



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

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

**TUESDAY  
July 10, 2018**

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**12-18**

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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 10, 2018, at 9:04 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 Bryan J. Hill, 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; Ekuwa Brew-Ewool, Kecia Kendall, and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

**BOARD MATTERS**1. **MOMENT OF SILENCE** (9:05 a.m.)

Supervisor Gross asked everyone to keep in thoughts the family of Cathy Spage, Director, Department of Human Services, whose father, Dr. Robert Schafrik, died recently.

Supervisor Gross asked everyone to keep in thoughts the family of Kirk Kincannon, Executive Director, Park Authority, whose mother recently suffered a stroke.

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. John McAnaw who died recently. Mr. McAnaw worked tirelessly to preserve history in the County and earned a lifetime achievement award from the History Commission.

Supervisor Cook acknowledged the successful rescue of all those trapped in the cave in Thailand.

Supervisor McKay asked everyone to keep in thoughts the family of Delegate Mark Sickles, whose mother died recently.

Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. Virginia Williams who died recently. Ms. Williams was very active in the early days of building the County and a proud member of the Tauxemont community.

2. **INTRODUCTION OF INTERNS AND NEW STAFF MEMBERS**  
(9:11 a.m.)

Supervisor Cook introduced Mr. Owen Williams, with the County Youth Leadership Program and a rising senior at Woodson High School.

Supervisor McKay introduced Mr. Hussain Hassan, with the County Youth Leadership Program and a rising senior at Edison High School.

Supervisor McKay introduced the following new employees to the Lee District Office:

- Lorraine Giovinazzo, Communications Director
- Caleb Lester, Staff Aide

Supervisor Gross introduced Mr. Victor Nguyen, with the County Youth Leadership Program and a rising senior at Annandale High School.

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

### **AGENDA ITEMS**

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE SPRINGFIELD YOUTH CLUB WEST END GIRLS' RUGBY TEAM** (9:15 a.m.)

Supervisor Herrity moved approval of the Certificate of Recognition presented to the Springfield Youth Club West End Girls' Rugby team for winning the Girls Rugby Virginia High School Division I State Championship. Supervisor Foust and Supervisor K. Smith jointly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE ARMY OF LOVE RACING SQUAD SWIMMERS** (9:21 a.m.)

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

- The Army of Love Racing Squad Swimmers for its commitment to community service
- Coach Patty Friedman for her years of service

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

5. **RESOLUTION OF SUPPORT PRESENTED TO THE HEALTHY MINDS FAIRFAX GIVE AN HOUR INITIATIVE** (9:31 a.m.)

Supervisor Gross moved approval of the Resolution of Support presented to the Healthy Minds Fairfax Give an Hour Initiative to build capacity to offer mental health services for pro bono therapy to children in the County and urged those with children and youth unable to access mental health services with their resources to contact the Give an Hour Initiative. Supervisor McKay and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING JULY 2018 AS "PARKS AND RECREATION MONTH" IN FAIRFAX COUNTY** (9:39 a.m.)

Supervisor K. Smith moved approval of the Proclamation designating July 2018 as "*Parks and Recreation Month*" in Fairfax County and urged all residents to take advantage of the County's award-winning park system. The motion was multiply seconded and it carried by unanimous vote.

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7. **ADMINISTRATIVE ITEMS** (9:56 a.m.)

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

Supervisor L. Smyth noted that the due dates had passed on the grant submissions for Administration Items 5 and 6, and asked unanimous consent that the Board direct staff to pay closer attention when submitting items for the Board's approval.

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."

**ADMIN 1 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT FUNDING FROM THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) COMMUNITY PROGRAMS FOR OUTREACH AND INTERVENTION WITH YOUTH AND YOUNG ADULTS AT CLINICAL HIGH RISK FOR PSYCHOSIS GRANT PROGRAM (CHR-P)**

Authorized the CSB to apply for and accept grant funding, if received, from the SAMHSA, in the amount of \$400,000 per year for four years, to support services for youth and young adults at clinical high risk for psychosis.

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 62 (FIRE PROTECTION), SECTION 62-3-1, JUNIOR FIREFIGHTERS**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 25, 2018, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 62 (Fire Protection), Section 62-3-1, Junior Firefighters, to limit the activities in which junior firefighters may engage as members of a volunteer fire company to non-hazardous activities.

**ADMIN 3 - STREETS INTO THE SECONDARY SYSTEM (SPRINGFIELD DISTRICT)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Denali Way	Springfield	Alexandria Nicole Drive John Sutherland Lane

**ADMIN 4 - EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (DRANESVILLE AND LEE 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>
2232A-D99-1-2	Fairfax County Park Authority Turner Farm Park 925 Springvale Road Great Falls, VA Dranesville District Accepted May 13, 2018	Extend to April 13, 2019
FS-D18-2	Fairfax County Public Schools Cooper Middle School 977 Balls Hill Road McLean, VA Dranesville District Accepted May 25, 2018	Extend to April 25, 2019
2232-L18-5	T-Mobile 7740 Richmond Highway Alexandria, VA Lee District Accepted April 26, 2018	Extend to September 23, 2018

**ADMIN 5 – AUTHORIZATION FOR THE OFFICE OF STRATEGY MANAGEMENT FOR HEALTH AND HUMAN SERVICES TO APPLY FOR AND ACCEPT FUNDING FROM THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, FOR INFORMATION SHARING PARTNERSHIPS WITHIN THE COMPREHENSIVE OPIOID ABUSE SITE-BASED GRANT PROGRAM**

Authorized the Office of Strategy Management for Health and Human Services to apply for and accept grant funding, if received, from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, in the amount of

\$997,889 for an information-sharing partnership that will support the County's Opioid Task Force goals.

