



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 26, 2017**

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GMA:gma

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, September 26, 2017, at 9:34 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 Daniel G. Storck, Mount Vernon District

Supervisor Linda Q. Smyth, Providence District, was absent from the entire meeting.

Others present during the meeting were Kirk W. Kincannon, Acting 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; Ekua Brew-Ewool, Kecia Kendall, and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTER

1. **MOMENT OF SILENCE** (9:35 a.m.)

Chairman Bulova and Supervisor Cook asked everyone to keep in thoughts the family of Raymond Burmester, Commander, US Navy (Ret.), who recently died. He was a key person in the Commonwealth who influenced how Virginia looks at issues around persons with intellectual disabilities. A fierce advocate for families with children who have intellectual disabilities, he served on numerous State-wide, national, and local commissions and working groups as well as the Fairfax-Falls Church Community Services Board (CSB), the County's Human Services Council, and the Long Term Care Coordinating Council. He will be sorely missed.

Supervisor Gross asked everyone to keep in thoughts the family of Ms. Emily Ruffing, who recently died at age 93. Ms. Ruffing was among the founders who created Annandale Christian Community for Action (ACCA), which will be celebrating its fiftieth anniversary in October, and was a strong advocate for affordable child care for low-income families.

Supervisor Foust asked everyone to keep in thoughts the victims and survivors affected by Hurricane Maria in Puerto Rico and the earthquake in Mexico City. He hopes that the generosity of the American spirit can help those in need.

Chairman Bulova asked everyone to keep in thoughts the members the County's Urban Search and Rescue Team who assisted hurricane victims in affected areas for the past three weeks. She stated that later in the meeting she would direct staff to invite the team to appear before the Board to be recognized and thanked for its efforts. Without objection, it was so ordered.

AGENDA ITEMS

2. **RECOGNITION OF FAIRFAX COUNTY BY THE LEAGUE OF AMERICAN BICYCLISTS** (9:42 a.m.)

The League of American Bicyclists awarded the County with a Bronze level 2017 Bicycle Friendly Community Award. The Bronze level award recognizes the County's commitment to improving conditions for bicycling through investment in bicycling promotion, education programs, infrastructure, and pro-bicycling policies.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE MCLEAN GIRLS LITTLE LEAGUE ALL-STAR 8-10 AND 9-11 TEAMS (DRANESVILLE DISTRICT)** (9:53 a.m.)

Supervisor Foust moved approval of the Certificates of Recognition presented to:

- The McLean Little League 8-10 Girls Softball All-Stars for the team's spirit, athletic ability, poise, and sportsmanship, resulting in winning the Virginia State Little League All-Star Tournament in July 2017
- The McLean Little League 9-11 Girls Softball All-Stars for the team's athletic ability, relentless energy, spirit, and sportsmanship, resulting in winning the Virginia State Little League All-Star Tournament and the Southeast Region Championship in July 2017.

Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor L. Smith being absent.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. SINEAD EKSTEEN, McLEAN HIGH SCHOOL SWIM AND DIVE TEAM (DRANESVILLE DISTRICT)** (10:02 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to Sinead Eksteen of the McLean High School Swim and Dive Team for her consistent efforts and determination resulting in winning the 100 and 200 yard freestyle races; establishing new State and school records; receiving a team MVP award; qualifying for All-American status; and recognition as *The Washington Post* 2017 All-Met Female Swimmer of the Year. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE MCLEAN HIGH SCHOOL BOYS TENNIS TEAM AND MR. BEN KEYSER AND MR. MATTHEW TRAN (DRANESVILLE DISTRICT)** (10:08 a.m.)

Supervisor Foust moved approval of the Certificates of Recognition presented to the McLean High School Boys Tennis Team for its determination, teamwork, and athletic ability resulting in winning the Virginia High School League 6A State Championship – the first and only boys team State championship in the 62 year history of McLean High School; and to Mr. Ben Keyser and Mr. Matthew Tran for their confidence, dominance, and outstanding teamwork resulting in winning the Virginia High School League 6A State Doubles Championship. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

6. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE SPRINGFIELD YOUTH CLUB WEST END GIRLS AND THE FORT HUNT BOYS RUGBY TEAMS (SPRINGFIELD DISTRICT)** (10:36 a.m.)

Supervisor Herrity moved approval of the Certificates of Recognition presented to the Springfield Youth Club West End Girls and the Fort Hunt Boys Rugby Teams for demonstrating strong character, the principles of noteworthy teamwork, and overcoming formidable opposition resulting in winning the 2017 Rugby Virginia High School Division I State Championships. Supervisor Foust and Supervisor Storck jointly seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE FORT HUNT LITTLE LEAGUE MAJORS ALL-STAR BASEBALL TEAM** (10:36 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to the Fort Hunt Little League Majors All-Star Baseball Team for an exciting and unprecedented summer of Little League baseball, outscoring opponents 94-12, recording forty strikeouts on the mound, and finishing 6-0 resulting in winning the 2017 Virginia State Little League Majors All-Star Championship – the first-time ever in the 60-year history of Fort Hunt baseball. Supervisor McKay and Supervisor Storck jointly seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING OCTOBER 2017 AS “HEAD START MONTH” IN FAIRFAX COUNTY** (10:48 a.m.)

Supervisor Hudgins moved approval of the Proclamation designating October 2017 as “*Head Start Month*” in Fairfax County and urged all residents to recognize the accomplishments and increase their awareness of Head Start. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

9. **PROCLAMATION DESIGNATING OCTOBER 2017 AS “DYSAUTONOMIA AWARENESS MONTH” IN FAIRFAX COUNTY** (11:03 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating October 2017 as “*Dysautonomia Awareness Month*” in Fairfax County and urged all residents to learn more about this disorder. Supervisor Hudgins, Supervisor McKay, Supervisor Gross, and

Supervisor Foust jointly seconded the motion and it carried by a vote of nine Supervisor L. Smyth being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

10. **PROCLAMATION DESIGNATING OCTOBER 2017 AS “DISABILITY EMPLOYMENT AWARENESS MONTH” IN FAIRFAX COUNTY** (11:12 a.m.)

Supervisor Cook moved approval of the Proclamation designating October 2017 as “*Disability Employment Awareness Month*” in Fairfax County and urged all residents to recognize the achievements that people with disabilities contribute to the workplace. Supervisor Hudgins, Supervisor McKay, Supervisor Gross, and Supervisor Foust jointly seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

Supervisor Cook noted that he had previously requested information on the number of County employees who have requested ADA accommodations. He asked unanimous consent that the Board direct staff to provide an update on that request. Without objection, it was so ordered.

11. **PROCLAMATION DESIGNATING OCTOBER 2017 AS “DOMESTIC VIOLENCE AWARENESS MONTH” IN FAIRFAX COUNTY** (11:26 a.m.)

Supervisor Cook moved approval of the Proclamation designating October 2017 as “*Domestic Violence Awareness Month*” in Fairfax County and urged all residents to become involved in efforts to prevent and respond to domestic violence and recognize the impact of domestic violence in our community. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

Chairman Bulova recognized the presence of Virginia State Delegate Jennifer Boysko and warmly welcomed her to the Board Auditorium.

12. **PROCLAMATION DESIGNATING OCTOBER 8-14, 2017 AS “FIRE PREVENTION WEEK” IN FAIRFAX COUNTY** (11:39 a.m.)

Supervisor McKay moved approval of the Proclamation designating October 8-14, 2017, as “*Fire Prevention Week*” in Fairfax County and urged all residents to make a home fire escape plan and practice it. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

EBE:ebe

13. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (11:51 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard September 26, 2017.” Chairman Bulova seconded the motion.

