



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
December 4, 2018**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, December 4, 2018, at 9:32 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 Bryan J. Hill, 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; Ekuwa 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 Mr. Jack Burkholder who died recently. Mr. Burkholder previously served as the Superintendent of Fairfax County Public Schools, retiring after 29 years of service to the County.

Supervisor Herrity, as well as several other Board Members, asked everyone to keep in thoughts the family of George H. W. Bush, the former President of the United States.

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Vondell Carter who died recently. Mr. Carter, born in Vienna, Virginia, and whose family has lived there since 1842, carried on his family's long and illustrious legacy.

Supervisor Storck asked everyone to keep in thoughts the family of Mr. Charles Robinson who died recently.

AGENDA ITEMS2. **RECOGNITION OF FAIRFAX COUNTY EMPLOYERS SELECTED AS "BEST WORKPLACES FOR COMMUTERS" BY THE DEPARTMENT OF TRANSPORTATION (DOT) AND THE NATIONAL CENTER FOR TRANSIT RESEARCH AT THE UNIVERSITY OF SOUTH FLORIDA (9:44 a.m.)**

Julie Bond, Project Manager, Best Workplaces for Commuters, Center for Urban Transportation Research, recognized employers in the County selected as "Best Workplaces for Commuters."

Ms. Bond and Chairman Bulova presented awards to the following employers that have met the national standard of excellence for offering commuter benefits to their employees:

- AbleVets, LLC
- Bart and Associates
- KeyW Corporation
- Logistics Management Institute
- Merritt Group
- Morgan Franklin Consulting
- Northwest Federal Credit Union

- Odin, Feldman and Pittleman, P.C.
- Core Performance, Incorporated
- Revature
- Schneider Electric
- SeKON Enterprise, Incorporated
- TeraThink Corporation
- Tesla Government

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE WOODSON HIGH SCHOOL GIRLS' TENNIS TEAM** (9:51 a.m.)

Supervisor Cook moved approval of the Certificate of Recognition presented to the Woodson High School Girls' Tennis Team for winning its first State championship. Supervisor Herrity and Supervisor L. Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor K. Smith being out of the room.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE WOODSON HIGH SCHOOL GIRLS' LACROSSE TEAM** (9:57 a.m.)

Supervisor Cook moved approval of the Certificate of Recognition presented to the Woodson High School Girls' Lacrosse Team for winning the State championship. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. EMMA SEETOO FROM WESTFIELD HIGH SCHOOL** (10:07 a.m.)

Supervisor K. Smith moved approval of the Certificate of Recognition presented to Ms. Emma Seetoo from Westfield High School for winning the individual long jump State championship. Supervisor Gross seconded the motion and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY PARK AUTHORITY (FCPA)** (10:12 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the FCPA for receiving national accreditation from the Commission for Accreditation of Parks and Recreation Agencies. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **PROCLAMATION DESIGNATING JANUARY 20-26, 2019, AS "TEEN CANCER AWARENESS WEEK" IN FAIRFAX COUNTY** (10:27 a.m.)

Supervisor K. Smith moved approval of the Proclamation designating January 20-26, 2019, as "*Teen Cancer Awareness Week*" in Fairfax County and urged all residents to increase their awareness about teenage cancer, including research, early detection, causes, and effective treatments. Supervisor Gross and Supervisor Herry jointly seconded the motion and it carried by unanimous vote.

8. **PRESENTATION OF THE TRANSPORTATION ADVISORY COMMISSION (TAC) ACHIEVEMENT AWARD** (10:37 a.m.)

Jeffrey M. Parnes, Chairman of TAC, presented the TAC Achievement Award to Mark G. Canale, Chief, Special Projects Division/Dulles Rail Project Manager, Department of Transportation, for his outstanding achievements and dedication to transportation issues.

ADDITIONAL BOARD MATTER

9. **INTRODUCTION OF NEW STAFF MEMBERS** (10:50 a.m.)

Supervisor K. Smith introduced Mr. Samuel Kang, a new staff member in the Sully District office.

Supervisor Storck introduced two new staff members in the Mount Vernon District office:

- Ms. Sally Kidalov
- Ms. Anna Smith

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

AGENDA ITEMS

10. **PRESENTATION BY THE SECRETARY OF THE ELECTORAL BOARD REGARDING THE 2018 MIDTERM ELECTIONS** (10:51 a.m.)

Katherine K. Hanley, Secretary, Electoral Board, presented a summary of statistics regarding the recent midterm elections and a video filmed on location at Lake Braddock Secondary School on election day.

Secretary Hanley introduced Gary Scott, General Registrar, and recognized elections staff present in the Board Auditorium. She expressed her appreciation to all those who worked on the election.

Supervisor Gross asked unanimous consent that the Board direct the Office of Elections to consider standardizing the hours at satellite locations. Without objection, it was so ordered.

Supervisor Gross noted the need for volunteer election judges.

EBE:ebe

11. **10:20 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (11:14 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 December 4, 2018.” Chairman Bulova seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Hunter Mill and Mason 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 Business Representative.

ARCHITECTURAL REVIEW BOARD

Appointment of:

- Mr. Stephen W. Kulinski as the Architect #1 Representative

The Board deferred the appointment of the Related Professional Group #3 and #4 Representatives.

ATHLETIC COUNCIL

The Board deferred the appointment of the Braddock District Alternate, Lee District Alternate, Mason District Alternate, and Women’s Sports Alternate 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 Representative.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

Reappointment of:

- Mr. Asim Elfaki as the At-Large #1 Representative
- Ms. Noelle Maynard Holmes as the Professional #4 Representative
- Ms. M. Yvonne Demory as the Professional #5 Representative

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CHILD CARE ADVISORY COUNCIL

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

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

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

CIVIL SERVICE COMMISSION

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

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #3 and #13 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

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

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT
ADVISORY BOARD, PHASE I**

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

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT
ADVISORY BOARD, PHASE II**

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

ECONOMIC ADVISORY COMMISSION

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

ENGINEERING STANDARDS REVIEW COMMITTEE

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

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the At-Large #2 Business Community, Dranesville, Hunter Mill, and Providence District Representatives.

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING
COUNCIL**

Confirmation of:

- Ms. Diane R. Watson as the Community/Religious Leaders #2 Representative

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION
BOARD OF DIRECTORS**

Confirmation of:

- Mr. Kevin Kretsch as the Fairfax County Convention and Visitors Corporation #1 Representative
- Mr. Jon E. Davenhall as the Fairfax County Convention and Visitors Corporation #4 Representative
- Mr. Sean Hunt as the Fairfax County Convention and Visitors Corporation #6 Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

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

GEOTECHNICAL REVIEW BOARD

Confirmation of:

- Mr. J. Christopher Giese as the Alternate #2 Representative

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Provider #2 Representative.

HISTORY COMMISSION

Reappointment of:

- Ms. Sallie Lyons as the Citizen #2 Representative
- Ms. Anne M. Barnes as the Citizen/Minority Representative

The Board deferred the appointment of the Citizen #5, #8, Historian #1, and #3 Representatives.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #7 and #8 Representatives.

HUMAN SERVICES COUNCIL

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

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

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

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

PARK AUTHORITY

Reappointment of:

- Ms. Linwood M. Gorham as the Mount Vernon District Representative

POLICE CIVILIAN REVIEW PANEL

The Board deferred the appointment of the Seat #3 Representative.

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Brendan D. Harold as the Citizen At-Large #2 Representative

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Hunter Mill District #2, Residential Owners and HOA/Civic Association #1, #2, and #3, and Apartment or Rental Owner Associations Representatives.

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #1, #4, and #5 Representatives.

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY

Reappointment of:

- Ms. Tracey Wood as the At-Large #3 Representative
- Mr. Marvin Powell as the Sully District Representative

The Board deferred the appointment of the At-Large #2, Mason, and Providence District Representatives.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #5 Representative.

TENANT LANDLORD COMMISSION

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

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Providence District Representative.

TREE COMMISSION

The Board deferred the appointment of the Providence District Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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

WETLANDS BOARD

Reappointment of:

- Ms. Kimberly Vanness Larkin as the At-Large #1 Representative

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12. **BOARD ADOPTION OF THE 2019 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY AND APPROVAL OF THE COUNTY'S 116TH CONGRESS FEDERAL LEGISLATIVE STRATEGY AND PRINCIPLES** (11:16 a.m.)

