



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

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

**TUESDAY  
March 19, 2019**

*This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <https://www.fairfaxcounty.gov/bosclerk/>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 711 (TTY).*

---

**05-19**

---

**KK:kk**

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, March 19, 2019, at 9:31 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 Jeffrey C. McKay, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Linda Q. Smyth, Providence District
- Supervisor Daniel G. Storck, Mount Vernon District

Supervisor Catherine M. Hudgins, Hunter Mill District, was absent from the meeting.

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

Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

### **BOARD MATTER**

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

The Board asked everyone to keep in thoughts the families and friends of the following who died recently:

- Mr. Dan O'Brien
- Former Vienna Town Council Member Maud Robinson
- The victims in Christchurch, New Zealand

### **AGENDA ITEMS**

2. **RESOLUTION OF RECOGNITION PRESENTED TO LEIDOS** (9:36 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Leidos on its fiftieth anniversary and its steadfast support of the community. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **PROCLAMATION DESIGNATING MARCH 18–24, 2019 AS “WOMEN VETERANS WEEK” IN FAIRFAX COUNTY** (9:42 a.m.)

Supervisor Herrity moved approval of the Proclamation designating March 18-24, 2019, as "*Women Veterans Week*" in Fairfax County and expressed sincere and profound gratitude for their service to the nation. Supervisor L. Smyth seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

4. **PROCLAMATION DESIGNATING APRIL 1-7, 2019, AS “PUBLIC HEALTH WEEK” IN FAIRFAX COUNTY** (9:54 a.m.)

Supervisor Gross moved approval of the Proclamation designating April 1-7, 2019, as "*Public Health Week*" in Fairfax County and urged all residents to join ongoing efforts to build a healthier Fairfax. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

5. **PROCLAMATION DESIGNATING APRIL 7-13, 2019, AS “LIBRARY WEEK” IN FAIRFAX COUNTY** (10:04 a.m.)

Supervisor L. Smyth moved approval of the Proclamation designating April 7-13, 2019, as "*Library Week*" in Fairfax County and urged all residents to take advantage of the wonderful resources available at a library. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

6. **PROCLAMATION DESIGNATING APRIL 2019 AS "ARAB-AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:16 a.m.)

Supervisor McKay moved approval of the Proclamation designating April 2019 as "*Arab-American Heritage Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

7. **PROCLAMATION DESIGNATING MARCH 2019 AS "ALTERNATIVE DISPUTE RESOLUTION (ADR) MONTH" IN FAIRFAX COUNTY** (10:28 a.m.)

Supervisor Cook moved approval of the Proclamation designating March 2019 as "*ADR Month*" in Fairfax County and urged all residents to recognize the many benefits of ADR programs and to acknowledge the valuable role of ADR volunteers who offer their services to:

- Neighbors and communities
- Fellow students and peers in the workplace

Supervisor Herrity and Supervisor L. Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

8. **PROCLAMATION DESIGNATING APRIL 2019 AS "FAIR HOUSING MONTH" IN FAIRFAX COUNTY** (10:39 a.m.)

Supervisor Storck moved approval of the Proclamation designating April 2019 as "*Fair Housing Month*" in Fairfax County and urged all residents to join in promoting equal housing opportunities in the County and throughout the United States. Supervisor McKay and Supervisor Gross jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

**EBE:ebe**

9. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (10:50 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

March 19, 2019.” Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

The full list of appointments is as follows:

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

Reappointment of:

- Ms. Kerrie Wilson as the Dranesville District Representative

Appointment of:

- Ms. Catherine Shaw as the Hunter Mill District Representative

The Board deferred the appointment of the Mason District Representative.

**ADVISORY SOCIAL SERVICES BOARD**

Appointment of:

- Ms. Storme Gray as the Mount Vernon District Representative

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

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

**AIRPORTS ADVISORY COMMITTEE**

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

**ARCHITECTURAL REVIEW BOARD**

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

**ATHLETIC COUNCIL**

Reappointment of:

- Mr. James Richard Elder as the Hunter Mill District Principal Representative
- Mr. Harold Leff as the Hunter Mill District Alternate Representative

- Ms. Lisa MicKey as the Lee District Principal Representative
- Mr. Gary Flather as the Sully District Principal Representative
- Mr. Mark E. Abbott as the Sully District Alternate Representative

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

#### **BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

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

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

#### **CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

#### **CHILD CARE ADVISORY COUNCIL**

Reappointment of:

- Ms. Valerie Inman as the Dranesville District Representative

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

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

#### **CIVIL SERVICE COMMISSION**

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

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

Reappointment of:

- Ms. Lanita R. Thweatt as the Mount Vernon District Representative

The Board deferred the appointment of the Sully District Representative.

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**

Appointment of:

- Ms. Abigail Hochberg Shannon as the Hunter Mill Representative

The Board deferred the appointment of the Sully District Representative.

**ECONOMIC ADVISORY COMMISSION**

Appointment of:

- Mr. Paul A. Gilbert as the At-Large #11 Representative
- Dr. Shelton Rhodes as the Sully District Representative

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

**ENGINEERING STANDARDS REVIEW COMMITTEE**

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

**FAIRFAX AREA DISABILITY SERVICES BOARD**

Appointment of:

- Ms. Kelley Brooks Simoneaux as the Providence District Representative

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

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**

Confirmation of:

- Ms. Virginia Ruth Reagan as the Long Term Care Providers #30 Representative

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

Nomination of:

- Mr. Garrett McGuire as the Mount Vernon District Representative

(The Board is scheduled to take action on this appointment on May 21, 2019.)

The Board deferred the appointment of the Sully District Representative.

#### **HEALTH CARE ADVISORY BOARD**

The Board deferred the appointment of the Lee District Representative.

#### **HISTORY COMMISSION**

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

#### **HUMAN RIGHTS COMMISSION**

Appointment of:

- Ms. Kimberley Alton as the At-Large #7 Representative

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

#### **HUMAN SERVICES COUNCIL**

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 Braddock and Providence District Representatives.

#### **OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING**

Appointment of:

- Dr. Sarah McCue as the Hunter Mill District Representative

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

#### **POLICE CIVILIAN REVIEW PANEL**

Appointment of:

- Mr. James N. Bierman as the Seat #8 Representative

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

#### **REDEVELOPMENT AND HOUSING AUTHORITY**

Reappointment of:

- Ms. C. Melissa Jonas as the Dranesville District Representative

The Board deferred the appointment of the Braddock District Representative.

#### **RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

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

#### **ROAD VIEWERS BOARD**

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

#### **SMALL BUSINESS COMMISSION, FAIRFAX COUNTY**

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

#### **SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

Reappointment of:

- Ms. Sandra Deleon as the Fairfax County #2 Representative
- Mr. Gerald Padmore as the Fairfax County #4 Representative
- Ms. Maryam Ovissi as the Fairfax County #7 Representative

Appointment of:

- Ms. Kelsey J. Myers as the Fairfax County #5 Representative

#### **TENANT LANDLORD COMMISSION**

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

#### **TRANSPORTATION ADVISORY COMMISSION**



The Board deferred the appointment of the Providence District Representative.

### **TREE COMMISSION**

The Board deferred the appointment of the Providence District Representative.

### **TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

Reappointment of:

- Mr. Mark Zetts as the Dranesville District Representative
- Mr. Raymond Baxter as the Hunter Mill District #2 Representative
- Mr. Douglas M. Doolittle as the Residential Owners and HOA/Civic Association #2 Representative
- Ms. Claudia Diamond as the Residential Owners and HOA/Civic Association #3 Representative

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.

### **WATER AUTHORITY**

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

**DET:det**

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

Following remarks by Chairman Bulova, Supervisor Gross moved approval of the Administrative Items, the second to which was inaudible.

