



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 25, 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, September 25, 2018, at 9:35 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; Ekuu Brew-Ewool, Kecia Kendall, and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:36 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Frank de la Fe, who died recently. Mr. de la Fe was involved for many years in Reston and always gave back to his community. He served on many boards and committees including the Reston Association. Mr. de la Fe served as Chairman of the Fairfax County Park Authority and recently retired from the Planning Commission.

Supervisor McKay asked everyone to keep in thoughts the family of Harold Henderson, who died recently. Mr. Henderson served in Lee District for many decades as a parks commissioner, a youth coach, a civil service commissioner and so much more. He had a very distinguished career in Federal law enforcement and was a very active member of the National Organization for Black Law Enforcement Executives (NOBLE).

Supervisor Gross asked everyone to keep in thoughts the family of Dave Davis, who died recently. Mr. Davis was a 16- year County employee with the Facilities Management Department. He was a facilities manager for County government buildings and grounds and took great care and pride in his work.

Supervisor Gross asked everyone to keep in thoughts the family of Steve Bodzin, who died recently. Mr. Bodzin was a leader at the Jewish Community Center of Northern Virginia.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO CHANTILLY HIGH SCHOOL** (9:42 a.m.)

Supervisor K. Smith moved approval of the Certificate of Recognition presented to Chantilly High School for winning the 2017-2018 Wells Fargo Cup for Academics Virginia Class 6A State Championship. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. NICOLE RE OF CHANTILLY HIGH SCHOOL** (9:49 a.m.)

Supervisor K. Smith moved approval of the Certificate of Recognition presented to Ms. Nicole Re of Chantilly High School for winning the girls 800-meter Individual Run Virginia Class 6A State Championship. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. WILL PAK OF CHANTILLY HIGH SCHOOL** (9:54 a.m.)

Supervisor K. Smith moved approval of the Certificate of Recognition presented to Mr. Will Pak of Chantilly High School for winning the boys Individual Tennis Virginia Class 6A State Championship. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO THE CHANTILLY HIGH SCHOOL BOYS TENNIS TEAM** (9:58 a.m.)

Supervisor K. Smith moved approval of the Certificate of Recognition presented to the Chantilly High School Boys Tennis Team for winning the Virginia Class 6A State Championship. Supervisor Herrity seconded the motion and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE ROBERT E. LEE HIGH SCHOOL LIBRARY** (10:06 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to the Robert E. Lee High School library for being named the National School Library Program of the Year by the American Association of School Librarians. Chairman Bulova and Supervisor Storck jointly seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2018, AS “HISPANIC HERITAGE MONTH” IN FAIRFAX COUNTY** (10:17 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating September 15 - October 15, 2018, as "*Hispanic Heritage Month*" in Fairfax County and urged all residents to join in recognizing the contributions of members of the Hispanic-American community in the County and throughout the United States. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING SEPTEMBER 2018 AS “KINSHIP CARE AWARENESS MONTH” IN FAIRFAX COUNTY** (10:27 a.m.)

Supervisor Hudgins moved approval of the Proclamation designating September 2018 as "*Kinship Care Month*" in Fairfax County and urged all residents to acknowledge and celebrate the importance of kinship caregivers and the children they are raising in stable, loving, and nurturing households. Supervisor McKay seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING OCTOBER 2018 AS “DOMESTIC VIOLENCE AWARENESS MONTH” IN FAIRFAX COUNTY** (10:38 a.m.)

Supervisor Cook moved approval of the Proclamation designating October 2018 as "*Domestic Violence Awareness Month*" in Fairfax County and urged all residents to become involved in efforts to prevent and respond to domestic violence and recognize the impact of domestic violence in the community. Supervisor Herrity and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

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10. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (10:55 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 September 25, 2018.” Chairman Bulova seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

ADVISORY SOCIAL SERVICES BOARD

Reappointment of:

- Dr. Nancy Dalton Hall as the Mason District Representative

The Board deferred the appointment of the Dranesville District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

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

ARCHITECTURAL REVIEW BOARD

Reappointment of:

- Mr. Jason D. Sutphin as the Related Professional Group #6 Representative

The Board deferred the appointment of the Architect #1, Related Professional Group #1, #3, and #4 Representatives.

ATHLETIC COUNCIL

Appointment of:

- Mr. Jon K. Samson as the Member-At-Large Alternate Representative

The Board deferred the appointment of the Lee District Alternate, Mason District Alternate, Providence District Alternate, and Women's Sports Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Appointment of:

- Mr. Jon S. Aldridge as the Braddock District Representative

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.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

Reappointment of:

- Ms. Karen Pica as the At-Large #1 Representative

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

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

CHILD CARE ADVISORY COUNCIL

Reappointment of:

- Ms. Monica Jackson as the Braddock District Representative
- Ms. Courtney Park as the Hunter Mill District Representative

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

Appointment of:

- Mr. John Townes as Chairman of the Civil Service Commission

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

COMMISSION ON AGING

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

CONSUMER PROTECTION COMMISSION

Appointment of:

- Mr. Daton Lynch as the Fairfax County Resident #7 Representative

Reappointment of:

- Ms. Abrar Omeish as the Fairfax County Resident #9 Representative
- Mr. John Theodore Fee as the Fairfax County Resident #10 Representative

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

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Appointment of:

- Mr. Christopher Boeder as the Providence 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

Appointment of:

- Mr. Dominic Bonaiuto as the At-Large #1 Representative

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

ENGINEERING STANDARDS REVIEW COMMITTEE

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

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Mr. Steve Morrison as the Advocacy Organizations #2 Representative
- Ms. Doris Ray as the Advocacy Organizations #3 Representative
- Mr. Ron Wiersma as the Community/Religious Leaders #4 Representative
- Mr. John Cutler as the Community/Religious Leaders #5 Representative

- Ms. Dorothy Keenan as the Constituents/Consumer #3 Representative
- Mr. Lawrence Muya as the Constituents/Consumer #4 Representative
- Ms. Megumi Inoue as the Educational Organizations #3 Representative
- Ms. Jennifer L. Disano as the Educational Organizations #4 Representative
- Ms. Ann L. Long as the Educational Organizations #5 Representative
- Ms. Jocelyn Rappaport as the Fairfax City Representative
- Mr. Albert J. McAloon as the Fairfax County Redevelopment and Housing Authority Representative
- Ms. Patricia Dunn Williams as the Long Term Care Providers #1 Representative
- Ms. Judy Seiff as the Long Term Care Providers #3 Representative
- Ms. Sharon F. Canner as the Long Term Care Providers #4 Representative
- Ms. Mary Jayne Panek as the Long Term Care Providers #5 Representative
- Ms. Christine Clark as the Long Term Care Providers #6 Representative
- Dr. Heisung Lee as the Long Term Care Providers #8 Representative
- Ms. C. Courtney Hutson Nuzzo as the Long Term Care Providers #11 Representative
- Ms. April-Lyn Pinch Keeler as the Long Term Care Providers #13 Representative
- Dr. Eleanor M. Vincent as the Long Term Care Providers #18 Representative

- Ms. Lucinda Shannon as the Long Term Care Providers #19 Representative
- Ms. Marie J. Woodard as the Long Term Care Providers #21 Representative
- Ms. Cheryl Lynn Maloney Rodakowski as the Long Term Care Providers #31 Representative
- Dr. Terence McCormally as the Medical Community #3 Representative

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Appointment of:

- Ms. Sondra Seba Hemenway as the At-Large Chairman's Representative

The Board deferred the appointment of the Springfield District Representative.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Reappointment of:

- Ms. Bettina Lawton as the Hunter Mill District Representative

(NOTE: This nomination was announced on July 31, 2018.)

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

HEALTH SYSTEMS AGENCY BOARD

Appointment of:

- Dr. John J. Whyte as the Provider #3 Representative

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

HISTORY COMMISSION

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

HUMAN RIGHTS COMMISSION

Appointment of:

- Mr. Bryan W. Hudson as the At-Large #3 Representative

Reappointment of:

- Mr. George Alber as the At-Large #1 Representative
- Ms. Meena Bhinge as the At-Large #10 Representative

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.

MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY

Appointment of:

- Ms. Karen R. Hammond as the Developer 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.

POLICE CIVILIAN REVIEW PANEL

Appointment of:

- Mr. Robert E. Cluck as the Seat #2 Representative

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen At-Large #3 Representative.

REDEVELOPMENT AND HOUSING AUTHORITY

Appointment of:

- Mr. Ezra Rosser as the At-Large #1 Representative

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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

ROAD VIEWERS BOARD

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

Appointment of:

- Mr. Lewis C. Brodsky as the Lee District Representative
- Mr. Vincent J. Fusaro as the Mount Vernon District Representative

The Board deferred the appointment of the Providence District Representative.

TREE COMMISSION

The Board deferred the appointment of the Providence District Representative.

TRESPASS TOWING ADVISORY BOARD

Appointment of:

- Ms. Denver Supinger as the Citizen Alternate Representative

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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

WETLANDS BOARD

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

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11. **10:30 A.M. - PUBLIC HEARING ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2018 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2019 REVISED BUDGET PLAN**
(10:57 a.m.)

(FPR)

(SAR)

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 September 7 and September 14, 2018.

Following remarks by Chairman Bulova, Joe Mondoro, Chief Financial Officer, outlined the *FY 2018 Carryover Review Package*.

Following the public hearing, which included testimony by five speakers, Supervisor McKay, Chair of the Board's Budget Committee, moved approval of the Carryover package including Supplemental Appropriation Resolution (SAR) AS 19009 and amendment to the Fiscal Planning Resolution (FPR) AS 19900.

Supervisor McKay stated that this approval includes the *FY 2018 Carryover Review* package as presented on July 31, 2018, which resulted in an available non-recurring General Fund balance of \$10.50 million, as well as the following adjustments:

1. One-time funding, in the amount of \$4,500,000, to support a Countywide Energy Strategy. The Energy Strategy will promote cost-effective, energy-efficient, innovative technologies and an energy-conscious culture that encourages strategic decisions regarding energy consumption.
2. One-time funding, in the amount of \$100,000, for the Complete Count effort for the 2020 Census. The effort will reach out to "hard to count" populations to ensure that every County resident participates. This is important because the population count drives how much funding the County receives from the Federal government; impacts redistricting at the Federal, State and local levels, and helps future needs.
3. Recurring funding, in the amount of \$200,000, to support the Innovation Fund that is included in the Health and Human Services Resource Plan. The Innovation Fund will encourage the development of new and innovative approaches that transform nonprofit service delivery practices, create entrepreneurial venues that support their mission, or foster the utilization of technology to improve customer outcomes.

