



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 2, 2016**

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DAL:dal

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, February 2, 2016, at 9:35 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Linda Q. Smyth, Providence District
- Supervisor Daniel G. Storck, Mount Vernon District

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 11:22 a.m.

Others present during the meeting were Edward L. Long Jr., County Executive; David P. Bobzien, County Attorney; Elizabeth A. Teare, Deputy County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Ekua Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:36 a.m.)

Supervisor Cook asked everyone to keep in thoughts the family of Mr. Charles Dane, who died recently. He was the Vice-Chair and Braddock District Representative for the Commission on Organ and Tissue Donation and Transplantation; actively pushed for donor leave workplace policy; was responsible for Fairfax County Public Schools (FCPS) adopting its living donor leave policy; was active in getting State tax credits to cover out-of-pocket costs for living donors. He never missed a *Celebrate Fairfax* or *Fall for Fairfax* event, where he could share information with the public about the ability to be an organ donor. Mr. Dane was the recipient of a kidney 10 years ago, which extended his life for the benefit of us all. He was an active member and 10-year Chairperson of the Fairfax Federation of Civic Associations Education Committee; served on its Land Use Committee as its Vice-President; and received the Federation's Citation of Merit Honor. He was passionate about education – served as a member of the Superintendent's Business and Community Advisory Council; eight-year member of the School Board Human Relations Advisory Council; and often would review scholarship applications submitted to College Access Fairfax. He was a three-year President of the National Association of Active and Retired Federal Employees; very much engaged in the Stone Haven Civic Association; served on its home improvement, audit, and nomination committees; coordinated the Association's biennial home tour event, and was, with his wife Dottie, Lord and Lady Fairfax from Braddock District in 2011. He had very poignant and well-supported ideas. He will be missed.

Chairman Bulova noted that Mr. Dane was a strong advocate for FCPS.

Supervisor Storck asked everyone to keep in thoughts the family of Ms. Rosemary Bernier, who died recently. She was a long-time Tauxemont resident and was a very active and strong member of the community.

Supervisor Storck asked everyone to keep in thoughts the family of Ms. Kerri Rose, who died recently. She was a brewer at Forge Brew Works in Lorton. She succumbed to cancer and leaves behind a husband and infant son.

2. **INTRODUCTION OF INTERN** (9:40 a.m.)

Chairman Bulova introduced Ms. Rita McNeil, who is interning in her office. Ms. Neil moved from New Jersey to Washington, DC to earn her master's degree in forensic and legal psychology at Marymount University. On behalf of the Board, Chairman Bulova warmly welcomed Ms. McNeil to the Board Auditorium.

AGENDA ITEMS**3. PROCLAMATION DESIGNATING FEBRUARY 2016 AS "AFRICAN AMERICAN HISTORY MONTH" IN FAIRFAX COUNTY (9:41 a.m.)**

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate February 2016 as "*African American History Month*" in Fairfax County. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. 10 A.M. – PRESENTATION OF THE DON SMITH AWARD (9:49 a.m.)

Randy R. Creller, Chairperson, Employee Advisory Council (EAC), presented the history of the Don Smith Award.

The Don Smith Award was presented to:

- Ian Brill, Fire and Rescue Department

Additional awards and certificates were presented in an earlier ceremony to the following:

- First Runner-Up – Nawal Yassini, Department of Code Compliance
- Second Runner-Up – Robin McCants, Department of Family Services
- Recognition Certificate – Lisa Turner, Housing and Community Development
- Recognition Certificate – Katherine Uhrich, Department of Family Services
- Recognition Certificate – Latishma Walters, Department of Family Services

5. 10:10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES (9:56 a.m.)

Chairman Bulova noted that the Board held its first Legislative Committee meeting for this year on Friday, January 29.

Supervisor McKay, Chairman of the Board's Legislative Committee, presented the report on General Assembly activities, noting the following:

- As of Saturday, January 30, there have been 2681 bills and resolutions introduced by the 2016 General Assembly, many of which were discussed at the Legislative Committee meeting.
- A key area of focus is Governor Terry McAuliffe's budget for the next two years which includes increased funding for K-12.
- An editorial, from yesterday's *Virginia Pilot* newspaper outlining the State's chronic underfunding of public education, was distributed around the dais.
- During Friday's Legislative Committee meeting Board Members directed staff to prepare a letter to the County's General Assembly Delegation Members in opposition to proposed legislation which would restrict the County's existing proffer authority. This must be acted on quickly because the Senate Committee will be considering this legislation this afternoon. (A draft letter was submitted to Board Members yesterday.)

Supervisor McKay moved that the Board approve sending the draft letter, signed by the Chairman, to the County's General Assembly Delegation. Supervisor Gross seconded the motion.

Discussion ensued, with Board Members expressing their views/concerns, regarding the draft letter and proposed legislation.

Supervisor McKay moved to amend his motion to revise page two of the letter, the end of the first sentence, as follows:

- ...by enhancing the growth and success of our newer developments while revitalizing our older commercial areas, ensuring active and vibrant districts throughout Fairfax County. **Virtually all development in the County is infill development. In these types of cases, proffers are critical in meeting infrastructure and compatibility needs of surrounding areas. If enacted, these bills may require us to rewrite entire sections of our Comprehensive Plan and Zoning Ordinance.**"

This was accepted.

Discussion continued, with Board Members expressing their views/concerns.

Supervisor Smyth raised a question regarding the provisions for rezoning proffers and whether it would apply to the County, and discussion ensued, with input from Elizabeth Teare, Deputy County Attorney.

Following further discussion, the question was called on the motion, as amended, and it **CARRIED** by a recorded vote of eight, Supervisor Herrity voting “NAY,” Supervisor Hudgins not yet having arrived.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to send a copy of the letter to the Fairfax County Federation of Citizens Associations, to engage and solicit its assistance. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor McKay moved adoption of Legislative Committee Report Number One. Supervisor Gross seconded the motion.

Discussion ensued, with Board Members expressing their views and support/non-support of the motion.

Discussion continued, with input from Tom Biesiadny, Director, Department of Transportation, regarding the agreement between the Commonwealth and the Northern Virginia Transportation Commission regarding the I-66 widening inside the beltway.

The question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Herrity and Supervisor Smith voting “NAY,” Supervisor Hudgins not yet having arrived.

Supervisor McKay noted that the:

- Next meeting of the Legislative Committee will be held on Friday, February 5, 2016, at 4 p.m., in Conference Rooms 9/10 of the Government Center
- Annual reception in Richmond is Wednesday, February 17, 2016, at 5:30 p.m., at Old City Hall

DET:det

6. **ADMINISTRATIVE ITEMS** (10:36 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smith, Supervisor Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Hudgins not yet having arrived.