Chairman Bulova called the Board's attention to Admin 7 - Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the Fiscal Year (FY) 2019 Revised Budget Plan and asked Joseph M. Mondoro, Chief Financial Officer, Department of Management, to discuss the third quarter process.

Following a brief presentation, discussion ensued, with input from Mr. Mondoro, concerning:

- Inclusion of Consideration Items in the package
- Identifying one-time items in FY 2020 that can be paid for out of Third Quarter funds

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

- Information on any one-time items that are funded in the FY 2020 Advertised Budget Plan that could be funded as part of the *FY 2019 Third Quarter Review*
- An outline of the projects which will be funded through the investment in County Infrastructure Replacement in Upgrades included in the *FY 2019 Third Quarter Review*
- Additional information on the funding included in the *FY 2019 Third Quarter Review* for South County vehicles, including:
  - How the Police Department determines how many vehicles to purchase
  - What types of vehicles are being purchased
  - Other options
- For the IT Projects funded as part of the *FY 2019 Third Quarter Review*, an outline of how much of the funding added in FY 2019 is planned to be expended in the current fiscal year (FY 2019 and FY 2020) versus being used for several fiscal years

Without objection, it was so ordered.

Supervisor McKay asked to amend the motion to direct staff to publish the advertisement for a public hearing, and this was accepted.

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

**ADMIN 1 - AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) ASSOCIATED WITH THE EARLY HEAD START CHILD CARE PARTNERSHIP AND EXPANSION GRANT**

Authorized:

- The DFS to apply for and accept grant funding, if received, from the U.S. HHS in the amount of \$1,024,212, including \$181,534 in Local

Cash Match, to support the continuation of Early Head Start Child Care Partnership and Expansion services to 56 infants and toddlers and their families

- The Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive, to enter into the grant agreement and any related agreements, including but not limited to Federal sub-award agreements, on behalf of the County

**ADMIN 2 - AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) FOR THE CONTINUATION OF FUNDING ASSOCIATED WITH THE HEAD START AND EARLY HEAD START GRANT**

Authorized:

- The DFS to apply for and accept grant funding, if received, from the U.S. HSS in the amount of \$9,604,696, including \$1,157,848 in Local Cash Match, to support the continuation of Head Start and Early Head Start services to 678 children and their families
- The Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive, to enter into the grant agreement and any related agreements, including but not limited to Federal sub-award agreements, on behalf of the County

**ADMIN 3 - EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (SULLY AND SPRINGFIELD DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-Y18-30	Department of Public Works and Environmental Services (DPWES) Dulles Material Facility 4550 Upper Cub Run Drive Chantilly, VA Sully District Accepted February 4, 2019	Extend to January 3, 2020
2232-S18-31	DPWES Central Material Facility 5414 Ladue Lane	Extend to January 3, 2020

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
	Fairfax, VA Springfield District Accepted February 4, 2019	

**ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF LITTLE RIVER TURNPIKE WALKWAY FROM COLUMBIA ROAD TO MAYHUNT COURT (MASON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 9, 2019, at 2:30 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project 5G25-060-045, Little River Turnpike Walkway from Columbia Road to Mayhunt Court, Fund 300-C30050, Transportation Improvements.

**ADMIN 5 - STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON DISTRICT)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Lyndam Hill	Mount Vernon	Lyndam Hill Circle
Lyndam Hill Section 2	Mount Vernon	Chynoweth Street
Lyndam Hill Section 2	Mount Vernon	Lyndam Hill Circle

**ADMIN 6 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (BRADDOCK, HUNTER MILL, AND MOUNT VERNON DISTRICTS)**

- Endorsed the following traffic calming measures for Whitacre Road, Thunder Chase Drive, and Smithway Drive and Mary Baldwin Drive, as contained in Attachments I, II, and III of the Board Agenda Item:
  - Two speed humps on Whitacre Road (Braddock District)

- Four speed humps on Thunder Chase Drive (Hunter Mill District)
- One speed hump on Smithway Drive and one speed hump on Mary Baldwin Drive (Mount Vernon District)
- Directed the Department of Transportation to schedule the installation of the approved traffic calming measures as soon as possible

**ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2019 REVISED BUDGET PLAN**

- (A) (NOTE: Earlier in the meeting, this item was discussed. See page 10.)

Authorized the advertisement of public hearings to be held before the Board on **April 9, 2019, at 4 p.m., and April 10 and 11, 2019, at 1 p.m.,** to consider adjusting the FY 2019 appropriation level.

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER 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**

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on April 24, 2019, and before the Board on **June 25, 2019, at 4 p.m.,** to consider 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.

**ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), SECTION 7-2-13 (GENERAL PROVISIONS), TO RELOCATE THE POLLING LOCATION FOR THE BELLEVIEW PRECINCT (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 9, 2019, at 2 p.m.,** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), Section 7-2-13 (General Provisions), to relocate the polling location for the Belleview precinct.

11. **A-1 – ADJUSTMENT TO ROAD FUND RATES, APPROVAL OF GUIDELINES FOR THE CENTREVILLE AND THE TYSONS ROAD FUNDS, AND UPDATES TO EXISTING ROAD FUND GUIDELINES (DRANESVILLE, SPRINGFIELD, HUNTER MILL, BRADDOCK, SULLY, AND PROVIDENCE DISTRICTS)** (11 a.m.)

On motion of Supervisor Foust, seconded by Supervisor L. Smyth, and carried by a vote of nine, Supervisor Hudgins being absent, the Board concurred in the recommendation of staff and approved the:

- Rate schedule, as contained in Attachment 1 of the Board Agenda Item, including a 1.9 percent adjustment of the existing contribution rates in all fund areas with the new rate effective April 1, 2019
- Guideline documents, substantially in the form of Attachments 3, 4, and 5, for the existing Centreville and Tysons Road Funds and updates to the guidelines for the Fairfax Center Area, Tysons-wide, Tysons Grid of Streets, and Reston Road Funds

12. **A-2 – APPROVAL OF PROJECT AGREEMENTS BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) AND THE COUNTY TO PROVIDE FEDERAL HIGHWAY ADMINISTRATION (FHWA) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) PROGRAM FUNDS FOR OPERATION OF FIVE CONNECTOR STORES** (11 a.m.)

(R) Following a brief presentation by Tom Biesiadny, Director, Department of Transportation concerning the agreements, Supervisor Foust moved that the Board concur in the recommendation of staff and:

- Approve the project agreements with VDRPT, as contained in Attachments 1 and 2 of the Board Agenda Item, to provide CMAQ program funds, and matching funds, for the operation of five connector stores
- Authorize the Director of the Department of Transportation to execute the finalized agreements, substantially in the form of Attachments 1 and 2 of the Board Agenda Item, on behalf of the County
- Adopt the Resolution substantially in the form of Attachment 3 of the Board Agenda Item

Supervisor K. Smith seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herryty,

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

13. **A-3 – APPROVAL OF THE PROJECT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) AND THE COUNTY FOR FISCAL YEAR (FY) 2019 FUNDING FOR THE I-95 TRANSIT AND TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN OPERATING ASSISTANCE (LEE, MASON, AND MOUNT VERNON DISTRICTS)** (11:03 a.m.)