4. One-time funding, in the amount of \$500,000, to support the establishment of a Korean community center. This future community center will be a multi-cultural center with services and amenities accessible to all residents of the County.
5. One-time funding, in the amount of \$30,000, for pole-mounted speed display signs. These signs are an effective traffic calming option and data collected from them allows the Police Department to provide targeted speed enforcement.
6. One-time funding, in the amount of \$15,000, for the installation of additional neighborhood speeding signs. These "Slow Down, You Live Here, We Live Here" signs are popular in the County and requests have been received to install additional signs.
7. One-time funding, in the amount of \$100,000, to support the development and programming of an interim pop-up park in the Bailey's Crossroads revitalization area. A space will be available when the County-owned building at 5827 Columbia Pike is torn down. The interim park will provide open space and will be a focal point for the surrounding community.

With these, and associated reserve adjustments, the remaining balance to be set aside in reserve for one-time FY 2019 and FY 2020 requirements is approximately \$4.49 million. When combined with the \$0.12 million held in reserve as part of the FY 2019 Adopted Budget Plan, a total of \$4.61 million is to be set aside in reserve for one-time FY 2019 and FY 2020 requirements.

Chairman Bulova seconded the motion.

Supervisor Hudgins moved a substitute motion to exclude Item 4 from the Carryover package. This motion died due to the lack of a second.

Discussion ensued with Board Members expressing their support/non-support of the motion.

Discussion continued, with input from Mr. Mondoro, regarding the funding for the pole-mounted speed display signs.

Supervisor Herrity asked unanimous consent that the Board direct staff to review how the collection of data by the Police Department and the Department of Transportation can be pooled together and best used for the benefit of both agencies. Without objection, it was so ordered.

Following a query by Supervisor Hudgins regarding One Fairfax, Bryan J. Hill, County Executive, stated that he is working with staff to create a process, to be shared with the Board, on how the County will move forward with One Fairfax.

The County plan is to develop a strategic plan detailing the priorities of the Board which will provide the framework to incorporate the tenets of One Fairfax, as well as providing the roadmap towards advancing social and racial equity in our County.

Supervisor Foust asked unanimous consent that the Board direct staff to provide a breakdown on how many E-status employees work for the County, their length of service and the number of hours worked each year. Without objection, it was so ordered.

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

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12. **ADMINISTRATIVE ITEMS** (11:50 a.m.)

Supervisor Gross moved approval of Administrative Items 1-13, with Administrative Item 14 considered separately. Chairman Bulova seconded the motion.

Supervisor L. Smyth called the Board’s attention to Admin 4 - Authorization to Advertise a Public Hearing to Lease County-Owned Property at 4110 Chain Bridge Road to New Cingular Wireless PCS, LLC (Providence District) and noted that the location of the antennas, particularly the ones potentially located in the view shed of the Legato School, were not clearly indicated on the plan.

Supervisor L. Smyth called the Board’s attention to Admin 10 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Editorial and Minor Revisions. Discussion ensued, with input from Donna Pesto, Deputy Zoning Administrator, regarding determining the number of parking spaces for private, civic, and fraternal clubs.

Supervisor Foust called the Board’s attention to Admin 8 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax and the Public Facilities Manual (PFM) Regarding the “PFM Flex Project,” a Fairfax First Initiative to Improve the Speed, Consistency, and Predictability of the County’s Land Development Review Process. Discussion ensued, with input from Keith Cline, Director, Urban Forest Management Division, Department of Public Works and Environmental Services, regarding the phrase “increased flexibility for counting tree canopy.”

The question was called on the motion to approve Administrative Items 1–13 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 – APPROVAL OF A RESOLUTION TO ALLOW VIRGINIA MEDICAL TRANSPORT (VMT) LLC, A SUBSIDIARY OF AMERICAN MEDICAL RESPONSE (AMR) INCORPORATED TO OPERATE AS PHYSICIANS TRANSPORT SERVICE (PTS) LLC FOLLOWING THE ACQUISITION OF SUBSTANTIALLY ALL THE ASSETS OF PTS

- (R) Adopted the Resolution allowing VMT/AMR to operate as PTS, a contractual Emergency Medical Service (EMS) support provider within the County.

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT THE I-95 LANDFILL TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 16, 2018, at 4:30 p.m.**, regarding the leasing of County-owned property adjacent to a radio tower to WMATA for the provision of telecommunications services for its emergency safety network.

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 12011 GOVERNMENT CENTER PARKWAY TO NEW CINGULAR WIRELESS PCS, LLC (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 16, 2018, at 4:30 p.m.**, regarding the leasing of County-owned property to New Cingular Wireless PCS, LLC (AT&T) for the provision of telecommunications services for public use at the Pennino Building at 12011 Government Center Parkway.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 4110 CHAIN BRIDGE ROAD TO NEW CINGULAR WIRELESS PCS, LLC (PROVIDENCE DISTRICT)

- (A) (NOTE: Earlier in the meeting, this item was discussed. See page #14.)

Authorized the advertisement of a public hearing to be held before the Board on **October 16, 2018, at 4:30 p.m.**, regarding the leasing of County-owned property to New Cingular Wireless PCS, LLC (AT&T) for the provision of

telecommunications services for public use at the Jennings Judicial Center at 4110 Chain Bridge Road.

ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF BRADDOCK ROAD WALKWAY – CARLBERN DRIVE TO CLUBSIDE LANE (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 16, 2018, at 4 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project 5G25-060-000, Pedestrian Improvements – 2014, Braddock Road Walkway – Carlbern Drive to Clubside Lane, Fund 300-C30050, Transportation Improvements.

ADMIN 6 - STREETS INTO THE SECONDARY SYSTEM (BRADDOCK AND HUNTER MILL DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Pohick Creek	Braddock	Pohick Crest Drive
Aubrey Place Lots 19 & 20 (Clarks Crossing)	Hunter Mill	Clarks Crossing Road

ADMIN 7 – APPROVAL OF TRAFFIC CALMING MEASURES AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE, PROVIDENCE, AND SULLY DISTRICTS)

- Endorsed the following traffic calming measures:
 - Five speed humps on Pimmit Drive (Dranesville District)
 - Three speed humps on Beech Down Drive (Sully District)
- Authorized the installation of “Watch for Children” signs on the following roads:
 - One “Watch for Children” sign on Brice Street (Providence District)

- One “Watch for Children” sign on Douglass Avenue (Providence District)
 - One “Watch for Children” sign on School Lane (Providence District)
 - One “Watch for Children” sign on Hill (Providence District)
 - Two “Watch for Children” signs on Gothwaite Drive (Sully District)
 - Two “Watch for Children” signs on Paddington Lane (Sully District)
 - One “Watch for Children” sign on Regents Park Road (Sully District)
- Directed staff to request the Department of Transportation (DOT) to schedule the installation of the approved traffic calming measures and “Watch for Children” signs as soon as possible.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING THE “PFM FLEX PROJECT,” A FAIRFAX FIRST INITIATIVE TO IMPROVE THE SPEED, CONSISTENCY AND PREDICTABILITY OF THE COUNTY’S LAND DEVELOPMENT REVIEW PROCESS

(A) (NOTE: Earlier in the meeting, this item was discussed. See page #14.)

Authorized the:

- Advertisement of a public hearing to be held before the Board on **December 4, 2018, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax and the PFM, as outlined in the Board Agenda Item, regarding the “PFM Flex Project,” a Fairfax First Initiative to Improve the Speed, Consistency, and Predictability of the County’s Land Development Review Process
- Director of Land Development Services (LDS) to maintain the PFM and make administrative changes with respect to procedures, process improvements, submission requirements, County policies, and references to adopted codes

ADMIN 9 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO SUBLEASE PROPERTY AT 10609 GEORGETOWN PIKE (TURNER FARM HOUSE) IN CONNECTION WITH THE RESIDENT CURATOR PROGRAM (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 16, 2018, at 5 p.m.**, regarding the proposed sublease of property owned by the Fairfax County Park Authority (FCPA) at 10690 Georgetown Pike (Turner Farm House) in connection with the Resident Curator Program.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING EDITORIAL AND MINOR REVISIONS

- (A) (R) (NOTE: Earlier in the meeting, this item was discussed. See page #14.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on October 25, 2018, and before the Board on **December 4, 2018, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding editorial and minor revisions.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING SMALL-SCALE PRODUCTION ESTABLISHMENTS

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on October 25, 2018, and before the Board on **December 4, 2018, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding small-scale production establishments.

ADMIN 12 - EXTENSION OF REVIEW PERIOD FOR 2232 PUBLIC FACILITY REVIEW APPLICATION (SULLY DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232A-Y02-18-2	School Board of Fairfax County Westfield High School – Expansion of Outdoor Storage Area 4641 Stonecroft Boulevard	Extend to September 4, 2019

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
	Sully District	

ADMIN 13 - AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Authorized the FCPD to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant, in the amount of \$127,006, to be used to upgrade the Personal Protection Equipment (PPE) used by the Civil Disturbance Unit (CDU) to meet current safety standards and modern policing tactic requirements which will increase officer and public safety in high-risk civil unrest situations.

ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING OLDER ADULT ACCOMMODATIONS AND SERVICES – CONTINUING CARE FACILITIES, ADULT DAY HEALTH CARE CENTERS, AND RELATED PROVISIONS

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page #14.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk’s Summary Item #13.)

13. **ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING OLDER ADULT ACCOMMODATIONS AND SERVICES – CONTINUING CARE FACILITIES, ADULT DAY HEALTH CARE CENTERS, AND RELATED PROVISIONS** (11:59 a.m.)

- (A) (R) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See page #14.)

Supervisor K. Smith moved adoption of the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on October 25, 2018, and before the Board on **December 4, 2018, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding older adult accommodations and services –

continuing care facilities, adult day health care centers, and related provisions, with the following changes:

- That the amendment be advertised to include flexibility for the Planning Commission and the Board to consider additional changes related to the following:
 - The use of terms and phrases that relate to occupancy of continuing care facilities
 - The consistency and relevance of certain terms, phrases, licensing requirements, and other provisions in the definitions that relate to State or Federal requirements
- That the staff report that is published online for the public hearings for this amendment include language that allows for flexibility in these areas

Chairman Bulova seconded the motion.

Discussion ensued, with input from Donna Pesto, Deputy Zoning Administrator, regarding the role of the Health Care Advisory Board (HCAB) in the review process.

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.”

14. **A-1 – AUTHORIZATION TO USE ECONOMIC DEVELOPMENT SUPPORT FUNDING (EDSF) FOR LOCAL MATCH OF A GOVERNOR’S AGRICULTURE AND FORESTRY INDUSTRIES DEVELOPMENT FUND (AFID) FACILITY GRANT (SULLY DISTRICT)** (12:03 p.m.)

On motion of Chairman Bulova, seconded by Supervisor K. Smith, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Authorized \$100,000 from the EDSF as the County’s local match requirement of a Commonwealth AFID Grant to support proposed facility improvements at The Winery at Bull Run
- Authorized the execution of the Performance Agreement substantially in the form of Attachment 1 of the Board Agenda Item

15. **A-2 – APPROVAL OF A LICENSE AGREEMENT WITH THE FRANCONIA MUSEUM FOR THE USE OF SPACE WITHIN THE FRANCONIA GOVERNMENT CENTER (LEE DISTRICT)** (12:04 p.m.)

