by non-State appropriated sources, and at least 20 percent or \$50,000, whichever is greater, of that match must be provided by one or more participating localities in the region. The local contribution may come from any combination of the participating localities and political subdivisions, and it may take the form of cash, in-kind contributions or other local resources.

A proposal has been submitted to GO NOVA by several innovation technology entrepreneurs that seeks funding to establish an Innovation Initiative. The initiative would build a stronger innovation ecosystem in Northern Virginia with innovation hubs located in Fairfax and Arlington Counties. The innovation hubs would:

- Create a vibrant space and community for entrepreneurs, technologists, mentors, and investors, to connect and collaborate
- Provide curated programming and content for tech leaders and workers, working with best-in-class partners
- Develop a strong regional network of mentors and founders
- Help member companies find customers, partners, and investors
- Engage with large companies and their innovation efforts
- Train and grow current and future technology workforce (in partnership with universities)
- Help catalyze technology transfer and commercialization from regional universities

The innovation hubs will build on the success of Refraction, a co-working community in Reston that has housed more than 70 high-growth companies, and Tandem Innovation Alliance, a community of more than 5,000 entrepreneurs.

In addition to the Innovation Hubs, the Innovation Initiative, in partnership with Virginia Tech and Virginia Commonwealth University, will include launch of the Virginia Innovation Index. This will be the first comprehensive innovation index to measure more than 30 key factors impacting innovation and job growth in Virginia.

Therefore, Supervisor Foust moved that the Board direct the County Executive:

- To prepare an initial project evaluation to review the benefits of appropriating funding from the Economic Development Support Fund and other resources to support the Innovation Initiative GO Virginia application
- That no investment from the Economic Development Support Fund will be made until the Board has reviewed and approved the use of those funds for these purposes

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

32. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) - GO VIRGINIA APPLICATION- MACH37** (12:09 p.m.)

Supervisor Foust said that GO NOVA, the GO Virginia Northern Virginia Region 7 Council, has solicited Letters of Interest (LOI) for projects to be funded by the State's new initiative to create jobs in high-wage industries. There are \$3.2 million in State funds currently available for award in this region, to be shared by several successful proposals. State funding through GO Virginia requires at least a 50 percent match by non-state appropriated sources, and at least 20 percent or \$50,000, whichever is greater, of that match must be provided by one or more participating localities in the region. The local contribution may come from any combination of the participating localities and political subdivisions, and it may take the form of cash, in-kind contributions or other local resources.

MACH37 is a wholly owned subsidiary of the Center for Innovative Technology. It is housed in the CIT building in the County and it holds outreach, customer and investor events throughout Fairfax and Arlington Counties. Mach 37 has submitted a proposal to GO NOVA seeking a GO Virginia grant of \$200,000 and has requested that Arlington and Fairfax Counties fund the locality portion of the required match. The applicant maintains that, if funded, the MACH37 project will:

- Grow and strengthen Northern Virginia's cybersecurity technology sector
- Support the launch and expansion of new high-potential cybersecurity start ups
- Contribute to cybersecurity tech transfer and commercialization activities from research centers

The applicant reports that the Directors of the Arlington and Fairfax Economic Development Authorities have expressed support for this project.

Therefore, Supervisor Foust moved that the Board direct the County Executive:

- To prepare an Initial Project Evaluation to review the benefit of appropriating up to \$25,000 from the Economic Development Support Fund to support the MACH37 GO Virginia application
- That no investment from the Economic Development Support Fund will be made until the Board has reviewed and approved the use of those funds for these purposes

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

33. **MAKERS RISE EXPEDITED PUBLIC HEARING SCHEDULE
(DRANESVILLE DISTRICT)** (12:11 p.m.)

Supervisor Foust said that Houston Office Partners LP and DSVO Dulles LP have filed the following:

- Proffered Condition Amendment Application PCA C-696-011
- Conceptual Development Plan Amendment Application CDPA C-696-02
- Final Development Plan Amendment Application FDPA C-696-04

to replace two approved 12-story office buildings in Dulles Station with two mid-to high-rise residential mixed-use buildings located within a quarter mile of the future Innovation Center Metrorail Station.

The public hearing before the Planning Commission (PC) is scheduled for November 2, 2017. Waiting until the PC renders its decision will result in the case not coming before the Board until January 2018. The applicant has diligently worked with staff and has requested that the case be heard by the Board before January if possible.

Therefore, Supervisor Foust moved that Board direct staff to expedite the scheduling of the Board's public hearing for:

- Proffered Condition Amendment Application PCA C-696-011
- Conceptual Development Plan Amendment Application CDPA C-696-02
- Final Development Plan Amendment Application FDPA C-696-04

to **December 5, 2017, at 4:30 p.m.** This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards in any way. Supervisor L. Smyth and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

34. **INNOVATION CENTER STATION (NORTH) PLAN AMENDMENT AUTHORIZATION (DRANESVILLE DISTRICT)** (12:13 p.m.)

Supervisor Foust said that the extension of the Metrorail Silver Line through the County has been a catalyst for the creation of a number of transit-oriented developments immediately adjacent to the new Metrorail stations. Access to Metrorail along the Silver Line has also been a magnet for economic development. The County has embraced the concept of planning future growth to occur in transit station areas. In some areas, the County has proactively amended the Comprehensive Plan to concentrate development within a half mile of the Metrorail stations.

The Innovation Center Station (the “Station”) is the westernmost Silver Line Metrorail station in the County. Land on the north side of the Station provides a unique development opportunity because it includes the State-owned parcels of the Center for Innovative Technology and it is situated between the station and significant new developments approved by Loudoun County.

Currently, the Comprehensive Plan for the north side of the Station recommends development up to a maximum of 2.8 floor area ratio (FAR) within a quarter mile of the Station and 1.6 FAR between a quarter mile and a half mile of the Station.

In an effort to explore whether the County can and should take advantage of the potential additional economic development opportunity on the north side of the Station, Supervisor Foust moved that the Board:

- Authorize a Comprehensive Plan amendment for Land Unit L-1 and Land Unit L-2 of the Dulles Suburban Center. The Plan amendment should consider an increase in the current recommended FAR limits in the “Core Area” shown on the attached drawing of the Proposed Plan Amendment Area. The FAR limits considered should be consistent with maximum intensity levels at other Silver Line Metrorail stations in the Reston-Dulles corridor.
- Direct staff to evaluate a land use mix option that includes office as the predominant use, and to identify needed improvements to public facilities in the area, including fire, police, schools, recreation, and transportation.

