



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 6, 2018**

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GMA:gma

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, March 6, 2018, at 9:31 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Linda Q. Smyth, Providence District
- Supervisor Daniel G. Storck, Mount Vernon District

Others present during the meeting were 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; Ekua Brew-Ewool, Kecia Kendall, and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

AGENDA ITEMS**1. PRESENTATION OF THE RE-CERTIFICATION OF FAIRFAX COUNTY AS A CERTIFIED CRIME PREVENTION COMMUNITY BY THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES**

(9:33 a.m.)

Rick Arrington, Crime Prevention Program Manager, Virginia Department of Criminal Justice Services, announced the re-certification of the County as a Certified Crime Prevention Community by the Virginia Department of Criminal Justice Services and outlined the background and components of re-certification.

2. ANNOUNCEMENT OF GRANT AWARDEES BY COX COMMUNICATIONS VIRGINIA (9:41 a.m.)

Kathryn Falk, Vice President, Market Leader, Northern Virginia Operations, Cox Communications, presented grant awards to the following local non-profits to further the academic achievement and development of young people in the areas of science, technology, engineering, and mentoring education and literacy:

- Cornerstones
- Hopecam
- Literacy Council of Northern Virginia
- Main Street Child Development Center
- Wesley Housing Development Corporation of Northern Virginia

3. PROCLAMATION DESIGNATING MARCH 19-26, 2018, AS "NORTHERN VIRGINIA RESTAURANT WEEK" IN FAIRFAX COUNTY (9:46 a.m.)

Supervisor Herrity moved approval of the Proclamation designating March 19-26, 2018, as "*Northern Virginia Restaurant Week*" in Fairfax County and urged all residents to support and enjoy the County's local culinary treasures and to recognize this industry for its support of the community. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

4. PROCLAMATION DESIGNATING MARCH 2018 AS "ALTERNATIVE DISPUTE RESOLUTION MONTH" IN FAIRFAX COUNTY (9:56 a.m.)

Supervisor Cook moved approval of the Proclamation designating March 2018 as "*Alternative Dispute Resolution Month*" in Fairfax County and urged all residents to recognize the many benefits of alternative dispute resolution programs and to acknowledge the valuable role of volunteers who offer their services to their

neighbors and communities, their fellow students and peers in the workplace. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MARCH 2018 AS "WOMEN'S HISTORY MONTH" IN FAIRFAX COUNTY** (10:08 a.m.)

Supervisor K. Smith moved approval of the Proclamation designating March 2018 as "*Women's History Month*" in Fairfax County to honor the women who continue to fight and succeed in bringing positive change to the lives of all women. Supervisor Gross seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING MARCH 2018 AS "ARAB-AMERICAN MONTH" IN FAIRFAX COUNTY** (10:28 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating March 2018 as "*Arab American Month*" in Fairfax County and renewed the County's dedication to building a fully inclusive community where diversity is accepted and celebrated. Supervisor McKay and Vice-Chairman Gross jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:41 a.m.)

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

- The Legislative Committee met on Friday, February 23. The Legislative Committee meeting scheduled for March 2 was cancelled. Board Members received a report from the Committee.
- The 2018 Session is heading toward its scheduled adjournment on March 10, although due to the significant differences between the House and Senate budgets stemming from the inclusion of Medicaid expansion in the House budget, there has been speculation that the General Assembly may not be able to complete budget negotiations on time. While over 1000 bills have already passed both chambers and await gubernatorial action, nearly 700 bills are still awaiting final disposition.
- On March 2, a substitute version of the County's initiative, Senate Bill (SB) 392 (Barker), was reported out of the House Courts of Justice Committee unanimously. This legislation will next be considered on the House floor. Legislation to provide funding for Washington Metropolitan Area Transit Authority (WMATA), which is a top County priority, is currently in conference.

Legislative staff have met with legislators and money committee staff in advance of conference negotiations and will continue to work on this legislation throughout the remainder of the session.

- Wireless telecommunications legislation that the County strongly opposes continues to move through the legislative process, though localities have been successful in getting additional “No” votes on these bills – the Senate bill passed the House yesterday by only one vote (49-48 with two abstentions). Local governments will next be reaching out to Governor Northam to share concerns about these bills.
- The most critical piece of unfinished business this session is the State budget. During the Friday, February 23, Legislative Committee meeting, staff provided an analysis of how the budgets adopted by the House and Senate affect key County priorities. The House budget includes Medicaid expansion, which has long been a County priority, as well as increased funding for Fairfax County Public Schools and localities with police departments (House Bill [HB] 599). However, the Senate budget does not contain Medicaid expansion and as a result the budgets are very far apart at present. The Board will be closely monitoring events in Richmond and staff will be providing updates to the Board as the budget process unfolds.

Supervisor McKay moved adoption of Legislative Committee Report Number Three. Supervisor Gross and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

DET:det

8. **ADMINISTRATIVE ITEMS** (10:49 a.m.)

Following remarks by Chairman Bulova concerning the Board’s consideration of the Administrative Items, Supervisor Gross moved approval of the Administrative Items, with the exception of Admin 4 - Authorization to Advertise Publication of the Fiscal Year (FY) 2019 Budget and Required Tax Rates, the FY 2019 Effective Tax Rate Increase, and the Advertised Capital Improvement Program (CIP) for FYs 2019-2023 (with FYs to 2028). Supervisor McKay seconded the motion.

Chairman Bulova called the Board’s attention to Admin 1 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax and to the Public Facilities Manual (PFM) Related to Interpretation of the PFM, Hydraulic Grade Line, Debris Control Devices, New Fees for Modifications and Appeals, and Other Edits. Discussion ensued concerning the work of staff, PFM interpretation and modification, and stormwater changes.

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 TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION PROVISIONS), APPENDIX Q (LAND DEVELOPMENT FEE SCHEDULE), AND TO THE PUBLIC FACILITIES MANUAL (PFM) RELATED TO INTERPRETATION OF THE PFM, HYDRAULIC GRADE LINE, DEBRIS CONTROL DEVICES, NEW FEES FOR MODIFICATIONS AND APPEALS, AND OTHER EDITS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 1, 2018, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions), Appendix Q (Land Development Fee Schedule), and the PFM related to interpretation of the PFM, hydraulic grade line, debris control devices, new fees for modifications and appeals, and other edits.

