



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 5, 2019**

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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 5, 2019, 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 Gross asked everyone to keep in thoughts the family of Mr. David P. Bobzien, who died recently. Mr. Bobzien was the former County Attorney who served for 23 years and retired in 2016. His memorial service was announced.

Supervisor McKay asked everyone to keep in thoughts the family of Virginia State Trooper Lucas B. Dowell, who was killed in the line of duty. Supervisor McKay reminded everyone of the risks that the men and women in public safety face every day while serving the community.

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO ECUMENICAL COMMUNITY HELPING OTHERS (ECHO) ON ITS FIFTIETH ANNIVERSARY** (9:39 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to ECHO on its fiftieth anniversary and, on behalf of all residents of the County, congratulated ECHO for its 50 years of noteworthy and outstanding service in the Greater Springfield community. Chairman Bulova seconded the motion and it carried by unanimous vote.

3. **PROCLAMATION DESIGNATING FEBRUARY 2019 AS "TEEN DATING VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (9:48 a.m.)

Supervisor Cook moved approval of the Proclamation designating February 2019 as "*Teen Dating Violence Awareness Month*" in Fairfax County and urged all residents to work together to create a world where every teen can live free of dating and sexual violence. Supervisor Gross seconded the motion and it carried by unanimous vote.

4. **10 A.M. – REPORT ON GENERAL ASSEMBLY (GA) ACTIVITIES** (10:01 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, noted that it last met on Friday, January 25, 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 Legislative Committee reviewed several budget amendments from members of the County delegation that address key County priorities, including K-12 funding, transportation funding,

developmental disability waivers and CSB funding, among others. The entire County delegation signed on as co-patrons to amendments patroned by Delegate John Bell and Senator George Barker that would restore full funding for the cost of competing adjustment (COCA) for K-12 support positions.

- Today is “crossover” at the GA, which is the deadline for bills to pass their originating chamber and “cross over” to the opposite chamber. As a result, there has been a rush of activity on bills in both the House and Senate.
- The Legislative Committee received an update on the Board’s County initiatives. Both proposals, the first relating to the construction and dedication of sidewalks, and the second relating to the secondary road program public hearing requirements are successfully making their way through the GA. The House and Senate versions of both initiatives have passed their respective houses and will now cross over to the other body for consideration. Legislative staff will continue to provide updates to the Board on the progress of these bills.
- Legislative staff also continue to monitor legislation that would substantially change the County’s recently-adopted Zoning Ordinance Amendment relating to short-term lodging. The bill passed the Senate yesterday 26-12 and will now head to the House for consideration.

Looking ahead, a key area of focus for the remainder of the session will be the amendments to the 2018-2020 biennium budget. On Sunday February 3, the House Appropriations and Senate Finance Committees reported their respective budgets. As in previous years, the Board expects that each chamber will reject the other’s budget and appoint members to a conference committee to resolve these differences. Legislative staff will continue to closely monitor the budget process and provide updates to the Board as information becomes available.

Supervisor McKay noted the following:

- The Board’s annual reception in Richmond will be held on February 6, at 5:30 p.m. at the Credit Union House of Virginia.
- The next Legislative Committee meeting is scheduled for Friday, February 8, at 4 p.m. in Conference Room 11 of the Government Center

Discussion ensued on bills introduced regarding Undergrounding Utility Lines and Short-Term Lodging, with Supervisor McKay noting that both

would be discussed, in detail, at the February 8 Legislation Committee meeting.

Supervisor McKay moved that the Board adopt Legislative Committee Report Number Two. Chairman Bulova and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

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5. **ADMINISTRATIVE ITEMS** (10:22 a.m.)

Supervisor Gross moved approval of the Administrative Items. 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."

ADMIN 1 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CONVEYANCE OF A PORTION OF COUNTY-OWNED PROPERTY TO THE CITY OF MANASSAS PARK, VIRGINIA

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 5, 2019, at 4 p.m.**, regarding conveyance of a portion of Board-owned property located at 8599 Centreville Road to the City of Manassas Park.

ADMIN 2 - STREETS INTO THE SECONDARY SYSTEM (LEE AND MOUNT VERNON 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>
Laurel Hill Landbays E & F Section 1	Mount Vernon	White Spruce Way Paper Birch Drive Birch Bay Circle Douglas Fir Drive
Laurel Hill Landbays E & F Section 2	Mount Vernon	Douglas Fir Drive Paper Birch Drive Birch Bay Circle
Northampton – Kingstowne Parcels 19, 19A, & 19B	Lee	Villa Street Manorview Way Hampton Knoll Drive

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2020

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 19, 2019, at 4:30 p.m.**, regarding the proposed Consolidated Plan One-Year Action Plan for FY 2020, as forwarded by the Consolidated Community Funding Advisory Committee (CCFAC).

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON AND DISCONTINUE PORTIONS OF LORTON ROAD AND FURNACE ROAD, AND PETITION FOR ACCEPTANCE OF THE NEW ALIGNMENT FOR LORTON ROAD, FURNACE ROAD, AND WORKHOUSE ROAD (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 19, 2019, at 4:30 p.m.**, regarding a proposal to abandon and discontinue portions of Lorton Road and Furnace Road and petition for acceptance of the new alignment for Lorton Road, Furnace Road, and Workhouse Road.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, RESIDENTIAL PERMIT PARKING DISTRICTS (RPPD), DISTRICT 33, EXPANDING THE SPRINGDALE RPPD (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 5, 2019, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Springdale RPPD, District 33.

ADMIN 6 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 19181 FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO ACCEPT GRANT FUNDING FROM THE UNIVERSITY OF BALTIMORE COMBATING OPIOID OVERDOSE THROUGH COMMUNITY-LEVEL INTERVENTION SUBAWARD THROUGH GEORGE MASON UNIVERSITY (GMU)

- (SAR) Authorized the:

- Adoption of SAR AS 19181 to accept grant funding in the amount of \$105,736 from GMU, an awardee of the University of Baltimore Combating Opioid Overdose through Community-Level Intervention Initiative, to support interventions with individuals upon reentry into the community from the Adult Detention Center who have mental health and substance use disorder service needs. No Local Cash Match is required.
- Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive, to enter into the grant

agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

6. **A-1 – APPROVAL OF AND AUTHORIZATION TO EXECUTE A STANDARD PROJECT ADMINISTRATION AGREEMENT (SPA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR IMPLEMENTATION OF THE WOLFTRAP ELEMENTARY SCHOOL CROSSWALK IMPROVEMENT PROJECT AND APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 19183 (HUNTER MILL DISTRICT)** (10:22 a.m.)