On motion of Supervisor McKay, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the execution of a license agreement with the Franconia Museum for the use of space within the Franconia Government Center at 6121 Franconia Road substantially in the form of Attachment 1 of the Board Agenda Item.

16. **A-3 – PRESENTATION OF THE DELINQUENT TAX LIST FOR TAX YEAR 2017 (FISCAL YEAR (FY) 2018)** (12:05 p.m.)

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

- Direct staff to continue to pursue the collection of delinquent taxes found in Attachment A of the Board Agenda Item, and continue collection of non-tax delinquencies
- Authorize removal of certain small uncollectable overdue accounts listed in Attachments D and E of the Board Agenda Item pursuant to Virginia Code § 58.1-3921

Chairman Bulova seconded the motion.

Discussion ensued, with input from Jaydeep “Jay” Doshi, Director, Department of Tax Administration (DTA), who noted the balances on three public service corporation accounts have been cleared.

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

17. **A-4 – AUTHORIZATION TO SIGN STANDARD PROJECT AGREEMENTS (SPAS) FOR DISTRIBUTION OF I-66 INSIDE THE BELTWAY TOLL REVENUES ALLOCATED BY THE COMMONWEALTH TRANSPORTATION BOARD (CTB) TO THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC) (PROVIDENCE AND MASON DISTRICTS)** (12:06 p.m.)

On motion of Supervisor Foust, seconded jointly by Supervisor Gross and Supervisor L. Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to sign two SPAs, substantially in the form of Attachments 1 and 2 of the Board Agenda Item, between the County and NVTC for distribution of \$3.9 million in I-66 toll revenues. These funds will be allocated to the County by NVTC to finance a new commuter bus service on I-66 between the Vienna

Metrorail Station and the Pentagon Transit Center and the expansion of the County's Capital Bikeshare program.

18. **A-5 – APPROVAL OF THE PROJECT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) AND THE COUNTY FOR FUNDING FOR FISCAL YEAR (FY) 2019 TRANSPORTATION DEMAND MANAGEMENT (TDM) AND RIDESHARE OPERATING ASSISTANCE** (12:09 p.m.)

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

- Approve the project agreement in substantially the form of Attachment I of the Board Agenda Item
- Adopt the Resolution in substantially the form of Attachment II of the Board Agenda Item
- Authorize the Director of the Department of Transportation (DOT) to execute the Project Agreement

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

19. **A-6 – APPROVAL OF A PARKING REDUCTION FOR 7331 LITTLE RIVER TURNPIKE IN THE ANNANDALE COMMERCIAL REVITALIZATION DISTRICT (MASON DISTRICT)** (12:10 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 15 percent for parcel 71-1 ((1)) 14 pursuant to Paragraph 3(A), Section A7-109, of the County Zoning Ordinance as contained in the Board Agenda Item.

20. **A-7 – APPROVAL OF A THIRD AMENDMENT TO A PROJECT FUNDING AGREEMENT FOR COUNTY-FUNDED IMPROVEMENTS TO MULLIGAN ROAD (MOUNT VERNON AND LEE DISTRICTS)** (12:10 p.m.)

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

- Approve the third amendment to the existing agreement, substantially in the form of Attachment 1 of the Board Agenda Item

- Adopt the Resolution, substantially in the form of Attachment 2 of the Board Agenda Item
- Authorize the Director of the Department of Transportation (DOT) to execute the third amendment to the agreement for Project Administration and Funding DTFH71-08-X-50021 as contained in Attachment 3 of the Board Agenda Item

Supervisor Storck seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, DOT, regarding the status of the agreement to transfer the road into the State system.

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.”

21. **A-8 – APPROVAL OF AND AUTHORIZATION TO EXECUTE A STANDARD PROJECT ADMINISTRATION AGREEMENT (SPA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR IMPLEMENTATION OF THE VIENNA METRO BIKE CONNECTION IMPROVEMENT PROJECT AND APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 19069 (PROVIDENCE DISTRICT)** (12:13 p.m.)

Chairman Bulova announced that this item is deferred.

22. **A-9 – APPROVAL OF AND AUTHORIZATION TO EXECUTE A STANDARD PROJECT ADMINISTRATION AGREEMENT (SPA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO SUPPORT IMPLEMENTATION OF THE FAIRFAX CORNER COMMUTER PARKING STRUCTURE AND APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 19070 (BRADDOCK DISTRICT)** (12:13 p.m.)

(R)

(SAR)

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

- Adopt the Resolution authorizing the Director of the Department of Transportation to execute a SPA with VDOT, substantially in the form of Attachments 1 and 2 of the Board Agenda Item
- Adopt SAR AS 19070 for the development of the Fairfax Corner Commuter Parking Structure as contained in Attachment 3 of the Board Agenda Item

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.”

23. **A-10 – APPROVAL OF THE GRANT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) AND FAIRFAX COUNTY FOR THE FLATLICK BRANCH PHASE III STREAM RESTORATION PROJECT (SULLY DISTRICT)** (12:14 p.m.)

On motion of Supervisor K. Smith, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive or his designee to sign the agreement with DEQ to provide Stormwater Local Assistance Funds (SLAF) to the County for the design and construction of the Flatlick Branch Phase III stream restoration project.

24. **A-11 – APPROVAL OF THE FISCAL YEAR (FY) 2019 AND FY 2020 COMMUNITY SERVICES PERFORMANCE CONTRACT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) AND THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES** (12:14 p.m.)

On motion of Supervisor Hudgins, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the FY 2019 and FY 2020 Community Services Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and the associated acceptance of funds.

25. **A-12 – ENDORSEMENT OF SUBMITTAL TO THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES (VDHR) REGARDING THE SUPPLEMENTAL PHASE I ARCHITECTURAL SURVEY FOR THE SOAPSTONE CONNECTOR (CONNECTING SUNSET HILLS ROAD AND SUNRISE VALLEY DRIVE) (HUNTER MILL DISTRICT)** (12:15 p.m.)

Tom Biesiadny, Director, Department of Transportation, gave a brief presentation of the project.

Discussion ensued, with input from Mr. Biesiadny and Fred Selden, Director, Department of Planning and Zoning, regarding which buildings will be affected by the road alignment and which buildings may be found to be eligible for historic preservation designation.

Supervisor Cook moved to defer decision until more information is available. The motion died due to the lack of a second.

Supervisor Foust moved that the Board concur in the recommendation of staff and endorse a submittal to the VDHR regarding the Supplemental Phase I Architectural Survey for the Soapstone Connector. Supervisor K. Smith seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Cook abstaining.

26. **A-13 – 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** (12:35 p.m.)

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

- Adopt the Resolution confirming the Declaration of Local Emergency effective August 12, 2018, and the Termination of Declared Local Emergency effective 12 p.m., August 13, 2018
- Approve and consent 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 K. Smith and Supervisor L. Smyth jointly seconded the motion.

A brief discussion ensued, with input from John Burton, Deputy County Attorney, regarding the declaration, and Roy Shrou, Deputy Coordinator, Office of Emergency Management, who clarified the purpose of the declaration.

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.”

27. **C-1 – APPROVAL OF THE FAIRFAX COUNTY ATHLETIC COUNCIL SPORT-SPECIFIC COUNCIL BY-LAWS** (12:39 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda to approve the updated Fairfax County Sport-Specific Council By-laws.

Supervisor Gross moved that the Board approve the updated Athletic Council By-laws. Supervisor L. Smyth seconded the motion.

Discussion ensued, with input from Catherine A. Chianese, Assistant County Executive and Clerk to the Board, concerning the status of the review of by-laws of the various Boards, Authorities, and Commissions (BACs).

Supervisor Gross asked unanimous consent that the Board direct staff to provide an updated listing of the BAC's whose review is still outstanding. Without objection, it was so ordered.

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

28. **I-1 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-M18-7 – DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES** (12:40 p.m.)

The Board next considered an item contained in the Board Agenda, announcing the PC's approval of Public Facilities Application 2232-M18-7 to develop a temporary fire station for the Edsall Road Fire Station.

29. **I-2 – CONTRACT AWARD – DENTAL SERVICES FOR THE ADULT DETENTION CENTER** (12:41 p.m.)

The Board next considered an item contained in the Board Agenda, announcing that staff is awarding a contract to Dentrust Dental Virginia P.C. to provide a qualified and licensed dental care provider for individuals in the care and custody of the Sherriff's Office.

30. **I-3 – CONTRACT AWARD – DENTAL SERVICES FOR THE HOMELESS HEALTHCARE PROGRAM** (12:41 p.m.)

The Board next considered an item contained in the Board Agenda, announcing that staff is awarding a contract to the Northern Virginia Dental Clinic to provide comprehensive dental services to adult indigent or unsheltered homeless patients who are referred by programs within the Health and Human Services system.

31. **I-4 – NOTIFICATION OF THE CONTINUUM OF CARE PROGRAM FUNDING APPLICATION AND CERTIFICATION OF CONSISTENCY WITH THE CONSOLIDATED PLAN** (12:41 p.m.)

The Board next considered an item contained in the Board Agenda, regarding the Continuum of Care Program funding application and the Certification of Consistency with the Consolidated Plan as outlined in the Board Agenda item.

32. **I-5 – CONTRACT AWARD – FAIRFAX COUNTY STRATEGIC PLAN** (12:41 p.m.)

The Board next considered an item contained in the Board Agenda, announcing that staff is awarding a contract to Accenture, LLP for consulting services to assist the County in implementing a comprehensive strategic planning process and developing a formal strategic plan as outlined in the Board Agenda Item.

33. **I-6 – FAIRFAX COUNTY TRANSPORTATION STATUS REPORT**
(12:41 p.m.)

The Board next considered an item contained in the Board Agenda, presenting the bi-annual Fairfax County Transportation Status Report.

DET:det

ADDITIONAL BOARD MATTERS

34. **PRESENTATION REQUESTS** (12:42 p.m.)

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

- Invite representatives from the Fire and Rescue Department and the Department of Public Safety Communications to appear before the Board to be recognized on October 30, 2018, to receive recognition for their hard work and dedication on the 2018 Fill the Boot campaign. This year, again, the County can claim the crown as the highest collecting “Fill the Boot” campaign in the United States and Canada with \$603,676.05 collected!
- Prepare a proclamation to be sent to the USS Fairfax County Association welcoming its members to the County and thanking them for its service to the County. This association, made up of former crew members of the USS Fairfax County, in partnership with Visit Fairfax, will host its reunion event at the Sheraton Reston hotel on October 6.
- Prepare a proclamation to be sent to the Women Impacting Public Policy (WIPPs) Small Business Saturday Coalition by November 15, 2018, declaring Saturday, November 24, 2018, as “*Small Business Saturday*,” in Fairfax County.
- Jointly, with Supervisor Gross, to invite representatives from the Virginia Association of Counties (VACo) to appear before the Board on October 30 to present the County’s 2018 VACo Achievement Awards. The County won 3 awards!
- Prepare a proclamation, with both the Chairman’s and Supervisor Gross’ signatures, designating October 5, 2018, as “*Energy Efficiency Day*,” in Fairfax County and direct the Office of Public Affairs (OPA) to publicize energy efficiency tips and information in recognition of this day.