Chairman Bulova clarified the appointment of Mr. John Townes as Chairman of the Civil Service Commission.

The question was called on the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

The full list of Appointments is as follows:

ADVISORY PLANS EXAMINER BOARD

Confirmation of:

- Mr. Gilbert Osei-Kwadwo as the Citizen Member Representative

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Engineer/Architect/Planner #2 and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Hunter Mill and Providence District Representatives.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Mason District Representative.

ARCHITECTURAL REVIEW BOARD

Reappointment of:

- Ms. Michele C. Aubry as the Archaeologist Representative

The Board deferred the appointment of the Attorney and the Related Professional #5 Representative.

ATHLETIC COUNCIL

Reappointment of:

- Ms. Marcia Pape Daniels as the Braddock District Principal Representative
- Mr. Mark R. Heilbrun as the Springfield District Alternate Representative

The Board deferred the appointment of the Braddock District Alternate, Mason District Alternate and Principal, Mount Vernon District Alternate, and Providence District Principal Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

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

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Appointment of:

- Mr. Peter F. Murphy, Jr. as the At-Large #4 Representative

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

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

CHILD CARE ADVISORY COUNCIL

Appointment of:

- Ms. Pam Tinker as the Lee District Representative

The Board deferred the appointment of the Providence and Springfield District Representatives.

CIVIL SERVICE COMMISSION

Appointment of:

- Mr. John Townes as Chairman of the Civil Service Commission

COMMISSION ON AGING

Reappointment of:

- Mr. Thomas B. Bash as the Springfield District Representative

COMMUNITY ACTION ADVISORY BOARD

Appointment of:

- Ms. Florine S. Murphy as the Lee District Representative

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #2 Representative.

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

The Board deferred the appointment of the At-Large #5 Citizen Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Appointment of:

- Ms. Mary Pauline Jones as the Springfield District Representative

The Board deferred the appointment of the Mason District Representative.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Rikki Epstein as the Advocacy Organizations #1 Representative
- Mr. Thomas B. Bash as the Commission on Aging Representative
- Mr. Michael D. Toobin as the Community/Religious Leaders #1 Representative

- Ms. Tara Turner as the Long Term Care Providers #12 Representative
- Ms. Joan Thomas as the Long Term Care Providers #15 Representative
- Ms. Melanie Rochon Bush as the Long Term Care Providers #22 Representative
- Ms. Renuka Chander as the Long Term Care Providers #23 Representative
- Ms. Nancy Fiedelman as the Long Term Care Providers #25 Representative
- Ms. Sonia Gow as the Long Term Care Providers #26 Representative
- Mr. Paul J. Wexler as the Long Term Care Providers #27 Representative
- Ms. Rose Mario as the Medical Community #1 Representative

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

Reappointment of:

- Mr. Robert H. Maurer as the Providence District Representative

The Board deferred the appointment of the Mason District Representative.

**FAIRFAX COUNTY EMPLOYEES RETIREMENT SYSTEM BOARD OF
TRUSTEES**

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Mr. Tom Burger as the Springfield District Representative

Nomination of:

- Ms. Adrienne M. Walters as the Sully District Representative

(NOTE: The Board is scheduled to take action on this appointment on October 24, 2017.)

The Board deferred the appointment of the Providence District Representative.

HEALTH CARE ADVISORY BOARD

Appointment of:

- Ms. Mary J. Porter as the Mount Vernon District Representative

The Board deferred the appointment of the Dranesville District Representative.

HEALTH SYSTEMS AGENCY BOARD

Confirmation of:

- Mr. Andrew Wankum as the Fairfax City Representative

The Board deferred the appointment of the Consumer #1 Representative.

HISTORY COMMISSION

The Board deferred the appointment of the Historian #1 Representative.

HUMAN RIGHTS COMMISSION

Reappointment of:

- Ms. Gloria J. Crawford as the At-Large #2 Representative
- Mr. Shahid S. Malik as the At-Large #11 Representative
- Dr. Freda Bailey Shipman as the At-Large #12 Representative

The Board deferred the appointment of the At-Large #8 and #9 Representatives.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Providence District #2 Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

Confirmation of:

- Ms. Deborah DiFalco as the Fairfax City Representative

LIBRARY BOARD

The Board deferred the appointment of the Springfield District Representative.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

The Board deferred the appointment of the Braddock, Dranesville, Hunter Mill, Mount Vernon, Providence, and Sully District Representatives.

REDEVELOPMENT AND HOUSING AUTHORITY

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

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Appointment of:

- Ms. Kelly Westenhoff as the Hunter Mill District #1 Representative
- Ms. Deloris Y. Bailey as the Hunter Mill District #2 Representative
- Mr. Tyler Aaron Hall as the Apartment or Rental Owner Association Representative
- Ms. Margaret D. Parker as the Commercial or Retail Ownership #1 Representative
- Ms. Anne Mader as the Commercial or Retail Ownership #2 Representative
- Mr. Peter J. Henry as the Commercial or Retail Ownership #3 Representative
- Mr. Mark S. Ingraio as the Reston Chamber of Commerce Lessees of Non-Residential Space Representative

- Mr. John R. Mooney as the Reston Association Representative
- Mr. Robert E. Goudie as the Reston Town Center Association Representative
- Mr. Hank Schonzeit as the Homeowner Member from Reston Town Center Association Representative

The Board deferred the appointment of the Dranesville District Representative, Residential Owners and HOA/Civic Association #1, #2, and #3 Representatives.

ROAD VIEWERS BOARD

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

SMALL BUSINESS COMMISSION

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Appointment of:

- Ms. Kathleen T. Jones as the Fairfax County #6 Representative

The Board deferred the appointment of the Fairfax County #8 Representative.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Citizen Member #1 and Condo Owner Representatives.

TRAILS AND SIDEWALKS COMMITTEE

Appointment of:

- Mr. Karl D. Liebert as the Springfield District Representative

The Board deferred the appointment of the Mason District Representative.

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Towing #1 Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Commercial or Retail Ownership #2 and the Providence District #2 Representatives.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

Confirmation of:

- Captain William Friedman as the Uniformed Employee Representative

WETLANDS BOARD

The Board deferred the appointment of the Alternate #1 Representative.

14. **ADMINISTRATIVE ITEMS** (11:53 a.m.)

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

Supervisor K. Smith called the Board's attention to Admin 5 - Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), and asked to amend the motion to consider this item separately. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor L. Smyth being absent.

ADMIN 1 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO ESTABLISH PARKING RESTRICTIONS ON LEE JACKSON MEMORIAL HIGHWAY SERVICE ROAD (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 24, 2017, at 4 p.m.**, to consider a proposed amendment to the Code of the County of Fairfax, Appendix R, to establish parking restrictions on Lee Jackson Memorial Highway Service Road.

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE SUNSET MANOR RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 18 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 24, 2017, at 4:30 p.m.**, to consider a proposed amendment to the Code of the County of Fairfax, Appendix G, to expand the Sunset Manor RPPD, District 18.

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE WEST POTOMAC RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 36 (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 24, 2017, at 4:30 p.m.**, to consider a proposed amendment to the Code of the County of Fairfax, Appendix G, to expand the West Potomac RPPD, District 36.

ADMIN 4 - EXTENSION OF REVIEW PERIODS FOR 2232 APPLICATIONS (PROVIDENCE, SPRINGFIELD, SULLY, AND MASON 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>
2232-P17-33	AT&T Mobility Parcel 29-4 ((10)) 5C (International and Galleria Drives) McLean, VA Providence District	December 11, 2017
2232-S17-25	Verizon Wireless 6515 Stringfellow Road Chantilly, VA Springfield District	December 16, 2017
2232-Y17-34	Verizon Wireless and Milestone Communications 6009T Bull Run Post Office Road Centreville, VA Sully District	December 16, 2017
2232-M16-34	Washington Gas Light Company 6801 Industrial Road Springfield, VA Mason District	December 16, 2017

ADMIN 5 - AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) (11:54 a.m.)

