



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 12, 2015**

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 <http://www.fairfaxcounty.gov/bosclerk/main.htm>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 703-324-3903 (TTY).

12-15

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, May 12, 2015, at 9:36 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; Elizabeth Teare, Assistant 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 MATTER1. **MOMENT OF SILENCE** (9:37 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Bill Lauer, who died recently. He was a long time member of the Fairfax community. Among his many contributions to the County, he served on the Governing Board to Prevent and End Homelessness, as a member of the Northern Virginia Building Industry Association (NVBIA), and as the founder of the foundation Devotion to Children (with his wife Rosemary). A memorial service will be held at Saint Marks Catholic Church on Friday, May 15, 2015, at 11 a.m.

Chairman Bulova noted the many contributions by Mr. Lauer.

Supervisor Foust asked everyone to keep in thoughts the people of Nepal and the earthquake that killed more than 8,000 people and injured more than 16,000. He also noted that a second earthquake occurred today. He asked to keep in thoughts members of the County's Fire and Rescue Team that is in Nepal helping with the efforts as well as the amazing Nepalese community located in Northern Virginia.

Supervisor Herrity also asked to keep in thoughts the Fire and Rescue Team members who were scheduled to return to the County this week but will remain in Nepal due to the second earthquake.

Supervisor Smyth asked everyone to keep in thoughts the family of Mr. Bob Warhurst who died on April 29, 2015. He was the co-owner and co-founder of the Merrifield Garden Center. She noted that he will be remembered for his generosity, particularly for charitable causes and community-related projects such as memorial gardens at County schools, parks, and public safety facilities.

AGENDA ITEMS2. **CERTIFICATES OF RECOGNITION PRESENTED TO 2015 LORD AND LADY FAIRFAX HONOREES** (9:45 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognitions presented to the following Lord and Lady Fairfax honorees:

- Lieutenant Colonel John P. McAnaw
- Honorable Katherine K. Hanley

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Cook moved approval of the Certificates of Recognition presented to the following Braddock District Lord and Lady Fairfax honorees:

- Dr. Richard B. Chobot
- Ms. Donna Goldbranson

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

Supervisor Foust moved approval of the Certificates of Recognition for to the following Dranesville District Lord and Lady Fairfax honorees:

- Mr. Robert D. Vickers, Jr. (not present)
- Ms. Sarah C. Kirk (not present)

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

Supervisor Hudgins moved approval of the Certificates of Recognition presented to the following Hunter Mill District Lord and Lady Fairfax honorees:

- Mr. Ken R. Fredgren
- Ms. L. Adelle Jones

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

Supervisor McKay moved approval of the Certificates of Recognition to the presented to the following Lee District Lord and Lady Fairfax honorees:

- Mr. Christopher M. Soule
- Ms. Elizabeth M. McGhan

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

Supervisor Gross moved approval of the Certificates of Recognition presented to the following Mason District Lord and Lady Fairfax honorees:

- Mr. Martin C. Faga
- Ms. Terri L. Fox

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

Supervisor Hyland moved approval of the Certificates of Recognition presented to the following Mount Vernon District Lord and Lady Fairfax honorees:

- Mr. Martin W. Tillett
- Ms. Elisabeth B. Lardner

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

Supervisor Smyth moved approval of the Certificates of Recognition presented to the following Providence District Lord and Lady Fairfax honorees:

- Mr. Paul J. Wexler (not present)
- Ms. Peggy A. Koplitz

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

Supervisor Herrity moved approval of the Certificates of Recognition presented to the following Springfield District Lord and Lady Fairfax honorees:

- Mr. Jeffrey H. Saxe
- Ms. Kyra M. Beckman

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

Supervisor Frey moved a Certificates of Recognition presented to the following Sully District Lord and Lady Fairfax honorees:

- Reverend Dr. Jerrold L. Foltz
- Ms. Bonnie L. Hobbs

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

Chairman Bulova announced that the Lords and Ladies Fairfax will be honored during the Celebrate Fairfax Fair which will be held June 5-7, 2015.

Barry Feil, President and Chief Executive Officer, Celebrate Fairfax, gave brief remarks about the Celebrate Fairfax Fair. More information can be found online at: www.celebratefairfax.com.

3. **RESOLUTION OF RECOGNITION PRESENTED TO DEPUTY FIRE CHIEF MICHAEL T. REILLY** (10:22 a.m.)

Jointly with Supervisor Cook, Supervisor McKay moved approval of the Resolution of Recognition presented to recognize Deputy Fire Chief Michael Reilly, upon his retirement, for his years of service to the County. Supervisor Frey seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MS. WYNNDOLYN BARGE THOMPSON** (10:39 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Ms. Wynndolyn Barge Thompson, upon her retirement, for her years of service to the County. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY 17–23, 2015, AS "EMERGENCY MEDICAL SERVICES WEEK" IN FAIRFAX COUNTY** (10:48 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 17–23, 2015, as "*Emergency Medical Services Week*" in Fairfax County. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Following discussion on the excellent job provided by emergency personnel, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chief Richard Bowers, Fire and Rescue Department, and Battalion Chief, Christopher Tilles, provided an update on the Urban Search and Rescue Team currently assisting in Nepal and reported that they are all safe and currently providing needed rescue and medical services.

6. **PROCLAMATION DESIGNATING MAY 2015 AS "OLDER AMERICANS AND ADULT ABUSE PREVENTION MONTH" IN FAIRFAX COUNTY** (11:06 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2015 as "*Older Americans and Adult Abuse Prevention Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Herrity referenced the Creative Aging Festival to be held this month, and he distributed a flyer around the dais. A link to the complete list of events can be found at: www.fairfaxcounty.gov/olderadults.

7. **PROCLAMATION DESIGNATING JUNE 15–19, 2015, AS "GEORGE MASON UNIVERSITY DIVERSITY SCHOLARSHIP GOLF CLASSIC WEEK" IN FAIRFAX COUNTY** (11:19 a.m.)

Supervisor Cook moved approval of the Proclamation to designate June 15–19, 2015, as "*George Mason University Diversity Scholarship Golf Classic Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING MAY 2015 AS "BREAK THE SILENCE ON OVARIAN CANCER MONTH" IN FAIRFAX COUNTY** (11:28 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate May 2015 as "*Break the Silence on Ovarian Cancer Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING JUNE 2015 AS "FIGHT THE BITE AWARENESS MONTH" IN FAIRFAX COUNTY** (11:39 a.m.)

Supervisor Gross moved approval of the Proclamation to designate June 2015 as "*Fight the Bite Awareness Month*" in Fairfax County. Supervisor Hyland seconded the motion.

Discussion ensued with input from Joshua Smith, Supervisor, Disease Carrying Insects Program, Health Department (HD) and Andrew Lima, Environmental Health Specialist, HD, regarding peak biting times and ways to prevent risk of being bitten by insects. More information can be found online at www.fairfaxcounty.gov/fightthebite/.

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

Nancy Vincent, Director, Department of Human Services, City of Falls Church, discussed mosquito control measures and how they are making a difference in Falls Church through the collaborative efforts with the County.

In response to a query from Chairman Bulova, Mr. Smith noted that the County does not spray for mosquitoes but focuses on Larvae siting and public education as well as surveillance aspects. A brief discussion ensued regarding products for mosquito control.

10. **PROCLAMATION DESIGNATING MAY 18-22 2015, AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (11:50 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 18-22, 2015, as "*Public Works Week*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Supervisor Hyland referred to a sewer back-up in the Hollin Hills neighborhood and noted the assistance provided by staff in helping to resolve the situation and saving two homeowners approximately \$50,000.