Chairman Bulova presented opening remarks and turned the discussion over to Supervisor McKay, Chair of the Board's Legislative Committee, whose remarks are summarized as follows:

- For State legislation, the Board is adopting the 2019 Legislative Program and Human Services Issue Paper; for Federal legislation, the Board is adopting *Recommended Strategies and Principles for the 116th Congress*. These items were discussed at multiple Legislative Committee meetings, most recently on November 27, and hard copies have been provided today.
- As discussed in the Committee, the Board's fundamental priorities remain the same as they have in past years.
- The Board's program notes State support for education as a top priority and urges the State to fully meet its responsibility to adequately fund K-12.
- The transportation priority statement encourages the General Assembly to continue to build upon its success in enacting House Bill (HB) 2313, particularly in allocating revenues in a manner that

is fair to Northern Virginia in light of the Smart Scale process for prioritizing projects.

- The Human Services Issue Paper highlights the County's interest in a number of human services programs and includes three priorities: State support for increased affordable housing options and actions to prevent homelessness; increased State support to address the growing opioid epidemic; and, State support for diversion programs for non-violent offenders experiencing a mental health crisis.
- As discussed on November 27, language was added to the Transportation Funding position in support of additional maintenance funding to provide for improved repaving, mowing in the right-of-way, and stormwater management, and removed the initiative/action statement placeholder relating to that issue; the Pneumatic Guns position was updated to reflect the severity of injury that can result from such guns.
- The Board has two initiatives this year: Clarification that localities have the authority to require dedication and construction of sidewalks along existing streets that border proposed subdivisions if they are included in the locality's comprehensive plan; require a public hearing for the Six-Year Secondary System Construction Program (SSYP) only when a new funding allocation is substantial.

Supervisor McKay acknowledged receipt of a statement from the League of Women Voters outlining several of its issues, many of which the Board already supports.

Supervisor McKay moved that the Board adopt the 2019 Legislative Program and Human Services Issue Paper. Chairman Bulova seconded the motion.

Supervisor Herrity stated that he would not be supporting the motion.

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

Next, Supervisor McKay announced that the Board is also adopting an updated Federal legislative strategy for the 116th Congress.

As a result of the discussion at the November 27 Legislative Committee meeting, language has been modified to clarify the Board's positions on the effects of aircraft noise on County residents and solar tax credits.

Supervisor McKay moved that the Board adopt the *Recommended Strategies and Principles for the 116th Congress*. Chairman Bulova and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

Supervisor McKay noted that a work session with the Fairfax delegation to the General Assembly will be held on December 11, 2018, at 3:30 p.m. at the Government Center.

EBE:ebe

13. **ADMINISTRATIVE ITEMS** (11:27 a.m.)

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

Supervisor Foust called the Board's attention to Admin 11 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Article 6 – Density Provisions for the Reston PRC District. Discussion ensued, with input from Fred Selden, Director, Department of Planning and Zoning (DPZ), regarding community outreach efforts and information provided by staff. Discussion continued, with input from Leslie B. Johnson, Zoning Administrator, DPZ, concerning the public hearing dates.

Supervisor Cook asked unanimous consent that the Board direct staff to post online questions-and-answers being asked on the proposed amendments for the public to review. Without objection, it was so ordered.

Supervisor Foust called the Board's attention to Admin 12 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care) Relating to Wild or Exotic Animals. Discussion ensued concerning the material presented in the Board Agenda Item.

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."

ADMIN 1 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE TELEGRAPH ROAD WALKWAY PHASE I - ROSE HILL TO PIKE - ST-000036 (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 22, 2019, at 4 p.m.**, regarding the acquisition of certain land rights

necessary for the construction of Project ST-000036, County-Maintained Pedestrian Imp 2014, Fund 30050, Transportation Improvements.

ADMIN 2 - EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (MASON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-P18-23	Sprint 8500 Leesburg Pike Vienna, VA Providence District Accepted June 25, 2018	Extend to May 22, 2019
2232-M18-12	Fairfax County Park Authority Bren Mar Park 5415 Colliers Lane Alexandria, VA Mason District Accepted October 1, 2018	Extend to July 1, 2019
2232-S18-13	DPWES, Solid Waste Management Program I-66 Transfer Station 4618 West Ox Road Fairfax, VA Springfield District Accepted October 8, 2018	Extend to July 8, 2019
2232-P18-21	DPWES 1766 Old Meadow Lane McLean, VA Providence District Accepted October 17, 2018	Extend to July 17, 2019
2232-P18-16	Sprint 1550 Westbranch Drive McLean, VA Providence District Accepted October 5, 2018	Extend to July 5, 2019

ADMIN 3 - STREETS INTO THE SECONDARY SYSTEM (PROVIDENCE AND SPRINGFIELD DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Metrowest Parcel 2 – Vaden Drive Extended	Providence	Vaden Drive
Gambrill Pointe	Springfield	Glen Pointe Court

ADMIN 4 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 19128 FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO ACCEPT GRANT FUNDING FROM THE COMMONWEALTH OF VIRGINIA – COMMONWEALTH DEVELOPMENT OPPORTUNITY FUND (COF) - FOR THE COLLEGE ENTRANCE EXAMINATION BOARD

- (SAR) Approved SAR AS 19128 for the EDA to accept grant funding in the amount of \$750,000 from the Commonwealth of Virginia as part of the COF for the College Entrance Examination Board. This grant will assist the County with the expansion of the College Board’s operation and will provide transportation/walkway improvements scheduled in the Hunter Mill District.

ADMIN 5 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 19127 FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO ACCEPT GRANT FUNDING FROM THE COMMONWEALTH OF VIRGINIA – COMMONWEALTH DEVELOPMENT OPPORTUNITY FUND (COF) - FOR APPIAN CORPORATION

- (SAR) Approved SAR AS 19127 for the EDA to accept grant funding in the amount of \$4,000,000 from the Commonwealth of Virginia as part of the COF for Appian Corporation. This grant will assist the County with the expansion of Appian’s operation and will provide transportation improvements scheduled in the Providence District.

ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 5645 REVERCOMB COURT TO NCWPCS MPL 27 – YEAR SITES TOWER HOLDINGS LLC (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 5, 2019, at 4 p.m.**, regarding the leasing of County-owned property to NCWPCS MPL 27 – Year Sites Tower Holdings LLC at the police firing range at 5645 Revercomb Court for the provision of telecommunications services for public use.

ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 12111 BRADDOCK ROAD TO STC THREE, LLC (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 5, 2019, at 4 p.m.**, regarding the leasing of County-owned property to STC Three, LLC at the Mott Community Center located at 12111 Braddock Road for the provision of telecommunications services for public use.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), RELATED TO MOBILE FOOD VENDING WITHIN VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RIGHTS-OF-WAY (DRANESVILLE AND MOUNT VERNON DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 5, 2019, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-30, to designate two new mobile food vending zones that would allow mobile food vending from authorized public streets within the Dranesville and Mount Vernon Districts.

ADMIN 9 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO CONSIDER THE ABANDONMENT OF A PORTION OF CINDER BED ROAD (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 22, 2019, at 4:30 p.m.**, regarding a proposal to consider the abandonment of a portion of Cinder Bed Road.

ADMIN 10 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SULLY DISTRICT)

- Endorsed the following traffic calming measure: one speed hump on Muirfield Lane (Sully District)
- Directed staff to request the Department of Transportation (DOT) to schedule the installation of the approved traffic calming measure as soon as possible

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ARTICLE 6 – DENSITY PROVISIONS FOR THE RESTON PRC DISTRICT

- (A) (R) (NOTE: Earlier in the meeting, this item was discussed. See page 12.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 23, 2019, and before the Board on **March 5, 2019, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding Article 6 - Density Provisions for the Reston PRC District.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41.1 (ANIMAL CONTROL AND CARE) RELATING TO WILD OR EXOTIC ANIMALS

- (A) (NOTE: Earlier in the meeting, this item was discussed. See page 12.)

Authorized the advertisement of a public hearing to be held before the Board on **January 22, 2019, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care) to add hedgehogs and chinchillas to the list of exceptions to the definition of wild and exotic animals, thus allowing hedgehogs to be lawfully kept in the County, and clarifying that chinchillas may be lawfully kept in the County.

