



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
June 25, 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, June 25, 2019, at 9:32 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; Ekuia Brew-Ewool, Kecia Kendall, and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:32 a.m.)

The Board asked everyone to keep in thoughts the family and friends of Mr. Arnold Hantman, father of Claudia Arko, Legislative Director, who died recently.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING JUNE 22-29, 2019, AS "ARMY WEEK" IN FAIRFAX COUNTY** (9:36 a.m.)

Chairman Bulova relinquished the Chair to Vice Chairman Gross and introduced an historical ensemble of the Old Guard Fife and Drum Corps, from the 3rd U.S. Infantry Regiment (The Old Guard) and moved approval of the Proclamation designating June 22-29, 2019, as "*Army Week*" in Fairfax County and urged all residents to join in congratulating the United States Army for the 244th anniversary of its formation. Supervisor McKay seconded the motion and it carried by unanimous vote.

Vice Chairman Gross returned the gavel to Chairman Bulova

3. **RESOLUTION OF RECOGNITION PRESENTED TO NORTHERN VIRGINIA ELECTRIC COOPERATIVE (NOVEC)** (9:52 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to NOVEC for its accomplishments, innovation and service to the residents of the County. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MR. CHARLES M. MURRAY** (10:01 a.m.)

Chairman Bulova relinquished the Chair to Vice Chairman Gross and moved approval of the Resolution of Recognition presented to Mr. Charles M. Murray for his years of service to Fairfax Water. The motion was multiply seconded and it carried by unanimous vote.

Vice Chairman Gross returned the gavel to Chairman Bulova.

5. **RESOLUTION OF RECOGNITION PRESENTED TO OFFICE OF EMERGENCY MANAGEMENT (OEM) AND MEMBERS OF THE BUSINESS EMERGENCY OPERATIONS COUNCIL (BEOC)** (10:20 a.m.)

Supervisor Cook moved approval of the Resolution presented to OEM and BEOC for their initiative to build awareness, resiliency, and responsiveness in the

community. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING JULY 2019 AS "PARK AND RECREATION MONTH" IN FAIRFAX COUNTY** (10:28 a.m.)

Supervisor Gross moved approval of the Proclamation designating July 2019 as "*Park and Recreation Month*" in Fairfax County and urged all residents to take advantage of the County's award-winning parks and historic sites, recreation centers and hundreds of miles of trails during July and every month of the year. Supervisor Foust and Supervisor L. Smyth jointly seconded the motion and it carried by unanimous vote.

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE HISTORY COMMISSION** (10:52 a.m.)

Chairman Bulova relinquished the Chair to Vice Chairman Gross and moved approval of the Resolution of Recognition presented to the History Commission for its fiftieth anniversary. Supervisor McKay seconded the motion and it carried by unanimous vote.

Vice Chairman Gross returned the gavel to Chairman Bulova.

8. **PRESENTATION OF THE HISTORY COMMISSION ANNUAL REPORT** (11:04 a.m.)

(BACs) Anne Stuntz, Chairman of the History Commission, presented a summary of the History Commission's annual report noting that the job of the Commission is to promote and encourage public interest in all matters concerning the County's history and to help identify, document, record and preserve its past. The following are highlights of the past year:

- The World War I Armistice Day Commemoration was a tribute to all County residents who were lost in the war
- The Fourteenth Annual History Conference focused on three years that shook the nation and the County
- The Annual Awards Program recognized five historians for their work
- The Ethnic and Oral History Committee reviewed plans to encourage recordings of older and longtime residents

- The inventory of historic sites was updated and includes over 350 properties
- Preparing for the 15th Annual History Conference which will focus on 50 years of historic preservation in the County
- A recent breakthrough is on the ICare property tax database, which now includes the question, “Is this property on the inventory?”

Ms Stuntz said the commission has ideas to do more in the County to preserve its history and help retain more of the tangible reminders of the County’s past. Currently the commission does research, re-enactments, commemorations, oral histories and conferences. In looking forward, growth of the county needs to be balanced with the desire to salvage historic resources by:

- Increasing support and resources for historic preservation
- Completely surveying the County to identify historic structures and creating a budget line item to ensure it gets done
- Ongoing zoning modification efforts to include ways to help inventory structures to be preserved
- Providing incentives for owners to rehabilitate and use their historic structures

Chairman Bulova thanked the Commission for its work. She stated that as the Commission continues to evolve and mature, it continues to have an important role in the County.

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9. **10:10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (11:23 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 June 25, 2019.” Supervisor Foust seconded the motion.

Supervisor McKay asked to amend the motion to defer the appointment of Ms. Deborah Woolen as the At-Large #2 Representative to the Civil Service Commission to a future Board date, and this was accepted.

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

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Mason 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.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

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

ANIMAL SERVICES ADVISORY COMMISSION

Appointment of:

- Mr. Chester J. Freedenthal as the Lee District Representative

ARCHITECTURAL REVIEW BOARD

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

ATHLETIC COUNCIL

Reappointment of:

- Ms. Marcia Pape Daniels as the Braddock District Principal Representative
- Mr. Mark H. O'Meara as the Braddock District Alternate Representative
- Ms. Barbara R. Lowrey as the Mason District Principal Representative

- Mr. Mark R. Heilbrun as the Springfield District Alternate Representative

Appointment of:

- Mr. Lester Munson as the Mount Vernon District Principal Representative

The Board deferred the appointment of the Diversity-At-Large Principal, Dranesville District Alternate, Lee District Alternate, Mason District Alternate, Mount Vernon District Alternate, and the Women's Sports Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointment of:

- Mr. Jon S. Aldridge as the Braddock District Representative
- Ms. Barbara Glakas as the Dranesville District Representative
- Ms. Roberta Kelley Paul as the Mount Vernon District Representative
- Ms. Kim S. Farington as the Springfield District Representative
- Ms. Debbie Kilpatrick as the Sully District Representative

The Board deferred the appointment of the At-Large Chairman's, Hunter Mill, Lee, Mason, and Providence District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

Reappointment of:

- Mr. David R. Conover as 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

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

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

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

CIVIL SERVICE COMMISSION

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

COMMISSION ON AGING

Reappointment of:

- Mr. Joseph A. Heastie as the Providence District Representative

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointment of the Sully District Representative.

ECONOMIC ADVISORY COMMISSION

Appointment of:

- Ms. Janice D. Brangman as the At-Large #4 Chairman's Land Use Representative

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

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

Reappointment of:

- Mr. James Quigley as the At-Large #2 Citizen Representative

Appointment of:

- Dr. Steven Partridge as the At-Large #6 Citizen Representative

ENGINEERING STANDARDS REVIEW COMMITTEE

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Reappointment of:

- Mr. Richard J. Weisman as the Sully District Representative

Confirmation of:

- Ms. Anna Clare Sparling as the Student Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Mr. Kenneth J. Crum as the Long Term Care Providers #17 Representative

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Appointment of:

- Ms. Cherylyn Harley LeBon as the Braddock District Representative
- Ms. Jo LaBrecque-French as the Dranesville District Representative

Reappointment of:

- Mr. Robert Shenk as the Mount Vernon District Representative

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Gordon R. Trapnell as the At-Large #2 Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Reappointment of:

- Ms. Sheila Coplan Jonas as the Mason District Representative

Appointment of:

- Ms. Evelyn Spain as the Sully District Representative

(NOTE: Nominations were announced on May 21, 2019.)

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

HEALTH CARE ADVISORY BOARD

Reappointment of:

- Ms. Ellyn L. Crawford as the Hunter Mill District Representative
- Ms. Marlene W. Blum as the Providence District Representative

The Board deferred the appointment of the At-Large and Lee District Representatives.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Consumer #4 and Provider #4 Representatives.

HISTORY COMMISSION

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

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #8 Representative.

HUMAN SERVICES COUNCIL

Appointment of:

- Ms. Lanita Thweatt as the Mount Vernon District #1 Representative

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Lee and Providence District Representatives.

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

The Board deferred the appointment of the Fairfax County #1 Representative.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

Reappointment of:

- Ms. Leslie A. Dey as the Springfield District Representative

The Board deferred the appointment of the At-Large Chairman's, Braddock, Dranesville, Lee, Mason, Mount Vernon, and Providence District Representatives.

POLICE CIVILIAN REVIEW PANEL

The Board deferred the appointment of the Seat #6 Representative.

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Dranesville District, Residential Owners and HOA/Civic Association #1, #2, and #3 Representatives.

ROAD VIEWERS BOARD

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

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY

Appointment of:

- Ms. Gwyn Whittaker as the Hunter Mill District Representative

The Board deferred the appointment of the Mason District Representative.

TENANT LANDLORD COMMISSION

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

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE

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

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Providence District Representative.

TREE COMMISSION

Reappointment of:

- Ms. Karen Campblin as the Sully District Representative

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Commercial or Retail Ownership #3, Hunter Mill District #1, Providence District #2, and Residential Owners and HOA/Civic Association #1 Representatives.

UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA)

Confirmation of:

- Mr. Michael McGrath to serve as either the Fairfax County Alternate #1 or Alternate #2 Representative

VOLUNTEER FIRE COMMISSION

Confirmation of:

- Mr. John C. Morrison as the At-Large Representative
- Mr. Robert J. Mizer as the Zone III Representative
- Mr. Michael J. Masciola as the Zone IV Representative
- Mr. Shawn P. Stokes as the Volunteer Fire and Rescue Association #2 Representative

WATER AUTHORITY

Reappointment of:

- Dr. Armand B. Weiss as the Dranesville District Representative
- Mr. Philip W. Allin as the Sully District Representative

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

10. **ADMINISTRATIVE ITEMS** (11:25 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 ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SEMINARY ROAD WALKWAY – MAGNOLIA LANE TO COLFAX AVENUE (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 30, 2019, at 4 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project 5G25-060-038, Seminary Road Walkway – Magnolia Lane to Colfax Avenue, Fund 300-50, Transportation Improvements - 2014.