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

(NOTE: Later in the meeting, Supervisor Hyland presented a Board Matter regarding the sewer back-up in the Hollin Hills neighborhood. See Clerk's Board Summary Item #22.)

11. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:04 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 May 12, 2015," as distributed around the dais. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Providence District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ANIMAL SERVICES COMMISSION

The Board deferred the appointment of the Mason District Representative.

ATHLETIC COUNCIL

The Board deferred the appointment of the Dranesville District Alternate and Springfield District Alternate Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

The Board deferred the appointment of the Alternate #2, #3, #4, and Design Professional #2 Representatives.

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 Lee and Mount Vernon District Representatives.

COMMISSION ON AGING

The Board deferred the appointment of the At-Large Chairman's Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

The Board deferred the appointment of the At-Large, Lee, Mount Vernon, and Springfield District Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

The Board deferred the appointment of the Springfield District Representative.

ECONOMIC ADVISORY COMMISSION

The Board deferred the appointment of the Lee District Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

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

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Mr. David M. Posner as a Long Term Care Provider Representative

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION
BOARD OF DIRECTORS**

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Nomination of:

- Ms. Molly E. Long as the Braddock District Representative
- Ms. Katherine K. Hanley as the Hunter Mill District Representative
- Ms. Suzette Kern as the Lee District Representative

(The Board is scheduled to take action on these appointments on June 23, 2015.)

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, and the Provider #1 Representatives.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen #10 Representative.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #12 Representative.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Lee District #1 Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

ROAD VIEWERS BOARD

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

SMALL BUSINESS COMMISSION

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #5, #7, and #8 Representatives.

TENANT LANDLORD COMMISSION

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

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the Mason District Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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

WETLANDS BOARD

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

DET:det

12. **ADMINISTRATIVE ITEMS** (12:05 p.m.)

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

Supervisor Gross called the Board's attention to Admin 1 – Authorization to Advertise a Public Hearing on Amendment of the Restated and Amended Upper Occoquan Service Agreement, and noted that, under the proposal, the amendment allows the option of approving and executing the disclosure agreement by an officer of the County without a vote of the Board of Supervisors (BOS). Supervisor Gross asked to amend the motion to add language to Admin 1 providing for notification of the BOS of the action. Following discussion, with input from Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services, regarding incorporating the language, this was accepted.

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

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AMENDMENT OF THE RESTATED AND AMENDED UPPER OCCOQUAN SERVICE AGREEMENT

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See above.)

Authorized the advertisement of a public hearing to be held before the Board on **June 23, 2015, at 4 p.m.**, to consider amending the Restated and Amended Service Agreement with the Upper Occoquan Service Authority (UOSA). The proposed amendments will allow:

- Member jurisdictions the option of participating in a UOSA bond sale as currently done, or cash funding the participant’s share of the capital program
- A responsible officer of a member jurisdiction to execute the disclosure agreements associated with bonds issued by UOSA

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 90-L-045-03, SUNOCO, INCORPORATED (LEE DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Amendment Application SEA 90-L-045-03 to March 25, 2016, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AND A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (SPRINGFIELD AND MASON DISTRICTS)

- (R)
- Adopted a Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Clifton Road from Wolf Run Shoals Road to Maple Branch Road (Springfield District)
 - Directed staff to request the Virginia Department of Transportation (VDOT) to schedule the installation of the approved signs as soon as possible

- Approved the installation of a “Watch for Children” sign on Putnam Street (Mason District)
- Directed staff to schedule installation of the approved measures as soon as possible

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON RAVENSWORTH ROAD (MASON AND BRADDOCK DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 2, 2015, at 4 p.m.**, to consider endorsing Ravensworth Road between Little River Turnpike and Braddock Road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE WEST SPRINGFIELD RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 7 (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 2, 2015, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to consider expanding the West Springfield RPPD, District 7. The proposed District expansion includes Garden Road (Route 1194), from Tuttle Road to the southern property boundary of 6313 Garden Road, east side only, and from Tuttle Road to the southern property boundary of 6312 Garden Road, west side only.

ADMIN 6 – 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>
Chantilly Park	Sully	Lightfoot Street
		Centreville Road (Route 657) (Additional Right-of-Way Only)

ADMIN 7 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE (DOJ), OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE AND OFFICE OF VICTIMS OF CRIME FOR THE HUMAN TRAFFICKING TASK FORCE

Authorized the FCPD to apply for and accept, if received, grant funding in an amount of \$1.2 million, including \$300,000 in local cash match, from the US DOJ, Office of Justice Programs, Bureau of Justice Assistance and Office of Victims of Crime for the Human Trafficking Task Force, to support the Northern Virginia Human Trafficking Task Force. There are three full-time exempt grant positions associated with this award.

13. **A-1 – APPROVAL OF A PROJECT AGREEMENT WITH GEORGE MASON UNIVERSITY (GMU) FOR THE CONSTRUCTION OF A TRANSIT CENTER ON THE GMU FAIRFAX CAMPUS (BRADDOCK DISTRICT)** (12:08 p.m.)

On motion of Supervisor Cook, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a project agreement with GMU for the construction of a transit center on the GMU Fairfax Campus at Sandy Creek Way, Tax Map Number 68-2-((1))-0003, to interconnect GMU transit service with County transit service and other regional transit service providers.

14. **A-2 – APPROVAL OF A LETTER AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION (DOT) AND THE PARK AUTHORITY FOR THE DESIGN MANAGEMENT OF SCOTTS RUN TRAIL (PROVIDENCE DISTRICT)** (12:09 p.m.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and authorize the director of DOT to enter into a letter agreement between the DOT and Park Authority to manage the design of Scotts Run Trail. Supervisor McKay seconded the motion.

Supervisor Smyth, noting concern about tree loss, property lines, and an attached design, with input from Tom Biesiadny, Director, DOT, asked unanimous consent that the Board direct staff to seek community engagement sooner rather than later. Without objection, it was so ordered.

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

15. **A-3 – ENDORSEMENT OF A PREFERRED TRANSIT ALTERNATIVE, AUTHORIZATION OF A COMPREHENSIVE PLAN AMENDMENT TO CONSIDER THE RECOMMENDATIONS OF THE ROUTE 1 MULTIMODAL ALTERNATIVES ANALYSIS, AND DIRECTION TO PROCEED WITH AN ENVIRONMENTAL ASSESSMENT (EA) FOR THE PROJECT (LEE AND MOUNT VERNON DISTRICTS)** (12:11 p.m.)

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

- Endorse the recommendations of the multimodal (roadway, bicycle/pedestrian, and transit) improvements of “Alternative 4 Bus Rapid Transit (BRT)/Metrorail Hybrid,” for implementation, contingent upon supportive land use and an achievable funding plan, as contained in the Resolution adopted by the Route 1 Multimodal Alternatives Analysis Executive Steering Committee in October 2014.
- Authorize an amendment to the Comprehensive Plan to assess and refine the recommendations of the Route 1 Multimodal Alternatives Analysis for the corridor from Huntington to Accotink Village, Fort Belvoir. The Plan amendment will consider:
 - Land use density and mix for the areas within a one-half mile radius of proposed stations in the corridor from Huntington to Accotink Village, Fort Belvoir; corridor wide transportation including transit, pedestrian and bicycle systems; urban design, public facilities, and other elements supportive of BRT.
 - Policy guidance in support of the future extension of Metrorail from the Huntington Metrorail Station to the Hybla Valley Community Business Center.
- Direct staff to proceed with actions necessary to conduct an EA for BRT, and the associated road widening of Route 1, from the Huntington Metrorail Station to Accotink Village, in conjunction with the Virginia Department of Transportation (VDOT) and other appropriate entities; and to initiate design for the road improvement and BRT projects.