(R)(SAR) Supervisor Hudgins moved that the Board concur in the recommendation of staff and adopt:

- The Resolution authorizing the Director of the Department of Transportation (DOT) to execute the SPA with VDOT, substantially in the form of Attachments 1 and 2 of the Board Agenda Item.
- SAR AS 19183, substantially in the form of Attachment 3 of the Board Agenda Item, for the development of the Wolftrap Elementary School Crosswalk Improvement Project. Required Local Cash Match of \$50,000 has been identified in Fund 40100, County and Regional Transportation Projects.

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.”

7. **A-2 – ENDORSEMENT OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) REVISED TRAFFIC CALMING GENERAL OPERATING PROCEDURES** (10:23 a.m.)

Tom Biesiadny, Director, Department of Transportation (DOT), provided a summary of the proposed changes.

Discussion ensued, with input from Steven Knudsen, Transportation Planner, DOT, and Mr. Biesiadny, regarding:

- How/when the new procedures will go into effect
- Addressing multiple requests for traffic studies
- Spacing requirements for traffic calming measures
- The timeframe for revisiting a traffic calming plan

Supervisor Foust moved that the Board concur in the recommendation of staff and endorse the RTAP revised Traffic Calming General Operating Procedures as contained in Attachments I and II of the Board Agenda Item. Supervisor Gross and Supervisor McKay jointly seconded the motion.

Supervisor Storck asked to amend the motion to lengthen the timeframe for the request to remove newly installed traffic measures, from five to ten years. This was accepted.

Following a brief discussion regarding the motion, Supervisor Hudgins asked unanimous consent that the Board refer the issue for discussion at the Board's next Transportation Committee meeting, scheduled on February 12. Without objection, it was so ordered.

Following comments, Supervisor Foust withdrew his motion.

8. **A-3 – ADOPTION OF A RESOLUTION APPROVING THAT THE BOARD GRANT HOST JURISDICTION FOR THE PORTSMOUTH PORT AND INDUSTRIAL COMMISSION, PUBLIC APPROVAL FOR THE BONDS AND THE PROJECT FOR THE BENEFIT OF THE CHANTILLY YOUTH ASSOCIATION (CYA)** (10:56 a.m.)

- (R) Thomas O. Lawson, Counsel to the Economic Development Authority (EDA), gave a brief presentation.

Supervisor K. Smith moved that the Board concur in the recommendation of staff and adopt the Resolution, substantially in the form of Attachment 1 of the Board Agenda Item. Supervisor Herrity seconded the motion.

Discussion ensued, with input from William Nusbaum, Bond Counsel at Williams Mullen, Norfolk office, and Mr. Lawson, regarding the financing mechanism that is being used to issue the bonds.

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."

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ADDITIONAL BOARD MATTERS

9. **RECOGNITION OF THE CHINESE LUNAR NEW YEAR** (11:06 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and wished everyone a happy lunar new year; this is The Year of the Pig. Individuals born in

The Year of the Pig are peaceful, considerate, responsible, independent, and optimistic.

10. **PRESENTATION REQUEST** (11:07 a.m.)

Chairman Bulova asked unanimous consent that the Board direct:

- Staff to prepare a proclamation, to be sent to the Department of Cable and Consumer Services, designating March 4-8, 2019, as “*Consumer Protection Week*” in Fairfax County. Throughout the week, Consumer Affairs will be hosting events open to the public.
- The Office of Public Affairs to share and publicize these events.

Without objection, it was so ordered.

11. **APPOINTMENT OF MR. RANDY BARTLETT TO THE DISTRICT OF COLUMBIA (DC) WATER AND SEWER AUTHORITY** (11:07 a.m.)

(BACs) Chairman Bulova announced that in 2015, the Board confirmed Mr. James Patteson, then Director of the Department of Public Works and Environmental Services, as the principal representative to the DC Water and Sewer Authority. With Mr. Patteson's retirement from that position, the Authority has requested that the Board recommend a replacement.

Therefore, Chairman Bulova moved that the Board recommend the appointment of Mr. Randy Bartlett as the County's principal representative. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor K. Smyth being out of the room.

12. **REQUEST FOR APPOINTMENT TO THE POLICE CIVILIAN REVIEW PANEL** (11:08 a.m.)

(BACs) Chairman Bulova announced that, on the recommendation of the County's School Board Chairman, Karen Corbett Sanders, she met with Shirley A. Norman-Taylor, Esquire, in reference to a vacancy on the Police Civilian Review Panel. Chairman Bulova stated that she was impressed with Ms. Norman-Taylor's background and her interest in serving on the panel. She noted that the schools had asked to make a recommendation.

Therefore, Chairman Bulova moved that the Board approve Ms. Norman-Taylor's appointment to Seat #3 on the Police Civilian Review Panel. Ms. Norman-Taylor's resume is attached to the Chairman's written Board Matter. Supervisor McKay seconded the motion.

Discussion ensued concerning the future appointment of an individual with prior, non-County law enforcement experience.

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

13. **AID TO LIBERIAN SCHOOLS** (11:10 a.m.)

Chairman Bulova stated that on December 10, 2018, she met with Lieutenant Colonel Jimmy Smith, Representative of Electoral District #2 in Montserrado, Liberia. The Honorable Mr. Smith was elected to Liberia's House of Representatives in 2017. He resided in the County from 1991 to 2007, where he worked for the County's Public Schools.

In her meeting with Representative Smith, Chairman Bulova stated that he outlined the hardworking, honest, and motivated spirit of his constituency and the struggles faced by his community as it works toward a promising future. Liberia's economic growth has been seriously affected by the Ebola outbreak that wreaked havoc on the community in 2014-2015.

Representative Smith expressed his desire to work to improve the lives of the youth in his community. Liberia's population is young (about 76 percent of the population is under the age of 35). Having worked with the County's Public Schools, Representative Smith saw the wealth of resources the County has. District #2 of Montserrado has only two public schools for a population of 155,000 and lacks basic resources and infrastructure. Representative Smith believes that the district could greatly benefit by having used and retired resources from the County, such as textbooks, desks, school buses, and other equipment.