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

- Authorized the Director of the Department of Transportation to sign the project agreement between VDRPT and the County, substantially in the form of Attachment 1 of the Board Agenda Item, to fund the I-95 Transit and TDM Plan operating assistance
- Adopted the Resolution substantially in the form of Attachment 2 of the Board Agenda Item

14. **A-4 – APPROVAL OF A RESOLUTION REQUESTING THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) ISSUE REVENUE REFUNDING BONDS SERIES 2019A FOR SIX COUNTY PUBLIC FACILITIES PROJECTS – JAMES LEE COMMUNITY CENTER, HERNDON HARBOR HOUSE, BAILEY’S COMMUNITY CENTER, MOTT COMMUNITY CENTER, GUM SPRINGS COMMUNITY CENTER, AND SOUTH COUNTY GOVERNMENT CENTER (PROVIDENCE, DRANESVILLE, MASON, SPRINGFIELD, AND MOUNT VERNON DISTRICTS)** (11:03 a.m.)

(BONDS)

(R) On motion of Supervisor Gross, jointly seconded by Supervisor Foust and Supervisor McKay, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Hudgins being absent, the Board concurred in the recommendation of staff and adopted the Resolution substantially in the form of Attachment 1 of the Board Agenda Item, requesting and approving the issuance of EDA Revenue Refunding Bonds Series 2019A for the six County public facilities projects, which also authorizes the execution and delivery of the documents necessary for the bond sale.

15. **A-5 – APPROVAL OF A REQUEST FOR VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECTS TO MEET STORMWATER MANAGEMENT REQUIREMENTS** (11:04 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and directed staff to send the letter to VDOT, included with the Board Agenda Item, under the Chairman's signature, that formally requests current and future VDOT projects located in Fairfax County meet the County's local stormwater management regulations.

Supervisor McKay seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation and Randy Bartlett, Director, Department of Public Works and Environmental Services, concerning stormwater guidelines, noting that the County's guidelines are stricter than those required by the State, and the potential effect on cost and time of those stricter guidelines on projects in the County.

Following additional discussion, with input from Mr. Biesiadny, concerning:

- The Route 1 and I-66 widening projects and VDOT's stormwater management plans
- The cost of not addressing environmental, future economic development, and Comprehensive Plan concerns along critical County corridors
- State compliance with County ordinances on state controlled construction projects

the question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

16. **I-1 – CONTRACT AWARD – LEGAL SERVICES FOR OLDER ADULTS** (11:16 a.m.)

The Board next considered an item contained in the Board Agenda, announcing that staff is awarding a contract to Legal Services of Northern Virginia to provide an elder law program as required by the Older Americans Act. This contract will begin on April 1, 2019, and terminate on March 31, 2024. The total estimated amount of this contract over the entire life of the contract is approximately \$250,000.

17. **I-2 – FAIRFAX COUNTY TRANSPORTATION STATUS REPORT** (11:16 a.m.)



The Board next considered an item contained in the Board Agenda regarding the February 2019 Fairfax County Transportation Status Report, which includes a project status report with active projects from the previous Four-Year Programs, projects in the Transportation Project Priorities (TPP), and projects in the County funded by other external sources.

**EBE:ebe**

### **ADDITIONAL BOARD MATTERS**

18. **PRESENTATION REQUESTS** (11:17 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board approve the presentation requests as contained in her Board Matter titled “Presentations March 19, 2019,” and direct staff to invite:

- Representatives from the Department of Public Works and Environmental Services, Land Development Services, and the Department of Vehicle Services to appear before the Board on May 7 to accept a proclamation designating May 19-25, 2019, as “*Public Works Week*” in Fairfax County
- Representatives from the History Commission to appear before the Board on June 25 to accept a resolution prepared in recognition of its fiftieth anniversary
- Representatives from the Communities of Trust Committee to appear before the Board at a future meeting to accept a resolution prepared in recognition of its fifth anniversary

Without objection, it was so ordered.

19. **INCLUDING ADULTS WITH DEVELOPMENTAL DISABILITIES IN COMMUNITY LIFE** (11:18 a.m.)

Chairman Bulova noted that Fairfax County Public Schools (FCPS) offers top-notch programs and services to help students with developmental disabilities thrive in the classroom. She added that many parents wonder what happens in the community once their children become adults and transition out of FCPS.

On Saturday, June 29, a Developmental Disability Inclusion Conference will be held at the County Government Center. Arc of Northern Virginia has agreed to co-host this event with Chairman Bulova and the Board.

The conference will include booths, networking, a panel discussion, and break-out sessions for parents, families, the business community, law enforcement, non-profits, and individuals with disabilities and their families who want to learn about

all the ways the County welcomes and includes residents with developmental disabilities in community life.

Specific topics will include how public safety officers are trained to interact with community members on the autism spectrum, best practices for company policies when it comes to interacting with customers and co-workers with developmental disabilities, and opportunities related to transportation, careers, and maintaining an active social life.

Board Members interested in participating are asked to contact the Chairman's office.

Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to help advertise this event on the County's website and on social media platforms. Without objection, it was so ordered.

20. **BUDGET CONSIDERATION ITEM – 457 MATCH FOR NON-MERIT BENEFITS ELIGIBLE EMPLOYEES** (11:20 a.m.)

Chairman Bulova said that, in response to the conversation which began when the Board considered the Fiscal Year (FY) 2018 Carryover Review, staff has developed a program for a one-time contribution for non-merit benefits eligible employees to incentivize them to begin saving for retirement. This program would provide a \$250 County match for eligible employees once they contribute \$250 to their 457 account.

Therefore, jointly with Supervisor McKay, Chairman Bulova moved *a FY 2019 Third Quarter Consideration Item* in the amount of \$100,000. This funding level is based on a staff projection of participation by approximately one-third of eligible employees. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

21. **BUDGET CONSIDERATION ITEM – FAIRFAX SYMPHONY** (11:21 a.m.)

Chairman Bulova said that the Advertised Budget for the Arts Council of Fairfax and for the Challenge Grant Funding Pool for the Arts contains some good news: it increases (by 53 percent and 12.6 percent respectively) to acknowledge the long-time need for salary increases and other increased costs. The Fairfax Symphony Orchestra has requested a similar increase in funding for modest salary increases for their personnel and conductor) in addition to the funding of the two programs described below:

- **\$35,000** for a partnership with Carnegie Hall's Weill Music Institute for "Link Up: The Orchestra Rocks!" for ~~Fairfax~~ County Title 1 students in grades 3 through 5

- **\$40,000** for the third year of the Fairfax County All-Stars Youth Orchestra, featuring the most talented young musicians, the “best of the best,” from all the high schools in the County learning and playing alongside Symphony professionals
- **\$21,000** for a three percent pay scale increase (similar to the Arts Council allocation) for the orchestra to remain competitive and for attracting new talent for orchestra membership

Therefore, Chairman Bulova moved that the Board direct staff to include \$96,000 as a *Fiscal Year 2019 Third Quarter Review* Consideration Item for the programs and funding needs as described above. Supervisor McKay seconded the motion.

Following discussion, the Board directed staff to work with the Symphony to provide additional information regarding:

- Its fundraising efforts and financial picture
- A history of one-time budget requests
- Event admission prices and the history of increases
- County contributions

The question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

**DET:det**

22. **ORDERS OF THE DAY** (11:27 a.m.)

Chairman Bulova stated that, since Supervisor Hudgins was attending to a personal family matter and would not be present today, she would present her Board Matters.

23. **TEEN JOB FAIR AT SOUTH LAKES HIGH SCHOOL (HUNTER MILL DISTRICT)** (11:27 a.m.)

On behalf of Supervisor Hudgins, Chairman Bulova announced that the Hunter Mill District Supervisor’s Office is teaming up with South Lakes High School to present a Teen Job Fair on Thursday, March 28.

After last year’s successful collaboration with the job fairs organized by Supervisor Herry’s office, scheduling for a similar event this year at South Lakes was initially unsuccessful as the needed space was not available on weekends or evenings. Undaunted by the challenges, the school’s Career Center staff advocated and received permission to hold the fair during the students’ lunch periods. Now all

2,424 students at South Lakes will have the opportunity to participate and visit with possible employers.