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page #13.)

15. **ADMIN 5 - AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE)** (11:54 a.m.)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2017, at 3:30 p.m.**, regarding proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) Articles 8, 9, 10, 16, and 20 – Minor Modifications to Approved Zonings and Other Related Changes that will provide new flexibility for consideration by the Zoning Administrator of additional minor modifications to approved rezonings, special exceptions, and special permits; creates a new process for the Board’s consideration, without a public hearing, of minor variations to proffered conditions; and makes revisions and clarifications to related Zoning Ordinance sections.

Supervisor K. Smith noted that, subsequent to the delivery of the proposed amendment for inclusion in the Board Agenda, staff received additional input on the proposed text and recommend two changes to the current draft of the proposed amendment. No change is required to the advertisement to accommodate the additional text.

Therefore, Supervisor K. Smith moved that the Board authorize the advertisement of a public hearing for this item, as presented in the staff report, but with the following changes to the text:

1. On Page 51 of the Board Agenda Item, Paragraph 5.A. (6), revise Minor Variation 6 to add the phrase as underlined below:

(6) To modify architectural design, character, color, features, or materials for buildings and signs provided such modifications are of equal quality and do not have a materially adverse impact on adjacent properties.

2. On Page 51, add new Paragraph 5.D. to read as follows:

D. The Board at its discretion may elect not to waive a public hearing under this section, in which case the application may be processed under Paragraph 6.

Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor L. Smith being absent.

16. **A-1 – APPROVAL OF A PROJECT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) AND FAIRFAX COUNTY FOR FUNDING FOR FISCAL YEAR 2018 TRANSPORTATION DEMAND MANAGEMENT (TDM) AND RIDESHARE OPERATING ASSISTANCE** (11:57 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 Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE”, Supervisor L. Smyth being absent, the Board concurred in the recommendation of staff and:

- Approved the Project Agreement in substantially the form of Attachment I of the Board Agenda Item
- Adopted the Resolution in the form of Attachment II of the Board Agenda Item
- Authorized the Director of the Department of Transportation to execute the Project Agreement on behalf of the Board

17. **I- 1 – FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (FCDOT) STATUS REPORT** (11:58 a.m.)

The Board next considered an item contained in the Board Agenda announcing FCDOT’S biannual report to the Board on transportation projects and activities within the County.

Tom Biesiadny, Director, Department of Transportation, gave a brief presentation on the status report.

ADDITIONAL BOARD MATTERS

DET:det

18. **“ENERGY EFFICIENCY DAY” IN FAIRFAX COUNTY** (12:02 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to prepare a proclamation, jointly signed with Vice-Chairman Gross, designating October 5, 2017, as “*Energy Efficiency Day*” in Fairfax County. Without objection, it was so ordered.

19. **SEPTEMBER 2017 QUARTERLY REPORT OF THE AUDITOR TO THE BOARD** (12:02 p.m.)

Chairman Bulova announced that the Board has received the Auditor to the Board's Quarterly Report for September 2017. She referred to her written Board Matter and stated that the report included the following study areas, recommendations, and managements' concurrence on:

- Department of Transportation (DOT) Cash Proffers
- Seized and Inventoried Property – Fairfax County Police Department (FCPD)
 - Liaising with the Department of Procurement and Material Management (DPMM) and the Department of Public Works and Environmental Services (DPWES) to procure a disposition vendor as there is no timetable for the current vendor to return to an operational status
 - Collaborating with the Department of Information Technology (DIT) and the Facilities Management Department (FMD) to network main and district property room locations security cameras

Chairman Bulova noted that management agreed with all the recommendations and moved that the Board adopt the Auditor to the Board's September 2017 Quarterly Report and approve the Audit Committee Work Plan for the upcoming quarter. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

20. **RECOGNITION OF VIRGINIA TASK FORCE 1 URBAN SEARCH AND RESCUE TEAM** (12:04 p.m.)

(NOTE: Earlier in the meeting, this team was mentioned. See page 2.)

Chairman Bulova announced that, on the previous evening, Supervisor K. Smith and she attended a welcoming home reception for the Virginia Task Force 1 Urban Search and Rescue Team who provided assistance in Texas and Puerto Rico following Hurricanes Harvey and Maria. She asked unanimous consent that the Board direct the Office of Public Affairs to invite team members who responded, including its K-9 unit, to appear before the Board and be recognized. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

21. **TEMPLE SHALOM EXPEDITED PUBLIC HEARING SCHEDULE (DRANESVILLE DISTRICT)** (12:06 p.m.)

Supervisor Foust announced that the Trustees of Temple Rodef Shalom have pending zoning applications: Rezoning Application RZ 2017-DR-007; Proffered Condition Amendment Application PCA 1997-DR-028; and Special Exception Amendment Application SEA 97-D-038-02; for an existing place of worship located at 2100 and 2110 Westmoreland Street in McLean, (Tax Map Numbers 40-2 ((1)) 18, 19A and 25A pt.). The applications request permission to construct building additions and site modifications for the existing place of worship as well to increase enrollment at the site's nursery school and summer camp and modify the operation of the summer camp.

Waiting until the Planning Commission renders its decision on September 27 would result in the case not coming before the Board until the end of November. The applicant has diligently worked with staff and the community and has requested that the case be heard by the Board before November if possible.

Therefore, Supervisor Foust moved that the Board direct staff to schedule the public hearings for Rezoning Application RZ 2017-DR-007, Proffered Condition Amendment Application PCA 1997-DR-028, and Special Exception Amendment Application SEA 97-D-038-02 for **October 24, 2017, at 5:30 p.m.** This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicants from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

22. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF)** (12:08 p.m.)

Supervisor Foust stated that his next four Board Matters are made jointly with Chairman Bulova and relate to the Economic Development Support Fund (EDSF) which the Board established approximately two years ago. He noted that three of the items are at the initial stage and his request is that the Board refer them to staff for initial screening under the adopted process before returning them to the Board for further consideration.

23. **ECONOMIC DEVELOPMENT SUPPORT FUND-GO VIRGINIA APPLICATION - TECH I TALENT PIPELINE** (12:10 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust referred to his written Board Matter and announced that staff has taken a leadership role in working with the City of Fairfax, the Town of Herndon, the City of Alexandria, Arlington County, Loudoun County, Prince William County, the Northern Virginia Community College system, the Northern Virginia Technology Council, and the

Arlington/Alexandria Regional Workforce Council to devise a proposal for funding from Go Virginia to develop a qualified workforce.

Therefore, Supervisor Foust moved that the Board direct the County Executive to appropriate \$200,000 from EDSF to support the County's Go Virginia application and instruct the County Executive that County funding is dependent upon a successful award and is conditioned on local match funding participation from adjacent jurisdictions participating upon an agreed funding formula. Chairman Bulova seconded the motion.

Following discussion, Supervisor Storck asked to amend the motion to change "appropriate" to "encumber", and this was accepted. The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor L. Smyth being absent.

24. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) - HERNDON ARTS CENTER (DRANESVILLE DISTRICT)** (12:14 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust said that the Town of Herndon has been aggressively pursuing economic development through revitalization of the Town's downtown area.