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (SULLY DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Shadetree Estates Section two	Sully	Old Pine Way
Shadetree Estates Section two	Sully	Pine Oaks Way (Route 6955)
Shadetree Estates Section 3	Sully	Goldenchain Court

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), TO AMEND AND READOPT SECTION 7-2-13 AND TO RELOCATE THE VIENNA NUMBER 2 POLLING PLACE (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 20, 2018, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to amend and readopt Section 7-2-13 and to relocate the Vienna Number 2 polling place.

ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2019 BUDGET AND REQUIRED TAX RATES, THE FY 2019 EFFECTIVE TAX RATE INCREASE, AND THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYS 2019-2023 (WITH FYS TO 2028)

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page #4.)

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

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), TO AMEND AND READOPT SECTION 67.1-10-2 RELATING TO SEWER SERVICE CHARGES, AND FIXTURE UNIT CHARGES

(A) Authorized the advertisement of a public hearing to be held before the Board on **April 10, 2018, at 3 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), to amend and readopt Section 67.1-10-2, relating to Sewer Service Charges, Base Charges, Availability Charges, and Fixture Unit Charges, as outlined in the Board Agenda Item.

9. **ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2019 BUDGET AND REQUIRED TAX RATES, THE FY 2019 EFFECTIVE TAX RATE INCREASE, AND THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYS 2019-2023 (WITH FYS TO 2028)** (10:54 a.m.)

(A) Supervisor McKay moved that the Board authorize the advertisement of the publication of the FY 2019 advertised Budget; the effective tax rate increase; the advertised CIP; and required tax rates as outlined in Administrative Item 4 of the Board Agenda. This includes the advertisement of a real estate tax rate of \$1.155 per \$100 of assessed value, which would reflect a 2.5 percent [*sic*] increase over the current real estate tax rate of \$1.13 per \$100 of assessed value. Chairman Bulova seconded the motion.

Discussion ensued concerning:

- Advertising a rate of \$1.155 gives the Board flexibility as it deliberates

- The advertised rate does not prevent the Board from lowering any advertised rate but a higher rate cannot be imposed without advertising the higher rate
- The increase in the stormwater fee and its impact on the total tax bill
- Maintaining the employee 2.25 percent Market Rate Adjustment (MRA)
- The budget process and balancing spending priorities with the impact on taxpayers
- Citizen participation in the budget process
- Announcement of town hall meetings

Supervisor Foust inquired as to whether any of the proposed tax rates, listed in the Board Agenda Item, were the maximum that the Board could consider once the rates were authorized for advertisement, with input from Elizabeth Teare, County Attorney.

Following additional discussion, regarding employee/teacher compensation, funding priorities, and community participation in the process, Supervisor McKay clarified his motion to reflect the following: "...the advertisement of a real estate tax rate of \$1.155 per \$100 of assessed value, which would reflect a 2.5 cent (not 2.5 percent) increase over the current" tax rate."

Following additional discussion, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY."

10. **A-1 – APPROVAL OF AN AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FALLS CHURCH, FAIRFAX COUNTY, AND THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) ESTABLISHING COLLABORATION BETWEEN THE CITY OF FALLS CHURCH AND LAW ENFORCEMENT AGENCIES AT THE MERRIFIELD CRISIS RESPONSE CENTER FOR PEOPLE EXPERIENCING A PSYCHOLOGICAL CRISIS** (11:21 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the Amended Memorandum of Understanding. Supervisor Foust and Supervisor Hudgins jointly seconded the motion.

Following an inquiry concerning the signature pages contained in the Board Agenda Item, with input from Cynthia L. Tianti, Office of the County Attorney, the question was called on the motion and it carried by unanimous vote.

11. **A-2 – APPROVAL OF CALENDAR YEAR 2018 FOREST PEST MANAGEMENT PROGRAM** (11:24 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and direct staff to take actions outlined in the Board Agenda Item concerning the County's Calendar Year 2018 Forest Pest Management Program. Supervisor McKay seconded the motion.

Discussion ensued, concerning the spotted lantern fly and concerns expressed by the National Association of Counties (NACo), with input from Troy Shaw, Urban Forester IV, Office of Urban Forest Management, Stormwater Management Division, Department of Public Works and Environmental Services, concerning monitoring.

Following additional discussion, regarding monitoring for the fall cankerworm in the Mount Vernon District, the question was called on the motion and it carried by unanimous vote.

12. **A-3 – APPROVAL OF THE DISEASE CARRYING INSECTS PROGRAM** (11:29 a.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and directed staff to take actions outlined in the Board Agenda Item concerning the County's Disease Carrying Insect Program.

13. **A-4 – APPROVAL OF ALLOCATION OF TYSONS GRID FUND REVENUES TO A STREET PROJECT (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (11:29 a.m.)

Supervisor L. Smyth moved that the Board concur in the recommendation of staff and approve the use of Tysons Grid Fund revenues to fund easement acquisition activities associated with future construction of a grid street identified as Center Street within the Tysons Urban Center. Supervisor Foust and Supervisor Hudgins jointly seconded the motion.

Following a brief discussion, regarding the property in question being owned by the US Army, the question was called on the motion and carried by unanimous vote.

14. **A-5 – APPROVAL OF A MINOR VARIATION REQUEST FOR PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA 2006-SU-025-02/CDPA 2006-SU-025/FDPA 2006-SU-025-02, COMMONWEALTH REGENCY, LLC, TO ADD A CRAFT BEVERAGE PRODUCTION ESTABLISHMENT USE TO THE LIST OF “PRINCIPAL (OR SECONDARY) USES” AS A**

SECONDARY USE PERMITTED IN PROFFER NUMBER 4 (SULLY DISTRICT) (11:31 a.m.)

Chairman Bulova stated that there was an affidavit associated with this request and Supervisor K. Smith disclosed that she received a campaign contribution in excess of \$100 from the following:

- Mr. Francis A. McDermott

Following input from Tracy Strunk, Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), noting that this was the first request being processed under the Fairfax First initiative to allow flexibility for certain minor proffer variations, Mr. McDermott reaffirmed the validity of the affidavit for the record.

Following discussion concerning the date of the affidavit, with input from Ms. Strunk, Mr. McDermott restated the date of the affidavit.

Discussion ensued, regarding Board notification of affidavits contained in Action Items, with further input from Ms. Strunk.