**ADMIN 6 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR SUPPLEMENTAL FUNDING ASSOCIATED WITH THE HEAD START/EARLY HEAD START AND EARLY HEAD START CHILD CARE PARTNERSHIP AND EXPANSION GRANTS**

Authorized the DFS to apply for and accept grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start, in the amount of \$317,971, including \$63,595 in local cash match.

**ADMIN 7 – APPOINTMENT OF PRIVATE PROVIDER AND PARENT REPRESENTATIVES TO THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)**

Authorized the re-appointment of:

- Rick Leichtweis, Ph.D. of INOVA Kellar Center in Fairfax for a term to expire on June 30, 2020, as a Provider Representative member of the CPMT
- Ms. Terry Williams as a Parent Representative to the CPMT for a term to expire on June 30, 2020

8. **A-1 – APPROVAL OF HEAD START/EARLY HEAD START POLICY COUNCIL BYLAWS AND SELF-ASSESSMENT REPORT** (9:58 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Gross and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Head Start/Early Head Start Policy Council Bylaws and Self-Assessment Report.

9. **A-2 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) HEALTH CARE REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT) SERIES 2018 BOND ISSUE** (9:58 a.m.)

BONDS

(R)

Supervisor Gross disclosed that she represents the County on the Inova Board of Trustees.

Supervisor Gross moved that the Board concur in the recommendation of staff and adopt the Resolution, as contained in Attachment 1 of the Board Agenda Item, authorizing the issuance of IDA Health Care Revenue Bonds (Inova Health

System Project) Series 2018. Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Supervisor Cook disclosed that he represents the Board on the Inova Health Care Services Board.

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."

10. **A-3 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY OF FAIRFAX AND THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) ESTABLISHING COLLABORATION BETWEEN THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) AND LAW ENFORCEMENT AGENCIES AT THE MERRIFIELD CRISIS RESPONSE CENTER (MCRC) FOR PEOPLE EXPERIENCING A PSYCHOLOGICAL CRISIS** (10 a.m.)

On motion of Supervisor Cook, seconded jointly by Supervisor Herrity and Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the MOU between the County of Fairfax and the Fairfax-Falls Church CSB establishing collaboration between the MWAA and law enforcement agencies at the MCRC.

11. **A-4 – APPROVAL OF A DRAFT BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2019** (10:02 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the draft meeting schedule for January through December 2019. Chairman Bulova seconded the motion.

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

12. **A-5 – APPROVAL OF FUNDING FOR AND AUTHORIZATION TO AMEND AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR EXPEDITED REVIEW OF LOCALLY FUNDED TRANSPORTATION PROJECTS** (10:07 a.m.)

- (R) Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation (DOT), regarding collaboration with VDOT to meet the 30-day turnaround time frame for expedited review projects.

Supervisor Foust moved that the Board concur in the recommendation of staff and adopt the Resolution, as contained in Attachment 1 of the Board Agenda Item, authorizing the Director of DOT to amend a Plan Review Agreement (PRA) with

VDOT, as contained in Attachment 2 of the Board Agenda Item, for the expedited review of locally funded projects. Supervisor K. Smith and Supervisor L. Smyth jointly seconded the motion.

Discussion ensued, with input from Mr. Biesiadny, regarding the additional \$709,000 amount needed to expedite the review of transportation improvement projects.

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."

13. **A-6 – ADOPTION OF A RESOLUTION ENDORSING PROJECTS BEING SUBMITTED FOR: STATE FUNDING THROUGH THE COMMONWEALTH TRANSPORTATION BOARD'S FISCAL YEARS (FYs) 2020-2025 SMART SCALE PROGRAM AND THE U.S. DEPARTMENT OF TRANSPORTATION'S BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT (BUILD) FY 2018 DISCRETIONARY GRANT PROGRAM** (10:21 a.m.)

- (R) Supervisor Foust moved that the Board concur in the recommendation of staff and adopt the Resolution, as contained in Attachment 1 of the Board Agenda Item, endorsing 11 County transportation projects for submission to the FYs 2020-2025 Smart Scale and FY 2018 BUILD Programs. Supervisor McKay seconded the motion.

Discussion ensued regarding the requested transportation funding to complete projects vital to the economic success of the County.

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."

14. **A-7 – ENDORSEMENT OF DESIGN PLANS FOR THE WIEHLE AVENUE AT WASHINGTON AND OLD DOMINION (W&OD) TRAIL PEDESTRIAN BRIDGE PROJECT (HUNTER MILL DISTRICT)** (10:26 a.m.)

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

- Endorse the design plans for the Wiehle Avenue at W&OD Trail Pedestrian Bridge Project as contained in the Board Agenda Item



- Authorize the County's Director of the Department of Transportation (DOT) to transmit the Board's endorsement to the Virginia Department of Transportation (VDOT)

Chairman Bulova seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director DOT, regarding pedestrian bridge construction challenges.

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

15. **A-8 – APPROVAL OF THE 2018 ZONING ORDINANCE AMENDMENT WORK PROGRAM (ZOAWP)** (10:31 a.m.)

On motion of Supervisor K. Smith, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the 2018 ZOWAP as contained in the Board Agenda Item.

16. **A-9 – APPROVAL OF FAIRFAX CONNECTOR JULY 2018 SERVICE CHANGES** (10:32 a.m.)

On motion of Supervisor Foust, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Fairfax Connector's July 2018 service changes as contained in the Board Agenda Item.

