



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**TUESDAY  
February 19, 2019**

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**03-19**

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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, February 19, 2019, at 9:34 a.m., there were present:

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

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Ekuu Brew-Ewool, Kecia Kendall, and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:35 a.m.)

The Board asked everyone to keep in thoughts the families of the following:

- Mr. Tony Dzierski, community member, who died recently.
- Mr. John Jenkins, longest serving Board of Supervisors member in Prince William County, who died recently.
- Mrs. Madge McKay, grandmother of Supervisor Jeff McKay, who died recently.

**AGENDA ITEMS**2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE CHANTILLY HIGH SCHOOL GIRLS' VOLLEYBALL TEAM** (9:45 a.m.)

Supervisor K. Smith moved approval of the Certificate of Recognition presented to the Chantilly High School Girls' Volleyball Team for winning the State Championship. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

3. **PROCLAMATION DESIGNATING FEBRUARY 2019 AS "AFRICAN-AMERICAN HISTORY MONTH" IN FAIRFAX COUNTY** (9:53 a.m.)

Supervisor McKay moved approval of the Proclamation designating February 2019 as "*African-American History Month*" in Fairfax County and urged all residents to join in recognizing the African-American community in the County and throughout the United States and the world. Chairman Bulova seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING MARCH 2019 AS "TB AWARENESS MONTH" IN FAIRFAX COUNTY** (10:07 a.m.)

Supervisor Gross moved approval of the Proclamation designating March 2019 as "*TB Awareness Month*" in Fairfax County and urged all residents to learn about TB risk factors and talk to a health care provider about testing and treatment for latent TB infection if at high risk. Supervisor McKay seconded the motion and it carried by unanimous vote.

5. **10 A.M. – REPORT ON GENERAL ASSEMBLY (GA) ACTIVITIES**  
(10:18 a.m.)

Supervisor McKay, Chairman of the Board’s Legislative Committee, noted that it met on Friday, February 8, and Friday, February 15, and referred to the updated Committee report which was distributed to the Board.

Supervisor McKay presented the report on GA activities, noting the following:

- The 2019 Session is rapidly heading toward its scheduled adjournment on February 23. While over 650 bills have already passed both chambers and await gubernatorial action, nearly 1000 bills are still awaiting final disposition.
- The County’s initiatives continue to successfully make their way through the General Assembly. Both the House and Senate versions of the initiative relating to the secondary road program public hearing requirements have passed both chambers and now await consideration by Governor Northam. The Senate version of the initiative relating to the construction and dedication of sidewalks has also passed both chambers and will soon head to the Governor for consideration as well.
- The Legislative Committee received an update on legislation that would have substantially changed the County’s recently-adopted amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), relating to short-term lodging. That bill was passed-by indefinitely in a House Counties, Cities and Towns subcommittee by a 5-3 vote.
- Legislative staff also continue to closely monitor legislation relating to the undergrounding of utility lines. Based on the significant changes made to this bill through the legislative process, the Legislative Committee decided to “monitor” this legislation going forward, while seeking amendments to increase safeguards and improve possible implementation. Staff will provide updates to the Board as information becomes available.
- A key area of focus for the remainder of the session will be the amendments to the 2018-2020 biennium budget. During the Friday, February 8, Legislative Committee meeting, staff provided an analysis of how the budgets adopted by the House and Senate affect key County priorities. As the budget conference committee continues its work, staff will closely monitor the negotiations and provide updates as the budget process unfolds.

Following input from Tom Biesiadny, Director, Department of Transportation, Supervisor Storck asked unanimous consent that the Board direct staff to provide a listing of the Commonwealth's transportation funding and commitment, related to the Amazon Headquarters Virginia location. Without objection, it was so ordered.

Supervisor McKay moved that the Board adopt Legislative Committee Report Number Three. Supervisor Gross seconded the motion and it carried by unanimous vote.

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6. **10:10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (10:28 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 February 19, 2019." Supervisor K. Smith seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

**A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE**

Reappointment of:

- Ms. Ernestine Heastie as the Providence District Representative

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

**ADVISORY SOCIAL SERVICES BOARD**

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

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

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

**AIRPORTS ADVISORY COMMITTEE**

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

**ARCHITECTURAL REVIEW BOARD**

The Board deferred the appointment of the Related Professional Group #4 Representative.

**ATHLETIC COUNCIL**

Appointment of:

- Mr. Mark H. O'Meara as the Braddock District Alternate Representative

Confirmation of:

- Mr. Roland Taylor as the Town of Herndon Alternate Representative

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

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

**BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS**

Reappointment of:

- Mr. Amado Fernandez as the Alternate #3 Representative
- Mr. George Page as the Design Professional #4 Representative

The Board deferred the appointment of the Design Professional #2 Representative.

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

**CHILD CARE ADVISORY COUNCIL**

Reappointment of:

- Ms. Mercedes O. Dash as the Providence District Representative

- Ms. Gita D'Souza Kumar as the Sully District Representative

The Board deferred the appointment of the Dranesville District Representative.

#### **CITIZEN CORPS COUNCIL, FAIRFAX COUNTY**

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

#### **CIVIL SERVICE COMMISSION**

Appointment of:

- Ms. Sara J. Simmons as the At-Large #3 Representative

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

#### **COMMISSION FOR WOMEN**

Appointment of:

- Ms. Jane M. Materna as the Mason District Representative

#### **COMMISSION ON AGING**

Appointment of:

- Ms. Phyllis Miller Palombi as the Hunter Mill District Representative

#### **COMMUNITY ACTION ADVISORY BOARD (CAAB)**

Reappointment of:

- Ms. Donita K. Hines as the Providence District Representative

Confirmation of:

- Ms. Marcia E. McDevitt as the League of Women Voters Representative

The Board deferred the appointment of the Mount Vernon and Sully District Representatives.

#### **CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**

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

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

Reappointment of:

- Mr. Thomas D. Fleury as the At-Large #5 Representative

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

Appointment of:

- Mr. Frederick Rothmeijer as the BOS At-Large #5 Representative

**ECONOMIC ADVISORY COMMISSION**

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

**ENGINEERING STANDARDS REVIEW COMMITTEE**

Confirmation of:

- Mr. Kevin Pullen as the League of Women Voters Representative

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

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)**

Reappointment of:

- Mr. Robert A. Robbins as the Providence District Representative

**FAIRFAX AREA DISABILITY SERVICES BOARD**

Appointment of:

- Mr. Andrew Magil as the At-Large #2 Business Community Representative

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

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

The Board deferred the appointment of the Mount Vernon and Sully District Representatives.