Without objection, it was so ordered.

35. **FOLLOW ON MOTIONS FROM THE JOINT MEETING OF THE BOARD OF SUPERVISORS AND THE LIBRARY BOARD OF TRUSTEES** (12:44 p.m.)

Jointly with Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Supervisor Storck, Chairman Bulova announced that on September 18, the Board met with the Library Board of Trustees to discuss the present and future of Fairfax County Public Libraries (FCPL). Topics included the new strategic plan for FCPL, trends in book lending, special collections, like kids' nature backpacks, and more.

Supervisor McKay brought up during that meeting, students in the District of Columbia (DC) Public Schools have library and Metrobus cards as well as other capabilities included on a single student identification card. This would be a great tool for the County's public school students, particularly in light of the Board's efforts to increase access to transit for students.

Chairman Bulova moved that the Board direct the County Executive to work with FCPL, the Department of Transportation, the Park Authority, and the Fairfax County Public Schools to explore the potential creation of a single card solution for FCPS students. Supervisor McKay seconded the motion.

Discussion ensued concerning Metro and Fairfax Connector access.

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

Chairman Bulova stated that Supervisors and Trustees said the top library concern heard from residents is the desire for additional library hours, particularly on Sunday.

Therefore, Chairman Bulova moved that the Board direct the County Executive to evaluate options for the Board to consider expanding library hours as part of the FY 2020 Budget. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

36. **"INCLUSIVE SCHOOLS WEEK" IN THE COUNTY** (12:48 p.m.)

Supervisor Cook, referencing his written Board Matter, asked unanimous consent that the Board direct staff to:

- Proclaim December 3-7, 2018, as "*Inclusive Schools Week*," in Fairfax County

- Direct staff to invite representatives of the Arc of Northern Virginia, the Special Education Parent Teacher Association (PTA), and the Fairfax-Falls Church Community Services Board (CSB) to appear before the Board in November to accept this proclamation

Without objection, it was so ordered.

(NOTE: Later in the meeting, there was additional discussion on this matter. See Clerk's Summary Item #38.)

37. **REQUEST FOR ADDITIONAL JUDGE POSITIONS IN GENERAL DISTRICT COURT** (12:49 p.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Cook referred to his written Board Matter and said that this was discussed at last week's Legislative Committee. He moved that the Board send the proposed letter attached to his written Board Matter to the Courts to authorize the 11th and 12th judge positions on the County's General District Court. Staff has prepared revisions to the draft letter based on the discussion in Committee. Chairman Bulova seconded the motion and it carried by unanimous vote.

38. **"INCLUSIVE SCHOOLS WEEK" CORRECTION** (12:50 p.m.)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item #36.)

Supervisor L. Smyth, referring to a previous Board Matter, clarified that the November Board meeting will be held on November 20.

39. **POLICE OFFICER'S RETIREMENT SYSTEM (PORS)** (12:51 p.m.)

Supervisor McKay announced that, during one of his regular meetings with County police officers, questions arose about considering potential changes to the PORS. These changes were described as cost-neutral and, in speaking with the County Attorney, are ones the Board can make without needing enabling legislation from the General Assembly, with one exception which is #3 (see below):

The five requests from the officers were:

1. Permit a member to make a joint-and-last-survivor election prior to his/her retirement date
2. Permit a member to revoke his/her joint-and-last-survivor in the event of a post retirement divorce
3. Add a third active member board position to the PORS

4. Permit a member to transfer their time from URS to ERS, adjusted by the actuary to be cost neutral
5. Permit a member to have the full range of options for spousal benefit (0-100 percent)

Therefore, Supervisor McKay moved that these items be researched by staff and discussed at a future Personnel Committee meeting. Chairman Bulova seconded the motion and it carried by unanimous vote.

40. **FAIRFAX COUNTY'S 2020 COMPLETE COUNT COMMITTEE**
(12:52 p.m.)

Supervisor McKay announced the community leaders and County staff members who have agreed to join Fairfax County's 2020 Complete Count Committee. As discussed at a prior meeting, this group will play a tremendous role in reaching out to "hard to count" populations to ensure every County resident participates in the Census. This is particularly important because the County's population count drives how much funding it receives from the Federal government; impacts redistricting at the Federal, State, and local levels; and helps the County plan for future needs.

Though no motion is needed, Supervisor McKay said he wanted to formally present this group to the Board and County residents. He noted that he looks forward to working with each of these individuals on this effort. A list of those who have agreed to participate is attached to his written Board Matter. He asked that Board Members contact his office if anyone is missing from the list.

41. **VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) MOWING**
(12:53 p.m.)

Supervisor McKay stated that, even though summer is winding down, there are still problems with the upkeep of medians and right-of-ways alongside County roads. He noted that VDOT is responsible for the mowing of grass on medians and along most of the County's roads.

Although VDOT has been making a better effort at mowing, there are still a high number of locations across Lee District and the County that have unacceptably high grass.

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

- Prepare a letter to be sent to VDOT requesting that a fourth mowing cycle be added to next year's plans.

- Research the practices of other jurisdictions in Virginia who may supplement this type of work and report at a future Budget Committee meeting. This research should include information about how to prioritize cuttings as well as preliminary cost estimates should the Board decide to enhance any VDOT maintenance.

Without objection, it was so ordered.

Discussion ensued concerning State-wide mowing policies and supplemental mowing practices by other Virginia jurisdictions.

42. **SOLAR FREEDOM LEGISLATION** (12:57 p.m.)

Supervisor McKay announced that the Virginia Sierra Club and its local groups have been very active in advocating for policies to promote renewable energy at the local and State level. Chief among this work is an effort to advance solar freedom legislation in the General Assembly.

Virginia law contains numerous restrictions on the ability of local governments, residents, and businesses, to install solar facilities for their own use. If legislation were to pass in Richmond, it could remove barriers and create a stronger market for distributed solar.

Reforms include:

- Lifting the one percent cap on the total amount of solar that can be net metered in a utility territory
- Clarifying that third-party financing using power purchase agreements (PPAs) is legal Statewide for all customer classes
- Allowing local government entities to utilize solar facilities of up to five megawatts (MW) on government-owned property and use the electricity for schools or other government-owned buildings located on nearby property, even if not contiguous
- Allowing all customers to attribute output from a single solar array to multiple meters on the same or adjacent property of the same customer
- Allowing the owner of a multi-family residential building to install a solar facility on the building or surrounding property and sell the electricity to tenants

- Removing the restriction on customers installing a net-metered solar facility larger than required to meet their previous 12 months' demand
- Raising the size cap for net metered non-residential solar facilities from one MW to two MW
- Remove standby charges on residential facilities sized between 10-20 kilowatts (kW)

Enacting these reforms will give local governments more opportunities to utilize solar on government property and help residents and businesses also to invest in solar. This can create savings for taxpayers, help meet local sustainability goals, and support local jobs and economic development. County staff agrees and helped draft the reforms mentioned.

Supervisor McKay said that last month, he presented these reforms to the Virginia Association of Counties (VACo) and, after a positive discussion, will be taking draft program language back in November. He said he believes the County should take similar efforts in its Legislative Program, as well.

Therefore, Supervisor McKay moved that the Board direct its Government Relations team to bring these items back to the Board for discussion about inclusion in its Legislative Package at a future Legislative Committee meeting. Chairman Bulova seconded the motion and it carried by unanimous vote.

43. **RECOGNITION OF MS. NANCY-JO MANNEY** (1 p.m.)

Supervisor McKay noted that Supervisor Herrity has a Board Matter to recognize Nancy-Jo Manney, a staple of the Springfield area and Chief Executive Officer of the Greater Springfield Chamber of Commerce. She is relocating to Florida after 20 years of service. He stated that she has impacted the Greater Springfield community, particularly the business community, for decades and he is pleased to join Supervisor Herrity's Board Matter to ensure that the Board recognizes her.

KK:kk

44. **2018 VOLUNTEERFEST® EVENT** (1 p.m.)

In a joint matter with Chairman Bulova, Supervisor L. Smyth noted that VolunteerFest® will be held on Oct 27, 2018, in conjunction with National Make a Difference Day. Supervisor L. Smyth urged residents to volunteer and participate.

Supervisor L. Smyth asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event and prepare a proclamation for Chairman Bulova's signature to be presented at the October 16, 2018, Board meeting. This

will be an invitation for Volunteer Fairfax to appear before the Board to receive the Proclamation. Without objection, it was so ordered.

45. **SUPPORT OF EQUAL RIGHTS AMENDMENT (ERA) RATIFICATION**
(1:01 p.m.)

- (R) Supervisor Gross stated that last January the Board unanimously supported her Board Matter supporting ratification of the Equal Rights Amendment. At that time, she spoke about her grandmother, her mother, and her daughters but made this much shorter - since we all have had grandmothers, mothers, and perhaps, daughters, who still are waiting for the Equal Rights Amendment to be ratified.

Since the Board's action in January, another state — Illinois — ratified the ERA. Thirty-eight states must ratify an amendment before it becomes a part of the United States Constitution; Illinois was the thirty-seventh. That means that only one more state, hopefully the Commonwealth of Virginia, needs to ratify the ERA for it to become law. The Virginia General Assembly will have that opportunity in the upcoming 2019 session.

Therefore, Supervisor Gross moved that the Board adopt the Resolution, attached to her Board Matter, in support of Virginia's ratification of the Equal Rights Amendment, and provide copies of the same to our General assembly delegation. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

46. **PLAN AMENDMENT AUTHORIZATION - VIRGINIA TECH AND THE UNIVERSITY OF VIRGINIA (UVA) NORTHERN VIRGINIA CENTER**
(1:03 p.m.)

Supervisor Foust said that on December 5, 2017, the Washington Area Metropolitan Area Transit Authority (WMATA) submitted a nomination (PC17-DR-001) through the 2017 North County Site Specific Plan Amendment Work Program. The nomination proposed the construction of up to 150,000 square feet of office, 50,000 square feet of retail, and 500 multi-family dwelling units and townhouses up to a Floor Area Ratio (FAR) of .96 at the West Falls Church Transit Station. On July 31, 2018, the Board authorized including PC17-DR-001 in the 2018 Comprehensive Plan Amendment Work Program.