Supervisor Hyland seconded the motion.

Supervisor Hyland asked to amend the motion to add the following language to recommendation 2b of the Board Agenda Item dated May 12, 2015:

- Including broad Comprehensive Plan language that supports Metrorail in terms of urban design and grid of streets and anticipates future planning for Metrorail stations

This was accepted.

Discussion ensued concerning:

- The benefits to the Route 1 corridor
- The incredible support the Comprehensive Plan amendment has received
- The importance of multi-modal connectivity throughout the County

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

16. **A-4 – APPROVAL OF A PROJECT FUNDING AGREEMENT WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) FOR THE INNOVATION CENTER METRORAIL STATION PROJECT (DRANESVILLE DISTRICT)** (12:21 p.m.)

(R) On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution authorizing the County Executive or his designee to execute a project funding agreement, in substantial form, with NVTA for \$41 million in funding for the Innovation Center Metrorail Station.

17. **I-1 – CONTRACT AWARD – URBAN LAND INSTITUTE (ULI) CONSULTING SERVICES FOR FIVE-DAY ADVISORY SERVICE PANEL; THREE-DAY ADVISORY SERVICE PANEL; AND ONE-AND-A-HALF-DAY TECHNICAL ASSISTANCE PANEL** (12:23 p.m.)

The Board next considered an item contained in the Board Agenda dated May 12, 2015, announcing that staff is awarding a fee-for-service contract to ULI to conduct, at the discretion of the County, the Five-Day Advisory Service Panel; three-day Advisory Service Panel; and, one-and-a-half-day Technical Assistance Panel, for a period of five years, ending April 30, 2020.

18. **I-2 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-L14-8, VERIZON WIRELESS, 4700 FRANCONIA ROAD, ALEXANDRIA, VA 22310** (12:23 p.m.)

The Board next considered an item contained in the Board Agenda dated May 12, 2015, announcing the PC’s approval of Public Facilities Application 2232-L14-8. The PC noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. The application sought approval to construct a 115-foot tall tree pole telecommunications facility.

EBE:ebe

19. **REQUEST FOR RECOGNITIONS** (12:24 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives from the following organizations to appear before the Board at its meeting on July 28, 2015:

- Election officers who have recently reached the milestone of serving 20 or more elections to receive recognition for their service
- Ellie's Hats to accept a proclamation recognizing September 2015 as "*Childhood Cancer Awareness Month*" in Fairfax County

Without objection, it was so ordered.

20. **STATEWIDE LEGAL FOOD FRENZY** (12:25 p.m.)

Chairman Bulova noted that the Statewide Legal Food Frenzy is an annual campaign led by Virginia's Attorney General which challenges law firms and legal departments around the Commonwealth to raise the most food and money for local food banks. This year, at the request of Cynthia Hudson, Attorney General Mark Herring's Chief Deputy, the County Attorney's Office participated in the challenge for the first time.

The County Attorney's Office collected the equivalent of 20,359 pounds of food for the Capital Area Food Bank and earned fifth overall in the Commonwealth for donations in the Statewide Legal Food Frenzy. They competed against a long list of firms, many of which are much larger than the County Attorney's Office. Chairman Bulova said she is very proud of the level of enthusiasm and competitiveness from staff who devoted their time to this cause and also proud and genuinely touched by the generosity of employees throughout the County who hauled boxes, bags, and cans of food into their offices and those who donated money.

These donations will help countless individuals and families in need of a helping hand throughout Northern Virginia.

Therefore, Chairman Bulova asked that Board Members join her in congratulating the County Attorney's Office on its successful campaign and asked unanimous consent that the Board direct the Office of Public Affairs to share this information with the public. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

21. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING OF MOUNT VERNON COUNTRY CLUB'S SPECIAL EXCEPTION AMENDMENT (MOUNT VERNON DISTRICT)** (12:27 p.m.)

Supervisor Hyland said that the Mount Vernon Country Club, Incorporated, is located at 5111 Old Mill Road, Tax Map Numbers 110-1 ((1)) 3, 4, 13, and 13A. They have filed a special exception amendment application to permit the existing Country Club operations to remain as previously approved, and to also permit a certain amount of cutting and filling in the floodplain that covers a large part of its golf course.

This work is necessary to alleviate drainage problems on the property that have gotten worse over time, in part because two of the drainage ponds have become full of silt. Part of the requested "cutting" will be to dredge these two ponds that no longer are able to hold the amount of water that they were designed to hold. The County often refers to these applications as "fill-in-a-floodplain"; however, if approved as proposed, there will be less material in the floodplain than currently exists today. The result will be that the floodplain will accommodate more floodwater that currently is accommodated.

Therefore, Supervisor Hyland moved that the Board:

- Expedite scheduling of the Board public hearing
- Permit concurrent processing of the site plan associated with this development

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

22. **REQUEST FOR THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) TO EDUCATE THE PUBLIC ABOUT ALTERNATIVES TO REPLACING ORANGEBURG PIPE** (12:29 p.m.)

(NOTE: Earlier in the meeting this issue was discussed. See Clerk's Summary Item #10.)

Supervisor Hyland referenced his earlier comments and written Board Matter regarding a sewer back-up in the Hollin Hills neighborhood.

Supervisor Hyland reiterated the importance that every homeowner know different methods and technologies available to remediate sewer problems.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the DPWES and the Office of Public Affairs to prepare and disseminate information on methods to correct deteriorating or collapsed orangeburg pipe and other common sewer problems, as well as the process to obtain permits for this remediation. Without objection, it was so ordered.

23. **INTENT TO DEFER PUBLIC HEARING** (12:29 p.m.)

Supervisor Hyland announced his intent to defer decision only on:

- Rezoning Application RZ 2013-MV-015
- Proffered Condition Amendment Application PCA 1998-MV-032
- Proffered Condition Amendment Application PCA 1998-MV-033
- Special Exception Amendment Application SEA 81-V-017-02

(NOTE: Later in the meeting the decision only on these public hearings was formally deferred. See Clerk's Board Summary Item #47.)

DET:det

24. **MOTION TO ADOPT THE MAY 2015 QUARTERLY REPORT OF THE AUDITOR OF THE BOARD** (12:30 p.m.)

Supervisor Foust announced that Board Members had received a copy of the report of the Auditor of the Board for May 2015; he noted that there is a two page addendum at the end regarding the County Library Departmental gift fund that was approved at the Audit Committee meeting.

The Audit Report addresses numerous subjects which are listed in Supervisor Foust's written Board Matter.

The following recommendations were made:

Police and Fire Overtime:

- The Police and Fire and Rescue Departments should consider reviewing areas of consistent budget overruns to better align budgeted expenditures with actuals as this practice would result in more accurate line item budgets.
- The Departments should continue to monitor vacancies and other drivers of overtime.

School-Age Child Care (SACC) Fees:

- The Department of Family Services (DFS) codify SACC Rate-Setting Policies and Methodology in its policies and procedures which should then be posted on the Department's website to add consistency and transparency.
- That staff consider the impact of including debt service in the SACC fee-setting methodology. That information should then be provided to the Board for consideration.