17. **A-10 – ADOPTION OF A RESOLUTION OF SUPPORT FOR INTERCHANGE MODIFICATION REPORT (IMR) FOR ROUTE 267 (DULLES AIRPORT ACCESS ROAD) AND ROUTE 123 (DOLLEY MADISON BOULEVARD) (PROVIDENCE DISTRICT)** (10:32 a.m.)

- (R) On motion of Supervisor L. Smyth, seconded by Supervisor Foust, and 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," the Board concurred in the recommendation of staff and adopted the Resolution, as contained in Attachment 1 of the Board Agenda Item, supporting modification of the Dulles Airport Access Road eastbound off ramp terminus at Dolley Madison Boulevard (Route 123).

18. **A-11 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF REVENUE FUNDING BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) FOR THE NATIONAL WILDLIFE FEDERATION (NWF) (HUNTER MILL DISTRICT)** (10:33 a.m.)

## BONDS

(R) On motion of Supervisor Hudgins, seconded by Chairman Bulova, and 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,” the Board concurred in the recommendation of staff and adopted the Resolution, as contained in Attachment 1 of the Board Agenda Item, authorizing the EDA to issue up to \$15,000,000 in revenue bonds for the benefit of the NWF.

19. **A-12 – ADOPTION OF THE FAIRFAX COUNTY OPERATIONAL ENERGY STRATEGY** (10:33 a.m.)

Chairman Bulova gave a brief background on the development of the Operational Energy Strategy.

After remarks, Supervisor Gross moved that the Board concur in the recommendation of staff and adopt the Fairfax County Operational Energy Strategy as contained in Attachment 1 of the Board Agenda Item. Chairman Bulova seconded the motion.

Kambiz Agazi, Environmental Coordinator, gave a brief presentation of the Strategy and noted that an updated document, highlighting changes and additional guidance had been distributed to the Board.

Discussion ensued, with input from Susan Hafeli, Chief, Utility Branch, Department of Cable and Consumer Services; James Patteson, Director, Department of Public Works and Environmental Services; and, Joseph Mondoro, Chief Financial Officer, regarding streetlights and the conversion to LEDs.

Discussion ensued with 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 eight, Supervisor Cook, Supervisor Gross, Supervisor Hudgins, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova Voting “AYE,” Supervisor Foust and Supervisor Storck voting “NAY.”

Supervisor Gross moved that a Consideration Item be included for the Fiscal Year (FY) 2018 Carryover Review to begin funding specific energy projects. Consistent with the staff presentation at the Environmental Committee on June 12, 2018, and to begin to move the County forward toward its goal of reducing energy use by 20 percent by 2029, Supervisor Gross moved that the Board consider funding the first year investment of \$4.5 million in energy projects. Staff has projects currently identified that can begin once funding has been approved. The ten year investment for this goal is approximately

\$45 million, however, by year seven, savings generated by the investment will essentially pay for the projects. Chairman Bulova seconded the motion.

Discussion ensued, with input from Mr. Mondoro, regarding the Consideration Item and funding options with the Carryover process.

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

**DET:det**

**ADDITIONAL BOARD MATTERS**

20. **ORDERS OF THE DAY** (11:21 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and announced that the Board would go into closed session immediately following Board Matters; there will be personnel items to consider, specifically interviews of candidates for the Department of Fire and Rescue Chief.

21. **UTILIZATION OF THE ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) FOR A KOREAN COMMUNITY CENTER** (11:21 a.m.)

Chairman Bulova stated that members of the Korean community have been interested in establishing a Korean community center in the County. Like the Jewish Community Center in Annandale, this future community center would be a multi-cultural center with services and amenities accessible to all residents of the County. This has been a long process, but the organizing committee has found a building it is interested in purchasing.

A Korean community center will have benefits beyond the direct provision of services to residents. A successful center will improve the tourism experience by providing a hub for Korean visitors. The County is already home to the Korean Bell Garden at Meadowlark Gardens, the Comfort Women Memorial at the Government Center, and, of course, thriving Korean-owned restaurants and businesses in Annandale and Centreville. A successful Korean community center would serve as a central starting point for Korean-focused tours of the County, providing information and connections to tourists.

Chairman Bulova said that she received a verbal commitment from the Korean government to match the County's contribution, thereby multiplying the outside investment in a Korean community center.

Therefore, Chairman Bulova moved that the Board direct:

- The County Executive to prepare an Initial Project Evaluation (IPE) of a potential investment in a Korean community center of up to \$500,000

- Staff to work with the Korean community center organizing committee to determine its exact need and how best to leverage potential County investment with private donations and the potential Korean government's contribution
- The County Executive that no investment from the EDSF or other County funding sources will be made until the Board has approved the use of those funds

Supervisor Herrity seconded the motion.

Discussion ensued concerning:

- Public/private partnerships
- A business plan for review by the Board
- The use of other funding sources besides the EDSF
- Funding of the Korean Bell Garden at Meadowlark Gardens

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

22. **JUNE 2018 QUARTERLY REPORT OF THE AUDITOR OF THE BOARD**  
(11:30 a.m.)

Chairman Bulova referred to her written Board Matter and announced that the Board has received the Auditor of the Board's Quarterly Report for June 2018. The report included the following study areas, recommendations, and managements' concurrence:

**Department of Public Works and Environmental Services' (DPWES)  
Revenue Analysis and Control Study**

- Billings and remittances
- Enhancing the monthly accounts receivable (A/R) reconciliation process
- Enhancing receivables tracking and oversight
- Other items as listed in her written Board Matter

**External Systems Integrated to FOCUS Study**

**Urban Search and Rescue (US and R) Services Study**

Chairman Bulova noted that the County wanted to ensure that it received all reimbursements from the Federal government that were due; she added that, as a result of excellent staff work by the Department of Fire and Rescue, this was occurring in a timely manner.