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF QUANDER ROAD SIDEWALK – WEST POTOMAC HIGH SCHOOL TO EMMETT DRIVE (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 30, 2019, at 4 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project 5G25-060-034, Quander Road Sidewalk – West Potomac High School to Emmett Drive, Fund 30050, Transportation Improvements 2014.

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SILVERBROOK ROAD/SOUTHRUN ROAD, EASTBOUND LEFT TURN LANE (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 30, 2019, at 4 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project 5G25-059-000, Spot Improvements - 2014, Silverbrook Road/Southern Road, eastbound left turn lane, Fund 30050, Transportation Improvements.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE OAKTON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 19 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 30, 2019, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Oakton RPPD, District 19.

ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE SALE OF 0.5 MILLION GALLONS-PER-DAY (MGD) OF THE COUNTY'S UNUSED CAPACITY AT THE UPPER OCCOQUAN SEWAGE AUTHORITY'S (UOSA) TREATMENT PLANT TO THE CITY OF MANASSAS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 16, 2019, at 3 p.m.**, regarding the sale of a 0.5 MGD of the County's unused capacity at the UOSA treatment plant to the City of Manassas to meet its growing need for additional treatment plant capacity.

ADMIN 6 - EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (BRADDOCK AND MOUNT VERNON DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-V19-3	Department of Public Works and Environmental Services Mount Vernon RECenter Tax Map No. 93-1 ((2407)) 4A 2017 Belle View Blvd Alexandria, VA Mount Vernon District Accepted May 8, 2019	Extend to April 8, 2020
2232-V19-3	Department of Public Works and Environmental Services The Crisis Care Program (Old Boys Probation House) Tax Map No. 56-4 ((1)) 11 4410 Shirley Gate Rd Fairfax, VA	Extend to March 30, 2020

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
	Braddock District Accepted April 30, 2019	

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS); CHAPTER 101 (SUBDIVISION PROVISIONS); CHAPTER 108.1 (NOISE ORDINANCE); CHAPTER 109.1 (SOLID WASTE MANAGEMENT) CHAPTER 114 (AGRICULTURAL AND FORESTAL DISTRICTS OF STATEWIDE SIGNIFICANCE); AND CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICTS)

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on July 24, 2019, and before the Board on **July 30, 2019, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions); Chapter 101 (Subdivision Provisions); Chapter 108.1 (Noise Ordinance); Chapter 109.1 (Solid Waste Management) Chapter 114 (Agricultural and Forestal Districts of Statewide Significance); and Chapter 115 (Local Agricultural and Forestal Districts) to change the department name from “Department of Planning and Zoning” or the “Office of Comprehensive Planning” to “Department of Planning and Development” in several chapters.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112 (ZONING ORDINANCE) AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING DEVELOPMENT IN DAM BREAK INUNDATION ZONES, CONSTRUCTION OF STATE-REGULATED IMPOUNDING STRUCTURES, PLAN SUBMISSIONS, AND MINOR EDITORIAL CHANGES

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on July 24, 2019, and before the Board on **September 24, 2019, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance) and the PFM regarding development in dam break inundation zones, construction of state-regulated impounding structures, plan submissions, and minor editorial changes.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY

PRESERVATION ORDINANCE) AND CHAPTER 124 (STORMWATER MANAGEMENT ORDINANCE) REGARDING LONG-TERM MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES, ILLICIT DISCHARGES, AND ENFORCEMENT

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on July 24, 2019, and before the Board on **September 24, 2019, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance) and Chapter 124 (Stormwater Management Ordinance) regarding long-term maintenance of stormwater management facilities, illicit discharges, and enforcement.

ADMIN 10 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 7584 LEESBURG PIKE TO THE FRIENDS OF TYSONS-PIMMIT LIBRARY (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 30, 2019, at 4 p.m.**, regarding the leasing of County-owned property at 7584 Leesburg Pike to the Friends of Tysons-Pimmit Library.

11. **A-1 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE CONTRACTS FOR PURCHASE OF WHOLE PARCELS FOR TRANSPORTATION PROJECTS ON BEHALF OF THE BOARD** (11:26 a.m.)

- (R) Supervisor K. Smith moved that the Board concur in the recommendation of staff and adopt the Resolution, substantially in the form of Attachment A of the Board Agenda Item, authorizing delegation of authority to execute contracts for purchase of whole parcels on behalf of the Board for transportation projects. Supervisor Foust seconded the motion.

Discussion ensued, with input from Julie Cline, Director, Land Acquisition Division, Department of Public Works and Environmental Services (DPWES), regarding revising the notification process to notify the entire Board of whole parcel acquisitions.

Supervisor Cook asked to amend the motion to add language to the Resolution to state that staff will notify the entire Board of whole parcel acquisitions, and this was accepted.

Following input from Tom Biesiadny, Director, Department of Transportation (DOT), 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.”

12. **A-2 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD AND THE SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION, INCORPORATED (SFDC) (LEE AND MOUNT VERNON DISTRICTS)** (11:35 a.m.)

On motion of Supervisor Storck, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the MOU between the Board and SFDC for the period of July 1, 2019, through June 30, 2023
- Authorized the County Executive to sign the MOU on behalf of the Board

13. **A-3 – APPROVAL OF A LEASE AGREEMENT TO CONTINUE COMMUTER PARKING AT SPRINGFIELD PLAZA (LEE DISTRICT)** (11:36 a.m.)

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

- Approved the lease agreement with Springfield Plaza LLC for 127 commuter parking spaces, substantially in the form of Attachment I of the Board Agenda Item
- Authorized the Director of the Department of Transportation to execute this agreement on behalf of the County

14. **A-4 – AUTHORIZATION OF FALL 2019 SCHOOL BOND REFERENDUM** (11:36 a.m.)

(R) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and adopt the Resolution, substantially in the form of Attachment 2 of the Board Agenda item, directing the County Attorney to petition the Circuit Court to order a school bond referendum on November 5, 2019. Supervisor Hudgins and Supervisor K. Smith jointly seconded the motion.

Discussion ensued, with input from Jeffrey Platenberg, Assistant Superintendent for Facilities and Transportation Services, Fairfax County Public Schools (FCPS), regarding:

- Details of the projects expected to be funded by the bond referendum

- The School Board’s commitment to meet capacity as well as renovation needs
- The ongoing process for selecting a site for a Fairfax Oakton Elementary School

Following discussion, with input from Joseph Mondoro, Chief Financial Officer, Supervisor L. Smyth asked to amend the motion to indicate that the Fairfax Oakton Area Elementary School site is yet to be determined. This was accepted.

Discussion continued, with input from Mr. Mondoro and Mr. Platenberg, regarding utilizing boundary adjustments to address school capacity issues.

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.”

Vice-Chairman Gross returned the gavel to Chairman Bulova.

15. **A-5 – APPROVAL OF THE CONSOLIDATED COMMUNITY FUNDING ADVISORY COMMITTEE (CCFAC) RECOMMENDATIONS FOR THE FISCAL YEAR (FY) 2021 AND FY 2022 FUNDING CATEGORIES FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)**
(12:11 p.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the FY 2021 and FY 2022 funding categories for the CCFP as recommended by the CCFAC. Supervisor Gross seconded the motion.

Supervisor Foust asked unanimous consent that the Board direct staff to provide information on the changes that were made to the categories as a result of the Board’s input and feedback. Without objection, it was so ordered.

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

16. **A-6 – APPROVAL OF HEAD START/EARLY HEAD START POLICY COUNCIL BYLAWS AND SELF-ASSESSMENT REPORT** (12:15 p.m.)

On motion of Supervisor Hudgins, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Head Start/Early Head Start Policy Council Bylaws and Self-Assessment Report.

17. **A-7 – APPROVAL OF A MEMORANDUM OF AGREEMENT (MOA) WITH DOMINION ENERGY TECHNOLOGIES, INCORPORATED FOR**

THE FAIRFAX COUNTY CONNECTED AUTONOMOUS VEHICLE (CAV) DEMONSTRATION PROJECT (12:17 p.m.)

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

- Approve the MOA with Dominion Energy Technologies, Incorporated, substantially in the form of Attachment 1 of the Board Agenda Item, for the implementation of the CAV Demonstration Project
- Authorize the Director of the Department of Transportation to execute the MOA on behalf of the County

Supervisor L. Smyth seconded the motion.

Eta Nahapetian, Economic Initiatives Coordinator, Office of the County Executive, gave a brief presentation on the project.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation (DOT), regarding the grant awarded by the Commonwealth Transportation Board (CTB) and the required \$50,000 County match.

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

18. **A-8 – APPROVAL OF AND AUTHORIZATION TO EXECUTE A PROJECT ADMINISTRATION AGREEMENT (PAA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT), FOR THE IMPLEMENTATION OF THE I-66 MEDIAN WIDENING AT ROUTE 29 (SULLY DISTRICT)** (12:22 p.m.)

- (R) On motion of Supervisor K. Smith, seconded by Supervisor Foust, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted the Resolution, substantially in the form of Attachment 1 of the Board Agenda Item, authorizing the Director of the Department of Transportation to execute a PAA with VDOT, substantially in the form of Attachment 2 of the Board Agenda Item, for the completion of the project.

19. **A-9 – APPROVAL OF THE CONSUMER PROTECTION COMMISSION (CPC) RECOMMENDATION ON THE APPLICATION OF KING CAB COMPANY, INCORPORATED, REGARDING A TRANSFER OF CONTROL** (12:23 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Hudgins being out of the room, the Board concurred in the recommendation of staff and approved the CPC recommendation for the transfer of control of L&Z Transportation, Incorporated, d/b/a White Top Cab of Fairfax to King Cab Company, Incorporated.

20. **A-10 – APPROVAL OF THE CONSUMER PROTECTION COMMISSION (CPC) RECOMMENDATION ON THE NUMBER OF TAXICAB CERTIFICATES TO BE AUTHORIZED IN 2019** (12:24 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the CPC recommendation that no additional taxicab certificates be made available to be issued in 2019. Supervisor Foust seconded the motion.