In addition, the Audit Committee recommended that the Lines of Business Committee include the Auditor of the Board.

Supervisor Foust moved that the Board:

- Adopt the Auditor of the Board's May 2015 Quarterly Report
- Approve the Audit Committee Work Plan for the upcoming quarter that is attached to his written Board Matter

Chairman Bulova seconded the motion. Supervisor Foust reminded Board Members that if there are any subject areas that they would like added to the work plan those should be given to the Auditor of the Board.

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

25. **REQUEST FOR PUBLIC HEARING DATE CERTAIN FOR THE JLB DULLES TECH PUBLIC HEARING (DRANESVILLE DISTRICT)**
(12:33 p.m.)

Supervisor Foust stated that in December 2013, JLB Dulles Tech submitted applications for the development of a multi-family project on Tax Map 16-3 ((4M)). The associated proffered condition amendment (PCA) application would amend Rezoning Application RZ 79-C-037 to delete 11.6 acres from an industrial-zoned area. The concurrent RZ/Final Development Plan (FDP) would rezone the area from the Medium Intensity Industrial (I-4) District to the Planned Residential Mixed-Use (PRM) District for the development of 460 dwelling units. The concurrent special exception amendment Application (SEA) would modify the on-site stormwater management facility, an impoundment in the floodplain and stream corridor, which was approved in 1985.

The applications were amended in October 2014 to include a concurrent PCA, FDPA, and SEA for adjacent Fairfax County Park Authority (FCPA) land (Tax Map 16-3 ((1)) 5D) to allow the construction of an extension of McNair Farms Drive across the FCPA property and Merrybrook Run from Centreville Road to Dulles Technology Drive, in accordance with Comprehensive Plan recommendations, to help complete a grid street network in the area.

The construction would require the deletion of land area from the FCPA property, which would be dedicated as right-of-way for the road. The southern portion of the existing stormwater management pond would be truncated to allow construction of the road with no impacts to the capacity or functionality of the pond.

This land use case is very complex and has required multiple changes. For more than a year, the applicant has worked diligently and in good faith with County, Park Authority and Virginia Department of Transportation (VDOT) staff as well as all affected parties to resolve various issues associated with the applications.

In recognition of the lengthy process that the applicant had to undertake to date, and in an effort to allow the applicant to proceed with the necessary review of subsequent plans and permits, Supervisor Foust moved that the Board direct staff to schedule a public hearing to be held by the Board on the following applications scheduled for **June 23, 2015, at 3:30 p.m.**:

- Proffered Condition Amendment Application PCA 79-C-037-07
- Rezoning Application RZ 2013-DR-017
- Final Development Plan Application FDP 2013-DR-017
- Special Exception Amendment Application SEA 85-C-119
- Proffered Condition Amendment Application PCA 2002-HM-043
- Final Development Plan Amendment Application FDPA 2002-HM-043-02
- Special Exception Amendment Application SEA 2002-HM-046-02

This action should not be construed as a favorable recommendation by the Board on the applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

(NOTE: Later in the meeting, the tax map number was clarified. See Clerk's Summary Item #58.)

26. **PROCLAIMING JUNE 2015 AS "LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PRIDE MONTH" IN FAIRFAX COUNTY**
(12:37 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust said that the 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.

Supervisor Foust noted that the County has a diverse LGBT community that includes all races, ethnicities, and walks of life. It has organized long-standing and active social, business, professional, sporting, charitable, advocacy, and political groups that contribute to the enrichment of the County.

Therefore, Supervisor Foust moved that the Board direct staff to invite representatives of the LGBT community and their supporters to appear before the Board on June 2 as the Board proclaims June 2015 as “*LGBT Pride Month*,” in Fairfax County. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

27. **LANGLEY HIGH SCHOOL AND LONGFELLOW MIDDLE SCHOOL SCIENCE OLYMPIAD TEAMS (DRANESVILLE DISTRICT)** (12:39 p.m.)

Supervisor Foust congratulated the Langley High School and Longfellow Middle School Science Olympiad Teams on their first place win in their respective Divisions at the 2015 Virginia Science Olympiad State Competition held at Lake Braddock Secondary School on April 11, 2015.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite members of the Langley and Longfellow Science Olympiad teams, along with their parents, coaches, and other school officials to appear before the Board on June 23, 2015, to be recognized for their excellent academic achievement. Without objection, it was so ordered.

A brief discussion ensued, with input from Anthony Castrilli, Director of Public Affairs, regarding the number of presentations scheduled for June 23.

28. **MEETING OF THE VIENNA INTER-JURISDICTIONAL COMMITTEE** (12:40 p.m.)

Supervisor Hudgins announced that it has been some time since the Board’s Inter-jurisdictional Committee with the Town of Vienna has held a meeting; it is due. The Town of Vienna held its election earlier this month and the new Council will take its seats in July. This seems like a good time to get together to discuss issues of mutual concern.

Supervisor Hudgins moved that the Board’s Inter-jurisdictional Committee for Vienna schedule a meeting with the Town Council no later than the end of the year, preferably in September, and that the meeting be held at the County’s new facility, the North County Governmental Center. Chairman Bulova seconded the motion and it carried by unanimous vote.

29. LIVE HEALTH FAIRFAX COMMUNITY DATA DASHBOARD
(12:42 p.m.)

“A healthy community means more than good medical care; it involves giving everyone the opportunity to make healthy choices.”

Supervisor Hudgins announced that this is how the County introduces the Live Healthy Fairfax concept on its YouTube website. Since 2008, the Live Health Fairfax initiative has aimed to transform the community into a place where everyone may lead healthier, more productive lives. The Partnership for a Healthier Fairfax is a diverse coalition that has developed a Community Health Improvement Plan, an action-oriented plan created to address seven priority issues:

- Healthy and Safe Physical Environment
- Active Living
- Healthy Eating
- Tobacco-free Living
- Health Workforce
- Access to Health Services
- Data

At the May 5 Human Services Committee meeting, the committee received a handout pertaining to the Live Health Fairfax Community Data Dashboard which contains hundreds of available community indicators by geographical region, topic, and status. Moreover, it contains hospitalization data, demographic data, disparities data, a health people tracker, and the “SocioNeeds Index.” The data dashboard, found at www.livehealthyfairfax.org/, should be of great interest to Board Members and the community at-large.

The public release of the dashboard will be tomorrow, Wednesday, May 13, at the Partnership for a Healthier Fairfax Quarterly Coalition meeting, from 1:30 p.m. until 3:30 p.m., at the Stacy C. Sherwood Community Center in Fairfax.

Supervisor Hudgins moved that the Board direct the Office of Public Affairs to work with the Health Department to publicize the release of the Live Healthy Fairfax Community Data Dashboard. Chairman Bulova seconded the motion and it carried by unanimous vote.

PMH:pmh

30. **WE THE PEOPLE COMPETITION NATIONAL CHAMPIONS (SULLY DISTRICT)** (12:45 p.m.)

In a joint Board Matter with Supervisor Hudgins, Supervisor Frey announced that students from the eighth grade special civics class at Rachel Carson Middle School have been excelling in *We the People* competitions on the local, regional, and State levels. After qualifying rounds, where the team competed against teams from around the country, the Rachel Carson team brought home the gold at the National Invitationals.

Supervisor Frey asked unanimous consent that the Board direct staff to invite the *We the People* national championship team from Rachel Carson Middle School to appear before the Board to be recognized for its outstanding achievements. Without objection, it was so ordered.

31. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (12:46 p.m.)