Suzanne Wright, Chief, Special Projects/Applications/Management Branch, ZED, DPZ, gave a PowerPoint slide presentation depicting the request, site location, and staff recommendation.

Following an inquiry from Supervisor McKay, discussion ensued concerning specificity in proffers regarding permitted principal uses resulting in properties being potentially at a competitive disadvantage with neighboring properties as a result of the proffers accepted, with input from Ms. Wright.

In accordance with Zoning Ordinance Section 18-204(5) and Virginia Code § 15.2-2302, Supervisor K. Smith moved that the Board waive the requirement for a public hearing and approve a minor variation of proffer 4 of Proffered Condition Amendment Application PCA 2006-SU-025 to include “craft beverage production establishment” as a permitted secondary use, as detailed in revised Action Item 5 of the Board Agenda. Supervisor Herrity seconded the motion.

Following additional discussion, concerning the speed of the process and the provided flexibility, the question was called on the motion and it carried by unanimous vote.

15. **A-6 – APPROVAL OF A MINOR VARIATION REQUEST FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-C-029-10, GS ASHTON, LLC, TO MODIFY MATERIALS APPROVED BY PROFFER 16 ON AN EXISTING RESIDENTIAL BUILDING (DRANESVILLE DISTRICT)** (11:47 a.m.)

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

Suzanne Wright, Chief, Special Projects/Applications/Management Branch, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the request, site location, and staff recommendation.

In accordance with Zoning Ordinance Section 18-204(5) and the Virginia Code § 15.2-2302, Supervisor Foust moved that the Board waive the requirement for a public hearing and approve a minor variation of proffer 16 of Proffered Condition Amendment Application PCA 86-C-029-10 to include “fiber cement siding and polyurethane trim” as permitted building materials, as detailed in revised Action Item 6 of the Board Agenda. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

16. **A-7 – ADOPTION OF A RESOLUTION CONFIRMING THE DECLARATION OF LOCAL EMERGENCY AND CONSENTING TO ALL ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF** (11:52 a.m.)

(R)

Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution that:

- Confirms the Declaration of Local Emergency effective March 2, 2018
- Terminates the Declaration of Local Emergency effective immediately
- Approves and consents to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration of Local Emergency and the Fairfax County Emergency Operations Plan

Supervisor McKay seconded the motion.

Following remarks by Bryan J. Hill, County Executive, and a report by Dave Rohrer, Deputy County Executive, concerning the damage caused by the high wind event and the County’s response, discussion ensued, with input from Mr. Rohrer, concerning:

- The assessment of standing trees that might have been affected by the high winds
- A communication strategy for informing property owners of the need to check trees on their property for potential damage

Discussion continued, concerning debris collection, with input from James Patteson, Director of Public Works and Environmental Services, concerning County and private sector collection.

Following additional discussion, concerning power outages, with additional input from Mr. Rohrer regarding an update from Dominion Power, 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 Smith, Supervisor Smyth, Supervisor Storck, and Chairman Bulova voting "AYE,"

17. **C-1 – PROFFER INTERPRETATION APPEAL ASSOCIATED WITH THE RESERVE AT TYSONS CORNER RELATED TO PROFFERS ACCEPTED FOR REZONING APPLICATION/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2003-PR-008** (12:06 p.m.)

Supervisor L. Smyth announced that a letter had been received from the attorney for the Reserve at Tysons Corner Association stating that the appeal had been withdrawn.

18. **I-1 – CONTRACT AWARD – HISTORIC PRESERVATION CONSULTANT SERVICES RFP 2000002343** (12:06 p.m.)

The Board next considered an item contained in the Board Agenda announcing that staff is awarding a contract to the following to re-establish a five-year term contract to provide Historic Preservation Consultant Services for the park Authority:

- Santec Consulting Service, Inc.
- EHT Traceries
- Commonwealth Heritage Group, Inc.
- Wiss, Janey & Elstner (WJE)
- Louis Berger U.S., Inc.

The contract is a five-year contract with an estimated cost of approximately \$100,000 per year.

EBE:ebe19. **PRESENTATION REQUESTS** (12:07 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to process the presentation requests contained in her Board Matter titled “March 6, 2018, Presentations.” Without objection, it was so ordered.

Following are the presentation requests:

- Invite representatives from the Department of Public Works and Environmental Services to appear before the Board on May 15, 2018, to receive a proclamation designating May 20-26, 2018, as “*Public Works Week*” in Fairfax County
- Invite representatives from the Health Department and the Fairfax-Falls Church Community Services Board to appear before the Board on April 10, 2018, to receive a proclamation designating May 6-12, 2018, as “*Nurses Week*” in Fairfax County
- Direct staff to prepare a resolution in recognition of 1st Stage’s tenth anniversary to be presented at its celebration benefit on March 24

Jointly with Supervisor Cook, that representatives from the Department of Housing and Community Development be invited to appear before the Board on March 20 to receive a proclamation designating April 2-8, 2018, as “*Community Development Week*” in Fairfax County.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

20. **APPOINTMENT TO THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (DRANESVILLE DISTRICT)** (12:09 p.m.)

(BACs) Supervisor Foust announced that there is currently an opening for the Dranesville representative to EQAC and he has circulated the resume of Ms. Debra Jacobson, to fill the position of the Dranesville District Representative. A copy of her resume is attached to his written Board Matter.

The Board is not scheduled to hear appointments to Boards, Authorities, and Commissions until March 20, 2018. However, on March 14 there is a joint meeting with EQAC, County staff, and the County’s Environmental Coordinating Committee to discuss the draft of the County Operations Energy Plan. In order for a Dranesville EQAC representative to participate in that meeting, Supervisor Foust said he would appreciate the Board taking action on the appointment of Ms. Jacobson today.

Therefore, Supervisor Foust moved that the Board appoint Ms. Debra Jacobson to serve as the Dranesville Representative to EQAC effective immediately. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

21. **RECOGNIZING THE LANGLEY HIGH SCHOOL BOYS SWIM AND DIVE TEAM (DRANESVILLE DISTRICT)** (12:10 p.m.)

Supervisor Foust recognized and commended the achievements of the Langley High School Boys Swim and Dive Team. The Langley Saxons won the top prize at the 2018 Virginia High School League's Class 6 Swimming and Diving Championships.