Discussion ensued, with input from Rebecca Makely, Director, Consumer Services Division, Department of Cable and Consumer Services (DCCS), regarding:

- The relationship between the decrease in the number of taxicabs and the number of handicapped accessible taxicabs required
- Whether the County has authority to regulate Transportation Network Companies (TNCs)
- Transportation needs of seniors and persons with disabilities
- Partnering with TNCs to provide accessible vehicles

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

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board direct staff to work with the CPC on the issue of accessible vehicles with the TNCs operating in the County. Supervisor Herrity seconded the motion.

Supervisor Herrity asked unanimous consent that the Board direct staff to include the Transportation Advisory Commission in the discussions. Without objection, it was so ordered.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

21. **A-11 – APPROVAL OF AND AUTHORIZATION TO EXECUTE A PROJECT ADMINISTRATION AGREEMENT (PAA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE IMPLEMENTATION OF I-66 OUTSIDE THE BELTWAY TRAILS (SULLY DISTRICT)** (12:32 p.m.)

(R) On motion of Supervisor K. Smith, seconded by Supervisor Foust, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and:

- Adopted the Resolution, substantially in the form of Attachment 1 of the Board Agenda Item, authorizing the Director of the Department of Transportation to execute a PAA with VDOT, substantially in the form of Attachment 2 of the Board Agenda Item, for the completion of the Braddock Road and Walney Road Improvements, and Compton Road Shared Use Path projects
- Approved \$5,225,000 in funding for these projects

22. **A-12 – APPROVAL OF PROJECT AGREEMENTS BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND THE COUNTY FOR FISCAL YEAR (FY) 2019 TRANSIT ASSISTANCE GRANT FUNDS** (12:33 p.m.)

On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to sign three Project Agreements between DRPT and the County, in substantially the form of Attachments 1, 2, and 3 of the Board Agenda Item, for FY 2019 transit capital assistance.

23. **A-13 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FUNDING AND ENDORSEMENT FOR THE U.S. DEPARTMENT OF TRANSPORTATION’S FISCAL YEAR (FY) 2019 BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT (BUILD) DISCRETIONARY GRANT PROGRAM (LEE AND MOUNT VERNON DISTRICTS)** (12:34 p.m.)

(R) Supervisor Storck 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, endorsing the project
- Authorize DOT to apply for funding in the amount of \$25 million through the FY 2019 BUILD Discretionary Grant Program

Supervisor McKay seconded the motion.

Discussion ensued with input from Tom Biesiadny, Director, Department of Transportation (DOT), regarding the grant, project costs, and funding sources for the Bus Rapid Transit project.

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,"

24. **A-14 – APPROVAL OF AND AUTHORIZATION TO EXECUTE STANDARD PROJECT AGREEMENTS (SPA) WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA), FOR THE IMPLEMENTATION OF MULTIPLE COUNTY TRANSPORTATION PROJECTS (BRADDOCK, LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (12:37 p.m.)

- (R) Tom Biesiadny, Director, Department of Transportation (DOT), gave a presentation regarding the transportation projects.

Supervisor Foust 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, authorizing the Director of DOT to execute SPAs with NVTA, substantially in the form of Attachments 2, 3, 4, and 5 of the Board Agenda Item, for \$230,111,000 in NVTA Fiscal Year (FY) 2018-2023 Six Year Program (SYP) funding to support four roadway projects in the County. Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Discussion ensued, with input from Mr. Biesiadny regarding the increasing construction costs of the projects and available funding.

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."

25. **A-15 – BOARD APPROVAL OF AUTHORIZATION PROCESS FOR NON-PUBLIC SAFETY AGENCIES TO PARTICIPATE IN THE PUBLIC SAFETY UNMANNED AIRCRAFT SYSTEMS (UAS) PROGRAM** (12:44 p.m.)

On motion of Supervisor Cook, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the authorization process for a non-public safety department or agency requesting to operate unmanned aircraft systems under the public safety UAS Program.

ADDITIONAL BOARD MATTERS26. **ORDERS OF THE DAY** (12:46 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and announced that the Board will need an hour and 15 minutes for closed session, therefore, following lunch, the Board will report into closed session at 1:45 p.m.

27. **CITY OF FAIRFAX APPOINTMENT TO THE HISTORY COMMISSION**
(12:47 p.m.)

(BACs) Chairman Bulova announced that the Honorable David Meyer, Mayor of the City of Fairfax, had contacted her office with the following request: that the Board consider adding a City of Fairfax appointee to the History Commission. She noted that the City of Fairfax was once a part of the County and there is a long and connected history between the two; City representation on County Boards, Authorities, and Commissions is vital to ensuring that critical stakeholders have a seat at the table when advising the Board.

Therefore, Chairman Bulova moved that the Board direct County staff to identify what changes are needed to the bylaws and its authorizing resolution for the Commission to add a member to represent the City. It is appropriate that the City should have the opportunity to participate in an official capacity in the County's historic education and preservation efforts. Supervisor Gross seconded the motion and it carried by unanimous vote.

28. **HISTORY COMMISSION CEMETERY CONSERVATION** (12:48 p.m.)

(BACs) Chairman Bulova stated that, last month, she met with long-time History Commissioner Mary Lipsey to discuss the mission and future of the Cemetery Preservation Association, a non-profit that Ms. Lipsey helped establish in 2008.

As many are aware, this remarkable organization identifies, protects, and conserves cemeteries in the County through education, documentation, and maintenance. Not only do volunteers lead clean-up efforts, they also advocate for the preservation of long-forgotten or neglected cemeteries and maintain databases of County veterans.

The organization's mission aligns very closely with the mission of the History Commission. Because of the resources needed to ensure the preservation of local cemeteries, Chairman Bulova said she discussed with Ms. Lipsey the possibility of incorporating the efforts of the Association into the mission of the Commission which would assume responsibilities for cemetery preservation.

Therefore, Chairman Bulova moved that the Board direct staff to:

- Investigate changes to the History Commission bylaws and its authorizing resolution that would be required to incorporate cemetery preservation efforts into the Commission's mission. This could take the form of a subcommittee; coordination, support, and promotion of preservation efforts through partnerships with private community groups, such as a "Friends of the History Commission" group; or other approaches as identified by staff.
- Advise the Board if additional resources would be required to make this a successful change.

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

29. **OCTOBER 2019 PROPOSED WORK PLAN FOR THE AUDIT COMMITTEE AND THE AUDITOR TO THE BOARD'S QUARTERLY REPORT FOR JUNE 2019** (12:51 p.m.)

Chairman Bulova referred to her written Board Matter and moved that the Board approve the October 2019 Proposed Work Plan for the Board's Audit Committee with the following amendment which is slightly different than what the Board had originally approved and voted on:

- Under the "Health Department Billings" heading, the fourth bulleted item, which reads "Medicare, Medicaid, and Other Third-Party Payers' Processes," will be eliminated from the list of focal points for review because it is duplicative of other work that is already in progress.

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

Following discussion, Chairman Bulova moved that the Board adopt the Auditor to the Board's Quarterly Report for June 2019. Supervisor Foust seconded the motion and it carried by unanimous vote.

Chairman Bulova thanked Jim L. Shelton, Jr., Auditor to the Board, and his team for their work. She also recognized Ehab Ghobrial, a new staff member of the office of the Financial and Program Auditor, and welcomed him to the Board Auditorium.

Supervisor Gross returned the gavel to Chairman Bulova.

30. **RECOGNIZING FOUR FAIRFAX COUNTY SCHOOLS FOR EARNING THE 2019 GOVERNOR'S AWARD FOR EDUCATIONAL EXCELLENCE** (12:55 p.m.)

In a joint Board Matter with Supervisor K. Smith, Supervisor Foust announced that they wanted to take this opportunity to congratulate Chesterbrook Elementary

School, Cooper Middle School, and Longfellow Middle School (all located in McLean) and Carson Middle School in Herndon for earning the 2019 Governor's Award for Educational Excellence. The Governor's Award is the highest recognition in the Virginia Index of Performance (VIP) awards for advanced learning and achievement. Only five schools in Virginia earned Governor's Awards this year and four of the five schools are in the County; quite an achievement.

Recipients of the Award for Educational Excellence must meet all State and Federal achievement benchmarks, achieve all applicable excellence goals for elementary reading, enrollment in Algebra 1 by the eighth grade, enrollment in college-level courses, high school graduation, attainment of advanced diplomas, increased attainment of career and industry certification and, if applicable, participation in the Virginia Preschool Initiative.

The VIP incentive program recognizes schools and divisions that exceed State and Federal accountability standards and achieve excellence goals established by Virginia's governor and the Board of Education.

In addition to the four Governor's Awards, 28 County schools were named recipients of the Board of Education Excellence Awards and 22 schools earned the Board of Educations' Distinguished Achievement Awards.

Therefore, Supervisor Foust, jointly with Supervisor K. Smith, asked unanimous consent that the Board direct staff to prepare resolutions, signed by the Chairman and the appropriate District Supervisor, recognizing the outstanding achievements of Chesterbrook Elementary, Carson Middle School, Cooper Middle School, and Longfellow Middle School, to be presented to the principal of each of the four schools. Without objection, it was so ordered.

31. **MOTION TO EXPEDITE 1900-02 CAMPUS COMMONS LLC (HUNTER MILL DISTRICT)** (12:57 p.m.)

Supervisor Hudgins announced that 1900-02 Campus Commons LLC (the "applicant") has filed Rezoning/Final Development Plan Applications RZ/FDP 2017-HM-018 and Proffered Condition Amendment Application PCA 79-C-023 for the property identified on Tax Map as 17-4 ((1)) 33 and 34. The applicant proposes to rezone the property from the Industrial District —I-4 to the Planned Residential Mixed-Use (PRM) District for a mixed-use development that includes office, residential, and retail uses. The project will retain the two existing office buildings and add three new buildings for a pedestrian-oriented, mixed-use environment within walking distance of the Wiehle-Reston East Metro Station. The applicant is requesting expeditious and current processing.

