



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
November 20, 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, November 20, 2018, at 9:34 a.m., there were present:

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

Others present during the meeting were 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** (9:35 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Reverend Kenny Smith, who died recently. Reverend Smith served as pastor of the First Baptist Church in Vienna for 25 years. He was a leader in the community and Northern Virginia, including president of the County branch of the NAACP, moderator of the Northern Virginia Baptist Association, adjunct professor at Howard University, and served with many of the pastors in the County on the fight against AIDS.

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Dan Vincent, who died recently. She noted that he leaves a legacy in terms of working with the community which can be seen in the trails and pathways that he advocated for.

Supervisor Gross asked everyone to keep in thoughts the family of Cristin Farwell, Management Analyst II, Office of the Clerk to the Board, whose father, Mr. Michael Gubbins, died recently.

Supervisor Gross asked everyone to keep in thoughts the family of Dr. Janice Emery, who died recently. She had a long history of providing care in the County.

Supervisor Gross asked everyone to keep in thoughts the family of Mr. Jim McWhorter, who died recently.

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. Kelly Purdue, who died recently. He was a charter member and past president of the West Springfield Rotary Club where he has served as an active member for the past 38 years. He coached youth sports, was devoted to his church, and served his country in the U.S. Army Reserves.

AGENDA ITEMS2. **9:30 A.M. – PRESENTATION BY MS. EMILY AND MR. FRED MCCOY FOR A DONATION TO THE TURNING POINT SUFFRAGIST MEMORIAL ASSOCIATION** (9:41 a.m.)

The McCoy's presented the Board with a donation check for \$130,000 to benefit the Turning Point Suffragist Memorial Association.

Chairman Bulova introduced Pat Wirth, Executive Director and Chief Executive Officer, of the Association who thanked Mr. and Mrs. McCoy and the Board for their support and provided information for others to find out more about the

memorial and the opportunity to donate by visiting the following website:
www.suffragistmemorial.org.

3. **RESOLUTION OF RECOGNITION TO RECOGNIZE DR. GERALD R. GORDON** (9:54 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition for Dr. Gerald R. Gordon, President and Chief Executive Officer of the Economic Development Authority for his years of service. Supervisor Foust seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING NOVEMBER 2018 AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (10:17 a.m.)

Supervisor Storck moved approval of the Proclamation designating November 2018 as "*Adoption Awareness Month*" in Fairfax County and urged all residents to support children by opening their hearts and homes through adoption; becoming foster parents; donating time to help children in need; or by supporting adoptive and foster parents in the community. Supervisor Herrity seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING DECEMBER 3-7, 2018, AS "INCLUSIVE SCHOOLS WEEK" IN FAIRFAX COUNTY** (10:31 a.m.)

Supervisor Cook moved approval of the Proclamation designating December 3-7, 2018, as "*Inclusive Schools Week*" in Fairfax County and urged all schools and classrooms in the County to engage in reflective and relevant learning and community-building activities. Supervisor McKay seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING NOVEMBER 2018 AS "VETERANS AND MILITARY FAMILIES MONTH" IN FAIRFAX COUNTY** (10:44 a.m.)

Supervisor McKay moved approval of the Proclamation designating November 2018 as "*Veterans and Military Families Month*" in Fairfax County and expressed gratitude and a promise that all veterans, military members, and their loved ones will be honored and remembered for their service and sacrifice. Supervisor Gross seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING DECEMBER 1, 2018, AS "HIV/AIDS AWARENESS DAY" IN FAIRFAX COUNTY** (10:56 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating December 1, 2018, as "*HIV/AIDS Awareness Day*" in Fairfax County and urged all residents to know their HIV status and participate in activities and observances designed to increase awareness

of HIV/AIDS and reduce stigma. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **10 A.M. - PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (11:08 a.m.)

(BACs) Stella Koch, Chairman, EQAC, presented the 2018 Annual Report and noted the changes to the format and organization of this year's report.

Ms. Koch recognized Frank Crandall, former Dranesville District Representative on EQAC from January 1999 until his death in February 2018. She noted that Mr. Crandall was a passionate advocate for the environment and for the work of EQAC and is greatly missed.

Ms. Koch noted that the report contains sixteen recommendations and she proceeded to discuss the three priority recommendations as follows:

- Water
- Recycling and Waste Management
- Climate and Energy

Ms. Koch noted that the following members of EQAC were present in the Auditorium:

- Johna Gagnon, Lee District Representative
- Renee Grebe, At-Large Representative
- Rick Healy, Mason District Representative
- Ken Lanfear, Hunter Mill District Representative
- Clyde Wilber, Springfield District Representative

Chairman Bulova thanked Noel Kaplan, Environmental Planner, Planning Division, Department of Planning and Zoning, for his years of service to EQAC and the County and added that this will be his last annual report to the Board as he is retiring in the spring of 2019.

Chairman Bulova noted that a joint meeting with EQAC will be scheduled for June 4, 2019, from 9:30 a.m. until 11 a.m.

Supervisor Gross moved that the Board accept the report and refer it to the County Executive for follow-up, especially on the priority recommendations. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

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9. **10:10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (11:41 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 November 20, 2018.” Chairman Bulova seconded the motion.

Chairman Bulova stated that she nominated Colonel Gregory Gadson (Retired) for appointment to the Police Civilian Review Panel.

Supervisor Cook noted that the bylaws of the Police Civilian Review Panel require that at least one member of the panel have a law enforcement background and for Board Members to keep that in mind when vacancies are being filled.

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

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

ADVISORY SOCIAL SERVICES BOARD

Appointment of:

- Ms. Stephanie Sedgwick as the Dranesville District Representative

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

The Board deferred the appointment of the Architect #1, and 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.

Confirmation of:

- Mr. Steve Bergstrom as the Basketball Council Representative

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. Arthur S. Nachman as the Professional #2 Representative
- Ms. Sandy Pompelli as the Professional #6 Representative

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

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.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Confirmation of:

- Mr. Willie Williams as the Elected - North Target Area #2 Representative

CONSUMER PROTECTION COMMISSION

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

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Reappointment of:

- Mr. Francis Gallagher as the Braddock District Representative
- Mr. Herbert C. Kemp as the Dranesville District Representative

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.

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.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Appointment of:

- Mr. Michael Zatz as the At-Large #2 Representative

Reappointment of:

- Ms. Debra A. Jacobson as the Dranesville District Representative
- Mr. Clyde Wilber as the Springfield District Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

Reappointment of:

- Mr. Thomas B. Bash as the At-Large Fairfax County Representative
- Mr. Chester J. Freedenthal as the Lee District Representative
- Ms. Mary Pauline Jones as the Springfield District Representative
- Mr. Sailesh Panchang as the Sully District Representative

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

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

HEALTH SYSTEMS AGENCY BOARD

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

HISTORY COMMISSION

Reappointment of:

- Mr. Jordan E. Tannenbaum as the Citizen #1 Representative
- Ms. Lynne Garvey Hodge as the Citizen #4 Representative

The Board deferred the appointment of the Citizen #2, #5, #8, and Citizen/Minority, 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)

Reappointment of:

- Ms. M. Kathryn Walsh as the At-Large Chairman's Representative
- Mr. Michael Aschenaki as the Lee District Representative

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:

- Mr. Kiel Stone as the Braddock District Representative
- Mr. Ronald J. Kendall as the Mason District Representative
- Mr. Michael W. Thompson, Jr. as the Springfield District Representative

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

PLANNING COMMISSION

Reappointment of:

- Mr. Timothy John Sargeant as the At-Large #2 Representative

- Ms. Julie M. Strandlie as the Mason District Representative
- Mr. Peter F. Murphy, Jr. as the Springfield District Representative

POLICE CIVILIAN REVIEW PANEL

Appointment of:

- Colonel Gregory Gadson (Retired) as the Seat #6 Representative

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment 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

Reappointment of:

- Mr. Paul Davis, Jr. as the At-Large #2 Representative
- Mr. Marcus Wadsworth as the At-Large #3 Representative

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

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY

Reappointment of:

- Mr. John D. Pellegrin as the At-Large #1 Representative

The Board deferred the appointment of the At-Large #2, #3, Mason, Providence, and Sully 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

Reappointment of:

- Mr. Robert D. Vickers as the Dranesville District Representative

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:

- Mr. Clyde Wilber as the Springfield District Representative

The Board deferred the appointment of the At-Large #1 Representative.