Therefore, Chairman Bulova moved that the Board adopt the Auditor of the Board's June 2018 Quarterly Report and approve the Audit Committee Work Plan, which is attached to her written Board Matter, for the upcoming quarter. Supervisor Storck seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

23. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (11:33 a.m.)

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

24. **REQUEST TO EXPEDITE PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-007-04 (SPRINGFIELD DISTRICT)** (11:33 a.m.)

Supervisor Herrity referred to his written Board Matter and stated that Proffered Condition Amendment Application PCA 84-P-007-04 seeks to remove an over-parked area to provide increased road safety.

Therefore, Supervisor Herrity moved that the Board direct the Directors of the Department of Planning and Zoning and Land Development Services to expedite the Board's public hearing for Proffered Condition Amendment Application PCA 84-P-007-04 and to expeditiously and concurrently process all site plans related to the PCA and the associated Final Development Plan Amendment Application FDPA 84-P-007-5. The motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

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25. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (11:34 a.m.)

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

26. **COMMUNITYWIDE HOUSING STRATEGIC PLAN - FOLLOW ON MOTION** (11:34 a.m.)

Supervisor Hudgins stated that on June 19 she supported the adoption of Phase I of the Communitywide Housing Strategic Plan, and wished to recommend that the Board provide explicit direction to staff concerning Phase II of the Plan. Critical to this community's efforts to address the challenges of housing affordability is a discussion of the resources that will be needed, particularly in the coming decade and a half covered by the Plan.

Phase II of the Strategic Plan, as discussed on May 8, is intended to focus on resources and how they should be used to act as a catalyst for new affordable housing production and quality affordable housing preservation and rehabilitation. Phase II should put the County in a position to facilitate both the traditional, highly-productive and effective methods of financing affordable housing development, the use of publicly owned land in models such as the Residences at the Government Center, and other innovative housing solutions.

Supervisor Hudgins stated that this is a challenging time to be talking about resources, but this issue is so fundamental to the County's economic competitiveness and to achieving the goals of One Fairfax, that it should not wait.

Therefore, Supervisor Hudgins moved that the Board direct the County Executive to take the following steps:

- Form a panel of experts, to be drawn from the leadership of the Fairfax County Redevelopment and Housing Authority, the Affordable Housing Advisory Committee, the development and business communities and other community stakeholders to:
  - Recommend a goal of housing units preserved and developed that are affordable to households earning up to 60 percent of the Area Median Income over the next 15 years.
  - Develop a set of recommendations for resources to be invested in meeting that goal. The goal is that these recommendations be delivered to the Board for consideration in time for the Fiscal Year (FY) 2020 Budget cycle. It should be noted that this approach is very similar to that used in 2003 as part of the Board's Affordable Housing Preservation Initiative.
- Following Board consideration of the panel's work, and subject to Board acceptance, incorporate such recommendations into the proposed budget guidance to be included in the FY 2020 Budget,

with the recommendation that specific funding steps be taken in the FY 2021 budget cycle and beyond.

Supervisor McKay and Supervisor Foust jointly seconded the motion.

Discussion ensued, with input from Tisha Deeghan, Deputy County Executive for Human Services, regarding:

- Composition of the panel and the process for selection of members
- Time commitment of members serving on the panel
- Creating an inventory of existing Affordable Dwelling Units (ADU), Workforce Dwelling Units (WDU) and affordable market units
- Including the impact of the development review process on the cost of housing
- Consideration of strategies, in addition to construction, to making units affordable
- Focusing on the use of County funds as financing leverage rather than for ownership of units

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

27. **KINSHIP CARE MONTH** (11:51 a.m.)

Supervisor Hudgins referenced her written Board Matter and asked unanimous consent that the Board:

- Proclaim September 2018 as “*Kinship Care Month*,” in Fairfax County
- Direct staff to prepare a proclamation to be presented to the Department of Family Services at the Board meeting scheduled on Sept. 25.

Without objection, it was so ordered.

28. **SISTER CITY PARTNERSHIP** (11:52 a.m.)

Supervisor Hudgins, referencing her written Board Matter, extended her sincere gratitude to County staff for all the hard work involved in putting together the partnership between Nyeri County, Kenya, and the County. She noted that it is a

partnership where both localities will provide support for the exchange of art and cultural products, including sharing ideas and best practices.

29. **EMBARK RICHMOND HIGHWAY RECEIVES PLAN OF THE YEAR**  
(11:53 a.m.)

Supervisor McKay announced that the recently-approved Embark Richmond Highway Comprehensive Plan was awarded, *Plan of the Year*, by the Virginia chapter of the American Planning Association, which is the most prestigious honor this chapter can give. The Board recently adopted the Embark plan and it is now a State model. Supervisor McKay stated that he will be working with Supervisor Storck on a more formal recognition of staff, the community, and the business community, to acknowledge the tremendous effort put into the Embark Richmond Highway planning process.

30. **PUBLIC WORKS MAGAZINE NAMES TOP TEN LEADERS** (11:54 a.m.)

Supervisor Gross stated that *Public Works* magazine, this quarter has identified ten top leaders in American Public Works Associations across the country. James Patteson, Director, Department of Public Works and Environmental Services, was named as one of them. Supervisor Gross said it was an honor to endorse the nomination, made by his staff, and congratulated Mr. Patteson.

