



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

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

**TUESDAY  
September 22, 2015**

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**16-15**

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**DET:det**

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, September 22, 2015, at 9:05 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 Patrick S. Herrity, Springfield District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 9:13 a.m.

Supervisor Penelope A. Gross, Mason District, arrived at 11:09 a.m.

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; Ekuia Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

**BOARD MATTERS**1. **ORDERS OF THE DAY** (9:06 a.m.)

Chairman Bulova announced that today's meeting was beginning early because of a presentation on the inauguration of the Text to 9-1-1 launch.

2. **MOMENT OF SILENCE** (9:06 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family of Mr. Robert Simon who died yesterday at the age of 101. He had a zest for life, an enthusiasm and the curiosity of a child; the founder of Reston, he made tremendous contributions to this community and will be greatly missed. She noted that there will be a celebration of his life in April.

(NOTE: Later in the meeting there was an additional tribute regarding Mr. Simon. See Clerk's Summary Item #74.)

Supervisor Cook asked everyone to keep in thoughts the family of Mr. Henry Cullerton, who died last week. He was the former Braddock District citizen of the year. He was also part of the King's Park revitalization team and very involved in the community.

Chairman Bulova asked everyone to keep in thoughts the family of Ms. Suzanne Harsel who recently died. Ms. Harsel served on the Planning Commission, first as the Braddock District Commissioner then as the Chairman's At-Large Commissioner.

3. **HIGH DEFINITION (HD) TELEVISION** (9:09 a.m.)

Chairman Bulova announced that Board meetings are now broadcasting in HD.

**AGENDA ITEMS**4. **PRESENTATION AND ROLLOUT OF TEXT TO 9-1-1** (9:10 a.m.)

Steve Souder, Director, Department of Public Safety Communications, presented the rollout of Text to 9-1-1 including various community outreach items as well as a brief public service announcement.

Discussion ensued concerning the use of text versus voice: "Call if you can; text if you can't." It was noted that the texting of photographs and videos will be the next generation and require a new network.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO COUNTY RESIDENTS AND BUSINESSES** (9:30 a.m.)

Supervisor McKay moved approval of the Certificates of Recognition presented to residents and businesses that have made properties available to the County's public safety personnel for training which benefits all County residents. Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Smyth being out of the room, Supervisor Gross not yet having arrived.

6. **PROCLAMATION DESIGNATING OCTOBER 2015 AS "DISABILITY EMPLOYMENT AWARENESS MONTH" IN FAIRFAX COUNTY** (9:38 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 2015 as "*Disability Employment Awareness Month*" in Fairfax County and urged all residents to recognize the achievements that individuals with disabilities contribute to the workplace. Supervisor Cook seconded the motion.

Chairman Bulova noted that there had been a celebratory reception earlier this morning commemorating the occasion. Supervisor Cook asked unanimous consent that the Board direct staff to provide information concerning the number of County employees who have requested ADA. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor Gross not yet having arrived.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO SANTA'S RIDE HELPERS** (9:53 a.m.)

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved approval of the Certificates of Recognition presented to those whose efforts over the years have contributed to the success of Santa's Ride in partnership with the Fairfax County Police Motor Squad and local public safety agencies. Acting-Chairman Hyland seconded the motion and it carried by a vote of eight, Supervisor Herrity being out of the room, Supervisor Gross not yet having arrived.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

8. **RESOLUTION OF RECOGNITION PRESENTED TO MS. MARY McNAMEE (LEE DISTRICT)** (10:02 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Ms. Mary McNamee for 20 years of exemplary dedication and service as a teacher and principal at Lynbrook Elementary School. Supervisor Hyland

seconded the motion and it carried by a vote of nine, Supervisor Gross not yet having arrived.

9. **PROCLAMATION DESIGNATING SEPTEMBER 2015 AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY** (10:13 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate September 2015 as "*Hispanic Heritage Month*" in Fairfax County and urged all residents to join in recognizing the contributions of members of the Hispanic-American community in the County and throughout the United States. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Gross not yet having arrived.

10. **RESOLUTIONS OF RECOGNITION PRESENTED TO STATE SENATOR TODDY PULLER AND DELEGATE THOMAS RUST** (10:26 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to State Senator Toddy Puller for her distinguished and noteworthy service to the County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Gross not yet having arrived.

Supervisor McKay moved approval of the Resolution of Recognition presented to Delegate Thomas Rust for his distinguished and noteworthy service to the County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Gross not yet having arrived.

Discussion ensued concerning the many contributions State Senator Puller and Delegate Rust have made on behalf of the County.

11. **RESOLUTION OF RECOGNITION RECOGNIZING THE FAIRFAX CONNECTOR; SEPTEMBER 21-25, 2015, AS "TRY TRANSIT WEEK" AND SEPTEMBER 22, 2015, AS "WORLD CAR FREE DAY"** (10:52 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition recognizing the thirtieth anniversary of the Fairfax Connector bus service, September 21-25, 2015, as "*Try Transit Week*" and September 22, 2015, as "*World Car Free Day*," and urged all residents to "rethink your commute" and take advantage of the numerous transportation options available in the County. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Gross not yet having arrived.

Tom Biesiadny, Director, Department of Transportation, noted that the official anniversary of the Fairfax Connector bus service is next Tuesday, September 29, and on that day free rides will be offered.

12. **RESOLUTION OF RECOGNITION PRESENTED TO NV RIDES AND ITS PARTNERS** (11:09 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition recognizing NV Rides and its partners for the transportation services it provides for older adults. Supervisor Foust seconded the motion.

Following discussion concerning the need for volunteers to expand services, the question was called on the motion and it carried by unanimous vote.

PMH:pmh

13. **10:30 A.M. – PH ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2015 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2016 REVISED BUDGET PLAN** (11:25 a.m.)

(SAR)  
(FPR)

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 September 4 and September 11, 2015.

Following the public hearing, which included testimony by five speakers, and with input from Edward L. Long Jr., County Executive, Chairman Bulova referred to earlier testimony regarding SMART 911 and requested Mr. Long to comment.

Mr. Long referred to issues that need to be monitored and added that SMART 911 is not ready to move forward at this time. He added that staff would monitor the situation and report with additional information at a later time.

Chairman Bulova said that at Carryover, the Board closes out one fiscal year and makes the first changes to the new fiscal year. As always, and consistent with Virginia law which prohibits local governments from operating in a deficit, we have a positive balance with which to make these changes. FY 2015 ended with a revenue balance of less than one percent of the General Fund Revenues. The year-end balance also consists of savings achieved through operations that have been put back into the General Fund.

In this package, the Available Balance, after encumbrances and unencumbered carryover, is \$46.91 million. The County Executive has first covered Critical Requirements, items that the Board has directed he address as part of Carryover. These items include priorities such as:

- \$13.1 million to the School's Sinking Fund for Infrastructure Replacement and Upgrades
- \$2 million for the World Police and Fire Games; plus an additional \$1 million from the Commonwealth of Virginia in support of the Games

- \$1.5 million for the final year of County contributions to be used, in partnership with the School system, for installing artificial turf on high school fields. This is consistent with the County/Schools Turf Field Task Force

The package also honors the Board's commitment to increase the Managed Reserve and Revenue Stabilization Fund in support of maintaining the County's triple-AAA Bond Rating.

A number of other critical Board Priorities are funded in the package, in particular \$800,000 to address mental health needs through the addition of a second Mobile Crisis Unit and \$650,000 to support prevention efforts in the community. The Mobile Crisis Unit funding supports the Board's commitment to developing a Diversion First program to provide treatment instead of incarceration for individuals who are mentally ill and commit minor crimes.

After funding these items the remaining balance of \$5.96 million is set aside to assist with funding nonrecurring items during development of the next fiscal year.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Carryover package including Supplemental Appropriation Resolution (SAR) AS 16009 and Amendment to the Fiscal Planning Resolution (FPR) AS 16900.

This approval includes the *FY 2015 Carryover Review* package as presented on July 28, 2015, which resulted in an available **non-recurring balance of \$6.16 million** as well as the following two adjustments:

1. One-time funding in the amount of \$100,000 to support a feasibility study and preliminary design for a community athletic field in the Hybla Valley area. The addition of a public athletic field near the Murraygate Apartments will provide an additional option in an area that currently has a limited number of recreational facilities.
2. Funding in the amount of \$83,000 for the Fire and Rescue Department (FRD), including \$20,000 for the Functional Movement Screening program to prevent injuries, \$28,000 to allow FRD uniformed personnel to use the County's RECenters to maintain their health and physical fitness, and \$35,000 to purchase flu shot serum for FY 2017 in order to reduce the use of sick leave and the associated overtime associated with backfilling positions. As these amounts are recurring funding needs, the County Executive is directed to include this funding in the FY 2017 Advertised Budget Plan. With these and associated reserve adjustments, the remaining balance to be set aside in reserve for one-time FY 2016 and FY 2017 requirements is approximately

**\$5.96 million.** Based on forecasts for FY 2016 revenues and the FY 2017 budget to be developed this Fall, it is important that as much of this Carryover balance as possible be reserved for one-time funding requirements in FY 2016 or FY 2017.

Based on the success of the Opportunity Neighborhoods (ON) initiative in the Mount Vernon area, the Carryover package includes funding - as part of the Prevention Incentive Fund - to begin the collaborative planning process which will include an assessment to expand the ON program to Reston. It is anticipated that this assessment will be completed so that any additional funding requirements needed to implement the program can be identified for potential inclusion in the FY 2017 budget.

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

Chairman Bulova referred to the FY 2017 Budget Guidance and moved the following two items for Board Consideration:

1. Beginning in FY 2008, the Board has taken actions during several fiscal years to reduce the Social Security offset for service-connected disability retirements from 64 percent to its current level of 15 percent. To continue this graduated approach and maintain the Board's commitment to impacted employees, the County Executive is directed to include funding, beginning in the FY 2017 Advertised Budget Plan, to continue to reduce the offset by 5 percent over the next three fiscal years until the offset is eliminated. Consistent with the Board's policy for pension funding, each year's funding will include a one-time component (estimated at \$1.6 million each year) to address the actuarial accrued liability created by the change as well as the recurring funding (estimated at \$28,750 per year) associated with the required change in the employer contribution rate.
2. Additionally, public safety employees continue to be impacted by the two-year step hold that exists at Step 8 in the four public safety compensation plans. Elimination of the Step 8 hold will allow for more consistent merit increment increases during an employee's career and will still maintain the 20-year career progression through the public safety pay scales. Therefore, the County Executive is directed to include funding to eliminate the Step 8 hold in the FY 2017 Advertised Budget Plan. As merit increases are awarded on employees' anniversary dates, only partial-year funding - estimated at \$550,000 - would be required in FY 2017; full-year costs are projected to be \$1.1 million.

