



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

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

**TUESDAY  
April 29, 2014**

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**11-14**

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**EBE:ebe**

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, April 29, 2014, at 9:40 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Edward L. Long Jr., County Executive; David P. Bobzien, 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; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Ekua Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of Clerk to the Board of Supervisors.

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:40 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family of Mr. Robert Nakamoto who died recently. Mr. Nakamoto was a veteran of the Korean War and was involved in veteran and community activities nationwide supporting them with his time and expertise. He was president of the Japanese American Veterans Association (JAVA) from 2007-2011, and also served as Chair of JAVA's Financial Committee. He received the Terry Shima Award for Leadership earlier this year and was the chairman of InterAmerica Global and founder of Base Technologies, Incorporated. Mr. Nakamoto was an expert in business and organizational development, health care systems, financial systems, and telecommunications.

Supervisor Herrity asked to keep in thoughts his son, Gary Nakamoto, who has been a stalwart in the community.

Supervisor Hudgins asked to keep in thoughts his daughter, Amy, as well.

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Toss Cline, who died suddenly. Mr. Cline was a technology teacher at James Madison High School in Vienna. He inspired many of his students to pursue careers in engineering and all those sciences and things that he acknowledged were important for them. He was known for several accomplishments: Fairfax County Teacher of the Year nominee, received the First Robotics Woodie Flowers award and the James Madison High School Triple "T" Teacher of the Year award.

Supervisor Hudgins asked unanimous consent that the Board direct the Clerk to the Board to forward a copy of the comments made to the Cline family. Without objection, it was so ordered.

Supervisor Cook announced a historical note of interest, tomorrow is the 225<sup>th</sup> anniversary of the first presidential inauguration of George Washington, who was a County resident.

Supervisor McKay announced that a student at West Potomac High School was struck this morning on the Richmond Highway Corridor on his way to school and has life threatening injuries and asked everyone to keep him and his family in thoughts.

**AGENDA ITEMS**2. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE ANNANDALE HIGH SCHOOL MARCHING BAND, DRUM MAJORS, AND MR. ADAM HILKERT (MASON DISTRICT)** (9:46 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to members of the Annandale High School Marching Band, drum majors, and director, Adam Hilkert, for their accomplishments. Supervisor Cook, Supervisor Hyland, and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

3. **RESOLUTION OF RECOGNITION PRESENTED TO CONGRESSMAN FRANK WOLF** (9:57 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Congressman Frank Wolf for his 34 years of service in the United States Congress for Fairfax County, Northern Virginia, the United States, and the world. Supervisor Hyland seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO CONGRESSMAN JIM MORAN** (10 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to Congressman Jim Moran for 23 years of service in the United States Congress for Fairfax County, Northern Virginia, the United States, and the world. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Hyland moved that the Board direct staff to request that the Virginia Department of Transportation (VDOT) rename the portion of Route 1 Richmond Highway from Telegraph Road to Woodlawn as the Honorable James P. Moran Memorial Highway. Supervisor McKay seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY 11-17, 2014, AS "POLICE WEEK" AND MAY 15, 2014, AS "PEACE OFFICERS' MEMORIAL DAY" IN FAIRFAX COUNTY** (10:34 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate May 12-16, 2014, as "Police Week" and May 15, 2014, as "Peace Officers' Memorial Day" in Fairfax County. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING MAY 2014 AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (10:44 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2014 as "Foster Care and Foster Family Recognition Month" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING MAY 4-10, 2014, AS "CHILD CARE PROFESSIONALS WEEK" IN FAIRFAX COUNTY** (10:58 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate May 4-10, 2014, as "Child Care Professionals Week" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

8. **PROCLAMATION DESIGNATING MAY 2014 AS "PARENTS WHO HOST LOSE THE MOST MONTH" IN FAIRFAX COUNTY** (11:13 a.m.)

Supervisor Cook moved approval of the Proclamation to designate May 2014 as "*Parents Who Host Lose the Most Month*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Gross asked unanimous consent that the Board direct staff to hang the banner in the Government Center during the month of May to promote awareness of the campaign. Without objection, it was so ordered.

9. **PROCLAMATION DESIGNATING MAY 2014 AS "ASIAN/PACIFIC AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (11:23 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 2014 as "*Asian/Pacific American Heritage Month*" in Fairfax County. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

10. **PROCLAMATION DESIGNATING MAY 6-12, 2014, AS "NURSES WEEK" IN FAIRFAX COUNTY** (11:38 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 6-12, 2014, as "*Nurses Week*" in Fairfax County. Supervisor Foust and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

Fire Chief Bowers, on behalf of the Fire and Rescue Department, presented a Citizens Life Saving Award to Daryl A Vasquez, a Nurse with the Mental Health Services, for her outstanding efforts in saving the life of a client, who was choking during lunch by performing a Heimlich maneuver to dislodge the obstruction on February 24, 2014.

Chairman Bulova noted that Richard Roatch, Deputy Chief, Fire and Rescue Department, has been deployed as part of the Federal Emergency Management Agency (FEMA) Incident Support Team, and is in Arkansas responding to the tornadoes and the damage and the loss of life and injury. On behalf of the Board, Chairman Bulova extended appreciation and good wishes for his safety.

11. **PROCLAMATION DESIGNATING MAY 2014 AS "VIRGINIA COOPERATIVE EXTENSION MONTH" IN FAIRFAX COUNTY** (11:51 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 2014 as "*Virginia Cooperative Extension Month*" in Fairfax County. Supervisor Foust seconded the motion and it carried by unanimous vote.

12. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:01 p.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 April 29, 2014,” as distributed around the dais. Chairman Bulova and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Appointments are as follows:

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

Reappointment of:

- Ms. Eileen J. Garnett as the Mason District Representative

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

**ADVISORY PLANS EXAMINER BOARD**

Confirmation of:

- Mr. Charles F. Dunlap as the Citizen Member Representative

**ADVISORY SOCIAL SERVICES BOARD**

Appointment of:

- Mr. Alan M. Schuman as the At-Large Chairman’s Representative

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

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

The Board deferred the appointment of the Builder (Single Family) Representative and the Lending Institution Representative.

**AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)**

Appointment of:

- Mr. Richard O. Bolger as the At-Large #5 Representative

**ATHLETIC COUNCIL**

Reappointment of:

- Ms. Karin Stamper as the Lee District Alternate Representative

The Board deferred the appointment of the Braddock District Alternate and the Member-At-Large Principal Representatives.

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

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

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS**

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

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

The Board deferred the appointment of the Sully District Representative.

**CHILD CARE ADVISORY COUNCIL**

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

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION**

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

**COMMUNITY ACTION ADVISORY BOARD**

Appointment of:

- Ms. Michelle Jefferson as the Braddock District Representative

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**

The Board deferred the appointment of the Sully District Representative.

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

Appointment of:

- Mr. David Smith as the Braddock District Representative

**FAIRFAX AREA DISABILITY SERVICES BOARD**

The Board deferred the appointment of the At-Large #1 Business Community Representative and Sully District Representative.

**HEALTH CARE ADVISORY BOARD**

The Board deferred the appointment of the Sully District Representative.

**HEALTH SYSTEMS AGENCY BOARD**

The Board deferred the appointment of the Consumer #4 and #6 Representatives and the Provider #1 Representative.

**HUMAN RIGHTS COMMISSION**

Reappointment of:

- Mr. Ahmed Selim as the At-Large #6 Representative

Appointment of:

- Ms. Mona Malik as the At-Large #9 Representative

**HUMAN SERVICES COUNCIL**

Appointment of:

- Mr. Jeff Dannick as the Braddock District #1 Representative

The Board deferred the appointment of the Lee District #1, and Sully District #1 Representatives.

**INDUSTRIAL DEVELOPMENT AUTHORITY**

Appointment of:

- Mr. Jonathan D. Higgins as the At-Large #5 Representative

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

The Board deferred the appointment of the Braddock and Mason District Representatives.

**MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY**

The Board deferred the appointment of the Community Representative.

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

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

**REDEVELOPMENT AND HOUSING AUTHORITY**

Reappointment of:

- Mr. Robert Schwaninger as the Mason District Representative

**ROAD VIEWERS BOARD**

The Board deferred the appointment of the At-Large #2 and #4 Representatives.