Therefore, Supervisor Hudgins moved that the Board direct staff from the:

- Department of Planning and Zoning to expedite the scheduling of the Board's public hearing for Rezoning/Final Development Plan Applications RZ/FDP 2017-HM-018 and Proffered Condition Amendment Application PCA 79-C-023 to **October 15, 2019, at 3:30 p.m.**
- Office of Land Development Services to work closely with the applicant to expeditiously process its site plan under the County's concurrent processing regulations.

This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Supervisor McKay seconded the motion and it carried by unanimous vote.

32. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) NOMINATION FOR THE TOWN OF VIENNA ECONOMIC DEVELOPMENT STRATEGY** (12:59 p.m.)

Supervisor Hudgins stated that the County's Strategic Plan efforts and Economic Success Strategic Plan have energized the Town of Vienna to identify the economic development actions it could take. Currently the Town has 10 percent of its land area devoted to non-residential businesses which generates 19 percent of its assessed real estate values.

The Town would like to expand its role in growing the tax base and encouraging economic development. To this end, it is seeking to understand how to help businesses locate and thrive, fill vacant properties, and continue to build on the special place that is the Town of Vienna.

As the Town is within the County, additional economic growth, lower vacancy rates, and increased real estate values benefit the County.

This year the Town's Fiscal Year 2020 budget included funding for a new position to support economic development within the Town.

Prior to establishing the position, the Town is seeking to split the cost of a study with the County to help it formulate an economic development strategy and perform a market study. The total cost of consultant support for the effort is estimated at \$100,000.

Therefore, Supervisor Hudgins moved that the Board direct the County Executive as follows:

- To prepare an Initial Project Evaluation (IPE) of a potential investment of up to \$50,000 to the Town of Vienna to retain a consultant to create an economic development strategy and market study
- That no investment from the EDSF be made until the Board has approved the use of those funds

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

KK:kk

33. **MOTION TO EXPEDITE CLEMENTINE TWIN LAKES LLC - SPECIAL EXCEPTION APPLICATION SE 2019-SP-006 (SPRINGFIELD DISTRICT)** (1:01 p.m.)

Supervisor Herrity said that the applicant, Clementine Twin Lakes, LLC, operates a group home with eight beds for adolescents seeking treatment for eating disorders at 13215 Twin Lakes Drive and is seeking a special exception to convert the home to a Congregate Living Facility with 12 beds and 12 employees. The applicant is not seeking to make any exterior changes but seeks to meet the current demand for services within the existing 6,483 square foot structure. The Planning Commission will likely defer its decision. To hear this case before the August recess the public hearing would need to be expedited.

Therefore, Supervisor Herrity moved that the Board direct the Clerk to the Board to schedule Special Exception Application SE 2019-SP-006, located at Tax Map 66-3 ((1)) 18, for a public hearing to be held before the Board on **July 30, 2019, at 5 p.m.** This motion should not be construed as a favorable recommendation by the Board on the pending application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

34. **RECOGNIZING THE LAKE BRADDOCK MEN'S BASEBALL TEAM (BRADDOCK DISTRICT)** (1:03 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Cook congratulated the Lake Braddock Men's Baseball Team on winning the Virginia 6A boys' baseball State championship which was held in Glen Allen, Virginia. Coach John Thomas led the fourth ranked Bruins in a decisive 6-2 victory over the second ranked Westfield Bulldogs. The Bruins, who many said were in a transition year, breezed to a 26-3 season record and their first State Championship since 2012.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite these students to appear before the Board to be recognized for their achievement. Without objection, it was so ordered.

35. **MOTION TO EXPEDITE REZONING APPLICATION RZ 2017-BR-030 - ROBERTS ROAD INVESTMENT, LLC (BRADDOCK DISTRICT)** (1:03 p.m.)

Supervisor Cook said that Roberts Road Investment, LLC has filed Rezoning Application RZ 2017-BR-030, on approximately 9.57 acres identified as Tax Map 68-2 ((1)) lots 21 through 25. The applicant proposes to rezone the property from the R-1 District to the PDH-5 District to permit 44 single-family detached units. The application is scheduled for Planning Commission consideration on July 17, 2019.

Supervisor Cook said that the applicant hopes to receive a decision on the application prior to the Board August recess. To meet this objective, the applicant has asked for consideration of expedited processing with the scheduling of a public hearing before the Board.

Therefore, Supervisor Cook moved that the Board direct the Clerk to the Board to schedule this Rezoning Application RZ 2017-BR-030 for a public hearing before the Board on July 30, 2019. 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.

36. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (1:05 p.m.)

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

37. **REQUEST FOR PROCLAMATION FOR MS. JENNIFER MITCHELL (LEE DISTRICT)** (1:05 p.m.)

Supervisor McKay noted that Ms. Jennifer Mitchell, a longtime resident of the County, is an incredible athlete with a strong work ethic and passion for what she does.

Supervisor McKay referred to his written Board Matter outlining Ms. Mitchell's many accomplishments and work with the Greenspring Retirement community.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a proclamation to be jointly signed by the Chairman and the Lee District Supervisor for presentation to Ms. Mitchell at a future Board meeting. Without objection, it was so ordered.

38. **U.S. CONGRESS ENERGY INNOVATION AND CARBON DIVIDEND ACT OF 2019 (HR763)** (1:06 p.m.)

Supervisor McKay stated that the Board is committed to the principles of sustainability and environmental responsibility, which serve to protect the quality of life in the County now and for future generations. Through the Cool Counties Climate Stabilization Declaration of 2007, the Board committed to work with local, state, and federal governments to reduce our region's overall greenhouse gas emissions to 80 percent by 2050.

The recently introduced U.S. Congress Energy Innovation and Carbon Dividend Act of 2019 (HR763) would initiate legislation that would work in concert with the Board's environmental commitment. Supervisor McKay noted, at the risk of oversimplifying the bill, HR763 imposes a carbon fee that would apply to the primary sources of man-made CO₂e emissions. The carbon fee would begin at a low level and rise over time. The revenue from the carbon fee would be returned to U.S. households on an equitable basis.

Therefore, Supervisor McKay moved that the Board direct staff to send HR763 to the Legislative Committee on September 17 for consideration of a Board support letter and for inclusion in the Legislative package. Supervisor Gross seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY".

Supervisor Gross noted that the issue was discussed at a recent Environmental Committee meeting.

39. **UPCOMING GENERAL ASSEMBLY SPECIAL SESSION** (1:09 p.m.)

Supervisor McKay stated that July 9, 2019, is a special session of the General Assembly that the Governor has called to deal with gun violence, particularly in the wake of the mass shooting in Virginia Beach. Supervisor McKay obtained a sample resolution addressing common sense gun safety measures and he moved that the Board approve a similar resolution to be sent to the Governor and the General Assembly delegation. Supervisor Hudgins seconded the motion.

Discussion ensued regarding finalizing the resolution for Board discussion and action later in the meeting.

(NOTE: Later in the meeting the Board took action regarding this item. See Clerk's Summary Item #52.)

EBE:ebe

40. **ENDORSEMENT OF THE 2019 ZONING ORDINANCE (ZO) AMENDMENT WORK PROGRAM** (1:14 p.m.)

Supervisor K. Smith said that on June 18, 2019, at the Board's Development Process Committee meeting, Leslie Johnson, Zoning Administrator, presented a status update on the ZO Amendment Work Program for the Committee's review and comment. She noted that in July 2018, the Board approved the 2018 ZO Amendment Work Program for a two-year cycle through June 2020, with a status update to be presented in 2019 to consider any possible adjustments and establish timing priorities for Fiscal Year (FY) 2020. Ms. Johnson highlighted that close to 75 percent of the amendment topics identified on the 2018 Work Program were either adopted, have been authorized for public hearing, are being addressed as part of the Zoning Ordinance Modernization (zMOD) Consolidated Draft of Use Regulations or otherwise addressed.

Supervisor K. Smith said that staff will continue the zMOD initiatives related to reformatting and restructuring the ZO, agritourism, additional editorial and minor revisions, and outdoor lighting, among others. The 2019 update also identified several new priorities that have been added such as regional mall parking rates, necessary revisions to the Wireless Facilities Amendment, a short-term lodging status update, as well as a place holder for Fairfax Green Initiatives.

Supervisor K. Smith also commended staff on their outreach efforts. She said that in her time as Chair of the Development Process Committee, staff has made great strides in outreach activities, not just for zoning amendments, but for plan amendments and other land use activities. These improvements align with the recommendations of the Chairman's Council on Land Use Engagement. She was also pleased to hear that Barbara A. Byron, the Director of the new Department of Planning and Development, will be creating a new position that will be devoted to public outreach and community engagement activities.

Therefore, Supervisor K. Smith moved that the Board:

- Endorse the 2019 ZO Amendment Work Program Status Update that was presented to the Development Process Committee last week
- Direct staff to develop a streamlined format and approach for the 2020 Work Program in conjunction with the adoption of the new modernized ZO

She noted that on June 12, 2019, the Planning Commission voted to recommend the endorsement of the 2019 Work Program.

The updated Work Program will be posted on the Department of Planning and Development's web page this week and will also be circulated by list-serve announcement. Supervisor Foust seconded the motion and it carried by unanimous vote.

41. **CHANTILLY HIGH SCHOOL BOY'S TENNIS TEAM VIRGINIA CLASS 6 STATE CHAMPIONS, WIL PAK BOY'S TENNIS INDIVIDUAL CLASS 6 VHSL STATE CHAMPION, WILL PAK AND MANU BALASUBRAMANIAN BOY'S TENNIS DOUBLES CLASS 6 VHSL STATE CHAMPIONS (SULLY DISTRICT)** (1:18 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor K. Smith expressed congratulations to the Chantilly High School boy's tennis team for winning the Virginia Class 6 State Championship on June 8, 2019. The Chargers defeated Frank W. Cox 5-0. This is the third State title in four years for the Chantilly boy's team.