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

32. **ANNANDALE TERRACE ELEMENTARY SCHOOL CELEBRATES ITS FIFTIETH ANNIVERSARY (MASON DISTRICT)** (12:46 p.m.)

Supervisor Gross announced that Annandale Terrace Elementary School is celebrating its fiftieth anniversary.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a proclamation or certificate of recognition to be presented at its celebration. Without objection, it was so ordered.

33. **SCHOOL TRANSFER FUNDS** (12:47 p.m.)

Supervisor Cook asked unanimous consent that the Board direct the Department of Management and Budget (DMB) to prepare a fact sheet containing the following information:

- The shortfall projected for the School Budget for Fiscal Year (FY) 2017, to include all projected revenue
- Historical data regarding transfers to the Schools for the last 15-20 years
- Enrollment increases over that period of time

- A record of teacher raises given by the School Board for comparison to the Transfer increases that the Board has provided
- Increases in County General Fund dollars for School services and programs such as School nurses and School Resource Officers (SROs), funded in addition to the transfer

Without objection, it was so ordered.

Following a brief discussion regarding the school transfer, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct DMB to also provide information showing the cost of the County's contribution toward funding for education and for funding additional programs and services in the Schools. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

34. **DOG TETHERING IN THE COUNTY** (12:52 p.m.)

In a joint Board Matter with Supervisor Frey, Supervisor McKay said that at the direction of the Board in January, staff began studying best practices to address the issue of dog tethering in the County.

Animal welfare is important to County residents and tethering can put a dog's health at risk, especially when it limits the dog's access to food, water, or shelter. This is a year-round problem as dogs are subject to heat stress in the summer and hypothermia in the winter.

As it stands, the *Code of Virginia* does not impose any restrictions on the length of time an animal can be tethered. However, several Virginia localities have recently enacted ordinances to address this issue.

Supervisor McKay said that in Richmond, lawmakers voted to prohibit tethering for more than one hour in a 24-hour period. First violations are punished as a Class 3 misdemeanor, with subsequent offenses being Class 2 or Class 1 misdemeanors. Both the Attorney General Animal Law Unit and the Virginia Federation of Humane Societies have cited this ordinance as a model for other jurisdictions to follow.

Therefore, Supervisor McKay moved that the Board direct staff to prepare a proposed ordinance to the Code of the County of Fairfax, similar to that of Richmond, for the Board's review at its Public Safety Committee meeting scheduled for June 9 to limit the length of time a dog can be tethered and include provisions that prohibit keeping unattended animals in vehicles. Supervisor Frey seconded the motion and it carried by unanimous vote.

35. **PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT (PRIIA)**
(12:54 p.m.)

In a joint Board Matter with Supervisor Hudgins, Supervisor McKay said that in 2008, Congress passed PRIIA which authorized \$1.5 billion for the Washington Metropolitan Area Transit Authority (WMATA) between Fiscal Year (FY) 2009 and FY 2018, if the region adopted a dedicated funding source(s) and provided an additional \$1.5 billion to match Federal funds. Virginia, Maryland, and the District of Columbia have all passed the compact amendments required to receive the Federal funding, and the non-federal matches are in place.

The House Appropriations Committee recently released its FY 2016 Transportation, Housing and Urban Development, and Related Agencies funding bill which provides only \$75 million in grants for WMATA (half of what is authorized in PRIIA). Shortly after the funding bill was released, the National Capital Region's House of Representatives delegation released a statement noting its concerns with the proposal. As this money is matched by the three signatory jurisdictions, this effort could actually result in a loss of \$150 million for the system in FY 2016. A loss of this magnitude would be extremely detrimental for the regional transit system. The full House Appropriations Committee is expected to consider this bill on May 13, 2015.

The PRIIA-authorized funding is used to support areas such as addressing safety requirements of the National Transportation Safety Board (NTSB), repairing aging track, investing in new rail cars, fixing broken escalators and elevators, Rehabilitating rail stations and platforms, and replacing the system's oldest Metrorail cars. Reducing this funding is problematic, particularly since these funds are related to improving the systems safety.

The County has a high number of Federal employees who reside within, or travel through, the County to reach their workplace. Further, the majority of County transit riders have vehicles available to them and reduced funding to the system could result in more commuters driving. This would only exacerbate the region's substantial traffic congestion which is already considered among the worst in the nation.

The Board's Recommended Strategies for the 114th Congress (which the Board adopted at its December 2, 2014, meeting) includes a position supporting the continuation of full PRIIA funding for WMATA.

Therefore, Supervisor McKay moved that the Board approve sending the letter as contained in his written Board Matter to the County's Federal delegation expressing the Board's concerns regarding the House Appropriations Committee's proposal to reduce funding for WMATA by \$75 million, and to thank them for their efforts to address this issue. Supervisor Hudgins seconded the motion.

A brief discussion ensued regarding the motion.

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

36. **BUSH HILL ELEMENTARY SCHOOL WILL CELEBRATE ITS SIXTIETH ANNIVERSARY (LEE DISTRICT)** (1:02 p.m.)

Supervisor McKay said that on Saturday, June 13, members of the Bush Hill Elementary School community will celebrate the school's 60 years in the Brookland-Bush Hill neighborhood.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a resolution honoring Bush Hill Elementary School, to be signed by the Chairman and the Lee District Supervisor, for presentation to the school at its June 13 celebration. Without objection, it was so ordered.

37. **RETIREMENT OF MS. MARY McNAMEE (LEE DISTRICT)** (1:03 p.m.)

Supervisor McKay announced that on July 1, Mary McNamee, principal of Lynbrook Elementary School, will retire from Fairfax County Public Schools (FCPS) where she has been a teacher and administrator for the past 20 years.

Supervisor McKay referred to his written Board Matter which outlined Ms. McNamee's many accomplishments.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Ms. McNamee to appear before the Board for recognition on June 23. Without objection, it was so ordered.

38. **CONCURRENT PROCESSING FOR SPECIAL PERMIT APPLICATION SPA 01-S-038 (SPRINGFIELD DISTRICT)** (1:04 p.m.)

Supervisor Herrity said that Fairfax Community Church of God (the applicant) is processing a special permit amendment application for its property located on Braddock Road. The applicant is proposing the construction of an addition that was shown as a second phase of development with the original approval. The applicant spent considerable time with staff attempting to resolve concerns associated with a request for the administrative approval of minor modifications to the building footprint and limits of clearing and grading. Given staff's position that the addition will intensify the use of the property, the applicant has elected to submit an amendment. The amendment was submitted on April 9, 2015.

In the interim, the applicant has asked for the opportunity to process a site plan concurrently with the pending amendment. This request is submitted to facilitate construction of the proposed addition within a reasonable time period.

Therefore, Supervisor Herrity moved that the Board direct the Director of the Department of Public Works and Environmental Services to accept, for concurrent and simultaneous processing, any site plans, architectural drawings or other materials that may be necessary for the construction of improvements proposed in conjunction with Special Permit Amendment Application SPA 01-S-038. Chairman Bulova seconded the motion and it carried by unanimous vote.

39. **REQUEST FOR RECOGNITION FOR MR. BOB CHASE (SPRINGFIELD DISTRICT)** (1:06 p.m.)

Supervisor Herrity announced the retirement of Mr. Bob Chase as the head of the Northern Virginia Transportation Alliance, a position he has held since he founded the organization in 1987.

