



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
July 12, 2016**

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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, July 12, 2016, at 9:36 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill 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

Others present during the meeting were Edward L. Long Jr., County Executive; Elizabeth Teare, County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Denise A. Long, Chief 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 MATTERS1. **MOMENT OF SILENCE** (9:36 a.m.)

Chairman Bulova asked everyone to keep in thoughts public safety employees, especially safety personnel in Dallas, Texas, where, tragically, lives were lost, as well as those in the community who are treated unjustly. She noted that, later in the meeting, the Board will consider a resolution regarding equity and ensuring when policies and programs are considered it looks through the lens of equity so that all people within the community have the same potential for opportunity.

Discussion ensued with Board Members expressing their thoughts regarding issues facing the nation and the need for the nation to heal during this difficult time and to work together to solve problems.

Supervisor Gross asked everyone to keep in thoughts the family of Cristin Farwell in the Clerk to the Board's Office, on the death of her only sibling, Ms. Katherine Ann Rogers, who died suddenly on June 25, 2016. She is being buried today at Fairfax Memorial Park.

(NOTE: Later in the meeting, the Board adopted a resolution regarding equity. See Clerk's Summary Item #14.)

2. **WELCOME TO ELIZABETH TEARE, NEWLY-APPOINTED COUNTY ATTORNEY** (9:49 a.m.)

Chairman Bulova acknowledged Elizabeth Teare, who was appointed as the County Attorney, and, on behalf of the Board, warmly welcomed her to the Board Auditorium.

AGENDA ITEMS3. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE SPRINGFIELD YOUTH CLUB (SYC) WEST END HIGH SCHOOL GIRLS' AND BOYS' RUGBY TEAMS** (9:49 a.m.)

Supervisor Herrity moved approval of the following:

- Certificate of Recognition presented to members of the SYC Youth Club West End High School Girls' Rugby team for a striving spirit in demonstrating the principles of good team work resulting in winning the 2016 High School Division State Championship for a third consecutive year.
- Certificate of Recognition presented to members of the SYC Youth Club West End High School Boys' Rugby team for outstanding teamwork and commendable sportsmanship resulting in winning the 2016 High School Division National Championship.

Chairman Bulova and Supervisor Foust jointly seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MR. JOBY WARRICK** (9:57 a.m.)

Supervisor K. Smith moved approval of the Resolution of Recognition presented to Mr. Joby Warrick for receiving his second Pulitzer Prize. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO ELECTION OFFICERS** (10:01 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificates of Recognition presented to election officers for outstanding contributions to democracy by serving as election officers for 20 or more elections. Supervisor Foust seconded the motion.

Discussion ensued, with input from Cameron Sasnett, General Registrar, Office of Elections, regarding the possibility of having volunteers serve for half-a-day as election officers to encourage more individuals to volunteer. County employees, if they wish, may use volunteer leave time to serve as election officers.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

ADDITIONAL BOARD MATTERS

6. **INTRODUCTION OF INTERN (MASON DISTRICT)** (10:15 a.m.)

Supervisor Gross introduced Ms. Sara Adeli, a rising senior at Thomas Edison High School, one of 30 students in Fairfax County Public Schools to be selected for the County's Youth Leadership Program, a program meant to educate and integrate students within local government. As part of the program, she will be interning in the Mason District Office for the next three weeks. On behalf of the Board, Supervisor Gross warmly welcomed her to the Board Auditorium.

7. **PROMOTION OF DENISE A. LONG AS CHIEF DEPUTY CLERK TO THE BOARD** (10:15 a.m.)

Supervisor Gross announced the appointment of Denise A. Long, to the position of Chief Deputy Clerk to the Board. She is a longtime County employee and a member of the Clerk's Office where she provides excellent service to the Board, the County organization, and the public. On behalf of the Board, Supervisor Gross congratulated her on the promotion.

AGENDA ITEMS8. **10 A.M. – PRESENTATION OF THE VOLUNTEER FIRE COMMISSION (VFC) AWARDS** (10:16 a.m.)

Chief Shawn Stokes, Secretary, VFC, presented its annual report.

Mr. Stokes and Jeffrey Katz, Volunteer Liaison, Fire and Rescue Department, presented the VFC awards to the following individuals:

- *Volunteer Firefighter of the Year* – Adam Searle, Vienna Volunteer Fire Department (VFD)
- *Volunteer Operational Officer* – Kevin M. Long, McLean VFD
- *Volunteer EMS Provider* – Laura E. Calkins, Bailey’s Crossroads VFD
- *Volunteer ALS Provider* – Joshua M. Schuchman, Centreville VFD
- *Volunteer Rookie* – Samuel C. Portillo, Centreville VFD
- *Administrative Member* – Judi Medwedeff, Vienna VFD
- *Administrative Officer* – John L. Swanson, Franconia VFD
- *Canteen Member* – Judith M. Howell, Bailey’s Crossroads VFD
- *Fire Chief Award* – Tyler F. Thaler, Bailey’s Crossroads VFD

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9. **ADMINISTRATIVE ITEMS** (10:28 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

ADMIN 1 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY POLICING SERVICES (COPS) HIRING PROGRAM

Authorized the FCPD to apply for funding in the amount of \$500,000 from COPS to support four full-time exempt new merit police officer positions that will be assigned to the Public Affairs Bureau to partner with the Communities of Trust committee and create a Community Engagement Team. The total program cost is \$1,321,665 which includes a local cash match of \$821,665.

**ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM
(MOUNT VERNON AND SULLY DISTRICTS)**

(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>
Riverwood – Section 2	Mount Vernon	Dolphin Lane
		Ferry Landing Court
The Fields of Woodlawn	Mount Vernon	Longfields Lane
		Pole Road (Route 622) Supplemental Right-of-Way (ROW) Only
Shadetree Estates	Sully	Mary Etta Lane
		Goldenchain Court
		Old Pine Way
		Bennett Road (Route 669) Supplement ROW Only

**ADMIN 3 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATIONS
(MASON, SULLY, DRANESVILLE, SPRINGFIELD, PROVIDENCE, AND
HUNTER MILL DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-S16-3	Verizon Wireless 13003 Lee Jackson Memorial Highway Fairfax, VA Springfield District Accepted April 20, 2016	September 17, 2016
2232-M16-24	Verizon Wireless 5575 Vincent Gate Terrace Alexandria, VA Mason District Accepted May 2, 2016	September 29, 2016