ADMIN 1 – APPROVAL OF TRAFFIC CALMING MEASURE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE DISTRICT)

- Endorsed a traffic calming plan consisting of one speed hump on Vernon Drive (Dranesville District)
- Directed staff to schedule the installation of the approved measure as soon as possible

ADMIN 2 – STREET INTO THE SECONDARY SYSTEM (SPRINGFIELD DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Will H Krause-Beechwood Drive (Extension)	Springfield	Beechwood Drive

ADMIN 3 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (DRANESVILLE DISTRICT)

Authorized the extension of review period for the following Public Facility (2232) Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-D15-14	Metropolitan Washington Airports Authority / Virginia Department of Rail and Public Transportation / Washington Metropolitan Area Transit Authority 2205 Rock Hill Road, Herndon, VA Dranesville District	August 9, 2016

7. **A-1 – AMENDMENT OF THE BOARD’S STATEMENT OF POLICY REGARDING SEWAGE DISPOSAL TO REVISE PARAGRAPH E-4 (10:36 a.m.)**

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and approved the proposed revisions to Paragraph E-4 of the Board’s Statement of Policy Regarding Sewage Disposal.

8. **A-2 – APPROVAL OF THE PROJECT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) AND THE COUNTY FOR FISCAL YEAR (FY) 2016 FUNDING FOR THE I-95 TRANSIT AND TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN OPERATING ASSISTANCE** (10:37 a.m.)

(R) On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smith, Supervisor Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the Director of the Department of Transportation to sign the Project Agreement between VDRPT and the County, in substantial form, to fund Fairfax County’s I-95 Transit and TDM Plan operating assistance.

9. **A-3 – ADJUSTMENT TO FAIRFAX CENTER, CENTREVILLE, TYSONS, TYSONS-WIDE AND TYSONS GRID OF STREETS ROAD FUNDS (DRANESVILLE, SPRINGFIELD, BRADDOCK, SULLY, AND PROVIDENCE DISTRICTS)** (10:38 a.m.)

On motion of Supervisor Smyth, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and approved the rate schedule, including a 0.25 percent adjustment of the existing contribution rates in all fund areas with the new rate effective February 3, 2016. Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, concerning the Consumer Price Index increase.

10. **A-4 – ADOPTION OF A RESOLUTION CONFIRMING THE DECLARATION OF LOCAL EMERGENCY AND CONSENTING TO ALL ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF** (10:39 a.m.)

(R) On motion of Supervisor Gross, jointly seconded by Supervisor Foust and Chairman Bulova, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smith, Supervisor Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Hudgins not yet having arrived, the Board concurred in the recommendation of staff and adopted a Resolution:

- Confirming the Declaration of Local Emergency effective 12 noon January 22, 2016, through 12 noon January 25, 2016
- Approving and consenting to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration of Local Emergency and the Fairfax County Emergency Operations Plan

ADDITIONAL BOARD MATTER11. **SNOWZILLA, SNOW SUMMIT** (10:41 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and stated what a difference a week makes. Last week, this time, appointments and events, including a day's worth of Lines of Business briefings, fell off calendars as the Board; the County's Emergency response team, including public safety, public works; Volunteer Fairfax; and public information, worked around the clock to address the aftermath of the blizzard of 2016, dubbed "Snowzilla".

This was an unusual major snow event in that it was highly predictable for a good part of the week leading up to it, giving the County and the region ample time to prepare. Despite high winds during the second day of the storm, snow did not build up on tree limbs which could have caused downed trees and widespread power outages, but there was a record pile up of snow, 29.3 inches at Dulles Airport, just 3.1 inches short of Snowmageddon in February of 2010.

In the County, most roads (excluding private homeowner association streets) are owned and maintained by the State (Virginia Department of Transportation - VDOT), not the County. In the case of a snowstorm, such as Snowzilla, the County works very much in partnership with VDOT to clear County properties, such as fire and police stations, to respond to emergency situations, and to advocate for residents as they report areas in need of a plow.

Compared to Snowmageddon, where some County residents were trapped, some of them without power, in their homes for up to a week, Chairman Bulova stated that she thought VDOT's response to this storm was excellent, but there are still lessons to be learned and practices that can be improved.

Last week, she said that she and Supervisor Kathy Smith, while discussing conditions in the especially hard hit western areas of the County, discussed hosting a Snow Summit so that the Board could discuss with VDOT and County staff: what went well; what lessons were learned from Snowzilla; and what can be done to improve the County's response to future storm events.

Chairman Bulova moved that the Board direct staff to schedule a *Snowzilla Summit* at its March 1st Board Meeting and that it invite both officials from VDOT as well as County staff who have been working tirelessly to keep County facilities open to employees and the public. The purpose of the Summit is first to thank them for the good job they did responding to the blizzard of 2016; but also to examine how to address some of the issues that were problematic (such as the need for clearing pedestrian facilities, school bus stops and commuter bus shelters). Supervisor Gross seconded the motion.

Discussion ensued concerning the inclusion of other parties in the summit, including the schools and the Postal Service.

Discussion continued concerning:

- Clearing sidewalks and paths onto school property
- Mandatory sidewalk shoveling laws
- VDOT dumping snow on shoveled areas
- Use of snow blowers or other equipment to clean sidewalks and bus shelters
- Other jurisdictions' approaches to snow removal (including hauling snow away)
- Inclusion of the police in the summit to address statistics concerning accidents resulting from plowed snow build-up
- The accuracy of VDOT's on-line snow removal map
- Use of private contractors
- Zoning school and metro areas for priority clearing
- Conflicts between VDOT and County maps identifying private streets

Chairman Bulova announced that her office would serve as the collection point for comments and concerns.

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

(NOTE: Later in the meeting, there was additional discussion regarding the recent blizzard. See Clerk's Summary Items #17, #22, #27, 28, and #33.)

AGENDA ITEMS

12. **I-1 – CONTRACT AWARD – REAL ESTATE DEVELOPMENT ADVISORY SERVICES** (11:05 a.m.)