The Hunter Mill District office and the Career Center have reached out to local and area employers and several have signed on to participate. Therefore, on behalf of Supervisor Hudgins, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to assist in advertising the Teen Job Fair at South Lakes High School. Without objection, it was so ordered.

24. **FEASIBILITY STUDY FOR A PERFORMING ARTS CENTER (HUNTER MILL DISTRICT)** (11:28 a.m.)

On behalf of Supervisor Hudgins, Chairman Bulova announced that on July 31, 2018, the Board approved Proffered Condition Amendment and Development Plan Amendment Applications PCA 86-C-119-07/DPA 86-C-119-03 and PCA 86-C-121-08/DPA 86-C-121-05 – Boston Properties LP, LLC, and Planned Residential Community Application PRC 86-C-119-02. As part of this approval, proffer number 36 identified Block J as a potential location for a community-based performing arts center.

Boston Properties would cooperate with the Board, or such other persons as the Board may designate, to assess the feasibility of the County or another appropriate entity, financing, constructing, maintaining, and programming the Arts Center on Block J or on another property in the Reston Town Center or the surrounding area within 48 months following approval. If determined feasible within the allotted timeframe, Boston Properties would convey Block J, along with rights to up to 60,000 gross square feet of development density, no later than 12 months after notification under specific conditions identified in the proffer. The community has demonstrated strong interest and support for such a facility.

Therefore, on behalf of Supervisor Hudgins, Chairman Bulova moved that the Board direct the County Executive to assign an appropriate staff member to coordinate with appropriate public and private entities to complete the feasibility study such that the Board may make the necessary determination within the appropriate timeframe identified in the proffer. Supervisor Gross seconded the motion.

Discussion ensued concerning operating and maintenance costs of such facilities, lessons learned from the Capitol One project, and the development of the Workhouse Arts Center.

The question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

25. **INTENT TO DEFER THE PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-C-048 (HUNTER MILL DISTRICT)** (11:32 a.m.)

On behalf of Supervisor Hudgins, Chairman Bulova announced her intent, later in the meeting, at the appropriate time, to defer the public hearing on Proffered Condition Amendment Application PCA 84-C-048.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #43.)

**EBE:ebe**

26. **SOLARIZE FAIRFAX COUNTY** (11:33 a.m.)

Supervisor Gross said that, for the past two years, the County has joined the Northern Virginia Regional Commission and the nonprofit Local Energy Alliance Program (LEAP) to offer Solarize Fairfax County. This campaign, to help make solar panels more accessible to residents and businesses, has been incredibly successful. Over two campaigns, around 1,800 homeowners and businesses signed up to receive free solar site assessments resulting in approximately 60 solar installations.

Supervisor Gross announced that this year the County will be offering another Solarize campaign from April 16 to June 14. Once again, homeowners and businesses will be able to receive a free, no-obligation solar site assessment. Anyone who signed up in the past is welcome to participate – simply sign up again.

Participants who decide to install solar panels will benefit from discounted prices, vetted installers, financing options, a Federal tax incentive, and the County's solar incentives which include a waiver for the permit application fee and a five-year solar energy equipment tax exemption.

This year, Solarize is adding something new and exciting – electric vehicle charging stations. Many of the benefits that participants enjoy for solar panels will now be available for electric vehicle charging stations as well.

Therefore, Supervisor Gross moved that the Board direct the County Executive to proceed with the promotion of the 2019 Solarize Fairfax County campaign, including three information sessions to be held throughout the County, a flyer with the dates and locations for the sessions was attached to her written Board Matter. Chairman Bulova seconded the motion.

Discussion ensued, with input from Jessica Lavender, Department of Cable and Consumer Services, and Kambiz Agazi, Environmental Coordinator, regarding the solar energy equipment tax exemption.

The question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

27. **LED LIGHT BULB EXCHANGES** (11:38 a.m.)

Supervisor Gross said that last spring Energy Action Fairfax partnered with the Fairfax County Public Library to offer six incredibly popular LED Light Bulb Exchanges. In addition to learning about the benefits of LED lightbulbs, residents could take home up to five LEDs for free. The first LED was complimentary; the rest required that residents bring in old incandescent or compact fluorescent lamps to exchange. Compact fluorescent lamps were recycled at the I-66 Transfer Station and included having the mercury safely extracted.

In total, 8,000 LEDs were distributed to approximately 1,600 people at these events. Based on an average home's lighting consumption, these LEDs will result in nearly 200,000 kWh and \$22,000 saved each year. These savings are equivalent to 280,000 pounds of carbon dioxide not being released into the atmosphere – the same as taking 28 passenger vehicles off the road. Additionally, staff estimates that over 3,000 compact fluorescent lamps were removed from residents' homes and disposed of safely.

Supervisor Gross announced that Energy Action Fairfax will be hosting six more LED Light Bulb Exchanges this spring. These exchanges are the perfect opportunity for residents to learn more about lighting, ask questions, and try out LEDs at home.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the County Executive to proceed with the promotion of the LED Light Bulb Exchange initiative; a flyer with the dates and locations was attached to her written Board Matter. Without objection, it was so ordered.

28. **UNDERGROUNDING OF UTILITY LINES NEAR TRANSPORTATION PROJECTS** (11:41 a.m.)

In a joint Board Matter with Supervisor Storck, Supervisor McKay said that during the recent General Assembly (GA) session, the Board spent a significant amount of time discussing legislation regarding the undergrounding of utility lines near transportation projects. He noted that Senate Bill (SB) 1759 was introduced to require any existing overhead electric distribution, cable, or telecommunications lines be replaced with underground lines to accommodate a transportation project in an area of transit-oriented development (TOD) if the Commonwealth Transportation Board (CTB) determined it was necessary. The cost would have been borne by the CTB or by an electric utility through an electric rate adjustment clause. Though the County did not request that legislation, it did support the introduced bill as it provided a possible mechanism for funding the high cost of undergrounding utility and telecommunications lines.

However, the bill changed significantly throughout the legislative process. The final bill that passed the GA establishes a pilot program in the County allowing undergrounding of electric utility distribution lines in TOD areas in conjunction with transportation infrastructure improvement projects (the projects must be identified by the CTB as reducing congestion, improving mobility, incorporating transit systems and improving safety). The bill allows the County and an electric utility to enter into an agreement providing that the County:

- Pays upfront the utility's full cost of relocating and converting lines underground that is not recoverable under applicable rates (net of relocation credits)
- Imposes a levy on electric utility customers to recoup those costs (residential utility customers will only be charged up to \$1 per month); and, the utility converts, operates, and maintains the agreed portion of the line underground

The final bill is silent on whether telecommunications and cable providers must similarly underground their lines and who would bear the responsibility of paying for that undergrounding.

Supervisor McKay said that although SB 1759 provides a helpful tool for financing certain undergrounding projects, the bill raises some significant implementation concerns. First, if the County enters into the type of agreement outlined in the legislation, it would also be required to pay the full cost of undergrounding as determined by the utility, including associated feasibility costs. The bill does not include the type of review by the State Corporation Commission (SCC) that accompanies other utility rate increases or any new construction or renovation. The County should not be dependent on the utility's estimate of the total project cost without the ability to ensure that costs are reasonable. Without such safeguards to protect County customers included in SB 1759, ensuring that the utility's estimate of the total project cost is reasonable will be particularly challenging.

Second, the bill also requires the County to pay for an undergrounding project upfront, recovering a substantial portion of the costs over a long period of time by adding a utility surcharge; however, not all undergrounding costs could be recovered through this legislation. The impetus for the bill is the Richmond Highway (U.S. Route 1) widening project from Mount Vernon Memorial Highway to Napper Road and the projected cost for undergrounding that section is approximately \$60 million, with approximately \$15 million covered as general utility relocations to be paid for by the project.