- Direct the Directors of the Departments of Planning and Zoning and Transportation to work together to expedite and complete the review and processing of this Plan amendment within eight to ten months, and to work closely with Loudoun County and the Virginia Department of Transportation to ensure that the transportation and land use planning are compatible with approved and planned developments in Loudoun County.

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

35. **RECOGNIZING THE TENTH ANNIVERSARY OF CHESTERBROOK RESIDENCES (DRANESVILLE DISTRICT)** (12:16 p.m.)

Supervisor Foust congratulated Chesterbrook Residences (CRI) on its tenth anniversary and referred to his written Board Matter that outlined the history of the Chesterbrook residences.

Supervisor Foust asked unanimous consent that the Board direct staff to invite representatives of Chesterbrook Residences and the board of CRI to appear before the Board on November 21 to be congratulated on the tenth anniversary and recognize their achievements in providing safe housing for seniors. Without objection, it was so ordered.

36. **RECOGNIZING THE LANGLEY SCHOOL ON ITS SEVENTY-FIFTH ANNIVERSARY (DRANESVILLE DISTRICT)** (12:16 p.m.)

Supervisor Foust, referring to his written Board Matter, said that the Langley School, a pioneer in early childhood education is celebrating its seventy-fifth anniversary this year.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite Head of School, Dr. Elinor Scully, along with other school officials, to appear before the Board on December 5, 2017, to be recognized for the Langley School's 75 years of educational excellence. Without objection, it was so ordered.

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37. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-P-046-02, FLINT HILL SCHOOL (PROVIDENCE DISTRICT)** (12:17 p.m.)

Supervisor L. Smyth announced that, later in the meeting at the appropriate time, the Board would defer the public hearing on Special Exception Amendment Application SEA 99-P-046-02, Flint Hill School.

38. **RESTON COMMUNITY CENTER (RCC) PREFERENCE POLL (HUNTER MILL DISTRICT)** (12:18 p.m.)

Supervisor Hudgins announced that the RCC has completed the annual preference poll election for its Board of Governors. A total of 1,370 ballots were entered. The following individuals were elected to serve three-year terms on the RCC Board of Governors:

- Mr. William Keefe
- Mr. William Penniman
- Ms. Vicky Wingert

Therefore, Supervisor Hudgins moved that the Board appoint the above-referenced individuals to serve on the RCC's Board of Governors in time to be seated at the next Board of Governors' meeting on November 6, 2017. Supervisor Foust seconded the motion and it carried by unanimous vote.

39. **VIENNA CHORAL SOCIETY (VCS) – THIRTIETH ANNIVERSARY (HUNTER MILL DISTRICT)** (12:18 p.m.)

Supervisor Hudgins noted that VCS is celebrating its thirtieth anniversary. It started as a small group in the basement of the church with 30 singers and now has more than 100 singers.

This season is reflective of who it has become: the area's premier teaching choir, a place where singers create community, where the repertoire soars, and both singers and the audience have an unforgettable, one-of-a-kind experience.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the Vienna Choral Society to appear before the Board at the December 5, 2017, meeting to receive the Board's congratulations and gratitude for its community service and for enriching and inspiring the audiences fortunate to hear them. Without objection, it was so ordered.

40. **RETIREMENT OF HUNTER MILL DISTRICT PLANNING COMMISSIONER FRANK DE LA FE (HUNTER MILL DISTRICT)** (12:20 p.m.)

Supervisor Hudgins announced that after 16 years of dedicated service, the Hunter Mill District Planning Commissioner Frank de la Fe announced his intent to retire. Supervisor Hudgins will appoint a new commissioner with a term to begin in January 2018.

41. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2017-MA-014, WASHINGTON GAS LIGHT COMPANY (MASON DISTRICT)** (12:20 p.m.)

Supervisor Gross announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Special Exception Application SE 2017-MA-014, Washington Gas Light Company.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary #64.)

42. **2017 VIRGINIA ASSOCIATION OF COUNTIES (VACO) ANNUAL MEETING VOTING DELEGATES** (12:21 p.m.)

Supervisor Gross stated a request was received from VACo to designate a voting delegate and alternate voting delegate to represent the County at the VACo 2017 Annual Meeting to be held in Bath County, Virginia, on November 14, 2017.

After discussion, Supervisor Gross moved that the Board designate Supervisor Gross as the Voting Delegate and Chairman Bulova as the Alternate Voting Delegate. Chairman Bulova seconded the motion and it carried by unanimous vote.

43. **COUNTY ATTORNEY ANNUAL SALARY ADJUSTMENT** (12:22 p.m.)

Supervisor Gross noted that the Board completed its annual evaluation of the County Attorney at the last Board Meeting. The review was positive and the Board discussed modifying the County Attorney's salary.

Therefore, Supervisor Gross moved that the Board approve an adjustment to the County Attorney's annual salary, effective retroactively to July 1, 2017, on the terms and conditions discussed in Closed Session. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

44. **FEDERAL HEALTH PROGRAMS** (12:23 p.m.)

Supervisor McKay said that authorization has expired for a number of Federal health programs, including the Children's Health Insurance Program (CHIP). This program, called Family Access to Medical Insurance Security (FAMIS) in Virginia, provides health coverage for children whose families make 133 to 200 percent of the Federal poverty level. That equates to annual household incomes between approximately \$32,700 and \$49,200 for a family of four.

Research shows that uninsured children lose out on important preventive care from dental visits to yearly checkups laying the groundwork for more serious health issues later in life. According to the 2014 report, "A Healthy Virginia," commissioned by Governor McAuliffe, "Early attention to wellness is crucial to ensuring that Virginia's children have the opportunity to become successful as adults." The report further indicates that lack of access to routine preventive care

can contribute to both health problems like undetected medical conditions leading to chronic illnesses. These negative impacts can affect a community's economy, as well as its overall health. Fortunately, FAMIS and FAMIS MOMs ensure routine wellness care for Virginia's low-income children and pregnant women by providing coverage for doctor and hospital visits, prenatal care, vaccinations, prescription medications, and dental, vision, and mental health care.