Furthermore, Supervisor K. Smith recognized Will Pak of Chantilly High School for winning the VHSL Boy's Class 6 Tennis Individual Championship on June 6, 2019.

Finally, Supervisor K. Smith recognized Will Pak and Manu Balasubramanian of Chantilly High School for winning the VHSL Boy's Class 6 Doubles Championship on June 7, 2019.

Therefore, Supervisor K. Smith asked unanimous consent that the aforementioned State Champions from the Chantilly High School boy's tennis team be invited to appear before the Board to be acknowledged for their outstanding achievement. Without objection, it was so ordered.

42. **NO BOARD MATTERS FOR SUPERVISOR STORCK (MOUNT VERNON DISTRICT)** (1:19 p.m.)

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

43. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (1:19 p.m.)

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

DET:det

44. **RECOGNITION OF CLAYTON MEDFORD, CHIEF OF STAFF, CHAIRMAN BULOVA'S OFFICE** (1:20 p.m.)

Chairman Bulova announced that Clayton Medford, her Chief of Staff, will be leaving her office to assume the position of Vice President of Government Affairs for the Northern Virginia Chamber of Commerce. Chairman Bulova congratulated him and thanked him for his service.

45. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-D-008 (VIRGINIA**

ELECTRIC AND POWER COMPANY D/B/A DOMINION ENERGY VIRGINIA (PROVIDENCE DISTRICT) (1:21 p.m.)

Supervisor L. Smyth announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Special Exception Amendment Application SEA 88-D-008.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #59.)

46. **INTENT TO WITHDRAW THE PUBLIC HEARING FOR THE DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICE (PROVIDENCE DISTRICT)** (1:22 p.m.)

Supervisor L. Smyth announced her intent, later in the meeting at the appropriate time, to withdraw the public hearing for the De-creation/re-creation of small and local sanitary districts for refuse/recycling and vacuum leaf collection service.

(NOTE: Later in the meeting, the public hearing was formally withdrawn. See Clerk's Summary Item #76.)

47. **INTENT TO WITHDRAW THE PUBLIC HEARING FOR THE DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICE (MOUNT VERNON DISTRICT)** (1:22 p.m.)

Bryan J. Hill, County Executive, stated that the public hearing for the De-creation/re-creation of small and local sanitary districts for refuse/recycling and vacuum leaf collection service would be withdrawn.

(NOTE: Later in the meeting, the public hearing was formally withdrawn. See Clerk's Summary Item #74.)

AGENDA ITEMS

48. **RECESS/CLOSED SESSION** (1:22 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. *Sovannorith Duong v. Fairfax County*, VWC File No VA02000031262 (Va. Workers' Compensation Commission); *Sovannorith Duong v. Fairfax County*, EEOC Charge Number 570-2019-01032 (Equal Employment Opportunity Commission)
2. *HCP Properties Fair Oaks of Fairfax VA, LLC v. County of Fairfax, Virginia*, Case No. CL-2017-0018207 (Fx. Co. Cir. Ct.) (Springfield District)
3. *Barry McCabe v. Fairfax County Animal Shelter*, Case No. 19-1583 (U.S. Ct. App. Fourth Circuit)
4. *Justin Reed v. Fairfax County*, Case No.1:18-cv-1454 (E.D. Va.)
5. *Gillian Ethridge v. Fairfax County*, Case No. 1:19-cv-00382 (E.D. Va.)
6. *Jennie Klenner v. Fairfax County Government*, Case No. CL-2019-0005281 (Fx. Co. Cir. Ct.)
7. *Farid Saleh and Miraj Bibi v. Officer Imran Farooq and Fairfax County*, Case No. CL-2019-001638 (City of Alexandria Cir. Ct.)
8. *Michael Star v. Archstone-Smith, Sara Read, C. Stacey, Officer Leed, Officer Walker, and Jeffrey Overand*, Case No. 1:18-cv-01598 (E.D Va.)
9. *Harrison Neal v. Fairfax County Police Department and Colonel Edwin C. Roessler Jr.*, Case No. CL-2015-005902 (Fx. Co. Cir. Ct.)
10. *Tracy L. Groff v. Stephen Lawson*, Case No. CL-2018-0009089 (Fx. Co. Cir. Ct.)

11. *Yoselin Suazo v. Fairfax County School Board, John Schmalenberg, and Jerry Mobley*, Case No. CL-2019-04697 (Fx. Co. Cir. Ct.)
12. *Erica M. Allen Winslow v. Ramona Simmons*, Case No. GV19-008954 (Fx. Co. Gen. Dist. Ct.)
13. *Chiao-Yung A. Sher v. Christopher A. Leonard*, Case No. GV19-013944 (Fx. Co. Gen. Dist. Ct.)
14. *K2NC LLC v. Board of Supervisors of Fairfax County, Virginia, Exception Review Committee, Chris Koerner, Amy Gould, Anne S. Kanter, James C. Chesley, Edward W. Monroe, Jr., Ken Lanfear, Elizabeth Martin, Sue Kovach Shuman, Monica Billger, and David W. Schnare*, Case No. CL-2019-0006521 (Fx. Co. Cir. Ct.) (Braddock District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yung C. Yung*, Case No. CL-2018-0017331 (Fx. Co. Cir. Ct.) (Braddock District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harry F. Kendall, III, and Laura P. Kendall*, Case No. CL-2008-0003244 (Fx. Co. Cir. Ct.) (Braddock District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rangsinee Junloy*, Case No. CL-2019-0007777 (Braddock District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ghassan Filimban and Sanaa Kholfi*, Case No. CL-2019-0000247 (Fx. Co. Cir. Ct.) (Dranesville District)
19. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Charlene Farrell, Trustee of the Farrell Family Trust and Christopher Farrell, Trustee of the Farrell Family Trust*, Case No. GV19-008653 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Warren K. Montouri, Trustee*, Case

- No. CL-2019-0007481 (Fx. Co. Cir. Ct.) (Hunter Mill District)
21. *Island Creek Community Association, Inc. v. Fairfax County* (Bd. of Bldg. Code App.) (Lee District)
 22. *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)
 23. *In re: January 10, 2018, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Blake D. Ratcliff and Sara B. Ratcliff v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2018-0001836 (Fx. Co. Cir. Ct.) (Mason District)
 24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nickolas A. Ploutis*, Case No. CL-2019-0007336 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia Joyce Saltess*, Case No. CL-2019-0001906 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Faical Rihane*, Case No. CL-2019-0007204 (Fx. Co. Cir. Ct.) (Providence District)
 27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mauricio Castro and Maritza Castro*, Case No. GV19-013339 (Fx. Co. Gen. Dist. Ct.) (Providence District)
 28. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mauricio Castro and Maritza Castro*, Case No. GV19-013338 (Fx. Co. Gen. Dist. Ct.) (Providence District)

29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Christopher L. Sodergen*, Case No. CL-2015-0016908 (Fx. Co. Cir. Ct.) (Springfield District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaime Rolando Quintanilla and Rafael Hernandez Quintanilla*, Case No. CL-2019-0006932 (Fx. Co. Cir. Ct.) (Springfield District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mark Anthony Shiflette*, Case No. GV19-007148 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Barry K. Bedford and Kathleen A. W. Bedford*, Case No. GV18-029107, and *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Barry K. Bedford and Kathleen A. W. Bedford*, Case No. GV18-029108 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John W. Gordon, IV*, Case No. GV18-0023561 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

1. As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), Legal analysis regarding:
 - a. *Cansler v. Fairfax County, et al.*, Appeal Number 18-1196 (U.S. Court of Appeals for the Fourth Circuit)
 - b. 2019 General Assembly amendments to Virginia Code Section 2.2-3714
 - c. Potential legal remedies against American Disposal Services, Incorporated
2. As permitted by Virginia Code Sections 2.2-3711(A)(1), appointments to the Board of Zoning Appeals and annual evaluations of certain Board appointed officials.

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

At 3:25 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

49. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:25 p.m.)

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

50. **MOTION AUTHORIZING SETTLEMENT OF *DUONG V FAIRFAX COUNTY*** (3:26 p.m.)

Supervisor Gross moved that the Board authorize the settlement of the claims filed by Sovannorith Duong against Fairfax County, Virginia Workers' Compensation Commission File Number VA02000031262 and Equal Employment Opportunity Commission (EEOC) Charge Number 570-2019-01032, according to the terms and conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

51. **APPOINTMENT TO THE BOARD OF ZONING APPEALS (BZA)** (3:27 p.m.)

(BACs) Supervisor Gross moved that the Board concur in the appointment of Mr. John C. Cowherd to the BZA. Supervisor McKay seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

52. **UPCOMING GENERAL ASSEMBLY (GA) SPECIAL SESSION** (3:27 p.m.)

(NOTE: Earlier in the meeting this item was discussed. See Clerk's Summary Item #39.)

Chairman Bulova noted that this matter is the result of business from the Board's morning session.

Supervisor McKay, noted that there will be a Special Session of the GA scheduled on July 9, 2019, and the Board will not have the opportunity to meet again prior to that session.

Referencing the finalized resolution that had been distributed to the Board, Supervisor McKay moved that the Board adopt the Resolution to express its support for the Special Session; requests for legislation; the desire for openness and transparency from the GA; and, that copies of the Resolutions be provided to the County's delegation.

Supervisor McKay highlighted the following elements of the Resolution:

Now, therefore, be it resolved that the Fairfax County Board of Supervisors expresses its unwavering support for the upcoming Special Session of the Virginia General Assembly to address gun violence in Virginia, echoes the Governor's call for "votes and laws" not just thoughts and prayers to truly address the emergency of gun violence in the State.