**HEALTH SYSTEMS AGENCY BOARD**

Appointment of:

- Mr. Sahil Chaudhary as the Consumer #6 Representative

**HISTORY COMMISSION**

Reappointment of:

- Mr. Michael Irwin as the Citizen #8 Representative

The Board deferred the appointment of the Architect, and Historian #1 and #3 Representatives.

**HUMAN RIGHTS COMMISSION**

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

**HUMAN SERVICES COUNCIL**

The Board deferred the appointment of the Providence District #2 and the Sully District #2 Representatives.

**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)**

Confirmation of:

- Ms. Anne S. Kanter as the League of Women Voters Representative

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL**

The Board deferred the appointment of the Braddock District Representative.

**OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING**

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



**POLICE CIVILIAN REVIEW PANEL**

Reappointment of:

- Ms. Anna Northcutt as the Seat #7 Representative

The Board deferred the appointment of the Seat #6 and #8 Representatives.

**RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

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

**ROAD VIEWERS BOARD**

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

**SMALL BUSINESS COMMISSION, FAIRFAX COUNTY**

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

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

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

**TENANT LANDLORD COMMISSION**

The Board deferred the appointment of the Citizen Member #1, Condo Owner, Landlord Member #2, and Tenant Member #1 Representatives.

**TRANSPORTATION ADVISORY COMMISSION**

The Board deferred the appointment of the Providence District Representative.

**TREE COMMISSION**

The Board deferred the appointment of the Providence District Representative.

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

Reappointment of:

- Honorable Lauri DiRocco as the Adjacent Community Member #1 Representative
- Ms. Sally Horn as the Adjacent Community Member #2 Representative
- Mr. James Policaro as the Commercial or Retail Ownership #1 Representative
- Mr. Cory Scott as the Commercial or Retail Ownership #2 Representative
- Mr. Christopher M. Auth as the Providence District #1 Representative

Confirmation of:

- Honorable Stuart Mendelsohn as the Chamber of Commerce Lessees of Non-Residential Space Representative
- Mr. Terrence J. Miller as the Tysons Partnership #1 Representative
- Mr. Aaron Georgelas as the Tysons Partnership #2 Representative

The Board deferred the appointment of the Commercial or Retail Ownership #3, Dranesville, Hunter Mill District #1, #2, and Providence District #2 Representatives.

#### **UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA)**

Confirmation of:

- Mr. Shahram Mohsenin as the Fairfax County #1 Representative
- Mr. Michael McGrath as the Fairfax County Alternate #1 Representative

#### **WATER AUTHORITY**

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

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7. **10:20 A.M. – COUNTY EXECUTIVE’S PRESENTATION OF THE PROPOSED FISCAL YEAR (FY) 2020 AND FY 2021 MULTI-YEAR BUDGET PLAN** (10:30 a.m.)

Bryan J. Hill, County Executive, gave a presentation on the budget.

Chairman Bulova recognized the presence of Dr. Scott Brabrand, Superintendent of Schools and the following School Board Members:

- Jane Strauss, Dranesville District
- Ilryong Moon, At-Large
- Tamara Derenak Kaufax, Lee District
- Dalia Palchik, Providence District

Following comments regarding the proposed budget, Chairman Bulova announced that the Board’s next Budget Committee meeting is scheduled for February 26, 2019, at 3 p.m. at the Gatehouse Administration Center. She also stated that at the March 5 Board meeting, the Board will authorize the advertisement of the tax rate.

Following Mr. Hill’s presentation, Chairman Bulova asked for comments from Board Members. Areas of comment included:

- Collaboration with Schools
- Full funding of the Schools’ request
- Market Rate Adjustment (MRA) funding
- Staffing of the South County Police station
- Funding for police body-worn cameras
- Metro funding challenge
- The Office of Economic Opportunity
- The Office of Environmental and Energy Coordination
- Human Services providers contract increases
- The importance of the commercial tax base

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

- An overview of the status of the early childhood and school readiness program
- The number of positions funded in FY 2020
- The progress that has been made over the past few years
- The status of the waiting lists and future plans for the program

Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to provide the:

- Cost to fund additional 0.50 percent increments to the MRA.  
Example: 1.50%, 2%, 2.5%
- Number of employees who will receive the 1 percent
- Number of employees who will receive performance and longevity (public safety and County) increases

Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to request that similar information be provided for School employees. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Gross asked unanimous consent that the Board direct staff to provide a detailed breakdown of the 34 positions being converted from grant or non-merit benefits-eligible status and how this compares to previous years. Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the Board direct staff to include home departments for each of the 34 positions. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information regarding the increase in refuse collection fees. Without objection, it was so ordered.

Supervisor Foust asked unanimous consent that the Board direct staff to provide the cost if the living wage was increased to three percent. Without objection, it was so ordered.

Supervisor McKay asked unanimous consent that the Board direct staff to include the number of employees impacted by the living wage. Without objection, it was so ordered.

Supervisor Foust asked unanimous consent that the Board direct staff to provide a detailed description of the increase to the contributory funds detailing if they are a result of increases to existing contributories or new contributions. Without objection, it was so ordered.

Supervisor L. Smyth asked unanimous consent that the Board direct staff to breakdown the nonresidential equalization chart by different types of retail. Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information on:

- How much funding is being provided to Metro above the three percent agreed upon amount
- What that equates to in dollars and percentage

Without objection, it was so ordered.

Supervisor McKay asked unanimous consent that the Board direct staff to provide a more detailed explanation of the increase in unfunded retirement liability being offset by savings in health insurance and other benefits for a net savings of \$0.12 million. Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide investment results for the County's 3 pension plans (in 1-year, 3-year, 5-year, 10-year, and long-term increments). Without objection, it was so ordered.

