



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

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

**TUESDAY  
June 5, 2018**

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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, June 5, 2018, at 9:30 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. Storek, 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; Ekuu 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** (9:31 a.m.)

Supervisor Cook asked everyone to keep in thoughts the family of retired Colonel Arthur Wells, who recently died. Colonel Wells served 30 years of active duty in the U.S. Army, including overseas tours in Germany, Pakistan, and Vietnam; he was the past president of the Fairfax County Federation of Citizens Associations and an integral part of the community.

Supervisor McKay asked everyone to keep in thoughts the family of Wesley Lipicky, who recently died. Wesley was a nine-year-old student at Franconia Elementary School who died after a tragic incident. Supervisor McKay also asked everyone to keep in thoughts the Franconia Elementary school community, first responders, and school counselors.

**AGENDA ITEMS**2. **PRESENTATION OF THE COLORS BY THE U.S. ARMY CONTINENTAL COLOR GUARD AND AN ELEMENT OF THE OLD GUARD FIFE AND DRUM CORPS** (9:35 a.m.)

Following an introduction by Tony Castrilli, Director, Office of Public Affairs, the U.S. Army Continental Color Guard presented the colors and an ensemble of the Old Guard Fife and Drum Corps preformed.

3. **PROCLAMATION DESIGNATING JUNE 9-16, 2018, AS "ARMY WEEK" IN FAIRFAX COUNTY** (9:38 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating June 9-18, 2018, as "*Army Week*" in Fairfax County and urged all residents to join in congratulating the U.S. Army for the 243<sup>rd</sup> anniversary of its formation. Supervisor McKay seconded the motion and it carried by unanimous vote.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE LORD AND LADY FAIRFAX HONOREES** (9:51 a.m.)

Chairman Bulova introduced the following 2018 Lord and Lady Fairfax honorees:

**At Large**

- Ms. Gretchen Bulova
- Mr. Edward L. Long, Jr.

Braddock District

- Ms. Meena Bhinge
- Mr. Tom Kennedy

Dranesville District

- Ms. Carole Herrick
- Mr. Jeff Fairfield

Hunter Mill District

- Ms. Carmen L. Powell
- Mr. Ronald G. Copeland

Lee District

- Ms. Annetta Sherriff
- Mr. Bob Kohm

Mason District

- Ms. Sarah Shannon
- Mr. Melvin L. Cotner

Mount Vernon District

- Ms. Catherine C. Ledec
- Colonel Marion “Barney” Barnwell

Providence District

- Ms. Fran Wallingford
- Mr. Thomas D. Fleury

Springfield District

- Ms. Lori Stillman
- Mr. Harold Pyon

Sully District

- Ms. Alice Foltz
- Mr. Stephen Vandivere

Following the recognition of each nominee by their respective Supervisor, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificates of Recognition presented to the 2018 Lord and Lady Fairfax honorees. This motion was multiply seconded and carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO THE WINNERS OF THE “SHARK TANK” TECHNOLOGY CHALLENGE** (10:16 a.m.)

Supervisor Herrity explained that the Shark Tank Technology challenge is an intergenerational program where County high school students design devices or applications that address the needs of disabled and older adult communities.

Supervisor Herrity moved approval of the Certificates of Recognition presented to the following winners of the “Shark Tank” Technology Challenge:

SpinaFix Team (Honorable Mention)

- Mark Chitre
- Varish Devarashetty
- Amogh Giri
- Tony Park
- Sumanth Patil
- Abhishek Vishwanathan

Portable Cane Chair Team (Honorable Mention)

- Justin Pham
- Jeremy Sanchez
- William Tae

Handy Cane Team (Honorable Mention)

- Thomas Laytham
- Alex Davis
- Evan Carper

Help Belt Team (Second Place)

- Rosemary Thompson
- Rachel Walls

Memory Quiz Team (Second Place)

- Ajith Kemisetti
- Ravi Dudhagra

Car Door Closer Team (First Place)

- Camille McClain
- Marisa Dasher
- Kayla Kim

Safety Dog Walker Team (Honorable Mention)

- Lillie Jerome

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

6. **CELEBRATE FAIRFAX! FESTIVAL** (10:30 a.m.)

Chairman Bulova announced that final plans for the Celebrate Fairfax Festival, the County's official county fair, are underway. It opens on Friday, June 8 and will remain open through Sunday, June 10. It is produced by Celebrate Fairfax! and will feature more than 300 community and commercial exhibits, entertainment, carnival rides, and food.