Langley was awarded 235 points, thanks to a strong team performance, beating out its next closest competitor by 49 points. The team was powered by seniors and double winners Mr. Casey Storch and Mr. Tyler Zuyus, who will be swimming at the University of Virginia and Arizona State University, respectively, next year. Langley finished second in the State in 2016 and 2010.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite members of the Langley High School Boys Swim and Dive Team, its coaches, other school officials, and parents to appear before the Board at its May 1 meeting to be recognized for this outstanding achievement. Without objection, it was so ordered.

22. **NATIONAL CRIME VICTIMS WEEK (LEE DISTRICT)** (12:11 p.m.)

Supervisor McKay said that Americans are the victims of more than 20 million crimes each year; crime can touch the lives of anyone regardless of age, national origin, race, creed, religion, gender, sexual orientation, immigration, or economic status.

Many victims face challenges in finding appropriate services, including victims with disabilities; young victims of color; deaf and hard of hearing victims; Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) victims; tribal victims; elder victims; victims with mental illness; immigrant victims; teen victims; victims with limited English proficiency; and others.

Supervisor McKay noted that victims of repeat victimization who fail to receive supportive services are at greater risk for long-term consequences of crime. The victim services community has worked for decades to create an environment for victims that is safe, supportive, and effective. Intervening early with services that support and empower victims provides a pathway to recovery from crime and abuse; honoring the rights of victims, including the right to be heard and to be treated with fairness, dignity, and respect, and working to meet their needs rebuilds trust in the criminal justice and social service systems. Serving victims and rebuilding trust restores hope to victims and survivors, as well as their communities.

National Crime Victims' Rights Week, April 8-14, 2018, is an opportune time to commit to ensuring that all victims of crime, even those who are challenging to reach or serve, are offered culturally and linguistically accessible and appropriate services in the aftermath of crime. The County's Police Department's Victim Services section is hereby dedicated to providing partnerships with trusted sources of support, including other victim service providers, community leaders, religious groups, schools, and other agencies to better reach and serve all victims of crime, no matter the community.

Therefore, Supervisor McKay asked unanimous consent that the Board:

- Proclaim April 8-14, 2018, as "*Crime Victims' Rights Week*" in Fairfax County
- Affirm its commitment to creating a victim service and criminal justice response that assists all victims of crime
- Express its sincere gratitude and appreciation for those community members, victim service providers, and criminal justice professionals who are committed to improving the response to all victims of crime so that they may find relevant assistance, support, justice, and peace
- Direct staff to prepare a certificate for presentation outside of the Board Auditorium

Without objection, it was so ordered.

23. **MOUNT VERNON-LEE ENTERPRISE (MVLE) FORTY-FIFTH ANNIVERSARY (LEE AND MOUNT VERNON DISTRICTS)** (12:13 p.m.)

In a joint Board Matter with Supervisor Storck, Supervisor McKay said that this year marks the forty-fifth anniversary of MVLE, a not-for-profit 501(c)3 organization that works with residents with disabilities across the County and Northern Virginia. MVLE has connected those residents with job training and employment opportunities, giving them an opportunity to be part of the County's workforce and growing economy at the same time. Through MVLE, countless residents with disabilities have been able to provide for themselves and contribute to their communities.

Its work has touched the lives of many, and is a great force for good in the County. Supervisor McKay said he can speak for all and is thankful for the last 45 years and looks forward to a bright future powered by their successes.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a certificate, signed by Chairman Bulova, Supervisor Storck, and himself, to be presented to the MVLE executive board in celebration of its

forty-fifth anniversary outside of the Board Auditorium. Without objection, it was so ordered.

24. **BUSINESS EXPERIENCE PARTNER (BizEx) (LEE DISTRICT)**
(12:14 p.m.)

In a joint Board Matter with Supervisor Storck, Supervisor McKay noted that he read with interest a recent *Team Fairfax Insider* article highlighting the new Business Experience Partner, or “BizEx.” BizEx is a first-stop for people who want to establish or grow a small business in the County but who may benefit from some process guidance. This role is intended to partner with the Economic Development Authority (EDA) and staff from the planning and development agencies to provide individualized attention to constituents who may need guidance as they enter the regulatory process. Supervisor McKay expressed surprise to learn that 94 percent of the businesses in the County have fewer than 50 employees.

The best way to ensure the success of these small businesses is to educate prospective small business owners on the County’s processes and make sure that they have a personal point of contact if they have questions.

Supervisor McKay said that a copy of the *Team Fairfax Insider* article was attached to his written Board Matter and said that Ms. Meaghan Kiefer has been invited to attend the next Revitalization Committee meeting on Tuesday, April 3, 2018, to discuss BizEx further.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to advertise BizEx to ensure that the community is aware that this resource is available. Without objection, it was so ordered.

KK:kk

25. **INTENT TO DEFER A PUBLIC HEARING (MASON DISTRICT)**
(12:16 p.m.)

Supervisor Gross announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2017-MA-013 and Special Exception Application SE 2017-MA-009 (Vulcan Materials Company, LLC).

Note: Later in the meeting, the public hearing was formally deferred. See Clerk’s Summary Item #43.)

26. **LED LIGHT BULB EXCHANGE** (12:16 p.m.)

Supervisor Gross stated that last spring Energy Action Fairfax partnered with the Fairfax County Public Library to offer the successful Thermal Camera Loan Program. Supervisor Gross announced that this spring, Energy Action Fairfax and the Fairfax County Public Library are teaming up again for an LED Light Bulb Exchange initiative.

Energy Action Fairfax will be hosting six LED Light Bulb Exchanges at libraries throughout the County during the months of April and May. In addition to providing information about LEDs, residents will be able to take home up to five LEDs for free. The first LED is complimentary, the rest require that residents bring in an old incandescent or CFL in exchange for each additional LED. Old incandescents and CFLs will then be disposed of properly at the I-66 Transfer Station.

In a typical home, the electricity cost savings from replacing an old incandescent with an LED will pay back the initial investment within one year. LED bulbs last so long that they only need to be replaced every 15-20 years.

However, with all the different types of light bulbs on the shelves these days, it can be overwhelming for consumers to know what to pick. Supervisor Gross noted that these exchanges are the perfect opportunity for residents to learn more about lighting, ask questions, and try out LEDs at home.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the County Executive to proceed with the promotion of the LED Light Bulb Exchange initiative. Without objection, it was so ordered.