Following a brief discussion regarding the motion, the question was called and it carried by unanimous vote.

EBE:ebe

14. **10:40 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:11 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 September 22, 2015,” as distributed around the dais. Supervisor Foust and Supervisor McKay jointly 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 Braddock, Lee, and Providence District Representatives.

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

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

Confirmation of:

- Ms. Donna Pesto as the Department of Planning and Zoning Representative
- Mr. Hossein Malayeri as the Department of Housing and Community Development Representative

**AIRPORTS ADVISORY COMMITTEE**

Appointment of:

- Mr. Andrew Martin Concannon as the Mason District Representative

Confirmation of:

- Ms. Julie Jones as the League of Women Voters Representative



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

The Board deferred the appointment of the At-Large #4 Representative.

**ANIMAL SERVICES ADVISORY COMMISSION**

The Board deferred the appointment of the Mason District Representative.

**ARCHIECTURAL REVIEW BOARD**

Reappointment of:

- Mr. Robert Mobley as the Related Professional Group #1 Representative

The Board deferred the appointment of the Related Professional Group #3 and #6 Representatives.

**ATHLETIC COUNCIL**

Reappointment of:

- Mr. Stephen McLaughlin as the Providence District Principal Representative

The Board deferred the appointment of the Mason District Alternate and Sully District Principal Representatives.

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

Reappointment of:

- Mr. Brett Kenney as the Mount Vernon District Representative

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

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

**CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS**

The Board deferred the appointment of the At-Large #3 and #4 Representatives.

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

Reappointment of:

- Mr. James C. Chesley as the At-Large #2 Representative
- Mr. Frank Crandall as the Dranesville District Representative
- Mr. Howard Green as the Hunter Mill District Representative
- Mr. Grant Sitta as the Mason District Representative
- Ms. Gloria Bannister as the Mount Vernon District Representative
- Mr. David Schnare as the Springfield District Representative

The Board deferred the appointment of the At-Large #1, Braddock, Lee, Providence, and the Sully District Representatives.

**CHILD CARE ADVISORY COUNCIL**

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

**COMMISSION FOR WOMEN**

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

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

Appointment of:

- Ms. Susan V. Infeld as the At-Large Representative

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

**COMMUNITY ACTION ADVISORY BOARD (CAAB)**

The Board deferred the appointment of the Sully District Representative.

**CONSUMER PROTECTION COMMISSION**

Appointment of:

- Mr. Adam Samuel Roth as the Fairfax County Resident #13 Representative

The Board deferred the appointment of the Fairfax County Resident #7 and #12 Representatives.

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**

Reappointment of:

- Ms. Joy Marlene Bryan as the Lee District Representative
- Mr. Adam Samuel Roth as the Providence District Representative

The Board deferred the appointment of the At-Large, Braddock, Springfield, and Sully District Representatives.

**ECONOMIC ADVISORY COMMISSION**

Appointment of:

- Mr. Justin Mark Brown as the Lee District Representative

**ENGINEERING STANDARDS REVIEW COMMITTEE**

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

**FAIRFAX AREA DISABILITY SERVICE**

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

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**

Confirmation of:

- Ms. Rikki Epstein as the Advocacy Organization #1 Representative
- Ms. Kathleen Cameron as the Advocacy Organization #4 Representative

- Ms. Dawn Kaye as Long Term Care Providers #2 Representative
- Ms. Christine Clark as Long Term Care Providers #6 Representative
- Ms. Nancy Commisso as Long Term Care Providers #9 Representative
- Ms. Joan Thomas as Long Term Care Providers #15 Representative
- Ms. Diane Poldy as Long Term Care Providers #20 Representative
- Ms. Melanie Rochan Bush as Long Term Care Providers #22 Representative
- Ms. Renuka Chander as Long Term Care Providers #23 Representative
- Mr. Marc Jacob as Long Term Care Providers #24 Representative
- Ms. Nancy Fiedelman as Long Term Care Providers #25 Representative

#### **FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION**

The Board deferred the appointment of the Sully District Representative.

#### **FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

The Board deferred the appointment of the At-Large #1 Chairman's and Mason District Representatives.

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

The Board deferred the appointment of the Sully District Representative.

#### **HEALTH SYSTEMS AGENCY BOARD**

Reappointment of:

- Ms. Batul N, Alsaigh as the Consumer #5 Representative
- Mr. Dave Lucas as the Provider #2 Representative

The Board deferred the appointment of the Consumer #3, #4, and #6 Representatives.

**HISTORY COMMISSION**

Reappointment of:

- Ms. Esther McCullough as the Citizen #10 Representative

**HUMAN RIGHTS COMMISSION**

The Board deferred the appointment of the At-Large #1, #3, and #10 Representatives.

**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)**

Confirmation of:

- Mr. John Hanks as the Federation of Citizens Associations Representative

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

The Board deferred the appointment of the At-Large Chairman's, Braddock, 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 Condo Owner, and the Tenant Member #2 and #3 Representatives.

**TREE COMMISSION**

The Board deferred the appointment of the Springfield District Representative.

**TRESPASS TOWING ADVISORY BOARD**

Reappointment of:

- MPO Steve Lescallett as the Citizen Alternate Representative

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

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

**WETLANDS BOARD**

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

**DET:det**

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

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

Supervisor Gross called the Board's attention to Admin 3 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care), Regarding Cruelty to Animals, Including Dog Tethering. Discussion ensued, with input from John W. Burton, Assistant County Attorney, concerning the City of Richmond's dog tethering ordinance.

Supervisor Cook called the Board's attention to Admin 6 – Board Approval of the Distribution of Plain English Explanations for the 2015 County Bond Referendums for Improvements to Public Schools and Public Safety Facilities. Discussion ensued, concerning the explanation of the referendum question of the school bond, with input from Erin C. Ward, Senior Assistant County Attorney; Joe LaHait, Debt Coordinator, Department of Management and Budget; Edward L. Long Jr., County Executive; and Katherine Hanley, Secretary, Electoral Board.

Supervisor Smyth called the Board's attention to Admin 8 – Supplemental Appropriation Resolution (SAR) AS 16060 for the Economic Development Authority (EDA) to Accept Grant Funding from the Commonwealth of Virginia – Commonwealth Development Opportunity Fund (COF) for Navy Federal Credit Union. Discussion ensued, with input from Rodney Lusk, Director, National Marketing, EDA, concerning improvements to the intersection of Cedar Lane and Electric Avenue, and Chairman Bulova, concerning the COF.

Supervisor Smyth called the Board's attention to Admin 11 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Alternative Lending Institutions and asked to amend Section 4-705 as follows:

- A. “When such use is located on a lot that is not in a Commercial Revitalization District” **or a Commercial Revitalization Area.**

Following discussion, with input from Elizabeth Teare, Deputy County Attorney, regarding the advertisement, 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 – APPROVAL OF TRAFFIC CALMING MEASURES, “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SPRINGFIELD AND BRADDOCK DISTRICTS)**

- (R)
- Endorsed a traffic calming plan for Middle Ridge Drive consisting of the following:
    - Five speed tables on Middle Ridge Drive (Springfield District)
  - Adopted a Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on the following streets:
    - Lake Braddock Drive from Burke Road to Burke Lake Road (Braddock District)
    - Olley Lane from Lake Braddock Drive to Guinea Road (Braddock District)
  - Authorized the installation of “Watch for Children” signs on Twinbrook Road
  - Directed staff to schedule the installation of the approved traffic calming measures and “Watch for Children” signs as soon as possible
  - Directed staff to request that the Virginia Department of Transportation (VDOT) install the approved “\$200 Fine for Speeding” signs as soon as possible

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE BRADDOCK GREEN COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)**

(A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2015, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Braddock Green CPD (Braddock District). The proposed District includes the following streets:

- Braddock Green Court (Route 7752), from Braddock Road frontage to the cul-de-sac end
- Braddock Road frontage, from Braddock Green Court south to the end

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41.1 (ANIMAL CONTROL AND CARE), REGARDING CRUELTY TO ANIMALS, INCLUDING DOG TETHERING**

(A) (NOTE: Earlier in the meeting, this item was discussed. See page 14.)

Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2015, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care), regarding cruelty to animals, including dog tethering.

**ADMIN 4 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, LEE, MASON, AND MOUNT VERNON DISTRICTS)**

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

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Bracken Place	Dranesville	Tackroom Lane
The Preserve at Scotts Run	Dranesville	Scotts Run Road Preserve Crest Way
JCE/Burgundy Woods	Lee	Hatcher Street Tennessee Drive



<u>Subdivision</u>	<u>District</u>	<u>Street</u>
JCE/Burgundy Woods	Lee	Burgundy Road (Route 1674) (Supplemental Right-of-Way only)
Rose Hill Reserve	Lee	Wayside Place  Basha Court
Woodland Palace	Mason	Woodpalace Court
Ferry Landing Preserve	Mount Vernon	Ferry Hall Court

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE HIGHLAND STREET/BACKLICK ROAD/AMHERST AVENUE PEDESTRIAN INTERSECTION IMPROVEMENTS PROJECT (LEE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2015, at 4:30 p.m.**, on the acquisition of certain land rights necessary for the construction of the Highland Street/Backlick Road/Amherst Avenue pedestrian intersection improvements project (Lee District).

**ADMIN 6 – BOARD APPROVAL OF THE DISTRIBUTION OF PLAIN ENGLISH EXPLANATIONS FOR THE 2015 COUNTY BOND REFERENDUMS FOR IMPROVEMENTS TO PUBLIC SCHOOLS AND PUBLIC SAFETY FACILITIES**

(NOTE: Earlier in the meeting, this item was discussed. See page 14.)

Authorized the preparation and printing of plain English statements for County bond referendums for improvements to public schools and public safety facilities.

**ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 16063 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) FOR THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT**

- (SAR) Approved SAR AS 16063 for FRD to accept grant funding in the amount of \$3,721,788 from DHS for the SAFER grant program. Funding will support 18

full-time exempt merit firefighter medic positions for a two year period. There is no local cash match directly associated with accepting the grant funds; however, costs associated with training, equipment, and overtime are not covered by the grant and must be funded by the County.

**ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 16060 FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO ACCEPT GRANT FUNDING FROM THE COMMONWEALTH OF VIRGINIA – COMMONWEALTH DEVELOPMENT OPPORTUNITY FUND (COF) FOR NAVY FEDERAL CREDIT UNION**

(SAR) (NOTE: Earlier in the meeting, this item was discussed. See pages 14-15.)

Approved SAR AS 16060 for the EDA to accept grant funding in the amount of \$1 million to convey to Navy Federal Credit Union as the State portion of the grant. No local cash match is required. The County will provide transportation improvements in the Providence District. Transportation improvements identified for the COF match are already planned and funded within the County's Department of Transportation and will not require any additional County funding.

**ADMIN 9 – AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS (DPSC) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE COMMONWEALTH OF VIRGINIA E-911 SERVICES BOARD PUBLIC SAFETY ANSWERING POINT (PSAP) GRANT PROGRAM**

Authorized DPSC to apply for and accept grant funding, if received, in the amount of \$1,225,000 from the Commonwealth of Virginia E-911 Services Board PSAP grant program. Funding will be used to procure services from a vendor to supply Next Generation 9-1-1 (NG9-1-1) call routing network and functional capabilities to support Northern Virginia PSAP jurisdictions in a transition from the legacy network onto the NG9-1-1 network. All projects will be implemented in accordance with the program guidance documents. No new positions will be created with this grant and no local cash match is required.

**ADMIN 10 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 107 (PROBLEM SOILS), RELATED TO THE EXTENT OF NATURALLY OCCURRING ASBESTOS (NOA)**

(A) Authorized the advertisement of a public hearing to be held before the Planning Commission on October 15, 2015, at 8:15 p.m., and before the Board on **November 17, 2015, at 3:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 107 (Problem Soils), related to the extent of NOA.

**ADMIN 11 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ALTERNATIVE LENDING INSTITUTIONS**

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

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on October 21, 2015, at 8:15 p.m., and before the Board on **November 17, 2015, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding alternative lending institutions.

**ADMIN 12 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT FUNDING FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (VDBHDS) FOR CRIMINAL JUSTICE DIVERSION PROGRAMS USING THE SEQUENTIAL INTERCEPT MODEL**

Authorized the CSB to apply for and accept funding, if received, from DBHDS for Criminal Justice Diversion Programs. Funding in the amount of \$185,000 per year for two years, for a total of \$370,000, will provide diversion interventions at the magistrate level and within the court system to approximately 300 individuals per year. Funding will support two full-time exempt new grant positions, including one full-time exempt MH/ID/ADS Senior Clinician and one full-time exempt Administrative Assistant III, as well as contracted peer support services, evaluation services, and information technology (IT) equipment. No local cash match is required to accept this award.

**ADMIN 13 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR GRANT FUNDING FROM THE NATIONAL HIGHWAY SAFETY ADMINISTRATION (NHTSA) THROUGH THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) DRIVING WHILE INTOXICATED (DWI) ENFORCEMENT INITIATIVE**

Authorized the FCPD to apply for grant funding from the NHTSA through the Virginia DMV in the amount of \$2,209,753, including \$552,436 in local cash match. Funding will support nine full-time exempt new merit police officer positions for the FCPD DWI Enforcement team.

DAL:dal

16. **A-1 – APPROVAL OF A DRAFT BOARD MEETING SCHEDULE FOR CALENDAR YEAR 2016** (12:31 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the draft meeting schedule for January through December 2016.

17. **A-2 – PRESENTATION OF THE DELINQUENT TAX LIST FOR TAX YEAR 2014 (FISCAL YEAR 2015)** (12:32 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized staff to:

- Continue to pursue the collection of delinquent taxes found in Attachment A, and continue collection of non-tax delinquencies
- Remove certain small uncollectable overdue accounts listed in Attachments D and E of the Board Item, pursuant to *Virginia Code* Section 58.1-3921

18. **A-3 – APPROVAL OF STANDARD PROJECT AGREEMENTS (SPAs) WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR US ROUTE 1 (RICHMOND HIGHWAY) WIDENING (MOUNT VERNON MEMORIAL HIGHWAY TO NAPPER ROAD) (MOUNT VERNON AND LEE DISTRICTS)** (12:33 p.m.)

(R) On motion of Supervisor McKay, seconded by Supervisor Hyland, 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 Director of the Department of Transportation to execute standard project agreements, in substantial form, with NVTA for \$1 million in funding to support the Richmond Highway Widening project and with VDOT to implement the same project.

19. **A-4 – APPROVAL OF STANDARD PROJECT AGREEMENTS (SPAs) WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR FRONTIER DRIVE EXTENSION (LEE DISTRICT)** (12:33 p.m.)

(R) On motion of Supervisor McKay, seconded jointly by Supervisor Gross and Supervisor Hyland, 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 Director of the Department of Transportation to execute standard project agreements, in substantial form, with NVTA for \$2 million in funding to support the Frontier Drive Extension project and with VDOT for \$5 million to implement the same project.

20. **A-5 – ENDORSEMENT OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY'S (MWAA) IMPLEMENTATION OF THE OLD MEADOW ROAD REALIGNMENT** (12:34 p.m.)

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

- Endorsed the completion of the Old Meadow Road realignment by MWAA
- Authorized the Chairman to send the letter reaffirming support for MWAA's implementation of the Old Meadow Road realignment as part of the Phase 1 Silver Line outstanding punch list items

21. **A-6 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE THE VIRGINIA WATER QUALITY IMPROVEMENT FUND (WQIF) POINT SOURCE GRANT AND OPERATION AND MAINTENANCE AGREEMENT CONTRACT #440-S-16-01 BETWEEN THE COUNTY AND THE COMMONWEALTH OF VIRGINIA** (12:35 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to execute the WQIF Point Source Grant and Operation and Maintenance Agreement (Contract #440-S-16-01) between the County and the Commonwealth of Virginia.

22. **A-7 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE UNITED STATES DEPARTMENT OF JUSTICE (DOJ) DRUG ENFORCEMENT ADMINISTRATION (DEA) TASK FORCE** (12:35 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOU between FCPD and the DEA Task Force (HIDTA Task Force Group 1 and HIDTA Task Force Group 5).

23. **A-8 – APPROVAL OF A PARKING REDUCTION FOR INNOVATION CENTER SOUTH (DRANESVILLE DISTRICT)** (12:36 p.m.)

On motion of Supervisor Foust, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 21 percent for the proposed uses at Innovation Center South 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 each use on the site, Parking Study #6848-PKS-002-1. The

approved reduction is subject to the conditions outlined in the Board Agenda Item dated September 22, 2015.

24. **A-9 – APPROVAL OF A RESOLUTION TO AUTHORIZE THE EXTENSION OF GENERAL OBLIGATION BONDS** (12:36 p.m.)

- (R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution requesting the Circuit Court to order an extension of the period for issuance of County bonds authorized on November 6, 2007, from eight years to ten years. Supervisor Foust seconded the motion.

A brief discussion ensued, with input from Erin Ward, Senior Assistant County Attorney, who stated that this item relates to the issuance of Bonds and a roll call vote is required.

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,”

25. **A-10 – APPROVAL OF THE AUTHORIZATION FOR THE COUNTY PURCHASING AGENT TO ACT AS PURCHASING AGENT FOR THE MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY (CDA)** (12:37 p.m.)

- (R) On motion of Supervisor Smyth, seconded by Supervisor Foust, 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 Purchasing Agent to act as purchasing agent for the Mosaic District CDA in accordance with the County’s Purchasing Resolution dated July 1, 2015.

26. **A-11 – ALLOCATION OF TYSONS ROAD FUND REVENUES TO PROJECTS, AND ALLOCATION OF TYSONS SERVICE DISTRICT REVENUES FOR DESIGN OF PROJECTS IN THE TYSONS FUNDING PLAN (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (12:37 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved:

- The list of projects and their funding allocations from the Tysons Road Fund

- The use of Tysons Transportation Service District revenues for the design of several Tysons-wide Roadway projects in the Tysons Funding Plan

27. **A-12 – APPROVAL OF STANDARD PROJECT AGREEMENTS (SPAs) WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE ROUTE 286 WIDENING (ROUTE 123 TO ROUTE 29) PROJECT (SPRINGFIELD AND BRADDOCK DISTRICTS)** (12:38 p.m.)

- (R) On motion of Supervisor Herrity, seconded by Supervisor Cook, 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 Director of the Department of Transportation to execute SPAs, in substantial form, with NVTA and with VDOT for \$10 million in funding to support the widening of the Fairfax County Parkway (Route 286) from Ox Road (Route 123) to approximately 2,000 feet north of Lee Highway (Route 29).

28. **A-13 – APPROVAL OF THE ACQUISITION OF A FIVE-ACRE PARCEL IN RESTON TOWN CENTER NORTH FROM THE FAIRFAX COUNTY PARK AUTHORITY (HUNTER MILL DISTRICT)** (12:38 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the acquisition of the Reston Towne Green property, Tax Map Number 17-1 ((1)), parcel 14D, from the Park Authority, pursuant to the terms of the proposed contract.

29. **A-14 – APPROVAL OF STANDARD PROJECT AGREEMENTS (SPAs) WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR ROLLING ROAD WIDENING (OLD KEENE MILL ROAD TO FRANCONIA SPRINGFIELD PARKWAY) (SPRINGFIELD DISTRICT)** (12:39 p.m.)

- (R) On motion of Supervisor Herrity, 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 Director of the Department of Transportation to execute standard project agreements, in substantial form, with NVTA for \$5 million in funding to support the Rolling Road Widening project and with VDOT for \$20 million to implement the same.

30. **A-15 – APPROVAL OF FAIRFAX COUNTY TRANSPORTATION SERVICES GROUP (TSG) TRANSPORTATION DEMAND MANAGEMENT PLAN (TDMP) FOR THE VIRGINIA DEPARTMENT OF PUBLIC RAIL TRANSPORTATION (VDRPT) FISCAL YEARS (FY) 2016–2021** (12:39 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the TDMP required by VDRPT.

31. **A-16 – APPROVAL OF AN AGREEMENT FOR THE UTILIZATION OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS BETWEEN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND THE COUNTY FOR FISCAL YEAR (FY) 2016 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAMS** (12:40 p.m.)