The Downtown Herndon Redevelopment Project, a public-private partnership project led by the Town of Herndon, envisions transforming a Town-owned surface parking lot, located in the heart of Herndon, into a vibrant mixed-use development providing new retail space, new residential units, a 340 space public parking structure, and an Arts Center. The project will create an arts and entertainment hub in downtown Herndon that will generate additional investment and revenue for surrounding businesses. In addition, this mixed-use development will return land, currently publicly-owned, back onto the tax rolls providing financial benefits to the County and, to a lesser extent, to the Town. Herndon will collect new tax revenues at a rate of \$.265 per \$100 of assessed value while the County will collect at a rate of \$1.16 (including \$.03 for stormwater) for residential, \$1.285 (including \$.03 for stormwater) for commercial, and \$.125 for the Commercial and Industrial (C&I) transportation tax.

The Town is currently negotiating with its selected developer, Comstock Partners, LC, to provide an Arts Walk to integrate the new neighborhood with historic downtown Herndon, the Washington and Old Dominion (W&OD) Trail, the Town green, Herndon Fortnightly Library, and other businesses and amenities that downtown Herndon has to offer. The public-private partnership has the responsibility of providing an 18,000 square foot Arts Center as a cold dark shell with interior design and construction to be led by the Town.

The Town is currently seeking arts organizations to operate, manage, and conduct arts programming in the Arts Center. Once selected, the Town and selected arts

organization(s) will work with the development partner to design and build-out the arts center interior. The Town has requested the County's participation in funding the cost of that build-out.

Therefore, Supervisor Foust moved that the Board direct the County Executive to:

- Prepare an initial project evaluation to review this project under the guidelines adopted for the EDSF
- Evaluate the Downtown Herndon project's impact to furthering the goals of the Economic Success Strategic Plan (ESSP) and make recommendations for the Board to consider regarding allocating EDSF to this capital project

No investment from the EDSF will be made in the Herndon Arts Center unless and until the Board has approved the use of the funds for that purpose.

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

25. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) -GREATER WASHINGTON EXPORT CENTER** (12:18 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust said that in his capacity as Chairman of the Economic Advisory Commission (EAC), he reviews many statistics that speak to how well, or poorly, the County and regional economies are doing.

One of the more disappointing statistics is that only six percent of the Greater Washington region's total Gross Domestic Product (GDP) is from exports. That puts it at 95 out of the 100 largest metro areas. This is a very low number but it also suggests an opportunity to improve the area's economy by increasing export activity.

At the EAC meeting on March 21, representatives from the Metropolitan Washington Council of Governments (COG) discussed the benefits that exports can bring to the region and the work it has been doing to bring the Global Cities Initiative to the region. That initiative is a joint project of the Brookings Institution and JP Morgan Chase that is currently located in 29 cities. For this region, the initiative is focused on creating new and higher paying jobs through exports and improving the region's participation in the global economy.

A key element of this strategy is to create the Greater Washington Export Center. The Export Center will bring together government, civic, and private leadership and international trade expertise needed to complement and enhance the existing

export services available in the region. The focus will be on four key strategies that will result in increased exports from the County and the region.

COG's Global Cities Initiative Managing Director has submitted a proposal to the County that describes the purpose and functions of the Greater Washington Export Center and requests the County to join with approximately 10 governmental jurisdictions and 10 corporate entities to fund the Center.

If the County decides to participate, the EDSF could provide a funding source for the County's share of the costs of the initiative.

Therefore, Supervisor Foust moved that the Board direct the County Executive to:

- Prepare an initial project evaluation for the possible use of EDSF funding to cover the County's share of the cost of the Greater Washington Export Center and to report with its findings
- Evaluate the costs and benefits of the proposed Greater Washington Export Center, as part of the initial project, in the context of existing export programs underway, specifically the Export Virginia program managed by the Virginia Economic Development Partnership

No investment from EDSF will be made in the Greater Washington Export Center initiative unless and until the Board has approved the use of the funds for that purpose.

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

26. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) - PROGRAM INVESTMENT IN SUPPORT OF THE ECONOMIC SUCCESS STRATEGIC PLAN (ESSP)** (12:21 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust said that, since the adoption of the ESSP in March 2015, County staff have been building partnerships with stakeholders and developing a portfolio of projects in partnership with universities, industry groups, startups, and nonprofits.

Supervisor Foust stated that he fully supports these activities, and believes that EDSF should be used to provide support for future projects. The primary purpose of this funding would be to support investments in staff-identified actions, events, and studies to further the six goals of the ESSP.

Examples of the types of projects and events that staff has identified for possible future funding include:

- Innovation Salons: opportunities for staff and County stakeholders to convene around key topics in the ESSP
- Challenge events/Pitch competitions: events that gather together entrepreneurs and startup companies to meet challenges
- Hackathons: collaborative, interdisciplinary events to crowdsource ideas from developer communities
- Tactical Urbanism Events
- Research/data projects

These are examples of the types of relatively small investments staff believes could be leveraged to help achieve the innovative ecosystem and other goals in ESSP.

Therefore, Supervisor Foust moved that the Board direct the County Executive to prepare an Initial Project Evaluation to review the benefit of appropriating up to \$350,000 from the EDSF to implement programs in support of the ESSP and report the results of that evaluation to the Board. No investment from the EDSF will be made in the Program Investment in support of the ESSP unless and until the Board has reviewed and approved the use of the funds for that purpose.

Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor L. Smyth being absent.

KK:kk

27. **HONORING THE FIFTIETH ANNIVERSARY OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)** (12:24 p.m.)

Supervisor Cook announced that this December marks the fiftieth anniversary of the Age Discrimination in Employment Act (ADEA). It is important to bring attention to age discrimination and recognize the role ADEA has played in breaking down barriers that have hindered, for older people, the economic opportunities they might have had if not for their age. In 1967, it was common for older adults to be hired and fired due to their age. Older workers represented less than five percent of new hires at that time.

When Congress passed the ADEA it did so to promote employment based on ability, not age. Much has changed over the past 50 years. Many older adults are working and jobs are less physically demanding and more knowledge-based.

Although the ADEA has made a difference, according to a 2017 American Association of Retired Persons (AARP) survey, age discrimination still exists. AARP reported that almost two-thirds of workers ages 55-64 reported age as a barrier to securing employment. Supervisor Cook urged that the County take this opportunity however to celebrate the many successes enjoyed by older adults over the last 50 years and recommit to overcoming the remaining challenges presented by age discrimination.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite Kenneth Saunders, Director, Office of Human Rights and Equity Programs, representatives from AARP, the County's Area Commission on Aging, and other appropriate staff and community organizations to appear before the Board to receive a proclamation honoring the fiftieth anniversary of ADEA at its December 5 Board meeting. Without objection, it was so ordered.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to provide an update on that request. Without objection, it was so ordered.

28. **POLICE PURCHASE OF MILITARY EQUIPMENT** (12:25 p.m.)

Supervisor Cook said that on August 28, the Federal government lifted the ban on the transfer of surplus military equipment to state and local police departments. The 1033 Pentagon Program would allow local police departments to purchase equipment such as armored vehicles, grenade launchers, bayonets, and high-powered rifles. He noted that groups like the National Association for the Advancement of Colored People (NAACP) and the American Civil Liberties Union (ACLU) have been critical of these changes because they allow the militarization of local law enforcement agencies in a manner that could strain relationships with the communities they serve. The use of military equipment may lead to excessive use-of-force claims in communities.

Supervisor Cook stated that this was not a strong policy statement regarding police purchase of equipment and that the people of the County may be concerned to see police employing military hardware of this sort. While he did not know whether the department had any thoughts about participation in the 1033 Pentagon Program, any such decision should be made by the Board.

Discussion ensued, as to whether the item should be discussed at an upcoming Public Safety Committee meeting or whether the Police Chief should send a memorandum to the Board outlining the details of the 1033 Program.