Supervisor McKay said that throughout the legislative process the County proposed amendments that would make the language of the bill more helpful to it. Unfortunately, those amendments were not entirely included in the final bill. A letter attached to his written Board Matter reiterates the important changes that would improve the likelihood of implementation.

Therefore, Supervisor McKay and Supervisor Storck jointly moved that the Board direct staff to send the letter, which is attached to his written Board Matter, under the Chairman's signature, to Governor Northam requesting that he amend SB 1759 to provide safeguards for the County in entering into an agreement for undergrounding utility line, as well as ensuring that the upfront costs of such a project are borne equally by the Commonwealth, the utilities, and the County. Supervisor Storck seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

29. **2020 CENSUS COUNT** (11:46 a.m.)

In a joint Board Matter with Chairman Bulova, Supervisor McKay said that every 10 years, Article 1, Section 2 of the U.S. Constitution mandates a count of all the people living in the U.S. and its territories; the 2020 Census will address every household in the nation with a simple questionnaire with the goal of counting everyone once, only once, and in the right place.

The data obtained by the survey will be used to help determine how approximately \$675 billion will be distributed from the Federal government to state, local, and tribal governments annually.

Unfortunately, if residents do not participate in the census, up to \$2,000 of Federal funding will be lost for each person not counted and upwards of \$20,000 of Federal funding could be lost every 10 years.

Because of this, a complete count requires that leaders from all communities of the Commonwealth be brought together so that every Virginian, regardless of racial, social, or economic background, is counted.

Supervisor McKay noted that the County established its Complete Count Committee as part of this effort. That group of community leaders, County staff, and volunteers met for the first time in January.

In addition to the complete count committees, and in the spirit of fostering a complete participation of all the County residents, raising awareness of the upcoming Census is very important.

Therefore, Supervisor McKay moved that the Board direct staff to prepare a proclamation, to be jointly signed by the Chairman and the Lee District Supervisor, for presentation outside of the Board Auditorium at an event at South County Government Center on April 1, 2019, proclaiming April 1, 2019, as Census Awareness Day. Chairman Bulova seconded the motion.

Discussion ensued concerning the potential problems associated with filling out the forms online and how difficult it may be for some people to do so.



Supervisor Herrity asked to amend the motion to direct staff to provide information to the Board on strategies to overcome this issue and this was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Hudgins being absent.

30. **FEE WAIVER FOR APAH OAKWOOD, LLC (LEE DISTRICT)**  
(11:55 a.m.)

Supervisor McKay said that APAH Oakwood, LLC, is the applicant on the property known as the Oakwood Development, located at the southeast corner of Oakwood Road and South Van Dorn Street. The site is currently undeveloped land owned by the County Redevelopment and Housing Authority (FCRHA). The site is the subject site for a Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) by FCRHA. The applicant, in partnership with the FCRHA, is proposing to redevelop the property to provide an up to 150-unit independent living, affordable housing facility for seniors.

The applicant is a non-profit organization committed to bringing quality affordable housing options to the Northern Virginia region and will be meeting a need within the County to provide affordable housing for elderly residents who wish to age in place. The application is in response to a PPEA issued by the FCRHA and is in furtherance of the County's affordable housing goals.

The property is owned by FCRHA and, had they filed the above applications, no filing fees would apply. Supervisor McKay noted that the applicant is acting as the agent for FCRHA as to this development project.

Therefore, Supervisor McKay moved that the Board direct Department of Planning and Zoning staff to waive the filing fees associated with this application. This motion should not be construed as a favorable recommendation by the Board on these applications and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the applications. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

31. **FAIRFAX COUNTY YOUNG ADULT COMMITTEE** (11:57 a.m.)

Supervisor McKay said that he recently attended a young adult social event sponsored by the NAACP to discuss issues facing millennials and young adults in the County. He provided input and heard from young people in the County on the issues they are passionate about and the challenges they are most concerned about.

Supervisor McKay expressed the belief that young adults are the future of the County and that it is important to hear from them on the issues that matter to and impact them the most. He added that a County young adult committee should be

created to deal with issues and challenges facing millennials and young adults in the County.

Among other things, this committee should try to address the phenomena faced by young adults that is causing them to leave the County after high school and the phenomena that many young adults cannot afford to stay in the County immediately after graduating from college due to rising housing costs or stagnant wages. He added that this committee could have the potential to help teenagers transition into young adulthood in the County without the need to leave or be priced out.

Therefore, Supervisor McKay moved that the Board direct staff to create a Fairfax County young adult committee, similar to the 50+ Committee, as a Board, Authority, or Commission (BAC) that would be appointed by the Board to specifically analyze and deal with issues and challenges facing millennials and young adults in the County. Supervisor Gross seconded the motion.

Discussion ensued regarding the composition and purpose of the committee and identifying effective ways for young people to participate in community issues, including serving on BACs.

Following discussion, Supervisor McKay withdrew his motion and stated that he will work with staff on the issues raised and present a revised item at a later date.

32. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:13 p.m.)

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

**KK:kk**

33. **REQUEST FOR THE OFFICE OF PUBLIC AFFAIRS TO ADVERTISE THE MOUNT VERNON IDES OF BARK FESTIVAL AT GRIST MILL PARK (MOUNT VERNON DISTRICT)** (12:13 p.m.)

Supervisor Storck announced that this Sunday, March 24, 2019, the Mount Vernon District and the County Park Authority are hosting the annual Ides of Bark Festival from 1 p.m. – 4 p.m. at Grist Mill Park. This year, participants will receive many treats from local canine businesses, watch demonstrations by the County's Police Canine Unit, learn pet care and pet CPR from pet technicians, and even have the opportunity to participate in a canine obstacle course. It makes for a great day with furry, four legged friends.

Supervisor Storck noted that K-9 Doby recently tragically lost his life while serving in the community. He will certainly be in thoughts on Sunday.

This amazing community event could not happen without the incredible support of the County's Park Authority, Fairfax County Police and Fire and Rescue

Departments, local dog park groups, and wonderful vendors. Supervisor Storck expressed his appreciation to each of these groups and invited everyone to participate on Sunday!

Therefore, Supervisor Storck asked unanimous consent, that the Board direct the Office of Public Affairs to advertise and promote the Ides of Bark. Without objection, it was so ordered.

34. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (12:16 p.m.)

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

#. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (12:16 p.m.)

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

**DET:det**

35. **RECOGNIZING THE NORTHERN VIRGINIA ELECTRIC COOPERATIVE (NOVEC) AS MOST RELIABLE ELECTRIC COMPANY** (12:16 p.m.)

In a joint Board Matter with Supervisor K. Smith and Chairman Bulova, Supervisor Herrity announced that, since 1983, NOVEC has been a prominent, locally-owned electric distribution system. It serves over 170,000 homes and businesses in Northern Virginia spread across 651 miles. In its early beginnings, NOVEC played a significant role in bringing electricity to rural areas of Northern Virginia that other companies would not invest in. Through NOVEC's service, Northern Virginia has been able to grow and develop, drawing in new businesses and residents to allow the area to thrive.

Supervisor Herrity stated that he was happy to report that, for the twentieth consecutive year, NOVEC is the most reliable electric utility in the metropolitan Washington, D.C. region. The electric utility industry measures reliability with the System Average Interruption Duration Index (SAIDI). This index represents the average number of minutes that electric customers are without power annually, excluding major storms or events. The fewer the SAIDI minutes, the better. In 2018, NOVEC kept the power on 99.9 percent of the time. On average, NOVEC customers were without electricity for only 59 minutes in 2017 and 60.65 minutes in 2018. Most electric utility customers — including those in the Washington, D.C. region — average 2 to 3 hours without power annually.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite representatives of NOVEC to appear before the Board to receive a

resolution recognizing its accomplishment, innovation, and service to the citizens of the County. Without objection, it was so ordered.