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

Reappointment of:

- Ms. Medelyn Ortiz Lopez as the Fairfax County #9 (Youth) Representative

The Board deferred the appointment of the Fairfax County #3 and #5, Representatives, and the Reston Association #2 Representative.

**TENANT LANDLORD COMMISSION**

The Board deferred the appointment of the Condo Owner Representative and the Tenant Member #2 and #3 Representatives.

**TRAILS AND SIDEWALKS COMMITTEE**

The Board deferred the appointment of the Mason Representative.

**TRESPASS TOWING ADVISORY BOARD**

The Board deferred the appointment of the Citizen Alternate Representative.

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

The Board deferred the appointment of the Adjacent Community #1 Representative.

**WETLANDS BOARD**

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



PMH:pmh

13. **10:40 A.M. – BOARD ADOPTION OF THE FISCAL YEAR (FY) 2015 BUDGET PLAN** (12:01 p.m.)**(Rs)(FPR) Real Property Tax Rate**

Having provided notice and a public hearing in accordance with Virginia Code §58.1-3321 (B), and because it is necessary to set the real property tax rate higher than the lowered tax rate specified in Virginia Code §58.1-3321 to support the FY 2015 Adopted Budget, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board set the real property tax rate at \$1.090 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2015 will be increased by \$0.005 from the present rate of \$1.085 per \$100 of assessed value. Vice-Chairman Gross seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Vice-Chairman Gross, and Chairman Bulova voting “**AYE**,” Supervisor Cook, Supervisor Herrity, and Supervisor Smyth voting “**NAY**.”

**Approval of the FY 2015 Tax Rate Resolution**

Having established the real property tax rate at \$1.090 per \$100 of assessed value, Chairman Bulova moved adoption of the FY 2015 Tax Rate Resolution Adopting Tax Rates for the County, as detailed in Attachment II of the Board Agenda Item dated April 28, 2014. Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Vice-Chairman Gross, and Chairman Bulova voting “**AYE**,” Supervisor Cook, Supervisor Herrity, and Supervisor Smyth voting “**NAY**.”

**Approval of the FY 2015 Appropriation Resolutions for County Agencies/Funds and School Board Funds and the FY 2015 Fiscal Planning Resolution (FPR)**

Chairman Bulova moved adoption of the FY 2015 Appropriation Resolution for County Agencies/Funds, the FY 2015 Appropriation Resolution for School Board Funds, and the FY 2015 FPR as set forth in Attachments III, IV, and V of the Board Agenda Item dated April 28, 2014. Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Vice-Chairman Gross, and Chairman Bulova voting “**AYE**,” Supervisor Cook, Supervisor Herrity, and Supervisor Smyth voting “**NAY**.”

Vice-Chairman Gross returned the gavel to Chairman Bulova.

DAL:dal

14. **ADMINISTRATIVE ITEMS** (12:07 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Smyth seconded the motion.

Supervisor Cook called the Board's attention to Admin 4 – Authorization for the Juvenile and Domestic Relations District Court to Apply for and Accept Grant Funding from the Federal Bureau of Justice Assistance, Smart Supervision Program, Risk and Needs of Intimate Partner Violence Offenders: Developing Evidence-Based Supervision Strategies Grant and Admin 6 – Authorization for the Fire and Rescue Department (FRD) to Apply for and Accept Grant Funding from the US Department of Homeland Security Grant for the Fire Prevention and Safety Grant and asked unanimous consent that the Board direct staff to report with information regarding why these items were not submitted to the Board for consideration before the application deadline. Without objection, it was so ordered.

The question was called on the motion to approve the Administrative Items and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (SULLY 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>
Parcel 45 Associates (Westfields/Scitor)	Sully	Old Lee Road (Route 661) [Additional Right-of-way (ROW) Only]
		Lee Road (Route 8461) Additional ROW Only
		Lee Road (Route 8461) Additional ROW Only

**ADMIN 2 – APPROVAL OF A PORTION OF A STREET NAME CHANGE FROM BURKE ROAD TO TUNWELL COURT (BRADDOCK DISTRICT)**

Approved a street name change in the Official County Digital Property Map and the Master Addressing Repository for a portion of Burke Road to Tunwell Court, effective 30 days following Board approval, in accordance with the Code of the County of Fairfax, Chapter 102 (Sidewalks and Streets), Section 102-1-9.

**ADMIN 3 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (HUNTER MILL AND PROVIDENCE DISTRICTS)**

- Endorsed the following traffic calming measures:
  - One speed table on Trott Avenue (Hunter Mill District)
  - One multi-way stop on Trott Avenue (Hunter Mill District)
  - One speed table on Hurst Street (Providence District)
- Directed staff to schedule installation of the approved measures as soon as possible.

**ADMIN 4 – AUTHORIZATION FOR THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT (JDRDC) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE FEDERAL BUREAU OF JUSTICE ASSISTANCE, SMART SUPERVISION PROGRAM, RISK AND NEEDS OF INTIMATE PARTNER VIOLENCE OFFENDERS: DEVELOPING EVIDENCE-BASED SUPERVISION STRATEGIES GRANT**

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

Authorized JDRDC to apply for and accept grant funding in the amount of \$603,000 from the Federal Bureau of Justice Assistance, Smart Supervisor Program. Funding will support a partnership with George Mason University Center for Advancing Correctional Excellence to develop a risk assessment tool tailored specifically for inmate partner violence offenders. No local cash match is required.

**ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 14217 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUBGRANT AWARD FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA (DC) HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY**

(SAR) Approved SAR AS 14217 for FRD to accept grant funding from DHS UASI in the amount of \$350,784 to be used to train swift-water rescue technicians. No local cash match is required.

**ADMIN 6 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF HOMELAND SECURITY GRANT FOR THE FIRE PREVENTION AND SAFETY (FP&S) GRANT**

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

Authorized FRD to apply for and accept funding from the US Department of Homeland Security Grant Program for the FP&S grant in the amount of \$139,386, including a local cash match of \$6,969 to support a Safety in our Community program.

15. **A-1 – APPROVAL OF THE DEPARTMENT OF TRANSPORTATION’S (DOT) MAJOR SERVICE CHANGES, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICIES FOR THE FEDERAL TRANSIT ADMINISTRATION (FTA)** (12:09 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and approved DOT’s Major Service Changes, Disparate Impact, and Disproportionate Burden policies.

16. **A-2 – APPROVAL OF A PARKING REDUCTION FOR MERRIFIELD TOWN CENTER, PARCEL K (PROVIDENCE DISTRICT)** (12:09 p.m.)

Supervisor Smyth noted this item is related to a rezoning application scheduled for a public hearing later in the meeting.

Therefore, Chairman Bulova announced that the Board will consider action on this item later in the meeting, after the public hearing on the rezoning application.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk’s Summary Item #60.)

17. **A-3 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF REVENUE BONDS FOR THE BENEFIT OF SERVICESOURCE, INCORPORATED** (12:10 p.m.)

(BONDS)  
(R)

Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution for the EDA to issue revenue bonds up to \$9.5 million for the benefit of ServiceSource, Incorporated. Supervisor Smyth seconded the motion.

Discussion ensued, with input from Thomas O. Lawson, Counsel to the EDA, regarding the repayment terms and County liability.

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

18. **A-4 – ADOPTION OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 14193 FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE FLINT HILL ELEMENTARY SCHOOL AND GRAHAM ROAD ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL PROJECTS AND RESOLUTION AUTHORIZING EXECUTION OF PROJECT AGREEMENT WITH THE COMMONWEALTH (HUNTER MILL AND PROVIDENCE DISTRICTS)** (12:13 p.m.)

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

- SAR AS 14193 authorizing DOT to accept grant funding from VDOT in the amount of \$370,000 for the Flint Hill Elementary School and Graham Road Elementary School Safe Routes to School projects
- A Resolution authorizing execution of a project agreement with the Commonwealth of Virginia

Supervisor Smyth seconded the motion.

Supervisor Hudgins noted that she has a Board Matter, which she will present later in the meeting at the appropriate time, regarding the importance of safe routes to school.

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

19. **A-5 – ADOPTION OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 14204 FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR TRAFFIC CALMING IMPROVEMENTS AND RESOLUTION AUTHORIZING EXECUTION OF PROJECT AGREEMENT WITH COMMONWEALTH** (12:14 p.m.)