The Board next considered an item contained in the Board Agenda dated February 2, 2016, announcing that staff is awarding five-year term contracts from the award date, which may be renewed for five one-year terms, to the following:

<u>Contractor Name</u>	<u>Services</u>
Delta Associates	Development and real estate advisory, and negotiations services, market analysis and valuation, financial analysis, and research services.
HR&A Advisors, Incorporated	Development and real estate advisory, and negotiations services, market analysis and valuation, financial and fiscal impact analysis, special tax district, affordable housing finance, retail and leasing services.
Jones Lang LaSalle Americas, Incorporated	Development and real estate advisory, and negotiations services, market analysis and valuation, financial analysis, acquisitions & brokerage services, special tax district, affordable housing finance, retail and leasing services.
MuniCap, Incorporated	Development and real estate advisory, financial analysis, and special tax district services.
RKG Associates, Incorporated	Development and real estate advisory, market analysis and valuation, financial and fiscal impact analysis services.
Savills Studley, Incorporated	Development, negotiations, and real estate advisory, market analysis and valuation, financial and fiscal Impact, acquisitions, brokerage, special tax district, affordable housing finance, retail and leasing services.
Streetsense Consulting, LLC	Real estate advisory, market analysis and valuation, and retail and leasing services.
Whiteoak Properties, LLC	Development, negotiations, and real estate advisory, market analysis and valuation, financial analysis, acquisitions, and affordable housing finance advisory services.

DAL:dal

ADDITIONAL BOARD MATTERS

13. **REQUEST FOR RECOGNITIONS** (11:05 a.m.)

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

- Invite representatives from the Commission and Office for Women to appear before the Board on March 1 to accept a proclamation recognizing “*Women’s History Month*” and to join the Board for a photo.
- Invite representatives from the Department of Public Works and Environmental Services to appear before the Board on April 26 to accept a proclamation recognizing “*International Building Safety Month*” and join the Board for a photo, and also to recognize the 2016 Community Partnership Award Recipient.
- Invite representatives from the Office of Human Rights and Equity Programs to appear before the Board on March 22 to accept a proclamation recognizing “*Fair Housing Month*” and to join the Board for a photo.
- Prepare and send a proclamation recognizing “*Engineers Week*” to the DC Council of Engineering and Architectural Societies prior to February 15, 2016.

Without objection, it was so ordered.

14. **ELECTRIC VEHICLE CHARGING READINESS** (11:06 a.m.)

Chairman Bulova said that on January 11 offices received a report from the Planning Commission (PC) on Electric Vehicle Charging Infrastructure Recommendations. This report was generated after thorough review of a report the County received from the MITRE Corporation to satisfy proffer requirements.

While electric vehicles are an exciting possibility, there is uncertainty about how the general public will adopt this technology. There are also questions about whether the County should address this technology in its Comprehensive Plan and, if so, to what extent.

Therefore, she asked unanimous consent that the Board direct staff to add a briefing on the PC's review of MITRE's Electric Vehicle Charging Infrastructure Recommendations for Fairfax County to the agenda of the next Environmental Committee meeting. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

15. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (11:08 a.m.)

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

DET:det

16. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (11:08 a.m.)

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

17. **SNOW IN SULLY DISTRICT** (11:08 a.m.)

(NOTE: Earlier in the meeting, there was additional discussion regarding the recent blizzard. See Clerk's Summary Item #11.)

Supervisor Kathy Smith announced that last week's blizzard hit all of Northern Virginia hard - but especially her constituents in the Sully District. Centreville recorded the largest snowfall in the County and the National Weather Service stations in Sully all reported between 27 and 30 inches – about four to nine inches more than stations reported around the rest of the County.

The extra snow made the cleanup even more difficult and impossible for smaller plows to handle many neighborhoods. She said that her neighborhood was one of those – it took three full days after the storm ended to first see a plow.

Supervisor Smith stated that she was very glad to see Chairman Bulova raising the issues seen during this storm and supports her efforts to get answers on how to do better.

She said her office remained open for the entirety of the blizzard. Her Chief of Staff even slept on the floor for two nights and her office served over 1,400 constituents by phone and email.

One technology tried in Sully was calling constituents with an auto-call and offering them a chance to directly connect to the Sully office by pressing “1” on their phone if they answer live. If a machine answers, it leaves a message with the Sully District office number. This service was highly used. This technology moves outgoing calls at the pace where incoming calls can be received and the office was able to cover about half of the Sully District with calls during the storm and in the immediate aftermath.

About 93 percent of the total call backs came from areas where their call went out. In other words, just putting out the offer of help and reminding people of the

office's ability to help them resulted in a 14 times increase in the number of people contacting the office.

Supervisor Smith said that in the next snow her office plans to employ this technology once again and would be happy to share it with any other interested Board offices. She said she hoped using the lessons learned from this storm can increase capacity and cover the entire Sully District with calls for the next storm. And again, she publicly thanked her entire staff for sacrificing personal comfort to serve the constituents in Sully District.

(NOTE: Later in the meeting, there was additional discussion regarding the recent blizzard. See Clerk's Summary Items #22, #27, #28, and #33.)

PMH:pmh

18. **SHIRLEY GATE ROAD EXTENSION PLAN AMENDMENT (SPRINGFIELD DISTRICT)** (11:11 a.m.)

Supervisor Herrity said that the Shirley Gate Road Extension, from Braddock Road to the Fairfax County Parkway, has been on the County's Comprehensive Plan for many years. In 2014, the project was included in the County's Six-Year Transportation Project Priorities. In 2015, the Department of Transportation (DOT) initiated the Shirley Gate Road Extended Planning Study to refine the road alignment and evaluate interchange configurations at the Fairfax County Parkway. The major component of the study was to engage area residents and property owners in the effort to develop a preferred alignment. To that end, a series of five stakeholder meetings was held from May to September of last year so that the residents and property owners could participate in each stage of the study and so that their preferences would help determine the preferred alignment. The study did result in a preferred alignment and interchange concept. That recommendation was presented at a public meeting held in December.

This preferred alignment minimizes impacts to existing homes, particularly those on Meath Court, as directed by the current Comprehensive Plan. At the Fairfax County Parkway, it would show a single interchange with an overpass for Popes Head Road. This would eliminate the existing traffic signal on the Parkway at Popes Head Road, which is currently a significant chokepoint.

In the course of this study, residents along Shirley Gate Road, north of Braddock Road, have expressed concerns about the impact the extension would have on traffic operations for the existing portion of Shirley Gate Road.

Therefore, in order for the Comprehensive Plan to reflect the preferred Shirley Gate Road extended alignment and the preferred interchange concept, Supervisor Herrity moved that the Board authorize a Plan Amendment to reflect these recommendations on the County Transportation Plan Map and in conjunction initiate an examination of the impacts on the existing portion of Shirley Gate Road. Supervisor Cook seconded the motion.

Supervisor Cook asked unanimous consent that the Board direct staff to coordinate with his office. Without objection, it was so ordered.

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

19. **RE-NAMING THE ANIMAL SHELTER** (11:14 a.m.)