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-H16-23	Milestone Communications, Inc. and Verizon Wireless 2791 Fox Mill Road Herndon, VA Hunter Mill District Accepted May 24, 2016	October 21, 2016
FS-P16-6	AT&T 2533 Herrell Court Falls Church, VA Providence District Accepted June 6, 2016	November 3, 2016
FS-V16-1	Department of Public Works and Environmental Services 7701 Armistead Road Lorton, VA Mount Vernon District Accepted June 8, 2016	December 8, 2016
FSA-Y04-2-1	Verizon Wireless 3675 Centerview Drive Chantilly, VA Sully District Accepted May 11, 2016	January 10, 2017
2232-M15-23	Department of Public Works and Environmental Services 3101 Hodge Place Falls Church, VA Mason District Accepted May 18, 2016	January 17, 2017
2232-M15-24	Department of Public Works and Environmental Services 6631 South Street Falls Church, VA Mason District Accepted May 18, 2016	January 17, 2017
2232-D16-28	Falls Church City School Board 2328 North Oak Street Falls Church, VA Dranesville District Accepted May 24, 2016	January 23, 2017

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2010-SU-012 (HEADQUARTERS 2, LLC) (SULLY DISTRICT)

- (AT) Approved the request for 36 months of additional time to commence construction for Special Exception Application SE 2010-SU-012 to July 11, 2019, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2010-SU-013 (HEADQUARTERS 2, LLC) (SULLY DISTRICT)

- (AT) Approved the request for 36 months of additional time to commence construction for Special Exception Application SE 2010-SU-013 to July 11, 2019, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2013-LE-005 (FRANCONIA SQUARE, LLC) (LEE DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 2013-LE-005 to June 3, 2017, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (DRANESVILLE DISTRICT)

- Endorsed a traffic calming plan for Thomas Avenue consisting of the following:
 - One speed hump on Thomas Avenue (Dranesville District)
- Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY TO CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 26, 2016, at 4:30 p.m.**, to consider leasing County-owned property to Cellco Partnership d/b/a Verizon Wireless for the installation of telecommunications equipment for public use at the existing monopole at the Kingstowne Fire Station located at 7936 Telegraph Road.

ADMIN 9 – 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 PERMANENT SUPPORTIVE HOUSING FOR INDIVIDUALS WITH SEVERE AND PERSISTENT MENTAL HEALTH ISSUES (SMI) AND/OR CO-OCCURRING SMI AND SUBSTANCE USE ISSUES

Authorized the CSB to apply for and accept funding, if received, from the VDBHDS in the amount of \$706,506 to house homeless individuals and individuals at risk of homelessness who have a SMI and/or co-occurring SMI and/or substance use issues. The local match requirement will be met with in-kind resources. There are no grant positions associated with this award.

10. **A-1 – APPROVAL OF AMENDMENTS TO THE COUNTY’S TITLE VI PROGRAM FOR THE FEDERAL TRANSIT ADMINISTRATION (FTA)** (10:29 a.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and approve Fairfax County’s Title VI Program Amendments as outlined in Attachment One of the Board Agenda Item. Supervisor McKay seconded the motion.

Supervisor Gross raised a question regarding whether Metro has similar Title VI Program requirements, with input from Tom Biesiadny, Director, Department of Transportation.

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

11. **A-2 – APPROVAL OF REVISIONS TO THE TRANSPORTATION PRIORITIES PLAN (TPP) (DRANESVILLE DISTRICT)** (10:33 a.m.)

On motion of Supervisor Foust, jointly seconded by Supervisor McKay and Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved including the Georgetown Pike Walkway project (#198) into the TPP, and reprogramming \$500,000 from project #31, spot intersection improvements at Georgetown Pike (Route 193) and Dolley Madison Boulevard (Route 123), to fund this new project (#198).

12. **A-3 – APPROVAL OF THE 2016 ZONING ORDINANCE AMENDMENT WORK PROGRAM** (10:34 a.m.)

Supervisor K. Smith moved that the Board concur in the recommendation of staff and approve the 2016 Zoning Ordinance Amendment Work Program. Supervisor Foust and Chairman Bulova jointly seconded the motion.

Following comments, Supervisor Herrity asked to amend the motion to add the following to the Priority 1 Work Program:

Older Adult Housing – (Fairfax 50+)

Consider changes to the applicable regulations regarding housing opportunities for older adults, including such factors as: updated terminology to describe the use(s), review of existing parking regulations, review of minimum acreage requirements for certain uses, composition/timing/scope of involvement of the Health Care Advisory Board, and opportunities for expansion of the use of accessory dwelling units for older adults.

This was accepted. Discussion ensued regarding the motion.

With regard to the amendment, Supervisor Gross asked to include the Disability Services Board in the discussion.

Supervisor Cook noted that numbers 6 and 10 of the Priority 1 Work Program are recommendations of the Building Reposition Group, which he is a member of, and consists of County staff as well as individuals from private industry.

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

13. **A-4 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO MAKE A LOAN TO CHRISTIAN RELIEF SERVICES OF VIRGINIA (CRSVA), IN AN AMOUNT NOT TO EXCEED \$5,650,000 FROM HOUSING BLUEPRINT FUNDS, FOR THE ACQUISITION OF HUNTINGTON GARDENS (LEE DISTRICT)** (10:45 a.m.)

Thomas Fleetwood, Director, Department of Housing and Community Development (HCD), gave a presentation regarding this item.

Supervisor McKay moved that the Board concur in the recommendation of staff and authorize the FCRHA to loan up to \$5,650,000 to CRSVA for the proposed acquisition of Huntington Gardens in the Lee District. Supervisor Foust and Supervisor Hudgins jointly seconded the motion.

Discussion ensued regarding affordable housing with some Board Members expressing their support/non-support of the motion.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting “NAY.”

14. **A-5 – ADOPTION OF THE ONE FAIRFAX RESOLUTION THAT DIRECTS THE DEVELOPMENT OF A RACIAL AND SOCIAL EQUITY POLICY AND STRATEGIC ACTIONS TO ADVANCE OPPORTUNITIES AND ACHIEVE EQUITY** (10:59 a.m.)

(R) (NOTE: Earlier in the meeting, this issue was mentioned. See Clerk’s Summary Item #1.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and adopt the One Fairfax Resolution and join with the School Board in directing the development of a racial and social equity policy and strategic actions to advance opportunities and achieve equity that includes intentional collective leadership, community engagement, equity tools, and infrastructure to support and sustain systemic changes and shared accountability. Supervisor McKay seconded the motion.

Discussion ensued, regarding equity and social justice, with input from Pat Harrison, Deputy County Executive.

Discussion continued, regarding equity and the measures of success for strategic actions, with input from Ms. Harrison; Karla Bruce, Deputy Director, Neighborhood and Community Services; and Edward L. Long Jr., County Executive.

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 K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

Supervisor Gross suggested that it would be helpful, in the future, if an icon/symbol is developed to symbolize “One Fairfax,” which can be used by both the County and the Schools.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

15. **A-6 – APPROVAL OF THE PROCESS FOR THE COMMONWEALTH'S COUNTY SAFETY AND OPERATIONAL IMPROVEMENTS FUNDING PROGRAM** (11:39 a.m.)