(SAR) (R) On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor

Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and adopted:

- SAR AS 14204 authorizing DOT to accept grant funding in the amount of \$356,407 for Countywide traffic calming improvements
- A Resolution authorizing the County Executive or the Director of Transportation to execute, on behalf of the County, a Project Administration Agreement with VDOT

20. **A-6 – ACTION ON A PARKING REDUCTION FOR ANNANDALE HOME DEPOT (MASON DISTRICT)** (12:15 p.m.)

Supervisor Gross moved that the Board approve a parking reduction of 16.0 percent (80 fewer spaces) of the required parking for the Annandale Home Depot. Supervisor Cook seconded the motion.

Supervisor Gross noted that a parking study was conducted to ensure that adequate parking was available.

Following a brief discussion regarding the adequacy of parking at another Home Depot, Supervisor Smyth noted that the parking issue for such uses should be reviewed.

Supervisor Foust raised a question regarding whether the approval is conditional.

Supervisor Gross clarified that the motion includes conditions one through eight, as outlined in the Board Agenda Item dated April 29, 2014.

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

21. **A-7 – BOARD ENDORSEMENT OF ROUTE 7 BRIDGE OVER DULLES AIRPORT TOLL ROAD AND AIRPORT ACCESS HIGHWAY (DRANESVILLE AND HUNTER MILL DISTRICTS)** (12:20 p.m.)

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

- Endorse the design plans for the Route 7 Bridge over Dulles Airport Toll Road and Airport Access Highway project, as generally presented at the Design Public Hearing on February 20, 2014, with the following condition:
  - The design proceeds with the underpass option for the pedestrian and bicycle facilities that was presented to the public at the February 20, 2014, Design Public Hearing. This option emerged as the preferred shared

use path option that enhanced safety and aesthetics at the project location.

- Upon endorsement, direct staff to send a letter to VDOT, notifying them that the Board has endorsed the plans.

Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Karyn Moreland, Chief, Capital Projects Section, Capital Projects and Operations Division, Department of Transportation (DOT), Tom Biesiadny, Director, DOT, regarding:

- The width of the shared use path
- The rationale for widening the shared pedestrian/bicycle access path
- Whether there is a barrier between the road and the path
- VDOT requirements

Supervisor Frey raised a question regarding why there is a sidewalk and a shared use path, and discussion ensued, with input from Michael Guarino, Transportation Planner, DOT, who clarified that there is not a sidewalk, just a shared use path.

Following discussion, with input from Mr. Biesiadny, regarding the projected bicycle/pedestrian use of the path, Supervisor Herrity stated that this issue, along with the criteria being used, should be discussed at a future Transportation Committee meeting.

The question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Frey voting “NAY,” and Supervisor Hyland being out of the room.

22. **A-8 – APPROVAL OF THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2015**

**AND**

**A-9 – ACTION ON CONSOLIDATED COMMUNITY FUNDING POOL (CCFP) RECOMMENDATIONS FOR FISCAL YEARS (FYS) 2015 AND 2016** (12:39 p.m.)

Chairman Bulova asked staff to brief the Board on how the CCFP and the Consolidated Plan were established.

Following a brief discussion, with input from Edward L. Long Jr., County Executive, Chairman Bulova clarified that Action Items A-8 and A-9 would be considered separately.

John Payne, Deputy Director, Real Estate, Department of Housing and Community Development, gave a presentation regarding the Proposed Consolidated Plan One-Year Action Plan for FY 2015.

A brief discussion ensued, with input from Mr. Long, regarding the CCFP.

Cathy Muse, Director, Department of Purchasing and Supply Management, gave a presentation regarding the CCFP.

Discussion ensued, with input from Ms. Muse and Ryan Wolf, Assistant County Attorney, and Patricia Harrison, Deputy County Executive, regarding the:

- CCFP selection process
- Board's authority to amend and/or revise the request for proposals (RFPs)
- CCFP Selection Advisory Committee incorporating the Board's priorities

Supervisor Cook raised a question concerning whether the Board received a report from the Selection Advisory Committee regarding the process and incorporating the Board's priorities, and discussion ensued with input from Ms. Harrison, who noted that the Steering Committee just completed its review and will report its findings and/or recommendations at the Human Services Committee meeting in July.

Supervisor Hudgins raised a question regarding whether the County is following the basic approval process for contracts, with input from Ms. Muse.

Discussion continued, with input from Ms. Muse and Ms. Harrison, regarding:

- Capacity of nonprofits providing services
- Submission/receipt of RFPs
- Tutorials for organizations responding to the RFP
- Services being cut/funded
- Efficiency of services

Supervisor McKay called the Board's attention to Attachment 2 of the Board Agenda Item, Item 206-Bid 135, Emergency Relief Services, and expressed his



concerns regarding the funding cuts for emergency services. He raised questions regarding:

- Whether the Selection Advisory Committee scales the requirements and looks at the applications by size of the organization and the amount of funds requested
- How the gap in emergency services will be filled

Discussion ensued, with input from Ms. Harrison.

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve Action Item A-8, as follows:

- Adopt the Proposed Consolidated Plan One-Year Action Plan for FY 2015 as issued by the Consolidated Community Funding Advisory Committee with funding allocations as outlined in the Board Agenda Item dated April 29, 2014.
- Authorize signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by the US Department of Housing and Urban Development (HUD) by May 16, 2014.

Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve Action Item A-9, as follows:

- Approve the contract list and associated award of CCFP funds as recommended by the Selection Advisory Committee (SAC) for Fiscal Year 2015 and outlined in Table A of the Board Agenda Item dated April 29, 2014.
- In accordance with the CCFP multi-year contract award process, accept the committee's recommendations for FY 2016 funding, contingent upon the availability of future federal and state funding as part of the FY 2016 budget process.
- Approve the recommendation of SAC for the reallocation of new federal, state, or local funds, and any lapsing project funds that may be necessary during the course of this and future funding cycles.

Supervisor Gross seconded the motion and discussion ensued regarding the funding.

Supervisor Gross raised questions regarding:

- What happens if an awardee is unable to complete a mission and the contract is defaulted or terminated?
- Can the funds be reallocated?

and discussion ensued, with input from Ms. Muse and LeeAnn Pender, Director, Contracts Procurement Management, Department of Administration for Human Services.

Discussion continued, with input from Ms. Harrison and Ms. Muse, regarding the CCFP process and recommendations to the Board.

Supervisor McKay raised a question regarding how new programs will be measured to guarantee success and discussion ensued, with input from Ms. Harrison.

Chairman Bulova stated that the Board needs to have discussions at a Human Services Committee meeting along with members of the Selection Advisory Committee to address questions regarding the process and geographical issues.

Following additional discussion regarding the criteria, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

(NOTE: Later in the meeting there was a brief discussion regarding this item. See page 23.)

23. **ORDERS OF THE DAY** (1:31 p.m.)

Chairman Bulova announced that the Board will recess for closed session and Board Matters will be presented later in the meeting.

(NOTE: Later in the meeting, Board Matters were presented. See Clerk's Summary Items #29 – #54.)

24. **RECESS/CLOSED SESSION** (1:31 p.m.)