The following budget meetings were announced by District:

<b><u>MEETING</u></b>	<b><u>DATE/TIME</u></b>	<b><u>LOCATION</u></b>
Mount Vernon District	February 21 – 7:30 p.m.	Mount Vernon Government Center
Mount Vernon District	February 25 – 7 p.m.	Laurel Hill Elementary School
Dranesville District	February 28 – 7 p.m.	McLean Community Center
Hunter Mill District	March 2 – 9:00 a.m.	Frying Pan Farm Park
Mason District	March 7 – 7 p.m.	Mason District Governmental Center

Sully District	March 13 – 7 p.m.	Chantilly High School
Dranesville District	March 14 – 7:30 p.m.	Great Falls Grange
Braddock District	March 20 – 7:30 p.m.	Kings Park Library
Springfield District	March 21 – 7 p.m.	West Springfield Government Center
Providence District	March 26 – 7 p.m.	Providence Community Center
Lee District	April 2 – 7 p.m.	Franconia Governmental Center

Chairman Bulova noted, for the record, that this is not the adoption of the budget; this is the County Executive’s advertised budget and there will be a budget mark-up prior to the adoption of the final budget. She also noted that budget information can be found at <https://www.fairfaxcounty.gov/budget/>

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8. **ADMINISTRATIVE ITEMS** (11:51 a.m.)

Supervisor K. Smith called the Board’s attention to Admin 4 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Zoning for Wireless Telecommunications Infrastructure. She stated that staff was directed to advertise the amendment as broadly as possible to allow the Board to consider the full range of possibilities and still be within the scope of advertisement. The agenda item contains a draft Zoning Ordinance amendment that includes several options; however, it was brought to her attention that there is another option that was not included: to allow the co-location of wireless facilities on existing structures to be permitted by right and without the approval of a zoning permit by the Zoning Administrator.

Supervisor K. Smith asked unanimous consent that this option be included in the advertisement. Without objection, it was so ordered.

Supervisor Gross moved approval of the Administrative Items, including Supervisor K. Smith’s request. Supervisor McKay seconded the motion.

Supervisor Storck called the Board’s attention to Admin 3 – Approval of “\$200 Additional Fine for Speeding” and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (RTAP) (Braddock and Mount Vernon Districts) and asked to amend the motion to withdraw that portion relative to Mount Vernon Highway and this was accepted.

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

**ADMIN 1 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE SPRINGFIELD MULTI-USE TRANSIT HUB (LEE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 19, 2019, at 4 p.m.**, regarding the acquisition of certain land rights necessary for the construction of the Springfield Multi-Use Transit Hub, ST-000033-001, in Fund 400-C40010, County and Regional Transportation Projects.

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 71 (EXPEDITED BUILDING PLAN REVIEW), REGARDING REPEAL OF CHAPTER 71**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 19, 2019, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, to repeal Chapter 71 (Expedited Building Plan Review) in its entirety.

**ADMIN 3 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (BRADDOCK AND MOUNT VERNON DISTRICTS)**

- (R) (NOTE: Earlier in the meeting, action was taken regarding this item. See page 14.)

- Adopted the Resolution, substantially in the form of Attachment I of the Board Agenda Item, for the installation of “\$200 Additional Fine for Speeding” signs on the following road:
  - Lorton Station Boulevard (Mount Vernon District)
  - ~~Mount Vernon Highway (Mount Vernon District)~~
- Authorized the installation of “Watch for Children” signs on the following roads:

- Two “Watch for Children” signs on Elizabeth Lane (Braddock District)
- One “Watch for Children” sign on Iva Lane (Braddock District)
- Directed staff to request the Virginia Department of Transportation (VDOT) to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible and the Department of Transportation (DOT) to schedule the installation of the approved “Watch for Children” signs as soon as possible.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ZONING FOR WIRELESS TELECOMMUNICATIONS INFRASTRUCTURE**

(A)(R) (NOTE: Earlier in the meeting, action was taken regarding this item. See page 14.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on March 20, 2019, and before the Board on **April 9, 2019, at 2:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding zoning for wireless telecommunications infrastructure in response to the 2018 legislation and the September 26, 2018, Declaratory Ruling and Order adopted by the Federal Communications Commission.

9. **A-1 – APPROVAL OF A RESOLUTION ENDORSING THE RICHMOND HIGHWAY WIDENING PROJECT FOR SUBMISSION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S (USDOT) INFRASTRUCTURE FOR REBUILDING AMERICA (INFRA) FISCAL YEAR (FY) 2019 DISCRETIONARY GRANT PROGRAM (LEE AND MOUNT VERNON DISTRICTS)** (11:54 a.m.)

(R) On motion of Supervisor McKay, seconded by Supervisor Storck, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted the Resolution, substantially in the form of Attachment 1 of the Board Agenda Item, endorsing the Richmond Highway Widening (Napper Road to Mount Vernon Highway) Project, so that the Department of Transportation (DOT) can apply for grant funding through the USDOT INFRA grant program.



10. **A-2 – APPROVAL OF FAIRFAX CONNECTOR MARCH 2019 SERVICE CHANGES** (11:55 a.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and approve the Fairfax Connector’s March 2019 service changes as contained in the Board Agenda Item. Supervisor K. Smith seconded the motion.

Following remarks by Supervisor McKay concerning the importance of the Title VI Program, particularly for communities that are economically challenged, and the advocacy and involvement of representatives from VOICE, the question was called on the motion and it carried by unanimous vote.

11. **A-3 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO MAKE TWO HOUSING BLUEPRINT LOANS TO ARROWBROOK APARTMENTS I, LLC, AND ARROWBROOK II, LLC, TO FINANCE THE DEVELOPMENT OF ARROWBROOK CENTRE APARTMENTS, HERNDON, VIRGINIA (DRANESVILLE DISTRICT); AND DESIGNATION OF THE ARROWBROOK APARTMENTS SITE AS A REVITALIZATION AREA PURSUANT TO VIRGINIA CODE § 36-55-30:2** (11:57 a.m.)

(R) Following discussion concerning revisions to the Action Item, Thomas E. Fleetwood, Director, Department of Housing and Community Development, made a brief presentation.

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

- Authorize the FCRHA to make the proposed loans in the aggregate amount of \$7,744,225 to Arrowbrook I, LLC, and Arrowbrook II, LLC, (in amounts preliminarily estimated to be \$694,225 for Arrowbrook Apartments I and \$7,050,000 for Arrowbrook Apartments II)
- Adopt the Resolution, substantially in the form of Attachment 1 of the Board Agenda Item, to designate the Arrowbrook Apartments site as a Revitalization Area pursuant to Virginia Code § 36-55-30.2

Chairman Bulova seconded the motion.