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10. **ADMINISTRATIVE ITEMS** (11:43 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor McKay seconded the motion.

Supervisor L. Smyth called the Board's attention to Admin 7 – Authorization to Advertise a Public Hearing to Sell Board-Owned Property South of Spring Hill Road to Dominion Energy for an Electric Substation. She noted that there is a meeting with Dominion Energy about this particular transmission line and how it will function as a part of Tysons.

Supervisor Cook called the Board's attention to Admin 6 – Authorization for the Department of Family Services (DFS) to Apply for Grant Funding from the U.S. Department of Health and Human Services for Early Head Start (Non-Partnership

Expansion and requested clarification about the ratio of staff to the number of infants/toddlers served, with input from Anne-Marie D. Twohie, Director, Office for Children, DFS, who stated that the ratio reflects Federal Head Start and State requirements. Discussion continued, concerning funding for the remaining four years of the program, with additional input from Ms. Twohie.

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 REALLOCATE PROFFERED FUNDS FROM THE SPRINGFIELD CULTURAL CENTER TO THE SPRINGFIELD BRANDING PROJECT (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing, to be held before the Board on **January 22, 2019, at 4:30 p.m.**, to consider reallocating the proffered contribution to the Springfield Branding Project.

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR VACUUM LEAF COLLECTION SERVICE AND TO ADVERTISE A PUBLIC HEARING FOR THE DE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR VACUUM LEAF COLLECTION SERVICE (PROVIDENCE AND MASON DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 19, 2019, at 4 p.m.**, regarding the enlargement of small and local sanitary districts for refuse/recycling and/or vacuum leaf collection service as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District Within Providence District (Luckett Ave. Area	Enlarge	Refuse, Recycling, & Vacuum Leaf	Approve
Small District Within Providence District (522 S. Larriore St)	De-Create	Refuse, Recycling, & Vacuum Leaf	Approve

ADMIN 3 - EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATIONS (HUNTER MILL AND SULLY DISTRICTS)

Approved the extension of review period for the following applications:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-H18-8	Sprint 1921 Freedom Drive Reston, VA Hunter Mill District Accepted August 24, 2018	Extend to January 17, 2019
2232-Y18-19	Sprint 4700 Stonecroft Boulevard Chantilly, VA Sully District Accepted August 24, 2018	Extend to January 17, 2019

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

Designated the following individual identified with his registration number, as a Plans Examiner:

Greg M. Preville 330

ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CODE THE COUNTY OF FAIRFAX, CHAPTER 108.1 (NOISE ORDINANCE), REGARDING MINOR REVISIONS

- (A) Authorized the advertisement of a public hearing, to be held before the Board on **January 22, 2019, at 4 p.m.**, on a proposed amendment to the Code of the County of Fairfax, Chapter 108.1 (Noise Ordinance) regarding minor revisions.

ADMIN 6 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO APPLY FOR GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) FOR EARLY HEAD START (NON-PARTNERSHIP EXPANSION)

(NOTE: Earlier in the meeting, this item was discussed. See page #11.)

Authorized the DFS to apply for funding from the Department of HHS, Administration for Children and Families, Office of Head Start, in the amount of \$2,971,037, including \$594,208 in Local Cash Match. Funding will be used to

expand Head Start services to an additional 32 infants and toddlers and their families at the South County Government Center.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO SELL BOARD-OWNED PROPERTY SOUTH OF SPRING HILL ROAD TO DOMINION ENERGY FOR AN ELECTRIC SUBSTATION (HUNTER MILL DISTRICT)

(NOTE: Earlier in the meeting, this item was discussed. See page #11.)

- (A) Authorized the advertisement of a public hearing, to be held before the Board on **December 4, 2018, at 4:30 p.m.**, regarding the sale of Board-owned property to Dominion Energy.

11. **A-1 - APPROVAL OF FAIRFAX CONNECTOR JANUARY 2019 SERVICE CHANGES (DRANESVILLE AND PROVIDENCE DISTRICTS)**
(11:49 a.m.)

On motion of Supervisor Foust, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Fairfax Connector's January 2019 service changes to implement a new Route 698 express service, as well as routing and running time adjustments on Routes 924 and 926. The new Route 467, which was included in the public outreach, will be deferred until March 2019 for further assessment and funding considerations.

12. **A-2 - APPROVAL OF A HEAD START TRANSPORTATION WAIVER REQUEST FOR THE CONTINUATION OF THE FAIRFAX COUNTY PUBLIC SCHOOLS' (FCPS) 2018-2019 TRANSPORTATION SERVICES**
(11:50 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Head Start Transportation Waiver Request for the continuation of the FCPS 2018-2019 Transportation Services for Head Start children.

13. **A-3 - ENDORSEMENT OF AN ALTERNATIVE FOR THE BALLS HILL ROAD AND OLD DOMINION DRIVE ROADWAY SPOT IMPROVEMENT PROJECT (DRANESVILLE DISTRICT)** (11:50 a.m.)

Supervisor Foust announced that a weather delay caused the postponement of a public meeting on this project and, therefore, moved to defer consideration of **Action 3 – Endorsement of an Alternative for the Balls Hill Road and Old Dominion Drive Roadway Spot Improvement Project** until December 4. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

14. **A-4 - APPROVAL OF PROJECT AGREEMENTS BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND FAIRFAX COUNTY FOR FISCAL YEAR (FY) 2019 TRANSIT ASSISTANCE GRANT FUNDS** (11:51 a.m.)

On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to sign seven Project Agreements between DRPT and the County, in substantially the form as those attached, for FY 2019 transit operating and capital assistance, as contained in Attachments 1 through 7 of the Board Agenda Item.

15. **A-5 - APPROVAL OF A RESOLUTION TO ADD A SECTION OF POHICK ROAD (ROUTE 641) INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS AND CONCUR WITH THE ABANDONMENT OF A PORTION OF THE FORMER ALIGNMENT (MOUNT VERNON DISTRICT)** (11:52 a.m.)

(R) On motion of Supervisor Storck, seconded by Supervisor Foust, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE," the Board concurred in the recommendation of staff and adopted the Resolution requesting the Virginia Department of Transportation (VDOT) to add the new alignment of Pohick Road to the Secondary System and concurring with the abandonment of a portion of the former alignment, subject to the protection of Fairfax Water's facilities.

16. **A-6 - APPROVAL OF A LETTER OF AGREEMENT WITH THE NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD FOR IMPLEMENTATION OF CERTAIN PROVISIONS OF THE FEDERAL PERFORMANCE-BASED PLANNING AND PROGRAMMING PROCESS** (11:53 a.m.)