Now, therefore, be it further resolved that the Board of Supervisors urges members of General Assembly to support common sense gun safety legislation during the upcoming special session including:

- Universal background checks for all gun buyers
- "Red flag" or "extreme risk protective order" legislation to create a legal process for the temporary removal of firearms from individuals deemed to pose an imminent risk of violence to themselves or others
- Bans on assault weapons, high-capacity magazines, armor piercing ammunition, and bump stocks
- Child access prevention laws to limit child access to firearms and reduce suicides and unintentional gun deaths and injuries of children
- Reinstating the "one-gun-a-month" law
- Legislation granting localities the authority to prohibit or restrict the possession, transportation or carrying of firearms in public buildings or on other property owned by a locality

He noted that several of these items have been contained in the Board's legislative packages over the years. While a few may be specifically new for the Board to

consider, given the date of July 9 for the Special Session, and the fact that the Board will not meet again before that session, Supervisor McKay moved that the Board adopt the finalized resolution. Supervisor Foust seconded the motion.

Discussion ensued concerning the comprehensiveness of the Resolution. Supervisor Herrity noted that there is a State version of a Federal procedure called Rule 35 and it is one proposal that will be considered which he believes is worthy of the Board's consideration and support.

Following remarks by Supervisor McKay concerning the points contained in the finalized resolution, Supervisor Herrity moved to amend the motion to include Rule 35. Supervisor Cook seconded the motion, as amended.

The question was called on the motion, as amended, and it **FAILED** by a recorded vote of eight, Supervisor Cook and Supervisor Herrity voting "AYE."

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

AGENDA ITEMS

53. **A-16 – BOARD APPROVAL OF A MINOR VARIATION TO PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-Y-016-05, LIDL US OPERATIONS, LLC, TO ALLOW A SETBACK OF 64 FEET FROM CHANTILLY CROSSING LANE (SULLY DISTRICT)** (3:43 p.m.)

Mr. Bernard S. Suchicital reaffirmed the validity of the affidavit for the record.

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

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

- Waive the requirement of a public hearing
- Approve a minor variation to Proffered Condition Amendment Application PCA 95-Y-016-05 to allow a building setback of 64 feet from Chantilly Crossing Lane as detailed in the Board Agenda Item A-16

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

54. **3 P.M. – JOINT PUBLIC HEARING ON THE PROPOSED VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SIX-YEAR**

SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FYs) 2020 THROUGH 2025 AND FY 2020 BUDGET

(3:46 p.m.)

- (R) Following remarks by Chairman Bulova concerning the replacement of the program with the Smartscale and State of Good Repair programs, Mr. Brent Riddle, Coordination and Funding Division, Department of Transportation, presented information on the program. He noted that, effective next year, there is no longer a requirement for the County to hold this public hearing.

Following the public hearing, Supervisor Foust moved:

- Approval of the Six-Year Secondary System Construction Program for FYs 2020 - 2025 and the FY 2020 budget
- Adoption of the Program Endorsement Resolution

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

55. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2006-SU-025-04 (REGENCY CENTERS ACQUISITION, LLC) (SULLY DISTRICT)** (3:50 p.m.)

- (O) The application property is located in the northeast corner of the northern intersection of Newbrook Drive and Westfields Boulevard. Tax Map 44-1 ((1)) 6H2 (pt.).

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

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

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

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

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

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

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

William O'Donnell, Branch Chief, Rezoning and Special Exception Evaluation Branch, Zoning Evaluation Division (ZED) Department of Planning and Zoning (DPZ), introduced Emma Estes, Planner, ZED, DPZ, who proceeded to give a PowerPoint slide presentation depicting the application and site location.

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

Following the public hearing, which included testimony by one speaker, Ms. Estes presented the staff and Planning Commission (PC) recommendations.

Supervisor K. Smith moved approval of:

- Proffered Condition Amendment Application PCA 2006-SU-025-04, subject to the proffers dated May 1, 2019
- Modification of Paragraph 5 of Section 11-104 of the Zoning Ordinance (ZO) to reduce the stacking requirement from eight vehicles to five vehicles
- Reaffirmation of the previously granted modification of Paragraph 5 of Section 6-206 of the ZO to permit the gross floor area of non-residential secondary uses to exceed 25 percent of the gross floor area of all principle uses in the development

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

(NOTE: On May 22, 2019, the PC approved Final Development Plan Amendment Application FDPA 2006-SU-025-04, subject to the development conditions dated May 8, 2019.)

56. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA/CDPA 2016-HM-007 (ONE RESTON COMPANY, LLC AND TWO RESTON COMPANY, LLC) (HUNTER MILL DISTRICT) (3:59 p.m.)**

- (O) The application property is located west of Reston Parkway, north of Sunrise Valley Drive, east of Edmund Halley Drive, and south of the Dulles Airport Access and Toll Road. Tax Map 17-3 ((8)) 1 A1 (pt.) and 1B (pt.).

Ms. Jill S. Parks reaffirmed the validity of the affidavit for the record.

William Mayland, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

Following remarks, Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment/Conceptual Development Plan Amendment Applications PCA 2016-HM-007 and CDPA 2016-HM-007, subject to the proffers dated May 24, 2019
- That the Board reaffirm the previously approved waivers and modifications dated June 25, 2019:
 - Modification of Paragraph 1 of Section 2-505 of the Zoning Ordinance (ZO) to permit development of corner lots to that shown on the CDPA
 - Waiver of Paragraph 2 of Section 2-506 of the ZO to permit a parapet wall, cornice, or similar projection to exceed three feet in height and extend more than three feet above the roof level of any building
 - Waiver of Paragraph 5 of Section 6-206 of the ZO to permit secondary uses in the PDC District to exceed 50 percent of the gross floor area of all principal uses in the development and all other secondary uses to exceed 25 percent of the gross floor area of all principal uses in the development
 - Modification of Paragraph 4 of Section 11-202 of the ZO to permit loading spaces or berths within 40 feet of the nearest point of intersection of the edges

of the travelway or the curbs of any two streets to that shown on the CDPA/Final Development Plan Amendment (FDPA)

- Modification of Section 11-203 of the ZO for a reduction in the number of required loading spaces to that shown on the CDPA
- Waiver of Section 13-202 of the ZO for the interior parking lot landscaping on the top level of parking structures
- Modification of Sections 13-303 and 13-304 of the ZO for the transitional screening and barrier requirements to that shown on the CDPA
- Modification of Paragraph 2 of Section 17-201 of the ZO to permit the streetscape and on-road bicycle lanes as shown on the CDPA in lieu of that shown in the Comprehensive Plan

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

(NOTE: On May 22, 2019, the PC approved Final Development Plan Amendment Application FDPA 2016-HM-007, subject to the development condition dated May 8, 2019.)

57. **3 P.M. – PH TO CONVEY BOARD-OWNED PROPERTY ON AUTUMN WILLOW DRIVE TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (SPRINGFIELD DISTRICT)**
(4:07 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 7 and June 14, 2019.

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

Following the public hearing, which included testimony by four speakers, Mr. Lambert presented the staff recommendations.

Following brief remarks, Supervisor Herrity moved to defer decision until **July 16, 2019, at 4:30 p.m.** Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

58. **3 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY AMENDMENT APPLICATION PRCA-B-846-02 (RESTON HEIGHTS RESIDENTIAL I, LLC) (HUNTER MILL DISTRICT)** (4:28 p.m.)

(NOTE: On May 21, 2019, the Board deferred the public hearing until June 25, 2019.)

Chairman Bulova announced that this application did not require an affidavit.

Supervisor McKay voluntarily recused himself and left the Board room.

The application property is located on the east side of Reston Parkway and west side of Sunrise Valley Drive. Tax Map 17-3 ((21)) 1A, 2B, 3A, 4A, and 5A.

William Mayland, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Ms. Meredith P. Hartley 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. Mayland presented the staff and Planning Commission recommendations.

Following brief remarks and a query by Supervisor Hudgins, Ms. Hartley confirmed, for the record, that the applicant was in agreement with the proposed PRC conditions dated June 12, 2019.

Supervisor Hudgins moved approval of Planned Residential Community Amendment Application PRCA-B-846-02, subject to the PRC conditions dated June 12, 2019. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

59. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-D-008 (VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION ENERGY VIRGINIA) (PROVIDENCE DISTRICT)** (4:33 p.m.)

(NOTE: On May 7, 2019, the Board deferred the public hearing until May 21, 2019, at which time it was deferred until June 25, 2019.)

Supervisor L. Smyth moved to defer the public hearing on Special Exception Amendment Application SEA 88-D-008 until **July 16, 2019, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

60. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2018-HM-002 (RESTON CROSSING, L.P.) (HUNTER MILL DISTRICT)** (4:34 p.m.)

- (O) The application property is located on the south side of the Dulles Airport Access and Toll Road, west side of Reston Parkway, north of Sunrise Valley Drive. Tax Map 17-3 ((8)) A and 2A (pt.) and Edmund Halley Drive public right-of-way to be vacated and/or abandoned.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

William Mayland, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Ms. Baker 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 an inquiry by Supervisor Hudgins, Ms. Baker identified the location of the knock-out panel.