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

- Approved an agreement with VDOT for the receipt and use of CMAQ funds in the amount of \$311,463 for the promotion of TDM programs in FY 2016. The grant period runs from July 1, 2015, through June 30, 2016
- Authorized the Director of the Department of Transportation to execute the agreement on behalf of the Board

32. **A-17 – APPROVAL OF A PROJECT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) AND THE COUNTY FOR FUNDING FOR FISCAL YEAR (FY) 2016 TRANSPORTATION DEMAND MANAGEMENT (TDM) RIDESHARE OPERATING ASSISTANCE** (12:40 p.m.)

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

- Approved the Project Agreement for Use of Commonwealth Transportation Funds approved by the Commonwealth Transportation Board on June 17, 2015, to continue ridesharing and transit marketing activities in FY 2016. Of the total grant award, \$566,411 is State funding from the VDRPT and the remaining \$141,603 is the required 20 percent local match. The grant period runs from July 1, 2015, through June 30, 2016.
- Authorized the Director of the Department of Transportation to execute the project agreement on behalf of the Board



33. **A-18 – APPROVAL OF A RESOLUTION ENDORSING PROJECTS BEING SUBMITTED FOR FISCAL YEAR (FY) 2017 – FY 2022 STATE FUNDING THROUGH THE COMMONWEALTH TRANSPORTATION BOARD'S (CTBs) HB2 SELECTION PROCESS** (12:41 p.m.)

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

- Adopt the Resolution endorsing projects, so that the Department of Transportation (DOT) can apply for State funding for FY 2017–FY 2022 through CTBs HB2 selection process
- Endorse 10 transportation projects for submission into the HB2 selection process for FY 2017–FY 2022

Supervisor Hudgins seconded the motion. Supervisor Smyth clarified that, while this is about I-66 outside-the-beltway, it is a matter of timing and process and is not the Board's endorsement of the project at this time.

The question was called on the motion 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,"

34. **A-19 – APPROVAL OF PROJECT AGREEMENTS BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) AND THE COUNTY FOR FISCAL YEAR (FY) 2016 TRANSIT ASSISTANCE GRANT FUNDS** (12:42 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to sign 12 Project Agreements between VDRPT and the County, in substantial form, to fund County operating and capital projects as outlined in Attachments 1 through 12 of the Board Agenda Item dated September 22, 2015.

35. **A-20 – APPROVAL OF A PROJECT FUNDING AGREEMENT WITH THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) FOR THE INNOVATION CENTER METRORAIL STATION PROJECT (DRANESVILLE DISTRICT)** (12:43 p.m.)

On motion of Supervisor Foust, seconded jointly by Supervisor Hudgins and Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to execute the Project Agreement which will control MWAA's expenditure of \$33 million in funds provided by the Northern Virginia Transportation Authority for construction of the Innovation Center Metrorail Station.

36. **A-21 – ENDORSEMENT OF COMMENTS ON THE I-66 INSIDE THE BELTWAY MULTIMODAL IMPROVEMENT PROJECT (DRANESVILLE, MASON, AND PROVIDENCE DISTRICTS)** (12:43 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and endorse comments on the I-66 Inside the Beltway Multimodal Improvement Project which are contained in a letter to Secretary of Transportation Aubrey Layne. Supervisor McKay seconded the motion.

Discussion ensued regarding the project, with input from Tom Biesiadny, Director, Department of Transportation.

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

37. **C-1 – AMENDMENTS TO THE COUNTY’S CONSUMER PROTECTION COMMISSION (CPC) BYLAWS** (1:05 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated September 22, 2015, regarding amendments to the Bylaws for the CPC.

Supervisor Gross moved that the Board approve amendments to the CPC Bylaws, with one amendment to Page 536, Item 3, Notification of Absence. Revise the last sentence to read as follows:

“The absence of a Commissioner from three consecutive meetings *shall* be reported by staff to the Clerk to the Board of Supervisors.”

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

38. **C-2 – AMENDMENTS TO THE COUNTY’S TENANT-LANDLORD COMMISSION BYLAWS** (1:06 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated September 22, 2015, regarding amendments to the Bylaws for the Tenant-Landlord Commission.

Supervisor Gross moved that the Board approve amendments to the County’s Tenant-Landlord Commission Bylaws. Supervisor Hyland seconded the motion and it carried by unanimous vote.

39. **I-1 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2016** (1:07 p.m.)

The Board next considered an item contained in the Board Agenda dated September 22, 2015, regarding the County’s holiday schedule for calendar year 2016.

Supervisor Gross moved that the Board approve Friday, December 23, 2016, as a full-day holiday, instead of a ½ day holiday. Supervisor Foust seconded the motion and it carried by unanimous vote.

40. **I-2 – SEVEN CORNERS TRANSPORTATION STUDIES (MASON AND PROVIDENCE DISTRICTS)** (1:08 p.m.)

The Board next considered an item contained in the Board Agenda dated September 22, 2015, regarding the Seven Corners Transportation Studies.

41. **I-4 – FAIRFAX COUNTY TRANSPORTATION STATUS REPORT** (1:09 p.m.)

The Board next considered an item contained in the Board Agenda dated September 22, 2015, regarding the Transportation Status Report.

42. **ORDERS OF THE DAY** (1:09 p.m.)

Supervisor Gross noted that the Board did not consider Information Item I-3.

43. **I-3 – 2015 VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT ANNUAL REPORT FOR FAIRFAX COUNTY** (1:09 p.m.)

The Board next considered an item contained in the Board Agenda dated September 22, 2015, announcing that the County Executive will forward the 2015 VPDES Permit Annual Report to the Virginia Department of Environmental Quality and to others, as requested, and will publish it on the County's website.

**ADDITIONAL BOARD MATTERS**

44. **REQUESTS FOR RECOGNITION** (1:10 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to:

- Invite representatives from Dysautonomia International to appear before the Board to accept a proclamation recognizing October 2015 as "*Dysautonomia Awareness Month*" in Fairfax County, to be presented at the Board meeting on October 20, 2015.
- Jointly with Supervisor Smyth, invite representatives from Volunteer Fairfax to appear before the Board on October 20, 2015, to accept a proclamation recognizing Saturday, October 24, 2015, as "*VolunteerFest Day*" in Fairfax County.

- Prepare and send proclamations to the following:
  - National Association of Insurance and Financial Advisors recognizing September 2015 as “*Life Insurance Awareness Month*” in Fairfax County
  - Young Marines recognizing October 23–31, 2015, as “*Red Ribbon Week*” in Fairfax County
  - HomeAid Northern Virginia recognizing the completion of 100 shelter projects and celebrating its fifteenth anniversary
  - Mr. David Gamse recognizing his twenty-fifth anniversary at the Jewish Council for the Aging to be presented on October 18, 2015

Without objection, it was so ordered.

45. **SYRIAN REFUGEE BLANKET DRIVE** (1:12 p.m.)

Chairman Bulova said the Northern Virginia Regional Commission has coordinated a regional effort to collect blankets for refugees for the past two years.

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff from the Office of Public Affairs and the Office of Community and Faith Liaison to help share information about this opportunity to help. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

46. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)**  
(1:12 p.m.)

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

**DET:det**

47. **RECOGNIZIING JANUARY 2016 AS “HUMAN TRAFFICKING AWARENESS MONTH” IN FAIRFAX COUNTY** (1:13 p.m.)

Supervisor Herrity asked unanimous consent that the Board direct the County Executive to prepare a resolution recognizing January 2016 as “*Human Trafficking Awareness Month*” in Fairfax County and invite representatives from Just Ask, the Human Trafficking Task Force, the Commission for Women, and

other community groups to appear before the Board and be recognized at the first meeting in January. Without objection, it was so ordered.

48. **MOTION TO RESCIND PLAN AMENDMENT 2014-III-FC1 (SPRINGFIELD DISTRICT)** (1:13 p.m.)

Supervisor Herrity announced that on April 8, 2014, the Board authorized Plan Amendment 2014-III-FC1 to consider redeveloping the Fair Lakes Hyatt Hotel site, Tax Map Parcels 55-2((1))7A and 7B, with a mixture of uses including hotel, multifamily, a senior living facility, and supporting retail uses. Since then, staff has been working with the potential senior living facility on the proposed Plan amendment. This past week, notification was received that due to negotiations with the hotel buyer, the proposal for a senior living facility is no longer desired.

Supervisor Herrity moved that the Board rescind Plan Amendment 2014-III-FC1. Supervisor Smyth seconded the motion and it carried by unanimous vote.

49. **REQUEST FOR CONCURRENT PROCESSING FOR REZONING APPLICATION/FINAL DEVELOPMENT PLAN RZ/FDP 2015-SP-004 (SPRINGFIELD DISTRICT)** (1:14 p.m.)

Supervisor Herrity announced that this application was unanimously recommended for approval by the Springfield District Land Use Committee and 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 Rezoning Application/Final Development Plan RZ/FDP 2015-SP-004. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the application in any way. Supervisor Smyth seconded the motion and it carried by unanimous vote.

50. **REQUEST FOR CONCURRENT PROCESSING OF REZONING APPLICATION RZ 2015-SP-003 (SPRINGFIELD DISTRICT)** (1:15 p.m.)

Supervisor Herrity announced that this application was unanimously recommended for approval by the Springfield District Land Use Committee and 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 Rezoning Application RZ 2015-SP-003. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the application in any way. Supervisor Smyth seconded the motion and it carried by unanimous vote.

51. **FILL THE BOOT CAMPAIGN** (1:16 p.m.)

Supervisor Herrity congratulated those who participated in the Labor Day weekend Fill the Boot campaign.

52. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (1:17 p.m.)

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

PMH:pmh

53. **PRESCRIPTION DRUG COSTS** (1:17 p.m.)

Supervisor Hyland referred to his written Board Matter regarding prescription drug costs and asked unanimous consent that the Board direct the County Executive and County Attorney to research Florida and New York's experience in lowering prescription drug costs for County employees and report with a memorandum of the legality, issues, and potential opportunities in doing the same. Without objection, it was so ordered.

54. **REQUEST TO RECOGNIZE JOHN MASON, FORMER CEO OF THE WORKHOUSE ARTS FOUNDATION** (1:18 p.m.)

Supervisor Hyland said that John Mason's performance as Chief Executive Officer of the Workhouse Arts Foundation has been nothing short of miraculous. He referred to his written Board Matter outlining Mr. Mason's accomplishments and asked unanimous consent that the Board direct the Office Public Affairs to invite Mr. Mason and the Board of Directors of the Workhouse Arts Center, and its staff, to appear before the Board to be recognized for his incredible efforts. Without objection, it was so ordered.