Barry Feil, President and Chief Executive Officer of Celebrate Fairfax!, thanked the Board for its support of the Lord and Lady Fairfax program and announced his excitement for this year's Festival. Mr. Feil explained that the organization's mission focuses on three elements: community, education, and celebration.

Andrew Painter, Chairman of the Celebrate Fairfax! Board of Directors thanked the Board, on behalf of all members of the Board of Directors, for its continued support. Mr. Painter then presented information regarding the Festival plans for the weekend, spotlighting some of the events scheduled to take place.

7. **PROCLAMATION DESIGNATING JUNE 1-7, 2018, AS "CPR/AED AWARENESS WEEK" IN FAIRFAX COUNTY** (10:36 a.m.)

Supervisor Cook moved approval of the Proclamation designating June 1-7, 2018, as "*CPR/AED Week*" in Fairfax County and urged all residents to become properly trained in CPR and AED usage. Supervisor McKay and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRFAX FALCONS JUNIOR PREP WHEELCHAIR BASKETBALL TEAM** (10:45 a.m.)

Supervisor Cook moved approval of the Certificate of Recognition presented to the Fairfax Falcons Junior Prep Wheelchair Basketball Team for its enthusiasm, motivation, commitment, and ambition resulting in its remarkable performance at the National Wheelchair Basketball Association championships, placing fifth overall. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

9. **PROCLAMATION DESIGNATING JUNE 2018, AS "LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PRIDE MONTH" IN FAIRFAX COUNTY** (10:51 a.m.)

Supervisor Foust moved approval of the Proclamation designating June 2018 as "*Lesbian, Gay, Bisexual, and Transgender Pride Month*" in Fairfax County and urged all residents to respect and honor the diverse community and celebrate and build a culture of inclusiveness and acceptance. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO THE SOUTH COUNTY HIGH SCHOOL BOYS' VARSITY BASKETBALL TEAM** (11:05 a.m.)

Supervisor Storck moved approval of the Certificate of Recognition presented to the South County High School Boys' Varsity Basketball team for its dedication, motivation, enthusiasm, commitment, drive, and spirit, resulting in winning its first State championship and becoming the first boys team to win a district, region, and State title in the same season. Supervisor Herrity and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

11. **RESOLUTION OF RECOGNITION PRESENTED TO MOUNT VERNON-LEE ENTERPRISE (MVLE) FOR ITS FORTY-FIFTH ANNIVERSARY** (11:13 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Mount Vernon-Lee Enterprise for its forty-fifth anniversary of service to the

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

12. **PROCLAMATION DESIGNATING JUNE 2018, AS "FATHERHOOD AWARENESS MONTH" IN FAIRFAX COUNTY** (11:26 a.m.)

Supervisor Hudgins moved approval of the Proclamation designating June 2018 as "*Fatherhood Awareness Month*" in Fairfax County to raise awareness of the importance of fatherhood and the importance of a father's engagement with his children and family. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

**ADDITIONAL BOARD MATTER**

13. **INTRODUCTION OF INTERNS** (11:40 a.m.)

Supervisor K. Smith introduced Mr. Isaac Velez, who is interning in her office this summer. Mr. Velez is participating in the "We Step" internship program with Westfield High School. He will be attending Rutgers University in the fall.

Chairman Bulova introduced the following individuals who are interning in her office this summer:

- Andrew Farnsworth, a sophomore at the University of Virginia (UVA)
- Savannah Sherman, a junior at Christopher Newport University
- Kayla Shim, a junior at Johns Hopkins University
- Laura Alan, a senior at UVA

**EBE:ebe**

14. **ADMINISTRATIVE ITEMS** (11:42 a.m.)

Supervisor Gross moved approval of the Administrative Items. 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."

**ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, RESIDENTIAL PERMIT PARKING DISTRICTS (RPPD), DISTRICT 26, EXPANDING THE HERNDON RPPD (DRANESVILLE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 10, 2018, at 4 p.m.**, regarding proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Herndon RPPD, District 26.

**ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (SULLY AND HUNTER MILL DISTRICTS)**

- (R) Approved the request that the following streets be accepted into the State system:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Fidelio Properties-Dulles Business Park (Centerview Drive)	Sully	Centerview Drive
Oak Hill Manors	Hunter Mill	Netherleigh Place

**ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (SULLY, LEE, AND BRADDOCK 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-Y17-42	Fairfax County Park Authority Ellanor C. Lawrence Park 5040 Walney Road Chantilly, VA Sully District Accepted April 17, 2018	Extend to May 16, 2019
FS-L18-1	AT&T 6551 Loisdale Court Springfield, VA Lee District Accepted March 13, 2018	Extend to August 10, 2018
FSA-B01-12-2	Sprint 8996 Burke Lake Road	Extend to August 13, 2018



<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
	Burke, VA Braddock District Accepted March 16, 2018	

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2 AND 3, REGARDING EMPLOYEES’ AND UNIFORMED RETIREMENT SYSTEMS – ELIMINATION OF THE SOCIAL SECURITY OFFSET TO SERVICE-CONNECTED DISABILITY BENEFITS**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 10, 2018, at 4 p.m.**, on proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2 and 3, regarding amendments to the Employees’ and Uniformed Retirement Systems for the purpose of changing the level of service-connected disability benefits.

**ADMIN 5 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, FOR AN ADULT DRUG COURT DISCRETIONARY GRANT**

Authorized the CSB to apply for and accept grant funding, if received, from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for an Adult Drug Court Discretionary Grant in the amount of \$500,000 over a four-year period.

**ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, FOR A JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM GRANT**

Authorized the CSB to apply for and accept grant funding, if received, from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to fund the Justice and Mental Health Collaboration Program in the amount of \$750,000 over a three-year period.

15. **A-1 – APPROVAL OF THE PROJECT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) AND THE COUNTY FOR FISCAL YEAR (FY) 2018 FUNDING FOR THE I-95 TRANSIT AND TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN OPERATING ASSISTANCE (LEE, MASON, AND MOUNT VERNON DISTRICTS)** (11:43 a.m.)

(R) On motion of Supervisor McKay, 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:

- Authorized the Director of the Department of Transportation (DOT), to sign the Project Agreement, substantially in the form of Attachment 1 of the Board Agenda Item, between VDRPT and the County, to fund the County's I-95 Transit and TDM Plan operating assistance
- Adopted the Agreement Execution Resolution for the I-95 Transit and TDM Plan Operating Assistance Project Agreement.

16. **A-2 – APPROVAL OF A PROJECT ADMINISTRATION AGREEMENT WITH THE CITY OF FAIRFAX AND GEORGE MASON UNIVERSITY (GMU) FOR THE IMPLEMENTATION OF A BIKESHARE FEASIBILITY STUDY (PROVIDENCE AND BRADDOCK DISTRICTS)** (11:43 a.m.)

(R) Supervisor Cook moved that the Board concur in the recommendation of staff and adopted the Resolution as contained in Attachment 1 of the Board Agenda Item, authorizing the Director of the Department of Transportation to execute a Project Administration Agreement, as contained the Attachment 2 of the Board Agenda Item, with the City and the University, for the implementation of the project. Supervisor McKay seconded the motion.

Following discussion, with input from Tom Biesiadny, Director, Department of Transportation (DOT), regarding the Town of Vienna and the agreement, 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."

17. **A-3 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY AND THE TOWN OF VIENNA AUTHORIZING THE COUNTY TO BILL AND COLLECT LOCAL CURRENT AND DELINQUENT REGISTRATION FEES** (11:45 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Tax Administration to sign the MOU, substantially in the form of Attachment 1 of the Board Agenda Item, which will permit the County to bill and collect current and delinquent local vehicle registration fees for the Town of Vienna, should that jurisdiction likewise sign the MOU.

18. **A-4 – APPROVAL OF A PARKING REDUCTION FOR THE SIGNET PROPERTY (DRANESVILLE DISTRICT)** (11:46 a.m.)

Supervisor Foust moved that the Board approve Parking Reduction Request #3728-PKS-003-1, for a nine percent reduction (28 fewer spaces) of the required parking for the Signet Property, subject to the conditions set forth in the Board Agenda Item. Chairman Bulova seconded the motion and it carried by unanimous vote.

19. **A-5 – APPROVAL OF AN AGREEMENT BETWEEN THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION (VDOT) AND FAIRFAX COUNTY FOR THE UTILIZATION OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS FOR FISCAL YEAR (FY) 2019 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAMS** (11:47 a.m.)