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

Following remarks, Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2018-HM-02 [*sic*], and associated Conceptual Development Plan, from the I-4 District to the PDC District, subject to the proffers dated May 23, 2019
- Approval of the following waivers and modifications dated June 25, 2019:
 - Modification of Paragraphs 1A and 1B of Section 2-414 of the ZO for the 200-foot and 75-foot minimum distances to the Dulles International Airport Access Highway and Dulles Toll Road right-of-way to permit residential and commercial buildings to 70 and 54, respectively

- Modification of Section 2-505 of the ZO for the sight distance requirements on a corner lot to that shown on the CDP Final Development Plan(FDP)
- Waiver of Paragraph 2 of Section 2-506 of the ZO to permit a parapet wall, cornice, or similar projection to exceed three feet in height and to extend more than three feet above the roof level of any building
- Waiver of Paragraph 5 of Section 6-206 of the ZO to permit the gross floor area devoted to dwellings to exceed 50 percent of the gross floor area of all principal uses in the development
- Modification of Paragraph 3 of Section 10-104 of the ZO to permit a fence or wall to exceed the height limitation in the front, side, and rear yards to that shown on the CDP/FDP
- Modification of Section 11-203 of the ZO for a reduction in the number of required loading spaces to that shown on the CDP/FDP
- Waiver of Section 13-202 for the interior parking lot landscaping for structured parking decks and private streets to that shown on the CDP/FDP
- Modification of Paragraph 2A of Section 13-203 of the ZO to provide a minimum of a 6-foot wide variable landscape strip in lieu of the required 10-foot wide landscaping strip located between a parking lot and property line
- Modification of Sections 13-303 and 13-304 of the ZO for the transitional screening and barrier requirements to that shown on the CDP/FDP

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

(NOTE: On May 22, 2019, the PC approved Final Development Plan Application FDP 2018-HM-002, subject to the development conditions dated May 8, 2019.)

61. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-PR-039-02 (WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (PROVIDENCE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-P-030-03 (WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (PROVIDENCE DISTRICT) (4:44 p.m.)

- (O) The application property for Proffered Condition Amendment Application PCA 2005-PR-039-02 is located at in the northwest quadrant of the intersection of Prosperity Avenue and Gallows Road. Tax Map 49-1 ((1)) 27C (pt.) and 49-1 ((32)) 1, 2, 3, 4, and 5.

The application property for Proffered Condition Amendment Application PCA 88-P-030-03 is located on the north side of Prosperity Avenue, east of Dorr Avenue, and on the south side of I-66. Tax Map 49-1 ((1)) 27C (pt.).

Mr. Mark A. Moorstein reaffirmed the validity of the affidavits for the record.

Supervisor Hudgins disclosed that she is an alternate member of the WMATA Board of Directors.

William O'Donnell, Branch Chief, Rezoning and Special Exception Evaluation Branch, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

Discussion ensued, with input from Mr. Moorstein, concerning the location of the traction substation.

Following the public hearing, which included testimony by one speaker, Mr. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Following remarks by Supervisor L. Smyth, she moved approval of:

- Proffered Condition Amendment Application PCA 2005-PR-039-02, subject to the proffers dated May 16, 2019
- Proffered Condition Amendment Application PCA 88-P-030-03, subject to the proffers dated May 16, 2019

- The modifications and waivers dated June 25, 2019:
 - New waivers and modifications:
 - Waiver of the off-street loading requirements of Section 11-202 of the Zoning Ordinance (ZO)
 - Waiver of the trail requirements of Section 6-508 of the ZO
 - Waiver of tree preservation requirements contained in Chapter 12-0308 of the Public Facilities Manual (PFM)
 - Reaffirmed waivers and modifications:
 - Waiver of the PFM to permit the use of underground stormwater facilities in the residential portion of the development
 - Modification of the private street limitations per Section 11-302 of the ZO
 - Modification of transitional screening and barrier requirements along all property lines in favor of landscaping shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP) landscape plan
 - Modification of interior parking lot landscaping on the top parking deck
 - Waiver of the 75-foot setback requirements for non-residential uses abutting principal arterial highways as required by Paragraph 1B of Section 2-414 of the ZO
 - Modification of the loading requirement in favor of the loading spaces provided on the CDPA/FDPA

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

(NOTE: On June 19, 2019, the PC approved Final Development Plan Amendment Applications FDPA 2005-PR-039-02 and FDPA 88-P-030-03, subject to the development conditions dated June 17, 2019.)

62. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2016-DR-027 (POMEROY/CLARK I, LLC) (DRANESVILLE DISTRICT)**

AND

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

(5:01 p.m.)

- (O) (NOTE: On November 20, 2018, the Board deferred the public hearing until January 22, 2019, at which time it was deferred to March 5, 2019, and again deferred to May 7, 2019, and again deferred to June 4, 2019, and once again deferred to June 25, 2019.)

The application property for Rezoning Application RZ 2016-DR-027 is located in the northwest quadrant of the intersection of Sunrise Valley Drive and Frying Pan Road, Tax Map 15-4 ((1)) 25 and 26A.

The application property for Proffered Condition Amendment Application PCA-C-637-4 is located in the northwest quadrant of the intersection of Sunrise Valley Drive and Frying Pan Road, Tax Map 15-4 ((1)) 26A.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavits for the record.

William O'Donnell, Branch Chief, Rezoning and Special Exception Evaluation Branch, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

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

Following remarks, Supervisor Foust moved:

- Approval of Proffered Condition Amendment Application PCA-C-637-04
- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application

RZ 2016-DR-027, from the I-5 and PDC Districts to the PDH-20 District, subject to the proffers dated June 12, 2019

- Approval of Conceptual Development Plan Application CDP 2016-DR-027, subject to the development conditions dated June 25, 2019
- Approval of the following waivers and modifications, shown on the attachment dated June 25, 2019:
 - Modification of Paragraph 2 of Section 6-407 of the ZO to allow a privacy yard less than 200 square feet for single family attached dwellings in favor of that shown on the Conceptual/Final Development Plan (CDP/FDP)
 - Modification of Paragraph 4 of Section 11-202 of the ZO to permit a reduction in the minimum required distance of 40-feet for a loading space in proximity to a drive aisle for multi-family dwellings in favor of that shown on the CDP/FDP
 - Modification of Paragraph 4 of Section 11-203 of the ZO of the required multi-family dwelling loading space requirement to that shown on the CDP/FDP
 - Modification of Paragraph 2 of Section 11-302 of the ZO to allow private streets to exceed 600-foot maximum length in favor of that shown on the CDP/FDP
 - Modification of Paragraph 10 of Section 11-102 of the ZO to permit driveway parking in front of garage parking (i.e, tandem parking) for multifamily 2-over-2 stacked dwellings as shown on the CDP/FDP
 - Modification of Paragraph 1 of Section 13-305 of the ZO to waive internal transitional yard screening and barrier requirements within PDH District in favor of that shown on the CDP/FDP
 - Waiver of Paragraph 3B of Section 17-201 of the ZO requiring inter-parcel access to adjacent parcels in favor of that shown on the CDP/FDP

- Modification of Paragraph 4 of Section 17-201 of the ZO requiring further dedication, construction, or widening of existing roads in favor of that shown on the CDP/FDP
- Modification of Paragraph 2 of Section 17-201 of the ZO to modify the requirement of on-road Bicycle Lane on Sunrise Valley Drive and Frying Pan Road in favor of the 10-foot wide shared use path as shown on the CDP/FDP

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

(NOTE: On November 1, 2018, the PC approved Final Development Plan Application FDP 2016-DR-027, subject to the development conditions dated October 17, 2018.)

63. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2017-DR-012 (POMEROY COMPANIES, INCORPORATED/POMEROY INVESTMENTS, INCORPORATED, TR) (DRANESVILLE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-637-05 (POMEROY INVESTMENTS INCORPORATED, TR) (DRANESVILLE DISTRICT) (5:12 p.m.)

- (O) (NOTE: On March 5, 2019, the Board deferred the public hearing until May 7, 2019, at which time it was deferred to June 4, 2019, and then deferred again until June 25, 2019.)

The application property for Rezoning Application RZ 2017-DR-012 is located in the northeast corner of the intersection of Sunrise Valley Drive and Frying Pan Road. Tax Map 15-4 ((1)) 26B and 24-2 ((1)) 5.

The application property for Proffered Condition Amendment Application PCA-C-637-05 is located in the northeast corner of the intersection of Sunrise Valley Drive and Frying Pan Road. Tax Map 15-4 ((1)) 26B.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavits for the record.

William O’Donnell, Branch Chief, Rezoning and Special Exception Evaluation Branch, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location. Revised

executed proffers were distributed today which further clarify Proffer 16 commitments associated with the adjacent church regarding inter-parcel access.

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

Following the public hearing, which included testimony by four speakers, Mr. Riegle presented rebuttal.

Mr. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Following remarks, Supervisor Foust moved:

- Approval of Proffered Condition Amendment Application PCA-C-637-05
- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2017-DR-012, from the R-1 and I-5 Districts to the PRM District, and its associated Conceptual Development Plan (CDP), subject to the proffers dated June 25, 2019
- Approval of the following waivers and modifications dated June 25, 2019:
 - Modification of Paragraph 2 of Section 6-407 of the ZO to allow a privacy yard less than 200 square feet for single family attached units in favor of that shown on the Conceptual/Final Development Plan (CDP/FDP)
 - Modification of Paragraph 4 of Section 11-202 of the ZO to permit a reduction in the minimum required distance of 40-feet of a loading space in proximity to a drive aisle for retail and multi-family dwellings in favor of that shown on the CDP/FDP for Landbays A-C only
 - Modification of Paragraph 2 of Section 11-302 of the ZO to allow private streets to exceed 600-foot maximum length in favor of that shown on the CDP/FDP
 - Waiver and Modification of Paragraph 1 of Section 13-302 of the ZO to waive and modify internal

transitional yard screening and barrier requirements within a PRM District in all Landbays and along the northern boundary (Screening Yard A in Landbay A only) in favor of that shown on the CDP/FDP

- Modification and waiver of Paragraph 3B of Section 17-201 of the ZO requiring inter-parcel access to adjacent parcels in favor of that shown on the CDP/FDP
- Waiver of Paragraph 4 of Section 17-201 of the ZO requiring further dedication, construction, or widening of existing roads in favor of that shown on the CDP/FDP
- Waiver of Paragraph 2 of Section 17-201 of the ZO to waive the requirement of on-road Bike Lane on Sunrise Valley Drive and Frying Pan Road in favor of the 10-foot wide shared use path as shown on the CDP/FDP
- Waiver of Paragraphs 1 and 2 of Section 16-403 of the ZO requiring the submission of a final development plan as a prerequisite for a site plan submission

Supervisor Gross and Supervisor L. Smyth jointly seconded the motion and it carried by unanimous vote.