Therefore, Supervisor Cook moved that the Board instruct the Chief of Police to obtain specific Board approval (not a generic line in the budget) before purchasing military equipment from the Federal government. Chairman Bulova seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Herrity voting "NAY," Supervisor L. Smyth being absent.

29. **SAUNDERS B. MOON SENIOR CITIZENS CLUB** (12:34 p.m.)

Supervisor Storck said that this year marks the fifty-second anniversary of the Saunders B. Moon Senior Citizens Club. Formed in 1965 as a private non-profit organization to fight against poverty in Gum Springs, the Club has led an active and impactful role in the development of the community and has been awarded the Gum Springs Community Service Award multiple times for its dedication and service.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to invite the Saunders B. Moon Senior Citizens Club and Ms. Mattie Palmore to appear before the Board to be recognized with a proclamation commending and congratulating them on this anniversary. Without objection, it was so ordered.

30. **AIRPLANE NOISE FROM RONALD REAGAN WASHINGTON NATIONAL AIRPORT SOUTH FLOW – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) WORKING GROUP RECOMMENDATIONS** (12:35 p.m.)

Supervisor Storck referred to his written Board Matter that outlined the actions the Board has taken, since October 2016, to address the issue of airplane noise from Reagan National Airport. He stated that he was pleased to report that the MWAA working group has come forth with recommendations to improve departure procedures at the airport, which have been presented for consideration to the Federal Aviation Administration (FAA), as follows:

- The FAA initiated what is called the “.41 process” for developing a new south flow departure procedure based on the recommendation to move the GPS waypoints to the center of the Potomac River.
- The FAA has already completed one technical forum in August and will have another one in September and October, after which it will present a new south flow departure procedure to the MWAA Working Group on October 27.
- The MWAA Working Group and the FAA will review and fine-tune the new procedure and the FAA will also complete some flight testing and assessments between November 2017 - March 2018.
- In April 2018, the new procedure will be finalized and the FAA will then proceed to conduct public and elected official outreach. Barring any unforeseen events, the new procedure is to be implemented November 2018.

- While the FAA is trying to address departing flights with this plan, they have not addressed the procedures for flight arrivals, which also contribute a significant amount of noise and disruption to residents with their very low altitudes and flight arrival paths.

Therefore, Supervisor Storck moved that the Board authorize staff to write a letter of support from the Board to MWA and to FAA in support of the MWA Working Group plan. The letter must also include a request that the FAA establish a specific schedule and deadline to begin addressing the equally important issue of airplane noise for arrival procedures, which is independent of the new departure plan. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

31. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) NOMINATION FOR MOUNT VERNON** (12:43 p.m.)

Supervisor Storck said the Mount Vernon District is home to a number of historic landmarks that can be better leveraged to create a tourism destination in the County. These are important locations that can serve to support and expand hospitality and service industries.

Some of the heritage sites include: Mount Vernon Estate and Gardens, Woodlawn and the Pope-Leighey House, the future National Army Museum, Gunston Hall, and the Workhouse Arts Center. Currently, these sites market their sites independently. The EDSF investment would provide funding for the County to facilitate an area-wide historic tourism plan to create additional visits and create the Mount Vernon Cultural Corridor as a destination for residents and tourists in the National Capital region.

Therefore, Supervisor Storck moved that the Board direct the County Executive:

- To prepare an initial project evaluation for the use of the EDSF for the creation of the Mount Vernon Cultural Corridor.
- That no funds from the EDSF will be used until the Board has approved the funds.

Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

32. **SPORTS TOURISM OPPORTUNITIES** (12:45 p.m.)

Supervisor Herrity said that he recently met with the newly-founded Sports Tourism Task Force concurring with its effort to attract tournaments and events to the County. The Task Force will look at the value of potential sports tourism

opportunities, outline investments the County may be expected to make to achieve these goals, policies that may need to be changed, enacted, or eliminated; and assess economic impact models that can be used to determine positive impact in our community.

In addition, as discussed in closed session, this is a sports tourism economic opportunity. Supervisor Herrity moved that these two opportunities be considered for the Economic Development Support Fund (EDSF) at the appropriate times and amounts. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

33. **BOARD'S PROPERTY – SIGNATURE AUTHORIZATION (HUNTER MILL DISTRICT)** (12:46 p.m.)

Supervisor Hudgins said that the public hearing for Rezoning Application RZ 2011-HM-013 is scheduled for later today. It incorporates a portion of property identified by Tax Map 29-3 ((1)) 5, which is owned by the Board. On April 29, 2014, the Board authorized the inclusion of the affected part of Parcel 5 in the pending rezoning application. The applicant, CARS-DB1, LLC, then incorporated the affected part of Parcel 5 into Rezoning Application RZ 2011-HM-013 application, with the former County Executive signing the associated proffers for the County. At this time the applicant wishes to revise the proffers. To facilitate these modifications, the County must sign the revised proffers.

Therefore, Supervisor Hudgins moved that the Board authorize Acting County Executive Kirk W. Kincannon to act as the agent of the Board in connection with this application. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

(NOTE: Later in the meeting, the Board took action on this issue. See Clerk's Summary #48.)

34. **TENTH ANNIVERSARY OF PUBLIC ART RESTON (HUNTER MILL DISTRICT)** (12:48 p.m.)

Supervisor Hudgins said that Curator Mary Konsoulis noted that public art has been a vital element in the planning, design, and experience of Reston for nearly 50 years and the community's visionary creator, Mr. Robert E. Simon, Jr., saw public art not as a decoration but as an essential element of place making and memory.

Referring to her written Board Matter, Supervisor Hudgins noted that Public Art Reston, previously known as the Initiative for Public Art Reston, was established

in 2007 with the goal of inspiring an ongoing commitment to public art and creating a new generation of artworks in Reston. Its vision imagines public art throughout Reston that inspires the community and engages the mind and senses.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to prepare a resolution, with dual signatures, to recognize the tenth anniversary of Public Art Reston to be presented at the October 24, 2017, Board meeting. Without objection, it was so ordered.

35. **REQUEST FOR EXPEDITIOUS AND CONCURRENT PROCESSING – DULLES DISCOVERY SOUTH SECURE OFFICE CAMPUS (SULLY DISTRICT)** (12:49 p.m.)

Supervisor K. Smith said that the applicant, DD South 5 LC, submitted application Rezoning/Final Development Plan Application RZ/FDP 2017-SU-011 (the "Application") for Dulles Discovery South (DDS), a secure office campus located south of Air and Space Museum Parkway, between Sully Road (Route 28) and Centreville Road. The application is filed on approximately 77.31 acres of land and identified as Tax Map Parcels 34-2-((1))-2C1, -2D1, -2E, -3C1 (DDS) and Tax Map Parcel 34-2-((1))-6 (Parcel 6). DDS is zoned to the "Planned Development Commercial" (PDC) and Water Supply (WS) Districts and consists of approximately 74.24 acres. A portion of DDS is located within the Sully Historic Overlay District (SHOD). The purpose of the application is to relocate a previously-approved office building (DD5) and its related parking structure from inside of the SHOD to an area outside of the SHOD and immediately adjacent to office buildings DD3 (existing) and DD4 (under construction) to create a more cohesive campus. The application also includes the addition of a zoned I-5 parcel, Parcel 6, which consists of approximately 3 acres and is located along Centreville Road across from residential uses. The I-5 parcel is located within the secure campus and is currently developed with surface parking. Parcel 6 is proposed to be rezoned to the PDC District, consistent with the DDS campus, and a parking structure is to be located on it. The addition of the by-right I-5 parcel and its rezoning to the PDC District eliminates the potential for future industrial uses along Centreville Road; results in a more cohesive design for the property with the continuation of the significant landscape buffer adjacent to nearby residential communities; spreads the floor area ratio (FAR) of the I-5 parcel imperceptibly over the approximately 77.31-acre campus rather than developing it all on the 3 acres fronting Centreville Road; and furthers the vision for the Dulles Suburban Center.