Supervisor Herrity referred to his written Board Matter which outlined Mr. Chase's many accomplishments and asked unanimous consent that the Board direct staff to invite Mr. Chase to appear before the Board to receive a resolution honoring him for his service to the County and Northern Virginia as the founder and leader of the Northern Virginia Transportation Alliance. Without objection, it was so ordered.

40. **COUNTY'S INFANT TODDLER CONNECTION PROGRAM** (1:07 p.m.)

Supervisor Herrity said that over the last 12 months, his office has been working with a resident of the Springfield District who also owned and operated a children's therapy center which served as a vendor for the County's Infant Toddler Connection program.

Supervisor Herrity referred to his written Board Matter, which outlines issues with billing and invoicing procedures, and moved that the Board direct the County Executive to work with staff from the Community Services Board and the Department of Purchasing and Supply Management to find ways to streamline this process and report their findings. Supervisor Hyland seconded the motion.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to direct staff to also provide additional information to the Board; this was accepted.

A brief discussion ensued regarding the motion and Supervisor Cook asked unanimous consent that the Board direct staff to work with the County Attorney on this issue. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

41. RECESS/CLOSED SESSION (1:12 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. *Surety Trustees, LLC, Substitute Trustee, v. Fairfax County Redevelopment and Housing Authority, the Board of Supervisors of Fairfax County, Eyad El Ramly, and Hamida El Rawashda*, Case No. CL-2015-0002989 (Fx. Co. Cir. Ct.) (Sully District)
 - 2. *Ross A. Fiorani v. Fairfax County Police, Officer Feigleson, Navy Federal Credit Union, Robert Berger, Karen Compher, John Steiner, Kim Lilly, SIA, and Thema Scott*, Civil Action No. 1:15cv291 (E.D. Va.)
 - 3. *Board of Supervisors of Fairfax County and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long*, Record No. 150472 (Va. Sup. Ct.) (Mason District)
 - 4. *Fairfax County v. Matthew Domyancic*, Record No. 2012-14-4 (Va. Ct. App.)
 - 5. *Fairfax County v. Matthew Domyancic*, Record No. 1625-14-4 (Va. Ct. App.)
 - 6. *Fairfax County Government v. Victoria Monroe*, Record No. 1628-14-4 (Va. Ct. App.)

7. *Ian Smith v. Major Thomas Ryan, Lance Guckenberger and John Doe II*, Case No. CL-2014-0001347 (Fx. Co. Cir. Ct.)
8. *Moira Callaghan, Robert Sawicki, Carrie Sawicki, David Okerson, Barbara Okerson, Judith Strother, and Kris Capps v. Fairfax County Board of Supervisors, Fairfax County Park Authority, and Reston Dogs, Inc.*, Case No. CL-2014-0003016 (Fx. Co. Cir. Ct.) (Hunter Mill District)
9. *Wilson Haywood Phillips v. Wayne Brissey, Jane and John Doe, and Fairfax County Park Authority*, Case No. CL-2014-0013890 (Fx. Co. Cir. Ct.)
10. *Patricia Tomasello v. Fairfax County, Virginia*, Case No. 1:15-cv-95 (E.D. Va.)
11. *Betty Whilden v. Juan Romero and County of Fairfax*, Case No. CL-2015-0004778 (Fx. Co. Cir. Ct.)
12. *Hye Shin Kolk v. Ali Abdul Austin, Rapid Response Delivery, Inc., Penske Truck Leasing Corporation, Marques L. Lowry*, Case No. 2014-0015585 (Fx. Co. Cir. Ct.)
13. *Comstock Reston Station Holdings, LC v. Board of Supervisors of Fairfax County, Virginia, and Fairfax County, Virginia*, Case No. CL-2015-0001372 (Fx. Co. Cir. Ct.) (Hunter Mill District)
14. U.S. Environmental Protection Agency (EPA) Request to Show Cause and Continuing Investigation Concerning Line Testing at Various County Department of Vehicle Services (DVS) Sites
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump*, Case No. CL-

2010-0010469 (Fx. Co. Cir. Ct.) (Mount Vernon District)

17. *Commissioner of Highways of Virginia v. Second Holly Knoll Homeowners Association and The Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2012-0018730 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Gary P. Poon and Matthew A. Stevenson v. Fairfax County, Board of Supervisors of Fairfax County, Virginia, and Zoning Administrator of Fairfax County, Virginia*, Case No. CL-2015-0004729 (Fx. Co. Cir. Ct.) (Providence District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Catherine Macorol and Sharon Macorol*, Case No. CL-2015-0001083 (Fx. Co. Cir. Ct.) (Lee District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaqua R. Moon, Victorine N. Moon, and Isabelle B. Moon*, Case No. CL-2015-001460 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Yani Yancey-Foote v. Tony Castrilli, Fairfax County Office of Public Affairs*, Case No. GV15-005300 (Fairfax County General District Court)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Margel S. Prince*, Case No. GV14-024948 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
23. *State Farm Fire & Casualty Company as subrogee of Santos Ramirez v. Daniel V. Holton, Jr.*, Case No. GV15-004265 (Fx. Co. Gen. Dist. Ct.)
24. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge N. Arroyo*, Case No. GV15-004526 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- Discussion of plans related to the security of a governmental facility, as permitted by Virginia Code §2.2-3711(19)

- April 15, 2015, decision of the Board of Zoning Appeals (BZA) on Reston Golf Management, LLC's BZA Appeal Application A 2012-HM-020
- Regional Library Agreement

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

ADDITIONAL BOARD MATTERS

42. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2014-DR-052 (TRINITY LAND LLC) (DRANESVILLE DISTRICT)** (1:13 p.m.)

Supervisor Foust announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Special Exception Application SE 2014-DR-052.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #50.)

43. **ORDERS OF THE DAY** (1:13 p.m.)

Chairman Bulova announced a change in the Orders of the Day. She said that the Board will hold its public hearing on Special Exception Application SE 2014-PR-032 prior to the public hearing on proposed amendments to the Code of the County of Fairfax to adopt a new Chapter 108.1 (Noise Ordinance), repeal Chapter 108 (Noise Ordinance), and repeal Chapter 5 (Offenses), Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance).

DAL/pmh

At 4:03 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

44. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:03 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 Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

45. **AUTHORIZATION TO APPEAL THE BOARD OF ZONING APPEALS (BZA) DECISION ON RESTON GOLF MANAGEMENT, BZA APPLICATION NUMBER A 2012-HM-020** (4:04 p.m.)

Supervisor Hudgins moved that the Board authorize the County Attorney to appeal the BZA's April 15, 2015, decision on Reston Golf Management, LLC's BZA Appeal Application Number A 2012-HM-020, to the Fairfax County Circuit Court as outlined by the County Attorney in closed session. Supervisor Hyland seconded the vote and it carried by unanimous vote.

46. **AUTHORIZATION OF SETTLEMENT OF SURETY TRUSTEES, LLC, SUBSTITUTE TRUSTEE V. FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY, ET AL.** (4:04 p.m.)

Supervisor Frey moved that the Board authorize settlement of *Surety Trustees, LLC, Substitute Trustee v. Fairfax County Redevelopment and Housing Authority, et al.*, Fairfax County Circuit Court Case Number CL-2015-0002989, as outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

47. **3:30 P.M. – DECISION ONLY ON REZONING APPLICATION RZ 2013-MV-015 (VULCAN CONSTRUCTION MATERIALS, LP) (MOUNT VERNON DISTRICT)**

AND

DECISION ONLY ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-MV-032 (FAIRFAX COUNTY WATER AUTHORITY) (MOUNT VERNON DISTRICT)

AND

DECISION ONLY ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-MV-033 (FAIRFAX COUNTY WATER AUTHORITY) (MOUNT VERNON DISTRICT)

AND

DECISION ONLY ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-V-017-02 (FAIRFAX COUNTY WATER AUTHORITY) (MOUNT VERNON DISTRICT) (4:06 p.m.)