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

- Adopt Attachment One of the Board Agenda Item as the initial work effort to be undertaken using the Commonwealth’s County Safety and Operational Improvement Funds

- Approve the process as a means of selecting and prioritizing projects for use of the funds

Supervisor McKay and Supervisor K. Smith jointly seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, regarding projects listed in Attachments One and Two of the Board Agenda Item.

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

16. **A-7 – AUTHORIZATION TO EXECUTE A STANDARD PROJECT ADMINISTRATION (SPA) AGREEMENT FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT GRANT FUNDING FOR THE SPRINGFIELD COMMUNITY BUSINESS CENTER (CBC) COMMUTER PARKING GARAGE (LEE DISTRICT)** (11:49 a.m.)

- (R) Supervisor McKay moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing the Director of DOT to execute a SPA Agreement with the Virginia Department of Transportation to implement the Springfield CBC Commuter Parking Garage. Supervisor Foust and Supervisor Herrity jointly seconded the motion.

Supervisor L. Smyth raised a question regarding parking fees, and discussion ensued, with input from Tom Biesiadny, Director, DOT.

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 K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

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ADDITIONAL BOARD MATTERS

17. **REQUEST FOR RECOGNITIONS** (11:56 a.m.)

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

- Representatives from the Office of Human Rights and Equity Programs on the dates listed below:
 - September 20, 2016, to receive a proclamation declaring September 2016 as “*Hispanic Heritage Month*” in Fairfax County

- September 20, 2016, to receive a proclamation declaring October 2016 as “*Disability Employment Awareness Month*” in Fairfax County
- November 1, 2016, to receive a proclamation declaring November 2016 as “*American Indian Heritage Month*” in Fairfax County
- Mr. Alan Ford, this year's Virginia Cox Conserves Hero Award winner, to receive a certificate for his 12 years of dedication to Fairfax County parks as a master naturalist. Cox Communications will also announce and present Mr. Ford with a \$10,000 grant to help fund internships within Fairfax County parks and another \$10,000 grant which will be donated on his behalf to the Potowmack Chapter of the Virginia Native Plant Society.

Chairman Bulova also asked that a proclamation be prepared and sent to Fiesta Boliviana recognizing August 6, 2016, as “*Bolivian Day*” in Fairfax County.

Without objection, it was so ordered.

18. **SCHOOL AND COUNTY BOARD RETREAT** (11:58 a.m.)

Chairman Bulova noted that the Board had a joint retreat with members of the School Board which provided an excellent opportunity for discussion. She referred to her newsletter, the “Bulova Byline,” which was distributed around the dais and included an article regarding the retreat and highlighted the following three major areas:

- Budget development
- Land use and shared facilities
- Continued work on the successful children and youth policies

19. **MOTION TO ADOPT THE JUNE 2016 QUARTERLY REPORT OF THE AUDITOR OF THE BOARD** (12 p.m.)

Chairman Bulova announced that the Board has received the Auditor of the Board’s quarterly report dated June 2016. The report included the following study areas:

- W-2 quarterly and year-end review
- Office of the Sheriff review

- Status report on prior recommendations

Chairman Bulova moved that the Board adopt the Auditor of the Board's June 2016 Quarterly Report and approve the Audit Committee work plan for the upcoming quarter. Supervisor Storck seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

20. **CONCURRENT PROCESSING FOR INOVA CENTER FOR PERSONALIZED HEALTH (PROVIDENCE DISTRICT)** (12:02 p.m.)

Supervisor L. Smyth said that Inova Health Care Services recently filed applications for a Proffered Condition Amendment (PCA), Conceptual Development Plan Amendment, Final Development Plan Amendment, and a Comprehensive Sign Plan (CSP) for the Inova Center for Personalized Health at the former ExxonMobil headquarters property known as Tax Map 49-4 ((1)) 57 in the Providence District. These applications propose certain new uses and improvements for the campus that were not shown on the approved development plan from 1977. These applications will further Inova's efforts toward the adaptive reuse of the campus. While these applications are under review, Inova wishes to proceed at its own risk with concurrent site and building plan review of the new uses and improvements that it proposes.

Therefore, Supervisor L. Smyth moved that the Board authorize the concurrent processing of the site and building plans for Inova's proposed new uses and improvements while the PCA and related applications are pending. This motion should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Supervisor Herrity seconded the motion.

Supervisor Cook disclosed that he is a Member of the Inova Health Care Services Board and recused himself.

Supervisor Gross disclosed that she is a Member of the Inova Health Systems Board and recused herself.

The question was called on the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Gross having recused themselves.

21. **KENA TEMPLE PLAN AMENDMENT AUTHORIZATION (PROVIDENCE DISTRICT)** (12:06 p.m.)

Supervisor L. Smyth said that a rezoning application has been filed that proposes to rezone the Kena Temple property located at 9001 Arlington Boulevard to the PDH-1 zoning district. The approximately 27-acre property is located in the

F2 Mantua Community Planning Sector of the Fairfax Planning District in the Comprehensive Plan. The property is planned for public facility, governmental, and institutional uses and is currently developed with the Kena Temple institutional use. While the site could be developed by-right under its current R-1 zoning, an amendment to the Comprehensive Plan is necessary to facilitate the review of the PDH-1 rezoning application since the property is exclusively planned for institutional uses.

Therefore, Supervisor L. Smyth moved that the Board authorize staff to consider an amendment to the Comprehensive Plan for residential uses from .5 to a maximum of 1 dwelling unit per acre for Tax Map Parcel 48-4 ((01)) 42A, which may run concurrently with a rezoning application for the subject property. This motion should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Chairman Bulova seconded the motion and it carried by unanimous vote.

22. **RECOGNIZING THE FIFTIETH ANNIVERSARY OF WEST SPRINGFIELD HIGH SCHOOL (WSHS) (SPRINGFIELD DISTRICT)**
(12:07 p.m.)

Supervisor Herrity said that, as a WSHS Alum, he is honored to ask the Board to recognize WSHS on its fiftieth anniversary. Since taking office as a Member of the Board, he has been proud to be able to recognize WSHS for its many accomplishments including parents, teachers, students, and athletes for their contributions to both the community and WSHS. Since 1966 it has been a cornerstone in the community academically, athletically, and culturally and has been a source of many County community leaders that included Commonwealth Attorney Ray Morrogh, Delegate Dave Albo, Clerk of the Circuit Court John Frey, former Sheriff Stan Barry, and former Prince William Supervisor Mike May.

WSHS has also produced some very notable alumni over the years that include Kara Lawson (ESPN personality and professional basketball player), Bryan Renner (professional football player), Joe Saunders (professional baseball player), and Patrick Forrester (Astronaut), just to name a few. Many others are actively involved in leadership positions within the community.