Since the Board authorization, Virginia Tech and UVA, the joint owners of Tax Map 40-3 ((1)) 92 and leaseholder of Tax Map 40-3 ((1)) 92A, the two adjacent parcels to the WMATA site, have requested an amendment to consider redevelopment of the area, which contains the Virginia Tech and UVA Northern Virginia Center. The proposal includes up to 205,015 square feet of classroom space; 100,000 square feet of shared research/laboratory, conference, and

technology space; 300,000 square feet of residential uses, 200,000 square feet of office, and 15,000 square feet of retail up to a FAR of 2.5.

The proximity of the Virginia Tech and UVA Northern Virginia property to the WMATA site presents an opportunity to plan the area in a more holistic manner. This approach would allow consideration of their joint land use, transportation, and public facility impacts. It would be beneficial for the County to evaluate the proposals concurrently.

Therefore, Supervisor Foust moved that:

- The Board authorize a Plan amendment to consider Tax Map 40-3 ((1)) 92 and 92A, that comprises the Virginia Tech and UVA Northern Virginia Center, for institutional, office, retail and residential uses at an intensity up to a 2.5 FAR
- This Plan amendment be considered concurrently with the WMATA proposal (PC17-DR-001) as a special study

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

47. **PROCLAIMING OCTOBER 2018 AS “CYBER SECURITY MONTH” IN FAIRFAX COUNTY** (1:07 p.m.)

Supervisor Foust said that security of cyberspace remains a significant concern. Events that could potentially lead to data loss and/or interruption of County services could occur in many ways. For example, a simple misconfiguration of a system containing sensitive citizen records could be exposed to the internet; a system could be exploited due to software or code vulnerabilities after a user clicks on a phishing email or browses to a compromised website; or a smartphone, tablet or unencrypted flash drive could be lost.

Rarely does a month go by without another major company or government agency disclosing a breach of their corporate systems. Cyberattacks will continue to increase as hackers continue exploiting weakness and finding ways to breach even the most sophisticated state-of-art defenses. Care and attention must be taken to safeguard financial, telecommunication, healthcare, emergency response, and other essential infrastructures that are increasingly dependent on information technology systems.

Supervisor Foust noted that the County has made significant investments in technology supporting public safety, human services, open government and other County business operations to provide effective services to residents. A significant part of these investments includes supporting the critical technology infrastructure to conduct business efficiently and effectively while minimizing risk to the County’s data and IT assets.

Therefore, Supervisor Foust asked unanimous consent that the Board:

- Proclaim October 2018 as "*Cyber Security Month*," in Fairfax County
- Direct staff to invite appropriate individuals to appear before the Board on October 16, 2018, to be presented with the proclamation
- Direct the Office of Public Affairs to promote this proclamation and the Department of Information Technology's Thirteenth Annual Security Awareness Day event for County employees, to be held on Friday, October 19, 2018

This year's theme is Security of Everything! This event will provide staff opportunities to hear from industry experts on many things that can be done in securing access to personal data as well as the data they have access to at work.

Without objection, it was so ordered.

48. **CENTREVILLE DAY — DISPOSAL FEE (SULLY DISTRICT)** (1:10 p.m.)

Supervisor K. Smith said the twenty-sixth annual Centreville Day takes place in Centreville's Historic District on Saturday, October 20, and is sponsored by The Friends of Historic Centreville. The festivities include a parade, live entertainment, crafters, local businesses, community groups and food vendors, children's activities, and tours of the Historic District.

The Friends of Historic Centreville is a non-profit organization and the proceeds from the event go towards developing Historic Centreville Park, financing educational programs for students from Title I elementary schools, and other charitable causes.

Therefore, in the interests of maximizing the benefits from this event, Supervisor K. Smith moved that the Board direct staff to waive the fees for the trash disposal and work with American Disposal Services, who provide trash removal for the event. Supervisor Foust seconded the motion and it carried by unanimous vote.

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49. **HONORING THE RETIREMENT OF MS. NANCY-JO MANNEY** (1:11p.m.)

In a joint Board Matter with Supervisor Cook and Supervisor McKay, Supervisor Herrity announced that Nancy-Jo Manney, long-time President and Chief Executive Officer of the Greater Springfield Chamber of Commerce (GSCC), is retiring after 20 years of service to the Chamber and to the community.

Supervisor Herrity referred to his written Board Matter which outlined Ms. Manney's accomplishments.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a resolution recognizing the retirement of Ms. Manney and her service to the community to be presented at a future event. Without objection, it was so ordered.

50. **RETIREMENT OF DR. GERALD R. GORDON** (1:12 p.m.)

Supervisor Herrity announced that Dr. Gerald R. Gordon, long-time President and Chief Executive Officer of the Economic Development Authority (EDA), would be retiring after 30 years of service to the EDA and the community.

Supervisor Herrity referred to his written Board Matter, which outlined the accomplishments of Dr. Gordon, "the economic wunderkind of Virginia, and in many ways, of the Washington area" and said that the County owes many of these successes to Dr. Gordon.

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

- Prepare a resolution recognizing Dr. Gordon's many accomplishments and congratulate him on his retirement
- Invite him to appear before the Board in late October or November to be recognized for his service to the community

Without objection, it was so ordered.

51. **CENTRAL FAIRFAX CHAMBER OF COMMERCE SIXTIETH ANNIVERSARY** (1:13 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor L. Smyth, and Chairman Bulova, Supervisor Herrity noted that the Central Fairfax Chamber of Commerce was founded in 1958 by a group of small business owners who got together to form the Court House Square Businessmen's Association. After decades of service and renaming, the Central Fairfax Chamber of Commerce is now celebrating over 60 years of serving the businesses in the City of Fairfax and its surrounding communities.

Supervisor Herrity referred to his written Board Matter regarding the 60-year history of the Central Fairfax Chamber of Commerce.

Therefore, Supervisor Herrity asked unanimous consent that the Board approve a resolution recognizing the Central Fairfax Chamber of Commerce for its

accomplishments as it celebrates its sixtieth anniversary to be presented at its anniversary celebration. Without objection, it was so ordered.

52. **PROPOSED COMPREHENSIVE PLAN AMENDMENT – CONTINUING CARE FACILITIES (CCF)** (1:14 p.m.)

Supervisor Herrity said that a CCF is a coordinated development that provides a variety of accommodation styles within a facility offering a continuum of services and other options. Supporting on-site uses may include offices, restaurants, retail sales establishments, and recreational and other uses. The CCF is the subject of Administrative Item 14 today, authorizing a proposed Zoning Ordinance (ZO) amendment establishing the use, among other things.

In conjunction with the ZO amendment, new Policy Plan guidance would set performance standards for new CCFs. If the CCF is not called out in the Plan as a particular use for a property, the facility may be found to be in conformance with the Comprehensive Plan upon demonstration that performance standards are met. Suggested performance criteria include transportation, affordability, and the environment, among others.

Therefore, Supervisor Herrity moved that the Board authorize a Comprehensive Plan amendment to direct staff to create a new policy in support of CCFs. This amendment should consider options to establish Continuing Care Facilities that offer a continuum of service and care options throughout the County. It is anticipated that the new Policy Plan guidance would be the subject of a public hearing before the Planning Commission in early November 2018 and before the Board in December 2018. The motion died due to the lack of a second.

Discussion ensued regarding the timeline for the public hearings.

Chairman Bulova asked to refer issue to the Board's Development Process Committee for discussion.

Supervisor Herrity asked unanimous consent that the Board defer the action until later in the day. Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item #63.)

53. **THANK YOU TO COUNTY ORGANIZATIONS WHO HELPED WITH BREWFEST (MOUNT VERNON DISTRICT)** (1:23 p.m.)

Supervisor Storck thanked the many County organizations involved with Brewfest to make it a successful event.

54. **ANNUAL TOUR de MOUNT VERNON** (1:23 p.m.)

Supervisor Storck said that the annual Tour de Mount Vernon, which is hosted by his office in partnership with the Fairfax Alliance for Better Bicycling, is scheduled to take place on October 27, 2018, at 8:30 a.m., starting and ending at Fort Hunt Park. This event is focused on encouraging community members to explore many of the treasures of the Mount Vernon District. This year's ride is focused in the northeastern part of the district and includes the Mount Vernon Estate, Belle View Park, the Grist Mill Distillery, the Gum Springs Museum and Cultural Center among many more.

Supervisor Storck noted that there are two routes this year so that riders of all levels are welcome: The tour is open to riders ages 15 years and up. Additional information and the registration portal can be found by visiting the following link: <https://www.eventbrite.com/e/3rd-annual-tour-de-mount-vernon-tickets-49806368188>.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to advertise the 2018 Tour de Mount Vernon. Without objection, it was so ordered.

55. **OPPORTUNITY ALTERNATIVES AND RESOURCE COMMUNITY JOB AND RESOURCE FAIR** (1:24 p.m.)

Supervisor Storck said that he would like to invite all to participate in a Fall Community Job and Resource Fair on Tuesday, October 2, 2018, from 10 a.m. — 3 p.m., at the South County Government Center hosted by Fairfax Opportunity, Alternatives, and Resources, the NAACP, and New Hope Housing. The Fair will connect community members with prospective employers and provide those in attendance with the skills necessary to conduct job searches and successful interviews. The fair will include preliminary briefings for employers on subjects such as working with returning citizens and Federal bonding programs and for clients on successful employment searches and interviews. Approximately 30 local employers will be present to meet with community members and to perform job interviews.

Supervisor Storck noted that his office has helped organize, provided resources, and supported this effort since its inception. He added that he is very pleased to support this program which meets a critical need to helping ex-offenders find jobs and help bring their life and families back on track. For more information about the Jobs Fair, please visit: <https://www.oarnova.org/job-fair>.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to advertise the 2018 Opportunity, Alternatives, and Resources Community Job and Resource Fair. Without objection, it was so ordered.

56. **MOTION TO CONSIDER A COMPREHENSIVE PLAN AMENDMENT FOR THE NORTH GATEWAY COMMUNITY BUSINESS CENTER (CBC)** (1:26 p.m.)

Supervisor Storck said that this motion relates to the North Gateway CBC along the Richmond Highway Corridor. Last October, the Board approved a rezoning application for the Riverside Apartments located in Sub-Unit A-3 of the North Gateway CBC to allow the addition of several multifamily buildings to the existing Riverside apartment complex. It was anticipated that the Riverside rezoning would serve as a catalyst for the redevelopment of the gateway area which is the entrance to the northern Richmond Highway Corridor.

Supervisor Storck noted that there are two parcels adjacent to the Riverside Apartments, Tax Map parcels 83-3((1)) 69 and 70, that are planned for a redevelopment option for mixed-use up to an intensity of 1.65 Floor Area Ratio (FAR) with language that recommends consolidation with the properties to the east in Sub-units A1 and A2. The Plan also recommends that higher intensities should be evaluated following area-wide transportation studies when mitigation strategies are identified.