The applicant has a public hearing scheduled before the Planning Commission on November 30, 2017, and has requested authorization to process concurrent site and building plans/permits for the project in advance of that hearing and for a date certain for a hearing before the Board.

Therefore, Supervisor K. Smith moved that the Board direct the Director of the Department of Land Development Services to accept, for concurrent and

simultaneous review a site plan, architectural drawings, building permits and/or other plans and permits as may be necessary to implement the improvements contemplated by the applicant with this rezoning application. Chairman Bulova and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

36. **MOTION FOR CONCURRENT PROCESSING OF R&R VENTURES-TACO BELL (SULLY DISTRICT)** (12:51 p.m.)

Supervisor K. Smith said that Special Exception Amendment Application SEA 89-C-047-02 was submitted by R&R Ventures to obtain approval for a new Taco Bell fast food drive-thru at the McLearen Square Shopping Center. The application is scheduled for public hearing before the Planning Commission on November 2, 2017. The applicant has discussed the project with staff, the Sully District Council, and the West Fairfax County Citizens Association.

The applicant has requested concurrent processing of its site plan. Allowing R&R Ventures to submit its site plan at this time will assist it in obtaining site plan approval and completing construction before the end of 2018.

Therefore, Supervisor K. Smith moved that the Board authorize concurrent processing of the site plan. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

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37. **CHILD CARE REGULATIONS** (12:54 p.m.)

Supervisor McKay said that in June 2017, the Virginia Board of Social Services approved new regulations governing child care programs participating in the State child care subsidy program, which are now awaiting Governor McAuliffe's review. One of the changes being considered is a requirement that all providers have the ability to speak, read, and write in English which raises particular concerns for the County. According to the proposed regulations, English proficiency will be verified during annual State health and safety inspections. It is important to note that this is not a Federal requirement; Federal regulations encourage states to support providers who are English language learners and to respect and support children's home language and culture. Parents often choose providers who speak their home language which supports continuity between the child's home and child care setting.

This proposed State requirement would create a particular problem in the County, which is one of only three localities in the Commonwealth that locally-permit small home-based child care facilities (serving four children or less), many of which participate in the State child care subsidy program. This critical program for working families currently provides subsidies for approximately 4,400 children each month. Funding for the program is a combination of Federal, State, and local dollars, with participating families paying for child care based on a sliding scale. The median income of families in this program is approximately \$29,000.

The County does not require providers in small home child care facilities to speak fluent English. Instead, the County works with all providers, including those who are English language learners. Systems are in place to support providers, including offering technical assistance in multiple languages so they may comply with all applicable local, State, and Federal regulations. Should this regulation be approved, some locally-permitted family child care providers could lose the ability to serve children who receive State child care subsidies, potentially reducing the supply of affordable child care for working families in the County.

Supervisor McKay stated that at the September 19 Legislative Committee meeting, the Board reviewed a draft letter to Governor McAuliffe outlining the County's concerns with these proposed state regulations, which is attached to his written Board Matter. Child care assistance for families with low-to-moderate incomes is essential, allowing parents to work and maintain self-sufficiency, enhancing economic growth, and ensuring school readiness and safety for the youngest Virginians.

Therefore, Supervisor McKay moved that the Board send a letter, under the Chairman's signature, to Governor McAuliffe requesting that the State not adopt the regulation related to the English language requirement, or that the County be given a waiver from that requirement, as the County's small home-based child care facilities are permitted and inspected locally (including two home health and safety inspections and one fire inspection annually), unlike those in most parts of the Commonwealth where such facilities are not locally regulated. Supervisor K. Smith seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

38. **EMAIL ADDRESSES FOR BOARDS, AUTHORITIES, AND COMMISSION (BACs) MEMBERS** (12:57 p.m.)

(BACs) Supervisor McKay said that community members who serve on the County's Boards, Authorities, and Commissions all play a vital role.

They are also frequently in touch with other members of the community, oftentimes sharing ideas and information about projects they are working on. That being said, when they are communicating, they are usually doing it from their personal email addresses.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the County Executive, the County Attorney, staff from the Department of Information Technology, and Government Relations to perform a review of this policy and the policies of surrounding jurisdictions and report with information on the pros and cons, including a fiscal and legal analysis of giving each of respective appointees a FairfaxCounty.gov email address. Without objection, it was so ordered.

39. **REQUEST FOR CERTIFICATE** (1 p.m.)

Supervisor McKay announced that Ms. Jane Rosenbaum will be retiring in November after over 30 years of service to the County in the Department of Transportation. He referred to his written Board Matter that outlined her many achievements.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a certificate to be jointly signed by the Chairman and himself, for presentation to Ms. Rosenbaum outside the Board Auditorium. Without objection, it was so ordered.

40. **HOLMES MIDDLE SCHOOL FIFTIETH ANNIVERSARY (MASON DISTRICT)** (1:01 p.m.)

Supervisor Gross said that the Oliver Wendell Holmes Middle School is celebrating its fiftieth anniversary this year and will host a community event at the school, 6525 Montrose Street in Lincolnia, on Saturday, October 21, from 10 a.m. until 2 p.m. The day will include a 5K run, food trucks, games, prizes for the winners of the student writing and art contests, school tours, and a fiftieth anniversary cake. Supervisor Gross referred to her written Board Matter that outlined the school's many achievements. She also noted, that, in the spirit of full disclosure, all three of her children attended Holmes, which is within walking distance of their home, and she served on the Holmes Parent Teacher Association (PTA) board.

To acknowledge this significant anniversary, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a proclamation, bearing the signatures of the Chairman and the Vice-Chairman, for presentation at the celebration on October 21. Without objection, it was so ordered.

41. **UTILIZATION OF THE ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) FOR PILOT PROJECTS IN ANNANDALE** (1:02 p.m.)

Supervisor Gross said that in July 2016, the Urban Land Institute Washington performed a Technical Assistance Panel to develop short and medium-term strategies for revitalizing Annandale with a focus on the "downtown" core along Columbia Pike. The effort was sponsored and supported by the Office of

Community Revitalization (OCR) and involved members of the Annandale community.

Over the last year, OCR has worked with partners to explore strategies from the report which have the greatest chance of contributing to larger revitalization goals for Annandale in the near-term. Two proposed actions are a pilot “Open Streets” event including a “complete street” demonstration component, and a pilot “pop-up civic plaza” at a County-owned property, plus the development of programming for the site.

The EDSF is an opportunity to fund activities that will assist in bringing vibrancy to downtown Annandale and enhance the community and commercial vitality of this important place. Funding these pilot projects will give the County the opportunity to model a community-based approach to implementation of temporary and interim uses as place making strategies and revitalization tools and give the Annandale community an opportunity to “test” the ideas and experience its downtown in a new way.

Finally, execution of the pilot projects will provide a chance to learn from the process of implementation from documentation of lessons learned and the development of guidance for replication, to gathering insights on process improvements that the County may wish to consider to encourage greater frequency of such temporary and interim uses.