(NOTE: On April 28, 2015, the Board held a public hearing regarding these items and deferred decision until May 12, 2015.)

(NOTE: Earlier in the meeting, Supervisor Hyland announced his intent to defer decision on these items. See Clerk's Summary Item #23.)

Supervisor Hyland moved to defer decision on the following applications until **June 2, 2015, at 3 p.m.**, with the record remaining open to receive written testimony:

- Rezoning Application RZ 2013-MV-015
- Resource Protection Area Encroachment Exception #7589-WRPA-001-1
- Water Quality Impact Assessment 7589-WQ-001-1
- Proffered Condition Amendment Application PCA 1998-MV-032
- Proffered Condition Amendment Application PCA 1998-MV-033
- Special Exception Amendment Application SEA 81-V-017-02

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

48. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-PR-041-04 [ESKRIDGE (E&A) LLC] (PROVIDENCE DISTRICT)** (4:09 p.m.)

- (O) The application property is located on District Avenue, Glass Alley, Strawberry Lane, Merrifield Town Center, and Merrifield Cinema Drive, Tax Map 49-3 ((37)) F, J, K, and N.

Mr. Steven F. Teets reaffirmed the validity of the affidavit for the record.

Supervisor Smyth disclosed that she is the Chair of the Mosaic District Community Development Authority (CDA) and that she received the following campaign contributions in excess of \$100 to her re-election campaign:

- Mr. Steven C. Boyle, Edens Limited Partnership
- Mr. William C. Caldwell, Edens Limited Partnership

Supervisor Foust disclosed that he is on the Board of Directors of the Mosaic District CDA.

William O'Donnell, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

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

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2005-PR-041-04, subject to the proffers dated March 20, 2015.
- Modification of the use limitations on corner lots in Section 2-505 of the Zoning Ordinance to permit the building landscaping and sign locations within the Zoning Ordinance sight triangles formed by the streets along the corner lot, as shown on the CDPA/FDPA and as proffered.
- Modification of the private street limitations of Section 11-302 of the Zoning Ordinance.
- Modification of the loading space requirement for multi-family dwelling units and office space in favor of that depicted on the CDPA/FDPA.
- Modification of the transitional screening and a waiver of the barrier requirements between uses within the site zoned PDC and PRM in favor of the treatments depicted on the CDPA/FDPA.
- Waiver of the four foot peripheral parking lot landscaping requirement: north of Parcel G, west of Parcel C and E, and along the southerly and easterly property lines.
- Waiver to locate underground stormwater management facilities for all residential development, subject to Waiver #0561-WPFM-002-3.
- To direct the Director of the Department of Public Works and Environmental Services (DPWES) to approve a modification of the parking geometric standards to allow for 75 degrees angled parking spaces within parking structures.
- Modification of Paragraph 3 of Section 18-201 of the Zoning Ordinance which would require the provisions of further inter-parcel access in addition to that indicated on the CDPA/FDPA.

- To direct the Director of DPWES to approve a modification of the PFM and Paragraph 12 of Section 11-102 of the Zoning Ordinance to allow for the projection, by no more than four percent of stall area, of structural columns into parking stalls in parking structures.
- To direct the Director of DPWES to waive the PFM on-site stormwater detention requirements, in favor of providing stormwater management off-site in the Merrifield Town Center vault.

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

(NOTE: On May 6, 2015, the PC approved Final Development Plan Application FDPA 2005-PR-041-04, subject to the development conditions dated April 7, 2015.)

49. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-DR-057 (STEPHEN C. BRYAN AND SALLY T. BRYAN) (DRANESVILLE DISTRICT)** (4:18 p.m.)

The application property is located at 1318 Rockland Terrace, McLean 22101, Tax Map 31-1 ((1)) 17 D and 18.

Mr. Matthew J. Allman reaffirmed the validity of the affidavit for the record.

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

Mr. Allman 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 a query by Supervisor Foust, Mr. Allman confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated March 26, 2015.

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

Mr. Katai presented the staff and Planning Commission recommendations.

Supervisor Foust moved:

- Approval of Special Exception Application SE 2013-DR-057, subject to the development conditions dated March 26, 2015.
- Waiver of minimum district size to 5.63 acres.

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Hudgins being out of the room.

50. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-DR-052 (TRINITY LAND LLC) (DRANESVILLE DISTRICT)** (4:28 p.m.)

(NOTE: On April 7, 2015, the Board deferred this public hearing until May 12, 2015, at 3:30 p.m.)

Supervisor Foust moved to defer the public hearing on Special Exception Application SE 2014-DR-052 until **June 2, 2015, at 3 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

51. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2013-PR-014 (AUSABLE, LLC) (PROVIDENCE DISTRICT)** (4:29 p.m.)

- (O) The application property is located on the south side of Arlington Boulevard approximately 1,000 feet west of its intersection with Barkley Drive, Tax Map 48-4 ((1)) 44.

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

Mike Van Atta, 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, which included testimony by one speaker, Mr. Van Atta presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2013-PR-014, from the R-1 District to the R-5 District, subject to the proffers dated April 20, 2015.

- Modification of the minimum district size, pursuant to Section 9-610 of the Zoning Ordinance to permit a district size of 3.72 acres.
- Modification of Section 17-201 (3a) of the Zoning Ordinance to construct a service drive across the site and Detail TS-3 of the Public Facilities Manual (PFM) to construct a sidewalk along the service drive to permit the service drive and sidewalk as shown on the GDP.
- Modification of Section 17-201(2) of the Zoning Ordinance to construct a trail along Arlington Boulevard to permit the sidewalk as shown on the GDP.
- Waiver of Section 17-201(4) of the Zoning Ordinance to construct a third lane along Arlington Boulevard.
- Waiver of Section 7-0101.1 of the PFM to provide inter-parcel access.
- Waiver of Section 9-610 of the Zoning Ordinance for the minimum lot width for a corner lot for lots 3 and 11.
- Direct the Director of the Department of Public Works and Environmental Services (DPWES) to immediately accept and process the subdivision and building plans associated with Rezoning Application RZ 2013-PR-014. This expedited processing is at the applicant's risk and does not relieve the applicant from compliance with all applicable ordinances and regulations.

Supervisor Gross and Supervisor Herrity jointly seconded the motion.

A brief discussion ensued regarding plant nurseries and garden centers and land versus business values.

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

52. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SU-070 (GRICELDA FLORES/SUNBEAM FAMILY CHILD CARE) (SULLY DISTRICT)** (4:40 p.m.)

The application property is located at 5815 Stream Pond Court, Centreville 20120, Tax Map 54-3 ((23)) (15) 22 Tax Map 54-3 ((23)) (15) 22.

Ms. Gricelda Flores reaffirmed the validity of the affidavit for the record.

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

Ms. Flores 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. Lynskey presented the staff and Planning Commission recommendations.

Following a query by Supervisor Frey, Ms. Flores confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated April 30, 2015.

Supervisor Frey moved approval of Special Exception Application SE 2014-SU-070, subject to the development conditions dated April 30, 2015. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

53. **ORDERS OF THE DAY** (4:50 p.m.)