Over 20 percent of the staff are WSHS graduates or currently have their own children enrolled. The transfer rate is half of the Fairfax County Public School average which reinforces its reputation of a school that has the feeling of being very much a part of the community it serves. Also notable, after 50 years, except for a minor school upgrade in 1991, WSHS will begin a full and much-needed renovation.

Celebrations and activities have already started to commemorate the fiftieth anniversary. Therefore, Supervisor Herrity asked unanimous consent that the Board approve a resolution, with dual signatures, to recognize WSHS for its accomplishments over the last 50 years for presentation at its fiftieth anniversary event. Without objection, it was so ordered.

23. **INTRODUCTION OF INTERN (SPRINGFIELD DISTRICT)** (12:09 p.m.)

Supervisor Herrity introduced Nathan Musso, an intern in his office this summer. Mr. Musso graduated from Robinson High School where he was a football player. He will be attending Rhoades College and will play football. On behalf of the Board, Supervisor Herrity warmly welcomed him to the Board Auditorium.

24. **CONSIDERATION OF AN AMENDMENT TO THE COMPREHENSIVE PLAN FOR THE MCLEAN COMMUNITY BUSINESS CENTER (CBC) (DRANESVILLE DISTRICT)** (12:10 p.m.)

Supervisor Foust said that the McLean CBC is one of the County's seven revitalization areas that has long been planned for mixed-use development, including office, retail, and residential uses. Currently, the highest development density in McLean's CBC is just under a 2.0 floor area ratio (FAR). The recently adopted Proffer Reform Bill (*Virginia Code Section 15.2-2303.4*) which restricts the ability for jurisdictions to accept certain proffers for new residential rezoning applications will severely limit the ability of McLean residents to obtain important community facilities, such as sidewalks and utility undergrounding, that the community has come to expect as part of development. Unlike the other six County revitalization areas, McLean is not exempt from the new proffer restrictions. The applicable exemption requires that such areas be a designated revitalization area, be planned for mixed use, be served by mass transit (defined in the State Code as including bus service) and have a portion of the area planned for an intensity of at least 3.0 FAR. McLean meets all of these tests except the 3.0 FAR criteria. At Supervisor Foust's request, the McLean Planning Committee (MPC) formed a subcommittee to undertake a study of the McLean CBC, to determine which subarea(s) or portions of subarea(s) might be considered appropriate for a development intensity of up to 3.0 FAR.

The subcommittee consisted of one MPC member representing each of the MPC's four constituent groups: the McLean Citizens Association, Surrounding Citizen's Associations, Commercial Landowners, and the Greater McLean Chamber of Commerce. The subcommittee also invited members of the McLean Revitalization Corporation and the McLean Citizen's Association to participate in subcommittee meetings. As a result of this effort by the community, the MPC supports amending the County's Comprehensive Plan to allow for a density of 3.0 FAR in a portion of the McLean CBC with the goal of establishing a new high density residential zone along Beverly Road.

Therefore, Supervisor Foust moved that the Board authorize the consideration of an amendment to the Comprehensive Plan to allow for a development intensity of up to 3.0 FAR for some properties along Beverly Road in Subarea 29 of the McLean CBC. As part of this amendment, staff could consider subdividing Subarea 29 if that will aid in the clarity of the proposed amendment. Chairman Bulova seconded the motion and it carried by unanimous vote.

25. **NO BOARD MATTERS FOR SUPERVISOR STORCK (MOUNT VERNON DISTRICT)** (12:13 p.m.)

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

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26. **REQUEST TO PROCLAIM SEPTEMBER 2016 AS “KINSHIP CARE MONTH” IN FAIRFAX COUNTY** (12:13 p.m.)

Supervisor Hudgins said that kinship caregivers are relatives or close personal friends who raise children when a parent is unable to do so. Many challenging situations may prompt the need for kinship caregiving, including homelessness, incarceration, substance abuse, mental health issues, deportation, military deployment, death, or abandonment. Kinship caregivers take the child into their home and provide nurturance, love, family connections, and cultural continuity. Children who are raised by kinship caregivers have been shown to have stronger family connections and fewer out-of-home placements than children who are placed with non-family caregivers.

The County’s public and private sectors are joining together to raise awareness of kinship care families in the community and find ways to support them. The Department of Family Services, as well as the kinship care community and George Mason University, along with other County and community-based agencies, are working together to address the challenges and celebrate the strengths of kinship care families.

Therefore, Supervisor Hudgins asked unanimous consent that the Board proclaim September 2016 as “*Kinship Care Month*” in Fairfax County and direct staff to prepare a proclamation to be presented to the Department of Family Services at the September 20, 2016, meeting. Without objection, it was so ordered.

27. **CARRYOVER FUNDING TO SUPPORT DEVELOPMENTAL DISABILITIES WAIVER REDESIGN AND THE DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT** (12:15 p.m.)

Supervisor Hudgins said that on June 28, 2016, the Board’s Human Services (HS) Committee reviewed and discussed the implications of the changes associated with the Statewide Developmental Disabilities (DD) service system redesign. Most notably, the Fairfax-Falls Church Community Services Board (CSB)

became the single point of entry for one integrated DD system including eligibility determination and case management for people with intellectual and other developmental disabilities on July 1, 2016. As discussed at the Board's committee meeting, these changes will have significant short-term and long-term policy implications.

While the Federal government is still considering Virginia's plan for Waiver redesign, CSB's role and oversight responsibility, and the number of people served will increase. CSB outlined the complex implications of the Waiver redesign including a complicated new Medicaid rate structure, the projected number of populations newly eligible for service, and the projected fiscal impact on support coordination, residential/respice, and Employment and Day services, particularly if a sustainable model is not created.

To respond to State-mandated redesign with an equitable and sustainable service system, the Board agreed that the County must provide equitable access for people with DD as now afforded to people with intellectual disabilities (ID) and the Board discussed additional guidance to include:

- Accelerate the planned Fiscal Year (FY) 2018 funding for 10 support coordinators and include \$1.2 million at Carryover, and authorize the CSB to immediately begin recruitment and hiring of the required positions to support the coordination of services for individuals with DD.
- Provide residential services including drop-in/respice to individuals with ID and DD based on medical necessity within current appropriations, and initiate a local waiting list for this non-mandated service if funds are exhausted.
- Address the increased demand for the Employment and Day Services line of business by spending the \$1.6 million Employment First reserve previously set aside and create a local waiting list for this non-mandated service if funds are exhausted during the course of FY 2017.
- CSB staff, with input from the community and providers, should continue to analyze the resource and service impacts of the various Employment and Day Services options, and return in the fall to the HS Committee to present more specific options that include a phased approach to creating an equitable, sustainable model.

Therefore, given the summary of key decisions discussed at the HS Committee meeting, Supervisor Hudgins moved that the Board direct the County Executive and CSB to implement the guidance stated above. Supervisor Herrity and Chairman Bulova jointly seconded the motion.