ADMIN 13 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 19067 FOR VARIOUS COUNTY AGENCIES TO ACCEPT DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUBGRANT AWARDS FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

- (SAR) Approved SAR AS 19067 in the amount of \$9,728,162 for the County to accept DHS Fiscal Year 2018 UASI subgrant awards from the State Administrative Agency to be used by various County agencies to enhance security and overall preparedness and authorized the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

ADMIN 14 - AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (NCS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA), ACCESS AND MOBILITY PARTNERSHIP GRANTS PROGRAM

Authorized the:

- NCS to apply for and accept grant funding, if received, from the FTA in the amount of \$112,000, including \$50,000 in Local Cash Match, to provide non-emergency medical transportation for older adults and individuals with disabilities in the County when other forms of transportation are unavailable
- County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

14. **A-1 – APPROVAL OF THE SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND PUBLIC IMPROVEMENT REFUNDING BONDS** (11:53 a.m.)

BONDS
(R)

Supervisor Gross moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the issuance of the General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. Supervisor Gross 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. Smyth, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

15. **A-2 – APPROVAL OF A RESOLUTION ENDORSING PROJECTS BEING SUBMITTED FOR THE FISCAL YEAR (FY) 2025 REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FEDERAL FUNDING THROUGH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA)** (11:53 a.m.)

(R)

Supervisor Foust moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the Department of Transportation (DOT) to apply for Federal CMAQ and Regional Surface Transportation Program (RSTP) funding for FY 2025. Supervisor Gross and Supervisor L. Smyth jointly seconded the motion.

In response to a query from Supervisor Foust, Tom Biesiadny, Director, Department of Transportation (DOT), confirmed NVTAs role in the allocation of RSTP and CMAQ funds.

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."

16. **A-3 – APPROVAL OF AND AUTHORIZATION TO EXECUTE A STANDARD PROJECT ADMINISTRATION AGREEMENT (SPA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR IMPLEMENTATION OF THE FAIR LAKES BOULEVARD WALKWAY PROJECT AND APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 19136 (SPRINGFIELD DISTRICT)** (11:55 a.m.)

(R)

(SAR)

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

- Adopt the Resolution authorizing the Director of the Department of Transportation (DOT) to execute a SPA with VDOT, substantially in the form of Attachment 2 of the Board Agenda Item.
- Approve SAR AS 19136 for the development of the Fair Lakes Boulevard Walkway Project. Required Local Cash Match of \$80,500 and additional local funds of \$310,000 for a total of \$390,500 have been identified in Fund 40100, County and Regional Transportation Projects.

Supervisor Foust and Supervisor K. Smith 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."

17. **A-4 – APPROVAL OF AND AUTHORIZATION TO EXECUTE A PROJECT ADMINISTRATION AGREEMENT (PAA) WITH THE TOWN OF VIENNA FOR THE CONSTRUCTION OF PEDESTRIAN ENHANCEMENT IMPROVEMENTS ON OLD COURTHOUSE ROAD (HUNTER MILL DISTRICT)** (11:56 a.m.)

(R)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and adopt the Resolution, substantially in the form of Attachment I of the Board Agenda Item, authorizing the Director of the Department of Transportation (DOT) to execute the PAA with the Town of Vienna for the construction of pedestrian enhancement improvements on Old Courthouse Road from Westbriar Drive/Fairway Drive to the Freedom Hill Park entrance. Supervisor Foust 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.”

18. **A-5 - ADOPTION OF A RESOLUTION ENDORSING PROJECTS FOR SUBMISSION TO THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTTC) FOR THE FISCAL YEAR (FY) 2020 I-66 INSIDE THE BELTWAY COMMUTER CHOICE PROGRAM (PROVIDENCE AND DRANESVILLE DISTRICTS)** (11:57 a.m.)

(R) Supervisor Foust moved that the Board concur in the recommendation of staff and:

- Adopt the Resolution endorsing three County transportation projects for submission for NVTTC’s I-66 Inside the Beltway Commuter Choice Program funding for FY 2020
- Authorize the Director of the Department of Transportation (DOT) to sign and submit the applications

Chairman Bulova and Supervisor L. Smyth 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.”

19. **A-6 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS’ (CAO) TASK FORCE RECOMMENDATION REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2020 VIRGINIA RAILWAY EXPRESS (VRE) CAPITAL AND OPERATING BUDGET** (11:57 a.m.)

On motion of Supervisor Cook, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the CAO Task Force’s primary recommendation on the FY 2020 VRE budget. The recommendation is to concur with the VRE Operations Board’s recommendation to help balance the FY 2020 budget with a passenger fare increase of three percent, as part of its six-year financial plan.

20. **A-7 – APPROVAL OF COMMENTS ON THE RICHMOND HIGHWAY CORRIDOR IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL ASSESSMENT (EA) (LEE AND MOUNT VERNON DISTRICTS)** (11:58 a.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve the letter, as contained in Attachment 1 of the Board Agenda Item, containing the County’s comments on the Richmond Highway Corridor

Improvements Project Draft EA document and noted that a revised draft letter has been distributed to the Board. Supervisor Storck seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, who confirmed that the additional comments noted on the draft will be included in the final letter and that the Virginia Department of Transportation (VDOT) will be reminded of the comments received during the public process.

Supervisor Storck noted that there is on-going discussion to consider adding pedestrian underpasses under Richmond Highway, particularly at the creeks, to provide safer road crossings.

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

21. **A-8 – APPROVAL TO JOIN OTHER COMMUNITIES IN REPLY COMMENTS AND OTHERWISE PARTICIPATE IN A FEDERAL COMMUNICATIONS COMMISSION (FCC) RULEMAKING REGARDING LOCAL CABLE FRANCHISING (MB DOCKET NUMBER 05-311)** (12:01 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize staff to: join with other local communities in filing reply comments with the FCC; participate in meetings with FCC Commissioners and staff; make additional filings in response to the FCC's Second Notice of Proposed Rulemaking in MB Docket Number 05-311 as necessary or appropriate to protect the County's interests. Chairman Bulova seconded the motion.

Frederick E. Ellrod III, Director, Communications Policy and Regulation Division, Department of Cable and Consumer Services, made a brief presentation on the item.

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

22. **A-9 – ENDORSEMENT OF AN ALTERNATIVE FOR THE BALLS HILL ROAD AND OLD DOMINION DRIVE ROADWAY SPOT IMPROVEMENT PROJECT (DRANESVILLE DISTRICT)** (12:04 p.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and endorse Alternative A.1 T-Intersection Improved for the Balls Hill Road and Old Dominion Drive Improvement Project. This recommendation is based on the conclusions and recommendations in the Balls Hill Road and Old Dominion Drive Roadway Spot Improvement report as contained in Attachment 1 of the Board Agenda Item. Supervisor Gross seconded the motion and it carried by unanimous vote.

23. **C-1 – APPROVAL OF THE AMENDMENTS TO THE BYLAWS FOR THE TRAILS, SIDEWALKS, AND BIKEWAYS COMMITTEE** (12:06 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda to approve proposed amendments to the bylaws for the Trails, Sidewalks, and Bikeways Committee.

Supervisor Gross moved that the Board approve the amendments. Supervisor Hudgins seconded the motion.

Discussion ensued, with input Erin Ward, Deputy County Attorney, regarding Article VII - Removal.

Supervisor Gross asked unanimous consent that the Board defer decision until later in the meeting to allow staff to verify the language. Without objection, it was so ordered.

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

24. **I-1 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FEE SCHEDULE** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda, regarding the implementation of the revised CSB Schedule as outlined in the Board Agenda Item.

25. **I-2 – PRESENTATION OF THE FISCAL YEAR (FY) 2018 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda, presenting the FY 2018 CAFR.

Discussion ensued, concerning keeping the Board informed as to how the significant deficiencies and material weaknesses identified in the CAFR are addressed, with input from Joseph Mondoro, Chief Financial Officer.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide an update on actions taken to rectify the issues outlined in the CAFR. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

26. **I-3 – ENDORSEMENT OF GUIDELINES FOR DEVELOPMENT IN RESTON TRANSIT STATION AREAS (HUNTER MILL AND DRANESVILLE DISTRICTS)** (12:16 p.m.)

The Board next considered an item contained in the Board Agenda, regarding the endorsement of guidelines for development in Reston Transit Station areas as outlined in the Board Agenda Item.

27. **I-4 – ECONOMIC SUCCESS STRATEGIC PLAN FALL 2018 UPDATE** (12:16 p.m.)