On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Letter of Agreement, as required by Federal law, substantially in the form of Attachment 1, and authorized the Director of the Department of Transportation to sign it.

17. **A-7 - AUTHORIZATION TO USE ECONOMIC DEVELOPMENT SUPPORT FUNDING (EDSF) TO INVEST IN AN INNOVATION HUB** (11:53 a.m.)

Chairman Bulova stated that this item has been the subject of a number of Board committee meetings and in-depth discussions with County staff regarding expectations.

Supervisor Foust moved that the Board concur in the recommendation of staff and authorize \$1,000,000 from the EDSF to invest in Refraction, Incorporated (Refraction). The funds will be donated to support Refraction's innovation hub and ensure that the facility will remain in the County. Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Discussion ensued concerning the County's role in supporting and encouraging the creation of an innovative small business eco-system.

Supervisor Storck asked unanimous consent that the agreement capture the commitments made in the One Fairfax policy to build and nurture opportunities throughout the County. Without objection, it was so ordered.

Discussion continued concerning:

- The County's significant investment and involvement in start-ups
- The combined partnership of government, community, and academia working together to attain success

Supervisor McKay stated that he would be presenting a relevant Board Matter, later in the meeting at the appropriate time, concerning cyber-security and training opportunities for veterans and their spouses in a partnership with George Mason University.

Discussion continued, with input from Scott Sizer, Office of Public Private Partnerships (P3)/Joint-Ventures Policy Coordinator, Office of the County Executive, regarding expanding innovation hubs throughout the County as well as addressing existing equity issues.

Following additional discussion, Chairman Bulova restated Refraction's commitment to working with the County's Chief Equity Officer and other partners to recruit and train apprentices from underrepresented and economically disadvantaged communities. She noted that this is a County-wide initiative.

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

(NOTE: Later in the meeting, Supervisor McKay presented his Board Matter. See Clerk's Summary Item #21.)

18. **I-1 - ENDORSEMENT OF VOLUME I URBAN DESIGN GUIDELINES FOR FAIRFAX COUNTY COMMERCIAL REVITALIZATION DISTRICTS AND AREAS (DRANESVILLE, LEE, MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS) AND VOLUME II DISTRICT DESIGN GUIDELINES FOR BAILEYS CROSSROADS AND SEVEN CORNERS (MASON DISTRICT)** (12:12 p.m.)

The Board next considered an item contained in the Board Agenda Item directing staff to use the Volume I Urban Design Guidelines for Fairfax County Commercial Revitalization Districts and Areas and Volume II District Design Guidelines for Baileys Crossroads and Seven Corners in its review of development applications and provide them to interested parties as a resource for addressing the Comprehensive Plan's design guidance and streetscape standards in these areas.

Discussion ensued, concerning the community outreach process, with input from Barbara A. Byron, Director, Office of Community Revitalization (OCR). She noted that these are not intended to be regulatory but are instead guidelines.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide comments received by the OCR to the Board. Without objection, it was so ordered.

JoAnne Fiebe, Revitalization Program Manager, OCR, provided further clarification regarding the comments received and their incorporation into the guidelines.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Following further discussion, with additional input from Ms. Byron, Supervisor McKay asked unanimous consent that the Board direct staff to share the guidelines with appropriate agencies throughout the County. Without objection, it was so ordered

Ms. Byron stated that training will be provided to staff in the Department of Land Development Services and the Department of Planning and Zoning to ensure that the Board's sentiments are understood.

Supervisor Gross noted that a letter of endorsement had been received by the Baileys Crossroads/Seven Corners' Revitalization Committee and thanked staff and the community for their involvement.

19. **I-2 - CONTRACT AWARDS – COMPREHENSIVE** (12:20 p.m.)

The Board next considered an item contained in the Board Agenda Item directing the Purchasing Agent to award contracts to Neighborhood Health and HealthWorks for Northern Virginia to best meet the needs of the County's health safety net system. Each contract will be ten years in length and the total estimated amount of both contracts in Year 1 is \$6.8 million. In addition, one-time transition funding of approximately \$560,000 will be provided prior to July 1, 2019.

Tisha Deeghan, Deputy County Executive, presented brief remarks concerning the contracts.

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ADDITIONAL BOARD MATTERS

20. **BLANKET AND COAT DRIVE FOR SYRIAN REFUGEES** (12:26 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and announced that NOVA Relief Center is hosting a Blanket and Coat Drive for Syrian refugees now through December 8, 2018. She said that her office, many additional Board offices, and other locations throughout the region are serving as drop-off locations for new or gently-used blankets and coats.

She noted that since 2013, Northern Virginia has sent over 100,000 blankets and coats abroad to refugees in need. For more information and a complete list of drop-off locations for this year's drive, please visit novareliefcenter.org.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

21. **CYBER-AND-TECH VETERANS AND SPOUSES PROGRAM GO VIRGINIA APPLICATION** (12:29 p.m.)

Supervisor McKay stated that Northern Virginia is a leader in the technology sector. While the recent announcement of Amazon HQ2 to the region serving as the largest and loudest validation of this fact, there is evidence of this every day. One of the key reasons for these companies to locate here is due to the skilled workforce already here and the investments that the Commonwealth has been making to create and train the future workforce.

To maintain economic growth in the cyber and technology sector, attracting qualified employees into jobs must be a priority. Fortunately, the Fort Belvoir Army Base, as well as Marine Corps Base Quantico, bring transitioning military veterans and their spouses to the region. Many of these veterans exit military service with security clearances, making them potential candidates for employment with cybersecurity and technology employers.

The GO Virginia Northern Virginia Region 7 Council is expected to release a request for proposals for its next round of funding opportunities. As part of that, George Mason University (GMU) anticipates submitting a proposal for a Cyber-and-Tech Veterans and Spouses Program. This program will focus on aiding military-connected individuals with free career skills programs and career placement focused on gaining employment in cyber and technology fields. State

GO Virginia funding is conditioned on a minimum 20 percent match from local participating localities.

Therefore, as the home of GMU, Supervisor McKay moved that the Board direct the County Executive to:

- Prepare an Initial Project Evaluation (IPE) to review the benefits of appropriating funding from the Economic Development Support Fund (EDSF) to support the Cyber-and-Tech Veterans and Spouses Program Go Virginia application
- Make no investment from the EDSF until the Board has reviewed the GO Virginia application and approved the use of those funds

Supervisor Foust, Supervisor Gross and Supervisor Herrity jointly seconded the motion.

Supervisor Gross asked Supervisor McKay for additional information so that she can share it with the Northern Virginia Regional Commission (NVRC).

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

22. **HOLIDAY OPEN HOUSE (HUNTER MILL DISTRICT)** (12:32 p.m.)

Supervisor Hudgins extended an invitation to the Board and the community to attend the annual Hunter Mill District Holiday Open House on Wednesday, December 5 from 4 p.m. until 6 p.m., at the North County Government Center. She asked that attendees bring non-perishable food for distribution in the community.

KK:kk

23. **COMMONWEALTH TRANSPORTATION BOARD (CTB) PUBLIC MEETING ON THE PRIORITIZATION OF TRANSPORTATION PROJECTS** (12:33 p.m.)

Supervisor Foust noted that the CTB is holding meetings across the Commonwealth to provide the public with the opportunity to provide feedback on the list of proposed local and regional projects that have been submitted through Smart Scale. In August 2018, 158 local and regional governments across the Commonwealth submitted a total of 468 applications through Smart Scale.