According to a presentation last month at the Virginia Senate Finance Committee, if CHIP is not reauthorized Virginia will run out of Federal funding in early 2018. Unless action is taken soon, the state plans to shut down FAMIS by the end of January (with termination notices to families to be sent on December 1, 2017). If that happens, there will potentially be tragic consequences for Virginia's children and families.

Therefore, Supervisor McKay moved that the Board approve sending the letter attached to his written Board Matter to the County's Congressional delegation expressing the Board's support for the quick reauthorization of the Children's Health Insurance Program. Supervisor Hudgins and Supervisor K. Smith jointly seconded the motion and it carried by unanimous vote.

45. **GREENSPRING VILLAGE (LEE DISTRICT)** (12:25 p.m.)

Supervisor McKay said that Greenspring Village has filed a special exception amendment to add a one-level parking deck to its site and to replace an existing pool and fitness center with a new wellness center. The proposed wellness center would include an aquatic center, gym, indoor courts, and renovations to the existing dining hall. The public hearing before the Planning Commission is currently scheduled for January 18, 2018.

After a brief discussion regarding the scheduling of public hearings, Supervisor McKay moved that the Board direct staff to expedite the Board public hearing for Special Exception Amendment Application SEA 96-L-035-5 (Greenspring Village, Inc.) located at Tax Map 90-1 ((1)) 63G and 64 to January 23, 2018. This motion shall not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards in any way. Supervisor Herrity seconded the motion and it carried by unanimous vote.

46. **BOIVIN VARIANCE (LEE DISTRICT)** (12:28 p.m.)

Supervisor McKay said that Mr. Paul Boivin and Ms. Scarlett Ellamina Pena-Boivin are preparing to file a variance application for the widening of their driveway at 6028 Franconia Road. The application fee for the Boivins' application makes the application not feasible.

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

A brief discussion ensued, with input from Elizabeth Teare, County Attorney. Therefore, Supervisor McKay moved that the Board waive the fees associated with the filing by Mr. Paul Boivin and Ms. Scarlett Ellamina Pena-Boivin, of a variance application to allow the widening of the driveway at 6028 Franconia Road. Approval of this motion shall in no way prejudice or affect any ongoing review and should not be construed as support by the Board. Supervisor Herrity seconded the motion and it carried by unanimous vote.

47. **MR. TODD LATTIMER (LEE DISTRICT)** (12:33 p.m.)

Supervisor McKay said that Todd Lattimer, the senior vice president of First Virginia Community Bank and longtime pillar of the Springfield community, will be retiring later this year after a 40-year career in the banking industry and dedication to Fairfax County.

Supervisor McKay referred to his written Board Matter outlining Mr. Lattimer's career and asked unanimous consent that the Board direct staff to prepare a certificate, to be jointly signed by the Chairman and the Lee District Supervisor, for presentation to Mr. Lattimer outside of the Board Auditorium. Without objection, it was so ordered.

48. **PLAN AMENDMENT AUTHORIZATION NORTHERN VIRGINIA TRAINING CENTER SITE AND STATE POLICE SITE** (12:34 p.m.)

Supervisor Cook stated that the former Northern Virginia Training Center site, located at 9911 Braddock Road, is currently planned for public facilities, government, and institutional uses according to the Comprehensive Plan, which is a designation that reflects the former use of the property. The approximately 82-acre property is owned by the Commonwealth of Virginia and is in the process of being sold to Erickson Living, which proposes to build a large continuing-care community there. However, this land has never gone through a Comprehensive Plan Review process because planning efforts just noted the current use as a state institution. Supervisor Cook said he believes this is the time to engage the community in a planning process to identify future land uses for the site. He further proposed to include the adjacent approximately 9-acre property currently used by the State Police in this review. That property also has never been planned and some planning effort now could help inform any future changes in ownership of that parcel.

Therefore, Supervisor Cook moved that the Board authorize staff to consider a Plan amendment for Tax Map Parcels 69-1 ((1)) 34 and 69-1 ((1)) 34A. The Plan amendment process should be an open one, considering all potential uses, not just the prospective owner's. The impacts of such uses, including on transportation and

other infrastructure, should be included in the review. Chairman Bulova and Supervisor K. Smith jointly seconded the motion and it carried by unanimous vote.

49. **DECLARING THE WEEK OF DECEMBER 4-8, 2017, AS INCLUSIVE SCHOOLS WEEK** (12:36 p.m.)

Supervisor Cook announced that Fairfax County is committed to providing an education in schools and classrooms that are welcoming and capable of educating all children. We recognize that each child is unique and learns differently and would learn better if teaching is tailored to his or her abilities and interests.

During the week of December 4-8, 2017, schools, districts, and communities around the world will be celebrating Inclusive Schools Week by sponsoring appropriate learning and community-building activities.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite the following organizations and individuals to appear before the Board to receive a proclamation declaring the week of December 4-8, 2017, as Inclusive Schools Week:

- Invite the County Special Education PTA, The Arc of Northern Virginia, and other appropriate organizations.
- Members of the School Board and Superintendent Scott Brabrand

Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs to provide the necessary support in assisting to get the word out to the residents of Fairfax County. Without objection it was so ordered.

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50. **RESIGNATION OF THE SULLY DISTRICT PLANNING COMMISSIONER (SULLY DISTRICT)** (12:37 p.m.)

Supervisor K. Smith announced that Karen Keys-Gamarra, Sully District Planning Commissioner, is resigning from the Planning Commission, effective October 25, due to her election to the School Board.

51. **DRUG TAKE BACK PILOT PROGRAM AND OPERATION MEDICINE CABINET CLEANOUT** (12:38 p.m.)

Supervisor Herrity said that over 75 percent of heroin users start with prescription drugs; once hooked, they go to heroin when they are unable to afford the expensive pills. For example, a single Oxycodone pill can garner up to \$80 on the street or in school hallways.

It is important to get unused medicines, especially opioids, out of our medicine cabinets to prevent accidental or illicit use. The Drug Enforcement Administration (DEA) and the County Police Department hold very successful semiannual drug take-back programs. The next program, called Operation Medicine Cabinet Cleanout, will take place from 10 a.m. - 2 p.m. this Saturday, October 28, in all Police Stations throughout the County.