Therefore, Supervisor Gross moved that the Board direct:

- The County Executive to prepare an initial project evaluation for the use of EDSF to implement selected strategies outlined in the [*Revitalization Strategies for Annandale*](#) study sponsored by OCR
- Staff to evaluate the cost for implementation of a pilot “Open Streets” event including a “complete street” demonstration component, and a pilot “pop-up civic plaza” at County-owned property, plus the development of programming for the site
- The County Executive that no investment from the EDSF will be made until the Board has approved the use of those funds

Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

42. **RESILIENCE SUMMIT AND SENIOR SAFETY SEMINAR AND RESILIENCE SUMMIT AND EXPO** (1:05 p.m.)

Supervisor Gross announced that on October 12, 2017, she is sponsoring a Resilience Summit and a Senior Safety Seminar and Resilience Summit and Expo.

She referred to the flyers distributed to the Board. The events will be held at the Mason District Government Center, 6507 Columbia Pike, Annandale, Virginia, from 4 p.m. – 9 p.m. More information on the events can be found at: http://www.fairfaxcounty.gov/mason/pdf/mm_fall_2017_web_version.pdf

Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to publicize these events. Without objection, it was so ordered.

43. **RECESS/CLOSED SESSION** (1:06 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. *Robin McGreer v. Julie Parker, Colonel Edwin C. Roessler, Jr., John Doe #1, John Doe #2, and Fairfax County Police Department*, Case No. CL-2017-0012065 (Fx. Co. Cir. Ct.)
 - 2. *Elton Cansler v. Alan A. Hanks, Edwin C. Roessler, Jr., and Fairfax County*, Case No. 1:16-cv-1589 (E.D. Va.)
 - 3. *Lisa Wills v. Fairfax County*, Case No. CL-2017-0008658 (Fx. Co. Cir. Ct.)
 - 4. *David Park and Susan Park v. Constance Morris*, Case No. CL-2017-0011280 (Fx. Co. Cir. Ct.)
 - 5. *Debra T. Chubb v. Fairfax County, Virginia*, Case No. GV17-006903 (Fx. Co. Gen. Dist. Ct.)

6. *Armando Iraheta-Ortiz, by Allstate Insurance Company, Subrogee v. John Doe*, Case No. GV12-010235 (Fx. Co. Gen. Dist. Ct.)
7. *Wymond Associates, LLC, etai, v. County of Fairfax, Virginia*, Case No. CL-2016-0012504 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Benjamin K. Canty and Judith M. Canty*, Case No. CL-2017-0012652 (Fx. Co. Cir. Ct.) (Braddock District)
9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mark A. Henning*, Case No. GV17-009863 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Woolfrey*, Case Nos. GV17-018110 and GV17-018111 (Fx. Co. Gen. Dist. Ct.) (Lee District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Murari Lai Dadoo, Co-Trustee of the Dadoo Family Trust and Anjana Dadoo, Co-Trustee of the Dadoo Family Trust*, Case No. CL-2017-0012304 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Massis Investments, LLC.*, Case No. CL-2017-0007127 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- Potential Settlement of a Construction Related Claim with American Contracting and Environmental Services, Incorporated, as permitted by Virginia Code Section 2.2-3711(A)(7) and (8)

- Legal Analysis Regarding Claim Arising from Critical Incident Near 3105 Annandale Road on April 20, 2016, as permitted by Section 2.2-3711(A)(1), (7), and (8)
- Potential Terms of Agreements Relating to Prospective Economic Development Opportunities, as permitted by Section 2.2-3711 (A)(5), (6), (8), and (39)
- Legal Analysis Regarding Possible Redevelopment of the Northern Virginia Training Center Site, as permitted by Section 2.2-3711 (A)(7) and (8)

Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

DET:det

At 4:21 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor L. Smyth, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

44. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:21 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 McKay seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor L. Smyth being absent.

45. **SETTLEMENT OF THE CLAIM AGAINST AMERICAN CONTRACTING AND ENVIRONMENTAL SERVICES, INCORPORATED** (4:21 p.m.)

Supervisor K. Smith moved that the Board approve the settlement of the County's claim against American Contracting and Environmental Services, Incorporated, regarding the delamination of tertiary clarified 2B at the Noman M. Cole, Jr. Pollution Control Plant in accordance with the terms outlined by the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

ADDITIONAL BOARD MATTER46. **RECOGNITION OF FORMER MOUNT VERNON DISTRICT SUPERVISOR GERRY HYLAND** (4:22 p.m.)

Chairman Bulova announced the presence of former Mount Vernon District Supervisor Gerry Hyland and:

- Warmly welcomed him to the Board Auditorium
- Thanked him for the eggs

AGENDA ITEMS47. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 2009-SP-002 (RAYMOND S. CRAWFORD III AND TERESA A. CRAWFORD) (SPRINGFIELD DISTRICT)** (4:23 p.m.)

(O) (NOTE: On September 12, 2017, the Board deferred this public hearing until September 26, 2017.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 8 and September 15, 2017.

The application property is located at 12655 Wiltonshire Drive, Clifton, 20124, Tax Map 85-2 ((10)1Z, 2Z, 3Z, and 4Z.

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

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

Supervisor Herrity moved approval of Agricultural Renewal Application AR 2009-SP-002, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Crawford Local Agricultural and Forestal District for an additional eight-year term, subject to the ordinance provisions dated July 12, 2017. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor L. Smyth being absent.

48. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-HM-027 (1587 SPRINGHILL HOLDINGS, INCORPORATED) (HUNTER MILL DISTRICT)**

AND

3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-HM-013 (CARS-DB1, LLC) (HUNTER MILL DISTRICT) (4:36 p.m.)

- (O) (NOTE: Earlier in the meeting, this issue was discussed. See Clerk's Summary Item #33.)

The application property for RZ 2011-HM-027 is located on the east side of Spring Hill Road, south of its intersection with Leesburg Pike. Tax Map 29-3 ((1)) 2G. The application property for RZ 2011-HM-013 is located on the south side of Leesburg Pike, approximately 100 feet east of its intersection with Spring Hill Road. Tax Map 29-3 ((1)) 3B and 5 (pt).

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavits for the record.

Bob Katai, Planner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the applications and site locations.

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

Discussion ensued concerning:

- Relocation of Boone Boulevard
- Location of a flood plain area
- Replacement of the current impervious parking area with an athletic field and wooded parkland

Discussion continued, regarding the use of transportation proffers and new State law governing proffer use, with input from Tracy Strunk, Director, ZED, DPZ.

Following the public hearing, which included testimony by four speakers, Supervisor Hudgins stated that items had been submitted for the record.

Mr. Katai presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-HM-013, from the C-7, R-1, H-C, and SC Districts to the PTC, HC, and SC Districts, subject to the proffers dated September 25, 2017
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-HM-027, from the C-7, H-C, and SC Districts to the PTC, HC, and SC Districts, subject to the proffers dated August 25, 2017
- Approval of the waivers and modifications as listed in the handout distributed and dated September 14, 2017, which shall be made a part of the record, as follows:
 - Waiver of Section 2-505 of the ZO to permit structures and vegetation on a corner lot as shown on the Conceptual Development Plan (CDP)
 - Modification of Section 2-506 of the ZO to allow for a parapet wall, cornice, or similar projection to exceed the established height limit by more than 3 feet but not more than 12 feet to screen mechanical equipment, as may be indicated on a Final Development Plan (FDP)
 - Waiver of Section 6-506 of the ZO which requires a minimum district size of 10 acres
 - Modification of Paragraph 3E of Section 10-104 of the ZO, which limits fence height to 7 feet, to permit a maximum fence height of 14 feet around outdoor recreational courts and fields shown on a FDP
 - Modification of Paragraph 4 of Section 11-202 of the ZO requiring a minimum distance of 40 feet of a loading space in proximity to drive aisles, to that shown on a FDP
 - Waiver of Paragraph 8 of Section 13-202 of the ZO to modify the interior landscaping requirements for parking lots to that which are shown on the CDP
 - Waiver of Paragraph 5 of Section 13-203 of the ZO to modify the peripheral landscaping requirements for the

surface parking lots that will remain on an interim basis to that which are shown on the CDP