In a joint Board Matter with Supervisor Smith and Chairman Bulova, Supervisor Herrity referred to his written Board Matter outlining former Sully District Supervisor Michael Frey's more than 34 years of service and moved that the Board direct the County Executive to rename the Fairfax County Animal Shelter after former Sully District Supervisor Michael Frey for his service to the community and his longstanding and continuing advocacy for animal well-being. Supervisor Smith seconded the motion.

Following discussion regarding the criteria for naming facilities, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board refer this issue to its Procedures Committee for review and recommendations. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

20. **SECOND ANNUAL TEEN JOB FAIR** (11:21 a.m.)

Supervisor Herrity announced that last March, his office, along with the Greater Springfield Chamber of Commerce and the West Springfield High School SGA, hosted a Teen Job Fair. The event focused on students and younger job seekers looking for all types of employment opportunities; full time, after-school, seasonal positions, internship opportunities, or volunteer positions. Over 550 students attended and over 35 employers met with prospective job seekers.

This year, the Second Annual Teen Job Fair will take place on March 12 from 1 p.m. – 3 p.m. in the cafeteria of West Springfield High School. It is open to all teens in the County looking for employment.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the Office of Public Affairs to help publicize the Second Annual Teen Job Fair to the local community. Without objection, it was so ordered.

21. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(11:22 a.m.)

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

22. **SNOW DAY PROGRAM** (11:22 a.m.)

(NOTE: Earlier in the meeting, there was additional discussion regarding the recent blizzard. See Clerk's Summary Items #11 and #17.)

Supervisor McKay said that in the aftermath of last week's blizzard, he saw that the Town of Herndon's Parks and Recreation Department started a School's Out – Snow Day Program for school-aged children that allowed them to get out of the house, play games, and participate in arts and crafts while not in school.

Therefore, Supervisor McKay moved that the Board direct staff to evaluate Herndon's program to determine if the County can implement something similar for parents who wish to return to work and children who'd like to get out of the house during events such as the recent snowstorm where schools are closed for multiple days. Supervisor Herrity seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, there was additional discussion regarding the recent blizzard. See Clerk's Summary Items #27, #28, and #33.)

23. **REQUEST FOR CERTIFICATE OF RECOGNITION** (11:25 a.m.)

Supervisor McKay announced that John Turner, branch chief of Compliance and Relations in the Department of Housing and Community Development is retiring.

Supervisor McKay referred to his written Board Matter outlining Mr. Turner's many accomplishments and asked unanimous consent that the Board direct staff to prepare a certificate to be jointly signed by the Chairman and the Lee District Supervisor for presentation to Mr. Turner at his retirement party. Without objection, it was so ordered.

24. **REQUEST FOR CERTIFICATE OF RECOGNITION** (11:27 a.m.)

Supervisor McKay announced that Jeff Blackford, appointed director of the County's newly created Department of Code Compliance in May 2010, is retiring. He referred to his written Board Matter outlining the work of the department and the career of Mr. Blackford and his many accomplishments.

Therefore Supervisor McKay asked unanimous consent that the Board direct staff to prepare a certificate to be jointly signed by the Chairman and the Lee District Supervisor for presentation to Mr. Blackford at his retirement party. Without objection, it was so ordered.

25. ESTABLISHING A NEIGHBORHOOD INFRASTRUCTURE FUND
(11:29 a.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Cook said that the Infrastructure Financing Committee took a close look at public infrastructure, that is, buildings and facilities owned by the County, the Parks, and Fairfax County Public Schools. He added that there was not a review of the underlining infrastructure needs of neighborhoods - street lights, sidewalk connections, storm drains, et cetera. This infrastructure is required when neighborhoods are built new.

However, many communities were built before the County required these amenities as part of the development process. In older neighborhoods that are undergoing revitalization, they can be rebuilt or added through redevelopment proffers. Large projects such as sidewalks along arterial roads can be built through transportation improvement projects, but that still leaves unmet needs - small projects in older, stable neighborhoods not expected to undergo any significant revitalization. These needs include adding street lights for safety as requested by neighborhood leaders, connecting sidewalks in residential areas not connected during the original development, and stormwater improvements required due to subsequent development.

Therefore, jointly Supervisor Cook and Supervisor McKay moved that the Board direct the County Executive to develop a plan for a neighborhood infrastructure fund that would be available to provide continuing funding for such projects. The plan should include a description of the types of projects that would be eligible for funding and selection criteria. The County Executive should recommend proper roles for staff and the district Supervisors in project selection. Criteria should be considered for community matching of County funding, whether through cash matches or sweat equity, and whether such matching should be required or provide a preference in selection criteria. Furthermore, the County Executive should recommend funding avenues that do not involve the General Fund. Such funding could include Carryover funding or funds left over when transportation or public works projects are completed below estimated costs.

The County Executive is directed to make the recommendations requested herein within 120 days. Supervisor McKay seconded the motion.

Following queries from Edward L. Long Jr., County Executive, regarding:

- Use of General Fund Carryover balance and one-time funds at year-end
- Models of how this funding would be distributed
- District issues versus Countywide issues

- Discretionary projects and funding at the Supervisor level
- Funding of projects outside of the budget process

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

26. **PUBLIC SAFETY COMMITTEE MEETING** (11:43 a.m.)

Supervisor Cook announced that the first Public Safety Committee meeting of the year will be held on February 9, 9:30 to 11:30 a.m. Board Members will be receiving, in the next day or two, a matrix of recommendations of the Ad Hoc Commission Police Practices Review Commission. He noted that Deputy County Executive David Rohrer was putting finishing touches on the document as he spoke.

He advised the Board that the issue that they will be asked about at the meeting is on the matrix and noted that there is a column for who the decision-maker is on the items. Many of the items are routine or minor administrative items. The thought being that the Chief would make a decision on and implement those without the Board needing to have a discussion or vote. He asked Board Members to review the list to determine whether any items need to be pulled from the Chief's list and put on the Board's list.

Supervisor Cook informed the Board that the Public Safety Committee will not be going through the items individually; but there will be a presentation from the Chief on those recommendations that the department is addressing. Board Members will then be asked if there are items that should be added to its list. This will help line up the agenda for the rest of the year.

Chairman Bulova noted that many of the recommendations have already been implemented; the Board will find out what those are and what the process has been. She added that the County has the opportunity to become a model for its response to police incidents as well as its changing culture.

Additionally, the Diversion First Commission is looking at and developing ways for individuals who are mentally ill and become involved in law enforcement, when appropriate and feasible, to be diverted into treatment rather than incarceration.

Supervisor Cook noted that the Public Safety Committee meeting will address the Ad-Hoc Commission recommendations matrix during the first half of the meeting; and the other half will deal with a presentation on Diversion First. He noted that there will be a news event on Diversion First on February 11.