Supervisor Smyth 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. Erroneous Real Estate Tax Assessment Appeals filed by *Wilkes Artis, Chartered v. Board of Supervisors of Fairfax County, Virginia* (Fx. Co. Cir. Ct.) (All Districts)
  2. *Walgreen Co. v. County of Fairfax, Virginia*, Case No. 2013-0019234 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  3. *Gerard Morrison, et al. v. County of Fairfax, Virginia*, Civil Action No. 1:14-cv-5 (E.D. Va.)
  4. *Edward Akowuah v. County of Fairfax, Fairfax County Police Department, Officer G.A. Waked and Does*, Case No. 1:13-cv-83 (E.D. Va.)
  5. *Eric S. Clark v. The County of Fairfax, Virginia, John H. Kim, T. B. Smith, John Spata*, Civil Action No.1:14-cv-286 (E.D. Va.)
  6. *Joyce Banin, and on behalf of minor child, A.K. v. Biggs J. Byerson, Jesse Thorton, John Doe*, Case No. 1:14-cv-26 (E.D. Va.)
  7. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Hanson A. Gyamfi and Emelia A. Gyamfi*, Case No. CL-2012-0004306 (Fx. Co. Cir. Ct.) (Lee District)
  8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John Hicks, Betty Pearson-Pavone, Dallas Hicks, Harold E. Pearson, Alice Hicks, and Edward Hicks*, Case No. CL-2012-0013536 (Fx. Co. Cir. Ct.) (Providence District)
  9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Akmal Ghani and Hamida Ghani*,

Case No. CL-2012-0008004 (Fx. Co. Cir. Ct.)  
(Braddock District)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mariano C. Evangelista and Armida A. Evangelista*, Case No. CL-2013-0000221 (Fx. Co. Cir. Ct.) (Mason District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne Kreiser*, Case No. CL-2012-0008224 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Julia E. Freeman and Samuel H. King*, Case No. CL-2011-0005858 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. The Cunje Family Trust, Gabriel C. Cunje, Trustee, and Malini S. Cunje, Trustee*, Case No. CL-2014-0001027 (Fx. Co. Cir. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rosalia Gohring and Tomas Gonzales*, Case No. CL-2013-0013886 (Fx. Co. Cir. Ct.) (Providence District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Gary S. Lyman*, Case No. CL-2013-0011189 (Fx. Co. Cir. Ct.) (Providence District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Barry Road, LLC*, Case No. CL-2013-0008290 (Fx. Co. Cir. Ct.) (Lee District)
17. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Paula Maria Robinson*, Case No. CL-2014-0000461 (Fx. Co. Cir. Ct.) (Lee District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property*

*Maintenance Code Official for Fairfax County, Virginia v. Bradley S. Drasbek and Mary Margaret Drasbek*, Case No. CL-2014-0001995 (Fx. Co. Cir. Ct.) (Dranesville District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. George LeVan Dieffenbach and Delorese C. Dieffenbach*, Case No. CL-2014-003299 (Fx. Co. Cir. Ct.) (Hunter Mill District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Victoria Almanza, a/k/a Victoria A. De Rojas*, Case No. CL-2014-0004116 (Fx. Co. Cir. Ct.) (Providence District)
21. *Board of Supervisors of Fairfax County, Virginia v. Zafar Ansari and Erum Nazli*, Case No. CL-2014-0004394 (Fx. Co. Cir. Ct.) (Lee District)
22. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. William Bryant Gallagher, Jr.*, Case No. CL-2014-0004199 (Fx. Co. Cir. Ct.) (Dranesville District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard C. Arnold*, Case No. GV14-004901 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
24. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Richard C. Arnold*, Case No. GV13-021277 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
25. *Jeffery L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Herbert H. Becker*, Case No. GV14-005478 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
26. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Beatrice C. Garcia*, Case No. GV14-006747 (Fx. Co. Gen. Dist. Ct.) (Sully District)

27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. YG Land Holdings, LLC*, Case No. GV13-022998 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rafaela Leon*, Case No. GV14-005098 (Fx. Co. Gen. Dist. Ct.) (Providence District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ihab Khalil and Omima Mindel*, Case No. GV14-006136 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jackie S. Fleming and Emilia A. Cole*, Case No. GV14-006135 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
31. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Jackie S. Fleming and Emilia A. Cole*, Case No. GV14-006134 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kiet Nguyen and Jenny Nguyen*, Case No. GV14-006436 (Fx. Co. Gen. Dist. Ct.) (Mason District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert E. Willkie*, Case No. GV14-006437 (Fx. Co. Gen. Dist. Ct.) (Providence District)
34. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Arthur F. Parnell*, Case No. GV14-006927 (Fx. Co. Gen. Dist. Ct.) (Mason District)

And in addition:

- *CRP-2 Holdings AA, LP v. Board of Supervisors of Fairfax County, Virginia*, Case Numbers CL-2012-0018600 and CL-2013-0019130

Supervisor Foust seconded the motion.

**ADDITIONAL DISCUSSION REGARDING ACTION ITEMS A-8 AND A-9** (1:32 p.m.)

(NOTE: Earlier in the meeting, action was taken regarding these items. See Clerk's Summary Item #22.)

John Payne, Deputy Director, Real Estate, Department of Housing and Community Development, raised a question regarding whether the last motion was for both Action Items A-8 and A-9.

Chairman Bulova clarified that separate motions were made for Action Items A-8 and A-9.

The question was called on the motion to recess for closed session and it carried by a vote of nine, Supervisor Hyland being out of the room.

25. **INTENT TO DEFER PUBLIC HEARINGS (LEE AND MASON DISTRICTS)** (1:33 p.m.)

Supervisor McKay announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Rezoning Application RZ 2013-LE-013 (Eastwood Properties, Incorporated) until **May 13, 2014, at 3:30 p.m.**

Supervisor Gross announced her intent to defer, later in the meeting at the appropriate time, the public hearing on Special Exception Amendment Application SEA 97-M-075-02 (Mubarak Corporation).

(NOTE: Later in the meeting, these public hearings were deferred. See Clerk's Summary Items #57 and #58.)

**DAL:dal/DET:det**

At 2:30 p.m., the Board reconvened in the Board Auditorium with all Members, with the exception of Supervisor Hyland, being present, and with Chairman Bulova presiding.

**ACTION FROM CLOSED SESSION**

26. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:30 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 a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor

Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

### **ADDITIONAL BOARD MATTER**

27. **ABSENCE OF MOUNT VERNON DISTRICT SUPERVISOR GERRY HYLAND** (2:32 p.m.)

Chairman Bulova announced that Supervisor Hyland:

- Was absent from closed session and would not be returning for the afternoon public hearings because he is traveling to California to attend, on behalf of the Board, a National Association of Counties (NACo) meeting.
- Does not have any Board Matters to present today.
- Requested that she announce that Board decision on Special Exception Application SE 2013-MV-015 would be deferred, later in the meeting at the appropriate time.

(NOTE: Later in the meeting, the Board decision on Special Exception Application SE 2013-MV-015 was deferred. See Clerk's Summary Item #56.)

### **ADDITIONAL ACTION FROM CLOSED SESSION**

28. **AUTHORIZATION TO SETTLE – CRP-2 HOLDINGS AA LP V. BOARD OF SUPERVISORS OF FAIRFAX COUNTY, CASE NUMBERS CL-2012-0018600 AND CL-2013-0019130** (2:33 p.m.)

Supervisor Herrity moved that the Board authorize the settlement of *CRP-2 Holdings AA LP v. Board of Supervisors of Fairfax County*, Case Numbers CL-2012-0018600 and CL-2013-0019130, as outlined by the County Attorney in closed session. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

DAL:dal

### **ADDITIONAL BOARD MATTERS**

29. **REQUEST FOR RECOGNITION OF THE ECONOMIC DEVELOPMENT AUTHORITY (EDA)** (2:35 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and said that in 1964, the Virginia General Assembly created the Fairfax County Industrial Development Authority, now called the EDA. The EDA promotes the County as one of the world's best business locations so companies create jobs, fill office space, and generate the commercial tax base that the Board uses to fund high-



quality public services and improve the quality of life for the people, neighborhoods, and diverse communities in the County.

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff to invite representatives from the EDA to appear before the Board on July 1, 2014, to accept a proclamation recognizing its 50 years of success building a strong and diversified business base and economy. Without objection, it was so ordered.

30. **NATURALIZATION CEREMONY** (2:36 p.m.)

Chairman Bulova said that on May 23, 2014, the County will be hosting the sixth Naturalization ceremony in the Government Center. Members of the County's Asian American History Project Task Force have been working with US Citizenship and Immigration Services to ensure that this event will be special for all involved. The ceremony is a contribution by the Task Force to the County's celebration of Asian/Pacific-American Heritage Month.

The program will begin at 11 a.m. in the Board Auditorium. Chairman Bulova invited Board Members to attend the ceremony designed to welcome 100 new American citizens. She noted that it will be followed by a reception and light refreshments.

Chairman Bulova asked unanimous consent that the Board direct staff from the Office of Public Affairs, Human Rights and Equity Programs, and Cable and Consumer Services to assist with the coordination and promotion of this event. Without objection, it was so ordered.

31. **SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-L/V-061-2 – PLANNING COMMISSION RECOMMENDATIONS (MOUNT VERNON DISTRICT)** (2:37 p.m.)