- (R) On motion of Supervisor Foust, seconded by Supervisor Gross, 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 authorized the Director of the Department of Transportation to sign the agreement, substantially in the form of Attachment 1 of the Board Agenda Item, for use of \$332,294 in Federal CMAQ and State matching funds for the promotion of TDM programs in FY 2019, and approval of the Resolution, substantially in the form of Attachment 2 of the Board Agenda Item.

20. **I-1 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-M17-43 – COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA** (11:47 a.m.)

The Board next considered an item contained in the Board Agenda, announcing the PC’s approval of Public Facilities Application 2232-M17-43.

Discussion ensued, with input from Elizabeth Teare, County Attorney, regarding the County's 2232 application review process.

(NOTE: Later in the meeting this item was noted. See Clerk's Summary Item #55.)

21. **I-2 – CONTRACT AWARD – ENGINEERING SERVICES REQUEST FOR PROPOSAL (RFP) 2000002432** (11:54 a.m.)

The Board next considered an item contained in the Board Agenda, announcing that staff is awarding contracts to:

- Setty and Associates, Limited
- Shaffer, Wilson, Sarver, and Gray, P.C.
- Brinjac Engineering, Incorporated
- Gauthier, Alvarado and Associates, Incorporated
- RMF Engineering Solutions
- Loring Consulting Engineering
- Interface Engineering
- Johnson Mirmiran Thompson
- Whitman, Requardt and Associates, LLP

Unless otherwise directed by the Board, the Purchasing Agent will proceed to award contracts to the offerors listed above. These contracts commence on the date of award and terminate on January 31, 2022. The total estimated expenditures under these contracts is approximately \$3,500,000 annually in the aggregate based on historical expenditure patterns.

**ADDITIONAL BOARD MATTERS**

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22. **DESIGNATION OF THE OFFICIAL WILDFLOWER OF FAIRFAX COUNTY** (11:54 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and announced that, in a joint Board Matter with Supervisor K. Smith, she was contacted by the Potowmack Chapter of the Virginia Native Plant Society (VNPS), an organization dedicated to protecting and preserving Virginia's plants and habitats, asking the County to designate the Trumpet, or Coral Honeysuckle, as its official wildflower.

The Coral Honeysuckle is a native flowering vine that is indigenous to the County area and has been championed by the Plant Northern Virginia Natives campaign. During its long time of bloom, from March through July, the flower attracts hummingbirds and bumblebees while its red berries attract songbirds from July through September. This beautiful wildflower supports wildlife in the County area and is adaptable to many soil and drainage conditions.

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff to place VNPS' request on the Board's Environmental Committee agenda to be further discussed, including ensuring that it is not an invasive species. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

23. **NATIONAL ASSOCIATION OF COUNTIES (NACo) ANNUAL MEETING VOTING DELEGATE** (11:57 a.m.)

Chairman Bulova announced that Supervisor Gross would be attending the annual meeting of NACo in Nashville, Tennessee, in July. Supervisor Gross stated that the Virginia Association of Counties (VACo) has requested that the County appoint both a designated and alternate member to attend as voting members. Following discussion, Chairman Bulova appointed Supervisor Gross to serve as the County's designated voting member. Following additional discussion, Supervisor Storck was designated as the alternate, with Supervisor Cook to serve as the alternate if Supervisor Storck was unable to participate.

24. **McLEAN COMMUNITY CENTER (MCC) ELECTIONS (DRANESVILLE DISTRICT)** (11:59 a.m.)

(BACs) Supervisor Foust announced that, on Saturday, May 19, 2018, the MCC held elections for five positions on its Governing Board of Directors including three adult 3-year terms, one youth 1-year term for the Langley High School Area, and one youth 1-year term for the McLean High School Area. A copy of the MCC's Elections and Nominations Committee's certification of the results of the election is attached to his written Board Matter.

Pursuant to the Memorandum of Understanding (MOU) between the Board and the Governing Board of the MCC, dated February 8, 1984, the full results of the election shall be reported to the Board at its first meeting following the election. The Board, after determining that it is in the public interest to do so, shall appoint those persons receiving the highest number of votes to the MCC Governing Board.

Therefore, based on the results of the election, as certified by the MCC's Elections and Nominations Committee, Supervisor Foust moved that the Board find that it is in the public interest to appoint those persons receiving the highest number of votes in this election of Governing Board Members, and that the following individuals be appointed to the MCC Governing Board:

- Adults, three-year terms
  - Ms. Carole Herrick
  - Mr. Raj Mehra
  - Ms. Terri Markwart
- Youths, one year term
  - Langley High School area: Megan Markwart
  - McLean High School area: Lauren Herzberg

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

25. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) RESCINDING NOMINATION OF TURNING POINT SUFFRAGIST MEMORIAL ASSOCIATION CONTRIBUTION** (12:01 p.m.)