36. **INTENT TO DEFER PLAN AMENDMENT PA 2018-III-DS1 - DULLES SUBURBAN CENTER, LAND UNIT J (WESTFIELDS) (SULLY DISTRICT)** (12:18 p.m.)

Supervisor K. Smith announced her intent to defer, at the appropriate time, the public hearing on Plan Amendment PA 2018-III-DS1. The Planning Commission public hearing was held on February 27, 2019, and its decision-only was deferred to April 3.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #55.)

**AGENDA ITEMS**

37. **RECESS/CLOSED SESSION** (12:19 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. *670 HCR Properties Arden Courts of Annandale VA, LLC v. County of Fairfax, Virginia*, Case No. CL-2017-0018202 (Fx. Co. Cir. Ct.) (Mason District)
  2. *Randon Millir v. Virginia Department of Social Services and Fairfax County Department of Family Services*, Case No. CL-2018-0013656 (Fx. Co. Cir. Ct.)

3. *Matthew Skarlatos v. Patricia Trott Skarlatos, individually and as Personal Representative of the Estate of Paul Skarlatos, and Fairfax County Police Department*, Case No. 2018-0016120 (Fx. Co. Cir. Ct.)
4. *Elton Cansler v. Alan A. Hanks, Edwin C. Roessler Jr., and Fairfax County*, Case No. 18-1196 (U.S. Ct. of App. for the Fourth Cir.)
5. *Justin Reed v. Fairfax County*, Case No.1:18-cv-1454 (E.D. Va.)
6. *Jonathan L. Kaminski v. Fairfax County, Virginia and William E. Hauda, II, MD*, Case No. CL-2018-0013581(Fx. Co. Cir. Ct.)
7. *Mary Ann Johnson v. Elizabeth Ann Proper*, Case No. GV19-003053 (Fx. Co. Gen. Dist. Ct.)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kenneth L. Mobley and Magnolia M. Mobley*, Case No. CL-2018-0012492 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brian K. Mason*, Case No. CL-2019-0002542 (Fx. Co. Cir. Ct.) (Lee District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ragheb Aburish*, Case No. CL-2017-0015519 (Fx. Co. Cir. Ct.) (Mason District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Stella G. Tsentas Trust, George C. Tsentas, Trustee of the Stella G. Tsentas Trust, and Woine Inc., d/b/a Skyline Ethiopian Cuisine*, Case No. CL-2018-0015113 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Annette W. Baker*, Case No. CL-2018-0015211 (Fx. Co. Cir. Ct.) (Mason District)

13. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Shawn J. Davison and Keya Davison, Case No. CL-2019-0002641 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vanessa E. Garcilazo and Wendy L. Ventura Espinozo, Case No. CL-2019-0002725 (Fx. Co. Cir. Ct.) (Springfield District)*
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Samuel A. Velasquez, Case No. CL-2019-0002543 (Fx. Co. Cir. Ct.) (Sully District)*

And in addition:

1. As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), legal analysis regarding:
  - a. Virginia Alcoholic Beverage Control (ABC) Board license application for Cimarron Imports, LLC; and
  - b. Claim of Josh and Amy Lipicky dated November 9, 2018
2. As permitted by Virginia Code Section 2.2-3711(A)(1), appointment to the Board of Zoning Appeals (BZA)

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

**EBE:ebe**

At 3:20 p.m., the Board reconvened in the Board Auditorium with all Members being present with the exception of Supervisor Hudgins, and with Chairman Bulova presiding.

#### **ACTIONS FROM CLOSED SESSION**

38. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:20 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements

and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor Hudgins being absent.

39. **MOTION TO AUTHORIZE OBJECTIONS TO CIMARRON IMPORTS, LLC'S WINE IMPORTER AND WHOLESALE WINE LICENSE APPLICATIONS** (3:21 p.m.)

Supervisor Foust moved that the Board authorize and direct the County Attorney to submit objections to Cimarron Imports, LLC's Alcoholic Beverage Control (ABC) license applications for wholesale wine and wine importer licenses. These objections will be submitted to the ABC Board based on the grounds discussed with the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

40. **APPOINTMENT TO THE BOARD OF ZONING APPEALS (BZA)** (3:21 p.m.)

Supervisor Gross moved that the Board decline to concur in the nomination by the BZA Chair to fill the BZA vacancy left by the retirement of Ms. Sharon Theodore, which appears to be inconsistent with the previously agreed to process for filling vacancies on the BZA. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

**AGENDA ITEMS**

41. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2018-SU-016 (LB FRANKLIN FARM LLC) (SULLY DISTRICT)** (3:22 p.m.)

The application property is located at 13360 Franklin Farm Road, Herndon, 20171. Tax Map 35-1 ((4)) (22) 1.

Ms. Whitney Smith reaffirmed the validity of the affidavit for the record.

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

- Mr. Gary Rappaport, Rappaport Management Company

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

- Mr. Gary Rappaport, Rappaport Management Company

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

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

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

Following a query by Supervisor K. Smith, Ms. Whitney Smith confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 5, 2019.

Supervisor K. Smith moved approval of Special Exception Application SE 2018-SU-016, subject to the development conditions dated February 5, 2019. Supervisor L. Smyth seconded the motion and it carried by a vote of eight, Supervisor Gross being out of the room, Supervisor Hudgins being absent.

(NOTE: On March 14, 2019, the PC approved Final Development Plan Amendment Application FDPA 78-C-118-21, subject to the development conditions dated February 5, 2019.)

42. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA/CDPA 2013-MV-001 (WESLEY HUNTINGTON LANDLORD, LLC) (MOUNT VERNON DISTRICT) (3:29 p.m.)**

Supervisor Storck moved to defer the public hearing on Proffered Condition Amendment/Conceptual Development Plan Amendment Applications PCA/CDPA 2013-MV-001 until **April 9, 2019, at 2 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

43. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-C-048 (PRINCE TOWNE, LLC) (HUNTER MILL DISTRICT) (3:32 p.m.)**

On behalf of Supervisor Hudgins, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved to defer the public hearing on Proffered Condition Amendment Application PCA 84-C-048, until **April 9, 2019, at 2 p.m.** Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.



Vice-Chairman Gross returned the gavel to Chairman Bulova.

44. **3 P.M. – PH ON REZONING APPLICATION RZ 2018-SU-023 (POHANKA VIRGINIA PROPERTIES, LLC) (SULLY DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94 Y-023 (POHANKA VIRGINIA PROPERTIES, LLC) (SULLY DISTRICT) (3:33 p.m.)**

- (O) The application property for Rezoning Application RZ 2018-SU-023 is located on the south side of Lee Jackson Memorial Highway, fronting on this highway, Elmwood Street and Vernon Street between Elmwood Street and Walney Road. Tax Map 34-4 ((1)) 51 and 53.

The application property for Special Exception Amendment Application SEA 94-Y-023 is located at 13901, 13909, 13911, and 13915 Lee Jackson Memorial Highway, Chantilly, 20151. Tax Map 34-4 ((1)) 049, 050, 50A, 51, and 53.

Mr. David Houston reaffirmed the validity of the affidavit for the record.

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

Mr. Houston 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, Ms. Atkinson presented the staff and Planning Commission recommendations.

Following a query by Supervisor K. Smith, Mr. Houston confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 6, 2019.