As part of this meeting, a town hall session will engage stakeholders in discussion and provide an opportunity to ask questions about transportation projects and priorities. Stakeholders will have the opportunity to speak and provide comments, but, as this is not a formal public hearing, formal testimony will not be taken.

For Northern Virginia, the public meeting will be held on November 28, 2018, at 5:30 p.m. at the Virginia Department of Transportation's (VDOT) Northern Virginia District Office. VDOT and the Department of Rail and Public Transportation (DRPT) will be accepting comments until December 13, 2018.

The County has submitted ten projects to Smart Scale, as approved by the Board on July 10, 2018:

- Richmond Highway Widening (Napper Road to Mount Vernon Highway)
- Fairfax County Parkway Widening (Route 29 to Route 123)
- Soapstone Drive Extension/Dulles Toll Road Overpass
- Richmond Highway Bus Rapid Transit (BRT, Huntington Metrorail Station to Fort Belvoir)
- Frontier Drive Extension
- Braddock Road Improvements Phase I (Wakefield Chapel Road to Ravensworth Road)
- Braddock Road Improvements Phase II (Guinea Road to Wakefield Chapel Road)
- Davis Drive Extension/ Dulles Toll Road Overpass
- Seven Corners Ring Road (Phase 1A/Segment 1A)
- Route 28 Northbound Widening (McLearen Road to Route 50)

Smart Scale scores are expected to be released in January 2019, and the list of projects recommended for funding is expected thereafter. A public hearing is expected to be held in the spring of 2019 following the release of the recommendations. The Board has generally provided testimony and substantial comments in support of projects being considered for Smart Scale. However, since the specific information on project scores and funding recommendations is not yet available, and since a formal public hearing is expected in the spring, County staff is, instead, recommending that the Board provide a letter.

Therefore, Supervisor Foust moved approval of the comment letter, attached to his written Board Matter, to the CTB on the Prioritization of Transportation Projects to be sent to the Virginia Secretary of Transportation as part of the public comments record for the County. Supervisor McKay seconded the motion.

Tom Biesiadny, Director, Department of Transportation (DOT), briefly reviewed the comment letter to the CTB, with input from Noelle Dominguez, Coordination and Funding, DOT.

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

24. **DOMINION POWER'S SMART LEADER TECHNOLOGY** (12:45 p.m.)

Supervisor L. Smyth stated that she attended Dominion Power's Smart Leader Technology Breakout Session at the recent Virginia Association of Counties (VACo) annual meeting. She noted that the Board needs more information on this project as it will have an impact on the County's neighborhoods and businesses. The rollout of this project is expected to be done in five years.

Therefore, Supervisor L. Smyth asked unanimous consent that the Board direct staff to reach out to Dominion Virginia Power to gather additional information regarding its Smart Meter Technology. Without objection, it was so ordered.

Supervisor Gross stated that this should be an agenda item for the Environmental Committee as well as the subject of a presentation before the Northern Virginia Regional Commission.

25. **SUPPORT FOR A REGIONAL SCIENCE CENTER** (12:48 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Herrity said that the Children's Science Center has requested planning funds in the amount of \$7,000,000 in the State's 2020 budget for the construction of a regional science center under the Science Museum of Virginia, to be located on land donated to the Children's Science Center in the Dulles area of Loudoun County. In addition to education and workforce impacts, the project has valuable economic benefits for the Commonwealth and the region. An economic analysis by Dr. Steve Fuller of George Mason University estimates the regional science center will generate an economic impact of \$118 million in the short-term and \$11 million annually. Currently, the Center serves 70,000 visitors a year at its interactive Lab, a STEM museum based in Fairfax at Fair Oaks Mall, and in outreach programs at over 70 schools, libraries, and other venues across five jurisdictions. The Center prioritizes reaching underrepresented and economically disadvantaged children. With the significant support of businesses, private foundations, and individuals from across the region, the Center offers its services to nearly 40 percent of the region's 107 Title I elementary schools annually.

With a larger regional science center that leverages the capabilities of the Science Museum of Virginia, hundreds of thousands more students will be inspired in STEM learning, fueling future growth in the Commonwealth's technology workforce. This budget request is critical for Fiscal Year 2020 in order for the Science Museum to take advantage of the tremendous and time-limited opportunity to create this much-needed flagship community resource for the Commonwealth within Northern Virginia.

Supervisor Herrity expressed his belief that this project will have significant long-term positive impacts on the region's workforce, economy, and tourism. The Loudoun County Board of Supervisors has made this funding one of its six legislative priorities.

Therefore, Supervisor Herrity asked unanimous consent that the Board:

- Consider endorsement of the inclusion for these funds in the Governor's 2020 budget in the Board's legislative package that will be adopted December 4
- Direct staff to refer this issue to the Legislative Committee meeting, scheduled for November 27, for further discussion, to include information on the site location selection process, how County students will be able to access the Center, and whether the Fair Oaks Center will remain in operation

Without objection, it was so ordered.

26. **KOREAN-AMERICAN DAY** (12:54 p.m.)

Supervisor Herrity, referencing his written Board Matter, said that January is an important month for Korean-Americans in the community: in December of 1902, a group of 56 men, 21 women, and 25 children traveled from Korea across the Pacific Ocean, landing in Honolulu, Hawaii, on January 13, 1903. This event marked the first entry of Korean immigrants onto U.S. soil and the date of January 13 has since been recognized as national Korean-American Day.

Celebrations will take place all over the country and it will be no different here in the County. The celebration is being hosted by the Korean American Foundation of Greater Washington.

Therefore, Supervisor Herrity asked unanimous consent that the Board:

- Recognize January 13, 2019, as "*Korean-American Day*" in Fairfax County
- Direct staff to prepare a proclamation to be presented at the Korean-American Day celebration

Without objection, it was so ordered.

27. **RECOGNIZING JANUARY 2019 AS "NATIONAL HUMAN TRAFFICKING AWARENESS MONTH" IN FAIRFAX COUNTY** (12:54 p.m.)

Supervisor Herrity, referencing his written Board Matter, said that January 2019 will mark National Human Trafficking Awareness Month. He added that between

2013 to 2018, over 500 victims had been identified in Northern Virginia. Awareness of what to look for and asking the right question are critical to addressing this horrific crime.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct:

- The County Executive to prepare a resolution recognizing January 2019 as “*Human Trafficking Awareness Month*” in Fairfax County
- Staff to invite representatives from Just Ask, the Human Trafficking Task Force, the Commission for Women, and other community groups to appear before the Board on January 22, 2019, to receive the resolution

Without objection, it was so ordered.

28. **REQUEST FOR THE STATE BOARD OF GAME AND INLAND FISHERIES TO ADOPT A REGULATION FORBIDDING THE PLACEMENT OF BLINDS AND HUNTING MIGRATORY WATERFOWL WITHIN LITTLE HUNTING CREEK (MOUNT VERNON DISTRICT)** (12:55 p.m.)

Supervisor Storck said that he was contacted by residents who live along Little Hunting Creek who are concerned about hunters who were discharging weapons in the creek. They ultimately returned and built a duck blind to prepare for the commencement of hunting season beginning, November 21. Hunting with firearms in such a heavily populated area creates a danger to the residents and other recreational users of the creek and has created enforcement questions among various organizations. As a result, a team has been assembled and has been working to ensure the blind is removed and firearms are not discharged; this team includes the Office of the County Attorney, the County Police, the Mount Vernon Police Station, the Virginia Department of Game and Inland Fisheries (VDGIF), the National Park Service, the National Park Police, and impacted neighborhood residents. Thanks to everyone’s diligence, the duck blind was removed on November 20.