EBE:ebe

31. **DECLARING SEPTEMBER AS “SUICIDE AWARENESS MONTH” IN FAIRFAX COUNTY** (11:55 a.m.)

Supervisor Cook, referencing his written joint Board Matter with Chairman Bulova, announced that suicide is the tenth leading cause of all deaths in the United States. In 2016, suicide was the second leading cause of death among individuals between the ages of 10 and 34 and the fourth leading cause of death among individuals between the ages of 35 and 54.

Therefore, Supervisor Cook asked unanimous consent that the Board:

- Proclaim September as “*Suicide Awareness Month*” in Fairfax County
- Direct staff to invite the American Foundation for Suicide Prevention, PRS CrisisLink, and other partners in suicide prevention to appear before the Board on July 31 to accept this proclamation

Without objection, it was so ordered.



32. **WORKHOUSE BREWFEST** (11:56 a.m.)

Supervisor Storck said that breweries, cideries, wineries, and distilleries from throughout the Commonwealth and from the mid-Atlantic region will be pouring at the Workhouse Brewfest on August 4, at the Workhouse Arts Center in Lorton from 1-8 p.m. The day will be filled with live music, great food, drinks, and fun workshops related to beer.

Brewfest is presented by the Workhouse Arts Center and supported by the County, the Park Authority, Celebrate Fairfax, and Visit Fairfax, as part of the County's plan to boost the local economy. Brewfest also highlights the continued success of the craft beer industry as a big business in Virginia. Craft breweries employ over 10,000 people and produce more than \$1.4 billion in economic impact in the State, according to the Brewers Association. There are more than 200 licensed craft breweries in the State including 10 in the County. Arts and cultural organizations in the County also contribute over \$271 million to the economic health and growth of the County and employ over 6,200 people.

The Workhouse is also soliciting volunteers to help make this event possible. The Brewfest "Brew Crew" will receive free admission and reduced-price tasting glasses for their use after their volunteer shifts are complete. Signup is available at [www.workhousebrewfest.org](http://www.workhousebrewfest.org).

Tickets and more information can be found online at [www.workhousebrewfest.org](http://www.workhousebrewfest.org), or on Facebook, Twitter, and Instagram @WACBrewfest.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to advertise this information to increase awareness to the community. Without objection, it was so ordered.

33. **INTENT TO DEFER PUBLIC HEARINGS (SULLY AND PROVIDENCE DISTRICTS)** (11:58 a.m.)

Supervisor K. Smith announced her intent, later in the meeting at the appropriate time, to defer decision, until July 31, 2018, on the following proposed amendments to the Code of the County of Fairfax:

- Chapter 112 (Zoning Ordinance) regarding Short-Term Lodging Uses (Residential Owner/Renter Operated Dwelling Only)
- Chapter 4 (Taxation and Finance)

Supervisor L. Smyth announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Special Exception Amendment Applications SEA 99-P-046-02 and SEA 84-P-105-04 (Flint Hill School) until September 25, 2018.

(NOTE: Later in the meeting, these announcements were made. See Clerk's Summary Items #45 and #42.)

### AGENDA ITEMS

#### 34. RECESS/CLOSED SESSION (11:59 a.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. *Walgreen Co. v. County of Fairfax, Virginia*, Case No. CL-2014-0016556 (Fx. Co. Cir. Ct.) (Mount Vernon District); *Walgreen Co. v. County of Fairfax, Virginia*, Case No. CL-2017-0007569 (Fx. Co. Cir. Ct.) (Mount Vernon District); *Walgreen Co. v. County of Fairfax, Virginia*, Case No. CL-2017-0007570 (Fx. Co. Cir. Ct.) (Dranesville District)
  2. Taxpayer Appeal to State Tax Commissioner Claiming Exemption from BPOL Tax under the Internet Tax Freedom Act
  3. *Glenn Myer v. All Dulles Area Muslim Society, a/k/a. ADAMS Center, Sergeant Trevor Steranko, et al.*, Case No. CL-2017-0010836 (Fx. Co. Cir. Ct.)

4. *Fatemeh Najaftian v. The Fairfax County Government, The Fairfax County Parks Authority and Recreation Services, Marshall Cooper, Sara Girello, Fairfax County Security Department, and The Fairfax County Police Department*, Case No. CL-2017-0017847 (Fx. Co. Cir. Ct.)
5. *Andrea Infante v. James Harvey Doswell*, Case No. GV18-000366 (Fx. Co. Gen. Dist. Ct.)
6. *Mary Lark Lovering v. Mickey Smith, Department of Public Works and Environmental Services, and County of Fairfax*, Case No. CL-2017-0006245 (Fx. Co. Cir. Ct.)
7. *Saba Ishan v. James Jones*, Case No. CL17003539 (Alex. Cir. Ct.)
8. *Wajma Sataryar v. James Jones*, Case No. CL17003834 (Alex. Cir. Ct.)
9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. John Jongki Lee and Eun Hee Lee*, Case No. CL-2017-0015187 (Fx. Co. Cir. Ct.) (Braddock District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ramon A. Navorio*, Case No. CL-2017-0007129 (Fx. Co. Cir. Ct.) (Braddock District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eaton Drive, LLC*, Case No. CL-2017-0005818 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Carolyn Umstott Fisher, Trustee of the Carolyn W. Umstott Revocable Trust, and Nancy Susan Umstott, Trustee of the Carolyn W. Umstott Revocable Trust*, Case No. CL-2017-0004336 (Fx. Co. Cir. Ct.) (Dranesville District)