Lastly, he noted that the larger recommendations, i.e. the citizen review, et cetera. are matters that deserve significant Board discussion, but the task for next Tuesday is to ensure that no one is making an assumption that an item is routine or administrative when a Board Member considers it to be subject to more discussion. Those items requiring further discussion will not be discussed on Tuesday, but will be put on the schedule for future consideration.

27. **PLOWING BONDED DEVELOPMENT STREETS** (11:47 a.m.)

(NOTE: Earlier in the meeting, there was additional discussion regarding the recent blizzard. See Clerk's Summary Items #11, #17, and #22.)

Supervisor Storck said that a little over one week, and a lifetime's worth of shoveling ago, the County experienced Snowzilla, a historic blizzard. After the snow let up, several residents contacted him seeking assistance to have the developers in their communities plow their streets. All around them, state, County, and many private roads had been cleared, but some of the bonded developments, which had not yet been transferred into the Virginia Department of Transportation's (VDOT) secondary system, had not been touched. The Department of Public Works and Environmental Services (DPWES) staff has been excellent reaching out to these developers to have the roads plowed, and most did so without prompting or shortly thereafter. Some took over a week to have a single car lane's width plowed to provide access. Without vehicular access, residents' safety is at risk and their daily living is compromised.

Supervisor Storck said that DPWES holds a bond for public infrastructure for developments, some new, some many years old. Some residents inquired if the County could withhold a portion of the developers' bond to cover the expense, or for the County to pay for VDOT's or the homeowners association expense, to plow the streets if the responsible party does not perform the work in a certain prescribed period of time. This raises a few questions: Is snow plowing a bonded item? If not, does the Board have the enabling authority to make it a bonded item? Can a portion of the bond be used to reimburse the cost to plow if it is not done in a timely manner?

Therefore, Supervisor Storck asked unanimous consent that the Board direct the County Executive and County Attorney to examine this matter and report with recommendations for snow removal on bonded streets. Without objection, it was so ordered.

(NOTE: Later in the meeting, there was additional discussion regarding the recent blizzard. See Clerk's Summary Items #28 and #33.)

28. **REQUEST TO PRIORITIZE SHOVELING WALKWAYS ON COUNTY LAND IN CLOSE PROXIMITY TO SCHOOLS** (11:49 a.m.)

(NOTE: Earlier in the meeting, there was additional discussion regarding the recent blizzard. See Clerk's Summary Items #11, #17, #22, and #27.)

Supervisor Storck said that one of the biggest challenges to getting schools open again in the region is clearing sidewalks, bus stops and sight lines at intersections of snow. Every organization responsible for clearing sidewalks has made a herculean effort over the last several days. As the snow melts, some kids are still walking in the street and bus passengers are waiting in highway lanes to catch the Connector or REX bus because sidewalks or bus stops are not clear. One constituent contacted his office to see if a sidewalk on parkland adjacent to a school could be shoveled so children had a clear and safe path. This local park was low on the Park Authority's priority list for snow removal. In other places around Mount Vernon District, community

members had to come together to shovel out thousands of yards of sidewalk to connect communities to their local schools.

Supervisor Storck referred to his written Board and asked unanimous consent, that the Board direct the County Executive to review this matter, discuss it with the School's Superintendent, as needed, and report with recommendations. Without objection, it was so ordered.

(NOTE: Later in the meeting, there was additional discussion regarding the recent blizzard. See Clerk's Summary Item #33.)

29. **MOUNT VERNON DISTRICT'S TWENTY-NINTH ANNUAL TOWN MEETING** (11:51 a.m.)

Supervisor Storck noted that when former Mount Vernon District Supervisor Gerry Hyland began the annual Town Meeting back in 1988, he made sure the meeting was not about him. The Town Meeting is about informing the Mount Vernon community of what its government is doing for them, and even more importantly, listening to the people discuss and debate the future in an open forum. He announced that Chairman Bulova, County Executive Ed Long, Fort Belvoir Commander Colonel Mitchell, and School Board Member Karen Corbett Sanders will join him. The meeting will be held on February 27 at Walt Whitman Middle School. He invited all Board Members to join him.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to advertise the Town Meeting on its various communications platforms. Without objection, it was so ordered.

30. **BEST OF RESTON HONOREES** (11:54 a.m.)

Supervisor Hudgins said that the Best of Reston Awards is a partnership between the Greater Chamber of Commerce and Cornerstones that has come together for 30 years to make a difference in the lives of others.

There are eight 2016 honorees to receive the Best of Reston Community Service Awards. They are:

- Individual Community Leader – Leila Gordon
- Civic Community Organization – Friends of Reston for Community Projects
- Vade Bolton-Anne Rodriguez Legacy Award – Amy's Amigos
- Small Business Leader – Beloved Yoga
- Corporate Business Leader – Bechtel

- Individual Community Leader – Jim Elder
- Corporate Business Leader – Google
- Small Business Leader – Wiygul Automotive Clinic

Therefore, Supervisor Hudgins asked unanimous consent that the Board extend its congratulations to each of the Best of Reston Community Service Awards recipients for their outstanding contributions to the community; and she further requested that certificates, with dual signatures, be prepared for presentation at the 2016 Best of Reston Gala, Thursday, April 7, 2016 at the Hyatt Regency, Reston. Without objection, it was so ordered.

31. **HUNTER MILL DISTRICT SUMMIT** (11:56 a.m.)

Supervisor Hudgins said that residents are invited to participate in the annual Hunter Mill District Community Summit, on Saturday, February 20. This year's program will be held at the Vienna Fire Station, 120 Center Street, from 8:30 a.m. to noon. The program features presentations and discussions on the both the County's and Fairfax County Public Schools' Fiscal Year 2017 Budgets.

Supervisor Hudgins referred to her written Board Matter and outlined the agenda for the Summit.

Therefore, Supervisor Hudgins moved that the Board direct the Office of Public Affairs and the Department of Neighborhood and Community Services to assist in publicizing the 2016 Hunter Mill District Community Summit. Without objection, it was so ordered.

32. **RACING TO JUSTICE COMMUNITY EVENTS (HUNTER MILL DISTRICT)** (11:57 a.m.)

Supervisor Hudgins said that this month, residents will have an opportunity to get involved in a conversation about the impact of racism on the educational, judicial, social and economic spheres. At two community events, Professor John A. Powell, one of the nation's foremost leaders of the movement for universal justice, will be discussing these issues with our community.