Supervisor Foust reminded the Board that, on February 6, 2018, it unanimously directed the County Executive to evaluate using the EDSF to invest \$200,000 to support construction costs of the new Turning Point Suffragist Memorial near Occoquan Regional Park by the Turning Point Suffragist Memorial Association. Subsequently, the Board provided the contribution as part of the Fiscal Year (FY) 2018 Third Quarter Adjustment, approved on April 24, 2018.

Therefore, as the County has already made the contribution to the Turning Point Suffragist Memorial Association through its FY 2018 Third Quarter Adjustment, Supervisor Foust moved that the Board direct that the County Executive cease evaluation of the associated EDSF nomination of the Turning Point Suffragist Memorial that was directed on February 6, 2018. Supervisor Gross seconded the motion and it carried by unanimous vote.

26. **ORDERS OF THE DAY** (12:02 p.m.)

Supervisor Hudgins announced that she had an additional Board Matter to be presented later in the meeting).

(NOTE: See Clerk's Board Summary Item #42.)

27. **CELEBRATING THE OMICRON KAPPA KAPPA (OKK) CHAPTER OF OMEGA PSI PHI FRATERNITY FOR SERVICE TO ALL (HUNTER MILL DISTRICT)** (12:03 p.m.)

Supervisor Hudgins noted that, in 1996, the OKK Chapter of Omega Psi Phi Fraternity, Incorporated, was chartered in the Reston/Herndon area of the County with a mission to enhance the lives of those in the local community by supporting youth achievement via college scholarship awards, career mentoring of young men and providing community outreach via smart partnering with community resources and supporters.

OKK members believe in the importance of participating in the lives of minority youth in the western County area to provide a beacon of hope and come together to further the education, training, social, and economic development of this community. To serve others, the OKK Foundation, Incorporated, was founded as a non-profit corporation to accept contributions and function as the charitable arm of OKK.

Moreover, the list is almost endless of local community events in which OKK is a significant volunteer force: Cornerstones' Embry Rucker Shelter; the Reston Chamber of Commerce; local tutoring programs; the Taste of Reston; Relay for Life; Reston Community Center's Martin Luther King, Jr. (MLK) Day; Northern Virginia Project Giveback; and the County's Police Department's ROAD DAWGS Summer Camp for at-risk youth.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a proclamation, with dual signatures, for presentation on June 8, to the OKK Chapter of the Omega Psi Phi Fraternity as an expression of the County's admiration and gratitude in the role it plays in enriching and inspiring the lives of so many. Without objection it was ordered.

**KK:kk**

28. **REQUEST TO EXPEDITE SPECIAL EXCEPTION APPLICATION SE 2018-MA-006 (MASON DISTRICT)** (12:05 p.m.)

Supervisor Gross announced that Special Exception Application SE 2018-MA-006 is a request for approval for a church with a child care center, which has recently been filed by the Calvary Church of the Nazarene, on an 18.24 acre site located at 8220 Little River Turnpike. The existing church is currently governed by a special permit but is requesting to replace this approval with a special exception to amend the development conditions to permit an adult day care center for up to 99 participants to operate on the church property from 8 a.m. until 2 p.m., Monday through Friday. The church is planning no physical changes to its property at this time, and no physical changes are required by the day care. The day care is proposing to provide bus transportation for approximately 80 percent of the participants in an attempt to both serve the needs of its clients and minimize traffic

impacts. The church has been in contact with the adjoining civic association and there are no major concerns anticipated with this request. Due to the minimal site impacts anticipated as a result of this application, and the significant need for this type of facility in the County, Supervisor Gross stated that she wanted to ensure that the application be able to be processed as quickly as possible as it will aid in addressing the needs of an important and under-served segment of the County's population.

Therefore, Supervisor Gross moved that the Board direct staff to expedite Special Exception Application SE 2018-MA-006 by the Calvary Church of the Nazarene to facilitate public hearing dates before the Planning Commission and the Board as early as possible this fall. This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Foust seconded the motion and it carried by unanimous vote.

29. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (12:07 p.m.)