27. **SOLARIZE FAIRFAX COUNTY** (12:19 p.m.)

Supervisor Gross stated that last spring the County joined the Northern Virginia Regional Commission and the nonprofit Local Energy Alliance Program to offer Solarize Fairfax County. This campaign, to help make solar panels more accessible to our residents and businesses, was incredibly successful. Over 1,200 homeowners and businesses signed up to receive free solar site assessments. As a result nearly 50 contracts were signed, valued at over \$1 million and almost 400 kW.

Supervisor Gross announced that this year the County will be offering another solarize campaign from April 2 to May 31. Once again homeowners and businesses will be able to receive a free, no-obligation solar site assessment. Anyone who signed up last year is welcome to participate and can simply sign up again.

Participants who decide to install solar panels will benefit from discounted prices, vetted installers, financing options, a Federal tax incentive, and the County's solar incentives which include a waiver for the permit application fee and a limited solar energy equipment tax credit.

Therefore, Supervisor Gross moved that the Board direct the County Executive to proceed with the promotion of the 2018 Solarize Fairfax County campaign, including three information meetings to be held throughout the County. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

28. **CONCURRENT AND EXPEDITED PROCESSING FOR GRAHAM PARK PLAZA (MASON DISTRICT)** (12:21 p.m.)

Supervisor Gross said that Rezoning/Final Development Plan Applications RZ/FDP 2016-MA-022 is an application filed by the Federal Realty Investment Trust for the 18.16 acre property known as Graham Park Plaza (formerly Loehman's Plaza), located at the southwest corner of the intersection of Arlington Boulevard and Graham Road. This property was the subject of a recent plan amendment designed to facilitate the redevelopment of the struggling strip center with a mix of residential and retail uses.

The current rezoning application is the first step in implementing that vision and is finally nearing the finish line. After many months of negotiating with staff and neighboring citizens, the Planning Commission is scheduled to hold a public hearing on this application on April 5. This is an extremely important project for the community, as much of this shopping center is either currently vacant or in the process of vacating to make way for the proposed mixed-use development. In order to facilitate the implementation of this long-awaited development, the applicant has requested that the public hearing before the Board be expedited and the applicant be granted concurrent processing of its site plans.

Therefore, Supervisor Gross moved that the Board direct staff to schedule a public hearing for Rezoning Application RZ 2016-MA-022 by the Federal Realty Investment Trust, before the Board on **April 10, 2018 at 3 p.m.**, and direct staff to concurrently process the site plans associated with the rezoning application. This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

29. **MOTION TO EXPEDITE SPECIAL EXCEPTION APPLICATION SE 2017-SU-008 (VIGARIO MANAGEMENT CORPORATION) (SULLY DISTRICT)** (12:23 p.m.)

Supervisor K. Smith stated that the applicant, Vigario Management Corporation, submitted Special Exception Application SE 2017-SU-008 (the "application") for a Dunkin Donuts, located at 13839 Lee Highway, approximately 1,300 feet east of the intersection with Centreville Road, Route 28. The application is filed on approximately 27,540 square feet and identified as Tax Map Parcels 54-4 ((1)) 103 and 103B. The property is zoned to the C-8 District and is located within the Highway Corridor (HC), Sign Control (SC), and Water Supply Protection (WS) Overlay Districts. The purpose of the application is to permit a fast-food restaurant featuring one drive-thru lane on an existing vacant property.

A public hearing was held before the Planning Commission on February 8, 2018, with a decision deferred until March 15, 2018, to address comments from the Virginia Department of Transportation (VDOT). Those comments have been

adequately addressed and the applicant has asked for a date certain for a hearing before the Board.

Therefore, Supervisor K. Smith moved that the Board direct the Clerk to the Board to schedule this application for a public hearing to be held before the Board on April 10, 2018. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Supervisor Foust seconded the motion and it carried by unanimous vote.

30. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (12:23 p.m.)

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

31. **ONE RESTON CRESCENT COMPANY LLC AND TWO RESTON CRESCENT COMPANY, LLC (HUNTER MILL DISTRICT)** (12:25 p.m.)

Supervisor Hudgins said One Reston Crescent Company LLC and Two Reston Crescent Company, LLC (the “applicant”), have filed Rezoning/Conceptual Development Plan and Final Development Plan RZ/CDP and FDP 2016-HM-007 for the property identified as Tax Map 17-3 ((8)) 1A1 and 1B to permit a mixed-use development that includes office, residential, hotel, and retail uses and features a national grocer of critical acclaim. The project includes eight redevelopment blocks across 36-acres of property.

The applicant is prepared to initiate the first two phases of its longer-term plan: in the first phase, the surface parking will be temporarily relocated so as to make available a redevelopment site for the first new building associated with the project; in the second phase, the applicant will construct that building, a highly amenitized mid-rise residential building with the featured grocer, high-quality retail, and ancillary service uses on the ground-floors, together with the grid of streets, interim streetscape, and pedestrian improvements necessary to serve the founding members of the Reston Crescent community.

As the applicant has a signed letter of intent with the grocer, and is subject to time-sensitive deadlines under its contract, it is imperative that it can begin to engineer and process the site plan.

Therefore, Supervisor Hudgins moved that the Board direct the Director of Land Development Services to accept, for concurrent and simultaneous review, a site plan, architectural drawings, and any other plans or drawings as may be necessary in conjunction with Rezoning/Conceptual Development Plan and Final Development Plan RZ/CDP and FDP 2016-HM-007. This motion should not be construed as a favorable recommendation by the Board on the proposed

applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards in anyway. Chairman Bulova seconded the motion and it carried by unanimous vote.

32. **CONCURRENT AND EXPEDITED PROCESSING FOR TH HOLDING COMPANY LLC THOMPSON HOSPITALITY (HUNTER MILL DISTRICT)** (12:29 p.m.)

Supervisor Hudgins said Thompson Hospitality, through its affiliate TH Holding Company LLC, seeks approval of a Rezoning (RZ), two Proffered Condition Amendments (PCA), and a Special Exception (SE) to develop a portion of the property located at 1741 Business Center Drive in Lake Fairfax Business Park with a suite-style hotel. The proposed RZ, PCA, and SE applications will facilitate an important opportunity for additional supporting services to help meet the needs of and complement the existing office and commercial uses within the Lake Fairfax Business Park and the surrounding area.