55. **REQUEST FOR EXPEDITED PROCESSING OF SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-V-083 (MOUNT VERNON DISTRICT)** (1:18 p.m.)

Supervisor Hyland said the 7-Eleven at the corner of Richmond Highway and Armistead Road has submitted a Special Exception Amendment application to replace underground storage tanks and to modify the location of its fuel pumps, add an additional fuel pump and improve and enlarge the canopy to improve site circulation. Staff in the Department of Planning and Zoning is completing its review of the application and anticipates a hearing before the Planning Commission in the middle of October.

Therefore, Supervisor Hyland moved that the Board direct staff to expedite processing of Special Exception Amendment Application SEA 83-V-083 and schedule a public hearing on October 20, 2015, at 3:30 p.m. This motion should not be construed as a favorable recommendation for a potential plan amendment

or any subsequent rezoning or other applications and does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and will not prejudice the consideration of this application in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

56. **RESOLUTION FROM THE SOUTH COUNTY FEDERATION REGARDING COMMUNITY INVOLVEMENT IN THE PLANNING AND ZONING PROCESS** (1:19 p.m.)

Supervisor Hyland said the South County Federation expressed its concerns about how the community is put in a position of reacting to a land use proposal rather than being involved in the front end of an application alongside the Department of Planning and Zoning (DPZ) and the Office of the District Supervisor.

Therefore, Supervisor Hyland asked unanimous consent, that the concerns be shared with appropriate staff for their review and report with their comments and recommendations. Without objection, it was so ordered.

57. **REQUEST TO RECOGNIZE MS. LOUISE CLEVELAND ON HER RETIREMENT AS HEALTH AND HUMAN SERVICES CHAIR OF THE MOUNT VERNON COUNCIL (MOUNT VERNON DISTRICT)** (1:19 p.m.)

Supervisor Hyland said for the last 15 years Ms. Louise Cleveland has guided the work of the Health and Human Services Committee (HHS) of the Mount Vernon Council of Citizens' Associations. He referred to his written Board Matter which outlined the accomplishments of Ms. Cleveland, and asked unanimous consent that the Board direct the Office of Public Affairs to invite Ms. Cleveland to appear before the Board to be recognized for her service to Mount Vernon. Without objection, it was so ordered.

58. **REQUEST FOR CONCURRENT AND SIMULTANEOUS PROCESSING FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2015-MV-008 (MOUNT VERNON DISTRICT)** (1:20 p.m.)

Supervisor Hyland said that Lennar Multifamily Communities, LLC (the applicant) is proposing to construct a multifamily residential building on property identified as Tax Map Reference 83-1 ((1)) 42 and 49A (the subject property). The proposal is currently being reviewed as part of an out-of-turn Comprehensive Plan (the Plan) amendment and concurrent Rezoning/Final Development Plan Application RZ/FDP 2015-MV-008. The applicant is hopeful that the subject property is able to accommodate a connection to the County's proposed levee project in the Huntington area. To allow processing of a site plan concurrent with the Plan amendment and rezoning application, the applicant seeks concurrent processing of a site plan.

Therefore, Supervisor Hyland 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 drawings as may be necessary in conjunction with Rezoning/Final Development Plan Application RZ/FDP 2015-MV-008. This motion should not be construed as a favorable recommendation for a potential Plan amendment or any subsequent rezoning or other applications and does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and will not prejudice the consideration of this application in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

59. **CELEBRATING THE OAK HILL MANSION OPEN HOUSE (BRADDOCK DISTRICT)** (1:21 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Cook announced that, working closely with the Park Authority, the Board is once again co-sponsoring Oak Hill History Day.

Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs and the Park Authority to publicize this event and ask that the Park Authority provide support and assistance in running this program, as they so graciously do every year. Without objection, it was so ordered.

60. **PROCLAIMING SEPTEMBER AS "SUICIDE PREVENTION MONTH"** (1:21 p.m.)

Supervisor Cook referred to his written Board Matter regarding suicide prevention and asked unanimous consent that the Board proclaim September as "*Suicide Prevention Month*," in Fairfax County. Without objection, it was so ordered.

61. **CONGREGATE CARE ZONING ORDINANCE** (1:21 p.m.)

Supervisor Cook said that Braddock District recently received an application for a Special Exception to allow the use of a single family dwelling to house up to eight high school students (age 14-19) from abroad who "travel to the County to obtain an American education." According to the applicant's Statement of Justification in support of the request, "students residing at this proposed facility are some of many foreign exchange students placed in private schools in this area by Home1Tech, Incorporated." The application has been accepted by the Department of Planning and Zoning (DPZ) staff for processing as a Congregate Living Facility.

Supervisor Cook expressed concern that allowing this application to proceed with this designation may be a distortion of the Board's intent in creating this form of housing under the Zoning Ordinance.

Supervisor Cook referred to his written Board Matter which outlined the history of this matter.



Therefore, Supervisor Cook asked unanimous consent that the Board direct the:

- Zoning Administrator to report on the original intent of the Congregate Care provision in the Zoning Ordinance
- Zoning Administrator to confirm that food, transportation and tutoring actually constitute "services" as intended in the definition of Quasi Public Services
- Zoning Evaluation Division to report on how many congregate care facilities or similar uses have been approved in the County and the nature of those facilities
- Deputy County Executive for Human Services to report on what protections should be in place for unaccompanied minor children residing temporarily in the County for educational purposes
- County Attorney to report on the legal status of these children; including what would happen should any of them require medical attention or develop mental health issues or whether they would be considered foreign nationals if accused of a crime
- Zoning Administrator to make recommendations to the Board regarding whether the Zoning Ordinance should to be amended to exclude this type of use
- Staff to recommend to the Legislative Committee any changes to State code that may be appropriate given this situation

Without objection, it was so ordered.

62. **COUNTY EXECUTIVE'S METHODOLOGY FOR ALLOCATION OF CARRYOVER FUNDS** (1:26 p.m.)

Supervisor Cook said that on March 25, 2014, the Board approved and adopted the report of the Infrastructure Financing Committee (IFC) which called for a ramp up over 3-5 years "until the Board reach a funding level of 20 percent of the unencumbered Carryover balance of both the County and Schools budget not needed for critical requirements."

On June 19, 2015, the County Executive issued a memorandum to the Board titled "Proposed Methodology for Year-end Balances." That memorandum divided potential Carryover items into five categories, which were listed in the order of preference:

- (1) Encumbered and Unencumbered items

- (2) Funding for items of a critical nature
- (3) After critical items have been addressed, 60 percent of the remaining balance would be allocated to Capital Infrastructure (20 percent) and Reserve Requirements (40 percent)
- (4) Additional items as recommended by the County Executive
- (5) Remaining balance to be applied to the future annual budget

Supervisor Cook expressed his belief that the following prioritization better reflects the spirit of the IFC report:

- (1) Encumbered and Unencumbered items
- (2) Items that are truly of an emergency nature and beyond staff control, or a safety item that must be addressed. Example - repairs as a result of the derecho. (Formerly a component of item #2)
- (3) Of the remaining balance 20 percent is to be applied to Capital Infrastructure, 40 percent to Reserve Requirements
- (4) Additional items as recommended by the County Executive. (Formerly a component of item #2, as well as item #4)
- (5) The remaining balance is reserved for future one-time needs or to address future budget needs as determined by the Board

Supervisor Cook stated that this is a matter that requires a full Board discussion before action is taken and asked unanimous consent that the Board direct staff to place this matter on the agenda of a future Budget Committee meeting. Without objection, it was so ordered.

63. **KINGSTOWNE – THIRTIETH ANNIVERSARY (LEE DISTRICT)**  
(1:29 p.m.)

Supervisor McKay announced the thirtieth anniversary of Kingstowne and he asked unanimous consent that the Board direct staff to prepare a certificate to be jointly signed by the Chairman and the Lee District Supervisor to be presented at its event. Without objection, it was so ordered.

64. **TREE PRESERVATION ON PUBLIC PROJECTS** (1:30 p.m.)

Supervisor Foust said on many occasions, the Board has stated its strongly held belief that tree preservation is an essential element in environmental plans and in efforts to protect and improve the quality of life in the County.

In a future Board Matter, Supervisor Foust said that he will address concerns and recommendations with respect to tree preservation on private in-fill development. With respect to public projects, the Board's Environmental Agenda states that tree conservation should be increased by optimizing tree preservation and planting efforts in design and construction of public facilities. Based on recent experiences in the Dranesville District, especially with respect to stormwater and sanitary sewer projects there may be more that can be done to meet tree preservation goals on public projects.

On December 7, 2009, the Board approved a Board Matter that directed staff to examine issues relating to preservation of trees during development of County property. Among other actions, staff was directed to form a workgroup to develop standard operating procedures that address tree preservation, tree planting and ecosystem management in the design and review of County projects. Staff was also directed to reach out to the private sector for assistance.

On March 22, 2011, at the Board's Environmental Committee meeting, staff presented an excellent report in response to that Board Matter. Some of the actions that staff recommended implementing include the following:

- Include the Urban Forestry Management Division in the early planning stages of county projects to assist with development of project budgets, site layouts, and construction practices
- Improve the process used to identify potential tree conservation and landscaping costs and embed these in Capital Improvement Program budgets
- Develop an outreach program for submitting engineers and in-house project managers to help these groups become more knowledgeable about County policies and guidelines pertaining to tree conservation
- Develop a Tree Canopy Loss Mitigation Policy that complements the County's 30-year Tree Canopy Goal and Tree Action Plan
- Examine if the Comprehensive Plan, Policy Plan objectives for developing public facilities could be amended in a manner that increases tree preservation efforts and, if so, prepare amendments for further consideration and possible adoption

Supervisor Foust commended staff for these recommendations. When implemented, they should significantly improve the County's tree preservation efforts on public projects. He expressed the belief that these recommendations either have not been fully implemented or that the implementation could be more effective.

Therefore, Supervisor Foust moved that the Board direct staff to report to the Board's Environmental Committee on the status of the implementation of the recommendations contained in the March 22, 2011, report. Because these recommendations should also be considered by others responsible for public construction projects in the County, he further recommended that when staff reports to the Environmental Committee that it present drafts of letters for the Chairman's signature addressed to the Chairs of the School Board, the Park Authority and Fairfax Water, setting forth the County's goals and requirements for tree preservation and requesting that their boards, to the extent applicable to their organizations, adopt similar recommendations for tree preservation on their public projects. Supervisor Gross seconded the motion.