Supervisor Storck said that Virginia Code § 15.2-1209 authorizes counties to prohibit the outdoor shooting of firearms and certain other weapons in any areas of the county which, in the opinion of the governing body, are so heavily populated as to make such conduct dangerous to the inhabitants thereof. In 1993, the Board adopted an amendment to the Code of the County of Fairfax, Chapter 6 (Weapons), Section 6-1-2(a), which makes it unlawful to shoot a firearm in any area of the County that the Board has designated in Appendix J of the Code of the County of Fairfax, subject to exceptions required by State law. The areas that the Board designated in Appendix J as “no-shooting areas” include, among other places, the area of the County that contains Little Hunting Creek.

It has been determined that VDGIF is empowered to enact regulations restricting hunting and restricting the issuance of duck blind licenses. There are at least two examples of similar regulations applicable in the County: 4VAC15-260-110, applicable to Mason Neck State Park, and 4VAC15-260-150, applicable to Great Hunting Creek and Dyke Marsh.

Therefore, Supervisor Storck moved that the Board authorize that the County Executive to petition the State Board of Game and Inland Fisheries to adopt a similar regulation forbidding the placement of blinds, whether stationary or floating, within Little Hunting Creek and forbidding hunting migratory waterfowl within Little Hunting Creek. Chairman Bulova seconded the motion and it carried by unanimous vote.

DET:det

29. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (1:01 p.m.)

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

30. **AUTHORIZATION OF A POLICY PLAN AMENDMENT TO SUPPORT NATURAL LANDSCAPING AT COUNTY FACILITIES** (1:01 p.m.)

Supervisor Gross announced that, at the October 2 Environmental Committee meeting, staff provided an overview of natural landscaping on County property. One of the recommended “next steps” from that presentation was the Board’s authorization of an amendment to the Policy Plan volume of the Comprehensive Plan in support of natural landscaping at County facilities. The Committee endorsed this action.

Within the material provided for that briefing was a handout identifying draft Plan language that was developed during a review of natural landscaping issues in 2007 as well as alternative Plan text that was developed more recently by County staff. The Environmental Committee focused its review on the more recent staff alternative and requested that a number of changes be made to this alternative. The Committee endorsed Board authorization of a Comprehensive Plan amendment consistent with the alternative as revised. The handout dated November 20 includes the alternative text as revised per the Environmental Committee’s discussion. This language places natural landscaping within a broader context of environmentally-sensitive techniques for public facilities and sites.

Therefore, Supervisor Gross moved that the Board authorize consideration of a Plan amendment to incorporate support within the Policy Plan for natural landscaping at County facilities with the related handout from November 20 to guide, but not necessarily limit, this consideration. This may include the incorporation of the natural landscaping concept within the broader context of

environmentally-sensitive public facilities and sites. This motion, the second to which was inaudible, carried by unanimous vote.

31. **REQUEST FOR EXPEDITIOUS AND CONCURRENT PROCESSING FOR LB FRANKLIN FARMS, LLC (SULLY DISTRICT)** (1:04 p.m.)

Supervisor K. Smith stated that the applicant, LB Franklin Farms, LLC, submitted applications Final Development Plan Amendment Application FDPA 78-C-11821 and Special Exception SE 2018-SU-016 (the application") for a Starbucks, located at 13360 Franklin Farm Road, northwest of the intersection of the County Parkway and Franklin Farm Road. The application is filed on approximately 18.58 acres and identified as Tax Map parcels 35-1 ((4)) (21) 1, 2B, 3, 4, and 5. The subject property is zoned to the PDH-2 District and located within the Water Supply Overlay District. The purpose of the application is to permit the conversion of an existing financial institution building with a drive-through to a restaurant with a drive-through.

The applicant has a public hearing scheduled before the Planning Commission on February 20, 2019, and has requested authorization to process concurrent site and building plans/permits for the project in advance of that hearing and has asked for a date certain for a hearing before the Board.

Therefore, Supervisor K. Smith move that the Board:

- Direct the Director of the Department of Land Development Services to accept for concurrent and simultaneous review a site plan, architectural drawings, building permits, and/or other plans and permits as may be necessary to implement the improvements contemplated by the applicant with these applications
- Direct staff to schedule this application for a public hearing to be held before the Board on March 5, 2019

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 Gross seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

32. **RECESS/CLOSED SESSION** (1:06 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Virginia Alcoholic Beverage Control Board v. Board of Supervisors of Fairfax County, Virginia*, Record No. 0265-18-4 (Va. Ct. of App.) (Springfield District)
 - 2. *Andrew Cooper, Rebecca Cooper, Blake Ratcliff, Sara Ratcliff, Cecilia Gonzalez, Cindy Reese, Donald Walker, Debra Walker, Carmen Giselle Huamani Ober, Amjad Arnous, John A. McEwan, Mary Lou McEwan, Kevin Holley, Laura Quirk Niswander, Lori Marsengill, Gary Marsengill, Margaret Wiegenstein, Melinda Norton, Nagla Abelhalim, Nhung Nina Luong, Quan Nguyen, Robert Ross, Helen Ross, Sanjeev Anand, Anju Anand, Sarah Teagle, Sofia Zapata, Svetla Borisova, Nickolas Ploutis, Melinda Galey, Travis Galey, and Victoria Spellman v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2018-0012818 (Fx. Co. Cir. Ct.)
 - 3. *Steven Collado v. Fairfax County Government*, JCN VA00001079971 (Va. Workers' Comp. Comm'n)
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yun Su Sheue and Hao Kang Chen*, Case No. CL-2009-0014559 (Fx. Co. Cir. Ct.) (Braddock District)
 - 5. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Benjamin K. Canty and Judith M. Canty*, Case No. CL-2017-0012652 (Fx. Co. Cir. Ct.) (Braddock District)
 - 6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax*

- County Zoning Administrator v. John Jongki Lee and Eun Hee Lee*, Case No. CL-2017-0015187 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hector Medrano*, Case No. GV18-024895 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bruce A. Blackerby*, Case Nos. GV18-005577 and GV18-021645 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
 9. *Elizabeth Perry, Property Maintenance Code Official v. Catjen, LLC*, Case No. GV18-017881 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
 10. *David L. Clayton v. Board of Supervisors of Fairfax County, Virginia; County of Fairfax, Virginia; and White Horse Four, LLC*, Case No. CL-2018-0012862 (Fx. Co. Cir. Ct.) (Lee District)
 11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Aranibar Chinchilla, Rossemary Jeanneth Arnez Villarroel, and A&A Investment, LLC*, Case No. CL-2016-0006961 (Fx. Co. Cir. Ct.) (Lee District)
 12. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Martina Simpkins and Anthony Simpkins*, Case No. CL-2018-0002496 (Fx. Co. Cir. Ct.) (Lee District)
 13. *Elizabeth Perry, Property Maintenance Code Official v. Lahoussaine Amajoud and Fatima Amajoud*, Case No. GV18-024825 (Fx. Co. Gen. Dist. Ct.) (Lee District)
 14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George M. Yaworsky and Zenia M. Yaworsky*, Case No. CL-2018-0014854 (Fx. Co. Cir. Ct.) (Mason District)
 15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Elsa Campos*, Case No. CL-2018-0015005 (Fx. Co. Cir. Ct.) (Mason District)