With regard to the last bulleted item, Supervisor Foust said that another option would be to continue to provide the service and identify the financial implications of doing so.

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

28. **REQUEST TO PROCLAIM SEPTEMBER 2016 AS “SICKLE CELL AWARENESS MONTH” IN FAIRFAX COUNTY** (12:20 p.m.)

Supervisor Hudgins said September is National Sickle Cell Awareness month. Sickle Cell Disease is the most common inherited blood disorder. In the United States, more than 100,000 African Americans and persons of Hispanic, Mediterranean, and Middle Eastern descent suffer from this debilitating illness. An additional two million African Americans are carriers of the sickle cell trait. Though the trait usually does not have clinical symptoms, it is very important for people to know their status because of the genetic transmission of sickle cell disease.

Since the early 1970s, the Federal government has conducted a National Sickle Cell Disease Program to promote efforts toward the prevention, diagnosis, and treatment of this disease. Because September is "back-to-school" month for most children, the Sickle Cell Disease Association of America wants the public to reflect on the children and the adults whose lives, education, and careers have been affected by this disease.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Proclaim September 2016 as “*Sickle Cell Awareness Month*” in Fairfax County and direct the Office of Public Affairs to help publicize this event
- Direct staff to invite Dr. Gloria Addo-Ayensu, Director, Health Department, to receive a proclamation at the September 20 Board meeting

Without objection, it was so ordered.

29. **STARLIGHT CINEMA (SULLY DISTRICT)** (12:22 p.m.)

Supervisor K. Smith said the Starlight Cinema is coming to Centreville next month and will be an excellent opportunity for Sully District residents to view family friendly films every Saturday in August.

Therefore, Supervisor K. Smith asked unanimous consent that the Board direct the Office of Public Affairs to publicize the Starlight Cinema. Without objection, it was so ordered.

30. **INTRODUCTION OF INTERNS (SULLY DISTRICT)** (12:22 p.m.)

Supervisor K. Smith introduced the following individuals who are interning in her office for the summer:

- Rebecca Pierce, who attends Chantilly High School and is an advocate for animal welfare. When she goes to college she hopes to attend the University of California Davis or the Royal Veterinary College of London.
- Gala Loayza, who attends Oakton High School, also hopes to attend college in London because her older sister lives there.
- Matt Wallace, who attended Chantilly High School and is currently attending the University of Virginia majoring in History and Chinese.

Supervisor K. Smith announced that Ben Press (who was not present) is also interning in her office.

On behalf of the Board, Chairman Bulova warmly welcomed them to the Board Auditorium.

31. **DRAFT LETTER FOR THE GOVERNOR** (12:23 p.m.)

Supervisor McKay said Board Members may have seen the Governor's announcement that state General Fund revenue collections for Fiscal Year (FY) 2016 were greater than one percent below the revenue forecast used in the budget. He noted that funding for the State's portion of a salary increase for teachers in FY 2017 is tied to those revenue projections being met. He stated that at the next Board meeting he will have a draft letter, to send to the Governor and members of the County's General Assembly delegation, raising concerns about how that might impact decisions that have already been made.

Supervisor Foust asked for a quantification of what this would mean for the Schools' funding if the County does not prevail.

Supervisor McKay stated that the information will be included in the draft letter.

Supervisor Gross suggested that this issue be coordinated with the Virginia Association of Counties.

32. **HAYFIELD CITIZENS ASSOCIATION (HCA) (LEE DISTRICT)** (12:29 p.m.)

Supervisor McKay said this year marks the fiftieth anniversary of the HCA, a community of 689 homes nestled between Fort Belvoir and the Coast Guard Station on Telegraph Road.

Supervisor McKay said the HCA has been very active with his office on the land use committee for many years, and are a very well-informed community and is currently working on some large scale projects in its neighborhood to improve safety.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a certificate, to be jointly signed by him and the Chairman, for presentation to the HCA (out of the Board Auditorium) in honor of its fiftieth anniversary and many contributions to the County. Without objection, it was so ordered.

33. **REQUEST TO SEND A LETTER TO THE EXECUTIVE SECRETARY OF THE SUPREME COURT OF VIRGINIA REGARDING SCHOOL BUS CAMERAS** (12:30 p.m.)

Jointly with Supervisor Foust, Supervisor McKay said that State law requires motorists who approach a school bus that has stopped to take on or discharge passengers to stop until the passengers are clear of the road. During the 2011 General Assembly (GA), legislation was enacted to allow localities, by ordinance, to authorize the installation and operation of video-monitoring systems on school buses to catch violators. The ordinance could authorize localities to install and operate such systems directly, or to contract with a private vendor to do so on its behalf.

As the Board is aware, the 2011 legislation was similar to State statutes that authorize video monitoring to catch red light violators, drivers who fail to pay tolls, and drivers who violate the Dulles Access Road restrictions. However, there were also provisions that differed significantly from other photo-monitoring statutes, making implementation of the school bus authority difficult for local governments. The most challenging difference was that all photo school bus summonses would have to be personally served on the accused, while the other video-monitored offenses statutes allow for the mailing of summonses.

A coalition of local governments, including the County, sought to address these obstacles to implementation through legislation in the 2016 GA. As a result of these efforts, which were also supported by Fairfax County Public Schools (FCPS), Senate Bill (SB) 120 was enacted, allowing summonses to be mailed. To utilize this authority, the County will need to adopt an ordinance authorizing the use of school bus cameras. As County staff have been working with FCPS staff on implementation, an additional Statewide issue has arisen. To allow pre-payment of a ticket issued for violation of this Code section, an amendment to the Virginia Supreme Court's Traffic Infractions and Uniform Fine Schedule is needed. Such a change is an administrative decision by the Supreme Court, and does not require State legislation. This issue will be discussed by the Committee on District Courts in September, and it will make a recommendation to the Supreme Court.

Therefore, Supervisor McKay moved that:

- The Board direct staff to send a letter (a copy of which he attached to his written Board Matter), under the Chairman's signature, to the Executive Secretary of the Supreme Court of Virginia, supporting an amendment to the Traffic Infractions and Uniform Fine Schedule allowing such summonses to be pre-payable.
- Members of the County's General Assembly delegation be copied on the letter.
- The Board direct staff to work with FCPS staff and other interested stakeholders (including the Police Department, County Attorney's office, County Courts, and Commonwealth's Attorney's office) on a plan to implement a school bus camera ordinance for the Board's consideration this fall.

Supervisor Foust seconded the motion.

When the draft ordinance is received from staff, Supervisor Cook asked unanimous consent that the Board direct staff to also provide information regarding the retention policy for the videos and whether they will be subject to Freedom of Information Act (FOIA) requests, and what options can be considered. Without objection, it was so ordered.

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

34. **COLLECTION OF ILLEGAL SIGNS** (12:35 p.m.)