Following comments by Supervisor Gross, the question was called on the motion and it carried by unanimous vote.

65. **TOWN OF HERNDON'S VEHICLE REGISTRATION FEE** (1:34 p.m.)

Supervisor Foust said that during the 2015 session of the Virginia General Assembly, HB 1966 was enacted into law and became effective on July 1, 2015. That legislation allows towns and counties to enter into reciprocal agreements regarding the collection of local vehicle registration fees.

Residents of the Town of Herndon are subject to the County's Personal Property Tax, but they are not subject to the County's vehicle registration fee. Town residents are instead subject to local vehicle registration fees imposed directly by the Town of Herndon.

On August 21, 2015, Supervisor Foust received a letter from Lisa Merkel, Mayor of the Town of Herndon, requesting that the Board authorize staff to work with Town of Herndon staff to develop a cooperative agreement whereby the Department of Tax Administration (DTA) would collect the Town of Herndon's vehicle registration fee on behalf of the Town beginning in 2016.

Delegate Rust introduced this bill at the General Assembly on the Town's behalf, but the Board did not take a formal position on HB 1966 because this bill simply gives localities a permissive Local Option.

Therefore, Supervisor Foust moved that the Board direct staff to coordinate with staff of the Town of Herndon to determine the requirements, cost and impact of implementing this legislation in time for the 2016 Car Tax bills next summer, and to provide this Board with a draft agreement for consideration. The agreement

should also provide for a cost-recovery fee from the Town. Staff should also consider developing a generic process if in the future, similar requests are received from the Towns of Vienna and Clifton. Supervisor Gross seconded the motion.

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

66. **HERNDON HIGH SCHOOL RENOVATION PROJECT CONCURRENT SITE PLAN PROCESSING (DRANESVILLE DISTRICT)** (1:36 p.m.)

Supervisor Foust said that the Fairfax County School Board (FCSB) has filed Proffered Condition Amendment Application PCA 89-D-007 to amend the existing proffers that apply to Herndon High School, located at 700 Bennett Street, Herndon [Tax Map 10-2 ((1)) 6A]. The purpose of the application is to increase the proffered maximum gross floor area to allow the construction of certain additions to the high school to serve a projected enrollment of approximately 2500 students in the 2019-20 school year. Presently, there are approximately 2200 students enrolled at the school.

FCSB intends to file a site plan as part of the Designated Plan Examiner Program. Given the necessity of filing the PCA and due to the need to maintain the schedule for the improvements to the school, FCSB has requested concurrent processing of the site plan for this project with the PCA application.

Therefore, Supervisor Foust asked unanimous that the Board direct the Department of Public Works and Environmental Services to accept the associated site plan for processing concurrently with the Proffered Condition Amendment Application PCA 89-D-007. 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 applicable ordinances, regulations, or adopted standards in any way. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

67. **INNOVATION CENTER STATION PARKING GARAGE – EXPEDITED PROCESSING AND CONCURRENT SITE PLAN REVIEW (DRANESVILLE DISTRICT)** (1:38 p.m.)

Supervisor Foust said that the Department of Public Works and Environmental Services (DPWES), on behalf of the Board, is designing and will be constructing transit station facilities at the south entrance of the Innovation Center Metrorail Station on land subject to a Real Estate Exchange Agreement between Nugget Joint Venture, LC, and the Board, which was negotiated as part of a transit oriented development approved in Rezoning Application RZ 2009-HM-017 on July 29, 2014. The County-owned transit station facilities will include a kiss-and-ride, four bus bays, bicycle storage, and a parking garage with approximately 2,100 parking spaces.

During final engineering, the applicant discovered that there are significant rock formations located beneath the proposed parking garage that will preclude the ability to construct two levels of parking below grade, as shown on the approved Conceptual and Final Development Plan. The County is in the process of filing a Proffered Condition Amendment (PCA) application to seek approval of a modification to the garage design to delete one of the below ground levels and increase the above ground height of the parking garage by one level.

Due to the time sensitive deadlines associated with the Metrorail station construction, this case should move forward as soon as possible.

Therefore, Supervisor Foust moved that the Board:

- Authorize the County Executive (or his designee) to file a PCA on Tax Maps 15-2 ((1)) 13A pt. and 15-4 ((5)) 5B, (which are owned by Nugget Joint Venture, LC, and the Board of Supervisors and subject to a Real Estate Exchange Agreement with Fairfax County) and to act as an agent of the Board for all matters concerning this amendment
- Direct staff to expedite the processing of this PCA application and concurrently process the associated site plan.

This motion should not be construed as a favorable recommendation by the Board on the merits of either application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, development conditions or adopted standards. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

68. **HUNTER MILL DAY SCHOOL (HUNTER MILL DISTRICT)** (1:41 p.m.)

Supervisor Hudgins said that the Hunter Mill Country Day School, Incorporated, located at 2021 Hunter Mill Road, [Tax Map 27-4 ((1)) Parcel 3], filed Special Exception Amendment Application SEA 86-C-066-03 to increase the maximum number of students from 80 to 99 and staff support, with no more than 12 instructors on site at one time. No new construction is required.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to schedule an expedited public hearing before the Board on October 20, 2015. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from complying with the provisions of all 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.

69. **SPORTS AUTHORITY, INCORPORATED (HUNTER MILL DISTRICT)**  
(1:42 p.m.)

Supervisor Hudgins said that Sports Authority, Incorporated, located at 8355 Leesburg Pike, [Tax Map 29-3 ((01)) Parcel 32], filed Special Exception SE 2014-HM-066 seeking a waiver of certain sign regulations, in accordance with Section 9-620 of the Zoning Ordinance. The applicant is requesting relief from Section 12-20493 of the Zoning Ordinance, to provide identification on an existing multi-tenant freestanding sign. There are no additional changes to the use.

The Planning Commission public hearing is scheduled for October 1, 2015, at 8:15 p.m. The applicant is requesting an expedited Board date.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to schedule an expedited public hearing before the Board for Special Exception Application SE 2015-HM-066, on October 20, 2015. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from complying with the provisions of all 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.

70. **WOODWINDS II RETAINING WALL (HUNTER MILL DISTRICT)**  
(1:43 p.m.)

Supervisor Hudgins said Avon Corporation has submitted Permit # 1519108, on behalf of Woodwinds II Condominium building located at Reston, Virginia, to replace an existing failed retaining wall. The existing wall, located on the north side of the condominium property, is over 30 years old and the problem affects the buildings located at 11560, 11562, 11564, and 11566 South Lakes Drive. Avon Corporation has requested an expedited review of the permit/plans associated with this project.

Therefore, Supervisor Hudgins moved that the Board direct the Director of the Department of Public Works and Environmental Services to expedite the permit process and any other plans associated with the Woodwinds II Condominium retaining wall replacement project. This motion does not relieve the owner from complying with the provisions of all 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.

71. **RESTON REGIONAL LIBRARY – THIRTIETH ANNIVERSARY (HUNTER MILL DISTRICT)** (1:44 p.m.)

Supervisor Hudgins said that Reston Regional Library has, for 30 years, been a central literary, social, and academic feature of the community.

Not surprisingly, Reston Regional is the most active library in the County system based on both book circulation and door count foot traffic.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs prepare a certificate, with dual signatures from the Board, commemorating the thirtieth anniversary of the Reston Regional Library, for presentation at the community celebration on October 3, 2015. Without objection, it was so ordered.

72. **SOUTH LAKES HIGH SCHOOL (HUNTER MILL DISTRICT)** (1:44 p.m.)

Supervisor Hudgins said that Fairfax County School Board filed Planned Residential Community Application PRC 76-C-111 to permit a building addition and site improvements for South Lakes High School, 11400 South Lakes Drive, Reston [Tax Map 026-2 ((18)) parcel 7, 8 (part)].

The Planning Commission public hearing is scheduled for October 15, 2015. Fairfax County Public Schools has requested an expedited Board public hearing.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to schedule an expedited public hearing before the Board on October 20, 2015. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from complying with the provisions of all 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.

73. **DEATH OF MS. SARAH ANNE de la FE (HUNTER MILL DISTRICT)** (1:46 p.m.)

Supervisor Hudgins announced that Ms. Sarah-Anne de la Fe died on August 18 from Parkinson disease.

Ms. de la Fe served the Reston community selflessly as a soccer coach and volunteer at Saint Thomas and the Reston Catholic Community. For over 25 years she worked as a realtor and one of Reston's strongest supporters of the arts and was critical to the founding of Initiative for Public Art – Reston (IPAR).

On behalf of the Board, Supervisor Hudgins expressed the Board's deepest condolences to Ms. de la Fe's family.

74. **DEATH OF MR. ROBERT E. SIMON, JR. (HUNTER MILL DISTRICT)** (1:46 p.m.)

(NOTE: Earlier in the meeting the Board remembered Mr. Robert E. Simon, Jr. See Clerk's Summary Item #2.)



Supervisor Hudgins remembered Mr. Robert Simon, founder of the Reston Community and staunch community advocate.

Plans for a memorial service are pending. In lieu of flowers, memorial contributions may be made to Cornerstones ([www.cornerstonesva.org](http://www.cornerstonesva.org)), 11150 Sunset Hills Road, #210, Reston, VA 20190.

75. **COUNTY EMPLOYEE COMPENSATION** (1:50 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Gross said the new compensation plan that was developed with General County employees and enacted by the Board last spring was a major step forward. She said that Board Members will recall that the compensation plan was the last, and largest, piece of the puzzle in the process that began in 2013. Nonetheless, with the post-recession economy and competing markets for County employees, the Board needs to continue our review of County employee compensation in a broad and systematic manner.

Therefore, jointly with Supervisor Cook, Supervisor Gross moved that the Board direct the County Executive to engage in a multi-year systematic review of County compensation by reviewing several topics and reporting to the Board at periodic Personnel Committee meetings. The first topics for review include:

- Whether the lowest County pay scales are competitive for hiring skilled and unskilled maintenance and support personnel, or should be adjusted, including a study of the length of time currently required to fill positions, and the percentage of applicants who are determined not to meet the basic qualifications of the position.
- Pay scales of department heads and other senior management, to determine if they are sufficient to attract the best applicants nationwide, considering the cost-of-living in the County.