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

30. **RECOGNITION FOR MR. RICHARD BIERCE FOR THIRTY YEARS OF SERVICE TO THE ARCHITECTURAL REVIEW BOARD (ARB) AND THE COUNTY** (12:07 p.m.)

Supervisor Storck announced that since November 1987, Mr. Richard Bierce has been a fixture on the County's ARB, where he has served as both chairman and vice-chairman. Mr. Bierce started his own practice in 1989 as a historical architect and preservation consultant and worked on projects that included assessing damage to historic properties after hurricanes in the US Virgin Islands and Puerto Rico, evaluating the significance of early twentieth century schools in Tampa, Florida, and restoring Saint Paul's Church in Alexandria.

Supervisor Storck referenced his written Board Matter that outlines Mr. Bierce's many noteworthy accomplishments.

Therefore, Supervisor Storck asked unanimous consent that the Board direct staff to issue a proclamation, signed by the Chair and the Mount Vernon District Supervisor, to recognize Mr. Bierce for his accomplishments to be presented at a future Board meeting. Without objection, it was so ordered.

31. **INTRODUCTION OF NEW STAFF MEMBER (MOUNT VERNON DISTRICT)** (12:09 p.m.)

Supervisor Storck introduced Mr. Abdul Shaban, a new staff member in the Mount Vernon District Office. On behalf of the Board, Chairman Bulova warmly welcomed to the Board Auditorium.



32. **WATER TOWERS ALONG RICHMOND HIGHWAY (LEE DISTRICT)**  
(12:11 p.m.)

Supervisor McKay said that since the Board adopted the Embark Comprehensive Plan Amendment in March, he and Supervisor Storck have been meeting with various stakeholders and County staff to bring it to life. As a part of that work, the Lee District office fielded a question about what it would take to paint or wrap the water towers along Richmond Highway to compliment Embark.

He noted the awareness of the great work done in Tysons, in conjunction with the Partnership on that water tower, and the desire to explore a similar initiative along the Corridor.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a memorandum outlining the steps necessary to achieve such a project, to include the approvals that would be necessary, potential funding estimates, and options that might be considered. Without objection, it was so ordered.

33. **SPRINGFIELD DAYS (LEE DISTRICT)** (12:12 p.m.)

Supervisor McKay congratulated the Springfield Days committee on another successful weekend of events. Due to rain however, the “Taste of Springfield” had to be rescheduled to June 10, 2018, at noon, at the Springfield Town Center.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to publicize the new date and time of the event. Without objection, it was so ordered.

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34. **PROCLAMATION DECLARING OCTOBER AS “DOMESTIC VIOLENCE AWARENESS MONTH” IN FAIRFAX COUNTY** (12:15 p.m.)

Supervisor Cook asked unanimous consent that the Board direct the Department of Family Services’ Office for Women and Domestic and Sexual Violence Services to appear before the Board on September 25 to receive a proclamation declaring October 2017 as “*Domestic Violence Awareness Month*,” in Fairfax County. Its purpose is to raise public awareness of domestic violence and the resources available to those impacted by domestic violence. Without objection, it was so ordered.

35. **RECOGNIZING THE WOODSON WOMEN’S LIGHTWEIGHT 8 CREW TEAM** (12:15 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor Herrity, and Supervisor L. Smyth, Supervisor Cook congratulated the Woodson Women’s Lightweight 8 Crew Team for winning the Virginia Scholastic Rowing Association (VASRA)

2018 Lightweight Championship, the VASRA Gold Medal, and the Winslow Pitcher Trophy.

The Women's Lightweight 8 team won the Virginia Scholastic Rowing Championships' (VSRCS) finals over TC Williams, Lake Braddock, and Granby on May 12 on the Occoquan River.

Therefore, jointly with Supervisor Gross, Supervisor Herrity, and Supervisor L. Smyth, Supervisor Cook asked unanimous consent that the Board direct staff to invite the Woodson Women's Lightweight 8 Crew Team to appear before the Board on June 19 to acknowledge its tremendous achievements. Without objection, it was so ordered.

36. **WINE, WHISKERS, AND WAGS (BRADDOCK DISTRICT)** (12:16 p.m.)

Supervisor Cook said that, as Chairman of the Public Safety Committee, he has become familiar with many areas that affect County residents' daily lives, be it Police, Fire and Rescue, or Diversion First, just to name a few. But one area that also serves an important role to County residents is the Michael R. Frey Animal Shelter. Just last year, the shelter received over 4,000 dogs, cats, small animals, and poultry. Of that number, 66 percent were adopted and 22 percent were returned to their owners. All in all, the 2017 live release rate was a staggering 94 percent. These figures could not be possible if it was not for the dedicated staff and also the Friends of the Fairfax County Animal Shelter, of which Mr. Frey has recently become a Board member.