Chairman Bulova stated that the County has an established process for items to be declared surplus before donation or disposal. She has discussed the possibility of working with Maersk Shipping to coordinate delivery of donated school items to Montserrado, Liberia, with Bob Lazaro, Executive Director at the Northern Virginia Regional Commission (NVRC). The County has an active relationship with Maersk for the Syrian Blanket Drive.

Therefore, Chairman Bulova asked unanimous request that the Board direct staff to research options, in partnership with the County's Public School system, for donating equipment and supplies no longer needed by the County to Montserrado to aid and support its schools and recovery efforts. Following discussion, concerning disposal regulations, without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

14. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (11:16 a.m.)

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

15. **LEIDOS FIFTIETH ANNIVERSARY (HUNTER MILL DISTRICT)**
(11:16 a.m.)

Supervisor Hudgins stated that Leidos, formerly known as Science Applications International Corporation, was founded 50 years ago by Dr. J. Robert Beyster, a visionary scientist and businessman. An American defense, aviation, information technology, and biomedical research company headquartered in Reston, it provides scientific, engineering, systems integration, and technical services.

Supervisor Hudgins, referencing her written Board Matter, stated that this corporation deserves the Board's recognition for its achievements in technology leadership and significant impact on the County's economy and community outreach.

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

- Invite representatives of the organization to appear before the Board in recognition of the fiftieth anniversary of its founding
- Draft a resolution, with dual signatures, commending Leidos for its steadfast support of the Fairfax community for presentation at the Board's March 19 meeting

Without objection, it was so ordered.

16. **FAIR OAKS MALL COMPREHENSIVE PLAN AMENDMENT**
(SPRINGFIELD DISTRICT) (11:18 a.m.)

Supervisor Herrity announced that the nature of retail has changed dramatically in recent years. With the rise of online retailers such as Amazon and other competitive challenges, shopper trips are reduced. The regional mall experience locally and across the country either follows a pattern of meaningful upgrade and re-imagination or one of continued retail vacancies and asset deterioration. For regional malls to be successful and sustainable, they need the flexibility to leverage and transform their assets, often excess land, in a way that complements their retail core such as movie theatres, office buildings, hotels, residential options, restaurants, and entertainment. The County has four super regional malls: Springfield Town Center; Tysons Corner Center; Tysons Galleria; and Fair Oaks Mall.

Fair Oaks is the main shopping center for many County residents. Unlike most malls, Fair Oaks has been developed and owned by the same entity since its construction in 1980, the Taubman Company, which is a committed, long-term player in the County and will remain so. The company has some exciting concepts but a limited window in which to take advantage of the current retail and anchor environment. It is poised to invest in developing a mix of complementary

uses that will diversify the tax base, create jobs, improve the transportation network, and bring vitality to this nearly 40-year-old mall. This investment will ultimately happen here or somewhere else in the country. The County can provide Taubman with the ability to make these investments at Fair Oaks Mall by two means: revisiting the Comprehensive Plan conditions for the site and reevaluating its parking needs.

The Comprehensive Plan for the mall property and its surrounds dates to 2011, over 7 years ago. Since then, Sears has gone into bankruptcy, the I-66 ramp at Monument Drive has been open to all traffic during non-peak hours and on weekends, and the express lanes, now under construction, will enhance transit on I-66.

The Taubman Company is not requesting additional floor area ratio (FAR) over what is currently recommended in the Comprehensive Plan but rather is seeking a reexamination of the conditions and improvements the Plan calls for related to the redevelopment of its land. Assumptions underpinning the 2011 Plan language are no longer valid, predicated as it is on bus-rapid transit and Metrorail along I-66. Alternative transportation solutions need to be evaluated, similar to the express bus that runs from the Government Center to downtown Washington, D.C., additional road improvements, and other achievable solutions. Taubman has agreed to provide the transportation analyses necessary to evaluate its request.

Therefore, Supervisor Herrity moved that the Board direct staff to add the review of a Comprehensive Plan Amendment to the Plan Amendment Work Program that would reexamine the conditions and improvements the Plan recommends related to the redevelopment of the Fair Oaks Mall property for mixed use up to 1.0 FAR. This reexamination would include minor adjustments to the land use mix and focus on alternative transportation recommendations necessary to mitigate the transportation impacts of the revised land uses. The transportation analysis would be the responsibility of the property owner to conduct in coordination with the County.

This motion should not be construed as a favorable recommendation for a potential Comprehensive Plan Amendment and does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and will not prejudice the consideration of this amendment in any way. Supervisor McKay seconded the motion.

Following discussion, concerning improvements to the Tysons and Springfield Malls and the potential of future Metrorail service in the I-66 corridor, the question was called on the motion and it carried by unanimous vote.

17. **REGIONAL MALL PARKING RATES (SPRINGFIELD DISTRICT)**
(11:24 a.m.)

Supervisor Herrity stated that Fair Oaks Mall is surrounded by a sea of asphalt. Thousands of parking spaces stand empty even at peak demand; only 70 percent of parking at Fair Oaks is used at peak demand in December. Organizations such as the Urban Land Institute, the International Council of Shopping Centers, and the Institute of Transportation Engineers acknowledge this trend in reduced parking demand. Parking should play a supporting role not dominate the landscape.

This has significance for all four of the County's regional malls. The Taubman Company has reached out to the ownership groups of Springfield Town Center, Tysons Corner Center, and Tysons Galleria and they all would welcome a review of parking ratios for centers of 800,000 square feet and larger. In addition, the Taubman Company has agreed to assist the effort by funding an independent consultant, such as the one who is currently working with the County on zMOD, to undertake an analysis of and rationale for what the appropriate parking rate should be.

Therefore, jointly with Chairman Bulova, Supervisor Cook, Supervisor McKay, Supervisor K. Smith, and Supervisor L. Smyth, Supervisor Herrity moved that the Board direct staff to add a review of the parking requirements for regional malls in excess of 800,000 square feet in size to the Zoning Ordinance Priority Work Program, working with Fair Oaks Mall and the other regional centers in this study. Supervisor McKay seconded the motion.

Following discussion, with input from Barbara A. Byron, Director of the Office of Community Revitalization, the question was called on the motion and it carried by unanimous vote.

18. **CONVEYANCE OF BOARD-OWNED PROPERTY TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA)**
(SPRINGFIELD DISTRICT) (11:27 a.m.)

Supervisor Herrity announced that older adults continue to be the fastest growing age group in the County. The Board, through the adoption of the 50+ Community Action Plan, established initiatives related to increasing the County's supply of older adult housing.