Supervisor K. Smith moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2018-SU-023, from the C-8, HC, and WS Districts to the C-8, HC, and WS Districts, subject to the proffers dated January 29, 2019

- Approval of Special Exception Amendment Application SEA 94-Y-023, subject to the development conditions dated February 6, 2019
- Approval of the following waivers and modifications:
  - Modification of the transitional screening and barrier requirements pursuant to Sections 13-303 and 13-304 of the ZO along the eastern and southern property boundaries
  - Modification of Paragraph 2 of Section 17-201 of the ZO for the required major trail and shared bicycle lane requirements along Walney Road and Lee Jackson Memorial Highway
  - Modification of Paragraph 8 of Section 11-102 of the ZO for the required 10-foot parking setback from a front property line along Walney Road
  - Waiver of Paragraph 2 of Section 17-201 of the ZO for the required sidewalk along Vernon Street

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

45. **3:30 P.M. – DECISION ONLY ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING ARTICLE 12, SIGNS AND RELATED PROVISIONS** (3:43 p.m.)

- (O) (NOTE: On February 5, 2019, the Board held a public hearing regarding this item and deferred decision until March 19, 2019.)

Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 of the Zoning Ordinance (ZO) regarding Article 12, Signs and Related Provisions, as proposed by staff in the revised text dated March 4, 2019, and included as Attachment 1 of the staff memorandum to the Board dated March 6, 2019, with the following changes and clarifications:

1. Section 12-102, the definition of the term “sign:” adopt the option language found in the March 4 text, with the deletion of the phrase “...and is used to direct attention to identify a permitted land use” from the end of the first sentence.

2. Paragraph 5B of Section 12-105, related to minor signs for all non-residential land uses that are not located on a lot with frontage on a major thoroughfare: adopt the option language found in the March 4 text, which allows building-mounted and freestanding minor signs, not to exceed 24 square feet in total sign area per lot. If freestanding, no more than 2 such signs are allowed per lot with a maximum height of 4 feet.
3. Paragraph 3A of Section 12-106, the prohibition of off-premise signs: adopt the following language, which would allow for the weekly limited display of off-premise signs, from noon Friday through noon Monday. As proposed, Paragraph 3A of Section 12-106, Prohibited Signs, would now read that prohibited signs include:

*“3.A. Any off-premise commercial sign when displayed 12:01 p.m. Monday through 11:59 a.m. Friday. At all other times, an off-premise commercial sign is only allowed for display when it conforms to the provisions of Paragraph 4 of Section 12-105 above.”*

Furthermore, for clarification of the record, this language does not require the deletion of: the definition of “off-premise sign” in Section 12-102; the reference to “off-premise signs” in Paragraph 2 of Section 12-103 and the applicability provision in Paragraph 3 of Section 12-103, which states that signs are accessory uses that must be located on the same lot as their principal use. To be consistent with this change, the phrase “unless otherwise stated” be inserted before the word “located” in Paragraph 3 of Section 12-103.

4. Paragraph 4 of Section 12-205, related to electronic display signs: adopt “Option 1,” as identified in the draft Ordinance text dated January 22, 2019, allowing changeable and electronic display signs with those use limitations set forth therein. These provisions allow an electronic display sign as part of an allowed freestanding sign, up to 50 percent of the maximum allowable sign area of that freestanding sign with appropriate use limitations. Furthermore, for clarification of the record, it is noted that in Section 12-203 of the March 4, 2019 text, that all paragraphs shall be renumbered accordingly as Paragraphs 1, 2, 3, and 4.

The proposed ZO amendment shall have an effective date of 12:01 a.m. on the day following adoption.

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

Supervisor K. Smith further moved that the Board:

- Adopt those grandfathering provisions proposed by staff, dated March 6, 2019, and included as Attachment 3 of the staff memorandum to the Board, also dated March 6, 2019.
- Direct staff to work with all affected County agencies to develop a set of guidelines regarding the display of minor signs on public property. These guidelines should be uniform in application to all County agencies and may include limits on the size, type, total number, display duration, location and display height of minor signs displayed on public property. These guidelines should be memorialized in a Memorandum of Understanding, to be completed within six months of the enactment date of the Sign Ordinance.
- Direct staff to report to the Planning Commission and Board within 18 months after the enactment date of the Sign Ordinance to recommend amendments to the ordinance, if such changes are necessary. This report should include available compliance data such as the number of complaints received since the enactment date, and other information deemed pertinent as determined by the Zoning Administrator.

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

46. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2018-PR-015 (1500 WESTBRANCH HOLDINGS, LLC) (PROVIDENCE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-D-005-10 (1500 WESTBRANCH HOLDINGS, LLC) (PROVIDENCE DISTRICT) (3:51 p.m.)**

- (O) The application property for Rezoning Application RZ 2018-PR-015 and Proffered Condition Amendment Application PCA 88-D-005-10 is located in the southwest corner of the intersection of Jones Branch Drive and Westbranch Drive. Tax Map 29-4 ((7)) A5.

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

Kelly Posusney, Planner, 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 the public hearing, Ms. Posusney presented the staff and Planning Commission (PC) recommendations.

Supervisor L. Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 88-D-005-10
- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2018-PR-015, from the C-3 District to the PTC District subject to the proffers dated March 15, 2019, and approval of the following waivers and modifications:
  - Waiver of Section 2-505 of the ZO to permit building and accessory structures, site furnishings, above-grade utility features, and vegetation on a corner lot and within the sight distance triangle formed by the street lines as shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP) in order to allow for the streetscape sections as outlined in the Comprehensive Plan for Tysons
  - Waiver of Paragraph 2 of Section 2-506 of the ZO to allow projections of parapet, cornice or other similar projection to exceed three feet in height as may be indicated on the CDP/FDP to screen mechanical equipment
  - Waiver of Paragraph 7 of Section 6-505 of the ZO requiring the designation of specific outdoor dining areas on the CDP/FDP to permit outdoor dining to be provided in the building zone as depicted on the final site plan
  - Waiver of Paragraph 1 of Section 6-506 to permit a minimum district size of less than 10 acres for a PTC zoned parcel
  - Modification of Sections 11-201 and 11-203 to reduce the five required loading spaces to two loading spaces as shown on the CDP/FDP

- Waiver of Paragraph 8 of Section 13-202 (interior parking lot landscape requirements) for planting atop above-grade parking structures, to allow for alternative location of required plant material
- Waiver of Paragraph 3B of Section 17-201 for additional inter-parcel access to adjoining parcels (other than those shown on the CDP/FDP)
- Waiver of Paragraph 4 of Section 17-201 for further dedication and construction of widening for existing roads, beyond that which is indicated on the CDP/FDP

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

(NOTE: On March 14, 2019, the PC approved Final Development Plan Application FDP 2018-PR-015, subject to the development conditions dated February 6, 2019.)

47. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA 2009-HM-017-02/CDPA 2009-HM-017 (BRIGHTVIEW SENIOR LIVING DEVELOPMENT, LLC) (DRANESVILLE DISTRICT) (4:01 p.m.)**

- (O) The application property is located in the northwest quadrant of Innovation Center Drive and Magna Way. Tax Map 15-2 ((1)) 13A1 (pt.).

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

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

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

Following the public hearing, Ms. Atkinson presented the staff and Planning Commission (PC) recommendations.