Volunteer efforts like these cannot just happen by themselves but depend heavily on outside support and donations. One of the main fundraisers for the Friends Group is its annual Wine, Whiskers, and Wags event which will be held on June 10 at the Paradise Springs Winery in Clifton. The event runs from 1 p.m. until 5 p.m. and happens rain or shine as the location this year has been moved to the beautifully-renovated Red Barn. There will be food, wine, tastings, a silent auction, and many critters to interact with.

Therefore, Supervisor Cook encouraged his fellow Board Members to come out and spend the afternoon in support of the Friends of the Fairfax County Animal Shelter and asked unanimous consent that the Board direct the Office of Public Affairs to advertise the event. Without objection, it was so ordered.

37. **RECOGNIZING THE SHARK TANK ARMY OF LOVE AND FRIENDS** (12:18 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Cook thanked the Army of Love Shark Tank Racing Squad swimmers and friends for its commitment to community service and raising money for both breast cancer research and assisting needy families in the community.

Led by Ms. Patty Friedman, these 60 swimmers in the Army of Love have made helping others a top priority. Over the past eight years, this group of young people and their leader have raised more than \$236,000 to fight breast cancer. Participating in a recent swim marathon to raise money in support of the National Breast Cancer Coalition, they swam 325,000 yards and raised \$36,000 and presented the money at the National Breast Cancer Coalition's Annual Summit. This money will be used to help fund clinical trials for a breast cancer preventative vaccine.

Supervisor Cook referenced his written Board Matter that outlines Coach Friedman's swimmers' many community fundraising and awareness activities. Supervisor Cook, jointly with Supervisor Herrity, applauded Coach Friedman and the Shark Tank Army of Love for making a difference in the community.

Therefore, jointly with Supervisor Herrity, Supervisor Cook asked unanimous consent that the Board direct staff to invite Ms. Friedman and the Shark Tank Army of Love to appear before the Board, for formal recognition, at the July 10 Board meeting. Without objection, it was so ordered.

38. **LAKE ACCOTINK SURVEY RESULTS (BRADDOCK DISTRICT)**  
(12:19 p.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Herrity, and Supervisor Gross, Supervisor Cook announced that the Board has become aware of the challenges presented by Lake Accotink as it has degraded over the years. If no action is taken to resolve the massive amount of sediment that is collecting in the lake, in seven years, it will be gone. There have been a number of public meetings and input gathered from across the County. This is vitally important and has been included in the Fiscal Year (FY) 2019 Budget Guidance language directing that the County Executive begin exploring options for funding whatever proposal emerges for the future of the lake.

Public comment has come directly to the Park Authority, Board offices, and through volunteer groups like "Save Lake Accotink." Supervisor Cook stated that this dedicated group of volunteers has submitted petitions containing 4168 signatures in favor of saving the lake. Specifically, the petitions call for support of Option C of the Lake Accotink Management Master Plan. That option envisions a full dredge of the entire lake and then construction of forebays, which could then be "mini-dredged" each year as a maintenance activity thus saving the full lake from repeated large dredging. The petition calls for a 2019 bond to fund this option.

Jointly with Supervisor McKay, Supervisor Herrity, and Supervisor Gross, Supervisor Cook submitted to the Board copies of the petitions which represent a clear calling by the community for the Board to act to save the lake. While no particular action was recommended today, this Board Matter was to inform the Board of the clear recommendation of the large number of residents as reflected in the petitions and to state that these Board Members look forward to working with

the County Executive and the Park Authority to develop a final recommendation for the future of the lake, with funding options, with a recommendation to be brought to the Board later this year.

Discussion ensued regarding:

- The cost of saving the lake versus doing nothing
- Waterfront lakes as a community resource
- The function of the lake as an environmental asset
- Working with the Commonwealth to receive credit toward meeting Chesapeake Bay requirements
- Upstream sediment issues continuing to exist even if the lake is saved
- The importance of stormwater management in older communities
- The value of community engagement in solving a community issue

39. **RECOGNITION OF THE WEST END GIRLS' RUGBY TEAM AS VIRGINIA HIGH SCHOOL STATE CHAMPIONS (SPRINGFIELD DISTRICT)** (12:37 p.m.)