As the County's population continues to age, it remains important that its older residents have the opportunity to be a part of the community they helped build. There are a number of ways in which the County can facilitate this, including innovative solutions like home sharing and partnering with the private sector to develop affordable senior housing.

The County has existing assets that should be evaluated for potential best uses, such as expanding the number of housing options available to its growing senior

population. As identified in the 50+ Community Action Plan, the price of land is often "exceptionally high" and represents a barrier for the development of affordable senior independent living units. Using public/private partnerships through the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), appropriate publicly-owned land can enable private developers to produce senior housing units for lower-income individuals while taking advantage of Federal low-income housing tax credits.

The Board is the property owner of a 10-acre parcel of land, located at the intersection of Autumn Willow Drive and Stringfellow Road in the Springfield District. This parcel of land is situated within a residential area and is bordered by dedicated park land and open space. The FCRHA is evaluating the possibility of using PPEA opportunities to enable the development of up to 180 affordable senior independent living units for low-income individuals on this site. The next steps, should this motion pass, will be an authorization to advertise and a subsequent public hearing to convey the property.

Therefore, jointly with Chairman Bulova and Supervisor K. Smith, Supervisor Herrity moved that the Board direct staff to take the necessary steps to convey Board-owned property near the intersection of Autumn Willow Drive and Stringfellow Road, and identified by Tax Map 55-3-((01)) Parcel 26B, to the FCRHA subject to the condition that the property must be used to create an affordable senior housing project via a public/private partnership. In the event the FCRHA no longer pursues the project, the FCRHA will transfer ownership of the property back to the Board. Supervisor K. Smith seconded the motion.

Following discussion, concerning collaborative planning to integrate senior housing within the community, the question was called on the motion and it carried by unanimous vote.

19. **2019 FAIRFAX COUNTY TEEN JOB FAIRS** (11:32 a.m.)

In a joint Board Matter with Supervisor Cook, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Supervisor Storck, Supervisor Herrity stated that his office and *The Connection Newspapers*, along with a variety of Supervisors' offices, businesses, and community organizations, have hosted very successful teen job fairs and resume building workshops for the past few years. These events focused on students and younger job seekers looking for a variety of employment opportunities: full time; after-school; seasonal positions; internship opportunities; and volunteer positions. The fairs have provided hundreds of teenagers the opportunity to get in front of employers and for employers to find talented County students to fill positions. Thousands of students and hundreds of employers have attended these job fairs over the years.

This year, Supervisor Herrity said he is teaming up with *The Connection Newspapers*, County Government, Fairfax County Public Schools, and Supervisor Cook, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth,

and Supervisor Storck to bring to the community five County Teen Job Fairs and Resume Building Workshops which will be open to all teens in the County looking for employment or tips to build their resume. Free booth space will be available to any business or organization to advertise available positions. Both teenagers and businesses or organizations may register to attend by visiting the following link: <https://www.fairfaxcounty.gov/springfielditeenjobfairs>

Jobs are important, and these events help connect teens and employers face-to-face and prepare County youth for the workforce. A copy of the County Teen Job Fair schedule is attached to Supervisor Herrity's written Board Matter.

Therefore, jointly with Supervisor Cook, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Supervisor Storck, Supervisor Herrity asked unanimous consent that the Board direct the Office of Public Affairs to:

- Help publicize the 2019 Fairfax County Teen Job Fairs and Resume Building Workshops to the local community
- Work with the schools who helped last year to get the word out within the schools

Without objection, it was so ordered.

20. **SPRINGFIELD DISTRICT BUDGET TOWN HALL MEETING**
(11:35 a.m.)

Supervisor Herrity announced that the Springfield District Budget Town Hall meeting is scheduled for March 21 at 7 p.m. at the West Springfield Government Center. County Executive Bryan J. Hill and Joseph Mondoro, Deputy County Executive and Chief Financial Officer, Department of Management and Budget, will be attending.

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21. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) GO VIRGINIA LOCAL MATCH APPLICATION LEVERALGE CYBERSECURITY EDUCATION, IT UPSKILLING AND APPRENTICESHIP PROJECT**
(11:36 a.m.)

Supervisor Foust, referencing his written Board Matter, provided a background and history of the previous request Security University made, seeking a local funding match for an application it had pending with GO Virginia. The Region 7 Board of Directors previously recommended that a cyber security workforce project by Security University, be funded, but the Board of Supervisors rejected the local cash match application. One of the reasons that was expressed for this Board's reluctance was that there was not a 501(c)(3) involved in the application

request. There is now a partnership with Security University and its 501(c)(3) non-profit, the Security University Foundation. The GO Virginia Northern Virginia Region 7 Council is still interested in supporting this, given the fact that it would educate many workers in the cybersecurity field, which is desperately needed.

Therefore, Supervisor Foust moved that Board direct the County Executive to:

- Prepare an Initial Project Evaluation to review the benefits of supporting funding from the EDSF and other resources to support this GO Virginia application
- Make no investment from the EDSF until the Board has reviewed and approved the use of those funds for these purposes

Supervisor Herrity seconded the motion.

Supervisor Cook asked unanimous consent that the Board direct staff to develop a policy for whether and how for-profit or not-for-profit entities access the EDSF. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to reconfirm that Security University is still a Virginia organization. Without objection, it was so ordered.

Discussion ensued regarding distinguishing between proposals made by non-profit and for-profit entities.

Supervisor L. Smyth asked unanimous consent that the Board direct staff to evaluate Security University's business model. Without objection, it was so ordered.

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

22. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(11:44 a.m.)

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

23. **DECLARING APRIL "CHILD ABUSE AWARENESS MONTH" IN FAIRFAX COUNTY** (11:44 a.m.)

Referring to his written Board Matter, Supervisor Cook asked unanimous consent that the Board:

- Declare April as "*Child Abuse Awareness Month*" in Fairfax County

- Direct staff to invite Stop Child Abuse Now (SCAN), Court-Appointed Special Advocates (CASA) and SafeSpot Children's Advocacy Center of the County to appear before the Board on April 9 to be recognized for their dedication and service to this cause

Without objection, it was so ordered.

24. **RECOGNIZING MARCH AS “ALTERNATE DISPUTE RESOLUTION (ADR) MONTH” IN FAIRFAX COUNTY** (11:45 a.m.)