The Board next considered an item contained in the Board Agenda, presenting the Economic Success Strategic Plan Fall 2018 Update. More information can be found at <https://www.fairfaxcounty.gov/economic-success/>.

DET:det

ADDITIONAL BOARD MATTERS

28. **PROCLAMATION REQUEST** (12:18 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare and send a proclamation to McMillion Communications by December 21, 2018, designating Tuesday, January 22, 2019, as “*The Day of Racial Healing*” in Fairfax County. It is nationally celebrated and focuses on bringing individuals of all backgrounds together to take steps to promote racial harmony, grow, and become a stronger community. This is the third year that the day will be celebrated nationwide. Without objection, it was so ordered.

29. **CHAIRMAN BULOVA’S ANNUAL NEW YEAR RECEPTION** (12:19 p.m.)

Chairman Bulova invited Board Members and residents to the annual Chairman’s New Year reception on Tuesday, January 8, 2019, from 4:30 until 6:30 p.m. in the Government Center Forum. The reception is her opportunity to thank County employees, volunteers, and active neighbors who help make the County the exceptional place it is to live, work, and play. Light fare and desserts will be served and members of her staff will be collecting canned foods for the “Stuff the Bus” campaign and pet food for the County’s animal shelter. This reception is the Chairman’s treat, is not funded from County tax dollars, and all County residents are welcome to attend.

Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to publicize the event. Without objection, it was so ordered.

30. **MOTION TO ADOPT THE NOVEMBER 2018 QUARTERLY REPORT OF THE AUDITOR OF THE BOARD** (12:20 p.m.)

Chairman Bulova stated that that the Board has received the Auditor of the Board's Quarterly Report for November 2018. The report included a performance study on the Department of Family Services' overtime. Specific recommendations were contained in her written Board Matter and she said that management agreed with the recommendations.

Therefore, Chairman Bulova moved that the Board adopt the Auditor of the Board's November 2018 Quarterly Report and approve the Audit Committee Work Plan, attached to her written Board Matter, for the upcoming quarter. Supervisor Herrity seconded the motion.

Following an inquiry by Supervisor Gross, with input from Jim Shelton, Auditor of the Board, concerning inclusion of a review of the recently-implemented school bus pass program with the Connector bus route evaluation item, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

31. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF)** (12:23 p.m.)

Supervisor Foust stated that, as this is the Board's last meeting of 2018, it is helpful to review the work done by the Board this year through the EDSF. This year the Board made significant use of the fund, approving six EDSF investments totaling almost \$2.8 million.

There are three projects that were previously nominated for funding through the EDSF, that Supervisor Foust recommends the Board direct staff to remove from active consideration:

- The Go Virginia: Mach37 and Go Virginia: Security University nominations are no longer active projects. The Go Virginia periods for which these were initially nominated have since closed.
- It is anticipated that the next round of Region 7 Go Virginia nominations will begin shortly through a request-for-proposal process. New projects seeking a local match for Go Virginia funding should go through the Board's EDSF nomination process.
- The Greater Washington Export Center nomination should also be removed from consideration, based upon the Budget Committee discussion held on October 24.

Therefore, Supervisor Foust moved that the Board direct the County Executive to remove the following projects from consideration for EDSF funding:

- Go Virginia: Mach37
- Go Virginia: Security University
- Greater Washington Export Center

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

32. **NO BOARD MATTERS FOR SUPERVISOR HUDGINS (HUNTER MILL DISTRICT)** (12:25 p.m.)

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

KK:kk

33. **SHORTAGE OF SCHOOL NURSES** (12:26 p.m.)

Supervisor Cook stated that there has been a long-standing shortage of school nurses in the County. While school nurses operate in the schools, they are employees of the Health Department and therefore part of the County budget.

The school nurse program is severely understaffed and underfunded. One nurse may be responsible for up to 4,000 students spread over four schools. When the nurse is ill or on extended leave, absent any replacement coverage, the duties can fall to the front office staff or parents, which causes a potential liability issue. At one school in the Braddock District, the nurse has not been in school one day this year and is out until mid-March on extended medical leave. Apparently, there is no back-up coverage. This leaves the 800 students without a clinic nurse.

Supervisor Cook noted that this is not a simple issue. Nurses are in short supply and the program is expensive, but the health of children cannot be compromised.

Therefore, Supervisor Cook moved that the issue of school nurses and funding be brought before an upcoming meeting of the Budget Committee for further discussion. It would be appropriate for School Board members to be part of this discussion. Supervisor Gross seconded the motion and it carried by unanimous vote.

34. **ANNUAL TASTE OF BRADDOCK (BRADDOCK DISTRICT)** (12:27 p.m.)

Supervisor Cook announced that the Annual Taste of Braddock will be held Wednesday, December 12, 2018, at 5:30 p.m. More than 20 restaurants from the Braddock District will donate food for the event.

35. **FIRST INTERIM REPORT OF THE SPORTS TOURISM TASK FORCE**
(12:27 p.m.)

Supervisor Herrity presented the First Interim Report of the Sports Tourism Task Force, which was unanimously approved at its November 8, 2018, meeting. The task force was established on June 6, 2017, to better understand the economic impact of the \$10 billion sports tourism market; to investigate how the Board can take advantage of this market as a source of revenue; and how to get quality sports venues paid for in whole or in part by sports tourism generated revenue. The report is a product of a dedicated team of task force members and other participants including the Park Authority, Neighborhood and Community Services, Visit Fairfax, the Athletic Council, County public schools, NOVA Regional Parks, George Mason University, Northern Virginia Community College, the Economic Development Authority, as well as representatives from County government.

Referencing the recommendations and conclusions contained in the report, Supervisor Herrity noted that many of the recommendations are already in progress.

The report will be referred to the Implementation Committee of the Economic Advisory Commission (EAC) at its meeting on December 14, 2018, and to the full EAC at its meeting on February 12, 2019.

36. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(12:30 p.m.)

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

37. **LETTER TO GOVERNOR NORTHAM ON BUDGET REQUESTS**
(12:30 p.m.)

Supervisor McKay stated that the Governor is currently finalizing his proposed amendments to the 2018-2020 biennium budget. During the November 27 Legislative Committee meeting, Board Members discussed a draft letter to the Governor highlighting several County funding priorities. The letter is largely a reaffirmation of existing County priorities, including: support for funding for K-12; transportation; human services; and the Stormwater Local Assistance Fund (SLAF).

In addition, based on the discussion of the Legislative Committee, the Board added support for the Science Museum of Virginia's request for State planning funds (\$7 million in Fiscal Year 2020) to facilitate construction of the Northern Virginia Science Center in Dulles, Virginia, in partnership with the Children's Science Center, to the letter. For the past several years, the Children's Science Center's location in the County has been a valuable community resource, yielding significant tourism, economic, educational, and community benefits. It is the

Board's hope that the Children's Science Center will continue to maintain a physical presence at a central location in the County, allowing easy access to numerous Title I schools that benefit significantly from the center, while also expanding across the border into Loudoun County, presenting a tremendous opportunity for the region and the Commonwealth.

As discussed by the Legislative Committee, given the need to weigh in on the State budget in a timely fashion, the letter has already been signed by the Chairman and sent to the Governor, but the letter is before the Board today to allow for a formal vote.

Therefore, Supervisor McKay moved that the Board approve the letter attached to his written Board Matter. Supervisor Herrity seconded the motion and it carried by unanimous vote.

38. **LEE DISTRICT NEW YEAR'S EVE OPEN HOUSE (LEE DISTRICT)**
(12:32 p.m.)

Supervisor McKay announced that on Saturday, January 12, he and the Lee District staff will host the traditional Lee District New Year's Open House. It will be held from 11 a.m. until 1 p.m. in the community room of the Franconia Governmental Center.

Every year, this event gives Lee District staff and Supervisor McKay time to meet and speak with fellow community members. He also announced that he is very pleased that, again this year, the Springfield Art Guild will display the work of local artists.

Supervisor McKay invited Board Members to attend and enjoy the Lee District hospitality and asked unanimous consent that the Board direct the Office of Public Affairs to publicize the event. Without objection, it was so ordered.

39. **PARTICIPATION IN THE FALL 2018 "GIRLS' ON THE RUN 5K"**
(12:33 p.m.)