The property is zoned I-4 and is located north of Sunset Hills Road and west of Business Center Drive. The approximately 4.8-acre parcel is presently developed with an existing office building and associated surface parking lot. The applicant proposes to maintain the existing 41,348 square foot office building on site which serves as the headquarters for Thompson Hospitality.

Due to timing needs of the hotel operator, the applicant has requested an expedited public hearing date and concurrent processing of its site plan in order to advance the delivery of this needed supportive use.

Therefore, Supervisor Hudgins moved that the Board authorize expedited and concurrent processing of Rezoning Application RZ 2017-HM-019, Proffered Condition Amendment Applications PCA 79-C-090-02 and PCA 91-H-001, and Special Exception Application SE 2017-HM-016, and the site plan in the name of TH Holding Company LLC. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards in anyway. Chairman Bulova seconded the motion and it carried by unanimous vote.

33. **COMMENDING THE GREATER RESTON CHAMBER OF COMMERCE ON THE OCCASION OF ITS THIRTY-FIFTH ANNIVERSARY (HUNTER MILL DISTRICT)** (12:31 p.m.)

Supervisor Hudgins stated that the Greater Reston Chamber of Commerce, founded in 1982 with a mission to enhance the prosperity of the region by providing a supportive environment in which businesses and the Reston community could thrive, has developed steadily over the years. Composed of more than 600 members of solopreneurs and Fortune 500 companies, the Chamber takes pride in cultivating these relationships to facilitate business groups and entrepreneurships.

The Chamber has proven to be a highly effective advocate for business. Supervisor Hudgins referenced her written Board Matter and identified the wide range of quality programs including:

- *INCspire*
- *Northern Virginia Restaurant Week*
- *Ethics Day*
- *Best of Reston*

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to:

- Prepare a proclamation, with dual signatures, recognizing the thirty-fifth anniversary of the Greater Reston Chamber
- Invite the Chamber to appear before the Board to receive its appreciation and congratulations on May 1, 2018

Without objection, it was so ordered.

34. **COMMENDING COUNTY ALUMNAE CHAPTER OF DELTA SIGMA THETA SORORITY ON THE OCCASION OF ITS TWENTY-FIFTH ANNIVERSARY (HUNTER MILL DISTRICT)** (12:33 p.m.)

Supervisor Hudgins stated that the County Alumnae Chapter of Delta Sigma Theta Sorority (FCAC), chartered in 1993, remains dedicated to Delta's traditions of Sisterhood, Scholarship, and Service, and strives toward making a difference in the lives of County residents through volunteerism, advocacy, public service, and social action.

With a sisterhood called to serve by transforming lives and impacting communities, FCAC develops and implements programming.

Referencing her written Board Matter, Supervisor Hudgins noted that through a Five Point Programmatic Thrust of Economic Development, Educational Development, International Awareness and Involvement, Physical and Mental Health Awareness, and Political Awareness and Involvement, over the last quarter of a century, these dedicated women have put into action their principles.

Therefore, Supervisor Hudgins moved that the Board direct staff to prepare a proclamation to commemorate their accomplishments, with joint signatures, for presentation to the County Alumnae Chapter of Delta Sigma Theta Sorority at its twenty-fifth anniversary luncheon on May 15. Without objection, it was so ordered.

35. **HUNTER MILL OLYMPIANS MS. MAAME BINEY AND
Mr. GARRETT ROE** (12:35 p.m.)

Supervisor Hudgins said that in January she presented a Board Matter extending best wishes and sending off Olympic participants, Ms. Biney and Mr. Roe, to the Winter Olympics. Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Ms. Biney and Mr. Roe to appear before the Board at a later date to be congratulated. Without objection, it was so ordered.

DET:det

36. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD
DISTRICT)** (12:36 p.m.)

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

37. **RECOGNIZING THE LAKE BRADDOCK SECONDARY SCHOOL
THEATRE CLUB STATE CHAMPIONS (BRADDOCK DISTRICT)**
(12:36 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Cook congratulated Lake Braddock Secondary School for winning the Class 6 Virginia High School League State Theatre Festival. The theatre won the competition with its performance of *As Is*. Mr. Cade Vente was also awarded the Outstanding Actor Award for his role of Rich. The team scored 284 points beating McLean, Woodside, and Thomas Dale High Schools. Supervisor Cook noted that Lake Braddock has been previously recognized and commented on its wide range of achievements: artistic; academic; and athletic.

Therefore, jointly with Supervisor Herrity, Supervisor Cook asked unanimous consent that the Board direct staff to invite theatre members to appear before the Board, at a date to be determined, to be recognized. Without objection, it was so ordered.

38. **MOTION FOR EXPEDITED AND CONCURRENT PROCESSING OF NRP
HUNTINGTON, LLC, REZONING/FINAL DEVELOPMENT PLAN
APPLICATIONS RZ/FDP 2018-MV-006 (MOUNT VERNON DISTRICT)**
(12:37 p.m.)

Supervisor Storck announced that the Zoning Evaluation Division (ZED) of the Department of Planning and Zoning (DPZ) recently accepted Rezoning/Final Development Plan Applications RZ/FDP 2018-MV-006 on behalf of NRP Huntington, LLC (the "applicant"). The applications propose approximately 62 multifamily units on property identified as Tax Map 83-1 ((1)) 42 and 49A (the "subject property"). The subject property was recently part of Comprehensive Plan Amendment PA 2014-IV-MV3, which was approved on October 18, 2016, to allow an option for residential use on the subject property which is in proximity to the

Huntington Metro Station. The rezoning application will implement the adopted Plan recommendations in a key, transit-oriented location.

Therefore, Supervisor Storck moved that the Board direct the:

- Director of ZED, DPZ, to expeditiously process the pending applications submitted by the applicant
- Director of the Department of Land Development Services (LDS) (DPZ) to accept for concurrent and simultaneous processing any site plans, architectural drawings, or other drawings as may be necessary in conjunction with applications filed on behalf of the applicant

This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards. Chairman Bulova seconded the motion and it carried by unanimous vote.

39. **MOUNT VERNON DISTRICT PILOT WITH THE OFFICE OF PUBLIC PRIVATE PARTNERSHIPS (OP3) AND THE VOLUNTEER MANAGEMENT SYSTEM (VMS) (MOUNT VERNON DISTRICT)**
(12:39 p.m.)