Following input from Elizabeth Teare, County Attorney, discussion ensued concerning the designation of a “revitalization area,” for the purposes outlined in the Code, with input from Alan M. Weiss, Assistant County Attorney, and Leslie Johnson, Director, Zoning Administration, Department of Planning and Zoning.

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.”

12. **A-4 – ENDORSEMENT OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) REVISED TRAFFIC CALMING GENERAL OPERATING PROCEDURES** (12:04 p.m.)

On motion of Supervisor Foust, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the RTAP Revised Traffic Calming General Operating Procedures as contained in Attachments I and II of the Board Agenda Item.

13. **C-1 – AMENDMENTS TO THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) BYLAWS** (12:06 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda to approve the amended CSB Bylaws. Supervisor Gross, following a brief explanation of the Consideration Item, moved approval of the amendments to the CSB Bylaws. Chairman Bulova seconded the motion.

Referencing joint meetings of the Board of Supervisors with Boards, Authorities, and Commissions (BACs), such as the Park Authority, Library Board, and Economic Development Authority, Supervisor Cook asked unanimous consent that the Board direct staff to schedule time for the Board to meet with the CSB. Without objection, it was so ordered.

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

EBE:ebe

**ADDITIONAL BOARD MATTERS**

14. **PRESENTATION REQUESTS** (12:08 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to process the presentation requests contained in her Board Matter titled “Presentations February 19, 2019.

Following are the presentation requests:

- Invite representatives from the Office for Women and Domestic and Sexual Violence Services to appear before the Board on April 9 to accept a proclamation designating April 2019 as “*Sexual Assault Awareness Month*” in Fairfax County

- Invite representatives from the Fairfax-Falls Church Community Services Board (CSB) to appear before the Board on May 7 to accept a resolution recognizing its fiftieth anniversary
- Invite representatives from the Department of Family Services to appear before the Board on May 7 to accept a proclamation designating May 2019 as “*Foster Care Awareness Month*” in Fairfax County

Without objection, it was so ordered.

15. **MOTION TO ADOPT THE FEBRUARY 2019 QUARTERLY REPORT OF THE AUDITOR OF THE BOARD** (12:10 p.m.)

Chairman Bulova announced that the Board has received the Auditor of the Board's Quarterly Report for February 2019. As referenced in her written Board Matter, the report included two study areas:

- Refuse Collection and Recycling Operations: Performance Study
- Connector Bus Route Evaluation: Performance Study

Chairman Bulova noted that management agreed with all of the recommendations.

Therefore, Chairman Bulova moved that the Board adopt the Auditor of the Board's February 2019 Quarterly Report and approve the Audit Committee Work Plan, which is attached to her written Board Matter, for the upcoming quarter. Supervisor Storck seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

16. **REQUEST FOR CONCURRENT PROCESSING OF PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-044, GBA ASSOCIATES LIMITED PARTNERSHIP DEFENSE HEALTH HEADQUARTERS (PROVIDENCE DISTRICT)** (12:12 p.m.)

Supervisor L. Smyth said that GBA Associates Limited Partnership has filed Proffered Condition Amendment Application PCA 82-P-044 to permit the consolidation and expansion of its existing facility. The expansion will consist of a new building and parking structure. The property is comprised of three separate parcels: Tax Map 49-4 ((01)) Parcels 59A, 59B, and 59C, which total 43.631 acres of land.

Due to time sensitive deadlines associated with the defense health headquarters, the applicant has requested that this application be moved forward as soon as possible. To that end the applicant has requested concurrent processing of its site plan.

Therefore, Supervisor L. Smyth moved that the Board direct the Director of Land Development Services to accept for concurrent and simultaneous review a site plan, architectural drawings, and any other plans or drawings as may be necessary in conjunction with pending Proffered Condition Amendment Application PCA 82-P-044. 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 the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Supervisor Foust seconded the motion and it carried by unanimous vote.

17. **AUTHORIZATION FOR A PUBLIC HEARING TO ESTABLISH A COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) AND RESILIENCY PROGRAM (MASON DISTRICT)** (12:14 p.m.)

Supervisor Gross said that during last week's Environmental Committee meeting, staff provided a final overview and recap on the work regarding the establishment of a C-PACE financing program. Included with the materials for the February 12 briefing is the draft ordinance. The recommended next step from that presentation was the Board's authorization of a public hearing to consider the adoption of the ordinance and allow the creation of a C-PACE program in the County.

At the Legislative Committee meeting on Friday, February 15, staff updated the Board on proposed legislation that appears to have broad support that would allow resiliency projects such as stormwater management and sediment and erosion control as well as other measures to be included as part of a C-PACE program.

C-PACE is a market-based financing tool building owners and developers use to fund energy efficiency, renewable energy, water saving enhancements, or other measures as authorized by law. Private capital providers (not the County) fund building improvements or new construction after a rigorous assessment of the project. The funds are repaid via a special assessment that transfers with the land. Eligible properties include commercial, industrial, nonprofits, and multi-family residential over four units, but does not include condominiums or other residential use classes.

C-PACE promotes resiliency, sustainable energy efficient infrastructure, enhances the real property tax base of the County, supports employment and economic growth in the County and helps to reduce harmful emissions associated with air quality and climate change.

Therefore, Supervisor Gross moved that the Board authorize a public hearing to consider the adoption of a proposed amendment to the Code of the County of Fairfax, Chapter 127 (Commercial Property Assessed Clean Energy and Resiliency Program). This hearing is to take place on **March 19, 2019, at 5 p.m.** Supervisor McKay seconded the motion and it carried by unanimous vote.

18. **SOLSMART DESIGNATION** (12:16 p.m.)

Supervisor Gross said that the County has several initiatives, incentives, and procedures that encourage the installation of solar panels by residents and businesses. Building on the County's history as a solar-friendly local government, and as discussed at last week's Environmental Committee meeting, Supervisor Gross announced the County's intention to apply for SolSmart designation.

SolSmart is a national Department of Energy program recognizing cities and counties that foster the development of local solar markets. In addition to receiving credit for what has already been accomplished – such as waiving permit fees for solar installations, providing a solar equipment tax exemption, and coordinating a Solarize campaign – SolSmart experts will assist the County with implementing new solar-friendly measures.

Therefore, Supervisor Gross moved that the Board direct the County Executive to proceed with an application for SolSmart designation, including a Solar Statement of Commitment to be signed by Chairman Bulova. Supervisor Foust seconded the motion and it carried by unanimous vote.