Chairman Bulova said that on April 3, the Planning Commission recommended approval of Special Exception Amendment Application SEA 80-L/V-061-2 Furnace Associates, also known as the Lorton Landfill. The motion to recommend approval included six items for the Board to consider as part of its deliberations. The public hearing for this application is currently scheduled for May 13 at 4:30 p.m.

Given that the consideration items are fairly technical and detailed, the Board would be best served by directing staff, on behalf of the Board, to review the items and confer with the applicant to determine the feasibility of the items and the applicant's willingness to fulfill the requests.

Therefore, Chairman Bulova moved that the Board direct staff to, between now and the public hearing, meet with the applicant to determine whether the applicant is willing to consider amending the development conditions of Special Exception Amendment Application SEA 80-L/V-061-2 to incorporate any or all of the recommendations in the Planning Commission's April 3 motion. Staff should

report with its findings no later than Friday, May 9, so that the community is aware of any changes, prior to the public hearing. Vice-Chairman Gross seconded the motion.

Following a brief discussion regarding the timing, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

32. **SAFETY IN OUR COMMUNITY: PREVENTING THE 9-1-1 CALL (MASON DISTRICT)** (2:42 p.m.)

Supervisor Gross announced that there will be a special senior safety seminar at the Mason District Governmental Center. The "Safety in Our Community - Preventing the 911 Call" health and safety seminar will be held on Monday, May 12, from 10 a.m. to noon. Presentations will include fire and injury/fall prevention, home and personal safety, Project Lifesaver (keeping at-risk residents safer and reducing care giver anxiety), and how to defend yourself from scams and other frauds. These topics will be presented by representatives from the Fire and Rescue Department, the Police Department, the Sheriff's Office, the Office of Consumer Affairs, and the Office of Emergency Management.

Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event, in conjunction with participating agencies, so that residents and businesses will have a greater opportunity to take part in this event. Without objection, it was so ordered.

33. **REQUEST FOR RECOGNITION OF MS. MARYAM MUSTAFA (MASON DISTRICT)** (2:43 p.m.)

Supervisor Gross said that Maryam Mustafa is a Falls Church High School senior, with a 4.1 GPA, while taking Honors and AP courses. She is the editor-in-chief of the Falls Church yearbook, plays on the school soccer and volleyball teams, and helped organize a reading buddy program that pairs Falls Church students with kids at Graham Road ES. She has just added one more achievement to an already impressive list: 2014 Gates Millennium Scholar.

Each year the Gates Millennium Scholars program selects just 1,000 talented students from across the nation to receive a good-through-graduation scholarship to use at any college or university of their choice. This award also provides graduate school funding for continuing Gates Millennium Scholars in the areas of computer science, education, engineering, library science, mathematics, public health, or science.

Supervisor Gross asked unanimous consent that the Board direct staff to invite Ms. Mustafa, her family, Falls Church High School Principal Michael Yohe, and Mason District School Board Member Sandy Evans, to appear before the Board to be recognized for this notable achievement. Without objection, it was so ordered.

EBE:ebe

34. **CONGRATULATING BRIAN FOLEY ON HIS RETIREMENT (SPRINGFIELD DISTRICT)** (2:44 p.m.)

Jointly with Supervisor McKay and Supervisor Gross, Supervisor Herrity noted that on May 9, 2014, friends and colleagues of Brian Foley, Provost of the Medical Education Campus at Northern Virginia Community College, will gather to celebrate his career and contributions to the community. Mr. Foley's retirement comes after eight years at the helm of one of the most cutting edge medical education programs in the region. Since its opening in 2003, the Medical Education Campus has trained and educated thousands of medical professionals across the region; offering health-related programs with state-of-the-art classrooms, clinics, and laboratories.

Mr. Foley began his career in 1971 as an Assistant Operations Officer at Culver Army Hospital in Fort Devens, Massachusetts. After several assignments in the United States, he received his first overseas assignment in 1978 when he was appointed Hospital Administrator with the 43rd M\*A\*S\*H in Pusan, South Korea. For the remainder of his career, Mr. Foley served in various positions throughout the United States and the world to include the Health Services Command in San Antonio, the Army Readiness Group in Fort Indiantown Gap, the Fitzsimmons Army Medical Center in Colorado, the Army Personnel Command in Alexandria, and the Office of the Surgeon General in Falls Church.

Mr. Foley's final assignment was at Walter Reed Army Medical Center as the Deputy Commander for Administration, where he retired in 2001. In 2002, he started with Northern Virginia Community College as the Dean of Allied Health and Acting Dean, Nursing and Surgical Technician. In 2003, he became Special Assistant to the President for the Medical Education Campus Enterprise, and in 2006, began his current assignment as the Provost of the Medical Education Campus.

Mr. Foley's record of service to the nation and the community is stellar. He has spent a career advancing the medical field in practice and development. He has leveraged community partners across Northern Virginia to advance the cause of medical education, which is quickly becoming one of the largest drivers of the economy. His retirement leaves very big shoes to fill and he will be greatly missed.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a resolution to be presented to Mr. Foley at his retirement celebration on May 9, 2014, recognizing and congratulating him on his retirement and thanking him for decades of service to the nation and the community. Without objection, it was so ordered.

35. **REQUEST FOR RECOGNITION OF WEST SPRINGFIELD HIGH SCHOOL GIRLS TRACK TEAM AS THE UNIVERSITY OF PENNSYLVANIA RELAY CHAMPIONS (SPRINGFIELD DISTRICT)** (2:46 p.m.)

Supervisor Herrity said that on March 25, 2014, jointly with Supervisor Cook, he had asked that the Board direct staff to invite the West Springfield High School Girls Track Team to be recognized, and announced that the team has since then won the Distance Medley Relay Championship at the Penn Relays. He therefore, asked unanimous consent that the Board direct staff to invite the team to appear before the Board to be recognized before the end of the school year in June. Without objection, it was so ordered.

36. **ROUTE 28 STATION – SOUTH STUDY WORK GROUP (DRANESVILLE DISTRICT)** (2:47 p.m.)

Supervisor Foust said that the Route 28 Station - South Study Work Group (Work Group) was appointed in the spring of 2010 to conduct a special study of approximately a 700 acre area south of the planned Innovation Center Metrorail Station.

The 14-Member Work Group included property owners and stakeholders representing key civic and business organizations in the community. Early in the process, the Work Group developed a vision for transit-oriented development that respected the unique attributes of the study area. The Work Group worked diligently towards a recommendation and Plan text that reflected its vision.

Supervisor Foust said that through an open and constructive dialogue with County staff, the Work Group developed Comprehensive Plan recommendations that promote walkability and provide for a mix of uses, taking advantage of the proximity of the planned Metrorail station. On December 13, 2013, the Board voted unanimously to adopt the plan text developed by the Work Group.

Supervisor Foust asked unanimous consent that the Board direct staff to invite members of the Route 28 Station-South Study Work Group to appear before the Board on July 29, 2014, to be recognized for the considerable time and effort spent developing a vision and Comprehensive Plan recommendations for this area. Without objection, it was so ordered.

37. **PROCLAMATION DESIGNATING JUNE 2014 AS “LESBIAN, GAY, BISEXUAL AND TRANSGENDER PRIDE MONTH IN FAIRFAX COUNTY** (2:48 p.m.)

Jointly with Chairman Bulova, Supervisor Foust noted that the Lesbian, Gay, Bisexual, and Transgender (LGBT) civil rights movement began with the Stonewall Riots in New York on June 28, 1969. Every year since that date, June has been celebrated as LGBT Pride Month across the country.

The County has a diverse LGBT community that includes all races, ethnicities, and walks of life, including business owners, accountants, IT professionals, real estate agents, civil servants, teachers, and religious leaders who contribute to the enrichment of the County. The County's LGBT community has organized long standing and active organizations including social, business, professional, sporting, charitable, advocacy, and political groups.

Everyone should be able to live without the fear of prejudice, discrimination, violence, or hatred based on gender identity or sexual orientation. The County's LGBT population should have the same unalienable equal rights, benefits, and responsibilities that are shared and enjoyed by each of us.

While various advancements have been made with respect to equitable treatment of LGBT persons throughout the nation, there continues to be strong opposition against people from this community around the world and in the Commonwealth, making it imperative for the County to stand up and show support for our citizens who are affected. Embracing and celebrating our individual identities help to build a society based on inclusiveness and acceptance.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite representatives of the LGBT community and their supporters to appear before the Board in June to recognize June 2014 as LGBT Pride Month in Fairfax County. Without objection, it was so ordered.