Referring to his written Board Matter, Supervisor Cooked asked unanimous consent that the Board direct staff to:

- Prepare a proclamation recognizing March as “*Alternate Dispute Resolution Month*” in Fairfax County
- Invite Dr. Schoeny, associate professor at the School for Conflict Analysis and Resolution at George Mason University, to appear before the Board on March 19 to receive this proclamation

Without objection, it was so ordered.

25. **SEVENTY-FIFTH ANNIVERSARY OF D-DAY** (11:45 a.m.)

Supervisor Cook announced that this June will mark the seventy-fifth anniversary of the D-Day invasion in World War II.

In honor of the heroic WWII veterans from the County, Supervisor Cook asked unanimous consent that the Board direct staff to invite representatives from the American Legion, the Veterans of Foreign Wars (VFW), and any surviving local WWII veterans to honor this historic anniversary at the first Board meeting in June. Without objection, it was so ordered.

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26. **HOUSING HACKATHON** (11:46 a.m.)

In a joint Board Matter with Supervisor Foust, Supervisor Hudgins, Supervisor Storck, Supervisor Gross, and Chairman Bulova, Supervisor McKay noted that the County held the Housing Hackathon last week at the University of Virginia's and Virginia Tech's Northern Virginia Center in Falls Church. The Hackathon was designed to spur innovation as part of ongoing efforts to grow the innovation ecosystem and advance economic success strategies and he announced that it was a success.

Supervisor McKay referred to his written Board Matter which outlined the strategies. Through this Hackathon, participants offered new ideas and solutions that ultimately could help make housing more accessible and affordable for everyone.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a resolution, to be signed for presentation to all three of the teams, judges, and mentors involved, including House.gov, House Guides, and the George Mason University Geographers, at a later Board meeting. Without objection, it was so ordered.

27. **REQUEST FOR WAIVER OF APPLICATION FEES – ALEXANDRIA ASIAN AMERICAN LIONS CLUB (LEE DISTRICT)** (11:49 a.m.)

In a joint Board Matter with Supervisor Gross, Supervisor McKay referred to his written Board Matter regarding the history of the Alexandria Asian American Lions Club requests for a waiver of application fees.

Therefore, Supervisor McKay asked unanimous consent that the Board:

- Waive the application fees for permits associated with the Alexandria Asian American Lions Club flea markets
- Direct staff to prepare a certificate, to be jointly signed by Chairman Bulova, Supervisor Gross, and Supervisor McKay, for presentation to the members of the Alexandria Asian American Lions Club outside of the Board Room to commemorate its twentieth anniversary

Without objection, it was so ordered.

28. **INTENT TO DEFER DECISION ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ARTICLE 12, SIGNS AND RELATED PROVISIONS** (11:52 a.m.)

Supervisor K. Smith announced that a public hearing is scheduled for a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding Article 12 Signs and Related Provisions. The Planning Commission (PC) held its public hearing for this proposed amendment on December 5, 2018, with a recommendation made on January 30, 2019. Given the recent action of the PC and the scope and level of complexity of the proposed amendment, Supervisor K. Smith stated that she intends to hold the public hearing this afternoon as scheduled but will move to defer the decision only to February 19, 2019.

(NOTE: Later in meeting, the public hearing was held and the decision was deferred. See Clerk's Summary Item #39.)

29. **MS. MARY KAY DOWNES – LINDA S. PUTNEY TEACHER INSPIRATION AWARD (SULLY DISTRICT)** (11:53 a.m.)

Supervisor K. Smith announced that Ms. Mary Kay Downes, an English and journalism teacher at Chantilly High School, recently was named a recipient of the Linda S. Putney Teacher Inspiration Award by the Journalism Education Association.

Ms. Downes is the sponsor of the school's high school yearbook, which has been recognized by the Board for receiving the First Amendment Press Freedom Award the past four years.

Therefore, Supervisor K. Smith asked unanimous consent that the Board direct staff to prepare a certificate, to be signed by the Chairman and the Sully District Supervisor, to recognize Ms. Downes for this outstanding achievement for presentation outside of the Board Auditorium at a future faculty meeting at Chantilly High School. Without objection, it was so ordered.

30. **REQUEST FOR EXPEDITIOUS AND CONCURRENT PROCESSING OF COMMONWEALTH CENTRE – LAND BAY D (SULLY DISTRICT)** (11:53 a.m.)

Supervisor K. Smith announced that the applicant, Regency Centers Acquisition, LLC, submitted Proffered Condition Amendment Application/Final Development Plan Amendment Application PCA/FDPA 2006 SU-025-04, for Commonwealth Centre, a commercial mixed-use project situated immediately to the east of the interchange at Route 28 and Westfields Boulevard. The application is filed on approximately 1.0 acre and identified as Tax Map 44-1((1))0006H2. Commonwealth Centre is zoned to the Planned Development Commercial and Water Supply Districts and consists of approximately 101 acres and is comprised of six land bays (A through F). On July 11, 2017, the Board approved Proffered Condition Amendment Application/Final Development Plan Amendment Application PCA/FDPA 2006-SU-025-03 and Conceptual Development Plan Amendment Application CDPA 2006-SU-025-02 to permit the development of residential and retail/restaurant/theatre uses in Land Bay D.

Supervisor K. Smith said that the tenant for the retail building in Land Bay D located closest to Westfields Boulevard is a financial institution. To enhance customer service for the bank, the applicant is seeking approval of a freestanding drive-in automated teller machine, (ATM), to enable customers to perform transactions without the need for direct interaction with bank staff. The ATM is proposed along Westfields Boulevard in an area previously approved for parking for the retail/restaurant/theatre uses and will be separated from Westfields Boulevard by a landscaped buffer approximately 55 feet in width as shown on the

approved CDPA/FDPA. The ATM will operate 24/7 and includes a drive-in lane with five stacking spaces. Access to the ATM will be provided via a drive aisle within the shopping center which connects directly to the entrance to and from Newbrook Drive and to an exit onto Westfields Boulevard.

Given that the application for the ATM is very limited in scope, the applicant has requested expedited review of the PCA/FDPA and authorization to process concurrent site plans/permits.

Therefore, Supervisor K. Smith moved that the Board direct the Director of the Department of Planning and Zoning and the Director of the Department of Land Development Services to:

- Expedite the scheduling of the public hearings
- Concurrently process the review of a site plan, building permits, and/or other plans and permits as may be necessary to implement the bank and ATM contemplated by the applicant with this application

This motion should not be considered as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Supervisor Herrity seconded the motion and it carried by unanimous vote.