Immediately following Operation Medicine Cabinet Cleanout, at 2:30 p.m. in the West Springfield Police Station, there will be a ribbon-cutting for the Fairfax County Drug Take Back Box Pilot Program. Currently, there are very few ways residents can dispose of unused medications and there is conflicting guidance on disposal. This drug take back box will remain in the lobby of the West Springfield Police Station/Government Center for any person to anonymously and safely dispose of prescription medications - no questions asked. If the pilot proves successful, as it has in other jurisdictions, they will be rolled out in Police Stations throughout the County.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the Office of Public Affairs to advertise Operation Medicine Cabinet Cleanout on October 28, Fairfax County's Drug Take Back Box Pilot Program, and the various other locations currently within the County where a person may dispose of their prescription drugs safely. Without objection, it was so ordered.

Discussion ensued concerning:

- Providing a safe and secure receptacle for unwanted medications located in the lobbies of Police Stations
- A consensus that the time line for the pilot program be short so that a Countywide program can begin
- Disposal of veterinary medications
- Monitoring the box to prevent over-filling

52. **PROPOSAL TO AUTHORIZE STAFF TO ADVERTISE A PUBLIC HEARING TO SUBLEASE PROPERTY AT 9520 FURNACE ROAD AS PART OF THE RESIDENT CURATOR PROGRAM (MOUNT VERNON DISTRICT)** (12:45 p.m.)

Supervisor Storck referred to his written Board Matter and briefly described the County's Resident Curator Program. In order to maintain the momentum in the implementation of the program, he moved that the Board authorize the advertisement of a public hearing on **November 21, 2017, at 4:30 p.m.**, to sublease the Stempson House, located at 9520 Furnace Road, to the proposed Resident Curator Steven J. McCullough. Supervisor Foust seconded the motion.

Supervisor Storck noted that there are several other County properties that lend themselves to the program.

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

53. **CONSENT TO THE FILING OF A PROFFER CONDITION AMENDMENT APPLICATION AND THE WAIVER OF ASSOCIATED FEES WITHIN THE LAUREL HILL ADAPTIVE REUSE PROJECT FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2012-MV-008 (MOUNT VERNON DISTRICT)** (12:46 p.m.)

Supervisor Storck referred to his written Board Matter and stated that it relates to an amendment to a proffer to clarify timing related to the Laurel Hill Adaptive Reuse Project; in the past, the Board has provided waivers for Laurel Hill and the Adaptive Reuse.

Supervisor Storck said that the approved redevelopment was originally intended to occur in two phases. The first phase, currently under construction, is for the development of 267 residential units. The second phase was intended to include further residential construction and the entirety of the approved commercial construction. Proffers 12 and 17 in Rezoning Application RZ 2012-MV-008 require certain actions by the applicant before proceeding with Phase 2 of the development. At the time of the proffers' approval, it was intended that this phasing requirement would link proffers 12 and 17 with the construction of new commercial development within Land Bay 6, located on County-owned Tax Map Reference 107-1 ((9)) H. However, the second phase of development was subsequently split into two sub-phases: Phase 2A and Phase 2B. Phase 2A seeks the construction of an additional 80 residential units, 61,000 square feet for interim mini-warehouse use, and a portion of Snowden-Ashford Road (a public street). It is the applicant's intent for the remaining approved commercial construction in Land Bay 6 to occur during Phase 2B. The decision to split Phase 2 into two sub-phases has created ambiguity regarding the timing of the applicant's obligations and the applicant now wishes to amend the proffers to clarify the timing requirements in proffers 12 and 17 such that the obligations in those proffers will be tied to Phase 2B.

Therefore, Supervisor Storck moved that the Board, as owner in fee simple of Tax Map Reference 107-1 ((9)) H:

- Consent to the filing of a proffer condition amendment application by FPRP, Incorporated, the development entity affiliated with Elm Street Development, and Laurel Hill Investments, LC, the Elm Street Development entity that is party to the Master Development Agreement on Tax Map Reference 107-1-((9)) H
- Waive all County zoning filing fees associated with this proposed proffer condition amendment application

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

54. **TOUR de MOUNT VERNON (MOUNT VERNON DISTRICT)** (12:50 p.m.)

Supervisor Storck announced the second annual Tour de Mount Vernon, a community bicycle ride. It will begin at 8:30 a.m. on November 4 from the Workhouse Arts Center; he extended an invitation to Board Members to participate.

The ride will be to Mason Neck Park, which has a new, partially-completed trail dedicated last Saturday. He noted that he looks forward to dedications of other segments of the trail.

55. **AD HOC POLICE PRACTICES REVIEW COMMISSION PUBLIC MEETING (MOUNT VERNON DISTRICT)** (12:51 p.m.)

Supervisor Storck announced that next Wednesday, November 1, from 7:30 p.m. - 9 p.m., at Walt Whitman Middle School, there will be a public meeting and presentation of the One Year Progress Report (an update on the implementation of the recommendations of the Ad Hoc Police Practices Review Commission). Chairman Bulova; Supervisor Cook; Chief of Police Ed Roessler; and Shirley Ginwright, Communities of Trust Chair, will make brief introductory remarks. Dave Rohrer, Deputy County Executive; Richard Schott, Independent Police Auditor; and Adrian Steel, Chair of the Civilian Review Panel, will also participate.