Discussion ensued regarding purchasers being aware of the zoning designation of adjacent properties.

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.”

(NOTE: On May 22, 2019, the PC approved Final Development Plan Application FDP 2017-DR-012, subject to the development conditions dated May 22, 2019.)

64. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA/CDPA 2011-PR-023-02 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT)**

AND

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION
PCA 2011-PR-023-03 (CITYLINE PARTNERS LLC) (PROVIDENCE
DISTRICT)** (5:37 p.m.)

- (O) (NOTE: On May 7, 2019, the Board deferred the public hearing until May 21, 2019, at which time it was deferred to June 25, 2019.)

The application property for Proffered Condition Amendment/Conceptual Development Plan Amendment Applications PCA/CDPA 2011-PR-023-02 is located on the south side of Westpark Drive, east of its intersection with Westbranch Drive. Tax Map 29-4 ((7)) 9pt.

The application property for Proffered Condition Amendment Application PCA 2011-PR-023-03 is located on the south side of Westpark Drive, east of its intersection with Westbranch Drive and west of its intersection with Jones Branch Drive. Tax Map 29-4 ((7)) 3A and 9pt.

Mr. John C. McGranahan reaffirmed the validity of the affidavits for the record.

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

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

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

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

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

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

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

Mr. McGranahan had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case. Following his presentation, discussion ensued concerning parking.

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

Following remarks, Supervisor L. Smyth moved approval of:

- Proffered Condition Amendment/Conceptual Development Plan Amendment Applications PCA/CDPA 2011-PR-023-02, subject to the proffers dated May 31, 2019
- The following modifications:
 - Modification of Section 2-506 of the Zoning Ordinance (ZO) to permit parapet walls, cornices, or similar projections up to a maximum height of 12 feet
 - Modification of Paragraph 3B of Section 17-201 of the ZO to waive the requirement for interparcel access in favor of that depicted on the CDPA
- Proffered Condition Amendment Application PCA 2011-PR-023-03, subject to the proffers dated May 14, 2019

Supervisor Herrity seconded the motion.

Discussion ensued concerning the 50+ plan, the urban-style construction, and the provision of senior housing in Tysons.

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.”

(NOTE: On June 12, 2019, the PC approved Final Development Plan Application FDP 2011-PR-023-05, subject to the development conditions dated June 12, 2019.)

65. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING ARTICLES 2, 3, 6, 8, 10, 18, AND 20 – COMMUNITY GARDENS, FARMERS MARKETS, GARDENING AS AN ACCESSORY USE, AND RELATED CHANGES** (6:11 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 June 7 and June 14, 2019.

Jennifer Josiah, Non-Profit/Places of Worship Coordinator, Land Development Services, presented the staff report. Discussion ensued, concerning front yard gardens, farmers markets, and flea markets, with input from Ms. Josiah and additional input from Leslie Johnson, Zoning Administrator, Department of Planning and Zoning, concerning the temporary permit process for farmers markets.

Following the public hearing, which included testimony by six speakers, Supervisor Foust submitted an item for the record.

Ms. Josiah presented the staff and Planning Commission recommendations.

Following an inquiry by Supervisor K. Smith, Ms. Josiah explained when there would be a fee for a community garden and when a garden is permitted as an accessory use. Ms. Johnson further explained that there is no fee associated with front yard gardens on a residential lot.

Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding Articles 2, 3, 6, 8, 10, 18, and 20 – Community Gardens, Farmers Markets, Gardening as an Accessory Use and Related Changes as set forth in the staff report dated March 19, 2019, with an effective date of 12:01 a.m. on June 26, 2019. Chairman Bulova seconded the motion and added that this has been the subject of discussion in the Board's Development Process Committee.

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

Supervisor K. Smith made a follow-on motion regarding gardening as an accessory use; she moved that the Board direct staff to report to the Development Process Committee in approximately 18 months from the effective date of the amendments on any complaints that have been filed regarding gardens and/or related front yard structures. Such report should include the specific basis of the complaint and the resolution of the complaint. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

66. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 122 (TREE CONSERVATION ORDINANCE) REGARDING ADDING CIVIL PENALTIES AND OTHER CHANGES** (6:51 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 June 7 and June 14, 2019.

Jerry Stonefield, Engineering IV, Land Development Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Stonefield presented the staff and Planning Commission recommendations.

Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance) regarding civil penalties and other changes, as set forth in the staff report dated April 9, 2019, to become effective at 12:01 a.m. on June 26, 2019. Supervisor Gross 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.

67. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING EDITORIAL AND MINOR REVISIONS TO ARTICLES 2, 7, 10, 16, 17, 18, AND 19** (6:57 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 June 7 and June 14, 2019.

Donna Pesto, Ordinance Administration, Zoning Administration Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Pesto presented the staff and Planning Commission recommendations.

Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding editorial and minor revisions to Articles 2, 7, 10, 16, 17, 18, and 19 as advertised and set forth in the staff report dated April 9, 2019, for the reasons set forth in the staff report as well those additional changes to Paragraph 5 of Section 2-514 and the lead-in to Paragraph 3 of Section 7-204 as detailed in the memorandum to the Planning Commission dated May 13, 2019. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor Cook and Supervisor L. Smyth being out of the room.

68. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC)** (7:06 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 June 7 and June 14, 2019.

Peter Flynn, Assistant Director, Planning and Research Bureau, Police Department, presented the staff report.

Following the public hearing, Mr. Flynn presented the staff recommendations.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) to reflect changes made to the Code by the 2019 General Assembly. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor K. Smith and Supervisor L. Smyth being out of the room.

69. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE CARDINAL FOREST COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)** (7:07 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 June 7 and June 14, 2019.

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

Following the public hearing, which included testimony by two speakers, Ms. Padilla presented the staff recommendations.

Following remarks, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Cardinal Forest CPD, in accordance with current CPD restrictions. Supervisor Herrity seconded the motion.

Following discussion concerning the community petition process, the question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Hudgins abstaining, Supervisor K. Smith, Supervisor L. Smyth, and Supervisor Storck being out of the room.

70. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE BURKE**

CENTRE COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT) (7:19 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 June 7 and June 14, 2019.

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

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

Supervisor Cook presented background on the proposed amendments then moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Burke Centre CPD, in accordance with current CPD restrictions. Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor K. Smith, Supervisor L. Smyth, and Supervisor Storck being out of the room.

71. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 7 (FAIRFAX COUNTY POLICE OFFICERS RETIREMENT SYSTEM)** (7:26 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 June 7 and June 14, 2019.

Jeffrey Weiler, Executive Director, Retirement Systems, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 7 (Fairfax County Police Officers Retirement System) changing certain provisions with respect to spousal options. Supervisor McKay seconded the motion and provided background on the proposed amendments.

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

72. **5 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT 2610 RESTON PARKWAY TO CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS (HUNTER MILL DISTRICT)** (7:31 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 June 7 and June 14, 2019.

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

Following the public hearing, Supervisor Hudgins moved adoption of the Resolution authorizing the leasing of County-owned property to Cellco Partnership d/b/a Verizon Wireless for the continuation of telecommunications services for public use at the Fox Mill Fire Station located at 2610 Reston Parkway. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE”, Supervisor L. Smyth being out of the room.

73. **5 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT 6140 ROLLING ROAD TO CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS (SPRINGFIELD DISTRICT)** (7:34 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 June 7 and June 14, 2019.

Mike Lambert, Assistant Director, 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 Cellco Partnership d/b/a Verizon Wireless for the continuation of telecommunications services for public use at the West Springfield Government Center located at 6140 Rolling Road. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Hudgins, Supervisor McKay, and Supervisor L. Smyth being out of the room.

74. **5:30 P.M. – PH FOR THE DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICE (MOUNT VERNON DISTRICT)** (7:37 p.m.)

Supervisor Storeck moved to withdraw the public hearing due to an error in the public notice. A new public hearing will be advertised for **July 16, 2019, at 4:30 p.m.** Supervisor Cook seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor K. Smith, Supervisor Storeck, and Chairman Bulova voting “AYE,” Supervisor Hudgins, Supervisor McKay, and Supervisor L. Smyth being out of the room.

75. **5:30 P.M. – PH FOR THE DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICE (DRANESVILLE DISTRICT)**
(7:39 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 June 7 and June 14, 2019.

Eric Forbes, Division Director, Solid Waste Management LDS/SW Compliance, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Foust moved adoption of the Resolution approving changes to small and local sanitary districts for refuse/recycling and vacuum leaf collection service in accordance with the Board’s adopted criteria for the Creation of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
Small District within Dranesville District (4115 N. Ridgeview Rd)	De-create/Re-create	Discontinue Refuse, Recycling and Vacuum leaf collection

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

76. **5:30 P.M. – PH FOR THE DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICE (PROVIDENCE DISTRICT)**
(7:41 p.m.)

Chairman Bulova relinquished the Chair to Vice Chairman Gross and moved to withdraw the public hearing due to an error in the public notice. A new public hearing will be advertised for **July 16, 2019, at 4:30 p.m.** Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Cook,

Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Hudgins, Supervisor McKay, and Supervisor L. Smyth being out of the room.

Vice Chairman Gross returned the gavel to Chairman Bulova.

77. **5:30 P.M. – PH FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICE (DRANESVILLE DISTRICT)** (7:43 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 June 7 and June 14, 2019.

Eric Forbes, Division Director, Solid Waste Management LDS/SW Compliance, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Foust moved adoption of the Resolution approving changes to small and local sanitary districts for refuse/recycling and vacuum leaf collection service in accordance with the Board’s adopted criteria for the Enlargement of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
Small District within Dranesville District (Chesterbrook Woods area)	Enlargement	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 McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor L. Smyth being out of the room.

78. **6 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:45 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 June 7 and June 14, 2019.

Public comment was held, and no speakers were present.

79. **BOARD ADJOURNMENT** (7:47 p.m.)

The Board adjourned.