Supervisor McKay noted that on December 1, he and his daughter participated in the Fall 2018 "Girls' on the Run 5K" in Woodbridge. There were thousands of runners from both public and private schools from all over the County. Supervisor McKay acknowledged the corporate sponsors, Cigna, Wegmans, and Southern Management, that were involved and stated that because of their involvement, 1,700 girls received financial support last year in Northern Virginia to participate in the program. Supervisor McKay acknowledged the outstanding partnership with County schools and thanked the "Girls' on the Run" program for its work in the community.

40. **RETIREMENT ANNOUNCEMENT (PROVIDENCE DISTRICT)**
(12:35 p.m.)

Supervisor L. Smyth announced that she will not seek re-election to a fourth term next year. She noted that it has been a pleasure to work with everyone on the Board and to serve the Providence District.

41. **AUTHORIZATION FOR EXPEDITED AND CONCURRENT PROCESSING OF WESLEY HUNTINGTON LANDLORD, LLC (MOUNT VERNON DISTRICT)** (12:36 p.m.)

Supervisor Storck announced that Wesley Huntington Landlord, LLC (the "applicant"), is currently processing Proffered Condition Amendment Application and Final Development Plan Amendment Application PCA/FDPA 2013-MV-001 to allow minor modifications to a previously-approved mixed-use development proximate to the Huntington Metro Station. Specifically, the property is identified as Tax Map 83-1 ((8)) 92A, 92B, 93A, 93B, and 94A (the "subject property"), and is currently approved for up to 139 multi-family dwelling units and up to 3,534 square feet of retail use. The applicant now proposes to retain the existing approved development option and provide a new option to construct up to 126 multifamily dwelling units and up to 7,500 square feet of office use. The applicant's proposal is consistent with the prior approval and is for minor modifications to accommodate a modified development program specifically tailored to the applicant who recently purchased the subject property. The proposal represents a significant opportunity to revitalize an aging and underutilized site in the Huntington Transit Station area.

Given the timing associated with financing of the project, the applicant plans to commence construction as soon as possible. Accordingly, the applicant seeks expedited and concurrent processing of all pending applications.

Therefore, Supervisor Storck moved that the Board direct the Director of the:

- Zoning Evaluation Division, Department of Planning and Zoning, to expeditiously process the pending application submitted by the applicant
- Department of Land Development Services to accept for concurrent and simultaneous processing any site plans, building plans, architectural drawings, or other drawings as may be necessary in conjunction with applications filed on behalf of the applicant

Supervisor Storck noted that this motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, adopted standards, or proffers. This action in no way prejudices the

substantive review of the application. Supervisor McKay seconded the motion and it carried by unanimous vote.

42. **AUTHORIZATION FOR CONCURRENT PROCESSING FOR PANERA, LLC (MOUNT VERNON DISTRICT)** (12:39 p.m.)

Supervisor Storck stated that Panera, LLC (the "applicant"), is currently processing two zoning applications identified as Proffered Condition Amendment Application PCA 1999-MV-025-06 and Special Exception Application SE 2018-MV-025. The applications propose to construct a restaurant with drive-through and 1,000 square feet of retail use in the northeast quadrant of the intersection of Lorton Road and Lorton Market Street on property identified as Tax Map 107-4 ((23)) B. The subject property has long been vacant and this proposal represents a significant opportunity to improve the site with a high-quality, community-serving use. Given the timing associated with the contract on the subject property, the applicant plans to submit a site plan and building plans as soon as possible. Accordingly, the applicant seeks concurrent processing.

Therefore, Supervisor Storck moved that the Board direct the Director of the Department of Land Development Services to accept for concurrent and simultaneous processing any site plans, building plans, architectural drawings, or other drawings as may be necessary in conjunction with applications filed on behalf of the applicant.

Supervisor Storck noted that this motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, adopted standards, or proffers. This action in no way prejudices the substantive review of the application. Supervisor McKay seconded the motion and it carried by unanimous vote.

43. **RECOGNITION FOR COLLINGWOOD RESIDENTS, MR. BILL VAUGHAN AND MS. JAN VAUGHAN (MOUNT VERNON DISTRICT)** (12:41 p.m.)

Supervisor Storck announced that for over 25 years, the Vaughans have brought their incredible Christmas lights artistry to the residents of the Mount Vernon District. Community members begin seeing the Vaughans preparing the displays in August, months before the big reveal during the holidays. Last week, the Vaughans won the season premiere of ABC's Great Christmas Light Fight, winning over competitors from Texas, Florida, and Mississippi and were awarded \$50,000 and a trophy for what they consider a labor of love.

Supervisor Storck expressed his sincerest appreciation to the Vaughans for bringing the community together annually and making this a holiday tradition for all.

44. **DONATION RECEIPT (MOUNT VERNON DISTRICT)** (12:43 p.m.)

Supervisor Storck announced that last Friday he was pleased to accept a \$50,000 check for construction of a new playground as part of the adaptive reuse of the original Mount Vernon High School and adjacent properties. These funds were provided by the National Association of Counties (NACo) Foundation for the Improvement of Public Services and the U.S. Communities Foundation.

Although plans for rejuvenation of the 42-acre site are still being developed, it is envisioned to be a nexus of government, community residents, non-profits, entrepreneurs, and educators. Supervisor Storck noted that this generous donation will help provide vitally important play space on the campus.

45. **CHANTILLY HIGH SCHOOL GIRLS' VOLLEYBALL CLASS 6 STATE CHAMPIONS** (12:44 p.m.)

Jointly, with Supervisor Herrity, Supervisor K. Smith announced that she wanted to congratulate and recognize the Chantilly High School Girls' Volleyball team for recently winning the Virginia Class 6 State Championship on Friday, November 16, at Kaplan Arena of the College of William and Mary in Williamsburg. The Chargers defeated Frank W. Cox High School 3-0.

Therefore, Supervisor K. Smith asked unanimous consent that the Board direct staff to invite the Chantilly High School Girls' Volleyball team to appear before the Board to be acknowledged for this outstanding achievement. Without objection, it was so ordered.

46. **WESTFIELD HIGH SCHOOL BOYS' FOOTBALL TEAM MISSES STATE CHAMPIONSHIP (SULLY DISTRICT)** (12:44 p.m.)

Supervisor K. Smith announced that the Westfield High School Boys' Football team lost its game to Freedom High School in Woodbridge on Saturday and ended its opportunity to play in the State Championship for a fourth consecutive title. Over the 4-year period, the team won 55 games and lost 4. This included 4 district titles, 4 regional titles, and 3 State championships. She congratulated Coach Kyle Simmons and the program for this outstanding run of excellence.

AGENDA ITEMS

47. **C-1 – APPROVAL OF AMENDMENTS TO THE BYLAWS FOR THE TRAILS, SIDEWALKS, AND BIKEWAYS COMMITTEE** (12:47 p.m.)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item #23.)

In response to an earlier query from Supervisor Gross, Erin Ward, Deputy County Attorney, noted that the removal provision was not part of the model bylaws.

Following additional discussion, Elizabeth Teare, County Attorney, suggested a change to Article VII to read “for removal for cause from the Committee, including but not limited to a Committee member who is in violation of Article VI”.

Supervisor Gross moved that the Board approve the Bylaws, as amended. Chairman Bulova seconded the motion.

Supervisor McKay asked unanimous consent that the Board direct staff to update the model bylaws with this language to ensure consistency going forward. Without objection, it was so ordered.

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

48. **RECESS/CLOSED SESSION** (12:59 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. *Biscayne Contractors, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2018-0014893 (Fx. Co. Cir. Ct.)

2. *Pedro Francisco Santiago v. Officer Bond, Officer Allen, Officer Liberty, Officer Baxter, and Sgt. Nytes*, Case No. 2:18-cv-42 (E.D. Va.)
3. *Calvin Acker v. E. Cartagena*, Case No. GV18-022068 (Fx. Co. Gen. Dist. Ct.)
4. *Dwain Foltz v. Fairfax County*, Case No. 18-1488 (U.S. Ct. of App. for the Fourth Cir.)
5. *Kenneth Henderson v. Fairfax-Falls Church Community Service Board and Fairfax County*, Case No. 1:18-cv-825 (E.D. Va.)
6. *Dora Fatima Parada-Segovia v. Kenneth Barlowe and Fairfax County*, Case No. CL-2018-0009390 (Fx. Co. Cir. Ct.)
7. *Richard W. Ferris, Trustee v. Trinity Gainey, Michael Gallo, and James Patteson*. Case No. 1:18-cv-721 (E.D. Va.) (Providence District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maziar Choubineh and Shabnam Belat*, Case No. CL-2018-0007073 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ralph Jeffrey Rossen and Francine Rossen*, Case No. GV18-024844 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Orhan Atmaca and Birgul Atmaca*, Case No. GV18-020850 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fernando A. Ovalle*, Case No. CL-2018-0015808 (Fx. Co. Cir. Ct.) (Lee District)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mellinium Center, LLC*, Case No. CL-2018-0010208 (Fx. Co. Cir. Ct.) (Mason District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kashif H. Waheed and Anahita Ada*, Case No. CL-2018-0015884 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Brian F. Foley, Building Official for Fairfax County, Virginia v. Tran Hang Thi Le and Dung Van Nguyen*, Case No. CL-2018-0015677 (Fx. Co. Cir. Ct.) (Providence District)

And in addition:

- As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), Virginia ABC Board license application for property located at 7921 Colorado Springs Drive
- As permitted by Virginia Code Sections 2.2-3711(A)(3), (6), and (8), terms of potential agreement regarding Old Mount Vernon High School.