Supervisor Storck said that VMS has been a very effective citizen recruiting tool for many events in the Mount Vernon District and Countywide. As a result, his office has been working with Ms. Patricia Stevens and OP3 to find new ways to reach Mount Vernon District residents to engage their participation in the County's Boards, Authorities, and Commissions (BACs). Mount Vernon is preparing to be the first Board office to participate in the pilot of the VMS system to identify and post opportunities. Mount Vernon District staff, and any other Board office that expresses interest in the pilot, can be trained on using the tool and will be able to not only post its opportunities but have a process where BAC volunteer hours can be logged and tracked. This is another positive step forward with improving public engagement possibilities.

Therefore, Supervisor Storck moved that the Board direct the OP3 to continue to coordinate this effort with the Department of Information Technology and other agencies to:

- Launch this pilot
- Train appropriate staff
- Provide a status update to the Board by the end of the year to share the progress and efficacy of the pilot

Supervisor McKay seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information concerning costs associated with the pilot. Without objection, it was so ordered.

Supervisor Foust asked unanimous consent that the Board direct staff to provide information concerning the delineation of roles of OP3 and Volunteer Fairfax. Without objection, it was so ordered.

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

40. **MOTION FOR A COMPREHENSIVE PLAN AMENDMENT:
8800 RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)** (12:44 p.m.)

Supervisor Storck announced that an 8.14 acre property, located at County Tax Map Parcels 109-2 ((1)) 18C, 19, and 20, along the north side of Richmond Highway immediately west of the Woodlawn Community Business Center, is located primarily within the 100-year floodplain of Dogue Creek. A substantial portion of the site has been disturbed with fill in the floodplain and the site has hosted a range of industrial and commercial uses over the past five decades. Today, a welding operation and several trailers remain on the site.

The Comprehensive Plan indicates that the site is planned for private open space. A request has been made that the Comprehensive Plan for these properties be amended to provide for the consideration of residential use on the properties, including the disturbed portion. Rezoning Application RZ 2016-MV-018, and an associated special exception application, have been submitted for a townhouse development on the site.

Therefore, Supervisor Storck moved that the Board authorize staff to evaluate an amendment to the Comprehensive Plan for residential uses up to 8 dwelling units per acre for Tax Map Parcels 109-2 ((1)) 18C, 19, and 20. Particular elements to be considered by the Plan amendment include evaluating the proposed density for:

- The ability to achieve full parcel consolidation
- Conformance with Policy Plan guidance that addresses disturbances to Environmental Quality Corridors (EQC), including the demonstration of any circumstances meriting disturbance to the EQC; mitigation/compensation measures would be provided to result in a net environmental benefit to the parcels and net benefits relating to most, if not all, of the purposes of the EQC policy that are applicable to the proposed disturbances

Furthermore, the proposed redevelopment of the property would need to be consistent with the Virginia Department of Transportation's (VDOT's) proposed widening of Richmond Highway.

Consistent with Board policy for concurrent processing of Plan amendments and rezoning in revitalization districts, Supervisor Storck further moved that the Board direct staff to expeditiously process Rezoning Application RZ 2016-MV-018 consistent with the Plan amendment. This motion should not be construed as a favorable recommendation for a potential Board Plan amendment or any subsequent rezoning or application and does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and will not prejudice the consideration of this application in any way. Supervisor McKay seconded the motion.

Supervisor McKay noted that this is a complicated site but one where development could significantly improve the environment in the area.

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

RECESS/CLOSED SESSION (12:48 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-2017-0017671 (Fx. Co. Cir. Ct.)
 - 2. *Vincent Dennis Randazzo, Administrator of the Estate of Michael Vincent Randazzo, Deceased v. Sandra Mauldin*, Case No. CL-2016-0009634 (Fx. Co. Cir. Ct.)
 - 3. *Viola Laird v. County of Fairfax, Virginia*, Case No. 1:17cv1408 (E.D. Va.)

4. *Lisa Alcazar v. Fairfax County, Virginia*, Case No. 1:17-cv-1379 (E.D.Va.)
5. *Donyll Smith v. Fairfax County and Marcus Clark*, Case No. 1:18cv125 (E.D. Va.)
6. *Glenn Myer v. All Dulles Area Muslim Society, a/k/a. ADAMS Center, The Fairfax County Police Department, Sergeant Trevor Steranko, et al.*, Case No. CL-2017-0010836 (Fx. Co. Cir. Ct.)
7. *Jerome Julius Brown v. Fairfax County Police Department*, Case No. CL-2017-0017695 (Fx. Co. Cir. Ct.)
8. *Linda Owens v. Jennifer Svites, Fire Chief Richard Bowers, and the County of Fairfax*, Case No. CL-2017-0015086 (Fx. Co. Cir. Ct.)
9. *Armando Iraheta-Ortiz, by Allstate Insurance Company, Subrogee v. John Doe*, Case No. GV17-010235 (Fx. Co. Gen. Dist. Ct.)
10. *Christine McKinney v. Fairfax County Department of Family Services*, Record No. 0897-17-4 (Va. Ct. App.)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yung C. Yung*, Case No. CL-2016-0017111 (Fx. Co. Cir. Ct.) (Braddock District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Herbert H. Becker*, Case No. CL-2017-0007128 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary K. Devers, Trustee, and Kenneth R. Arnold*, Case No. CL-2017-0004536 (Fx. Co. Cir. Ct.) (Hunter Mill District)
14. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. Arthur William Crowder and Ana Luisa Pinto*, Case No. CL-2018-0001855 (Fx. Co. Cir. Ct.) (Hunter Mill District)

15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Smithrose Investments, LLC*, Case No. CL-2017-0010461 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Steve O. Akinbileje*, Case No. GV17-000779 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Susan M. Frazier*, Case No. CL-2018-0001304 (Fx. Co. Cir. Ct.) (Lee District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Franconia Square, LLC*, Case No. CL-2013-0008132 (Fx. Co. Cir. Ct.) (Lee District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kyin Sein*, Case No. GV17-023488 (Fx. Co. Gen. Dist. Ct.) (Mason District)
20. *Elizabeth Perry, Property Maintenance Code Official v. Thanh V. Phan*, Case No. GV18-002927 (Fx. Co. General Dist. Ct.) (Mason District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kashif H. Waheed and Anahita Ada*, Case No. GV18-003252 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mandy Ye*, Case No. CL-2018-0001853 (Fx. Co. Cir. Ct.) (Providence District)
23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kamal M. Ayoub*, Case No. CL-2017-0014287 (Fx. Co. Cir. Ct.) (Providence District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Charles Alan Little*, Case No. CL-2018-0002070 (Fx. Co. Cir. Ct.) (Springfield District)