16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John A. Williams*, Case No. CL-2018-0015006 (Fx. Co. Cir. Ct.) (Mason District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kenneth E. Reppart and Edna M. Reppart*, Case No. CL-2015-0000262 (Fx. Co. Cir. Ct.) (Mason District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Stella G. Tsentas Trust, George C. Tsentas, Trustee of the Stella G. Tsentas Trust, and Woine Inc. d/b/a Skyline Ethiopian Cuisine*, Case No. CL-2018-0015113 (Fx. Co. Cir. Ct.) (Mason District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Annette W. Baker*, Case No. CL-2018-0015211 (Fx. Co. Cir. Ct.) (Mason District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Francis A. Headley, Grace F. Headley, and Jerome E. Headley*, Case No. CL-2018-0015210 (Fx. Co. Cir. Ct.) (Mason District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Build America, LLC, and Bella Café and Lounge*, Case No. CL-2017-0007126 (Fx. Co. Cir. Ct.) (Mason District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jonathan Clark and Carolyn Clark*, Case No. CL-2017-0016073 (Fx. Co. Cir. Ct.) (Mason District)
23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Cathy Bishop and Thomas W. Bishop*, Case No. GV18-023444 (Fx. Co. Gen. Dist. Ct.) (Mt. Vernon District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Amy Junhong Long*, Case No. CL-2013-0005065 (Fx. Co. Cir. Ct.) (Providence District)

25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Julio M. Dominguez and Rina J. Espinoza*, Case No. GV18-023159 (Fx. Co. Gen. Dist. Ct.) (Providence District)
26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Aminullah Abbasi*, Case No. GV18-024827 (Fx. Co. Gen. Dist. Ct.) (Providence District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Yung Chi Yung*, Case No. CL-2017-0004961 (Fx. Co. Cir. Ct.) (Springfield District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David Edward Cusin Kettner and Rafaela Da Conceicao Otoni*, Case No. GV18-010761 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fernando Vargas and Graciela Vargas*, Case No. CL-2009-0017350 (Fx. Co. Cir. Ct.) (Sully District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John W. Gordon, IV*, Case No. GV18-023561 (Fx. Co. Gen. Dist. Ct.) (Sully District)
31. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Francis X. Lambert*, Case No. GV18-023560 (Fx. Co. Gen. Dist. Ct.) (Sully District)
32. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ernest K. Ralston*, Case No. GV18-023717 (Fx. Co. Gen. Dist. Ct.) (Sully District)
33. *Board of Supervisors of Fairfax County v. Jose R. Osorio Renderos*, Case No. CL 2018-0015213 (Fx. Co. Cir. Ct.) (Lee, Mason, Mount Vernon, and Providence Districts)
34. *Board of Supervisors of Fairfax County v. HANDSONREI, LLC*, Case No. GV18-024826 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(8), legal analysis regarding Virginia Code Section 15.2-852
- As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), Civil Action Number 1:17-cv-01155 (United States District Court for the Eastern District of Virginia)

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

ADDITIONAL BOARD MATTER

33. **INTENT TO DEFER PUBLIC HEARINGS (DRANESVILLE AND MOUNT VERNON DISTRICTS)** (1:07 p.m.)

Supervisor Foust announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2016-DR-027 and Proffered Condition Amendment Application PCA-C-637-04 due to an affidavit issue.

Chairman Bulova noted that there was a public hearing in the Mount Vernon District which was to be deferred indefinitely.

At 3:09 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

(NOTE: Later in the meeting these public hearings were deferred. See Clerk's Summary Item #42 and Clerk's Summary Item #41.)

ACTIONS FROM CLOSED SESSION

34. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:09 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."

35. **AUTHORIZING AN OFFER OF SETTLEMENT** (3:10 p.m.)

Supervisor Gross moved that the Board authorize and direct the County Attorney to propose an agreement in *Bruce & Tanya and Associates, Incorporated v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, et al.*, Case Number 1:17-cv-01155 in accordance with the terms and conditions outlined by the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by unanimous vote.

36. **MOTION TO APPOINT** (3:10 p.m.)

Supervisor Gross moved the appointment of Ms. Barbara A. Byron to be dual encumbered in the position of Director of the Department of Planning and Zoning (DPZ), Grade E-12, with a starting salary of \$192,388.77, effective December 10, 2018. With this appointment, Ms. Byron will be positioned to ultimately be the director of a future department that will combine DPZ and the Office of Community Revitalization (OCR). The appointment is effective December 10 to facilitate Ms. Byron's participation in the development of the new agency which will be launched next year. Supervisor McKay seconded the motion.

Following Chairman Bulova's recognition of Ms. Byron in the Board Auditorium, the question was called on the motion and it carried by unanimous vote.

AGENDA ITEMS

37. **A-8 -MINOR VARIATION REQUEST FOR REZONING APPLICATION RZ 1997-BR-025 BY VIRENDRA BERY, SURENDRA BERRY, AND SHASHI BERRY TO MODIFY THE ARCHITECTURAL TREATMENTS APPROVED BY PROFFER 1(C) ON PROPOSED SINGLE FAMILY DETACHED DWELLINGS (BRADDOCK DISTRICT)** (3:12 p.m.)

Ms. Johanna Devon, reaffirmed the validity of the affidavit for the record.

Bob Katai, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the request, site location, and staff recommendations.

In accordance with Zoning Ordinance Section 18-204(5) and Virginia Code §15.2-2302, Supervisor Cook moved that the Board:

- Waive the requirement of a public hearing
- Approve a minor variation of Proffer 1(c) of Rezoning Application RZ 1997-BR-025 to permit the addition of cementitious facing and/or stone, as architectural treatments, as detailed in Action Item 8 and the Minor Variation Statement filed by the applicants

Chairman Bulova seconded the motion.

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

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38. **3 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2019 VIRGINIA GENERAL ASSEMBLY** (3:19 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2018.

Supervisor McKay, Chair of the Board's Legislative Committee, presented a brief synopsis of the proposed legislative program, noting the following:

- The program features the need for additional State support for education as its top priority and urges the State to fully meet its responsibility and its own created standards of quality, including restoration of full funding for Cost-of-Competing.
- As a reminder, the Human Services Issue Paper, at the Board's direction, has been drafted in a condensed version of the issue paper, and reflects recommended County positions without lengthy background information in order to ensure that the document is concise for the legislators; it is also offered for today's public hearing. A full version of the Issue Paper, with background information, is posted on the Agenda for reference.
- The Board received, from the Commission of Women, a Resolution on Protective Orders the day prior to the last Legislative Committee meeting and has asked staff to incorporate language for the Board's consideration at the next Legislative Committee meeting.

Following the public hearing, which included testimony by six speakers, discussion ensued regarding opening schools while elections are conducted and the need to have a discussion with the School Board regarding the issue.

Supervisor McKay announced that the draft budget fact sheet has been distributed to Board Members and requested that any feedback on the fact sheet be provided to him prior to preparation of the final copy.

Supervisor McKay noted the next meeting of the Legislative Committee will be held on November 27 and Board adoption of its Legislative Program will be held at the Board's meeting on December 4.

On December 11, the Board will host its annual legislative work session with the County's delegation to the General Assembly.

39. **3:30 P.M. - DECISION ONLY ON REZONING APPLICATION RZ 2017-DR-023 (TRADITION HOMES, LLC) (DRANESVILLE DISTRICT)** (3:50 p.m.)

(O) (NOTE: On October 30, 2018, the Board held a public hearing regarding this item and deferred decision until November 20, 2018.)