56. **RECESS/CLOSED SESSION** (12:52 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. September 27, 2017, Decision of the Board of Zoning Appeals of Fairfax County, Virginia (Fx. Co. Cir. Ct.) (Springfield District)

2. Claim of Mohaba M. Mohaba and Abdela Mohammad Relating to 4220-B Annandale Road (Mason District)
3. Application of Virginia Electric and Power Company, PUR-2017-00002 (Va. State Corp. Comm'n) (County-wide)
4. Settlement and State Corporation Commission (SCC) Approval of Application of Washington Gas Light Company (WGL) to Increase Rates, PUE-2016-00001 (Va. State Corp. Comm'n) (All Districts)
5. *Walgreen Co. v. County of Fairfax, Virginia*, Case No. CL-2014-0016556 (Fx. Co. Cir. Ct.) (Mount Vernon District)
6. *Kingstowne M&N LP v. Fairfax County*, Case No. CL-2017-0012241 (Fx. Co. Cir. Ct.) (Lee District)
7. *William N. Holland v. Board of Supervisors of Fairfax County*, Case No. CL-2017-0009115 (Fx. Co. Cir. Ct.)
8. *Robin McGreer v. Julie Parker, Colonel Edwin C. Roessler Jr., John Doe #1, John Doe #2, and Fairfax County Police Department*, Case No. CL-2017-0012065 (Fx. Co. Cir. Ct.)
9. *Lenir Richardson v. Officer O.J. Faulk*, Record No. 16-8651 (U.S. Sup. Ct.)
10. *Lisa Wills v. Fairfax County*, Case No. CL-2017-0008658 (Fx. Co. Cir. Ct.)
11. *Robert Lee v. Captain John S. Trace*, Case No. GV17-016812 (Fx. Co. Gen. Dist. Ct.)
12. *Robert Lee v. PFC C.M. Lincoln*, Case No.: GV17-15635 (Fx. Co. Gen. Dist. Ct.)
13. *Richard Clemons v. Jane Ampah*, Case No. 1:17cv824 (E.D. Va.)
14. *Dwain Foltz v. Office of the County Attorney*, Case No. 1:17cv939 (E.D. Va.)

15. *Linda Owens v. Jennifer Svites, Fire Chief Richard Bowers, and the County of Fairfax*, Case No. GV17-010441 (Fx. Co. Gen. Dist. Ct.)
16. *Nationwide Affinity Insurance Company of America as Subrogee of Sosima Javier v. Steven Souder*, Case No. D-07-CV-17-007641 (Anne Arundel Cnty. Md. Dist. Ct.)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yung C. Yung*, Case No. CL-2016-0017111 (Fx. Co. Cir. Ct.) (Braddock District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harvey Ray Williams, Jr., and Jason Williams*, Case No. CL-2017-0013586 (Fx. Co. Cir. Ct.) (Braddock District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Hsing-Cheng Chen and Marina L. Chen*, Case No. CL-2016-0014720 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edward Rodney Johnson and Kathleen R. Yuergens*, Case No. GV17-015455 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
21. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John Douglas Sanders, Trustee of the John Douglas Sanders Revocable Trust*, Case No. GV17-019995 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Richard P. Deeds, Jr., and Nicole Prete Deeds*, Case No. CL-2017-0008488 (Fx. Co. Cir. Ct.) (Hunter Mill District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Warren K. Montouri, Trustee*, Case No. GV17-071486 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
24. *Elizabeth Perry, Property Maintenance Code Official v. Federal Realty Investment Trust and Ronald Devine*,

- Case No. CL-2017-0014131 (Fx. Co. Cir. Ct.) (Lee District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Aranibar Chinchilla, Rossemary Jeanneth Arnez Villarroel, and A&A Investment, LLC*, Case No. CL-2016-0006961 (Fx. Co. Cir. Ct.) (Lee District)
26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael L. Lewis and Sonja B. Lewis*, Case No. CL-2017-0013219 (Fx. Co. Cir. Ct.) (Lee District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sandy Ying-Tang Cheng and Yuk Yee Cheng*, Case No. CL-2017-0008718 (Fx. Co. Cir. Ct.) (Lee District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Tabor Realty, LLC, and Degen, Inc., d/b/a Balager Restaurant & Market, a/k/a Balager Restaurant*, Case No. CL-2017-0012814 (Fx. Co. Cir. Ct.) (Mason District)
29. *Board of Supervisors of Fairfax County and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long*, Case No. CL-2014-0013597 (Fx. Co. Cir. Ct.) (Mason District)
30. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and Brian J. Foley, Fairfax County Building Official v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long*, Case No. CL-2015-0007970 (Fx. Co. Cir. Ct.) (Mason District)
31. In Re: December 7th, 2016, Decision of the Fairfax County Board of Zoning Appeals; Case No. CL-2017-0000249 (Fx. Co. Cir. Ct.) (Mason District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Patricia Martinez, d/b/a Isha's Day Care*, Case

- No. CL-2017-0014125 (Fx. Co. Cir. Ct.) (Mason District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Arlington Motors, Inc., and Yasmin Khoshnevis*, Case Nos. GV17-010670 and GV17-010671 (Fx. Co. Gen. Dist. Ct.) (Mason District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Patrick McAlee and Barbara McAlee*, Case No. CL-2012-0010063 (Fx. Co. Cir. Ct.) (Mount Vernon District)
35. *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)
36. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Brenda M. Hunt*, Case No. CL-2009-0017027 (Fx. Co. Cir. Ct.) (Mount Vernon District)
37. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Hua Xu, a/k/a Eileen Hua Xu*, Case No. CL-2017-14132 (Fx. Co. Cir. Ct.) (Mount Vernon District)
38. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Roger M. Firestone*, Case No. CL-2017-0012653 (Fx. Co. Cir. Ct.) (Providence District)
39. *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)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)

41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Natividad Rojas*, Case No. CL-2017-0000361 (Fx. Co. Cir. Ct.) (Providence District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. MY West Spring Plaza LLC and Yasini Empire LLC, d/b/a Royal Banquet and Events Center Hideout*, Case No. CL-2017-0012859 (Fx. Co. Cir. Ct.) (Springfield District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lauretta Marshall*, Case No. CL-2016-0010299 (Fx. Co. Cir. Ct.) (Springfield District)
45. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Rubina Siddiqui*, Case No. GV17-019994 (Fx. Co. Gen. Dis. Ct.) (Springfield District)
46. *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)
47. *Board of Supervisors of Fairfax County, Virginia v. Virginia Alcoholic Beverage Control Board and Bates on Yates, LLC; Additional Party, Concerned Clifton Residents*, Case No. CL-2017-0013861 (Fx. Co. Cir. Ct.) (Springfield District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cynthia Elaine Porter*, Case No. CL-2012-0004358 (Fx. Co. Cir. Ct.) (Sully District)
49. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald G. Coe and Ann M. Coe*, Case No. CL-2017-0013584 (Fx. Co. Cir. Ct.) (Sully District)