25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roberta Couver*, Case No. CL-2011-0007717 (Fx. Co. Cir. Ct.) (Sully District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Relentless MMA and Fitness, et al.*; Case No. GV18-003090 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), legal analysis regarding:
 - i. State Corporation Commission Application No. PUR-2017-00143
 - ii. Claims submitted by the families of Tyonne Johns and James S. Peith and by Camille Veneziano
 - iii. *Hernandez v. Fairfax County*, Case No. 1:16-cv-502 (U.S. District Court for the Eastern District of Virginia)

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

EBE:ebe

At 4:03 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

42. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:03 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Foust and Chairman Bulova 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."

AGENDA ITEMS

43. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2017-MA-013 (VULCAN MATERIALS COMPANY, LLC) (MASON DISTRICT)**

AND

3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2017-MA-009 (VULCAN MATERIALS COMPANY, LLC) (MASON DISTRICT)
(4:04 p.m.)

(NOTE: On February 6, 2018, the Board deferred this public hearing until March 6, 2018.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2017-MA-013 and Special Exception Application SE 2017-MA-009 until **March 20, 2018, at 4:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

44. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2009-BR-015 (COLLEGE TOWN ASSOCIATES LIMITED PARTNERSHIP) (BRADDOCK DISTRICT)**

AND

3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-083-03 (COLLEGE TOWN ASSOCIATES LIMITED PARTNERSHIP) (BRADDOCK DISTRICT) (4:06 p.m.)

- (O) The application property is located in the south east quadrant of the intersection of Braddock Road and Ox Road. Tax Map 68-1 ((1)) 9A.

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

Kelly Atkinson, 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. Atkinson presented the staff and Planning Commission recommendations.

Supervisor Cook moved approval of:

- Proffered Condition Amendment Application PCA 2009-BR-015 and Proffered Condition Amendment Application PCA-C-083-03 subject to the proffers dated January 26, 2018
- Modification of the peripheral parking lot landscaping requirements (which require a ten foot minimum distance along the frontage of the northern and western property lines and off-street parking) in favor of the landscaping shown on the GDP/SEA Plat
- Modification of the lot area, lot width, and open space requirements for the property zoned R-1 on Tax Map on 68-1((1)) 9
- Modification of the transitional screening and buffer requirements along the western and southern property lines in favor the landscaping shown on the GDP/SEA Plat

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

45. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2017-SU-025 (JSF MANAGEMENT LLC) (SULLY DISTRICT)**

AND

3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2017-SU-022 (JSF MANAGEMENT LLC) (SULLY DISTRICT) (4:12 p.m.)

- (O) The application property is located in the south west quadrant of the intersection of Sully Road and Lee Highway. Tax Map 54-5 ((1)) 72A and 72B.

Ms. Molly Novotny reaffirmed the validity of the affidavit for the record.

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

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

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

Following a query by Supervisor K. Smith, Ms. Novotny confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated December 27, 2017.

Supervisor K. Smith moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2017-SU-025, from the C-7, WS, SC, and HC Districts to the C-8, WS, SC, and HC Districts, subject to the execution of the proffers dated January 12, 2018
- Approval of Special Exception Application SE 2017-SU-022, subject to the proposed development conditions dated December 27, 2017
- Modification of barrier requirements pursuant to Section 13-304.4 of the ZO in favor of that depicted on the GDP/SE plat

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

KK:kk

46. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT PA 2017-III-T1, LOCATED AT SUNSET HILLS ROAD (HUNTER MILL DISTRICT)**
(4:19 p.m.)

Kristin Calkins, Transportation Planner III, Transportation Planning, Department of Transportation (DOT), presented the staff report.

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

Discussion ensued, with input from Ms. Calkins, regarding the language incorporated in the proposed amendment.

Supervisor Hudgins moved that the Board adopt the PC recommendation for Plan Amendment 2017-III-T1, as found in Attachment 2 of the Board Item. The amendment would modify the Comprehensive Plan and Countywide Transportation Plan Map to include the proposed realignment of Sunset Hills Road to Crowell Road and provide guidance on how the realignment should be designed. It also recommends a roundabout at the intersection of Hunter Mill Road and the realigned Sunset Hills Road/Crowell Road at the time the realignment of Sunset Hills Road occurs. The amendment would also show Hunter Mill Road as a four-

lane road from the Dulles Toll Road westbound ramps to Crowell Road. Supervisor L. Smyth seconded the motion.

Further discussion ensued, with input from Ms. Calkins and Leonard Wolfenstein, Section Chief, Transportation Planning, DOT, regarding:

- Traffic flow projections on the intersection and surrounding streets
- Benefit to traffic flow of the roundabout as opposed to a traffic signal
- Cost comparisons between the roundabout and a traffic signal

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

47. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT PA 2013-I-L1 (B), LOCATED AT THE AREA GENERALLY SURROUNDING THE INTERSECTION OF LITTLE RIVER TURNPIKE AND BEAUREGARD STREET (MASON DISTRICT)** (5:01 p.m.)

Michael Burton, Planner II, Department of Planning and Zoning, presented the staff report.

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

Supervisor Gross moved approval of Plan Amendment 2013-I-L1 (B), as recommended by the PC. Supervisor McKay seconded the motion and it carried by unanimous vote.

48. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, REGARDING CHAPTER 107 (PROBLEM SOILS), CHAPTER 112 (ZONING ORDINANCE), AND THE PUBLIC FACILITIES MANUAL (PFM) RELATED TO THE COUNTY SOILS MAP AND USES EXEMPT FROM SITE PLAN REQUIREMENTS** (5:16 p.m.)

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

Thakur Dhakal, Engineer, Land Development Services, presented the staff report.

Following the public hearing, Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 107 (Problem Soils), Chapter 112 (Zoning Ordinance), and the Public Facilities Manual related to the County Soils Map and uses exempt from site plan requirements.

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."

49. **BOARD ADJOURNMENT** (5:21 p.m.)

The Board adjourned.