It is anticipated that additional items will be added to the review request over time, especially as any consultants engaged to assist with the review may identify additional scope of work. The Lines of Business discussions also may yield opportunities that will more adequately inform the recommendations and decisions that will be considered over time. Supervisor Cook seconded the motion.

Supervisor Herrity asked to amend the motion to include a review of the total compensation, to include benefits. This was accepted.

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

76. **2015 VIRGINIA ASSOCIATION OF COUNTIES (VACo)** (1:54 p.m.)

Supervisor Gross said that the Board has received a request from VACo regarding designating a voting delegate and alternate voting delegate to represent the County at the VACo annual meeting to be held in Bath County on Tuesday, November 10, 2015.

Therefore, Supervisor Gross moved that the Board designate:

- Supervisor Hyland as the Voting Delegate
- Supervisor Gross as the Alternate Voting Delegate

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

77. **JOINT EVENT ACTION TRAINING RECOGNITION** (1:56 p.m.)

Supervisor Gross said that the County Joint Event Action Guide was drafted to integrate police and fire/EMS operations when responding to calls for service requiring action from both agencies.

Washington Gas played a vital role in the final stages of training by allowing officers and fire personnel the opportunity to train in an unfamiliar realistic environment, the former Washington Gas headquarters in Mason District. Without the facility, the final stage of this training could not have taken place.

Therefore, Supervisor Gross asked unanimous consent the Board thank Washington Gas for assisting the County by allowing its empty facility to be used for this joint event training. A certificate of appreciation should be prepared, with signatures from both the Chairman and the Mason District Supervisor, to be presented to representatives from Washington Gas at an off-site event, to be determined. Without objection, it was so ordered.

78. **ANNIVERSARY OF VIETNAM WUSHU OF SHAOLIN MARTIAL ARTS SCHOOL (MASON DISTRICT)** (1:57 p.m.)

Supervisor Gross said the Vietnam Wushu of Shaolin Martial Arts School is celebrating its twenty-fifth anniversary on November 14, 2015. Under the leadership of Director Mai-Anh Tran, Administrator Peter Dao, and Head Instructor Nguyen Dao, the school provides weekly tuition-free classes for young boys and girls from early elementary school through high school at the Willston Multicultural Center that promote Vietnamese traditional values as well as self-discipline and confidence. Congratulations to the Vietnam Wushu of Shaolin Martial Arts School for providing values education, fine role models, and good decision-making to young people for a quarter of a century.

Therefore, Supervisor Gross asked unanimous consent that the Board:

- Applaud the Vietnam Wushu of Shaolin Martial Arts School for its dedication and commitment to enriching the community for 25 years
- Direct staff to prepare a Certificate of Recognition recognizing the “Vietnam Wushu of Shaolin Martial Arts School” in celebration of its twenty-fifth anniversary, to be signed by Chairman Bulova and Supervisor Gross, and presented at the anniversary celebration on November 14, 2015.

Without objection, it was so ordered.

79. **BI-NATIONAL HEALTH WEEK (BHW)** (1:57 p.m.)

Supervisor Gross said that BHW has become one of the largest mobilization efforts in the Americas to improve the health and well-being of the underserved populations of Latin American origin living in the United States and Canada.

This year, BHW will take place October 3-18, 2015, in 40 states in the US and three provinces in Canada, with the participation of the consular networks of Mexico, Guatemala, Honduras, Dominican Republic, Bolivia, Colombia, Ecuador, and Peru. During BHW, a national campaign will take place to promote awareness among the underserved Latino community.

In the Washington Metropolitan Area, activities within BHW will take place from October 3-18, 2015, and the *Feria de la Salud Hispana 2015* will be held on Saturday, October 3, from 10 a.m. until 3 p.m. at the Willston Multicultural Center, 6131 Willston Drive, Falls Church, VA, in Mason District.

Therefore, Supervisor Gross moved the Board:

- Proclaim October 3-18, 2015, as “*Binational Health Week*,” in Fairfax County
- Direct the Office of Public Affairs to prepare a proclamation with the signatures of Chairman Bulova and Supervisor Gross, to be presented at the *Feria de la Salud Hispana 2015* at the Willston Multicultural Center on October 3

Without objection, it was so ordered.

80. RECESS/CLOSED SESSION (1:58 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. *Eric S. Clark v. The County of Fairfax, Virginia, John H. Kim, T. B. Smith, and John Spata*, Case No. 15-1705 (U.S. Ct. of App. for the Fourth Cir.)
  2. *Christopher Alipui v. Biggs J. Byerson, John Doe (White Male Officer), John Doe (White Male Officer), John Doe (Duty Sergeant), John Doe (Lady Detective)*, Case No. 15-7019 (U.S. Ct. of App. for the Fourth Cir.)
  3. *Michael Moravitz v. Officer Richard Anderson*, Case No. 1:15-cv-506 (E.D. Va.)
  4. *William Alfred Roberts, Jr. v. County of Fairfax, Virginia, City of Fairfax, Virginia, City of Falls Church, Virginia*, Case No. 1:14-cv-1337 (E.D. Va.)
  5. *Quan Ho v. Fairfax County, Virginia, Stacey Kincaid, Stan Barry, Ayuhan Vaanjilnorov, David M. Rohrer, John Does 1-3, Jane Does 1-3, John Roes 1-3, and Jane Roes 1-3*, Case No. 1:15-cv-483 (E.D. Va.)
  6. *Gregory Shawn Mercer v. Fairfax County Child Protective Services, Alicia Wasklewics, Tanya E. Powers, Fairfax County Department of Code Compliance, Elizabeth Perry, Jack Blair, LaTycia*

*Tanks, Kerry S. Allander, Kenneth S. Houtz, Kathleen H. MacKay, Walter S. Felton, Jr., Larry G. Elder, Elizabeth A. McClanahan, Leroy R. Hassell, Sr., Barbara M. Keenan, Lawrence L. Koontz, Donald W. Lemons, Leroy F. Millette, S. Bernard Goodwyn, and Cynthia D. Kinser; Case No. 1:15-cv-302 (E.D. Va.) (Providence District)*

7. *Francis Philip Wiafe v. OFC G.S Roberts # 315348, Case No. CL-2015-0005874 (Fx. Co. Cir. Ct.)*
8. *Francis Philip Wiafe v. Bruce Patrick, Case No. CL-2015-0006119 (Fx. Co. Cir. Ct.)*
9. *Harrison Neal v. Fairfax County Police Department and Colonel Edwin C. Roessler, Jr., Case No. CL-2015-0005902 (Fx. Co. Cir. Ct.)*
10. *Gary S. Pisner v. Fairfax County Board of Zoning Appeals, Case No. CL-2012-0018994 (Fx. Co. Cir. Ct.) (Springfield District)*
11. *In Re: November 4, 2014, Decision of the Fairfax County Board of Zoning Appeals; Case No. CL-2014-015073 (Fx. Co. Cir. Ct.) (Providence District)*
12. *Betty Whilden v. Juan Romero and County of Fairfax, Case No. CL-2015-0004778 (Fx. Co. Cir. Ct.)*
13. *Huixuan Zhou v. Jennifer Hugel, Case No. CL-2015-0009225 (Fx. Co. Cir. Ct.)*
14. *Amy Marshall v. Damien Cichocki, Case No. CL-2015-0009608 (Fx. Co. Cir. Ct.)*
15. *Sharon Messina v. Adam Nicholas Thomas, Case No. CL-2015-0010574 (Fx. Co. Cir. Ct.)*
16. *Virginia Ann Brown v. County of Fairfax, Brian Joseph Byerson, Delvine John Egan, John Doe, and H & R Transport, Ltd., Case No. CL13008303-00 (Pr. Wm. Co. Cir. Ct.)*
17. *Sunhae Ok, individually and as parent and next friend of J.O. and J.Y.O. v. Stephen Thomas and*

- Fairfax County*, Case No. GV15-001423 (Fx. Co. Gen. Dist. Ct.)
18. *Lauren Brown v. Dinh Tuong Tran*, Case No. GV15-002233 (Fx. Co. Gen. Dist. Ct.)
  19. *Ingrid Vasquez Sunun v. Ligia Gonzalez and Office I. Letorrie [sic]*, Case No. GV15-000424 (Fx. Co. Gen. Dist. Ct.)
  20. *Huixuan Zhou v. Matthew Marcialis*, Case No. GV15014315-00 (Fx. Co. Gen. Dist. Ct.)
  21. Resolution of Potential Litigation Regarding Construction of the West Ox Animal Shelter
  22. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Young Bong Cho and Yung Soo Cho*, Case No. CL-2014-0012410 (Fx. Co. Cir. Ct.) (Springfield District)
  23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
  24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chom Sun Cholihan*, Case No. CL-2013-0012453 (Fx. Co. Cir. Ct.) (Sully District)
  25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Janak R. Sachdev and Neelam Sachdev*, Case No. CL-2014-0010732 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  26. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services and Brian J. Foley, Fairfax County Building Official v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long*, Case No. CL-2015-0007970 (Fx. Co. Cir. Ct.) (Mason District)

27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lucia O. Palacio*, Case No. CL-2014-0001444 (Fx. Co. Cir. Ct.) (Providence District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tuan Huy Thai Ha and Trang Thuy T. Pho*, Case No. CL-2009-0010199 (Fx. Co. Cir. Ct.) (Mason District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ngoc Bich Thi Phung*, Case No. CL-2012-0005499 (Fx. Co. Cir. Ct.) (Lee District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Zina Theresa Bleck*, Case No. CL-2015-0000047 (Fx. Co. Cir. Ct.) (Hunter Mill District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Paul Chau*, Case No. CL-2014-0011502 (Fx. Co. Cir. Ct.) (Lee District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2014-0014446 (Fx. Co. Cir. Ct.) (Providence District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James G. Miller, Trustee of the James G. Miller Living Trust, and Atlantic Construction Fabrics, Inc.*, Case No. CL-2009-0002430 (Fx. Co. Cir. Ct.) (Sully District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)
35. *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)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property*

*Maintenance Code Official for Fairfax County, Virginia v. Jose S. Portillo and Francisca E. Portillo*, Case No. CL-2014-0016150 (Fx. Co. Cir. Ct.) (Providence District)

37. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Helen M. Parker-Smith*, Case No. CL-2014-0001775 (Fx. Co. Cir. Ct.) (Providence District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge Alberto Broide*, Case No. CL-2010-0017885 (Fx. Co. Cir. Ct.) (Providence District)
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76. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gilbert L. Southworth Jr.*, Case No. GV15-016109 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

And in addition:

- *United States of America v. Aaron Graham*; United States Court of Appeals for the Fourth Circuit, Number 12-4659
- Revision of the County Retirement Ordinances

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

EBE:ebe

At 3:19 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

### **ACTIONS FROM CLOSED SESSION**

81. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:19 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

82. **JOSEPH MONDORO APPOINTED CHIEF FINANCIAL OFFICER** (3:20 p.m.)