50. *Board of Supervisors of Fairfax County v. Bruce & Tanya and Associates*, Case No. CL-2016-0016846 (Fx. Co. Cir. Ct.) (Braddock, Lee, Mount Vernon, and Springfield Districts)

51. *Board of Supervisors of Fairfax County v. G&C Multiservices, Inc.*, Case No. GV17-013049 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill, Mason, Providence, and Springfield Districts)

And in addition:

1. Legal analysis regarding claim arising from critical incident near 3105 Annandale Road on April 20, 2016, as permitted by Virginia Code Sections 2.2-3711(A)(1), (7), and (8)
2. Terms of potential agreement relating to a possible future economic development opportunity, as permitted by Sections 2.2-3711(A)(5), (6), (8), and (39)
3. Legal analysis regarding: (i) Internal Revenue Service Notices of Proposed Adjustment; (ii) inquiry under the Virginia Conflict of Interests Act; (iii) Virginia Code Sections 46.2-208 and 46.2-844; and (iv) Virginia ABC Board license application filed by Sabor Wine, LLC, all as permitted by Sections 2.2-3711 (A)(7) and (8)

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

At 3:59 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

DET:det

ACTIONS FROM CLOSED SESSION

57. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:59 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. 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."

58. **AUTHORIZING OBJECTIONS TO SABOR WINE, LLC'S ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE APPLICATIONS** (3:59 p.m.)

Supervisor Storck moved that the Board authorize and direct the County Attorney to submit objections to Sabor Wine, LLC's ABC license applications for wine importer and wine wholesaler licenses. These objections will be submitted to the ABC Board based on the grounds discussed with the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by unanimous vote.

59. **DENIAL OF CLAIMS SUBMITTED BY MOHABA M. MOHABA AND ABDELA MOHAMMAD** (4 p.m.)

Supervisor Gross moved that the Board deny the claims submitted by Mohaba M. Mohaba and Abdela Mohammad relating to property located at 4220-B Annandale Road, based on the grounds discussed with the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

60. **ACCEPTANCE OF THE TERMS AND CONDITIONS SET FORTH IN THE INTERNAL REVENUE SERVICE'S NOTICES OF PROPOSED ADJUSTMENT** (4 p.m.)

Supervisor Gross moved that the Board authorize staff to accept the terms and conditions set forth in the Internal Revenue Service's Notices of Proposed Adjustments dated July 31, 2017, and September 18, 2017, as outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

61. **AUTHORIZING AN APPEAL FROM THE BOARD OF ZONING APPEALS' (BZA) PURPORTED DECISION ON APPEAL APPLICATION A 2017-SP-008** (4:01 p.m.)

Supervisor Gross moved that the Board authorize and direct the County Attorney to appeal the Board of Zoning Appeals' September 27, 2017, decision on Appeal Application A 2017-SP-008 to the Fairfax County Circuit Court and file in the same court a related declaratory judgment action challenging the validity of the decision, all based on the grounds discussed with the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

62. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2016-PR-020 (SEKAS HOMES) (PROVIDENCE DISTRICT)** (4:02 p.m.)

- (O) The application property is located on the west side of Eskridge Road approximately 344 feet north of its intersection with Williams Drive. Tax Map 49-3 ((1)) 90A and 49-3 ((22)) A.

Ms. Lori Greenlief reaffirmed the validity of the affidavit for the record.

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

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

Following the public hearing, which included testimony by 15 speakers, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Andrea Dorlester, Branch Manager, County Park Authority, Kirk W. Kincannon, Acting County Executive, and Mr. O'Donnell, regarding:

- The number of tennis courts available in public parks and schools in the County
- Possibilities of partnering with Elite Tennis to provide tennis bubbles in Park properties
- Collaboration with the U.S. Tennis Association to provide indoor tennis facilities

Following comments, Supervisor L. Smyth moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property that is the subject of Rezoning Application RZ 2016-PR-020, from the I-5 and HC Districts, to the PRM and HC Districts, subject to the proffers dated October 4, 2017
- Approval of a modification of the 200-square-foot minimum privacy yard requirement for single-family attached dwellings in favor of that shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP)
- Approval of a modification of the loading space requirements for multi-family dwelling units in favor of the loading spaces shown on the CDP/FDP
- Approval of a modification of the Use Limitations on Corner Lots of Section 2-505 of the ZO to permit structures, plantings, and other objects within the corner lot triangle as shown on the CDP/FDP, and as proffered

- Approval of a modification of the 240-foot building length for single-family attached dwellings, pursuant to the definition of a single-family attached dwelling in Article 20 of the ZO, to allow a length of 256 feet as shown on the CDP/FDP
- Approval of a modification of a deviation from the tree preservation target percentage in favor of the proposed landscaping and streetscape shown on the CDP/FDP

Chairman Bulova seconded the motion.

Following discussion, 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.”

63. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2016-MV-030 (WASHREIT RIVERSIDE APARTMENTS LLC) (MOUNT VERNON DISTRICT)** (5:44 p.m.)

- (O) The application property is located in the northwest quadrant of the intersection of Huntington Avenue and Old Richmond Highway. Tax Map 83-3 ((1)) 101.

Mr. Scott Adams reaffirmed the validity of the affidavit for the record.

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

Mr. Adams 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. Suder presented the staff and Planning Commission recommendations.

Supervisor Storck moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property that is the subject of Rezoning Application RZ 2016-MV-030, from the R-30, CRD and HC Districts to the PRM, CRD, and HC Districts, subject to the proffers dated October 24, 2017
- Approval of a modification of Section 11-200 of the ZO to reduce the number of loading spaces from the required 22 to 12, as shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP)

- Approval of a modification of Section 13-303 of the ZO to the transitional screening requirement to permit the landscaping as shown on the CDP/FDP
- Approval of a modification of Section 7-0502 of the Public Facilities Manual (PFM) to allow for the reduction of private street widths to that shown on the CDP/FDP
- Approval of a deviation to the Tree Preservation Target, pursuant to Section 12-0508.3 of the PFM, in favor of the proposed landscaping shown on the CDP/FDP

Supervisor Cook and Supervisor McKay 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.”