The purpose of this motion is to initiate a Plan amendment that would broaden the consolidation language to include Sub-unit A3 and the potential increased intensity for Sub-units A1 and A2. The amendment should assess changes to the transportation network, including the potential vacation of a portion of Old Richmond Highway, and the provision of alternative access from Sub-unit A3 to Huntington Avenue.

Therefore, Supervisor Storck moved the Board authorize the consideration of an amendment to the Comprehensive Plan for Sub-units A1 and A2 of the North Gateway CBC to evaluate increasing the planned intensity up to a 2.0 FAR, altering the language regarding parcel consolidation to consider options with Sub-Unit A3, and reconfiguring the planned road network with the CBC including alternative access from Huntington Avenue. This motion should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve any applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Chairman Bulova seconded the motion and it carried by unanimous vote.

57. **MOTION TO INITIATE A STUDY OF PLANNED INTERSECTION IMPROVEMENTS AT HUNTINGTON AVENUE/RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)** (1:29 p.m.)

Supervisor Storck said that this motion relates to the intersection of Huntington Avenue/Richmond Highway and the current Comprehensive Plan language regarding planned improvements at that intersection. Given the positive changes in land use planning within the Richmond Highway Corridor in general and the Huntington area specifically, a study of whether the currently planned

transportation improvements at the intersection are compatible with surrounding land use changes and promote a safe, walkable, pedestrian friendly environment should be conducted.

The current Comprehensive Plan recommendation, as reflected in the text and on the Comprehensive Transportation Plan map, shows a full interchange for this intersection. An interchange is incompatible with the Richmond Highway design guidance and vision for this portion of Richmond Highway as a gateway to the County and the Huntington community.

Therefore, Supervisor Storck moved that the Board authorize the consideration of an amendment to the Comprehensive Plan for the intersection of Huntington Avenue and Richmond Highway, to assess the removal of the planned full interchange, and provide suitable alternatives to the surrounding street network that are in harmony with land use planning for the immediate area and accomplish the Comprehensive Plan goal of creating a gateway development at the northwest corner of this intersection. Supervisor McKay seconded the motion and it carried by unanimous vote.

58. **THANK YOU TO STAFF REGARDING HURRICANE FLORENCE PREPARATIONS** (1:32 p.m.)

Supervisor Storck thanked County staff for work on preparation and mobilization on behalf of Mount Vernon residents regarding Hurricane Florence.

59. **NO BOARD MATTERS FOR SUPERVISOR HUDGINS (HUNTER MILL DISTRICT)** (1:33 p.m.)

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

AGENDA ITEMS

60. **RECESS/CLOSED SESSION** (1:34 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. Expiration of Amended Settlement Agreement Between Fairfax County and United States of America Under the Americans with Disabilities Act
 2. Application of Virginia Electric and Power Company for Approval and Certification of Electric Facilities, PUR-2017-00143 (Va. State Corp. Comm'n) (All Districts)
 3. Washington Gas Light Company's Request to Charge Additional Rates to Customers, Case No. PUE-2016-00001 (Va. State Corp. Comm'n) (All Districts)
 4. *Andrew Cooper, et al. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2018-0012818 (Fx. Co. Cir. Ct.)
 5. *Elton Cansler v. Alan A. Hanks, Edwin C. Roessler Jr., and Fairfax County*, Case No. 18-1196 (U.S. Ct. of App. for the Fourth Cir.)
 6. *Glen M. Sylvester v. Brian C. Geschke*, Case No. CL-2018-0008045 (Fx. Co. Cir. Ct.)
 7. *Harrison Neal v. Fairfax County Police Department and Colonel Edwin C. Roessler Jr.*, Case No. CL-2015-005902 (Fx. Co. Cir. Ct.)
 8. *Mateusz Fijalkowski v. M. Wheeler, S. Adcock, S. Blakely, R. Bronte-Tinkew, C. Clark, J. Grande, R. Jakowicz, L. Labarca, L. McNaught, W. Mulhern, M. Zesk, Sean Brooks, and American Pool, Inc.*, Case No. 1:18-cv-492 (E.D. Va.)
 9. *Glenn Myer v. Uriah Kennedy, Gentox Medical Services, Chris Seymour, Matt Riddle, Sharon Bulova, OFC I.L. Palencia, PFC Tajweer*

- Beaufort, SGT Mike Porter, and Fairfax County*, Case No. 1:18-cv-547 (E.D. Va.)
10. *Glenn Myer v. Ralph Northam, et al.*, Case No. 1:18-cv-723 (E.D. Va.)
 11. *Dwain Foltz v. Fairfax County*, Case No. 18-1488 (U.S. Ct. of App. for the Fourth Cir.)
 12. *Joseph A. Glean v. Fairfax County Government and Michael J. McGrath*, Case No. 2018-0004976 (Fx. Co. Cir. Ct.)
 13. *Lisa Alcazar v. Fairfax County, Virginia*, Case No. 1:17-cv-1379 (E.D.Va.)
 14. *Kenneth Henderson v. Fairfax-Falls Church Community Service Board and Fairfax County*, Case No. 1:18-cv-825 (E.D. Va.)
 15. *Panajot M. Ilias, Laureta Ilias, Julia Ilias, Alex Ilias v. Stephen H. Souder and County of Fairfax, Virginia*, Case No. C 02-CV-18-002006 (Anne Arundel County, Maryland, Circuit Court)
 16. *Dora Fatima Parada-Segovia v. Kenneth Barlowe and Fairfax County*, Case No. CL-2018-0009390 (Fx. Co. Cir. Ct.)
 17. *Mary Lark Lovering v. Mickey Smith and County of Fairfax*, Case No. CL-2018-0012629 (Fx. Co. Cir. Ct.)
 18. *Tracy L. Groff v. Stephen Lawson*, Case No. CL-2018-0009089 (Fx. Co. Cir. Ct.)
 19. *Armando Iraheta-Ortiz, by Allstate Insurance Company, Subrogee v. John Doe*, Case No. GV17-010235 (Fx. Co. Gen. Dist. Ct.)
 20. *Jerry Mobley v. John Schmalenberg and Fairfax County Public Schools*, Case No. CL-2018-0012130 (Fx. Co. Cir. Ct.)
 21. *Zhihua He v. George Robbins*, Case No. CL-2017-0009356 (Fx. Co. Cir. Ct.)

22. *Andrea Infante v. James Harvey Doswell*, Case No. CL-2018-0009968. (Fx. Co. Cir. Ct.)
23. *Saba Ishan v. James Jones*, Case No. CL-17-003539 (Alex. Cir. Ct.)
24. *Wajma Sataryar v. James Jones*, Case No. CL-17-003834 (Alex. Cir. Ct.)
25. *Erica M. Allen Winslow v. Ramona Simmons*, Case No. GV18-016206 (Fx. Co. Gen. Dist. Ct., Small Claims Division)
26. *Richard W. Ferris, Trustee. v. Trinity Gainey, Michael Gallo, and James Patteson*. Case No. 1:18-cv-721 (E.D. Va.) (Providence District)
27. *King of Northern Virginia, a General Partnership, and Toms King (Virginia), LLC. v. Fairfax County, Virginia*, Case No. CL-2017-0006209 (Fx. Co. Cir. Ct.) (Sully, Dranesville, and Hunter Mill Districts)
28. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Marsha Harris and Barbara Bodson*, Case No. CL-2018-0003691 (Fx. Co. Cir. Ct.) (Braddock District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kha Nguyen and Quilan Tran*, Case No. CL-2018-0000561 (Fx. Co. Cir. Ct.) (Braddock District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sun Xiaoyi and Lingang Liu*, Case No. CL-2018-0007655 (Fx. Co. Cir. Ct.) (Braddock District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rami Abu El Hawa*, Case No. GV18-014732 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kiet Tuan Nguyen and Jenny*

- Nguyen*, Case No. GV18-020123 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
33. *Board of Supervisors of Fairfax County and Bill Hicks, Director of Land Development Services v. Nirmaladevi Jayanthan and Jayanthan Balasubram, a/k/a Balasubram Jayanthan, Jayanthan Bala, Bala Jayanthan, and Jay Bala*, Case No. CL-2015-0008179 (Fx. Co. Cir. Ct.) (Dranesville District)
34. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laxmi Chand, Trustee of the Laxmi Chand Revocable Trust, and Usha Chand, Trustee of the Usha Chand Revocable Trust*, Case No. CL-2018-0011445 (Fx. Co. Cir. Ct.) (Dranesville District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abu Kamara*, Case No. CL-2018-0012493 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kenneth L. Mobley and Magnolia M. Mobley*, Case No. CL-2018-0012492 (Fx. Co. Cir. Ct.) (Dranesville District)
37. *Dulles Professional Center Condominium Unit Owners Association; Spectrum Innovative Properties, LLC; McWhorter, LLC; and Mulpuri Properties, LLC v. Board of Supervisors of Fairfax County, Virginia; Fairfax County, Virginia; Stanley Martin Companies, LLC; and JLB Dulles Tech, LLC*, Case No. CL-2018-0011870 (Fx. Co. Cir. Ct.) (Dranesville District)
38. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Andre J. Gudger*, Case No. GV18-018192 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
39. *Elizabeth Perry, Property Maintenance Code Official v. Catjen, LLC*, Case No. GV18-017881 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

40. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Nicholas A. Nikzad and Pamela L. Nikzad*, Case No. GV18-019772 (Fx. Co. Gen. Dist. Ct.) (Town of Vienna; Hunter Mill District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Alvaro A. Cestti and Gladys A. Caballero*, Case No. CL-2018-0006123 (Fx. Co. Cir. Ct.) (Lee District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Manor House Investments, LLC, and Gino Ellis and Ms. Anna*, Case No. CL-2018-0010278 (Fx. Co. Cir. Ct.) (Lee District)
43. *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)
44. *Elizabeth Perry, Property Maintenance Code Official v. Federal Realty Investment Trust and Ronald Devine*, Case No. CL-2017-0014131 (Fx. Co. Cir. Ct.) (Lee District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brian K. Mason, Kenneth Norman Mason, and Bernice S. Mason*, Case No. GV18-007695 (Fx. Co. Gen. Dist. Ct.) (Lee District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lester H. Smallwood, Jr.*, Case No. GV18-010274 (Fx. Co. Gen. Dist. Ct.) (Lee District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brian Allen Clark*, Case No. GV18-019905 (Fx. Co. Gen. Dist. Ct.) (Lee District)

48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Dorethea Sheppard and Jennifer M. Mangum*, Case No. CL-2018-0004432 (Fx. Co. Cir. Ct.) (Mason District)
49. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy R. Moats*, Case No. GV18-013185 (Fx. Co. Gen. Dist. Ct.) (Mason District)
50. *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)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert G. Matson*, Case No. CL-2018-0012444 (Fx. Co. Cir. Ct.) (Mason District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ragheb Aburish*, Case No. CL-2017-0015519 (Fx. Co. Cir. Ct.) (Mason District)
53. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rockley L. Miller and Susan B. Miller*, Case No. CL-2017-0010524 (Fx. Co. Cir. Ct.) (Mason District)
54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Cadima*, Case No. CL-2018-0012765 (Fx. Co. Cir. Ct.) (Mason District)
55. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jonathan and Carolyn Clark*, Case No. CL-2017-0016073 (Fx. Co. Cir. Ct.) (Mason District)
56. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oscar Maravilla*, Case No. CL-2018-0000825 (Fx. Co. Cir. Ct.) (Mason District)

57. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Dale G. Hancock and Mary C. Hancock*, Case No. CL-2018-0010669 (Fx. Co. Cir. Ct.) (Mount Vernon District)
58. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Denise Hayden*, Case No. CL-2018-0011819 (Fx. Co. Cir. Ct.) (Mount Vernon District)
59. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel Minchew*, Case No. CL-2017-0004962 (Fx. Co. Cir. Ct.) (Mount Vernon District)
60. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robena Reid*, Case No. GV18-018167 (Fx. Co. General Dist. Ct.) (Mount Vernon District)
61. *Leslie B. Johnson, Fairfax County Zoning Administrator v. New Horizon Food, Inc., Sana U. Choudhry, and Shaquia S. Choudhry*; Case No. GV18-018969 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
62. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Miguel Romero and Nora A. Romero-Romero*, Case No. GV18-0015244 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
63. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Nader Saghafi and Alma Saghafi*, Case No. CL-2018-0004194 (Fx. Co. Cir. Ct.) (Providence District)
64. *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)

65. *Leslie B. Johnson, Fairfax County Zoning Administrator v. H&K Consulting, LLC*, Case No. CL 2018-0003277 (Fx. Co. Cir. Ct.) (Providence District)
66. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lan N. Phan and Hon H. Luong*, Case No. CL-2007-0014491 (Fx. Co. Cir. Ct.) (Providence District)
67. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rehab Abou Zeid and Ahmed Mostafa*, Case No. CL-2018-0009783 (Fx. Co. Cir. Ct.) (Providence District)
68. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Akram Rastegari*, Case No. CL-2018-0012804 (Fx. Co. Cir. Ct.) (Providence District)
69. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Remell Williams, Marina Williams, and Mac Williams*, Case No. GV18-018166 (Fx. Co. Gen. Dist. Ct.) (Providence District)
70. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rubina Siddiqui*, Case No. CL-2018-0007397 (Fx. Co. Cir. Ct.) (Springfield District)
71. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary Surdyk Haller and Donald E. Haller, IV*, Case No. GV18-016740 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
72. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Frank A. March*, Case No. GV18-020124 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
73. *Board of Supervisors of Fairfax County, Virginia, and William Hicks, Director, Fairfax County Department of Public Works and Environmental Services v. Calvin Gaskins, Clarence L. Duncan, Mattie Jones, Christopher Robinson, and Richard Gaskins, Trustees of Cub*

Run Memorial Gardens Cemetery, Case No. CL-2018 0011820 (Fx. Co. Cir. Ct.) (Sully District)

74. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Chom Sun Cholihan and Sidney Harris*, Case No. CL-2017-0009711 (Fx. Co. Cir. Ct.) (Sully District)

75. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Zachary L. Faley and Maureen E. Faley*, Case No. GV18-019809 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(7) and (8), legal analysis regarding:
 - (i) Fairfax County Circuit Court Case Numbers CL-2017-12270; CL-2018-2457; and CL-2018-2458
 - (ii) EEOC Claim Nos. 570-2018-02249 and 570 2018-02250
 - (iii) Community Services Board compliance related matter
- Potential acquisition of real property in the Mason District for a public facility, as permitted by Virginia Code Section 2.2-3711(A)(3).
- As permitted by Virginia Code Section 2.2-3711(A)(8), legal analysis regarding a funding request.

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

DET:det

At 3:39 p.m., the Board reconvened in the Board Auditorium with all Members being present, and Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION61. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:40 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

62. **BOARD SETTLEMENTS** (3:40 p.m.)

Supervisor Foust moved that the Board authorize the following settlements, as outlined by the County Attorney in closed session:

- Case Number CL-2017-12270, 2525 Network Drive Owner, LLC v. Board of Supervisors of Fairfax County, Virginia
- Case Number CL-2018-2457, 13861 Sunrise Valley Drive Owner, LLC v. Board of Supervisors of Fairfax County, Virginia
- Case Number. CL-2018-2458, 13865 Sunrise Valley Drive Owner, LLC v. Board of Supervisors of Fairfax County, Virginia

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

ADDITIONAL BOARD MATTER63. **PROPOSED COMPREHENSIVE PLAN AMENDMENT ON CONTINUING CARE FACILITIES (CCF)** (3:42 p.m.)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Items #52.)

Following remarks by Chairman Bulova regarding an earlier motion by Supervisor Herrity concerning CCFs, Supervisor K. Smith stated that this item had been discussed with staff and also at the Board's July Development Process Committee meeting; staff has been working on this and a Planning Commission (PC) date has been set for November 1.

Supervisor K. Smith asked unanimous consent that the Board direct staff to begin work on developing a different process for these types of issues. Without objection, it was so ordered. She further recommended that issues like this not be

presented as a Board Matter but instead be done in a way that the entire Board can review it prior to consideration.

Supervisor Herrity moved that the Board authorize a Comprehensive Plan amendment to direct staff to create a new policy in support of CCFs. This amendment should consider options to establish CCFs that offer a continuum of service and care throughout the County. It is anticipated that the new Policy Plan guidance would be the subject of a public hearing before the PC in early November 2018 and before the Board in December 2018. Supervisor K. Smith and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

64. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-L-071 (BELL GROUP, LLC) (LEE DISTRICT)**
(3:45 p.m.)

(O) The application property is located on the north side of Oakwood Road, east of South Van Dorn Street. Tax Map 81-2 ((3)) 30.

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

Daniel Creed, 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, Mr. Creed presented the staff and Planning Commission recommendations.

Supervisor McKay moved approval of:

- Proffered Condition Amendment Application PCA 82-L-071, subject to the proffers dated July 9, 2018
- The reaffirmation of the modification of the transitional screening width and a waiver of the barrier requirement along Oakwood Road in favor of that shown on the Generalized Development Plan (GDP)

Supervisor Gross 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.

65. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2018-MA-006 (CALVARY CHURCH OF THE NAZARENE) (MASON DISTRICT)** (3:52 p.m.)

The application property is located at 8220 Little River Turnpike, Annandale, 22003. Tax Map 59-3 ((1)) 32B.

Ms. Michelle G. Littlefield reaffirmed the validity of the affidavit for the record. Following input from Tracy Strunk, Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), Ms. Littlefield corrected the date of the affidavit.

Zach Fountain, Planner, ZED, DPZ, gave a PowerPoint slide presentation depicting the application and site location.

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

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

Following a query by Supervisor Gross, Ms. Littlefield confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 12, 2018.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2018-MA-006, subject to the development conditions dated September 12, 2018
- That the Board direct the Director of Land Development Services to waive the site plan requirement

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

66. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2018-MV-006 (NRP HUNTINGTON, LLC) (MOUNT VERNON DISTRICT)** (3:59 p.m.)

(O) The application property is located on the northeast of the intersection of Huntington Avenue and Metroview Parkway. Tax Map 83-1 ((1)) 42 and 49A.

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

Jay Rodenbeck, Planner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location. Discussion ensued, concerning sidewalk connection, construction, and cost, with input from Mr. Rodenbeck and William Mayland, Assistant Director, ZED, DPZ.

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. Discussion ensued, concerning meetings with property owners, with input from Ms. Mariska

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

Following remarks, concerning the importance of pedestrian access, Supervisor Storck moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2018-MV-006 and the associated Conceptual Development Plan (CDP), from the C-3 District to the PDH-12 District, subject to the proffers dated September 25, 2018
- Approval of the following waivers and modifications:
 - Waiver of Paragraph 4 of Section 11-203 of the ZO for loading spaces
 - Waiver of Section 11-302 of the ZO for the length of private streets
 - Modification of Paragraph 2 of Section 13-303 of the ZO to the transitional screening requirement along the eastern property line to that shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP)

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

(NOTE: On September 20, 2018, the PC approved Final Development Plan Amendment Application FDP 2018-MV-006, subject to the conditions dated September 5, 2018.)

67. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2016-HM-017 (JBG/RESTON EXECUTIVE CENTER, LLC) (HUNTER MILL DISTRICT)** (4:15 p.m.)

(O) The application property is located on the north side of Sunset Hills Road and west side of Town Center Parkway. Tax Map 17-3 ((1)) 28A, 28B, and 28C.

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

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

Ms. Bailey B. Edelson 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, Supervisor Hudgins submitted items for the record. Ms. Tsai presented the staff and Planning Commission (PC) recommendations.

Following remarks, regarding the property location and transportation issues, Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2016-HM-017 and the associated Conceptual Development Plan (CDP), from the I-5 District to the PDC District, subject to the proffers dated August 30, 2018
- Approval of the following waivers and modifications, as contained in the handout distributed today and dated September 25, 2018:
 - Modification of Paragraph 5 of Section 6-206 of the ZO to permit the gross floor area devoted to dwellings as a secondary use to exceed 50 percent of the gross floor area of all principal uses in the development to that shown on the CDP/Final Development Plan (FDP)
 - Modification of Section 11-203 of the ZO for a reduction in the number of required loading spaces to that shown on the CDP/FDP
 - Waiver of Section 13-202 of the ZO for the interior parking lot landscaping on the top level of parking structures

- Modification of Sections 13-303 and 13-304 of the ZO for the transitional screening and barrier requirements to that shown on the CDP/FDP
- Modification of Section 12-0508 of the Public Facilities Manual (PFM) to permit a deviation in the tree preservation target to that shown on the CDP/FDP
- Approval of Parking Reduction and Study #4417-PKS-001-1, subject to the conditions consistent with those dated June 13, 2018, as noted in Appendix 15 of the staff report

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.”

(NOTE: On September 20, 2018, the PC approved Final Development Plan Amendment Application FDP 2018-MV-006, subject to the conditions dated September 5, 2018.)

68. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5 (STOPPING, STANDING, AND PARKING), SECTIONS 19 AND 29** (4:30 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 September 10 and September 17, 2018.

Neil Freschman, Chief, Traffic Engineering Section, Department of Transportation (DOT), presented the staff report.

Following the public hearing, which included testimony by eight speakers, Mr. Freschman presented the staff recommendations.

Discussion ensued, regarding clarification of whether the proposed amendments prohibit the parking of a commercial vehicle on a public street, applicability concerning unattended vehicles, and the definition of a fleet vehicle, with input from Mr. Freschman and Hayden Coddling, Assistant County Attorney.