This property is located on the east side of Dranesville Road approximately 960 feet south of its intersection with Wiehle Avenue. Tax Map 10-2 ((1)) 5.

Supervisor Foust noted that the decision only on this application was deferred, to review the record, as the application is subject to certain restrictions contained in Virginia Code Section 15.2-2303.4. He then made the following comments:

I note that the applicant and his attorney for Rezoning Application RZ 2017-DR-023 have acknowledged on multiple occasions that the proffers are voluntary and reasonable, and that the locality has not suggested, requested, or required any proffer much less anything unreasonable.

In light of those representations, Supervisor Foust moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2017-DR-023 from the R-1 District to R-3 District, subject to the execution of proffered conditions dated October 11, 2018. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor Cook being out of the room.

40. **3:30 P.M. - PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC B-846-05 (WOODFIELD ACQUISITIONS, LLC) (HUNTER MILL DISTRICT)**

AND

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

AND

PH ON DEVELOPMENT PLAN AMENDMENT APPLICATION DPA-HM-117-03 (WOODFIELD ACQUISITIONS, LLC) (HUNTER MILL DISTRICT) (3:52 p.m.)

- (O) (NOTE: On October 30, 2018, the Board deferred the public hearing on these items until November 20, 2018.)

The application property for Planned Residential Community Application PRC B- 846-05 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.

The application property for Proffered Condition Amendment Application PCA B-846-04 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.

The application property for 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.

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

Mark 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.

Discussion ensued regarding the setback of structures from the Dulles Toll Road and noise mitigation measures.

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

Following discussion, regarding screening and noise impacts, Supervisor Hudgins moved that the Board defer decision only, with the record remaining open for written comments, for Proffered Condition Amendment Application PCA B-846-04, Development Plan Amendment Application DPA-HM-117-03, and Planned Residential Community Application PRC B-846-05 until **December 4, 2018, 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.

41. **3:30 P.M. - PH ON REZONING APPLICATION RZ 2018-MV-007 (LAFAYETTE BUILDING, LLC) (MOUNT VERNON DISTRICT)**
(4:35 p.m.)

(NOTE: On October 16, 2018, the Board deferred the public hearing until November 20, 2018.)

Supervisor Storck moved to indefinitely defer the public hearing on Rezoning Application RZ 2018-MV-007. Chairman Bulova seconded the motion and it carried by unanimous vote.

42. **3:30 P.M. - PH ON REZONING APPLICATION RZ 2016-DR-027 (POMEROY/CLARK I, LLC) (DRANESVILLE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-637-4 (POMEROY/CLARK I, LLC) (DRANESVILLE DISTRICT)
(4:36 p.m.)

Supervisor Foust moved to defer the public hearing on Proffered Condition Amendment Application PCA C-637-04 and Rezoning Application RZ 2016-DR 027, 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.

43. **3:30 P.M. - PH ON REZONING APPLICATION RZ 2017-DR-028 (W-MRP LP OWNER A VIII, LLC) (DRANESVILLE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-C-037-08 (W-MRP LP OWNER A VIII, LLC) (DRANESVILLE DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-696-12 (W-MRP LP OWNER A VIII, LLC) (DRANESVILLE DISTRICT) (4:36 p.m.)

- (O) The application property for Rezoning Application RZ 2017-DR-028 is located in the southwest quadrant of the intersection of Sunrise Valley Drive and Dulles Technology Drive, Tax Map 15-4 ((1)) 34B and 16-3 ((1)) 4D, 32D, and 40.

The application property for Proffered Condition Amendment Application PCA 79-C-037-08 is located in the southwest quadrant of the intersection of Sunrise Valley Drive and Dulles Technology Drive, Tax Map 15-4 ((1)) 34B and 16-3 ((1)) 4D, 32D, and 40.

The application property for Proffered Condition Amendment Application PCA C-696-12 is located southeast of the intersection of Sayward Boulevard and Dulles Station Boulevard, Tax Map 15-4 ((5)) 3B.

Ms. Sara Mariska reaffirmed the validity of the affidavit for the record.

Supervisor K. Smith disclosed that she received a campaign contribution in excess of \$100 from:

- Ms. Marguerite F. Godbold, the applicant

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

- Mr. Timothy B. Hackman, Member of the Park Authority Board

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

Ms. Mariska 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 (PC) recommendations.

Following comments, Supervisor Foust moved:

- Approval of Proffered Condition Amendment Application PCA 79-C-037-08
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2017-DR-028 from the I-5 and PDC Districts to the PDH-20 District and approval of the associated Conceptual Development Plan (CDP), subject to the execution of proffered conditions dated November 19, 2018
- Approval of Proffered Condition Amendment Application PCA C-696-12, subject to the execution of proffered conditions consistent with those dated October 16, 2018
- Approval of the waivers and modifications contained in the handout dated November 1, 2018, which will be made part of the record:
 - Modification of Section 6-107.2 of the Zoning Ordinance (ZO) to modify the minimum 200 square foot privacy yard for each single-family attached dwelling as shown on the CDP/Final Development Plan (FDP)

- Modification of Section 6-206 of the ZO to allow the maximum 50 percent of gross floor area (GFA) for secondary use (residential area) permitted in the PDC District to increase to 70.16 percent of the development in accordance with the uses shown on the CDP/FDP and the proffers
- Modification of Section 11-103 of the ZO requiring loading spaces to permit 16 loading spaces in lieu of the 24 required spaces
- Modification of Section 11-302 of the ZO to modify the length and geometric design requirement for private streets to permit that shown on the CDP/FDP
- Modification of Section 17-201.4 of the ZO for the dedication and construction of widening for existing roads on new alignment, and proposed roads indicated on the adopted Comprehensive Plan to permit dedication and construction of roads as shown on the CDP/FDP
- Modification of Section 2-506 of the ZO to allow a parapet wall, cornice or similar project to exceed the established height limit by more than three feet as shown on the CDP/FDP
- Waiver of Section 10-0306 of the Public Facilities Manual to allow trash and recycling collection to be picked up curbside for the multifamily stacked units in lieu of an on-site dumpster pad

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

(NOTE: On November 8, 2018, the PC approved Final Development Plan Application FDP-2017-DR-028, subject to the development conditions dated October 16, 2018.)

(NOTE: On November 8, 2018, the PC approved Final Development Plan Amendment Application FDPA C-696-05, subject to the development conditions dated October 16, 2018.)

44. **4 P.M. - PH ON PROPOSED PLAN AMENDMENT 2017-III-P1, LOCATED AT 9901 AND 9801 BRADDOCK ROAD (BRADDOCK DISTRICT)** (4:54 p.m.)

Supervisor Cook made the following preliminary comment before beginning the public hearing:

We are here for a public hearing on a proposed Comprehensive Plan amendment. Because this amendment involves possible residential use as an alternative to a possible continuing care facility, it could implicate Virginia Code Section 15.2-2303.4, which the Virginia General Assembly enacted in 2016. That statute restricts local authority regarding proffers in certain residential rezonings. Although this hearing doesn't involve a rezoning application, we want to be certain that nothing said or done here could in any way raise an issue under that statute in a future rezoning application.

So, in an abundance of caution, even though we are not considering a residential rezoning application today, we will discuss and consider only the impacts of any potential development of the subject property, not any proffers that a future rezoning applicant might make to address those impacts. Nothing in our discussion here should be construed as a request, suggestion, or requirement for any proffer.