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

DET:det

At 3:32 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

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

50. **WITHDRAWAL OF OBJECTIONS TO SABOR WINE, LLC'S ALCOHIC BEVERAGE CONTROL (ABC) LICENSE APPLICATIONS (MOUNT VERNON DISTRICT)** (3:33 p.m.)

Supervisor Storck moved that the Board authorize and direct the County Attorney to withdraw the County's objections to Sabor Wine, LLC's ABC applications for wine importer and wine wholesaler licenses because Sabor Wine has amended its applications and no longer seeks to conduct its business at 7921 Colorado Springs Drive which is zoned residential. A letter withdrawing these objections will be submitted to the ABC Board based on the grounds discussed with the County Attorney in closed session. Supervisor Gross and Supervisor Herrity jointly seconded motion and it carried by unanimous vote.

AGENDA ITEMS

51. **3:30 P.M. – DECISION ONLY ON CONSIDERATION OF PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), REGARDING ORDINANCES FOR COUNTY EMPLOYEES', UNIFORMED AND POLICE OFFICERS RETIREMENT SYSTEMS** (3:34 p.m.)

(O) (NOTE: On November 20, 2018, the Board held a public hearing regarding this item and deferred decision until December 4, 2018.)

Following introductory remarks by Chairman Bulova, Supervisor Gross, Chairman of the Board's Personnel Committee, stated that, over the course of the past two years, the County has engaged in an extensive and thorough review of its three retirement systems. This review, directed by the entire Board, stemmed from a concern regarding the sustainability of the County's current level of benefits.

Last fall, the Board commissioned a work group to sift through the demographic, financial, and actuarial data that had been presented to the Board during the prior months. This work group included Board Members as well as representatives from various employee groups, retirees, and the schools. While that work group could not return with a unified recommendation to the Board, the group did generate a number of potential changes that the Board could make to the retirement systems, which included five possible changes for new employees hired on or after July 1, 2019, that were advertised for the public hearing on November 20.

During the course of the review, the group heard from employees and retirees that they value the County's defined benefit systems and the retirement income it provides. The Board agrees and reconfirms that a defined benefit plan is the appropriate mechanism to provide retirement benefits to County employees.

The group also heard concerns during its review regarding the significant healthcare costs that employees may face upon retirement and is committed to continue to monitor the healthcare

marketplace to determine if there are opportunities for all County employees — current, future, and retirees — to maximize healthcare options coverage with manageable costs.

The Board is divided on the package that was presented for consideration at the public hearing on November 20. Therefore, Supervisor Gross stated that she is not going to move the advertised package of five items but that she will be making four motions. Having heard the Employee Advisory Council's (EAC) concerns that changing the retirement eligibility retirements for the employees' system would unduly impact new employees who begin their County careers at an early age; a minimum retirement age of 60 and the Rule of 90 are now off the table.

There is extensive support for ending the pre-Social Security supplement for those employees hired on or after July 1, 2019, and Supervisor Gross stated that she will be making a motion to that effect. A separate motion will be offered for moving salary averaging from three to five years, as will a separate motion for eliminating the three percent retirement annuity increase. This provision was put in place by the county on 1989 to address, specifically, a change that year in the Virginia income tax treatment of retirement benefits.

Therefore, Supervisor Gross moved that the Board amend the ages set out for members of the Employees' Retirement System Plan E in proposed Section 3-2-2(q)(3) for the minimum retirement age from 60 to 55 and for the combined age and years of service from 90 to 85.

Supervisor Gross noted, with input from Joseph M. Mondoro, Chief Financial Officer, that this is consistent with the current Plan C and Plan D, which were adopted by the Board five years ago. While a change was advertised, in establishing a Plan E, this is clarifying that the minimum retirement age and combined age and years of service, would remain the same in new Plan E.

Chairman Bulova seconded the motion.

Supervisor Herrity raised a question regarding the return analysis performed on the County's three retirement systems, with input from Mr. Mondoro.

Following discussion, concerning clarification of the procedure for consideration of these Ordinance changes, Supervisor Herrity moved the following substitute motion: to adopt the original package that was advertised. Supervisor Cook seconded the motion.

Following additional discussion, the question was called on the substitute motion, and it **FAILED** by a recorded vote of seven, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting "NAY."

The question was called on the main motion and it **CARRIED** by a recorded vote of seven, Supervisor Cook, Supervisor Herrity, and Supervisor L. Smyth voting "NAY."

Supervisor Gross noted that management was represented in the working group and moved approval of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles, 2, 3, and 7, with the exception of the proposed increase in the period used to determine average final compensation in all three systems and the proposed repeal of the additional retirement allowance in all three systems. The motion includes elimination of the pre-Social Security supplement for employees hired on or after July 1, 2019, the establishment of an Early Age Option for those employees, and other technical and housekeeping changes to Code. Chairman Bulova seconded the motion.

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

Supervisor Gross, noting that all the motions had been vetted through the County Attorney to ensure that they met Code requirements, moved approval of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7 to increase the period used to calculate average final compensation from three to five years for employees hired on or after July 1, 2019. Supervisor Herrity and Chairman Bulova jointly seconded the motion.

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

Supervisor Gross moved approval of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7 to repeal the additional retirement allowance, which increases the calculated retirement annuity by three percent, for employees hired on or after July 1, 2019. Chairman Bulova seconded the motion.

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

Supervisor Gross moved that the Board direct the County Executive to direct staff to review health care costs and options available to employees and present the results of that review to the Board’s Personnel Committee in the coming months. Chairman Bulova seconded the motion.

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

52. **3:30 P.M. – DECISION ONLY ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC B-846-05 (WOODFIELD ACQUISITIONS, LLC) (HUNTER MILL DISTRICT)**

AND

**DECISION ONLY ON PROFFERED CONDITION AMENDMENT
APPLICATION PCA-B-846-04 (WOODFIELD ACQUISITIONS, LLC)
(HUNTER MILL DISTRICT)**

AND

**DECISION ONLY ON DEVELOPMENT PLAN AMENDMENT
APPLICATION DPA-HM-117-03 (WOODFIELD ACQUISITIONS, LLC)
(HUNTER MILL DISTRICT) (4:30 p.m.)**

- (O) (NOTE: The Board deferred these public hearings at its October 30 meeting until November 20, at which time the public hearing was held and decision deferred until December 4.)

The application property for Planned Residential Community Application PRC B- 846-05, Proffered Condition Amendment Application PCA B-846-04, and, Development Plan Amendment Application DPA-HM-117-03, is located on the south side of Dulles Airport Access and Toll Road at the terminus of Roland Clarke Place approximately 336 feet north of its intersection with Sunrise Valley Drive. Tax Map 17-4 ((14)) (1A) 2 and 3.

Supervisor Hudgins asked the applicant to address construction and traffic issues concerning the Roland Clarke Place location. She noted that she had received additional correspondence from affected communities.

Following input from Mr. Looney and Ms. Tsai, concerning construction and traffic issues, and a query from Supervisor Hudgins, Mr. Looney confirmed, for the record, that the applicant was in agreement with the PRC condition dated September 27, 2018.