38. **ANNUAL MCLEAN DAY EVENT (DRANESVILLE DISTRICT)**  
(2:50 p.m.)

Supervisor Foust said that on Saturday, May 17 from 11 a.m. to 5 p.m., the McLean Community Center (MCC) will hold its 38<sup>th</sup> Annual McLean Day event. McLean Day is a festival where residents and neighbors come together at Lewinsville Park on Chain Bridge Road to celebrate the community.

McLean Day features performances, carnival rides, exhibitions, and delicious foods to engage all visitors. There is a wonderful line-up of live entertainment throughout the day on the stage organized by the Alden Theatre. Artisans showcase their wares, and local businesses, nonprofit groups, local officials, and civic organizations have booths to offer information about their group and various projects. McLean residents can meet and vote for the candidates to the McLean Community Center Governing Board. There is no admission fee for the festival and free shuttle buses run the entire day.

Supervisor Foust said that this wonderful community event is a fun-filled day within the beautiful setting of Lewinsville Park and thanked the board and staff of the McLean Community Center for their efforts to make each year's event a success.

Supervisor Foust asked unanimous consent that the Board direct the Office of Public Affairs to distribute information publicizing this event including to County

offices, libraries, public schools, and community groups. Without objection, it was so ordered.

39. **PROCLAIMING MAY 19, 2014, AS HEPATITIS B AWARENESS DAY IN FAIRFAX COUNTY** (2:51 p.m.)

Jointly with Chairman Bulova, Supervisor Foust said that Hepatitis B is a virus that infects the liver, and when left untreated, can lead to further complications, including cirrhosis, liver cancer, and ultimately liver failure and death. It is estimated that more than one million people in the United States are infected with chronic hepatitis B.

Chronic hepatitis B is preventable and, in many cases, can be cured or managed using currently available treatments. For many reasons, however, those at risk for chronic hepatitis B do not receive prevention information, while those chronically infected do not receive treatment.

The Virginia General Assembly established May 19, 2013, and in each succeeding year, as Hepatitis B Awareness Day in Virginia. This is a day for the public and private sectors to come together to raise awareness and educate the public on hepatitis B and make recommendations on ways to implement best practices in hepatitis B prevention and treatment.

Supervisor Foust asked unanimous consent that the Board proclaim May 19, 2014, as Hepatitis B Awareness Day in Fairfax County and direct the Office of Public Affairs to distribute information about the disease to County offices, libraries, public schools, and community groups. Without objection, it was so ordered.

**PMH:pmh**

40. **REQUEST FOR RECOGNITION FOR THE FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) 2014 PRINCIPAL OF THE YEAR** (2:53 p.m.)

In a joint Board Matter with Supervisor Hudgins and Supervisor Foust, Supervisor Smyth said that Jay Pearson was named Fairfax County Public Schools 2014 Principal of the Year. He was also selected by the *Washington Post* as the recipient of the *Washington Post* Distinguished Educational Leadership Award, one of 21 principals representing the public school system in the Washington, DC, metropolitan area and private schools. The *Washington Post* Distinguished Educational Leadership Award recognizes those who go beyond the day-to-day demands of their position to create an exceptional educational environment.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff to invite Mr. Pearson to appear before the Board on July 1 to be recognized for this achievement. Without objection, it was so ordered.

41. **BIKE TO WORK DAY** (2:54 p.m.)

Supervisor Hudgins said that Friday, \*May 17, is Bike to Work Day in the County and the Washington Metropolitan area. Bike to Work Day is an exciting opportunity for bicycle commuters to be joined by car commuters, who get out of their cars and onto their bikes.

There are 13 Bike to Work events in the County this year. The locations are Mosaic District, Alexandria, Vienna, Springfield, Tysons, Fairfax City, Fair Lakes, Fairfax Corner, Herndon, Mount Vernon, Burke, and Merrifield. The Reston pit stop has moved from the Reston Town Center Plaza to the Plaza at the Wiehle-Reston East Metrorail station.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff from the Office of Public Affairs to help publicize this event through County government outreach tools. Without objection, it was so ordered.

(NOTE: \*Later in the meeting, Supervisor Hudgins corrected the date for Bike to Work Day. See Clerk's Summary Item #53.)

42. **BIKE TO SCHOOL DAY** (2:55 p.m.)

Supervisor Hudgins said that Fairfax County Public Schools (FCPS) has announced its participation in the Bike to School Day, on May 7. Students are encouraged to bike or walk to school on that day.

Bike to School Day helps promote physical activity, environmental benefits, and roadway safety education. To date, there are 18 schools participating in the County. For more information, visit <http://www.walkbiketoschool.org/>.

Supervisor Hudgins said that in the Hunter Mill District, the Vienna area schools and the community have organized the Vienna Walk/Bike challenge for the fifth consecutive year. The winner of the challenge is the school that gets the highest percentage of walkers/bicyclist for the entire week of May 5-9. Last year, Vienna schools logged over 5,000 trips by walking and bicycling.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to help publicize Bike to School Day through the County government outreach tools. Without objection, it was so ordered.

43. **BOARD OF SUPERVISORS' PROPERTY (HUNTER MILL DISTRICT)**  
(2:56 p.m.)

Supervisor Hudgins said that CARS-DB1, LLC (applicant) is the owner of property identified as Tax Map 29-3 ((1)) 3B (subject property). It is currently zoned to the C-7 District.

Supervisor Hudgins noted that Rezoning Application, RZ 2011-HM-013 requests the rezoning of the property to the PTC District. This is part of a proposed transit oriented development near the Spring Hill Metro Station in the Tysons West District.

As part of the rezoning, the applicant is proposing to dedicate a portion of the subject property for future use as an electric substation to serve Tysons.

A portion of the substation would also be located on two adjacent properties: Tax Map Number 29-3 ((1)) 2G, which is the subject of pending Rezoning Application RZ 2011-HM-027, and, on a part of Tax Map Number 29-3 ((1)) 5, which is owned by the Board.

To facilitate the dedication of the substation site, the applicant proposes to rezone a small segment (approximately 15,000 square feet) of Parcel 5, from R-1 District to the PTC District. The applicant would amend its current rezoning application to include this new area.

Therefore, Supervisor Hudgins moved that the Board authorize the inclusion of Tax Map Number 29-3 ((1)) part of Parcel 5 in the pending Rezoning Application RZ 2011-HM-013, as well as in a companion final development plan amendment application, to be filed by Virginia Electric and Power Company. 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. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

44. **INITIATIVE FOR PUBLIC ART RESTON (IPAR) HUNTER MILL DISTRICT** (2:59 p.m.)

Supervisor Hudgins said that in 2008, the Board recognized public art as an excellent way to achieve quality urban design.

In Reston, under the leadership of the IPAR, a public art master plan was developed to identify opportunities for planning and commissioning public art. The IPAR master plan serves as a resource for all, including members of the development community.

IPAR is currently developing a checklist for developers to use as a guide when voluntarily integrating public art into their proposed Reston developments. As part of the IPAR guidelines, there is an option to allow developers to voluntarily contribute funds for public art initiatives, in lieu of the developer providing public art on-site or off-site.

This option may require the Board to be the repository to collect proffered funds or other voluntary contributions for distribution to IPAR.



Therefore, Supervisor Hudgins moved that the Board direct the County Executive and the County Attorney's office to determine the feasibility and appropriateness of establishing such a fund. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

45. **NO BOARD MATTERS FOR SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (3 p.m.)

Chairman Bulova announced that Supervisor Hyland had no Board Matters to present today.

46. **RECOGNIZING THE FIFTIETH ANNIVERSARY OF THE CIVIL RIGHTS ACT OF 1964** (3 p.m.)

Supervisor Cook announced that July 2, 2014, is the fiftieth anniversary of the signing of the Civil Rights Act of 1964. This centerpiece of the civil rights struggles of the 1960s.

Therefore, Supervisor Cook asked unanimous consent that the Board recognize the fiftieth anniversary of the Civil Rights Act of 1964 at the July 1 Board meeting. Without objection, it was so ordered.

47. **LAKE ACCOTINK PARK (LEE DISTRICT)** (3:01 p.m.)