This program, *Racing to Justice: Achieving Social Equality in our Community*, is being presented by Reston Community Center, in association with the Equitable Growth Profile Advisory Group of Fairfax County, Annandale United Methodist Church, Leadership Fairfax, Incorporated, the County Government, and the Hunter Mill District office. The two major events are:

- Friday, February 26 at Annandale United Methodist Church

- Saturday, February 27 at Reston Community Center

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs assist in publicizing the *Racing to Justice* events. Without objection, it was so ordered.

33. **STATEMENT FROM THE DIAS REGARDING THE RECENT BLIZZARD (HUNTER MILL DISTRICT)** (11:58 a.m.)

(NOTE: Earlier in the meeting, there was additional discussion regarding the recent blizzard. See Clerk's Summary Items #11, #17, #22, #27, and #28.)

Supervisor Hudgins said that during the recent blizzard, it was gratifying to see non-profit, faith, and business communities working together with State and County public safety and transportation staffs to ensure that people were brought in from the elements to sufficient food, physical warmth, and medical supplies. These organizations are to be commended for their proactive planning and organization as well as their execution.

Supervisor Hudgins said that she received an e-mail from the Police Communication Assistant on duty at the Reston District Station, Saturday. She informed her that she had given two coats, a scarf, hat and a pair of tennis shoes from the Hunter Mill Coat Closet, a joint program through her office and Cornerstones to a gentleman who had come to the building in a sweatshirt and only tube socks on his feet.

Supervisor Hudgins acknowledged hyperthermia shelter volunteers, County health and human services staff who manage County shelters, and the volunteers from houses of worship and non-profit organizations, who excelled in safeguarding others in true time of need.

Supervisor Hudgins noted that the County experienced no loss of life to the homeless population during the storm. She thanked everyone and every organization for their stellar performance and contributions during this historic weather event.

34. **RECESS/CLOSED SESSION** (12:02 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly-held real

property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *David J. Laux and Tara K. Laux a/k/a Tara K. Long v. Board of Supervisors of Fairfax County, James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and the Commonwealth of Virginia*, Civil Action No. 15cv1334 (E.D. Va.) (Mason District)
 2. *Patricia Tomasello v. Fairfax County, Virginia*, Case No. 1:15-cv-95 (E.D. Va.)
 3. *Saad Lodhi, a/k/a Quratulain Balouch v. Officer Sepehri, John Doe I, and Fairfax County, Virginia*, Case No. 1:15-cv-425 (E.D. Va.)
 4. *Amy Marshall v. Damien Cichocki*, Case No. CL-2015-0009608 (Fx. Co. Cir. Ct.)
 5. *Walgreen Co. v. County of Fairfax, Virginia*, Case No. CL-2014-0016554 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 6. *Walgreen Co. v. County of Fairfax, Virginia, and Town of Herndon*, Case No. CL-2014-0016555 (Fx. Co. Cir. Ct.) (Dranesville District)
 7. *Walgreen Co. v. County of Fairfax, Virginia*, Case No. CL-2014-0016556 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 8. *Walgreen Co. v. County of Fairfax, Virginia and Town of Vienna*, Case No. CL-2014-0016557 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 9. *Victor Vega v. Larry Collins, Fairfax County Board of Supervisors, Fairfax County Police Department, Fairfax County Department of Risk Management, and Colonel Edwin C. Roessler Jr.*, Case

No. CL-2015-0017926 (Fx. Co. Cir. Ct.)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John L. Butterfield and Nancy S. Butterfield*, Case No. CL-2014-0010617 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *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*, Case No. CL-2014-0013597 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roberto Abarca*, Case No. CL-2014-0012936 (Fx. Co. Cir. Ct.) (Providence District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)
14. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge Alberto Broide*, Case No. CL-2010-0017885 (Fx. Co. Cir. Ct.) (Providence District)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abateneh Mulugeta and Genet Chala*, Case No. CL-2015-0008843 (Fx. Co. Cir. Ct.) (Mason District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Philip W. Bradbury*, Case No. CL-2015-0008844 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jeffrey*

Gearhart, Case No. CL-2015-0012282 (Fx. Co. Cir. Ct.) (Providence District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert H. Pearson, Jr.*, Case No. CL-2015-0015903 (Fx. Co. Cir. Ct.) (Providence District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Christopher L. Sodergen*, Case No. CL-2015-0016908 (Fx. Co. Cir. Ct.) (Springfield District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hongfei Shi and Jiang Westerhoff Yang*, Case No. CL-2015-0017903 (Fx. Co. Cir. Ct.) (Sully District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria Arrieta*, Case No. CL-2016-0000685 (Fx. Co. Cir. Ct.) (Mason District)
23. *Tarsha S. Warren v. Officer Ryan Wever*, Case No. GV15-024483 (Fx. Co. Gen. Dist. Ct.)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. The Southland Corporation*, Case Nos. GV15-026243, GV15-026244, and GV15-026245 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
25. *Abelardo Brito-Trujillo v. Moufid M. Khoury*, Case No. GV15-023706 (Fx. Co. Gen. Dist. Ct.)
26. *Gilbert Rivera v. Fairfax County Board of Supervisors and Chad Crawford, Director of Maintenance and Stormwater Management*, Case No. GV15-018984 (Fx. Co. Gen. Dist. Ct.)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Philip John Sokolowski*, Case No. GV15-026453 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ray Claire Gonzalez and Meranda*

De Martinez, Case No. GV15-027883 (Fx. Co. Gen. Dist. Ct.) (Mason District)

And in addition:

- *The Estate of Ronald H. Armstrong v. Village of Pinehurst, et al.*, Number 15-1191, United States Court of Appeals for the Fourth Circuit
- Federal Energy Regulatory Commission Proceedings in Docket Number CP16-38
- 2015 Amendments to the Virginia State Conflict of Interests Act
- Virginia Code Annotated Section 15.2-2208.1

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

EBE/DAL:dal

At 3:31 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

35. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:31 p.m.)

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

36. **AUTHORIZATION TO FILE A MOTION TO INTERVENE IN THE FEDERAL ENERGY REGULATORY COMMISSION PROCEEDINGS** (3:32 p.m.)

Supervisor Smith moved that the Board authorize the County Attorney to file a Motion to intervene in the Federal Energy Regulatory Commission proceedings in Docket Number CP16-38 related to the application by Columbia Gas Transmission, LLC, to construct the Chantilly Compressor Station and associated natural gas pipeline at and around Halifax Point Park in Fairfax County, Virginia.

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

ADDITIONAL BOARD MATTER

37. **INTRODUCTION OF INTERN** (3:33 p.m.)