Supervisor Hudgins moved approval of:

- Proffered Condition Amendment Application PCA B-846-04 and Development Plan Amendment Application DPA HM-117-03 subject to the execution of proffered conditions consistent with those dated November 8, 2018
- Planned Residential Community Application PRC B-846-05 subject to the PRC condition dated September 27, 2018
- The following waivers and modifications as contained in the handout distributed today:
 - Modification of Paragraph 1 of Section 2-414 of the Zoning Ordinance (ZO) for the minimum distances between a residential building and the Dulles

International Airport Access Highway and Dulles Toll Road right-of-way from 200 feet to 59 feet

- Modification of Section 11-203 of the ZO to permit a reduction in the required number of loading spaces from eight to five spaces
- Waiver of Paragraph 2 of Section 11-302 of the ZO to permit a private street in a residential development to exceed 600 feet in length
- Modification of Section 13-303 of the ZO for the transitional screening requirement to that shown on the DPA/PRC plan

Chairman Bulova seconded the motion.

The question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor L. Smyth being out of the room.

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2018-MV-012 [COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) CAP BDCD] (MOUNT VERNON DISTRICT)** (4:40 p.m.)

(O) (NOTE: The Board deferred this public hearing at its October 16 meeting until December 4.)

The application property is located on the east side of Lukens Lane approximately 600 feet south of its intersection with Richmond Highway. Tax Map 75-1 ((1)) 8Z.

Following remarks, regarding the Planning Commission's deferral of this item, Supervisor Storck moved to defer the public hearing on Rezoning Application RZ 2018-MV-012 until **January 22, 2019, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

54. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY AMENDMENT APPLICATION PRCA-C-020 (STANLEY MARTIN COMPANIES, LLC) (HUNTER MILL DISTRICT)** (4:41 p.m.)

The application property is located east of Wiehle Avenue, north and west of North Shore Drive. Tax Map 18-1 ((5)) 8A3 and 8A4.

Mr. Mark C. Looney noted that this application did not require an affidavit.

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

Mr. Looney 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, which included testimony by one speaker, Mr. Looney presented rebuttal.

Ms. Tsai presented the staff and Planning Commission recommendations.

Following remarks and a query by Supervisor Hudgins, Mr. Looney confirmed, for the record, that the applicant was in agreement with the PRCA conditions dated November 28, 2018.

Supervisor Hudgins moved:

- Approval of Planned Residential Community Amendment Application PRCA-C-020, subject to the development conditions dated November 28, 2018
- Reaffirmation of the previously approved waivers and modifications contained in the handout distributed today and listed as follows:
 - Modification of Paragraph 2 of Section 6-306 of the Zoning Ordinance (ZO) for the 200-square foot privacy yard requirement for single family attached dwelling unit lots to that shown on the PRC plan/Special Exception (SE) plat
 - Waiver of Paragraph 10 of Section 11-102 of the ZO to permit tandem parking for the two-over-two dwelling units to count towards the off-street parking requirement for multi-family dwelling units
 - Modification of Section 11-203 of the ZO for the required number of loading spaces to that shown on the PRC plan/SE plat
 - Modification of Sections 13-303 and 13-304 of the ZO for the transitional screening and barrier requirements to that shown on the PRC plan/SE plat

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

55. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2016-HM-024 (JBG/1831 WIEHLE, LLC AND EYA DEVELOPMENT, LLC) (HUNTER MILL DISTRICT) (4:57 p.m.)**

- (O) The application property is located on the north side of the Dulles Toll Road, the east side of Wiehle Avenue, the south side of Sunset Hills Road, and the west side of Michael Faraday Drive. Tax Map 17-4 ((18)) 1A, 1B, 2B, and 3.

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

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

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

Following the public hearing, Ms. Tsai presented the staff and Planning Commission (PC) recommendations.

Following remarks, Supervisor Hudgins moved:

- Amendment to the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2016-HM-024 and the associated Conceptual Development Plan (CDP), from the I-4 District to the PRM District, subject to the proffers dated November 5, 2018
- The following waivers and modifications contained in the handout distributed today:
 - Modification of Paragraph 1 of Section 2-414 of the ZO on the minimum distances between residential and commercial buildings and the Dulles International Airport Access Highway and Dulles Toll Road right-of-way from 200 feet for residential buildings and 75 feet for office buildings to 70 feet and 10 feet, respectively
 - Waiver of Paragraph 2 of Section 6-407 of the ZO for the 200 square foot privacy yard requirement for each single-family attached dwelling unit

- Modification of Section 11-203 of the ZO for the loading space requirements to that shown on the CDP/Final Development Plan (FDP)
 - Waiver of Paragraph 2 of Section 11-302 of the ZO for private streets in a residential development to exceed 600 feet in length
 - Modification of Sections 13-303 and 13-304 of the ZO for the transitional screening and barrier requirements to that shown on the CDP/FDP
- Parking reduction #3729-PKS-007-03, subject to the conditions consistent with those dated September 13, 2018

Chairman Bulova seconded the motion.

Following discussion, concerning the setback waiver, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, and Chairman Bulova voting “**AYE**,” Supervisor L. Smyth abstaining, and Supervisor Storck being out of the room.

(NOTE: On November 1, 2018, the PC approved Final Development Plan Application FDP 2016-HM-024, subject to the development conditions dated October 25, 2018.)

56. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2018-HM-004 (AG-ARC RESTON 1 OWNER LLC, AG-ARC RESTON 2 OWNER LLC, AG-ARC RESTON 3 OWNER LLC) (HUNTER MILL DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2018-HM-002 (AG-ARC RESTON 1 OWNER LLC, AG-ARC RESTON 2 OWNER LLC, AG-ARC RESTON 3 OWNER LLC) (HUNTER MILL DISTRICT) (5:15 p.m.)

- (O) The application property for Rezoning Application RZ 2018-HM-004 and for Special Exception Application SE 2018-HM-002 is located on the southwest corner of Reston Parkway and Sunrise Valley Drive. Tax Map 17-3 ((8)) (4) 1 (pt), 2(pt), 3(pt), and 17-3((1)) 26(pt).

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

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

Mr. Looney 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, Supervisor Hudgins submitted an item for the record.

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

Following remarks and a query by Supervisor Hudgins, Mr. Looney confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 20, 2018.

Supervisor Hudgins moved:

- Amendment to the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2018-HM-004 and the associated Conceptual Development Plan, from the I-4 District to the PRM District, subject to the proffers dated October 12, 2018
- Approval of Special Exception Application SE 2018-HM-02, subject to the development conditions dated September 20, 2018
- Approval of the following:
 - Off-site parking located at Tax Map parcel 17-3 ((8)) (4) 2 in accordance with Paragraph 1, Section 11-102 of the ZO
 - Waiver of Section 13-202 of the ZO and Section 12-0514(3)(D) of the Public Facilities Manual, to provide interior parking lot landscaping on the top level of the freestanding parking garage

Chairman Bulova seconded the motion.

Following additional remarks by Supervisor Hudgins concerning the application, 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 Storck being out of the room.

(NOTE: On October 18, 2018, the PC approved Final Development Plan Application FDP 2018-HM-004, subject to the proposed development conditions dated September 20, 2018.)

57. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2006-LE-030 (PMIG 1009, LLC) (LEE DISTRICT)**
(5:27 p.m.)

The application property is located at 5500 Franconia Road, Alexandria, 22310. Tax Map 81-4 ((1)) 71C.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

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

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

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

Following remarks and a query by Supervisor McKay, Mr. Martin confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 31, 2018.

Supervisor McKay moved approval of:

- Special Exception Amendment Application SEA 2006-LE-030, subject to the development conditions dated October 31, 2018
- The following waivers and modifications as listed in the handout dated November 1, 2018 that were distributed today and which shall be made part of the record:
 - Waiver of the barrier requirement along Franconia Road pursuant to Section 13-304 of the Zoning Ordinance (ZO)
 - Modification of the transitional screening and barrier requirements along Old Rolling Road pursuant to Sections 13-303 and 13-304 of the ZO, in favor of the proposed landscaping strip with a width of 17 feet and a 4-foot tall masonry wall, as shown on the SEA Plat

Supervisor Gross and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

58. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), SECTION 7-2-13 (GENERAL PROVISIONS) TO RENAME THE RAVENWOOD PRECINCT POLLING LOCATION IN THE MASON DISTRICT, CHANGE THE STREET ADDRESS FOR THE BELVOIR PRECINCT POLLING LOCATION IN THE MOUNT VERNON DISTRICT, AND RELOCATE THE POLLING LOCATIONS FOR THE CEDAR LAKE AND CENTERPOINTE PRECINCTS IN THE SPRINGFIELD DISTRICT** (5:33 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 16 and November 23, 2018.