Supervisor Storck moved approval of a parking reduction request for Riverside Apartments (#7392-PKS-001) pursuant to Paragraphs 5A and 5C Section 11-102 of the ZO, based on the proximity of a mass transit station and reasonable walking distance to bus stops served by more than three bus routes, and subject to the conditions recommended by staff as outlined in the memorandum from Land Development Services dated September 12, 2017, and contained in Appendix 17 of the staff report for Rezoning Application RZ 2016-MV-030, and the following revised condition number four:

- “At least 10 percent parking spaces of the total provided for the residential uses shall be clearly designated or accounted for as parking for guests of the residential uses, on-site staff, car-share vendors, 10 kayak launch spaces, and or/residential vanpools, access to these spaces need not be controlled”

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

64. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE-2017-MA-014 (WASHINGTON GAS LIGHT COMPANY) (MASON DISTRICT) (6:07 p.m.)**

(NOTE: Earlier in the meeting, Supervisor Gross announced her intent to defer the public hearing. See Clerk’s Summary Item #41.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE-2017-MA-014 until **November 21, 2017, at 4:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

65. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2017-MA-005 (MEDICAL BUILDING, INCORPORATED) (MASON DISTRICT)**
(6:08 p.m.)

(O) The application property is located on the north side of Arlington Boulevard approximately 110 feet west of Meeting Street. Tax Map 51-4 ((1)) 5A.

Mr. Robert Brant reaffirmed the validity of the affidavit for the record.

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

Mr. Brant 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, Mr. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property that is the subject of Rezoning Application RZ 2017-MA-005, from the C-3, CRD and SC Districts to the PDH-12, CRD, and SC Districts, subject to the proffers dated October 23, 2017
- Approval of a waiver of the 200 square-foot privacy yard requirement for the proposed rear-loaded townhomes only (Section. 6-107, Paragraph 2 of the ZO)
- Approval of a modification to allow the use of existing vegetation, along with supplemental landscaping to be provided as necessary, to meet the intent of the transitional screening requirement along the northern property line (Section 13-303, Paragraph 3A of the ZO)
- Approval of a modification to allow existing wooden fences along the northern property line, along with supplementary wooden fencing to be provided as necessary, to satisfy the barrier requirement along that frontage (Section 13-304, Paragraph 4A or 4B of the ZO)
- To direct the Director of Land Development Services to permit a private street that exceeds 600 feet in length (Section 11-203, Paragraph 2 of the ZO)

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.”

66. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2011-PR-011-02 (CITYLINE PARTNERS, LLC) (PROVIDENCE DISTRICT)** (6:19 p.m.)

Supervisor L. Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA 2011-PR-011-02 until **January 23, 2018, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

67. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2017-IV-S1, LOCATED IN THE NORTHWESTERN QUADRANT OF THE INTERSECTION OF FRANCONIA SPRINGFIELD PARKWAY AND BEULAH STREET (LEE DISTRICT)** (6:20 p.m.)

Jonathan Buono, Planner, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor McKay moved approval of Plan Amendment 2017-IV-S1, as recommended by the PC, as referenced in Appendix 1 of the Board Agenda Item and shown in draft text in maps in the staff report dated August 30, 2017. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Foust and Supervisor Herrity being out of the room.

68. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2016-III-P1, LOCATED ON THE NORTH SIDE OF WORKHOUSE ROAD, EAST OF OX ROAD AND SOUTH OF LORTON ROAD (MOUNT VERNON DISTRICT)** (6:27 p.m.)

Jonathan Buono, Planner, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Discussion ensued, with input from Mr. Buono, regarding facilities for students and traffic impact.

Supervisor Storck moved approval of Plan Amendment 2016-III-P1, as recommended by the PC, as referenced in Appendix 1 of the Board Agenda Item and shown in the staff report dated April 6, 2017. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

69. **ORDERS OF THE DAY** (6:50 p.m.)

Chairman Bulova announced that she would allow a student who had signed up for public comment to speak out of order after the next public hearing.

70. **4 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF SEMINARY ROAD (MASON DISTRICT)** (6:50 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 6 and October 13, 2017.

Donald Stevens, Department of Transportation, presented the staff report.

Following the testimony of Ms. Mary Voss (Speaker Two), discussion ensued regarding roadway and sidewalk plans for Seminary Road.

Following the public hearing, which included testimony by two speakers, Mr. Stevens presented the staff recommendation.

Supervisor Gross moved adoption of the Ordinance and Order vacating and abandoning a portion of Seminary Road. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Hudgins being out of the room.

71. **5:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:56 p.m.)

(NOTE: Earlier in the meeting, it was announced that the public comment will be held out of order. See Clerk’s Summary Item #69.)

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 October 6 and October 13, 2017.

Public comment was received and included the following individual:

- Rhiannon Hughes, regarding making hedgehogs legal pets in the County

Following the testimony by Ms. Hughes, discussion ensued, regarding designation of pets and exotic animals. Supervisor McKay asked unanimous consent that the Board direct staff to review the list of Code-permitted pets and provide a recommendation as to whether the list should be expanded. Without objection, it was so ordered.

(NOTE: Later in the meeting, public comment period was continued. See Clerk's Summary Item #80.)

72. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO CONSIDER PARKING RESTRICTIONS ON LEE JACKSON MEMORIAL HIGHWAY SERVICE ROAD (SULLY DISTRICT)** (7:07 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 6 and October 13, 2017.

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

Following the public hearing, Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, establishing parking restrictions on Lee Jackson Memorial Highway. 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."

73. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE WEST POTOMAC RPPD, DISTRICT 36 (MOUNT VERNON DISTRICT)** (6:09 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 6 and October 13, 2017.

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

Following the public hearing, which included testimony by two speakers, Supervisor Storck moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the West Potomac RPPD, District 36. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor K. Smith being out of the room.

74. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE SUNSET MANOR RPPD, DISTRICT 18 (MASON DISTRICT)** (7:17 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 6 and October 13, 2017.

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

Following the testimony of Mr. Jerome Headley (Speaker Three), discussion ensued regarding requirements for creating RPPDs.

Following the public hearing, which included testimony by 11 speakers, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Sunset Manor RPPD, District 18. 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.”

75. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-P-046-02 (FLINT HILL SCHOOL) (PROVIDENCE DISTRICT)** (7:55 p.m.)