Chairman Bulova introduced Mr. Benjamin Cowlshaw, who is interning in her office. Mr. Cowlshaw is a junior at George Mason University, studying government and international politics. He came from Dallas, Texas, to learn and experience the ins and outs of all levels of government. When he is not in class, Mr. Cowlshaw is part of the Washington Capitals Media Relations Team and is the assistant sports editor of George Mason's newspaper *The Fourth Estate*. After graduation, he plans to stay in the area and work in local, state, or federal government to get involved with political media, or to join the government affairs or intelligence community. On behalf of the Board, she warmly welcomed him to the Board Auditorium.

EBE:ebe

AGENDA ITEMS

38. **3:30 P.M. – DECISION ONLY TO APPROVE A REAL ESTATE EXCHANGE AGREEMENT (REEA) BETWEEN THE BOARD AND AVALONBAY COMMUNITIES, INCORPORATED (“AVALONBAY”) AND TO APPROVE THE PURCHASE OF PROPERTY FROM 5827 COLUMBIA PIKE ASSOCIATES, LLC, AN AFFILIATE OF LANDMARK ATLANTIC, INCORPORATED (“LANDMARK”) (MASON DISTRICT)**
(3:34 p.m.)

(NOTE: On January 12, 2016, the Board held a public hearing regarding this item and deferred decision until February 2, 2016.)

Following comments, Supervisor Gross moved to defer the decision only on the Real Estate Exchange Agreement (REEA) between the Board and Avalonbay Communities, Incorporated and the purchase of property from 5827 Columbia Pike Associates, LLC until **February 16, 2016, at 3:30 p.m.** Supervisor McKay seconded the motion.

Supervisor Herrity stated that he had received campaign contributions from the owner of the building and therefore recused himself from further participation in the application.

Discussion ensued, with input from Elizabeth Teare, Deputy County Attorney, regarding the recusal.

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

39. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT SEA 79-D-071-02 (THE TEA CENTER, LLC) (DRANESVILLE DISTRICT)**
(3:37 p.m.)

The application property is located at 999 Balls Hill Road, McLean, 22101, Tax Map 21-3 ((1)) 66B.

Supervisor Foust moved to defer the public hearing on Special Exception Amendment Application SEA 79-D-071-02 until **March 1, 2016, at 3:30 p.m.** Supervisor Smyth seconded the motion and it carried by unanimous vote.

40. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 87-L-012-02 (R JOUN ENTERPRISE LLC, ROLAND JOUN, TRUSTEE AND MARIA JOUN, TRUSTEE) (LEE DISTRICT)** (3:37 p.m.)

The application property is located at 6703 Backlick Road, Springfield, 22150, Tax Map 90-2 ((1)) 25A and 25B.

Mr. Roland Joun reaffirmed the validity of the affidavit for the record.

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

- Mr. Roland Joun

Mike Van Atta, Planner, Zoning Evaluation Division, (ZED) Department of Planning and Zoning, (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

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

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

Discussion ensued, with input from Mr. Van Atta, regarding the proposed development conditions and what would be permitted on the site under the special exception.

Mr. Van Atta presented the staff and Planning Commission recommendations.

Following comments, Supervisor McKay moved approval of Special Exception Amendment Application SEA 87-L-012-02, subject to the development conditions dated January 8, 2016. Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Mr. Joun, regarding the zoning violations and enforcement of the development conditions.

Following a brief discussion, with input from Catherine Lewis, Branch Chief, ZED, DPZ, regarding applicant's agreement to the development conditions, Supervisor McKay queried Mr. Joun who confirmed, for the record, that he was in agreement with the proposed development conditions dated January 8, 2016.

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

41. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-HM-024 [METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) ON BEHALF OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) AND THE BOARD] (HUNTER MILL DISTRICT)**

AND

PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-121-05 (MWAA AND VDRPT ON BEHALF OF WMATA AND THE BOARD) (HUNTER MILL DISTRICT) (4:08 p.m.)

The application property is located on the south side of Sunset Hills Road, approximately 1200 feet west of its intersection with Reston Parkway, proposed Tax Map 17-3 ((1)) 35C, formerly part of 17-3 ((1)) 35B.

Mr. John McBride reaffirmed the validity of the affidavit for the record.

Supervisor Hudgins disclosed that she is a member of WMATA Board of Directors.

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

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

Discussion ensued, with input from Mr. McBride with the assurance that design suggestions for the areas around the station will be considered.

Supervisor Hudgins submitted items for the record.

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

Following comments, Supervisor Hudgins requested that as the applicant continues to work, and the County is working with WMATA, as this design goes forward, whatever opportunities on some of those areas that will not be directly impacted by the County, but could be impacted by WMATA, that we all can work on being engaged with WMATA and MWAA, to look at some of those interests, particularly the lighting, et cetera.

Following a query by Supervisor Hudgins, Mr. McBride confirmed, for the record, that the applicant was in agreement with the proposed SE and PRC development conditions dated December 30, 2015.

Supervisor Hudgins moved approval of Special Exception Application SE 2015-HM-024 and Planned Residential Community Application PRC 86-C-121-05, subject to the SE and PRC development conditions dated December 30, 2015. Chairman Bulova and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

(NOTE: On January 13, 2016, the PC approved Public Facilities Application 2232-H15-10, as amended, noting that the application satisfies the criteria of location, character, and extent, as specified in Section 15-2-2232 of the Code of Virginia, as amended, and that it is in substantial accord with the Comprehensive Plan.)

42. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO CONSIDER PARKING RESTRICTIONS ON HAMAKER COURT (PROVIDENCE DISTRICT)**
(4:21 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 January 15 and January 22, 2016.

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

Following the public hearing, which included testimony by two speakers, Ms. Turner presented the staff recommendation.

Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, prohibiting commercial vehicles, recreational vehicles, and all trailers, as defined in Chapter 82, from parking on Hamaker Court from 6 p.m. to 9 a.m., seven-days-per-week. Supervisor Gross seconded the motion.

Following discussion regarding the parking of oversized vehicles, Supervisor Gross asked unanimous consent that the Board direct staff to review information on what other jurisdictions may be doing and what options including potential revenue producing may be available to provide parking and storage for large vehicles. Without objection, it was so ordered.

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

43. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO CONSIDER PARKING RESTRICTIONS ON MARIAH COURT (SULLY DISTRICT)** (4:30 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 January 15 and January 22, 2016.

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

Following the public hearing, which included testimony by one speaker, Supervisor Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, prohibiting commercial vehicles, recreational vehicles, and all trailers, as defined in Chapter 82, from parking on Mariah Court from 9 p.m. to 6 a.m., seven-days-per-week. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smith, Supervisor Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Herrity being out of the room.

44. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), REGARDING NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) ATLAS 14 RAINFALL DATA** (4:33 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 January 15 and January 22, 2016.