13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Z Associates, LLC*, Case No. GV18-012150 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
14. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Larissa Omelchenko Taran*, Case No. CL-2017-0011715 (Fx. Co. Cir. Ct.) (Hunter Mill District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Aranibar Chinchilla, Rossemary Jeanneth Arnez Villarroel, and A&A Investment, LLC*, Case No. CL-2016-0006961 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ragheb Aburish*, Case No. CL-2017-0015519 (Fx. Co. Cir. Ct.) (Mason District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Build America, LLC, and Bella Café and Lounge*, Case No. CL-2017-0007126 (Fx. Co. Cir. Ct.) (Mason District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy R. Moats*, Case No. GV18-013185 (Fx. Co. Gen. Dist. Ct.) (Mason District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sherry L. Frazier*, Case No. CL-2018-0007655 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Melvin L. Bernard*, Case No. CL-

- 2018-0000143 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Angela M. O’Sullivan*, Case No. GV18-010782 (Fx. Co. Gen. Dist. Ct.) (Providence District)
  22. *Elizabeth Perry, Property Maintenance Code Official v. Donna Griffiths, Laszlo Pentek, and Kathleen Pentek*, Case No. GV18-012151 (Fx. Co. Gen. Dist. Ct.) (Providence District)
  23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roberta Couver*, Case No. CL-2017-0017257 (Fx. Co. Cir. Ct.) (Sully District)
  24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wilfred Ibanez and Teresa Ibanez*, Case No. CL-2018-0008401 (Fx. Co. Cir. Ct.) (Sully District)
  25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roberta Couver*, Case No. CL-2011-0007717 (Fx. Co. Cir. Ct.) (Sully District)
  26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Relentless MMA and Fitness, et al.*; Case No. GV18-003090 (Fx. Co. Gen. Dist. Ct.) (Sully District)

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

**DET:det**

At 4:37 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

**ADDITIONAL BOARD MATTER**

35. **ORDERS OF THE DAY** (4:37 p.m.)

Chairman Bulova announced that, during closed session, the Board conducted interviews of candidates for the County’s Department of Fire and Rescue Chief.

An announcement of the Board's selection will be made later today, prior to the public hearing on short-term rentals.

(NOTE: Later in the meeting, the announcement was made. See Clerk's Summary Item #44.)

### **ACTION FROM CLOSED SESSION**

36. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:38 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."

### **AGENDA ITEMS**

37. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1996-LE-047 (HD DEVELOPMENT OF MARYLAND, INCORPORATED) (LEE DISTRICT)** (4:39 p.m.)

(O) (NOTE: This public hearing was deferred on June 5, 2018, until July 10, 2018.)

The application property is located on the east side of Frontier Drive, west of Elder Avenue and south of Franconia Road. Tax Map 90-2 ((1)) 101A2 and 101B.

Mr. Andrew A. Painter reaffirmed the validity of the affidavit for the record.

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

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

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

Following remarks, outlining the original application and its proffers, Supervisor McKay moved approval of:

- Proffered Condition Amendment Application PCA 1996-LE-047, subject to the proffers dated July 5, 2018
- The following waivers and modifications:
  - Reaffirmation of a modification of the transitional screening and barrier requirement along the western property boundary, in favor of that shown on the proposed Final Development Plan Amendment (FDPA)
  - Waiver of the 15 percent minimum required open space in the PDC District, in favor of the open space shown on the FDPA

Supervisor Storck seconded the motion.

Discussion ensued concerning:

- The sharing of relevant proffer information with current and future store management to ensure compliance
- The store manager contact information proffer so that the surrounding community has a point of contact
- General litter issues on-site and litter finding its way off-site into streams

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.”

(NOTE: On April 26, 2018, the PC approved Final Development Plan Amendment Application FDPA 1996-LE-047, subject to the development conditions dated April 26, 2018.)

38. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 91-Y-006 (TRUSTEES OF PENDER UNITED METHODIST CHURCH) (SULLY DISTRICT)**

**(AND)**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2018-SU-001  
(TRUSTEES OF PENDER UNITED METHODIST CHURCH) (SULLY  
DISTRICT)** (5 p.m.)

- (O) The application property for Proffered Condition Amendment Application PCA 91-Y-006 is located on the north side of Lee Jackson Memorial Highway, west of Adler Woods Drive. Tax Map 45-4 ((1)) 8.

The application property for Special Exception Application SE 2018-SU-001 is located at 12401 Adler Woods Drive, Fairfax, 22033. Tax Map 45-4 ((1)) 8.

Mr. Shane M. Murphy reaffirmed the validity of the affidavit for the record.

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

Mr. Murphy 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. Fountain presented the staff and Planning Commission recommendations.

Following a query by Supervisor K. Smith, Mr. Murphy confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 26, 2018.

Supervisor K. Smith moved approval of:

- Proffered Condition Amendment Application PCA 91-Y-006, subject to the proffers dated May 29, 2018
- Special Exception Application SE 2018-SU-001, subject to the development conditions dated June 26, 2018
- Modification of the transitional screening and barrier requirements in favor of that shown on the Generalized Development Plan/Special Exception plat, as conditioned

Supervisor L. Smyth seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herryty, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor Cook being out of the room.



39. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA 2017-DR-014/CDPA 2017-DR-014 (STANLEY MARTIN COMPANIES, LLC) (DRANESVILLE DISTRICT)** (5:09 p.m.)

(O) (NOTE: This public hearing was deferred on June 5, 2018, until July 10, 2018.)

The application property is located on the south side of Dulles Technology Drive between River Birch Road and Sunrise Valley Drive. Tax Map 16-3 ((1)) 4M.