Katherine K. Hanley, Secretary to the Electoral Board, presented the staff report.

Discussion ensued, with input from Secretary Hanley, concerning the difficulty of locating alternative voting locations.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), Section 7-2-13 (General Provisions). Supervisor Herrity seconded the motion.

Following additional 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.”

59. **4 P.M. – PH ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING CONTINUING CARE FACILITIES, ADULT DAY CARE CENTERS, AND RELATED PROVISIONS (OLDER ADULT ACCOMMODATIONS AND SERVICES)** (5:38 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 November 16 and November 23, 2018.

Donna Pesto, Deputy Zoning Administrator, Department of Planning and Zoning, presented the staff report and noted the following corrections which will be made in the final version:

- Change the reference to the Fair Housing Act to its proper name in Section 9-306 which is the Federal Fair Housing Amendments Act of 1988
- Correct a typographical error in paragraph 13 of Section 9-306 which should reference paragraph 8 instead of paragraph 7

Discussion ensued, concerning the table showing maximum floor area ratio (FAR) for Planned Continuing Care (PCC) districts and the revisions recommended by the Planning Commission (PC), with input from Ms. Pesto.

Following the public hearing, which included testimony by four speakers, Ms. Pesto presented the staff and PC recommendations.

Discussion ensued, with input from Ms. Pesto, concerning:

- Federal guidelines governing the minimum age and occupancy requirements for such facilities
- Full range of services provided at continuing care facilities
- Adequacy of parking ratios to serve residents, staff, and visitors
- Consideration of a parking amendment as part of the County's Zoning Ordinance Modernization Project (zMOD) process

Supervisor K. Smith moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), entitled "Continuing Care Facilities, Adult Day Care Centers, and Related Provisions" as contained in the staff report dated September 25, 2018, the October 15, 2018, memorandum from the Zoning Administrator to the PC regarding the fee for Adult Day Care Centers; and with the changes recommended by the PC on November 8, 2018, with an effective date of 12:01 a.m. on December 5, 2018

Supervisor McKay seconded the motion.

Following remarks by Supervisor Herrity regarding his concerns with the Health Care Advisory Board (HCAB) review of applications, Supervisor Herrity moved to amend the motion to remove the HCAB review requirement from the proposed amendment. Supervisor Cook seconded the motion.

Following discussion, with Board Members expressing their views and support/non-support of the amendment to the motion, the question was called on the motion and it **FAILED** by a recorded vote of seven, Supervisor Cook, Supervisor Herrity, and Supervisor Storeck voting "AYE."

The question was called on the main 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.”

60. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION PROVISIONS) AND CHAPTER 122 (TREE CONSERVATION ORDINANCE) AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING THE “PFM FLEX PROJECT,” A FAIRFAX FIRST INITIATIVE TO IMPROVE THE SPEED, CONSISTENCY, AND PREDICTABILITY OF THE COUNTY’S LAND DEVELOPMENT REVIEW PROCESS** (6:36 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 November 16 and November 23, 2018.

Donald Lacquement, Engineer IV, Site Code Research and Development, Land Development Services (LDS), presented the staff report. He noted that hyperlinks had been added to the PFM to facilitate links to external Code and technical references.

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

Supervisor K. Smith moved that the Board:

- Adopt the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions) and Chapter 122 (Tree Conservation Ordinance) and the PFM as contained in the staff report dated September 25, 2018, to take effect at 12:01 a.m. on December 5, 2018.
- Authorize the Director of LDS to maintain the PFM and make administrative changes with respect to procedures, process improvements, submission requirements, and references to County policies and adopted Codes in consultation with the County Attorney

Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Following additional 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.”

61. **4 P.M. – PH ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING SMALL-SCALE PRODUCTION ESTABLISHMENTS**
(6:45 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 November 16 and November 23, 2018.

Carmen Bishop, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report. Discussion ensued, concerning the Planning Commission's (PC) recommendation on the C-8 District, with input from Ms. Bishop.

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

Supervisor K. Smith moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding Small-Scale Production Establishments as contained in the staff report dated September 25, 2018, including the following:

- A maximum size of 6,000 square feet in the C-3 through C-6 Districts
- A maximum size of 10,000 square feet in the C-7, I-3, PDH, PDC, PRC, and PRM Districts
- Option 1 regarding the C-8 District

and that the amendment become effective at 12:01 a.m. the day following adoption.

Chairman Bulova seconded the motion.

Discussion ensued concerning the staff and PC recommendations concerning the C-8 District.

Supervisor L. Smyth moved a substitute motion to include Option 3, rather than Option 1, to the C-8 District, as recommended by the PC. Supervisor Foust seconded the motion.

Following discussion, with Board Members expressing their views and support/non-support of the substitute motion, the question was called and it **FAILED** by a recorded vote of eight, Supervisor Foust and Supervisor L. Smith voting "AYE."

The question was called on the main 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.”

62. **4 P.M. – PH ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING EDITORIAL AND MINOR REVISIONS** (7:04 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 November 16 and November 23, 2018.

Leslie Johnson, Zoning Administrator, Zoning Administration Division, Department of Planning and Zoning (DPZ), introduced Sara Morgan, Senior Assistant to the Zoning Administrator, DPZ, who presented the staff report.

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

Supervisor K. Smith moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) entitled “Editorial and Minor Revisions” as advertised and set forth in the staff report dated September 25, 2018, with an effective date of 12:01 a.m. on December 5, 2018. 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.”

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63. **4:30 P.M. – PH ON PROPOSED PLAN AMENDMENT 2018-CW-1CP, CONTINUING CARE FACILITIES** (7:12 p.m.)

Marianne Gardner, Director, Planning Division, Department of Planning and Zoning presented the staff report.

Following the public hearing, which included testimony by two speakers, Ms. Gardner presented the staff and Planning Commission (PC) recommendations.

Supervisor Herrity moved approval of Plan Amendment 2018-CW-1CP as recommended by the PC and shown in the handout dated December 4, 2018. As mentioned in the staff presentation, the amendment would add Comprehensive Plan policy guidance in support of the Continuing Care Facility (CCF) uses to provide a continuum of accommodation and service options to facilitate the opportunity to age in place or move within the levels of support as care needs

change. Additionally, the PC has requested that the Board convene a task force to investigate developing continuing care facilities to accommodate low to moderate income older adults and disabled adults. Chairman Bulova seconded the motion and it carried by unanimous vote.

64. **4:30 P.M. – PH ON PROPOSED PLAN AMENDMENT 2017-III-DS1, LOCATED NORTH OF THE DULLES TOLL ROAD AND AIRPORT ACCESS HIGHWAY, EAST OF THE LOUDOUN COUNTY BORDER AND GENERALLY WEST OF DULLES GREENE DRIVE AND INNOVATION AVENUE/ROCK HILL ROAD (DRANESVILLE DISTRICT)** (7:25 p.m.)

Katrina Newton, Planner III, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Ms. Newton presented the staff and Planning Commission (PC) recommendations.

Supervisor Foust moved approval of Plan Amendment 2017-III-DS1, as recommended by the PC. Chairman Bulova seconded the motion and it carried by unanimous vote.

65. **4:30 P.M. – PH TO CONVEY BOARD-OWNED PROPERTY SOUTH OF SPRING HILL ROAD TO DOMINION ENERGY FOR AN ELECTRIC SUBSTATION (HUNTER MILL DISTRICT)** (7:38 p.m.)

Supervisor Hudgins moved to defer the public hearing to convey Board-owned property south of Spring Hill Road to Dominion Energy for an Electric Substation until **January 22, 2019, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

66. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:40 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of November 16 and November 23, 2018.

Public comment was held and included the following individuals:

- Mr. Jose Magana-Salgado, concerning the annual budget
- Ms. Megan Mack, concerning universal representation for immigrants
- Ms. Kathy Doan, concerning the annual budget

- Mr. Nicholas Marritz, concerning the annual budget
- Ms. Fran Bromberg, concerning the annual budget
- Ms. Mary Lareau, concerning the ordinance to protect equal justice for all
- Mr. Peter Drown, concerning Commercial Property Assessed Clean Energy Program

Supervisor Gross asked unanimous consent that the Board direct staff to provide information on a timeline for Commercial Property Assessed Clean Energy (C-PACE) Program. Without objection, it was so ordered.

67. **BOARD ADJOURNMENT** (8:11 p.m.)

The Board adjourned.