John Friedman, Engineer IV, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the public hearing, Supervisor Smith moved adoption of the proposed amendments to Chapters 6 and 13 of the Public Facilities Manual (PFM), as set forth in the Staff Report dated November 17, 2015, with the revision to Section 6-0807 Incremental Unit Hydrograph – 1 Inch of Runoff per Acre dated December 9, 2015, in Attachment 2 of the Board Agenda Item as recommended by the Planning Commission and that these amendments shall become effective at 12:01 a.m. on February 3, 2016. Supervisor Gross seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smith, Supervisor Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

45. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER EXPANDING THE WEST SPRINGFIELD RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 7 (SPRINGFIELD DISTRICT)** (4:36 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 January 15 and January 22, 2016.

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

Following the public hearing, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the West Springfield RPPD, District 7. The District expansion includes Cardinal Hill Place (Route 8602), from the northern property boundary of 6301 Cardinal Hill Place south to the cul-de-sac, and on the west side from Tuttle Road to the cul-de-sac inclusive. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smith, Supervisor Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Gross being out of the room.

46. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER EXPANDING THE GREENWAY DOWNS RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 13 (PROVIDENCE DISTRICT)** (4:39 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 January 15 and January 22, 2016.

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

Following the public hearing, which included testimony by two speakers, Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Greenway Downs RPPD, District 13. The District expansion includes the following:

- Cavalier Trail (Route 1712): From Winchester Way to the northern property boundary of 6801 Cavalier Trail; east side only
- Greenway Boulevard (Route 1715):

From the northern property boundary of 2754 Greenway Boulevard to the southern property boundary of 2804 Greenway Boulevard; west side only

From the northern property boundary of 2757 Greenway Boulevard to the southern property boundary of 2805 Greenway Boulevard; east side only

- Summerfield Road (Route 1713):

From the northern property boundary of 2756 Summerfield Road to Cavalier Trail; west side only

From the northern property boundary of 2759 Summerfield Road to Custis Parkway; east side only

- Winchester Way (Route 1726): From Cavalier Trail to Bolling Road

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

47. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-HM-013 (SINGH PROPERTIES II, LLC) (HUNTER MILL DISTRICT)**
(4:47 p.m.)

The application property is located at 10819 Leesburg Pike, Reston, 20194, Tax Map 12-3 ((1)) 4.

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

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

- Mr. Aldo Noto, Blank Rome LLP

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

Discussion ensued, with input from Ms. Bishop and Robert Pikora, Department of Transportation regarding:

- Access to Route 7 and ongoing design efforts in coordination with Virginia Department of Transportation (VDOT)

- Applicant's continued coordination with VDOT on the widening of Route 7
- The number of beds proposed in the facility and the maximum number of employees on site at a time
- The portion of facility to serve memory care patients

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

Discussion ensued, with input from Mr. Houston, regarding the percentage of beds available for Medicaid Patients.

Supervisor Hudgins submitted items for the record.

Following the public hearing, Ms. Bishop presented the staff and Planning Commission recommendations.

Following a query by Supervisor Hudgins, Mr. Houston confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated January 7, 2016.

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2015-HM-013, subject to the development conditions dated January 7, 2016, with the addition of a condition numbered 29, to read:

“The Applicant shall offer employees the option of shuttle bus service, at no charge, to and from nearby public bus stop(s) and/or Metro Station(s) for their scheduled work shifts. The applicant shall determine the pick-up/drop-off locations for the shuttle bus based on the public transportation assistance desires of the employees and the availability of legal parking or idling locations for the shuttle bus. The planned locations for the shuttle bus service shall be identified prior to the issuance of a Non-Residential Use Permit, and shall be re-evaluated by the Applicant, at a minimum, on a yearly basis.”

- Modifications of the transitional screening and barrier requirements of Section 13-303 and 304 of the Zoning Ordinance in favor of the landscaping and barriers shown on the Special Exception Plat.

- Waiver of the service drive requirement of Section 17-201 of the Zoning Ordinance along Leesburg Pike.
- Waiver of an increase in the wall height above seven feet, pursuant to Section 10-104(3)(H) of the Zoning Ordinance to permit the walls, as shown on the Special Exception Plat.

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

48. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2014-HM-024 (GEORGE FAMILY PROPERTY DEVELOPMENT, LLC) (HUNTER MILL DISTRICT)** (5:05 p.m.)

The application property is located west of the terminus of Crim Dell Lane and north of the terminus of Higdon Drive, Tax Map 28-4 ((1)) 19, 19A, 21, 21B, 25, 25A, and 25C.

Supervisor Hudgins moved to defer the public hearing on Rezoning Application RZ 2014-HM-024 until **March 15, 2016, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by unanimous vote.

(NOTE: On December 10, 2015, the PC approved Final Development Plan Application FDP 2014-HM-024, subject to the development conditions dated November 24, 2015.)

49. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-MV-003 (FIRST YEARS LEARNING CENTER LLC / CLAUDIA TRAMONTANA) (MOUNT VERNON DISTRICT)** (5:06 p.m.)

(NOTE: On June 23, 2015, the Board deferred this public hearing until July 28, 2015. On July 28, 2015, the Board deferred this public hearing until September 22, 2015. On September 22, 2015, the Board deferred this public hearing until October 6, 2015. On October 6, 2015, the Board deferred this public hearing until October 20, 2015. On October 20, 2015, the Board deferred this public hearing until January 12, 2016.)

The application property is located at 6614 Winstead Manor Court, Lorton, 22079, Tax Map 99-2 ((17)) 34.

Mr. Lawrence McClafferty reaffirmed the validity of the affidavit for the record.

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

- John Farrell, Shareholder of McLandish and Lillard

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

Mr. McClafferty 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 testimony of Ms. Valerie Jircitano (Speaker 2), discussion ensued regarding whether homeowners associations' can regulate home based businesses.

Following testimony of Mr. Daniel B. Streich (Speaker 3), discussion ensued, with input from Elizabeth Teare, Deputy County Attorney, Office of County Attorney, regarding the Board's statutory authority in considering special exception applications and whether it has authority to consider agreements between private parties.

Following the public hearing, which included testimony by 20 speakers, Ms. Tsai presented the staff and Planning Commission recommendations.

Supervisor Storck submitted items for the record.

Following comments, Supervisor Storck moved that the Board defer decision only on Special Exception Application SE 2015-MV-003 until **February 16, 2016**, and keep the record open for written comments. Supervisor McKay and Supervisor Cook jointly seconded the motion and it carried by unanimous vote.

50. **BOARD ADJOURNMENT** (6:33 p.m.)

The Board adjourned.

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