19. **FIFTIETH ANNIVERSARY OF PLANNING DISTRICT COMMITTEES** (12:16 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity, Supervisor Hudgins, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova, Supervisor Gross said that the Northern Virginia Regional Commission (NVRC) is a regional council of local governments in Northern Virginia created in 1969 pursuant to the Virginia Area Development Act and a regionally-executed charter. She referred to her written Board Matter which includes additional background information.

Therefore, Supervisor Gross moved that the Board direct staff to prepare a resolution recognizing this historic anniversary of regional cooperation and coordination and that it be signed by the Board Members who serve on the NVRC. Chairman Bulova seconded the motion and it carried by unanimous vote.

20. **ANTIOCH BAPTIST CHURCH THIRTIETH ANNIVERSARY RESOLUTION (SPRINGFIELD DISTRICT)** (12:20 p.m.)

Supervisor Herrity said that in 1989, Antioch Baptist Church was founded and held its first worship service at the Salvation Army Chapel located on Ox Road in Fairfax. Since then it has grown from 88 members to over 1,700. Referencing his written Board Matter, Supervisor Herrity outlined the history of the church and its many contributions to the community.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a resolution, for dual signature, recognizing the thirtieth anniversary of Antioch Baptist Church and its service to the community. The resolution will be presented to Reverend Ausberry at one of its anniversary events. Without objection, it was so ordered.

21. **MAY AS “OLDER AMERICANS AND ADULT ABUSE PREVENTION MONTH” IN FAIRFAX COUNTY** (12:21 p.m.)

Supervisor Herrity said that this year, the U.S. Administration for Community Living has chosen the theme, *Connect, Create, Contribute*, for Older Americans Month. Referencing his written Board Matter, he noted that the 2019 theme offers an opportunity to celebrate County older adults who offer their wisdom, experience, and talent through thousands of hours of volunteer service. The County recognizes that older adults play a key role in the vitality of neighborhoods and networks and this makes the community stronger.

Therefore, Supervisor Herrity asked unanimous consent that the Board designate May as “*Older Americans and Adult Abuse Prevention Month*” in Fairfax County and direct staff to invite representatives from the Commission on Aging, the Area Agency on Aging, Adult Protective Services, the Long Term Care Coordinating Council, and other agencies and appropriate groups to appear before the Board on May 7 to receive a proclamation. Without objection, it was so ordered.

22. **RECOGNIZING SERGEANT GINA FOX: SERVICE ABOVE SELF AWARD RECIPIENT RESOLUTION** (12:23 p.m.)

Supervisor Herrity, referencing his written Board Matter, stated that on November 14, 2018, Sergeant Gina Fox responded to a dispatcher call for a domestic violence incident. Without hesitation, Sergeant Fox responded, which allowed her to be the first one on the scene, despite coming from a very long distance away.

Sergeant Fox’s action were heroic as she allowed herself to be put in danger to protect the safety of others. For her heroic actions, she is the Service Above Self Award recipient presented by the Rotary Club of West Springfield.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a resolution, for dual signature, recognizing Sergeant Gina Fox as the Service Above Self Award recipient for her service to the community, to be presented at a Rotary Club of West Springfield meeting. Without objection, it was so ordered.

23. **HIGH SCHOOL STUDENT SHARK TANK TECHNOLOGY CHALLENGE 2019** (12:24 p.m.)

Supervisor Herrity said that the first Fairfax High School Student Shark Tank Technology Challenge was held in 2015. The project was launched to implement a Fairfax 50+ Community Action Plan initiative entitled: *Help People Stay in their Homes with Technology*.

This year, approximately 60 students along with local businesses once again picked up the challenge and developed innovative devices or applications (apps) that improve the lives of older adults, people with disabilities, and their caregivers. Selected projects will be presented to the Shark Tank judges on April 5, 2019. Winners will be announced on April 8, 2019.

Last year, winning projects included: a car door closer for those with back and mobility issues; a wearable device that activates an alert if the person has fallen; and an app that quizzes the user to remember faces of friends and family

Partners of the High School Challenge include: the Fairfax Area Agency on Aging, Neighborhood and Community Services, George Mason's Kellar Institute, the Office of Public/Private Partnerships, Fairfax County Public Schools, and members of the business community who serve as judges and provide prize money.

Therefore, Supervisor Herrity asked unanimous consent that the Board hold May 7, 2019, for a reception to honor the "Shark Tank" Technology Challenge students and their families and direct staff to invite the winners to appear before the Board to receive certificates recognizing their achievements and contributions to the community. Without objection, it was so ordered.

**KK:kk**

24. **MOBILE AND LAND BASED TELECOMMUNICATIONS POLICY PLAN AMENDMENT** (12:25 p.m.)

Supervisor K. Smith said that in 2017, the Virginia General Assembly adopted legislation limiting localities' zoning authority over small cell facilities. Last year, the General Assembly adopted House Bill 1258 and Senate Bill 405, which further limits local zoning authority over certain types of wireless telecommunication facilities. To implement the 2018 legislation, the Board approved a new permit and related process for staff to review new structures 50 feet or less in height and the co-location of a wireless facility (excluding small cell facilities) on any existing structure. Earlier today, the Board authorized advertisement of a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to implement the new State and Federal laws.

On September 26, 2018, the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Order related to the deployment and local regulation of small cell facilities, which also constrains local zoning authority over these facilities.

The public facilities portion of the County's Comprehensive Plan's Policy Plan, titled Mobile and Land-Based Telecommunications Services, contains telecommunication review guidelines and objectives that are outdated and superseded in part by House Bill 1258, Senate Bill 405, and the FCC Declaratory Ruling. Consequently, the Policy Plan must be updated to further clarify and provide guidance for wireless facility deployment.

Therefore, Supervisor K. Smith moved that the Board authorize staff to prepare a Mobile and Land Based Telecommunications Policy Plan amendment updating the guidelines and objectives to address the Virginia General Assembly House Bill 1258 and Senate Bill 405, the September 2018 FCC Declaratory Ruling, and other associated changes. The motion was multiply seconded and it carried by unanimous vote.