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

Sharon Williams, Senior Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), 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, which included testimony by four speakers, Mr. Looney presented rebuttal.

Discussion ensued, with input from Kris Abrahamson, Branch Chief, ZED, DPZ, and Elizabeth A. Iannetta, Transportation Planner II, Department of Transportation, regarding consideration of a possible additional two-lane roadway extension in the event of future property development.

Following additional discussion, concerning current and future transportation planning in the area, Ms. Williams presented the staff and Planning Commission (PC) recommendations.

Following remarks, regarding the application and concerns expressed about the possibility of a future road extension, Supervisor Foust moved approval of:

- Proffered Condition Amendment/Conceptual Development Plan Amendment Applications PCA 2017-DR-014/CDPA 2017-DR-014, subject to proffers consistent with those dated June 18, 2018
- The following waivers and modifications, contained in the handout, dated June 14, 2018, that was distributed to the Board this afternoon and which will be made part of the record:
  - Modification of the use limitations on corner lots in Section 2-505 of the Zoning Ordinance (ZO) to all proposed structures to be located within corner lot restriction areas as shown on the Conceptual

Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA) for Option Number One

- Modification of Section 2-506(1) of the ZO to allow scenery lofts located on roofs to occupy an area greater than 25 percent of the total roof area for Option Number One
- Modification of Section 2-506(2) of the ZO to allow a parapet wall to exceed the established height limit by more than three feet as shown on the CDPA/FDPA for Option Number One
- Waiver of minimum loading space requirements set forth in Section 11-203 of the ZO to reduce the loading space requirements on-site to permit two pick-up and drop-off areas on-site for Option Number One and the reaffirmation of the waiver of minimum loading space requirements for Option Number Two
- Waiver of Section 11-302 of the ZO to allow private streets to be in excess of 600 feet for Option Number One
- Waiver of Section 9-0202.2J(2) of the Public Facilities Manual (PFM) to provide ladder truck access to both the front and rear of buildings that are more than 50 feet in height for Option Number One
- Waiver of Section 10-0306.1 of the PFM to allow trash and recycling collection to be picked up curbside for the two-over-two units in lieu of a dumpster for Option Number One

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 21, 2018, the PC approved Final Development Plan Amendment Application FDPA 2017-DR-014, subject to the development conditions dated June 8, 2018.)

**KK:kk**

40. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES),**

**ARTICLE 2 (FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM), AND ARTICLE 3 (FAIRFAX COUNTY UNIFORMED RETIREMENT SYSTEM), REGARDING ELIMINATION OF THE SOCIAL SECURITY OFFSET TO SERVICE-CONNECTED DISABILITY BENEFITS (5:58 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 22 and June 29, 2018.

Jeffrey Weiler, Executive Director, Retirement Systems, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 2 (Fairfax County Employees' Retirement System), and Article 3 (Fairfax County Uniformed Retirement System), regarding elimination of the Social Security offset to service-connected disability benefits. 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."

41. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE HERNDON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 26 (DRANESVILLE DISTRICT) (6:02 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 22 and June 29, 2018.

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

Following the public hearing, which included testimony by two speakers, Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Herndon RPPD, District 26. 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."

42. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-P-046-02 (FLINT HILL SCHOOL) (PROVIDENCE DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION  
SEA 84-P-105-04 (FLINT HILL SCHOOL) (PROVIDENCE DISTRICT)**  
(6:10 p.m.)

(NOTE: On June 5, 2018, the Board deferred this public hearing until July 10, 2018.)

Supervisor L. Smyth moved to defer the public hearing on Special Exception Amendment Applications SEA 99-P-046-02 and SEA 84-P-105-04 until **September 25, 2018, at 5 p.m.** Supervisor Foust seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting “NAY.”

**DET:det**

43. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2017-MA-013  
(VULCAN MATERIALS COMPANY, LLC) (MASON DISTRICT)**

**(AND)**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2017-MA-009  
(VULCAN MATERIALS COMPANY, LLC) (MASON DISTRICT)**  
(6:11 p.m.)

(O) (NOTE: This public hearing was deferred on February 6, 2018, until March 6, 2018. On March 6, 2018, the Board deferred the public hearing until May 1, 2018. On May 1, 2018, the Board deferred the public hearing until July 10, 2018.)

The application property for Rezoning Application RZ 2017-MA-013 is located on the east side of Industrial Drive at the ramp to enter Interstate 395, Springfield, 22151. Tax Map 80-2 ((1)) 38 (pt.).

The application property for Special Exception Application SE 2017-MA-009 is located at 5650 Industrial Drive, Springfield, 22151. Tax Map 80-2 ((1)) 38 (pt.).

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

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

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

Following the public hearing, which included testimony by one speaker, Mr. Riegler presented rebuttal.

Mr. Rodenbeck presented the staff and Planning Commission recommendations.

Following a query by Supervisor Gross, Mr. Riegler confirmed for the record, that the applicant was in agreement with the proposed development conditions dated June 15, 2018.