(NOTE: Earlier in the meeting, Supervisor L. Smyth announced her intent to defer the public hearing. See Clerk’s Summary Item #37.)

Supervisor L. Smyth moved to defer the public hearing on Special Exception Amendment Application SEA 99-P-046-02 indefinitely. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

76. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2017-MV-021 (KARLYN DAVIS “KARLYN’S LITTLE BLESSINGS”) (MOUNT VERNON DISTRICT)** (7:56 p.m.)

The application property is located at 8851 Creekside Way, Springfield, 22153. Tax Map 97-4 ((4)) 656.

Ms. Karlyn Davis reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Storck moved approval of Special Exception Application SE 2017-MV-021, subject to the development conditions dated October 4, 2017. Supervisor McKay seconded the motion and it carried by unanimous vote.

77. **5 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF CHAIN BRIDGE ROAD WALKWAY S – HORSE SHOE DRIVE TO NIBLICK DRIVE (2G40088-014) (PROVIDENCE DISTRICT) (8:01 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 October 6 and October 13, 2017.

Lisa Glass, Department of Public Works and Environmental Services, Capital Facilities, presented the staff report.

Following the public hearing, Supervisor L. Smyth moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Chain Bridge Road Walkway S – Horse Shoe Drive to Niblick Drive. 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.”

78. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 96-M-003-02 (ESTATE 22 PROPERTIES, LLC) (MASON DISTRICT) (8:05 p.m.)**

The application property is located at 3480 South Jefferson St., Falls Church, 22041. Tax Map 62-1 ((1)) 16E.

Mr. Evan Pritchard reaffirmed the validity of the affidavit for the record.

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

- Mr. Scott Hommer, Partner, Venable LLP

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

- Mr. Scott Hommer, Partner, Venable LLP

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

Mr. Pritchard 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. Williams presented the staff and Planning Commission recommendations.

Following a query by Supervisor Gross, Mr. Pritchard confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 25, 2017.

Supervisor Gross moved approval of Special Exception Amendment Application SEA 96-M-003-02, subject to the development conditions dated September 25, 2017. Chairman Bulova seconded the motion and it carried by unanimous vote.

79. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2017-BR-007 (FW VA – KINGS PARK SHOPPING CENTER LLC) (BRADDOCK DISTRICT)** (8:12 p.m.)

The application property is located at 8962 Burke Lake Road, Springfield, 22151. Tax Map 69-4 ((1)) 49.

Mr. John Fitzpatrick reaffirmed the validity of the affidavit for the record.

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

Mr. Fitzpatrick 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. Williams presented the staff and Planning Commission recommendations.

Following a query by Supervisor Cook, Mr. Fitzpatrick confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated August 29, 2017.

Supervisor Cook moved approval of Special Exception Application SE 2017-BR-007, subject to the development conditions dated August 29, 2017. Supervisor Foust seconded the motion and it carried by unanimous vote.

80. **5:30 P.M – PH ON REZONING APPLICATION RZ 2017-DR-007 (TRUSTEES OF TEMPLE RODEF SHALOM) (DRANESVILLE DISTRICT)**

AND

5:30 P.M – PH ON PROFFERED CONDITION AMENDMENT PCA 1997-DR-028 (TRUSTEES OF TEMPLE RODEF SHALOM) (DRANESVILLE DISTRICT)

AND

5:30 P.M – PH ON SPECIAL EXCEPTION AMENDMENT SEA 97-D-038-02 (TRUSTEES OF TEMPLE RODEF SHALOM) (DRANESVILLE DISTRICT) (8:19 p.m.)

The application property is located on the west side of Westmoreland Street approximately 800 feet north of its intersection with Haycock Road. Tax Map 40-2 ((1)) 18 and 19A.

The application property is located on the west side of Westmoreland Street approximately 800 feet north of its intersection with Haycock Road. Tax Map 40-2 ((1)) 19A (pt.), and 25A (pt.)

The application property is located at 2100 Westmoreland Street, Falls Church, 22043. Tax Map 40-2 ((1)) 18, 19A, and 25A (pt.)

Ms. Lynne Strobel 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 applications and site locations.

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

Following the public hearing, which included testimony by three speakers, Mr. Katai presented the staff and Planning Commission recommendations.

Following a query by Supervisor Foust, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 23, 2017.

Supervisor Foust moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property that is the subject of Rezoning Application RZ 2017-DR-007, from the R-1 District to the R-3 District, subject to the proffers dated October 23, 2017.
- Amendment of the ZO as it applies to the property that is the subject of Proffered Condition Amendment Application PCA 1997-DR-028,
- Approval of Special Exception Amendment Application SEA 97-D-038-02, subject to the development conditions dated October 23, 2017.
- Reaffirmation of a modification of the transitional screening requirements of Section 13-303 of the ZO and a waiver of the barrier requirements of Section 13-304 of the ZO to permit the retention of the existing vegetation supplemented by the landscaping shown on the General Development Plan/Special Exeception Amendment Application (GDP/SEA) Plat along the northern property line.
- Approval of a modification of Paragraph 2 of Section 17-201 of the ZO that requires the provision of a major paved trail along Westmoreland Street to instead permit widening of the existing 4-foot sidewalk to 5-feet in width.
- Approval of a modification of the transitional screening requirements of Section 13-303 of the ZO and a waiver of the barrier requirements of Section 13-304 of the ZO, to permit the retention of the existing vegetation supplemented by the landscaping shown on the GDP/SEA Plat along the eastern property line (Westmoreland Street frontage).

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.”

81. **5:30 P.M. – CONTINUATION OF PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN**
(8:45 p.m.)

(NOTE: Earlier in the meeting, public comment period was started. See Clerk’s Summary Item #71.)

Public comment was held and included the following individuals:

- Matt Bakker, regarding County policies affecting immigrant communities
- Jorge Mendez, regarding constitutional limitations on local law enforcement and civil immigration law
- Diane Burkley Alejandro regarding immigration policies
- Allie Boldt, regarding constitutional limitations on local law enforcement and civil immigration law
- Reverend Alexis Vaughan Kassim, regarding immigration
- Govind Nair, regarding County government cooperation with U.S. Immigration and Customs Enforcement (ICE) Agents

82. **BOARD ADJOURNMENT** (9:15 p.m.)

The Board adjourned.