Supervisor McKay said that when Lake Accotink Park reopens for the summer, parkgoers will be able to once again ride the park's nearly 80-year-old carousel and its 26 hand-carved wooden horses, all thanks to Mr. Donn Grover.

Supervisor McKay referred to his written Board Matter which outlined Mr. Grover's efforts in restoring the carousel.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Mr. Grover to appear before the Board for recognition at a future meeting, along with Lake Accotink Park Supervisor Julie Tahan, Lee District Park Authority Member Ed Batten, and all appropriate Park Authority Board members. Without objection, it was so ordered.

48. **GRAMM SPRINGFIELD PROPERTY, LLC (LEE DISTRICT)** (3:03 p.m.)

Supervisor McKay said that Hyundai Property, LLC and Jennings Business Park, LLC (the applicants) filed concurrent applications on tax map numbers 90-4(1) 6A2, 6A3, 6A4, and 6A5.

Supervisor McKay explained that on November 16, 2010, the Board approved Rezoning Application RZ-2010-LE-005 and Special Exception Application SE 2010-LE-009 for Jennings Business Park, LLC. The approvals rezoned approximately 64.5 acres of land from the R-1 and R-3 districts to the C-8 district

and permitted special exception approval for an approximately 90,000 square feet, vehicle sale, rental, and ancillary service establishment for Jennings Toyota on approximately 23 acres of the larger site. The Jennings Toyota dealership has an approved site plan and is currently under construction.

Since the 2010 zoning approvals and the subsequent site plan approval for the Jennings Toyota dealership, the former parcel 90-4((1)) 6A has been subdivided into the four parcels now comprising the subject property, tax map parcels 90-4((1)) 6A2, 6A3, 6A4, and 6A5. The accepted applications include four concurrent filings, a proffered condition amendment over the entire subject property, two special exceptions for two different applicant entities requesting additional dealership use on parcels 6A3, 6A4, and a special exception amendment for the existing Jennings dealership primarily on parcels 6A2 and 6A5.

Supervisor McKay said that the Gramm Springfield Property, LLC, currently operates Safford Chrysler Jeep Dodge of Springfield at 6801 Commerce Street in central Springfield. Safford has served the Springfield community in its location since 2005. Safford is very active in the community and supports numerous events, schools and charitable organizations in Springfield such as Springfield Days, Springfield Party in the Park, the Springfield 15K/5K Race, Springfield Cardboard Boat Regatta, and the Springfield Youth Club.

Therefore, Supervisor McKay moved that the Board direct the Department of Planning and Zoning and the Department of Public Works and Environmental Services to conduct expedited and concurrent processing of the following rezoning and special exception applications:

- Proffered Condition Amendment Application PCA 2010-LE-005
- Special Exception Applications SE 2014-LE-004 and SE 2014-LE-005
- Special Exception Amendment Application SEA 2010-LE-009

filed on the property identified as Tax Map numbers 90-4((1)) 6A2, 6A3, 6A4, and 6A5. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

49. **LEE DISTRICT SCHOOL TOUR REPORT** (3:06 p.m.)

Supervisor McKay said that he has spent much of the past few months visiting every school that serves Lee District children, sitting down with each principal to hear, first hand, about their challenges and successes.

Supervisor McKay referred to his written Board Matter which includes his report of the school tour, which highlights the success stories at each of Lee District's schools, as well as the important challenges each is facing.

Supervisor McKay noted that he has already spoken with Superintendent Garza about this report, and he submitted it to Board Members for review and discussion. He added that he will also send it to members of the School Board, Lee District PTAs, and the Lee District Citizen Budget Committee.

50. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)** (3:10 p.m.)

Supervisor Frey announced that he has no Board Matters to present today.

51. **BOARD DEFERRALS** (3:10 p.m.)

Following a query to David P. Bobzien, County Attorney, regarding the deferral of several public hearings, Chairman Bulova announced that the Board would not proceed with the deferrals until later in the meeting.

(NOTE: Later in the meeting, the Board deferred some public hearings.)

52. **SPRINGFEST AWARD** (3:10 p.m.)

Supervisor Smyth announced that the County had received the Springfest award.

A brief discussion ensued regarding the Tree City flag.

(NOTE: Later in the meeting, there was additional discussion regarding Springfest. See Clerk's Summary Item #54.)

53. **CORRECTION REGARDING BIKE TO WORK DAY** (3:11 p.m.)

(NOTE: Earlier in the meeting, action was taken regarding Bike to Work Day. See Clerk's Summary Item #41.)

Supervisor Hudgins announced that Bike to Work Day is Friday, May 16, not May 17, as she mentioned earlier in the meeting.

54. **SPRINGFEST AWARD** (3:12 p.m.)

(NOTE: Earlier in the meeting, Springfest was discussed. See Clerk's Summary Item #52.)

There was a brief discussion regarding the Springfest, Workhouse Arts Center and the Tree City flags.

55. **BOARD RECESS** (3:15 p.m.)

At 3:15 p.m., the Board briefly recessed.

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At 3:33 p.m. the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, and with Chairman Bulova presiding.

56. **3:30 P.M. – BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2013-MV-015 (ALBERT GAGLIARDI) (MOUNT VERNON DISTRICT)** (3:33 p.m.)

(NOTE: On April 8, 2014, the Board held a public hearing regarding this item and deferred decision until April 29, 2014.)

Chairman Bulova relinquished the Chair to Vice-Chairman and moved to defer the decision on Special Exception Application SE 2013-MV-015 until **June 3, 2014, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

57. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-LE-013 (EASTWOOD PROPERTIES, INCORPORATED) (LEE DISTRICT)** (3:34 p.m.)

Supervisor McKay moved to defer the public hearing on Rezoning Application RZ 2013-LE-013 until **May 13, 2014, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

58. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-M-075-02 (MUBARAK CORPORATION) (MASON DISTRICT)** (3:35 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Amendment Application SEA 97-M-075-02 until **May 13, 2014, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

59. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-PR-007 (EYA DEVELOPMENT, LLC) (PROVIDENCE DISTRICT)** (3:36 p.m.)

- (O) The application property is located in the northeast quadrant of the intersection of Eskridge Road and Merrifield Town Center, Tax Map 49-3 ((1)) 87, 88, and 89B.

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

Discussion ensued concerning disclosures and whether the property was within the boundary of the Mosaic District Community Development Authority (CDA), with input for David P. Bobzien, County Attorney.

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

- Mr. Donald E. King, McGuire Woods LLP

Michael Lynskey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

Mr. Gill 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, Supervisor Smyth submitted items for the record.

Mr. Lynskey presented the staff and Planning Commission (PC) recommendations.

Following discussion, with input from Mr. Gill regarding the Articles of Incorporation and standard Home Owners Association (HOA) document applicability within a CDA, Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2013-PR-007, from the I-5 District to the PDH-30 District, subject to the proffers dated April 2, 2014.
- Approval of the associated waivers and modifications dated April 29, 2014, which shall be included in the record of the case, and which have been distributed at the dais, as follows:
  - Waiver of Section 6-107, Part 1 of the Zoning Ordinance, requiring a minimum district size of 2 acres for a PDH District.
  - Modification of Section 2-505 of the Zoning Ordinance to permit structures to encroach within the corner lot limitations, as depicted on the CDP/FDP.
  - Modification of Section 6-107, Part. 2, of the Zoning Ordinance, requiring 200 square foot privacy yards for single-family attached dwellings, in favor of roof-top terraces.
  - Modification of Section 6-110 of the Zoning Ordinance, to allow 36 percent open space, as shown on the plan,

in lieu of the 45 percent requirement for a PDH-30 District.

- Modification of Section 10-104 of the Zoning Ordinance to allow an 8-foot maximum fence height in side and rear yards, as indicated on CDP/FDP.
- Modification of Comprehensive Plan streetscape sections and bulk requirements for Merrifield Suburban Center, in favor of the typical sections shown on plan.
- Modification of Section 17-201 of the Zoning Ordinance to accept the proposed improvements, as shown on the CDP/FDP, as satisfying all immediate streetscape, trail, or interparcel connection requirements at site plan stage.
- Waiver request #561-WPFM-005-1, to allow underground Storm Water Management facilities in a residential development, per Section 6-0303.8 of the Public Facilities Manual (PFM), as conditioned in Attachment A of the proposed development conditions.
- Direct the Director of the Department of Public Works and Environmental Services (DPWES) to modify the Tree Preservation Target, per Section 12-0508 of PFM, in favor of proposed vegetation shown on the CDP/FDP.
- Direct the Director of the DPWES to modify Section 12-0510.4E(5) of PFM, to allow a reduction of 8-foot planting width to 5.5-feet with 2.5-foot cantilevered sidewalk, as shown in select areas of FDP.
- Direct the Director of the DPWES to modify Section 7-0502 of PFM to permit 20-foot alleys, as indicated on CDP/FDP, in areas with no parking.