25. **RECYCLING AND YARD WASTE BEST PRACTICES** (12:27 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor K. Smith said that significant changes to the global recycling market have begun impacting localities across the nation. China, the world's largest importer of recyclable materials, introduced policy changes in 2017 to establish more rigorous standards. One such provision lowered the allowable contamination level of solid waste from 5 percent to 0.5 percent which has contributed to a decline in the County's recycling capacity. Staff has estimated that about 30 percent of the County's recycling collection is currently being rejected based upon information from the Materials Recovery Facility. Household byproducts commonly perceived to be recyclable like used pizza boxes threaten recycling viability by introducing contamination to the collection process.

Supervisor K. Smith noted that while many are driven by the desire to be environmentally-friendly, items are still placed in the recycling bin, hoping that it could be recycled in some way. While the intent to aid sustainability is certainly commendable, wishful recycling can actually cause more harm than good, especially in today's more stringent market. According to the Environmental Quality Advisory Council's 2018 Annual Report, the County's revenue from recyclable materials has been reduced from over \$100 a ton to around \$20 a ton. While the lower contamination level is just one example of the new requirements, it is an area that can most readily be addressed through public outreach. She said that the County must advertise correct recycling methods with a renewed sense of urgency as a response to the changing market forces.

It is also important to revisit the issue of paper bags for the disposal of yard waste. The current allowance of plastic bags for yard waste collection greatly reduces



recycling capability as up to 20 percent of the material cling to the bags and cannot be recycled. Maximizing the efficiency of the County's recycling practices must be the foremost priority especially in the face of rapidly growing environmental concerns.

The current use of plastic bags for yard waste collection has significant environmental impacts due to the tendency of the plastic bags to shred into small pieces that cannot be easily removed from the compost. Termed microplastics, these fragments of non-biodegradable material eventually end up in the soil and waterways. Researchers are beginning to study the impact of microplastics on human health and the environment amid growing concerns. Continued use of plastic bags for yard waste prevents the County from maximizing its recycling potential and contributes to the presence of microplastics in nature.

The environmentally-conscious alternative to plastic yard waste bags would be Kraft paper bags. Kraft paper is defined by the Technical Association of the Pulp and Paper Industry (TAPPI) as "a high-strength paper made of sulfate pulp used in the manufacture of paper bags." These paper yard waste bags are similar in composition to bags that are used to hold other heavy items such as cement, kitty litter, and animal feed. These bags have been tested to show that, once fully saturated with water, they maintain their shape and do not burst for a 14-day period.

Given the environmental impacts of plastic waste in compost, many local jurisdictions have banned the use of plastic bags for the collection of yard waste. Referencing her written Board Matter, Supervisor Smith noted that the majority of neighboring localities do not accept plastic bags for yard waste, instead recommending the use of paper bags or sturdy reusable containers.

The County has consistently promoted sustainability through the school system yet it is important that the education of the adult population does not fall to the wayside. The County has implemented various methods of public outreach but the new market developments are significant enough to call for an increased emphasis. A strong sense of environmental stewardship already runs deep within the residents of the County. Through the clear advertising of the correct recycling methods, intention can be converted into action; action that is not only well-meaning, but also amenable to the recent market changes.

Therefore, Supervisor K. Smith moved that the Board direct staff to review the list of acceptable materials and best practices for recycling to meet current market conditions and report its findings via memorandum or at a future Environmental Committee meeting. Supervisor Gross seconded the motion.

Discussion ensued regarding the following:

- Clarification on what is acceptable recycling material
- Consistent recycling policies

- Involving the private sector in discussions
- Review of recycling and the recycling market
- Community outreach and education
- Single-stream recycling contamination
- New uses for recycled material

Supervisor McKay asked unanimous consent that the Board direct staff to evaluate the benefits of not collecting yard waste. Without objection, it was so ordered.

Supervisor Storck asked unanimous consent that the Board direct staff to identify alternative materials to encourage businesses to use. Without objection, it was so ordered.

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

26. **MID-ATLANTIC REGION OF THE AMERICAN MUSIC THERAPY ASSOCIATION (MAR-AMATA)** (12:47 p.m.)

Supervisor Hudgins stated that MAR-AMATA will be holding its 2019 Regional Conference March 8-10 at the Hyatt Regency in Reston. Referencing her written Board Matter, she noted that music therapy is a clinical and evidence-based use of music interventions to accomplish individualized goals with a therapeutic relationship by a credentialed professional who has completed an approved music therapy program.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to prepare a proclamation with dual signatures to recognize music therapy as a vital healthcare service to the people of the County to be presented at the regional conference in Reston. Without objection, it was so ordered.

27. **HUNTER MILL DISTRICT TOWN HALL ON THE BUDGET** (12:49 p.m.)

Supervisor Hudgins announced that the “First Wednesday” session on Wednesday, March 6, 2019, will focus on the Fiscal Year 2020 Budget proposal. The meeting will be held at the Patrick Henry Library located at 101 Maple Avenue East, in Vienna, from 4 p.m. – 6 p.m.

28. **RECOGNIZING THE WELCOMING INCLUSION NETWORK (WIN) FOR ITS INCLUSIVE INITIATIVES** (12:49 p.m.)

Supervisor Cook stated that WIN is the community group put together at the Board’s request a year ago for community members to join a stakeholders group

to review the issue of the employment and day services for those with developmental disabilities.

The Stakeholder group includes dozens of parents, service providers, advocates, and County staff that have expended hundreds of hours of time collectively, plus significant creativity and collaboration, in the successful completion of this effort. On December 11, 2018, the WIN network and Fairfax-Falls Church Community Services Board (CSB) staff presented recommendations in testimony before the Health and Human Services Committee of the Board. It has been a long year of hard work among those in the community and in the County, but a labor of love for a most deserving population. The efforts of those involved in WIN should be recognized.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite members of the WIN network, along with staff from the CSB, the Office of Public Private Partnerships, and Neighborhood and Community Services, to appear before the Board on March 5 to be recognized for the initiatives they developed for the next generation of services that can be provided to individuals with developmental disabilities. Without objection, it was so ordered.

29. **MOTION TO EXPEDITE ERICKSON LIVING AT BRADDOCK ROAD, LLC (BRADDOCK DISTRICT)** (12:51 p.m.)

Supervisor Cook said that Erickson Living at Braddock Road, LLC, purchased the site of the former Northern Virginia Training Center, located at 9911 Braddock Road. It has submitted Rezoning Application RZ 2018-BR-026 and Final Development Plan Application FDP 2018-BR-026 requesting a rezoning from the R-1 District to the PCC Zoning District to permit a continuing care facility as a principal use and age-restricted, multi-family affordable dwellings and a public recreation facility as secondary uses on the approximately 78.87-acre site identified as Tax Map 69-1 ((1)) 34.