- Waiver of Section 16-403 of the ZO in order to permit a public improvement plan for public streets, park spaces, and interim parking spaces without the need for a FDP
- Modification of Section 17-201 of the ZO to permit the streetscape and on-road bike lane system shown on the CDP in place of any trails and bike trails shown for the subject property on the Comprehensive Plan
- Waiver of Paragraph 3 of Section 17-201 of the ZO to provide any additional interparcel connections to adjacent parcels beyond that shown on the CDPs and as proffered
- Waiver of Paragraph 4 of Section 17-201 of the ZO to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDPs and proffers
- Waiver of Paragraph 7 of Section 17-201 of the ZO to permit the applicants to establish parking control signs (including spacing and location) and parking meters along private streets within and adjacent to the development in coordination with the Fairfax County Department of Transportation
- Modification of Section 12-0508 of the Public Facilities Manual (PFM) to allow for tree preservation target deviations as justified by PFM 12-0508.3A(1) and 3A(3)
- Modification of Section 12-0510 of the PFM to permit trees located in rights-of-way and easements to count toward the 10-year tree canopy requirement subject to the proffered replacement provisions
- Approval of the following modifications and waivers that are only applicable to Rezoning Application RZ 2011-HM-013:
 - Waiver of Paragraph 14 of Section 6-505 of the ZO to allow outdoor display and outdoor storage of vehicles associated with existing vehicle sales, rental, and ancillary service establishments

- Waiver of Section 17-201 of the ZO, to not require provision of a service road along Leesburg Pike

Supervisor Foust seconded the motion.

Following additional discussion, regarding the merits of the applications, the question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor L. Smyth being absent.

49. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 74-2-113-03 [DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, (DPWES)] (HUNTER MILL DISTRICT)** (5:24 p.m.)

The application property is located on the east side of Town Center Parkway, north of Cameron Glen Drive, Tax Map 17-1 ((1)) 14E (pt.).

Elizabeth Teare, County Attorney, noted that, under Virginia law, no affidavit is required for this application.

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

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

Following a query by Supervisor Hudgins, Kirk Kincannon, Acting County Executive, confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated August 31, 2017.

Supervisor Hudgins moved approval of:

- Planned Residential Community Application PRC 74-2-113-03, subject to the development conditions dated August 31, 2017
- A modification of Section 13-303 of the Zoning Ordinance for the transitional screening requirement to that shown on the PRC plan
- A waiver of Section 13-304 of the Zoning Ordinance for the barrier requirement
- A waiver of Paragraph 4 of Section 17-201 of the Zoning Ordinance for dedication and construction of widening of existing roads,

existing roads on new alignments, and proposed roads recommended in the adopted Comprehensive Plan

Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

50. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2017-HM-010 (POST TRAIL, LLC) (HUNTER MILL DISTRICT) (5:30 p.m.)**

The application property is located at 11150 Sunset Hills Road, Reston, 20190, Tax Map 18-3 ((1)) 27.

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

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

Mr. Looney 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. Ellis presented the staff and Planning Commission recommendations.

Following a query by Supervisor Hudgins, Mr. Looney confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 25, 2017.

Supervisor Hudgins moved approval of:

- Special Exception Application SE 2017-HM-010, subject to the development conditions dated September 25, 2017
- A waiver of Paragraph 1A of Section 9-524 of the Zoning Ordinance for the requirement that a maximum of 60 percent of gross floor area may be devoted to retail sales, display area, and any accessory use
- A waiver of Paragraph 8 of Section 9-524 of the Zoning Ordinance for the requirement that all business, service, and storage and display of goods shall be conducted within a completely enclosed building
- A waiver of Section 11-203 of the Zoning Ordinance for loading spaces

Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

51. **4 P.M. – PH ON REZONING APPLICATION RZ 2015-MV-015 (L AND F BOCK FARM, LLC) (MOUNT VERNON DISTRICT)**

AND

4 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-B-715 (L AND F BOCK FARM, LLC) (MOUNT VERNON DISTRICT) (5:35 p.m.)

(O) The application property is located approximately 0.1 mile southwest of the intersection of Hinson Farm Road and Parkers Lane. Tax Map 102-1 ((1)) 3C (pt.).

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

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

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

Following the public hearing, which included testimony by three speakers, Mr. Rodenbeck presented the staff and Planning Commission recommendations.

Following remarks concerning the history and use of the property and previous applications submitted, Supervisor Storck moved:

- Approval of Proffered Condition Amendment Application PCA B-715 to delete 4.38 acres from Rezoning Application RZ B-715
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2015-MV-015, from the PDH-5 District to the R-8 District, subject to the proffers dated August 31, 2017
- Approval of a waiver of Section 3-806 of the Zoning Ordinance for the 5-acre minimum district size to permit 4.38 acres
- Approval of a modification to Section 13-304 of the Zoning Ordinance to allow the proposed barrier to be located along the property line

Supervisor Foust seconded the motion.

Discussion ensued concerning the need for senior housing in the County and the challenges encountered with the current provisions of the Zoning Ordinance and development review process.

The question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor L. Smyth being absent.

Chairman Bulova thanked former Mount Vernon District Supervisor Gerry Hyland for attending today's meeting and reminded the Board that the farm was the location of his annual lobsterfest.

52. **4 P.M. – PH ON PLAN AMENDMENT 2016-III-FC2 (SPRINGFIELD DISTRICT)** (6:07 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 8 and September 15, 2017.

Aaron Klibaner, Planner II, Policy and Plan Development Branch, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Klibaner presented that staff and Planning Commission recommendations.

Supervisor Herrity moved approval of Plan Amendment 2016-III-FC2 as found in Attachment I of the Board Agenda Item; the amendment would add an option for residential use at a density of up to four dwelling units per acre (du/ac) for an independent living and/or assisted living facility. Supervisor Foust seconded the motion.

Following additional remarks by Supervisor Herrity concerning the application, the question was called on the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

53. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2017-LE-006 (DVA TELEGRAPH – 7710, LLC) (LEE DISTRICT)** (6:15 p.m.)

(NOTE: On September 12, 2017, the Board deferred this public hearing until September 26, 2017.)

The application property is located at 7710 Telegraph Road, Alexandria, 22315. Tax Map 100-2((1))1A.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

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

- Mr. Frank W. Stearns, Donahue and Stearns

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

- Mr. Frank W. Stearns, Donahue and Stearns

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

Mr. Stearns 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, Mr. Stearns presented rebuttal.

Ms. Posusney presented the staff and Planning Commission recommendations.

Supervisor McKay presented extensive remarks concerning:

- Exacerbated traffic issues and pedestrian access
- By-right development
- Widening of Telegraph Road
- Revised development conditions that seek to address traffic issues

Following a query by Supervisor McKay, Mr. Stearns confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 25, 2017.

Supervisor McKay moved approval of Special Exception Application SE 2017-LE-006 subject to the development conditions dated September 25, 2017. Supervisor Hudgins seconded the motion.

Discussion ensued concerning the severe traffic problems on Telegraph Road and ensuing transportation challenges.

The question was called on the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

54. **RECESS/CLOSED SESSION** (6:49 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 attached agenda for this meeting. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor L. Smyth being absent.

55. **ACTION FROM CLOSED SESSION** (7:40 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 and Supervisor K. Smith jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor L. Smyth being absent.

56. **BOARD ADJOURNMENT** (7:42 p.m.)

At 7:42 p.m. the Board adjourned.

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