31. **THANK YOU TO COUNTY STAFF FOR PARTICIPATING IN THE THIRTY-SECOND ANNUAL MOUNT VERNON TOWN MEETING (MOUNT VERNON DISTRICT)** (11:57 a.m.)

Supervisor Storck announced that on February 2, 2019, he hosted the thirty-second annual Mount Vernon Town meeting at Mount Vernon High School. At 7:45 a.m., the doors opened to the exhibit hall where 80 County agencies, non-profit organizations, and other groups were able to connect with and answer questions from Mount Vernon District residents. This year, the town meeting theme was "Economic Revitalization."

Supervisor Storck thanked all the agencies that were able to attend and who continue to make this tradition so successful. He also thanked Chairman Bulova, County Executive Bryan Hill, Mount Vernon District School Board Member and Board Chair Karen Corbett Sanders, Congressman Gerry Connolly, Congressman Don Beyer, and Fort Belvoir Garrison Colonel Michael Greenberg for their willingness to join him on Super Bowl Saturday and for providing residents updates on key issues affecting the Mount Vernon District, the County, and the nation.

Supervisor Storck, referencing his written Board Matter, thanked the County staff from Channel 16 and the Department of Information Technology.

The town meeting will air on Cox cable channel 16 at 8 p.m. on the following dates: February 10, February 16, and February 25. It is also available on the Channel 16 website and on the Mount Vernon District Facebook Page. In addition, DVD copies are available at Mount Vernon District libraries and in the Mount Vernon District office. The meeting is also available on the Channel 16 website at: <https://www.fairfaxcounty.gov/cableconsumer/channel-16/fairfax-county-government-television>.

32. **FAIRFAX GREEN INITIATIVES** (12:03 p.m.)

In a joint Board Matter with Supervisor Foust and Supervisor McKay, Supervisor Storck said that, based on a new report from the United Nations' Intergovernmental Panel on Climate Change (IPCC), the planet is facing unprecedented climate changes requiring more immediate steps to reduce carbon emissions. The IPCC, a group of the world's leading climate scientists, is urging governments to take action to reduce emissions by 45 percent by 2030 to keep global warming at a maximum of 2.7 degrees F (1.5C). Supervisor Storck expressed the belief that the County must do more as well by accelerating and increasing previous actions, plans and commitments.

Below are energy-related initiatives which IPCC believe are crucial for consideration and expeditious implementation if the County is to begin to stem the growth of greenhouse gasses which are dramatically altering the environment, the world, and the people, places, and property in the communities. These initiatives have been discussed with leading area organizations, acknowledged related experts.

Supervisor Storck said that IPCC recognizes, values, and appreciates the leadership the Board has shown in many of these areas for more than a decade (see information attached to his written Board Matter). The intent of this Board Matter and these initiatives is to build upon that leadership, bring together the spectrum of possibilities and accelerate their consideration, adoption, and rapid implementation. In addition, IPCC recognizes that some of these initiatives are already being considered or implemented but believes they should be included in and prioritized with this more comprehensive list. Responses now must be proportional to the unprecedented climate changes now being reported and to their underlying impacts.

Therefore, Supervisor Storck moved that the Board support the following actions to accelerate Board consideration and action:

1. Direct the County Executive to report to the Environmental Committee no later than June 2019 on:

- a. A draft process, resources and timeline to develop a Community-wide Energy and Climate Action Plan (CECAP). It is anticipated that this plan development would include the retention of consultants on climate-related issues and public outreach, as well as standing-up of a task force representing key public and private stakeholders and experts.
 - b. A process for contracting with an energy savings performance contractor (ESPC) or recommend other such initiatives that produce a similar outcome and timeframe.
2. Refer to the Development Process Committee for discussion and consideration whether County staff should review and report to the Committee on the costs and benefits of the following:
 - a. Comprehensive Plan and zoning changes that would incentivize and support more environmentally sustainable development.
 - b. Building design and code changes, including the International Green Construction Code that could inspire and expedite energy saving practices on all new construction and significant renovations.
3. Refer to the Budget Committee for discussion and consideration of the following:
 - a. General obligation, economic development and other capital bonding options that could accelerate energy saving initiatives, provide high economic returns on investments and support other community benefits that would enable green building, energy savings renovations and green purchasing practices.
 - b. Support for the County Executive's current consideration for the Fiscal Year 2020 budget of increased dedicated County energy, climate change and environment related staffing.
4. Refer to the Environmental Committee for discussion and consideration the following:
 - a. Accelerating goals and targets for the Operational Energy Strategy; for example, faster transition to electric vehicles in County fleet.
 - b. Directing staff to brief Committee on options to increase pursuit of grant and cooperative agreement funding for energy efficiency, conservation, weatherization, cogeneration, renewable energy, energy resilience and greenhouse gas

- emission reductions, through public-private partnerships, foundations, the Commonwealth of Virginia and the Federal government to provide greater energy reduction support for all residents, consistent with One Fairfax.
- c. Setting a goal that by 2025, locally generated energy (like solar) would offset County government energy usage. For example, this could be done with an I-95 landfill solar facility.
 - d. Completing current Committee and staff work for C-PACE adoption by July 2019 with implementation by the end of 2019.
 - e. Expedite consideration of R-PACE or other capital funding options to support residential energy use reductions.
 - f. Identify timeframe for developing a County-specific Climate Resiliency and Adaptation Plan.
 - g. Direct staff to report quarterly on all energy and climate initiatives.
 - h. Review local advocacy group initiatives:
 - i. Fairfax to Zero Campaign – Faith Alliance for Climate Solutions (FACS)
 - ii. Fossil Free Resolution for Fairfax County – 350 Fairfax
 - iii. Resolution in Support of a National Carbon Fee and Dividend Program [Energy Innovation and Carbon Dividend Act of 2019 (H.R. 763)]– Citizens’ Climate Lobby (CCL)
 - iv. 12-point Energy and Climate Action Plan for Fairfax – Great Falls Group of VA Sierra Club & Clean Energy for Fairfax Now
5. Charge the Tree Commission with recommending to the Board low-cost and no-cost options along with public-private partnerships that can assist residents in planting additional trees that will increase our existing tree canopy. The Commission should report annually to the Board on progress and accomplishments.
6. Direct the County Executive to report to the Board no later than September 2019 the following:
- a. Strengthening Green Building Policies for County Facilities

- b. A solar public-private partnership agreement.
- c. Increasing County leadership and accountability for climate change initiatives.
 - i. Ensure County leadership accountability for results and outcomes through SMART goals.
 - ii. Include energy management criteria in performance evaluations of departmental heads and senior executives.
 - iii. Engage County staff and departments in competitions to lower energy use.
 - iv. Develop incentive program to reward employees who provide energy saving ideas or recommendations that are acted upon.
 - v. Develop partnerships like the Federal Department of Energy's Better Buildings Challenge.
- 7. Encourage each Board office to identify, if not already done so, a district environmental liaison to foster community energy savings outreach, initiatives, education and engagement, County programs awareness, partnerships with local groups and serve as a liaison with County staff and other Board offices.