The applicant has a public hearing scheduled before the Planning Commission on June 19, 2019. The applicant has requested a date for a hearing before the Board.

Therefore, Supervisor Cook moved that the Board direct staff to schedule these applications for a public hearing to be held before the Board on **July 16, 2019, at 3:30 p.m.** This motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards, nor does it prejudice in any way the Board's consideration of these pending applications. Supervisor Herry and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

**DET:det**

30. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:53 p.m.)

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

31. **THIRD QUARTER CONSIDERATION ITEM REQUEST** (12:53 p.m.)

Supervisor McKay stated that, in response to a September 25, 2018, Board Matter directing staff to report on options for added mowing cycles in 2019 as well as research models employed by other Virginia jurisdictions to supplement Virginia Department of Transportation (VDOT) mowing, staff prepared a memorandum, attached to his written Board Matter, dated February 5, 2019.

In 2018, due to the higher than normal precipitation levels, VDOT added a fourth mowing cycle to the typical three cycles performed each mowing season. In addition, staff found that several counties pay VDOT for additional mowing cycles. The average cost of each mowing cycle in the County in 2018 was approximately \$200,000.

The Board has often discussed the insufficient number of mowing cycles that occur in a typical year. Supervisor McKay said that the information prepared by staff, including the identification of models in place in the State for localities to supplement VDOT mowing, leads him to believe that there is a great need to have more frequent mowing cycles.

Therefore, Supervisor McKay moved that:

- \$200,000, for an additional mowing cycle during the 2019 season, be added as a Fiscal Year 2019 Third Quarter Consideration item
- The Board direct staff to identify trash pick-up costs and how such pick-ups are coordinated with mowing

Chairman Bulova seconded the motion.

Following discussion, concerning the need for additional mowing for reasons of health, public safety, and economic development, the question was called on the motion and it carried by unanimous vote.

32. **DESIGNATING MARCH 2019 AS “TAX RELIEF AWARENESS MONTH” IN FAIRFAX COUNTY** (12:58 p.m.)

Supervisor McKay said that the County has entered the 2019 tax season, and tax relief from real estate and vehicle taxes is available for people over 65 years old and for people with disabilities who meet certain qualifications.

Later this month, and all throughout March, the Board will host a series of free tax relief workshops at several locations throughout the County in an effort to help older adults and people with disabilities get the help they need and deserve.

Staff from the Department of Tax Administration (DTA) will be at these workshops, assisting residents in filling out forms, answering questions, and providing information on the County's tax relief program.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a proclamation designating March as "*Tax Relief Awareness Month*" in Fairfax County, to be jointly signed by the Chairman and the Lee District Supervisor, for presentation to representatives from DTA outside of the Board Auditorium. Without objection, it was so ordered.

33. **THE HELEN HAYES AWARDS** (12:59 p.m.)

In a joint Board Matter with Supervisor Foust, Supervisor L. Smyth, and Chairman Bulova, Supervisor McKay announced that the Helen Hayes Awards celebrate theater excellence in and around the Washington, D.C. area. This year, 4 County theaters have been nominated, with a total of 26 nominations.

Theaters in the Lee, Providence, and Dranesville Districts have theaters that were nominated. Leading the nominations in the County is Providence District's 1<sup>st</sup> Stage, which received 22 nominations, second only to Arena Stage in Washington, D.C. for most nominations awarded. The Hub, also in Providence District, received 2 nominations along with theaters in the Lee and Dranesville Districts, Brave Spirits Theatre and NextStop Theater Company, with each receiving 2 nominations.

ARTSFairfax is dedicated to ensuring the arts continue to thrive in the community and theater is a critical part of keeping arts alive. The Helen Hayes Awards recognition of the quality and vibrancy of the County's local theaters is essential to maintaining and building upon the excellence of its theaters. These nominations and this recognition are a great testament to the artists and organizations ARTSFairfax represents.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare jointly signed certificates, for presentation to members of all four theaters and the Board of Directors of ARTSFairfax which recognizes their nominations and accomplishments, for presentation at a future Board meeting. Without objection, it was so ordered.

34. **AMEND PLAN AMENDMENT (PA) AUTHORIZATION FOR PA 2018-IV-MV5 (MOUNT VERNON DISTRICT)** (1:01 p.m.)

Supervisor Storck announced that this motion relates to Plan Amendment PA 2018-IV-MV5 involving sub-units A1, A2, and A3 of the North Gateway Community Business Center (CBC) along the Richmond Highway Corridor. The

PA, initiated by the Board on September 25, 2018, directed staff to evaluate increasing the intensity of sub-units A1 and A2; altering the language regarding parcel consolidation with sub-unit A3; and reconfiguring the planned road network within the CBC.

Staff has also identified an opportunity to develop additional land use, open space, and urban design guidance for the North Gateway CBC through the ongoing work on the urban design guidelines for the Richmond Highway Corridor. The resulting guidance would closely follow the format and nature of the guidance that was adopted for the other CBCs on the corridor during the Embark Richmond Highway amendment, without extending the timeline of the amendment process. In addition, there is an opportunity to consider options for a trail connection across Richmond Highway between the planned Cameron Run Trail, shown along the northern boundaries of sub-units A-1 and A-2, and the existing Mount Vernon Trail, which runs along the George Washington Memorial Parkway and the Potomac River.

Therefore, Supervisor Storck moved that the Board amend the authorization for Plan Amendment PA 2018-IV-MV5 to broaden the scope of work to allow for consideration of urban design and open space guidance for the entire North Gateway CBC, in addition to the original considerations, and direct staff to evaluate options for trail connections across Richmond Highway, connecting Cameron Run and Mount Vernon Trails. This motion is not intended to substantively change the land use and intensity recommendations for the remaining sub-units in the CBC, subunits B1 and B2, nor should it be construed as a favorable recommendation by the Board or the Planning Commission. Chairman Bulova seconded the motion and it carried by unanimous vote.