Chairman Bulova announced a change in the Orders of the Day and noted that the Board would proceed with the public hearing on Special Exception Application SE 2014-PR-032 followed by the joint public hearing on the proposed Virginia Department of Transportation Six-Year Secondary System Construction Program for Fiscal Years (FYs) 2016 through 2021 and FY 2016 Budget.

54. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX TO ADOPT A NEW CHAPTER 108.1 (NOISE ORDINANCE), REPEAL CHAPTER 108 (NOISE ORDINANCE), AND REPEAL CHAPTER 5 (OFFENSES), ARTICLE 6 (EXCESSIVE SOUND GENERATION IN RESIDENTIAL AREAS AND DWELLINGS ORDINANCE)** (No Time)

(NOTE: Later in the meeting, the public hearing was held. See Clerk's Summary Item #57.)

55. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-PR-032 (VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION VIRGINIA POWER) (PROVIDENCE DISTRICT)** (4:51 p.m.)

The application property is located at 7701 and 7707 Shreve Road, Falls Church, 22043, Tax Map 49-2 ((1)) 151 and 49-2 ((12)) 1 A.

Mr. Greg Riegle reaffirmed the validity of the affidavit for the record.

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

Mr. Riegler 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. Mr. Riegler confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated May 7, 2015.

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

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2014-PR-032, subject to the development conditions dated May 7, 2015.
- Approval of the modification of transitional screening requirements along all boundaries of the site in favor of that shown on the special exception (SE) plat.
- To direct the Director of the Department of Public Works and Environmental Services (DPWES) to approve a modification of 10-year tree canopy requirements in favor of that shown on the SE plat.
- To direct the Director of DPWES to approve a waiver of the tree preservation target requirements in favor of that shown on the SE plat.

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

Supervisor Smyth moved that the Board direct staff, under the lead of the Department of Planning and Zoning (DPZ), to work with electricity providers on exploring better ways to mitigate the impact of power stations on adjoining properties during construction or expansion. Topics would include but not be limited to the following:

- Screening and landscaping to minimize visual impacts
- Undergrounding of transmission and distribution lines
- Use of commercial and industrial areas as alternatives to residential sites for power stations

- Design options to reduce the above ground equipment profiles
- Safety, security, and regulatory issues

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

(NOTE: On March 4, 2015, the PC approved Public Facilities Application 2232-P14-4. The Commission noted that the applications met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*, as amended.)

56. **4 P.M. – JOINT PH ON THE PROPOSED VIRGINIA DEPARTMENT OF TRANSPORTATION SIX-YEAR SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FYs) 2016 THROUGH 2021 AND FY 2016 BUDGET** (5:16 p.m.)

Kenneth Kanownik, Coordination and Funding Division, Department of Transportation (DOT), presented the staff report.

Following the public hearing, Supervisor McKay moved approval of the Secondary System Construction Program for FYs 2016 – 2021, Attachment 1, the FY 2016 Budget, and the Resolution as contained in Attachment 2 of the Board Agenda Item dated May 12, 2015. Supervisor Foust seconded the motion.

Following comments by Chairman Bulova, the question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

57. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX TO ADOPT A NEW CHAPTER 108.1 (NOISE ORDINANCE), REPEAL CHAPTER 108 (NOISE ORDINANCE), AND REPEAL CHAPTER 5 (OFFENSES), ARTICLE 6 (EXCESSIVE SOUND GENERATION IN RESIDENTIAL AREAS AND DWELLINGS ORDINANCE)** (5:23 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 April 24 and May 1, 2015.

Lorrie Kirst, Senior Deputy Zoning Administrator, Department of Planning and Zoning (DPZ), presented the staff report.

Following testimony of Ms. Sheila Casey (Speaker 1), discussion ensued regarding when commercial lawn mowers were permitted versus when they were forbidden,

with input from Ms. Kirst, Ellison Perry, Code Compliance, Department of Public Works and Environmental Services, and Leslie Johnson, Zoning Administrator, DPZ.

Following testimony of Mr. Keith Elgin (Speaker 3), discussion ensued regarding whether a permit or variance would allow noise restrictions to be exceeded for a given event, with input from Ms. Kirst and Ms. Johnson.

Following a question by Supervisor Gross, discussion ensued with input from Cynthia A. Bailey, Senior County Attorney, regarding Federal Religious Land Use and Institutionalized Persons Act (RLUIPA) restrictions.

Following testimony of Dr. Jesse Garcia (Speaker 17), discussion ensued regarding the possibility of re-locating dumpsters.

Following testimony of Ms. Robyn Witschey (Speaker 20), discussion ensued with input from Ms. Johnson, regarding the number of dogs allowed on a five acre lot.

Following testimony of Mr. Desmond O'Rourke (Speaker 24), discussion ensued regarding the issue of amplified sound, primarily at high schools. Supervisor Cook asked unanimous consent that the Board direct staff to invite the School Board to attend a Development Process Committee meeting to discuss the issue. Without objection, it was so ordered.

Supervisor Hudgins stated that she was submitting statements for the record submitted by the Reston Association.

Following the public hearing, which included testimony by 30 speakers, Supervisor Frey moved that the Board defer decision on the adoption of the following proposed amendments to the Code of the County of Fairfax:

- Adoption of a new Chapter 108.1 (Noise Ordinance)
- Repeal of Chapter 108 (Noise Ordinance)
- Repeal of Chapter 5 (Offenses), Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance)

until **June 23, 2015, at 3 p.m.**, to allow the Board additional time to consider the testimony presented today and to continue to address issues that will be raised at the Development Process Committee meeting scheduled for June 9. Chairman Bulova seconded the motion.

Supervisor Foust moved to amend the motion to defer this issue until September 22. This motion was not seconded.

Discussion ensued regarding the deferral of the decision.

Supervisor Gross asked unanimous consent that the Board direct staff to report as to why violations listed in the ordinance regarding dog parks are a criminal penalty as opposed to a civil penalty, and what could be done to make the penalty only a civil penalty. Without objection, it was so ordered.

Discussion ensued regarding noise ordinance issues.

Supervisor Herrity asked unanimous consent that the Board direct staff to report with information regarding the legality of having different decibel levels for athletic competition versus practices. Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the Board direct the Park Authority to report on how it sites dog parks. Without objection, it was so ordered.

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

ADDITIONAL BOARD MATTER

58. **CLARIFICATION OF A TAX MAP NUMBER REGARDING A DATE CERTAIN FOR THE JLB DULLES TECH PUBLIC HEARING (DRANESVILLE DISTRICT)** (8:20 p.m.)

(NOTE: Earlier in the meeting, action was taken regarding a request for a public hearing by JLB Dulles Tech. See Clerk's Summary Item #25.)

Supervisor Foust noted that earlier in the meeting he had presented a Board Matter requesting a date for a public hearing on properties submitted for development of a multi-family project by JLB Dulles Tech. He clarified for the record that the correct Tax Map Number is 16-3 ((1)) 4M.

59. **BOARD ADJOURNMENT** (8:20 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-7
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	7-11
Items Presented by the County Executive	
Administrative Items	11-13
Action Items	14-16
Information Items	16
Board Matters	
Chairman Bulova	16-17
Supervisor Hyland	17-19, 33-34
Supervisor Foust	19-22, 43
Supervisor Hudgins	22-23, 25
Supervisor Frey	23, 25
Supervisor Smyth	24
Supervisor Gross	24
Supervisor McKay	25-27
Supervisor Herrity	25-27
Supervisor Smyth	27-28
Actions from Closed Session	32-33
Public Hearings	35-43