Following remarks concerning the application, a description of its location, and concerns over a proposed trail, Supervisor Gross moved:

- The Zoning Ordinance (ZO), as it applies to the property that is the subject of Rezoning Application RZ 2017-MA-013, be amended from the R-2 and C-8 Districts to the I-6 District, subject to the proffers dated May 8, 2018
- Approval of Special Exception Application SE 2017-MA-009, subject to the development conditions dated June 15, 2018
- Approval of the following waivers and modifications, as contained in the handout dated July 10, 2018, which was distributed to the Board:
  - Modification of Section 17-202 [sic] (2)\* of the ZO for the construction of a major regional and paved trail as depicted on the Generalized Development Plan/Special Exception Application (GDP/SE) plat
  - Modification of Article 13 of the ZO to provide transitional screening and landscaping as depicted on the GDP/SE plat, and to be able to utilize the portion of parcel 80-2 ((1)) 0038 outside of the rezoning and special exception application areas for transitional screening and landscaping
  - Modification of Section 17-201(4) of the ZO to permit dedication, construction, or widening of existing roads as depicted on the GDP/SE plat
  - Modification of Section 17-201(3)(B) of the ZO to permit the construction of a vehicular travel lane, service drive, driveway, or other access connections as depicted on the GDP/SE plat

- Modification of Section 17-201(1) of the ZO to provide delineated pedestrian walkways between uses/buildings as depicted on the GDP/SE plat
- Waiver of Section 17-201(3)(B) of the ZO for the requirement to provide inter-parcel parcel access to adjoining parcels

Following input from Tracy Strunk, Director, ZED, DPZ, Supervisor Gross clarified the first modification as follows: Section 17-~~201~~(2)\*.

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.”

### **ACTION FROM CLOSED SESSION**

44. **APPOINTMENT OF JOHN S. BUTLER AS THE COUNTY’S DEPARTMENT OF FIRE AND RESCUE CHIEF** (6:41 p.m.)

(NOTE: Earlier in the meeting, this item was noted. See Clerk’s Summary Item #35.)

Supervisor Gross moved that the Board appoint Mr. John S. Butler as the Department of Fire and Rescue Chief, Grade E13, with a starting salary of \$201,878.77, effective September 1, 2018. Chairman Bulova seconded the motion

Chairman Bulova stated that Chief Butler has been with the Howard County, Maryland, Fire and Rescue Department since 1993 and was appointed its Chief in 2014.

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

### **AGENDA ITEMS**

45. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING SHORT-TERM LODGING USES (RESIDENTIAL OWNER/RENTER OPERATED DWELLING ONLY) AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE)** (6:43 p.m.)

(NOTE: This public hearing was deferred on June 19, 2018, until July 10, 2018.)

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

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 22 and June 29, 2018.

Chairman Bulova stated that, earlier in the meeting, it was announced that the Board would defer decision on this public hearing until its July 31 meeting.

Chairman Bulova announced that it was discovered over this past weekend that the Planning Commission Verbatim Transcript attached to the Board Item (on Pages 328 through 347 of the July 10, 2018 Board Package) for these proposed Zoning Ordinance and County Code amendments was a DRAFT of the June 21, 2018 Verbatim Transcript and not the FINAL version. On the morning of July 9<sup>th</sup>, this inadvertent error was corrected by publishing a Revised Agenda/Package for today's meeting that includes the final version of the Planning Commission Verbatim Transcript. The final version contains minor grammatical, spelling, and editorial changes. It also reflects that Commissioner Migliaccio moved to amend the main motion.

The correct version of the Verbatim Transcript was posted on the Planning Commission's website on June 26, 2018. Board members have before them a hard copy of the final version of the Verbatim Transcript that was posted on line yesterday in the Board Package. Additional copies are also available to the public today on the materials table.

Lily Yegazu, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), presented the staff report.

Chairman Bulova provided instructions regarding the rules of order for the meeting.

Following the public hearing, which included testimony by 40 speakers, staff concluded their presentation, with input from Donna Pesto, Deputy Zoning Administrator, DPZ, regarding the additional presentations to be made by:

- Ms. Yegazu, regarding the staff and PC recommendations as well as the options that were advertised
- Jay Doshi, Director, Department of Tax Administration, regarding the proposed changes to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance)

Following discussion, with input from Ms. Pesto, regarding the lack of provisions in the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) for STL, Chairman Bulova stated that the Board is attempting provide a way for STL to

operate consistent with laws that make it as compatible as possible within the communities in which they operate.

Discussion continued concerning consideration of STL legislation by the General Assembly which had, in turn, deferred that authority to counties/localities in an effort to avoid a one-size fits all scenario.

Discussion continued, with input from Ms. Pesto, concerning compliance with existing occupancy provisions as contained in the Zoning Ordinance.

Supervisor Gross made the following inquiries, with input from Leslie B. Johnson, Zoning Administrator, DPZ, and Jack W. Weyant, Director, Department of Code Compliance:

- Provisions for rooming houses in the Zoning Ordinance
- Definitions for mobile, manufactured, and modular homes in the Zoning Ordinance
- Code Compliance enforcement capabilities and the process used to respond to complaints

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information concerning complaints that have been received, specifically whether the complaint was resolved and if the subject of the complaint was addressed under other Ordinance provisions.

Without objection, it was so ordered.

Supervisor McKay asked to include information as to whether the complaint was a one-time complaint or if multiple complaints had been received on a single property. Without objection, it was so ordered.

Discussion continued, concerning County efforts to review Airbnb sites, with input from Mr. Weyant and Ms. Johnson. Ms. Johnson noted that the County is currently under contract with a vendor who helps identify STL operators; once provisions are adopted, this will assist the County in providing information regarding regulations and assist in enforcement.

Following additional discussion, with input from Mr. Weyant, concerning the identification of complaints as short or long-term, Supervisor K. Smith moved that the Board:

- Close the public hearing on the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) amendment regarding STL uses (residential owner/renter operated



dwelling only) and Chapter 4 (Taxation and Finance), leaving the record open for written testimony

- Defer decision until **July 31, 2018, at 3 p.m.**

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

46. **BOARD ADJOURNMENT** (9:31 p.m.)

The Board adjourned.