Following an inquiry from Supervisor Cook, concerning language contained in the amendment and the Board’s ability to further clarify it, with input from Mr. Coddling, Elizabeth Teare, County Attorney, commented on the Board’s ability to enact a less restricted version of what had been advertised.

Therefore, Supervisor Foust moved that the Board defer decision on the proposed amendments to the Code of the County of Fairfax, Virginia, Chapter 82 (Motor Vehicles), Article 5 (Stopping, Standing, and Parking), Section 19, until **October 16, 2018, at 3:30 p.m.** Supervisor K. Smith seconded the motion and it carried by unanimous vote.

Supervisor Foust moved adoption of the proposed amendments to Chapter 82 (Motor Vehicles), Article 5 (Stopping, Standing, and Parking), Section 29, of the Code of the County of Fairfax, Virginia, as contained in Attachment II of the Board Agenda Item with the following changes:

- Paragraph A: change 10 days to 15 days
- Paragraph C: change 10 days to 15 days and change 1000 feet to 500 feet

Supervisor K. Smith and Supervisor L. Smyth jointly seconded the motion.

Following additional discussion, the question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

69. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE SYDENSTRICKER RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 47 (SPRINGFIELD DISTRICT)** (5:20 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 September 10 and September 17, 2018.

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

Following the public hearing, which included testimony by three speakers, Supervisor Gross requested clarification from Randy Becker, (Speaker #3), of parking conditions at the park-and-ride lot and surrounding streets.

Ms. Padilla presented the staff recommendations.

Following remarks, regarding the use of the Saratoga and Rolling Valley Park and Ride lots and the possibility of other potential additional parking space becoming available, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, establishing the Sydenstricker RPPD, District 47. Supervisor L. Smyth seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross,

Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

70. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO REMOVE SPECIFIC STREETS FROM THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 17, TO BE INCLUDED IN AN EXPANSION OF THE GEORGE MASON UNIVERSITY RPPD, DISTRICT 40 (BRADDOCK DISTRICT)** (5:35 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 September 10 and September 17, 2018.

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

Following the public hearing, which included testimony by one speaker, Ms. Padilla presented the staff recommendations.

Following remarks, explaining the RPPD expansion, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, to remove specific streets from the Robinson RPPD, District 17, to be included in an expansion of the George Mason University RPPD, District 40. Supervisor Herrity 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

71. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 6 (WEAPONS)** (5:41 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 September 10 and September 17, 2018.

Second Lieutenant Mohammed Oluwa, Police Department, presented the staff report.

The public hearing was held and included testimony by four speakers.

Discussion ensued, with input from John Burton, Assistant County Attorney, regarding Section 6-1-2.2 (b), which states in part “in the course of his employment or business.”

Discussion continued, as to whether:

- As currently advertised, the Board could remove the language
- Removal of the language would be in conformance with Code of Virginia

Following input from Mr. Burton, Supervisor K. Smith moved the County Executive's recommendation to adopt the proposed amendments to the Code of the County of Fairfax, Chapter 6 (Weapons), with an effective date of January 1, 2019. Supervisor Foust seconded the motion.

Supervisor Cook asked to amend the motion to strike the words "in the course of his employment or business." This amendment was not accepted.

Supervisor Cook moved to amend the motion to strike the words, "in the course of his employment or business." Supervisor Herrity seconded the motion.

Following discussion, with input from Mr. Burton, the question was called on the amendment to the motion and it **FAILED** by a recorded vote of eight, Supervisor Cook and Supervisor Herrity voting "AYE."

Following discussion, with input from Officer Oluwu, the question was called on the main motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

72. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 62 (FIRE PROTECTION), SECTION 3-1 (JUNIOR FIREFIGHTERS) (6:23 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 September 10 and September 17, 2018.

Charles Ryan, Assistant Fire Chief, Fire and Rescue Department, presented the staff report.

Following an explanatory statement clarifying "non-hazardous" from Chief Ryan, Supervisor Storck moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 62 (Fire Protection). Section 3-1 (Junior Firefighters). Supervisor Cook seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

73. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING ZONING FOR WIRELESS TELECOMMUNICATIONS INFRASTRUCTURE** (6:28 p.m.)

Supervisor K. Smith moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Virginia, Chapter 112 (Zoning Ordinance), regarding zoning for wireless telecommunications infrastructure until **October 30, 2018, at 4:30 p.m.** The Federal Communications Commission (FCC) is expected to issue a declaratory ruling, report, and order on September 26, 2018, which may impact the amendment. This deferral will allow time for the FCC to act and for staff to consider the impacts of the FCC's actions on the amendment. Supervisor Foust seconded the motion and it carried by unanimous vote.

74. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-P-046-02 (FLINT HILL SCHOOL) (PROVIDENCE DISTRICT)**

(AND)

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-P-105-04 (FLINT HILL SCHOOL) (PROVIDENCE DISTRICT) (6:29 p.m.)

(NOTE: These public hearings were deferred on June 5, 2018, until July 10, 2018, at which time they were deferred until September 25, 2018.)

The application property for Special Exception Amendment Application SEA 99-P-046-02 is located at 10900, 10910, 10824, and 10816 Oakton Road and 3400, 3320, 3310, 3300, 3308 and 3408 Jermantown Road, Oakton, 22124. Tax Map 47-3 ((1)) 16B, 17A, 18, 19, 19A, 20, 20A, 20B, 21A, 22, 22A, 23, 24, 34A, 34B, and 34C.

The application property for Special Exception Amendment Application SEA 84-P-105-04 is located at 3012 Chain Bridge Road, 10429 and 10431 Miller Road, and 3044 Jermantown Road, Oakton, 22124. Tax Map 47-2 ((1)) 36A, 37, 38, and 52A.

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

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

- Francis A. McDermott, Hunton Andrews Kurth LLC, attorney and agent for the applicant

Supervisor Gross disclosed that she received a campaign contribution in excess of \$100 from the following:

- Francis A. McDermott, Hunton Andrews Kurth LLC, attorney and agent for the applicant

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

- Francis A. McDermott, Hunton Andrews Kurth LLC, attorney and agent for the applicant

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

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

Following the public hearing, which included testimony by seven speakers, Mr. McDermott presented rebuttal.

Ms. Posusney presented the staff and Planning Commission recommendations.

Following points of clarification regarding access, changes made to the applications, and compliance with conditions, Supervisor L. Smyth requested that the applicant confirm for the record the following:

- Agreement with the proposed development conditions for Special Exception Amendment Applications SEA 99-P-046-02 (dated September 24, 2018) and SEA 84-P-105-04 (dated September 13, 2018)
- That they understand the development conditions
- That they will diligently implement the development conditions for Special Exception Amendment Application SEA 99-P-046-02, dated September 24, 2018, and the development conditions for Special Exception Amendment Application SEA 84-P-105-04 dated September 13, 2018

Mr. McDermott confirmed, for the record, that the applicant was in agreement with all three questions as to both sets of development conditions for Special Exception Amendment Application SEA 99-P-046-02, dated September 24, 2018, and Special Exception Amendment Application SEA 84-P-105-04, dated September 13, 2018.

Therefore, Supervisor L. Smyth moved approval of:

- Special Exception Amendment Application SEA 99-P-046-02, subject to the development conditions dated September 24, 2018.
- The waivers and modifications for Special Exception Amendment Application SEA 99-P-046-02 as listed in the handout dated July 12, 2018, which was provided to the Board today and which shall be made part of the record of this case as follows:
 - Waiver of the bike lane along Jermantown Road as shown on the Countywide Bicycle Master Plan, in favor of the existing major paved trail located along Jermantown Road
 - Waiver of the barrier requirement along the site's Oakton Road frontage
 - Reaffirmation of the following previously approved waivers and modifications, as listed below:
 - Modification of transitional screening requirements to permit an alternative planting schedule as depicted on the SEA plat
 - Modification of the transitional screening requirements to permit a reduction in the width of the planting schedule as depicted on the SEA plat
 - Waiver of the barrier requirements along Jermantown Road
- Special Exception Amendment Application SEA 84-P-105-04, subject to the development conditions dated September 13, 2018
- Reaffirmation of the following previously approved waivers and modifications for Special Exception Amendment Application SEA 84-P-105-04, as listed in the handout dated July 12, 2018, which was provided to the Board today and which shall be made part of the record of this case as follows:
 - Waiver of the service drive requirement along Chain Bridge Road
 - Modification of the 25-foot transitional screening requirement along the western, southern, and northern property boundaries; in favor of the

existing and proposed landscaping shown on the previously approved Generalized Development Plan (GDP)/SEA plat

- Modification of the barrier requirement along the western boundary of the site as shown on the previously approved GDP/SEA plat
- Direct the Director of Land Development Services to waive frontage construction requirements along both Chain Bridge and Jermantown Roads
- Modification to allow an increase in height for the proposed fence located in the front yard(s) adjacent to Miller Road in accordance with Paragraph 3H of Section 10-104 of the Zoning Ordinance (ZO) from four feet to a maximum of six feet in height
- Modification of the trail requirement along Miller Road, Jermantown Road, and Chain Bridge Road to that shown on the previously approved GDP/SEA plat

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

ADDITIONAL BOARD MATTERS

75. **CONSIDERATION OF KISS-AND-RIDE (PROVIDENCE DISTRICT)**
(7:20 p.m.)

(NOTE: Earlier in the meeting, this item was mentioned. See Clerk's Summary Item CL #74.)

Supervisor L. Smyth stated that during the Board's consideration of Special Exception Amendment Application SEA 99-P-046-02 and SEA 84-P-105-04, a speaker raised the issue of traffic around the Oakton Elementary School Kiss-and-Ride.

Therefore, Supervisor L. Smyth asked unanimous consent that the Board direct staff to include the issue of kiss-and-rides at the Board's next joint meeting with the School Board. Without objection, it was so ordered.

76. **LAND USE PROCESS** (7:22 p.m.)

(NOTE: Earlier in the meeting, this issue was mentioned. See Clerk's Summary Item CL #74.)

In response to a speaker's comment made during the Board's consideration of Special Exception Amendment Applications SEA 99-P-046-02 and SEA 84-P-105-04, Chairman Bulova noted that the County works to ensure that commitments are enforced.

77. **HUNTER MILL DISTRICT POLICE STATION** (7:24 p.m.)

Supervisor Hudgins reminded the Board of the tragedy that befell one of the officers of the Hunter Mill District Station and she noted that the station and the Police Department have been providing support. Chairman Bulova asked everyone to keep in thoughts the officer and his colleagues at the station.

Chairman Bulova and Supervisor Herrity noted that Police Chief Roessler has highlighted the issue of mental health and the department has an initiative underway to bring greater attention to such issues experienced by public safety personnel.

Chairman Bulova announced that the Fairfax Out of the Darkness Walk, to call attention to some of these difficult issues, especially the issue of suicide, will be held this Saturday morning.

78. **BOARD ADJOURNMENT** (7:28 p.m.)

The Board adjourned.