Supervisor McKay said the Sheriff's Community Labor Force has expanded its widely-successful collection of illegal signs along roadways in the County to include a total of 71 streets throughout each magisterial district.

As the Board heard in June, the County has picked up more than 27,500 signs and collected approximately \$6,000 in fines from repeat offenders in the last fiscal year alone.

Despite this great work, illegal signs still pop up in select areas throughout the County. One particular spot where Supervisor McKay noticed a spike is in revitalization districts which discourages the work being done to encourage economic development activities in these older commercial areas of the County.

Therefore, Supervisor McKay moved that the Board direct staff to determine if the Community Labor Force's illegal sign collection can be expanded to include all roadways in Commercial Revitalization Districts Countywide and report at a future Development Process Committee meeting. Without objection, it was so ordered.

Supervisor K. Smith asked unanimous consent that the Board direct staff to provide information regarding whether there is a way for community members to assist with picking up signs in areas where needed. Without objection, it was so ordered.

Supervisor Hudgins said she is getting complaints about litter in general, and suggested that a campaign be undertaken to remind the community not to litter.

Supervisor Gross suggested that the campaign efforts include a brochure in different languages to reinvigorate the anti-litter efforts.

Supervisor Herrity acknowledged anti-litter efforts on the part of the Virginia Department of Transportation's Adopt-A-Highway groups, civic associations, and corporate groups.

35. **APPLICATION FEES WAIVER REQUEST – MURRYGATE VILLAGE APARTMENTS (LEE DISTRICT)** (12:40 p.m.)

Supervisor McKay said that in May 1991, the Fairfax County Redevelopment and Housing Authority (FCRHA) purchased the Murraygate Village Apartments located on Richmond Highway in the Lee District. The complex was built in 1971 and consisted of 204 rentable units in 17 buildings. In 1993, the Department of Housing and Community Development (HCD) submitted Rezoning Application RZ 88-L-078, on behalf of the FCRHA, to correct the zoning from C-8 to R-20 prior to a planned renovation.

As part of the rezoning, a proffered condition was approved to allow the reduction of the number of rental units from 204 to 195. Specifically, four residential units were to be reconfigured to provide an office and a community room and 10 units were to be reconfigured into five larger units to accommodate large families. As a result of the 1993 rezoning and proffered condition, the site was zoned R-20 and 195 units were approved. However, the 10 units were never reconfigured and the complex continued to operate with 200 rental units. The proposed proffered condition amendment (PCA) will bring the property into compliance with the County's zoning regulations and allow all 200 units to be rented.

Therefore, Supervisor McKay moved that the Board approve a waiver of the application fees for Murraygate Village Apartments' PCA for the purpose of bringing the property in compliance with the County's zoning regulations and allow all 200 units to be rented. This motion shall not be construed as a favorable recommendation of the Board, or the Planning Commission, on the proposed application and does not relieve the applicant from compliance with the provisions of all ordinances, regulations, and adopted standards in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

36. **CONGRATULATIONS TO LAKE BRADDOCK HIGH SCHOOL RISING SENIOR KATE MURPHY (BRADDOCK DISTRICT)** (12:42 p.m.)

Supervisor Cook congratulated Ms. Kate Murphy for making it to the semi-final round of the Olympic tryouts. She is a rising senior at the Lake Braddock High School and has run cross country and track. In her preliminary heat, the four fastest high school runners of all time were running in the 1500-meter race. They all made the preliminary round.

37. **PUBLIC SAFETY COMMITTEE MEETING** (12:43 p.m.)

Supervisor Cook reminded Board Members that the Public Safety Committee will be meeting next Tuesday, focusing on civilian oversight. He encouraged Board Members, who would like to have a detailed review of the recommendations of the Ad Hoc Independent Oversight and Investigations Subcommittee, to schedule a private briefing by the chair of the Subcommittee or a member of the Implementations Committee, prior to the upcoming meeting.

Supervisor Cook noted that Tuesday's topic is civilian oversight of the police, and instead of a staff recommendation, the Board will discuss various models. The Subcommittee chair will be present, as well as a member of the Board of the National Association of Civilian Oversight of Law Enforcement, via skype.

With regard to the civilian review panel issue, Supervisor Cook suggested that Board Members focus on the scope of work as well as who and how appointments would be made to the panel.

Discussion ensued, with Board Members commenting on the process.

38. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (1:02 p.m.)

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

39. **RECESS/CLOSED SESSION** (1:02 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. *Harrison Neal v. Fairfax County Police Department and Colonel Edwin C. Roessler, Jr.*, Case No. CL-2015-0005902 (Fx. Co. Cir. Ct.)
 2. *Moira Callaghan, Robert Sawicki, Carrie Sawicki, David Okerson, Barbara Okerson, Judith Strother, and Kris Capps v. Fairfax County Board of Supervisors, Fairfax County Park Authority, and Reston Dogs, Inc.*, Case No. CL-2014-0003016 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 3. *In Re: Decision of September 17, 2014, of the Board of Zoning Appeals of Fairfax County, Virginia, Jonathan Clark, and Carolyn Clark v. Fairfax County Board of Supervisors, Leslie B. Johnson, Zoning Administrator, and Jeffrey L. Blackford, Director, DCC*, Case No. CL-2014-0013587 (Fx. Co. Cir. Ct.) (Mason District)
 4. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Luom Son and Sen Ly*, Case No. CL-2016-0001201 (Fx. Co. Cir. Ct.) (Mason District)
 5. *Kaveh Sari v. Board of Supervisors of Fairfax County, Fairfax County Park Authority, Jean A. Marcelin, Jr., and Elisabeth H. Marcelin, Yorkshire II Homeowners Association, Inc., and SunTrust Mortgage Inc.*, Case No. CL-2015-0012396 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Edward Eugene Ankers, Jr.*, Case No. CL-2016-0005534 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sherman E.*

- Phillip*, Case No. GV16-008690 (Fx. Co. Gen. Dist. Ct.) (Lee District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ester F. Lopes*, Case No. GV16-004580 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Katherine Safly*, Case No. GV16-004581 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 10. *Sagres Construction Corp. v. County of Fairfax*, Case No. CL-2016-0007023 (Fx. Co. Cir. Ct.)
 11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lloyd G. Strickland*, Case No. CL-2016-0008753 (Fx. Co. Cir. Ct.) (Springfield District)
 12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Janice T. McCallum*, Case Nos. GV16-004924 and GV16-011655 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
 13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory Miklasiewicz*, Case Nos. GV16-011091 and GV16-011092 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thomas F. Lepore and Rosemary J. Lepore*, Case Nos. GV16-011656 and GV16-011657 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Junghi Weiss*, Case No. GV16-011658 (Fx. Co. Gen. Dist. Ct.) (Sully District)
 16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yung C. Yung*, Case No. GV16-010935 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

17. *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)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)

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

At 4:02 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

40. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:03 p.m.)