Due to the statute and the uncertainty over its application, our discussion of certain issues may be more constrained than has been the case historically. In the past, we've had open, collaborative discussions not only about the impacts of proposed development, but also about how those impacts might be addressed. Unfortunately, the new statute doesn't encourage such an open dialogue.

Finally, it goes without saying but I will reiterate it for the record: testimony, and comments from the public represent the views of the individuals only, and not the views of the locality, the Board, or individual Board Members.

Roger Dindyal, Planner II, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by five speakers, Supervisor Cook submitted items for the record.

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

Supervisor Cook moved that the Board postpone the decision on Plan Amendment 2017-III-P1 until after the 4:30 p.m. public hearing to lease County-

owned property to the Workhouse Arts Foundation. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #49.)

45. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2018-II-F1, LOCATED IN THE NORTHEAST QUADRANT OF THE INTERSECTION OF BRADDOCK ROAD AND ROBERTS ROAD (BRADDOCK DISTRICT)**
(5:18 p.m.)

Supervisor Cook made the following preliminary comment before beginning the public hearing.

We are here for a public hearing on a proposed Comprehensive Plan amendment. Because this amendment involves possible residential use, it could implicate Virginia Code Section 15.2-2303.4, which the Virginia General Assembly enacted in 2016. That statute restricts local authority regarding proffers in certain residential rezonings. Although this hearing doesn't involve a rezoning application, we want to be certain that nothing said or done here could in any way raise an issue under that statute.

So, in an abundance of caution, even though we are not considering a residential rezoning application today, we will discuss and consider only the impacts of any potential development of the subject property, not any proffers that a rezoning applicant might make to address those impacts. Nothing in our discussion here should be construed as a request, suggestion, or requirement for any proffer.

Due to the statute and the uncertainty over its application, our discussion of certain issues may be more constrained than has been the case historically. In the past, we've had open, collaborative discussions not only about the impacts of proposed development, but also about how those impacts might be addressed. Unfortunately, the new statute doesn't encourage such an open dialogue.

Finally, it goes without saying, but I will reiterate it for the record: testimony and comments from the public represent the views of the individuals only, and not the views of the locality, the Board, or individual Board Members.

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

Following the public hearing, which included testimony by four speakers, Supervisor Cook submitted items for the record.

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

Supervisor Cook moved that the Board postpone the decision on Plan Amendment 2018-II-F1 until after the 4:30 p.m. public hearing to lease County-owned property to the Workhouse Arts Foundation. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor L. Smyth and Supervisor Storck being out of the room.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item #50.)

46. **4 P.M. - PH TO CONVEY BOARD-OWNED PROPERTY ON SOUTH VAN DORN STREET (OAKWOOD PROPERTY) TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (LEE DISTRICT)** (5:35 p.m.)

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, which included testimony by six speakers, Mr. Lambert presented the staff recommendation.

Chairman Bulova and Supervisor McKay made clarifying comments, with input from Mr. Lambert.

Supervisor McKay moved that the Board authorize the County to prepare and execute all documentation necessary to convey Board-owned property near the intersection of South Van Dorn Street and Oakwood Road, identified by Tax Map 81-2 ((1)) 17C and 81-4 32, 33, and 34, to the FCRHA, subject to the condition that the property must be used to create affordable senior housing. In the event the FCRHA no longer pursues the project, rezonings, and Plan amendments are not approved, the FCRHA will transfer ownership of the property back to the Board. Approval of this motion shall in no way prejudice or affect any upcoming review and should not be construed as support by the Board for a Plan amendment or rezoning application. Supervisor Gross seconded the motion.

Supervisor McKay reiterated that once the conveyance occurs, and more information is provided, there will be meetings of the affected communities. This application, if it does become a Plan amendment and rezoning application, will be subject to the land use process that is already in place in Lee District and additional steps of review by the Planning Commission and the Board of Supervisors.

The question was called on the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

47. **4:30 P.M. – PH ON WAIVER OF PUBLIC STREET FRONTAGE FOR 1016 UNION CHURCH ROAD (DRANESVILLE DISTRICT)** (6:03 p.m.)

John Friedman, Engineer IV, Site Code Research and Development Branch, Land Development Services, presented the staff report.

Mark Viani, agent for the applicant, gave a presentation regarding the waiver applications.

Supervisor Foust submitted items for the record.

Mr. Friedman presented the Planning Commission (PC) recommendation.

Supervisor Foust moved approval of Public Street Frontage Waiver 1131-WPSF-001-01, Section 101-2-2 (3) (C), of the Subdivision Ordinance to permit subdivision of 1016 Union Church Road into two lots without the required public street frontage subject to the development conditions dated September 27, 2018. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

48. **4:30 P.M. - PH TO LEASE COUNTY-OWNED PROPERTY (BUILDING W-2 AND W-2A) AT 9528 WORKHOUSE WAY TO THE WORKHOUSE ARTS FOUNDATION (WAF) (MOUNT VERNON DISTRICT)** (6:17 p.m.)

Joe LaHait, Debt Coordinator, Department of Management and Budget, presented the staff report.

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

Supervisor Storck moved that the Board authorize staff to lease County-owned property (Building W-2 and W-2a) at 9528 Workhouse Way to the WAF. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

49. **4 P.M. - PH ON PROPOSED PLAN AMENDMENT 2017-III-P1, LOCATED AT 9901 AND 9801 BRADDOCK ROAD (BRADDOCK DISTRICT)** (6:29 p.m.)

(NOTE: Earlier in the meeting the decision on this item was postponed. See Clerk's Summary #44.)

Supervisor Cook, referencing his earlier comments, gave a brief description of the application.

Supervisor Cook moved that the Board adopt the Planning Commission recommendation for Plan Amendment 2017-III-P1 as shown in the Board Agenda Item. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

Supervisor Cook thanked the many people who worked diligently on this Plan amendment.

50. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2018-II-F1, LOCATED IN THE NORTHEAST QUADRANT OF THE INTERSECTION OF BRADDOCK ROAD AND ROBERTS ROAD (BRADDOCK DISTRICT)**
(6:38 p.m.)

(NOTE: Earlier in the meeting the decision on this item was postponed. See Clerk's Summary #45.)

Supervisor Cook, referencing his earlier comments, gave a brief description of the application

Supervisor Cook moved that the Board adopt the Planning Commission recommendation for Plan Amendment 2018-II-F, as shown in the Board Agenda Item. Supervisor Herrity seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor L. Smyth being out of the room and Chairman Bulova abstaining.

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51. **4:30 P.M. - PH TO CONSIDER 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** (6:48 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 2 and November 9, 2018.

Philip Hagan, Budget Services Coordinator, Department of Management and Budget (DMB), presented the staff report.

Chairman Bulova announced that Supervisor L. Smyth was unable to attend the meeting this afternoon but was listening to the testimony being presented.

Supervisor Gross, Chair of the Personnel Committee, acknowledged the work of the Retirement Work Group, that was tasked by the Board, to provide

recommendations regarding potential amendments to the retirement systems. She reiterated that the amendments will be effective for new employees hired on or after July 1, 2019.

Discussion ensued, with input from Mr. Hagan and Joseph Mondoro, Chief Financial Officer, DMB, regarding the proposed amendments, the employee share of contributions to the Retirement systems; investment strategies; and leaving the plan in a better financial state.

Following the public hearing, which included testimony by 33 speakers, Supervisor Gross moved to defer decision on the 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 until **December 4, 2018, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor L. Smyth, being out of the room.

52. **BOARD ADJOURNMENT** (9:40 p.m.)

The Board adjourned.