Supervisor Foust moved approval of:

- Proffered Condition Amendment Application/Conceptual Development Plan Amendment Application PCA 2009-HM-017-02/CDPA 2009-HM-017, subject to the proffers dated February 7, 2019
- Parking reduction amendment request #6848-PKS-004-1 pursuant to Paragraph 5A of Section 11-102 of the Zoning Ordinance (ZO), based on the proximity of a mass transit station, subject to the conditions recommended by staff dated January 31, 2019
- The following waivers and modifications:
  - Reaffirmation of the modification of the Use Limitations on Corner Lots in Section 2-505 of the ZO to permit the proposed building, landscaping, and sign locations within the ZO sight triangles formed by the streets along the corner lot as shown on the CDPA/Final Development Plan Amendment (FDPA) and as proffered
  - Reaffirmation of the modification of the private street limitations of Section 11-302 of the ZO as shown on the CDPA/FDPA and as proffered
  - Reaffirmation of the modification of Public Facilities Manual (PFM) Standard 12-0702.1B2 to permit the reduction of the minimum planting width requirement from eight feet as shown on the CDPA/FDPA and as proffered
  - Modification of Paragraph 13 of Section 11-203 of the ZO to modify the number of required loading spaces in favor of that shown on the CDPA/FDPA
  - Modification of Section 16-102 of the ZO to modify the landscaping and screening requirements around the peripheral boundaries of the Planned Residential Mixed Use (PRM) District in favor of that shown in the CDPA/FDPA
  - Modification of Section 13-302 of the ZO to modify the screening requirements and waive the barrier requirements in favor of that shown in the CDPA/FDPA
  - Waiver of Section 7-0303.4 of the PFM to waive the requirement of a minimum width of 30-feet for private streets and commercial entrance connections to Virginia

Department of Transportation roadways in favor of that shown in the CDPA/FDPA

- Modification of Paragraph 6 of Section 6-406 of the ZO to modify the requirement that states secondary uses may be permitted where at least 50 percent of the total gross floor area in the development is devoted to multiple family dwellings

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

(NOTE: On February 6, 2019, the PC approved Final Development Plan Amendment Application FDPA 2009-HM017-02, subject to the development conditions dated January 23, 2019.)

48. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2018-IV-S1 (LEWIN PARK), LOCATED IN THE NORTHWEST QUADRANT OF THE FRANCONIA-SPRINGFIELD PARKWAY AND BEULAH STREET INTERSECTION (LEE DISTRICT)** (4:11 p.m.)

Natalie Knight, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor McKay moved approval of the PC recommendation for Plan Amendment 2018-IV-S1, as found on pages 7 through 11 of the staff report dated January 30, 2019. The amendment would convert up to 300,000 square feet of one unbuilt office and/or hotel use to multifamily residential use with ground floor retail as an option for Land Unit U in the Franconia-Springfield Transit Station Area. Additionally, some modifications to the Land Use Recommendation guidelines are proposed to encourage well-designed and integrated open and public park spaces. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

49. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SPRINGFIELD MULTI-USE TRANSIT HUB (LEE DISTRICT)** (4:22 p.m.)

Supervisor McKay moved to defer the proposed public hearing on the acquisition of certain land rights necessary for the construction of the Springfield Multi-Use Transit Hub, until **May 7, 2019, at 4:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.



50. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) REGARDING ePLANS AND OTHER UPDATES** (4:23 p.m.)

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

Michael Peter, Finance Director, Land Development Services, presented the staff report.

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

Supervisor K. Smith moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Appendix Q (Land Development Services Fee Schedule), regarding ePlans and other updates, as contained in the staff report dated January 22, 2019
- That the proposed amendments become effective at 12:01 a.m. on March 20, 2019, except for the new technology surcharge, which shall become effective on July 1, 2019

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

51. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 71 (EXPEDITED BUILDING PLAN REVIEW) REGARDING REPEAL OF CHAPTER 71** (4:28 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 March 1 and March 8, 2019.

John Friedman, Land Development Services, presented the staff report.

Following the public hearing, Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 71 (Expedited Building Plan Review) to repeal Chapter 71, as contained in Attachment A of the Board Agenda Item. The proposed amendments become effective at 12:01 a.m. on March 20, 2019. Supervisor Foust seconded the motion and it carried by a vote of

nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Hudgins being absent.

**KK:kk**

52. **4:30 P.M. – DECISION ONLY ON THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR VACUUM LEAF COLLECTION SERVICE (PROVIDENCE DISTRICT)** (4:31 p.m.)

(R) (NOTE: On February 19, 2019, the Board held a public hearing regarding this item and deferred decision until March 19, 2019.)

Supervisor L. Smyth moved adoption of the Resolution approving the enlargement of a small district within Providence District for the purpose of providing county refuse, recycling and vacuum leaf collection service to the Luckett Avenue Area, as shown on the revised plan 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 Providence District (Luckett Ave Area)	Enlarge	Refuse, Recycling, & Vacuum Leaf

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

53. **4:30 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON A SEGMENT OF LORTON ROAD AND FURNACE ROAD, AND PETITION FOR ACCEPTANCE OF THE NEW ALIGNMENT FOR LORTON ROAD, FURNACE ROAD, AND WORKHOUSE ROAD (MOUNT VERNON DISTRICT)** (4:34 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 March 1 and March 8, 2019.

Donald Stephens, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Storck moved adoption of the:

- Order abandoning portions of Lorton Road and Furnace Road, substantially in the form of Attachment III of the Board Agenda Item
- Resolution for discontinuance of portions of Lorton Road and Furnace Road, substantially in the form of Attachment VII of the Board Agenda Item
- Resolution for acceptance of the new alignments of Lorton Road, Workhouse Road, and Furnace Road, into the State Secondary System, substantially in the form of Attachment VIII, as revised, of the Board Agenda Item

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

54. **4:30 P.M. – PH ON THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2020** (4:39 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 March 1 and March 8, 2019.

Chairman Bulova announced that the Board will take action on this matter on May 7, 2019.

Laura Lazo, Associate Director, Grants Management, Department of Housing and Community Development, presented the staff report.

The public hearing was held and included testimony by 15 speakers.

Chairman Bulova announced that the comments received on the proposed Consolidated Plan One Year Action Plan for FY 2020 will be forwarded to the Consolidated Community Funding Advisory Committee for consideration before making its final recommendations to the Board for action on May 7, 2019.

Supervisor Gross, referred to a letter from the Fairfax Area Disability Services Board, which referenced that there is a Home Repair for Elderly Program which exists for the exclusive benefit of homeowners; however, oftentimes assistance is needed for modifying an existing rental unit for older adults or those who have a disability. The letter recommends expanding this program to include assistance to renters. Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to provide information on:

- The number of rental units this program has and has not been able to assist with

- Funding sources for expanding this program for rentals
- Whether changes to the Board's policy may be necessary to address this matter

Without objection, it was so ordered.

55. **4:30 P.M. – PH ON PROPOSED PLAN AMENDMENT 2018-III-DS1, LAND UNIT J OF THE DULLES SUBURBAN CENTER, LOCATED EAST AND WEST OF ROUTE 28, SOUTH OF OLD LEE ROAD AND WALNEY ROAD, AND NORTH OF BRADDOCK ROAD, STONECROFT BOULEVARD, AND POPLAR TREE ROAD (SULLY DISTRICT)**  
(5:27 p.m.)

Supervisor K. Smith moved to defer the public hearing on proposed Plan Amendment 2018-III-DS1, until **May 7, 2019, at 4 p.m.** Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hudgins being absent.

56. **5 P.M. – PH TO CONSIDER ADOPTING AN ORDINANCE CREATING A COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) AND RESILIENCY PROGRAM** (5:28 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 March 1 and March 8, 2019.

Kambiz Agazi, Environmental Coordinator, Office of the County Executive, presented the staff report.

Following the public hearing, which included testimony by six speakers, Supervisor Gross moved adoption of the Ordinance creating a C-PACE and Resiliency Program. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor Hudgins being absent

57. **BOARD ADJOURNMENT** (6:01 p.m.)

The Board adjourned.