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

41. **BULL RUN BREWERY'S ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE APPLICATION** (4:03 p.m.)

Supervisor K. Smith moved that the Board authorize and direct the County Attorney to submit objections to Bull Run Brewery's ABC license application for a limited brewery. These objections will be submitted to the ABC Board based on the lack of specific information provided by the applicant as well as the other grounds discussed with the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous vote.

42. **SIGNUP ROAD, LLC'S ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE APPLICATIONS** (4:04 p.m.)

Supervisor Herrity moved that the Board authorize and direct the County Attorney to submit objections to Signup Road, LLC's ABC License applications for a farm winery and limited brewery. These objections will be submitted to the ABC Board based on the lack of specific information provided by the applicant as well as the other grounds discussed with the County Attorney in closed session. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

43. **THE ACQUISITION OF CERTAIN LAND PROPERTY LOCATED IN THE MASON DISTRICT** (4:04 p.m.)

Supervisor Gross moved that the Board authorize the acquisition of certain real property located in the Mason District of Fairfax County, Virginia, and the related actions necessary thereto, on the terms and conditions as outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook and Supervisor Herrity voting “NAY.”

DET:det

AGENDA ITEMS

44. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, TO ESTABLISH AGRICULTURAL APPLICATION AF 2016-SP-001 (CHARLES E. DYER, TRUSTEE, JOANNE L. DYER, TRUSTEE, DYER LIVING TRUST) (SPRINGFIELD DISTRICT)** (4:06 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 June 28 and July 5, 2016.

The application property is located at 6501 Colchester Road, Fairfax Station, 22039, Tax Map 76-3 ((1)) 8.

Michael Lynskey, Planner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Herrity moved approval of Agricultural Application AF 2016-SP-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, establishing the Dyer Local Agricultural and Forestal District, for an initial eight-year term, subject to ordinance provisions dated June 1, 2016. Supervisor L. Smyth seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

Following a query by Chairman Bulova, Supervisor Herrity noted the presence of several nearby historical homes and extended an invitation to tour the area.

45. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2015-MA-018
(BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA)
(MASON DISTRICT)** (4:12 p.m.)

- (O) The application property is located on the south side of Arlington Boulevard at the intersection of Hodge Place and Woodley Lane, Tax Map 50-3 ((4)) B.

Mr. Aaron Koch reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2015-MA-018, from the C-5 District to the R-4 District, and approval of the associated Generalized Development Plan (GDP), subject to the proffers dated May 20, 2016.
- Modification of the transitional screening yard requirements along the northern, eastern, and southern property lines in favor of that shown on the GDP.
- Modification of the barrier requirements along the eastern property line in favor of that shown on the GDP.
- Approval of a deviation of the tree preservation target in favor of that shown on the GDP.
- Modification of the tree canopy coverage in favor of that shown on the GDP.

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

(NOTE: On June 29, 2016, the PC approved Public Facilities Application 2232-M15-23, noting that it satisfied the criteria of location, character, and extent, as specified in Virginia Code 15.2-2232, as amended, and determined that the subject application is substantially in accord with the provisions of the adopted Comprehensive Plan.)

46. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2014-PR-021 (BIT INVESTMENT FIFTY-TWO, LLC) (PROVIDENCE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-001-12 (BIT INVESTMENT FIFTY-TWO, LLC) (PROVIDENCE DISTRICT) (4:24 p.m.)

- (O) The application property is located on the east and west sides of Old Meadow Road, approximately 1,500 feet south of its intersection with Dolley Madison Boulevard, Tax Maps 29-4 ((6)) A, B, 95C, 97C, 105, and 106.

Mr. G. Evan Pritchard reaffirmed the validity of the affidavit for the record.

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

Mr. Pritchard 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 two speakers, Supervisor L. Smyth announced that an item for the record had been distributed around the dais.

Mr. Pritchard presented rebuttal.

Ms. Wright presented the staff and Planning Commission (PC) recommendations.

Supervisor L. Smyth, noting public facilities proffer options and other transportation concerns, asked Tom Biesiadny, Director, Department of Transportation to address transportation issues, which included:

- Realignment of the intersection of Old Meadow Road and Route 123 (Dolley Madison Boulevard)
- A pedestrian bike bridge over I-495
- Stream restoration and the trail along Scott's Run Park

Discussion continued concerning the need to prioritize and synchronize new development with transportation plans.

Supervisor L. Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 92-P-001-012.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2014-PR-021, from the C-3 and HC Districts to the PTC and HC Districts, subject to the proffers dated July 6, 2016.
- Approval of the directives, waivers, and modifications as listed in the June 10, 2016, staff report addendum as follows:
 - To direct the Park Authority to issue any easements or right-of-way as necessary for the construction of Grant Street and associated park improvements.
 - Waiver of Section 2-505 of the Zoning Ordinance to permit structures and vegetation on a corner lot as shown on the Conceptual Development Plan (CDP).
 - Waiver of Paragraphs 3(E) of 10-104 of the Zoning Ordinance to increase the maximum fence height from 7 to 14 feet around accessory uses/structures located within the rear yard for areas associated with sports courts and urban plazas.
 - Modification of Section 11-202(4) of the Zoning Ordinance requiring a minimum distance of 40 feet of a loading space in proximity to drive aisles, to that shown on the CDP.
 - Waiver and/or modification to interior parking lot landscaping requirements of Section 13-202 of the Zoning Ordinance for interim surface lots, structured parking and spaces on private streets as either depicted on a Final Development Plan (FDP) or shown on a landscape plan.
 - Waiver of Paragraph 2 of Section 6-505 of the Zoning Ordinance to permit a site plan for public improvements plans associated with public roadway, infrastructure, or other park spaces to be filed without an approved FDP.

- Waiver of Paragraph 3B of Section 17-201 of the Zoning Ordinance to provide any additional interparcel connections to adjacent parcels beyond that shown on the CDP and as proffered.
- Modification of Paragraph 2 of Section 17-201 of the Zoning Ordinance to permit the construction of the sidewalks and on-road bike lane system shown on the CDP.
- Waiver of Paragraph 4 of Section 17-201 of the Zoning Ordinance to allow only for the dedication and construction of roads as depicted on the CDP and indicated in the proffers.
- Waiver of Paragraph 7 of Section 17-201 of the Zoning Ordinance to allow establishment of parking control, signs, and parking meters along private streets within the development.
- Modification of Section 12-0510 of the Public Facilities Manual (PFM) to reduce the minimum planter opening area for trees used to satisfy the tree cover requirement in favor of that shown on the CDP.
- Modification of Section 12-0515.6B of the PFM to allow trees located above any proposed percolation trench or bioretention areas to count towards County tree cover requirements as depicted on the CDP.
- Modification of Section 12-0501 of the PFM to permit the 10-year tree canopy requirements as shown on the CDP and as proffered.
- Modification of Section 12-0511 of the PFM for required tree preservation target and ten percent canopy to be calculated as shown on the overall CDP area.
- Modification of Section 12-0514 of the PFM to adjust the area to be counted for the five percent interior parking lot landscaping to include areas of the public streets as shown on the CDP.

Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity,

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

(NOTE: On June 29, 2016, the PC approved Final Development Plan Application FDP 2014-PR-021, subject to the development conditions dated June 15, 2016. The PC also approved Final Development Plan Application FDP 2014-PR-021-02, subject to the development conditions dated June 15, 2016.)

47. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-SP-023 (CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS; LITTLE LEAGUE INC. FAIRFAX) (SPRINGFIELD DISTRICT)** (4:55 p.m.)

(NOTE: On February 16, 2016, the Board deferred this public hearing until March 15, 2016. On March 15, 2016, the Board deferred this public hearing until July 12, 2016.)

The application property is located at 12601 Braddock Road, Fairfax, 22030, Tax Map 66-2 ((3)) 2.

Mr. Benjamin Pelletier reaffirmed the validity of the affidavit for the record.

Laura Arseneau, Planner, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Mr. Pelletier 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, concerning the definition of a monopine, with input from Doug Hansen, Senior Planner, Planning Division, DPZ.

Following the public hearing, which included testimony by two speakers, Supervisor Herrity submitted an item for the record.

Mr. Pelletier presented rebuttal.

Ms. Arseneau presented the staff and Planning Commission (PC) recommendations.

Following a query by Supervisor Herrity, Mr. Pelletier confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 1, 2016.

Supervisor Herrity moved:

- Approval of Special Exception Application SE 2015-SP-023, subject to the development conditions dated June 1, 2016.
- Modification of Section 13-303 of the Zoning Ordinance for the transitional screening requirements to permit the landscaping as shown on the SE Plat.
- To direct the Director of the Department of Public Works and Environmental Services to waive the dustless surface requirement of Section 11-102 (11) of the Zoning Ordinance for the gravel driveway to access the telecommunications compound as depicted on the SE Plat.

Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

(NOTE: On June 16, 2016, the PC approved Public Facilities Application 2232-S15-5, noting that the application, as amended, satisfied the character, location, and extent, and was in conformance with Virginia Code Section 15.2-2232, as amended and is substantially in accord with the revisions of the adopted Comprehensive Plan.)

48. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-MV-035 (STARBUCKS COFFEE COMPANY) (MOUNT VERNON DISTRICT)**
(5:12 p.m.)

(NOTE: On June 7, 2016, the Board deferred this public hearing until July 12, 2016.)

The application property is located at 7511 Richmond Highway, Alexandria 22306, Tax Map 93-3 ((2)) (1) 8A.

Mr. Robert D. Brant reaffirmed the validity of the affidavit for the record.

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

Mr. Brant 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. Posusney presented the staff and Planning Commission recommendations.

Following a query by Supervisor Storck, Mr. Brant confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 11, 2016.

Supervisor Storck moved approval of Special Exception Application SE 2015-MV-035, subject to the development conditions dated July 11, 2016. Supervisor McKay seconded the motion and it carried by unanimous vote.

49. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 88-S-077-07 (GOLDEN BROOK, LLC) (SULLY DISTRICT)**
(5:20 p.m.)

The application property is located at Chantilly Shopping Center, Chantilly, 20151, Tax Map 44-1 ((9)) 6.

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

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

- Mr. Francis A. McDermott of Hunton and Williams LLP, Attorney for the applicant

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

- Mr. Robert F. Pence, a manager of Golden Brook

Discussion ensued, concerning the affidavit date, which Mr. McDermott confirmed as June 30, 2016.

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

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

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

Following a query by Supervisor K. Smith, Mr. McDermott confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 15, 2016.

Supervisor K. Smith moved:

- Approval of Special Exception Amendment Application SEA 88-S-077-07, subject to the development conditions dated June 15, 2016.
- To direct the Director of the Department of Public Works and Environmental Services to approve a deviation of tree preservation target, per Public Facilities Manual Section 12-0508.3A, in favor of a conditioned commitment to maintain and/or replace existing streetscape trees located within utility easements.

Supervisor Herrity and Supervisor L. Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

50. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), SECTIONS 7-2-5, 7-2-10, AND 7-2-13, RELATING TO ELECTION PRECINCTS AND POLLING PLACES** (5:29 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 June 28 and July 5, 2016.

Cameron Glenn Sasnett, Director of Elections, outlined the proposed precinct changes/modifications.

Discussion ensued concerning:

- The need to readjust the Rotonda precinct boundaries following the November elections (Providence District)
- More closely aligning precinct names with voting locations

Discussion continued, with input from Katherine Hanley, Secretary, Election Board, concerning the renaming of the Terraset precinct (Hunter Mill District).

Following additional discussion, regarding access to the Rotonda precinct, a gated community, the public hearing was held.

Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), Sections 7-2-5, 7-2-10, and 7-2-13, relating to election precincts and polling places. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

51. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2 AND 3, REGARDING EMPLOYEES’ AND UNIFORMED RETIREMENT SYSTEMS – CHANGE IN SOCIAL SECURITY OFFSET TO SERVICE-CONNECTED DISABILITY BENEFITS** (5:39 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 June 28 and July 5, 2016.

Joseph M. Mondoro, Chief Financial Officer, Department of Management and Budget, addressed funding adjustments contained in the proposed amendments.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2 and 3, regarding Employees’ and Uniformed Retirement Systems – change in social security offset to service-connected disability benefits. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

52. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), AND THE ADOPTION OF HEALTH DEPARTMENT RULES AND REGULATIONS FOR MOBILE FOOD VENDING WITHIN VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RIGHTS-OF-WAY (PROVIDENCE DISTRICT)** (5:43 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 June 28 and July 5, 2016.

Neil Freschman, PE, Chief, Traffic Engineering Section, Department of Transportation presented the staff report.

Following the testimony of Ms. Gloria Saylor (Speaker 2), Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to review Ms. Saylor’s particular situation. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Following the public hearing, which included testimony by three speakers, Mr. Freschman presented the staff recommendation.

Supervisor L. Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) and the adoption of Health Department Rules and Regulations for Mobile Food Vending within VDOT Rights-of-Way. Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

53. **BOARD ADJOURNMENT** (5:58 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-4
Items Presented by the County Executive	
Administrative Items	4-8
Action Items	8-11
Board Matters	
Chairman Bulova	2, 11-13
Supervisor Cook	23
Supervisor Foust	15-16, 20-21
Supervisor Gross	n/a
Supervisor Herrity	14-15
Supervisor Hudgins	16-18
Supervisor McKay	19-22
Supervisor K. Smith	18-19
Supervisor L. Smyth	13-14
Supervisor Storck	n/a
Actions from Closed Session	26-27
Public Hearings	27-37