Supervisor Gross moved the appointment of Joseph Mondoro as Chief Financial Officer, E-14, with an annual salary of \$190,000 effective immediately. Chairman Bulova seconded the motion. Following a brief discussion regarding the appointment, the question was called on the motion and it carried by unanimous consent.

On behalf of the Board, Chairman Bulova congratulated Mr. Mondoro on his appointment.

### **AGENDA ITEMS**

83. **3 P.M. – DECISION ONLY ON SPECIAL EXCEPTION APPLICATION SE 2014-MV-073 (SUPERIOR CONCRETE MATERIALS, INCORPORATED) (MOUNT VERNON DISTRICT)** (3:21 p.m.)

(NOTE: On July 28, 2015, the Board held a public hearing regarding this item and deferred decision only until September 22, 2015.)

The Special Exception Application SE 2014-MV-073 property is located at 8420 Terminal Road, Lorton, 22079, Tax Map 99-3 ((1)) 16A.

Following comments regarding the application, Supervisor Hyland submitted items for the record.

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2014-MV-073, subject to the development conditions dated June 4, 2015.
- An increase in building height from 75 feet to 85 feet in accordance with Section 9-607 of the Zoning Ordinance.
- Modification of Section 13-303 of the Zoning Ordinance to permit a reduction in the transitional screening width from 25 feet to 10 feet along the northern, eastern, and southern property lines and a waiver of the transitional screening requirement along the western property line
- Modification of Section 13-304 of the Zoning Ordinance on the barrier requirement in favor of the existing 7-foot high chain link fence along all property lines.

Following a query by Supervisor Hyland, Mr. Andrew Painter confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 4, 2015.

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

84. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-MV-003 (FIRST YEARS LEARNING CENTER LLC / CLAUDIA TRAMONTANA) (MOUNT VERNON DISTRICT)** (3:25 p.m.)

Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 2015-MV-003 until **October 6, 2015, at 3 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

85. **BOARD RECESS** (3:27 p.m.)

At 3:27 p.m. the Board recessed briefly, and at 3:30 p.m. reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

86. **3:30 P.M. – PH ON AN AGREEMENT TO ADJUST THE COMMON BOUNDARY OF THE TOWN OF HERNDON AND FAIRFAX COUNTY AND TO APPROVE THE FILING OF A CIVIL ACTION TO SEEK JUDICIAL APPROVAL OF THE AGREEMENT (DRANESVILLE DISTRICT)** (3:30 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 September 4 and September 11, 2015.

Gail Langham, Deputy County Attorney, presented the staff report.

Discussion ensued with input from Ms. Langham, regarding whether any parcels around the site will be disadvantaged by the boundary adjustment.

Following the public hearing, Supervisor Foust moved adoption of the Resolution:

- Approving an agreement appended to the Public Hearing item as Attachment 2 of the Board Agenda Item dated September 22, 2015, by which the Board and the Town of Herndon agree to a voluntary boundary line adjustment to incorporate into the Town of Herndon the land owned by Mark A. Carolla and Leeann P. Carolla located at 1322 Monroe Street, Tax map 10-2 ((1)) 10, as provided in the Agreement, and authorize the Chairman of the Board to execute the Agreement and any other instruments necessary or convenient to evidence or effectuate this contract.
- Authorizing the County Executive and the County Attorney to conclude the transactions represented by this Agreement through the filing and conduct of a civil action in the Circuit Court of Fairfax County and the completion of subsequent administrative steps to effectuate the boundary line adjustment.
- Approving the Resolution appended to the Public Hearing item as Attachment 3 of the Board Agenda Item dated September 22, 2015, to formalize the Board's approval of the Agreement, the filing of a civil action and a completion of actions to conclude this transaction.

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

87. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-MV-074 (CARLA McNEIL SEAY / CARLA'S WEECARE HOME DAYCARE) (MOUNT VERNON DISTRICT)** (3:38 p.m.)

(NOTE: On July 28, 2015, the Board deferred this public hearing until September 22, 2015.)

The application property is located at 8045 Winding Way Court, Springfield, 22153, Tax Map 98-1 ((4)) 541.

Ms. Carla McNeil Seay reaffirmed the validity of the affidavit for the record.

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

Ms. Seay 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. Rogers presented the staff and Planning Commission recommendations.

Following a query by Supervisor Hyland, Ms. Seay confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 9, 2015.

Supervisor Hyland moved approval of Special Exception Application SE 2014-MV-074, subject to the development conditions dated July 9, 2015. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

88. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 83-S-029-02 (CHICK-FIL-A, INCORPORATED) (BRADDOCK DISTRICT)**

**AND**

**PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC-C-546-03 (CHICK-FIL-A, INCORPORATED) (BRADDOCK DISTRICT)**

**AND**

**PH ON DEVELOPED PLAN AMENDMENT APPLICATION DPA-C-546-24 (CHICK-FIL-A, INCORPORATED) (BRADDOCK DISTRICT) (3:43-p.m.)**

- (O) The applications properties are located on the north side of Burke Centre Parkway, approximately 1,500 feet east of Ox Road, Tax Map 77-1 ((1)) 75A, 75B, 75C, and 75D.

Ms. Sheri Aiken reaffirmed the validity of the affidavit for the record.

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

Ms. Aiken 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, Ms. Aiken presented a rebuttal.

Mr. Gorney presented the staff and Planning Commission recommendations.

Supervisor Cook moved:

- Approval of Planned Residential Community Application PRC C-546-03.
- Approval of Proffered Condition Amendment Application PCA 83-S-029-02, subject to the proffers dated August 26, 2015.
- Approval of Development Plan Amendment Application DPA C-546-24, subject to the development conditions dated June 30, 2015.
- To direct the Director of the Department of Public Works and Environmental Services to approve the following:
  - Modification of the transitional screening requirement along the Burke Center Parkway frontage, pursuant to Paragraph 14 of Section 13-305 of the Zoning Ordinance, to allow a reduction of the width from 50 to 33 feet, in favor of the alternatives as shown on the proposed plan and as conditioned.
  - Modification of the barrier requirement, pursuant to Paragraph 14 of Section 13-305 of the Zoning Ordinance, in favor of the barriers as shown on the proposed plan and as conditioned.

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

89. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-PR-031-02 (THE MITRE CORPORATION) (PROVIDENCE DISTRICT)** (3:58 p.m.)

The application property is located at 7515 Colshire Drive, McLean, 22102, Tax Map 30-3 ((28)) 3 A1 and 4 A3.

Mr. Ben Wales reaffirmed the validity of the affidavit for the record.

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

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

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

Following a query by Supervisor Smyth, Mr. Wales confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 24, 2015.

Supervisor Smyth moved approval of Special Exception Amendment Application SEA 2002-PR-031-02, subject to the development conditions dated June 24, 2015. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Hudgins being out of the room.

(NOTE: On July 8, 2015, the PC approved Comprehensive Sign Plan Application CSP 2011-PR-011 subject to the development conditions dated July 6, 2015.)

90. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE TYSONS WOODS TEMPORARY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT T4 (PROVIDENCE DISTRICT)** (4:04 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 September 4 and September 11, 2015.

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

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

Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, establishing the Tysons Woods Temporary RPPD, District T4. The proposed District boundaries include the following street blocks: Betterton Court, Chestertown Drive, Connirae Lane, Craigo Court, Electric Avenue from the Navy Federal Credit Union eastern property boundaries to Woodford Road, Idylwood Road from Richelieu Drive to the end, Litwalton Court, Malraux Drive, Minerva Court, Richelieu Drive, and Woodford Road from Electric Avenue to the northern property boundary of 2136 Woodford Road; west

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

91. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2015-III-DS1, GENERALLY LOCATED NORTH OF THE WESTFIELDS BOULEVARD AND NEWBROOK DRIVE/PARK MEADOW DRIVE INTERSECTION (SULLY DISTRICT)** (4:08 p.m.)

Clara Johnson, Planner III, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Frey moved approval of Plan Amendment 2015-III-DS1, as recommended by the Planning Commission and shown in Attachment 1 of the Board Agenda Item. This alternate recommendation makes minor clarifying and editorial changes to the staff recommendation and is supportive of adding an option for retail uses up to .20 FAR on 21 acres with conditions that encourage the creation of a high-quality development that mitigates transportation impacts, promotes pedestrian activity and contributes to the mix of uses envisioned for the area. Supervisor Hyland seconded the motion and it carried by unanimous vote.

92. **4 P.M. – PH ON THE INTERIM REAL ESTATE EXCHANGE AGREEMENT (IREEA) BETWEEN THE BOARD AND INOVA HEALTH CARE SERVICES (INOVA) (HUNTER MILL DISTRICT)** (4:27 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 September 4 and September 11, 2015.

Andrew Miller, Project Coordinator, Capital Facilities, Department of Public Works and Environmental Services (DPWES) presented the staff report.

A brief discussion ensued, with input from Carey Needham, Director, Capital Facilities, DPWES, who confirmed there is no Planning Commission recommendation for this agreement.

Following the public hearing, Supervisor Hudgins moved adoption of the Resolution authorizing the proposed Interim Real Estate Exchange Agreement and authorized the County Executive, on behalf of the Board, to sign the proposed Interim Real Estate Exchange Agreement. Chairman Bulova 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.”

93. **4 P.M. – PH FOR THE DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR LEAF COLLECTION SERVICE (MOUNT VERNON DISTRICT)**  
(4:38 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 September 4 and September 11, 2015.

Jeffrey Hatterick, Solid Waste Management Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Hyland moved adoption of the Resolution approving changes to a small and local sanitary district for refuse/recycling and/or leaf collection service in accordance with the Board’s adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts effective October 1, 2015, as follows:

<b><u>Sanitary District</u></b>	<b><u>Action</u></b>	<b><u>Service</u></b>
Small District 1 within Mount Vernon District (Martha’s Road)	De-Create/Re-Create	Add Vacuum Leaf Collection

Chairman Bulova 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.”

94. **BOARD ADJOURNMENT** (4:40 p.m.)

The Board adjourned.

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