Supervisor Foust and Supervisor McKay jointly seconded the motion.

Following discussion regarding the motion, Supervisor Gross noted that the Board's Environmental Committee will meet on Tuesday, February 12, at 11 a.m. and on the agenda is a review of the draft C-PACE Ordinance for action in the spring and there will be a presentation about the proposed Office of Climate and Energy.

Discussion ensued regarding: setting priorities, cost implications, and expectations.

Supervisor Herrity asked unanimous consent that the Board direct staff to consult the Northern Virginia Building Industry Association (NVBIA). Without objection, it was so ordered.

Supervisor McKay announced that a joint meeting with the School Board is being scheduled to discuss joint approaches, policies, and initiatives.

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

AGENDA ITEMS33. **RECESS/CLOSED SESSION** (12:44 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. Application of Washington Gas Light Company to Increase Rates, PUE-2018-00080 (Va. State Corp. Comm'n) (All Districts)
 2. *Bruce & Tanya and Associates, Inc. v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, Virginia, and Stephen Brich, as Commissioner of Highways for the Commonwealth of Virginia*, Case No. 1:17-cv-01155 (E.D. Va.) (Braddock, Lee, Mount Vernon, and Springfield Districts)
 3. Taxpayer Appeal to State Tax Commissioner Regarding Department of Tax Administration Determination of Taxpayer's Out-Of-State Business Deductions for Business, Professional, and Occupational License Receipts
 4. *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.)
5. *Barry McCabe v. Fairfax County Animal Shelter*, Case No. 1:19-cv-00053 (E.D. Va.)
 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ghassan Filimban and Sanaa Kholfi*, Case No. CL-2019-0000247 (Fx. Co. Cir. Ct.) (Dranesville District)
 7. *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)
 8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mishal H. Al-Thani*, Case No. CL-2018-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
 9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carlos Sergio Alarcorn*, Case No. GV18-027204 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Charles R. Stackhouse Trust and Carol Ann Polkinghorne, Trustee*, Case No. GV18-028733 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 11. *Elizabeth Perry, Property Maintenance Code Official v. David M. Frutchey*, Case No. GV19-001154 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
 12. *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)

13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Isidro Ramirez, Regina Estrada and Zandra Makel Otero*, Case No. CL-2018-0007087 (Fx. Co. Cir. Ct.) (Lee District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Patrick Craig Muldoon*, Case No. CL-2019-0000467 (Fx. Co. Cir. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2019-0000700 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Beverly J. Facchina*, Case No. GV18-025948 (Fx. Co. Gen. Dist. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eliodoro Guzman*, Case No. CL-2018-0013267 (Fx. Co. Cir. Ct.) (Mason District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yasmin Khoshnevis and Arlington Motors, Inc.*, Case No. CL-2019-0000701 (Fx. Co. Cir. Ct.) (Mason District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ragheb Aburish*, Case No. CL-2017-0015519 (Fx. Co. Cir. Ct.) (Mason District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rilma Rodriguez*, Case

- No. GV19-001003 (Fx. Co. Gen. Dist. Ct.)
(Mason District)
21. In re: December 5, 2018, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Case No. CL-2018-0018063 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 22. *Elizabeth Perry. Property Maintenance Code Official for Fairfax County, Virginia v. Otis Williams, Jr.*; Case No. CL-2019-0000069 (Mount Vernon District)
 23. *Elizabeth Perry. Property Maintenance Code Official for Fairfax County, Virginia v. Emmanuel K. Baah and Veronica L. Baah*, Case No. CL-2019-0000389 (Mount Vernon District)
 24. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Richard A. Cauthers, Jr.*, Case Nos. GV19-000920 and GV19-000921 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
 25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jianmiao Xia*, Case No. CL-2019-0000347 (Fx. Co. Cir. Ct.) (Providence District)
 26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Irongate Properties, Inc.*, Case No. CL-2018-0011874 (Fx. Co. Cir. Ct.) (Providence District)
 27. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Yung Chi Yung*, Case No. CL-2017-0004961 (Fx. Co. Cir. Ct.) (Springfield District)
 28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Charles Alan Little*, Case

No. CL-2019-0000561 (Fx. Co. Cir. Ct.)
(Springfield District)

29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kenneth E. Stevenson and Karen S. Stevenson*, Case No. CL-2018-0013478 (Fx. Co. Cir. Ct.) (Sully District)
30. *Board of Supervisors of Fairfax County v. HANDSONREI, LLC*, Case No. GV18-024826 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- Consultation with legal counsel regarding the declaratory ruling adopted by the Federal Communications Commission on September 26, 2018, in WT Docket Number 17-79 and WC Docket Number 17-84, as permitted by Virginia Code Sections 2.2-3711 (A)(7) and (8).
- Potential terms of disposition of County-owned real property located in the Hunter Mill District as permitted by Virginia Code Section 2.2-3711 (A) (3).

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

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At 4:08 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

34. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:08 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."

35. **MOTION AUTHORIZING APPEAL** (4:09 p.m.)

Supervisor Herrity moved that the Board authorize and direct the County Attorney to appeal Judge Brinkema's denial of the County Defendants' motion for attorney's fees and costs in *Bruce & Tanya and Associates, Incorporated v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, et al.* Case Number 1:17-cv-01155 for the reasons outlined by the County Attorney in closed session. Supervisor L. Smyth and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

36. **ANNUAL REVIEW OF THE COUNTY EXECUTIVE** (4:09 p.m.)