## **AGENDA ITEMS**

### 35. **RECESS/CLOSED SESSION** (1:03 p.m.)

Chairman Bulova announced that the Board would convene in closed session at 2:30 p.m.; the first public hearing starting at 4 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. Update on State Tax Commissioner's Ruling With Respect to Appeal of Determination by the Fairfax County DTA Regarding the Out-Of-State Deduction for BPOL Receipts
  2. U.S. Securities and Exchange Commission Municipalities Continuing Disclosure Cooperation Initiative
  3. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maliheh S. Hajabbassi and Ali A. Hajabbassi*, Case No. CL-2016-0017518 (Fx. Co. Cir. Ct.) (Dranesville District)
  4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eaton Drive, LLC*, Case No. CL-2017-0005818 (Fx. Co. Cir. Ct.) (Dranesville District)
  5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary K. Devers, Trustee and Kenneth R. Arnold*, Case No. CL-2017-0004536 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Srinivas Akella and Krishna N. Kidambi*, Case No. CL-2017-0008936 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sandy Ying-Tang Cheng and Yuk Yee Cheng*, Case No. CL-2017-0008718 (Fx. Co. Cir. Ct.) (Lee District)
  8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. George Parker and Michele Parker*, Case Nos. GV17-010146 and GV17-010147 (Fx. Co. Gen. Dist. Ct.) (Lee District)

9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael J. Hayes and Donna R. Boatman*, Case No. GV17-013665 (Fx. Co. Gen. Dist. Ct.) (Lee District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Shaikh Aftab, Raheela Aftab, and Aamir Aftab*, Case No. GV17-007274 (Fx. Co. Gen. Dist. Ct.) (Mason District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Arlington Motors, Inc., and Yasmin Khoshnevis*, Case Nos. GV17-010670 and GV17-010671 (Fx. Co. Gen. Dist. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tirumal Kumar Pappu and Venkata V. Oruganti Naga*, Case Nos. GV17-010667 and GV17-010668 (Fx. Co. Gen. Dist. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John D. Moses and Katrina M. H. Waljeski-Moses*, Case No. GV17-013663 (Fx. Co. Gen. Dist. Ct.) (Providence District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John D. Moses and Katrina M. H. Waljeski-Moses*, Case No. GV17-013664 (Fx. Co. Gen. Dist. Ct.) (Providence District)
16. *Board of Supervisors of Fairfax County v. G&C Multiservices, Inc.*, Case No. GV17-013049 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill, Mason, Providence, and Springfield Districts)



And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(8), legal analysis regarding:
  - (1) Construction contract terms for a project in the Dranesville District; and
  - (2) *Davison v. Randall*, Docket Number 17-2003 (U.S. Court of Appeals for the Fourth Circuit, January 7 and 9, 2019).
- As permitted by Virginia Code Sections 2.2-3711(A)(6), (8), and (39), potential contract negotiation for a possible future competitive economic development opportunity in the Dranesville and/or Providence Districts.

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

At 4:16 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

### **ACTIONS FROM CLOSED SESSION**

36. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:16 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 announced that Supervisor McKay, due to a death in his family, was not in closed session nor would he be attending the afternoon's public hearings.

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

37. **AUTHORIZE THE EXECUTION OF AN AGREEMENT RELATING TO CASE NUMBER CL-2015-0008179** (4:17 p.m.)

Supervisor Foust moved that Board approve and authorize the County Executive to sign an agreement with the defendants relating to Circuit Court Case Number CL-2015-8179 based on the terms and conditions outlined by the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McKay being out of the room.

EBE:ebe

**AGENDA ITEMS**

38. **4 P.M. – PH ON THE DE-CREATION OF SMALL AND LOCAL SANITARY DISTRICT FOR REFUSE/RECYCLING AND/OR VACUUM LEAF COLLECTION SERVICE TO 522 SOUTH LARRIMORE STREET (MASON DISTRICT) AND THE ENLARGEMENT OF SMALL DISTRICT FOR PROVIDING COUNTY REFUSE, RECYCLING AND VACUUM LEAF COLLECTION SERVICE TO THE LUCKETT AVENUE AREA (PROVIDENCE DISTRICT)** (4:18 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 1 and February 8, 2019.

Jeffrey Hatterick, Solid Waste Management Program, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the public hearing, which included testimony by seven speakers, Supervisor L. Smyth stated that an item was submitted to the Clerk to the Board.

Supervisor Gross moved adoption of the Resolution approving changes to small and local sanitary district for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, as follows:

<b><u>Sanitary District</u></b>	<b><u>Action</u></b>	<b><u>Service</u></b>
Small District within Mason District (522 S. Larrimore Street)	De-Create	Refuse, Recycling and Vacuum leaf collection

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

Following comments, Supervisor L. Smyth moved to defer decision on the enlargement of a Small District within Providence District (Luckett Avenue Area) until **March 19, 2019, at 4:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

39. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE GREENWAY DOWNS RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 13 (PROVIDENCE DISTRICT)** (4:40 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 1 and February 8, 2019.

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

Following the public hearing, which included testimony by five speakers, Supervisor L. Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Greenway Downs RPPD, District 13. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor McKay being out of the room.

40. **4 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT 12111 BRADDOCK ROAD TO STC THREE, LLC (SPRINGFIELD DISTRICT)** (4:50 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 1 and February 8, 2019.

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

Following the public hearing, Supervisor Herrity moved adoption of the Resolution authorizing the leasing of County-owned property to STC THREE, LLC at the Mott Community Center located at 12111 Braddock Road for the provision of telecommunications services for public use. Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Cook, Supervisor McKay, and Supervisor L. Smyth being out of the room.

41. **4 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT 5645 REVERCOMB COURT TO NCWPCS MPL 27 – YEAR SITES TOWER HOLDINGS LLC (SPRINGFIELD DISTRICT)** (4:53 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 1 and February 8, 2019.

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

Following the public hearing, Supervisor Herrity moved adoption of the Resolution authorizing the leasing of County-owned property to NCWPCS MPL 27 – Year Sites Tower Holdings LLC at the police firing range at 5645 Revercomb Court for the provision of telecommunications services for public use. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor McKay and Supervisor L. Smyth being out of the room.

42. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (4:56 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of February 1 and February 8, 2019.

Public comment was held and included the following individuals:

- Mr. Chiao-Yung Sher, concerning community center use

Chairman Bulova explained the benefit of the sign-in requirement.

- Mr. Curtis Clinton, concerning road condition alarm

Chairman Bulova noted that the recommendations will be forwarded to the Department of Transportation and the Police Department for follow up.

43. **BOARD ADJOURNMENT** (5:04 p.m.)

The Board adjourned.