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

(NOTE: On April 3, 2014, the PC approved Final Development Plan Application FDP 2013-PR-007, subject to the development conditions dated October 23, 2013.)

60. **A-2 – APPROVAL OF A PARKING REDUCTION FOR MERRIFIELD TOWN CENTER, PARCEL K (PROVIDENCE DISTRICT)** (3:54 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on A-2. See Clerk's Summary Item #16.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and approve a parking reduction of 18.5 percent (13 fewer parking spaces) in required parking for Merrifield Town Center, Parcel K, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, Paragraph 5 based on an analysis of the parking requirements for the use on the site and a parking reduction study #0561-PKS-005-1, on the conditions outlined in the Board Agenda Item dated April 29, 2014. Chairman Bulova seconded the motion and carried by a vote of nine, Supervisor Hyland being out of the room,

61. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-M-075-02 (MUBARAK CORPORATION) (MASON DISTRICT)**

(NOTE: Earlier in the meeting, this public hearing was deferred. See Clerk's Summary Item #58.)

62. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-D-081-02 (FEDERAL REALTY INVESTMENT TRUST) (DRANESVILLE DISTRICT)** (3:56 p.m.)

(O) The application property is located at 6252 Old Dominion Drive, McLean, VA 22101, Tax Map 31-3((1)) 112B.

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

Carmen Bishop, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

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

Following the public hearing, which included testimony by one speaker, Supervisor Foust submitted items for the record.

Ms. Bishop presented the staff and Planning Commission recommendations.

Following a confirmation by Ms. Mariska that the applicant is willing to move as expeditiously as feasible, Supervisor Foust moved:

- Approval of Proffered Condition Amendment Application PCA 85-D-081-02, subject to the proffers dated April 23, 2014.

- Reaffirmation of waiver of Section 4-606 of the Zoning Ordinance for the minimum lot area and width.
- Modification of Section 13-303 of the Zoning Ordinance for the transitional screening.
- Waiver of Section 13-304 of the Zoning Ordinance for the barrier requirement along the northern property line.

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

63. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2013-CW-6CP REGARDING REVISIONS TO THE COMPREHENSIVE PLAN TO UPDATE INFORMATION ON HERITAGE RESOURCES** (4:06 p.m.)

Ms. Laurie A. Turkawski, Heritage Resource Specialist, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report. She noted that during the 2013 calendar year, the History Commission approved the addition of the following properties to the inventory of historic sites, tables and maps:

- Georgetown Pike, originally built between 1813 and 1827, which is listed in the National Register of Historic Places and is a Virginia Scenic Byway
- The McLean Volunteer Fire Department, County Fire Station Number 1, now known as the Old Firehouse Teen Center, home to the County’s first ambulance and the first paid firefighter hired by the County

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

Supervisor Gross stated that the PC recommended approval of the staff report and also requested that additional information be noted in the Inventory of Historic Sites tables that would require more time for staff to address.

Supervisor Gross moved:

- That the Board adopt Plan Amendment 2013-CW-6CP as outlined in the staff report dated March 13, 2014.
- That the additional request by the PC be considered for next year’s annual heritage resources Plan Amendment to allow staff the time needed to address the request.



Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

64. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE SUNSET MANOR RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 18 (MASON DISTRICT)** (4:11 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 April 11 and April 18, 2014.

Maria Turner, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by five speakers, Supervisor Gross:

- Submitted items for the record
- Requested that the speakers contact her office to discuss the Moose Lodge

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Sunset Manor RPPD, District 18. The proposed District expansion includes the following streets:

- Dannys Lane (Route 1846), from Scoville Street to Magnolia Lane
- Scoville Street (Route 1845), from Paul Street to the end west

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

65. **4 P.M. – PH TO CONVEY A CONSERVATION EASEMENT TO THE CITY OF FALLS CHURCH FOR THE TINNER HILL HISTORIC SITE (PROVIDENCE DISTRICT)** (4:33 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 April 11 and April 18, 2014.

Michael Lambert, Project Manager, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

During the public hearing, Mr. Edwin Henderson (Speaker Two) announced that in January 2015, there will be a celebration of the one hundredth anniversary of the first meeting that initiated the creation of the first rural branch of the National Association for the Advancement of Colored People (NAACP).

Following the public hearing, which included testimony by two speakers, Chairman Bulova submitted items for the record.

Supervisor Smyth moved adoption of the Resolution authorizing the conveyance of a conservation easement to the City of Falls Church for the Tinner Hill historic site. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

66. **4 P.M. – PH TO CONSIDER AND AUTHORIZE PARTICIPATION IN A TRUST FUND WITH OTHER VIRGINIA JURISDICTIONS FOR THE PURPOSE OF INVESTING PUBLIC FUNDS** (4:47 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 April 11 and April 18, 2014.

Chairman Bulova announced that this issue has been discussed at Virginia Association of Counties (VACo) and Virginia Municipal League (VML) meetings and provides the County an additional financing tool.

Chris Pietsch, Director, Department of Finance, noted that an updated draft ordinance had been circulated around the dais and proceeded to make a brief presentation regarding the investment option.

Following the public hearing, Supervisor Gross moved approval of the County Executive's recommendation regarding a Joint Exercise of Powers Agreement for the participation in the VIP Trust Fund in cooperation with other jurisdictions in the Commonwealth of Virginia. Supervisor McKay seconded the motion.

Discussion ensued, with input from Mr. Pietsch, concerning long-term investment plans. Supervisor Foust asked unanimous consent that the Board direct staff to provide information concerning:

- What has been done in response to an Audit Committee recommendation
- Additional action to be taken in response to that recommendation

Without objection, it was so ordered.

Discussion continued concerning risk of loss.

Gail P. Langham, Deputy County Attorney, clarified that the requested action is to adopt the Ordinance and approve the Agreement.

Supervisor Gross stated that that was the intent of her motion.

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

67. **4 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, ESTABLISHING THE GREAT MEADOW RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 46 (HUNTER MILL DISTRICT)** (4:53 p.m.)

- (O) (NOTE: On November 19, 2013, the Board held a public hearing regarding this item and deferred decision.)

Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, establishing the Great Meadow RPPD, District 46. The proposed District includes the following streets:

- Great Meadow Drive (Route 5754), from Sunrise Valley Drive to the southern boundary of 11425 Great Meadow Drive, west side only, and from 11425 Great Meadow Drive to Upper Lake Drive, both sides
- Weybridge Lane (Route 5755), from Great Meadow Drive to the cul-de-sac inclusive

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

68. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5, SECTION 32, INITIAL HOOKUP AND TOWING FEE** (4:54 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 April 11 and April 18, 2014.

Henri Stein McCartney, Branch Chief, Regulation and Licensing Branch Department of Cable and Consumer Services, made a brief presentation on the analysis that had been presented to the Board.

Discussion ensued concerning accepted forms of payment, with input from Ms. Stein McCartney and John Burton, Assistant County Attorney, noting that the information could be found in the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) Section 82-5-32 (F)(7d).

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 82 (Motor Vehicles and Traffic), Article 5, Section 32, regarding the initial hookup and towing fee for trespass towing services. The proposed amendments become effective on May 1, 2014. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

69. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:02 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 April 11 and April 18, 2014.

Citizens and businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

There were no speakers for public comment.

**ADDITIONAL BOARD MATTER**

70. **RECOGNITION OF MR. TROY MANOS** (5:02 p.m.)

Chairman Bulova announced that this is the last Board meeting for Mr. Troy Manos of her staff, who will be leaving for graduate school in New York City. She thanked him for his work and wished him well.

**AGENDA ITEMS**

71. **BOARD ADJOURNMENT** (5:03 p.m.)

The Board adjourned.

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