Supervisor Gross announced that the Board had completed its first annual review of County Executive Bryan J. Hill and is very pleased with his superior performance in his first year. After discussion with Mr. Hill and among Board Members in closed session, Supervisor Gross moved that the Board approve the compensation adjustments discussed in closed session which brings the position more in line with surrounding jurisdictions. Chairman Bulova seconded the motion, noting that the evaluation was very positive and that the Board was pleased with his performance. The question was called on the motion and it carried by unanimous vote.

AGENDA ITEMS

37. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2017-MV-024 (EASTWOOD PROPERTIES, INCORPORATED) (MOUNT VERNON DISTRICT)** (4:11 p.m.)

(O) (NOTE: On January 22, 2019, the Board deferred the public hearing until February 5, 2019.)

The application property is located on the east side of Skyview Drive, approximately 600 feet north of its intersection with Richmond Highway. Tax Map 101-3 ((10)) 6A and 7A.

Ms. Lori R. Greenlief reaffirmed the validity of the affidavit for the record.

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

- Mr. Richard E. Labbe

Harold Ellis, Planner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

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

Following remarks concerning the application, Supervisor Storck moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2017-MV-024, from the R-2 and HC Districts to the PDH-16 and HC Districts, subject to the proffers dated November 8, 2018
- Approval of the following:
 - Waiver of the minimum district size requirement pursuant to Section 9-610 of the ZO
 - Waiver of the open space requirement pursuant to Section 9-612 of the ZO

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

(NOTE: On November 29, 2018, the PC approved Final Development Plan Application FDP 2017-MV-024, subject to the development conditions dated November 14, 2018.)

38. **3:30 P.M. – PH ON PROPOSED PLAN AMENDMENTS (PAs)**
2018-IV-BK1: HUNTLEY MEADOWS PARK PATH FROM TELEGRAPH ROAD TO HARRISON LANE; AND 2018-IV-TR1: HUNTLEY MEADOWS PARK TRAIL FROM TELEGRAPH ROAD TO LOCKHEED BOULEVARD (LEE DISTRICT) (4:19 p.m.)

(NOTE: On January 22, 2019, the Board deferred the public hearing until February 5, 2019.)

Zachary Krohmal, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by 11 speakers, Mr. Krohmal presented the staff and Planning Commission (PC) recommendations.

Following remarks, concerning the application, substantial community input, and citizen involvement Supervisor McKay moved that the Board adopt the staff recommendation for PAs 2018-IV-BK1 and 2018-IV-TR1, found on page 18 of the staff report dated November 29, 2018. As staff mentioned:

- PA 2018-IV-BK1 would remove the shared use path connecting Telegraph Road to Harrison Lane along the northern boundary of Huntley Meadows Park from the County's Bicycle Master Plan
- PA 2018-IV-TR1 would remove the minor paved trail segment connecting Telegraph Road to Lockheed Boulevard along the southern and eastern edges of Huntley Meadows Park and Hayfield Road from the County Countywide Trails Plan and related text from the Rose Hill Planning District Plan text

Chairman Bulova seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote.

Following additional comments, Supervisor McKay moved that the Board adopt a follow-on motion to Plan Amendments 2018-IV-BK1 and 2018-IV-TR1 which would direct staff to immediately begin identifying connectivity alternatives to the subject shared use path and minor paved trail in advance of the Countywide Trails and Bicycle Master Plan update. Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, concerning citizen/community participation in the forthcoming process.

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

39. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING ARTICLE 12, SIGNS AND RELATED PROVISIONS**
(5:24 p.m.)

(NOTE: Earlier in the meeting, this issue was discussed. See Clerk's Summary Item #28.)

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 January 18 and January 25, 2019.

Chairman Bulova announced that, earlier in the meeting, Supervisor K. Smith announced her intent to defer decision until February 19, 2019, so that the Board has the opportunity to digest testimony and give full consideration to the Planning Commission's (PC) recommendations.

Andrew Hushour, Deputy Zoning Administrator, Ordinance Administration, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued, with input from Mr. Hushour and Leslie Johnson, Zoning Administrator, ZAD, DPZ, concerning:

- Further review of signage definitions as they relate to Tysons Mall
- The grandfathering of current signage provisions
- Off-site/premise sign provisions
- Local government exemptions
- Uniformity and consistency in guidelines
- Off-site signs relative to real estate notices and a recent Court decision regarding regulation of sign content

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

- Off-site signs and whether other jurisdictions have experienced problems with commercial signs on private property
- How other jurisdictions have handled off-site directional signage

Without objection, it was so ordered.

Discussion continued concerning directional signs in rights-of-way and permanent signs on private property.

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

Supervisor K. Smith moved that the Board defer decision on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding Signs and Related Provisions, to February 19, 2019, with the record to remain open until such time for written comments only. Chairman Bulova seconded the motion.

Discussion ensued, concerning the Board's consideration of unresolved items, with additional input from Ms. Johnson.

Following continued discussion, concerning the next meeting of the Development Process Committee, off-site signage, and the need for additional consideration of the proposed amendments by the Board, Supervisor K. Smith amended her motion to include:

- Discussion of this topic at the March 12 Development Process Committee meeting.
- Deferral of the decision on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding Signs and Related Provisions, to March 19, 2019, with the record to remain open until such time for written comments only

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

Discussion ensued, concerning off-premise signs, with additional input from Mr. Hushour and Cherie Halyard, Assistant County Attorney, Office, regarding court rulings on off-site/on-site signage.

40. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), RELATED TO MOBILE FOOD VENDING WITHIN VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RIGHTS-OF-WAY (DRANESVILLE AND MOUNT VERNON DISTRICTS)**
(6:22 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 January 18 and January 25, 2019.

Henri Stein McCartney, Transportation Planner III, Department of Transportation (DOT), presented the staff report.

Following the public hearing, Ms. Stein-McCartney presented the staff recommendations.

Supervisor Storck moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-30,

as contained in Attachment I of the Board Agenda Item, to allow mobile food vending from certain public streets within the Dranesville and Mount Vernon Districts. 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."

41. **DEFERRAL OF SPECIAL EXCEPTION APPLICATION SE 2018-MA-005 (MASON DISTRICT)** (6:27 p.m.)

Supervisor Gross announced that the Planning Commission (PC) decision on Special Exception Application SE 2018-MA-005 (Woodburn Manor) had been deferred to February 13; the Board hearing date will be announced after the PC makes its recommendation.

42. **BOARD ADJOURNMENT** (6:27 p.m.)

The Board adjourned.