Supervisor Herrity announced that on Saturday May 12, the West End Girls' Rugby team [Springfield Youth Club – (SYC)] defeated strong challengers from other regions in Virginia to win the Rugby Virginia High School State Championship. The West End Girls' Rugby team went on to pursue a national title and ended up placing fifth, falling just short of another major accomplishment.

Supervisor Herrity noted that he is ecstatic that a national finalist team once again comes from the County. Rugby has been a fast-growing sport in the County and the United States and its inclusion in the 2016 Olympics has accelerated that growth.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite the SYC West End Girls' Rugby team and its coaches to appear before the Board to receive a resolution honoring them for winning the Virginia High School Division I State Championship. Without objection, it was so ordered.

40. **RECOGNITION OF MR. WAYNE NICKUM FOR CONTRIBUTIONS TO THE TOWN OF CLIFTON** (12:37 p.m.)

Supervisor Herrity announced that the Honorable Wayne Nickum is retiring from the Clifton Town Council on June 30, 2018, after 41 years and two months of

service. During this period, he served as the town mayor for 10 years, between 1982 and 1992, and as a town council member for all other years, beginning in 1974. He also served on the Clifton Betterment Association (CBA) for multiple terms as treasurer; he was a trained medical corpsman in the U.S. Army for two years; worked 31 years at the Internal Revenue Service, 17 years with the District of Columbia government, and served 36 years on the Northern Virginia Cigarette Tax Board.

Supervisor Herrity referenced his written Board Matter that outlined Mr. Nickum's many noteworthy accomplishments and his impact on the town.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a proclamation, with dual signatures, recognizing the retirement of Mr. Nickum on his many years of service to the Town of Clifton and the residents of the Springfield District, to be presented at his retirement ceremony. Without objection, it was so ordered.

40. **JUNIOR LEAGUE OF NORTHERN VIRGINIA DAY (JLNV) AND CELEBRATION OF ITS SIXTIETH ANNIVERSARY** (12:39 p.m.)

Supervisor Herrity announced that on June 9, 2018, more than 100 ladies of the JLNV will gather to celebrate the end of its sixtieth anniversary and kick-off the beginning of the new 2018-2019 league year. (A history of JLNV is attached to his written Board Matter). The JLNV is an organization of women committed to promoting voluntarism, developing the potential of women and improving the community through effective action and leadership of trained volunteers. Its purpose is exclusively educational and charitable.

JLNV focuses on preparing children for success by addressing childhood obesity through the promotion of nutrition and physical activity education, which is proven to enrich health, well-being, and academic outcomes. JLNV is committed to reducing the number of impacted children by empowering families to make healthier choices. A list of its activities were included in his written Board Matter.

Noting that many JLNV members have gone on to become leaders in the community, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a proclamation declaring June 9, 2018, as "*Junior League of Northern Virginia Day*" to honor and celebrate JLNV for its service to the community over the past 60 years, to be presented at its kick-off meeting on the same day. Without objection, it was so ordered.

41. **NO BOARD MATTERS FOR SUPERVISOR K. SMITH (SULLY DISTRICT)** (12:40 p.m.)

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

42. **SISTERHOOD PARTNERSHIP WITH NYERI COUNTY KENYA (HUNTER MILL DISTRICT)** (12:40 p.m.)

(NOTE: Earlier in the meeting, Supervisor Hudgins noted that she would present an additional item. See Clerk's Summary Item #26.)

Supervisor Hudgins noted that, in 1984, Reston Black Focus, a civic organization dedicated to promoting and preserving African American culture, developed the idea of a sister city with Nyeri; the main focus was on education. A history of the relationship is included in her written Board Matter.

When the partnership between Reston and Nyeri began, there were only a handful of schools for special needs children in Kenya. By 1988, there were 50 schools in Kenya, with many of the teachers and administrators trained in the US. However, the Reston partnership became inactive in the early 1990s.

In view of the prior relationship between Nyeri and Reston, a revived interest now exists to resume cooperation for the mutual benefit of their citizens by forming a sisterhood partnership. County funds will not be used for this partnership, aside from incidental expenses.

Therefore, Supervisor Hudgins moved that the Board, on behalf of the Hunter Mill District, recognize a rekindled partnership between members of Nyeri County, Kenya, and Reston by authorizing her to sign an agreement, attached to her written Board Matter, on behalf of the Board and direct staff to prepare a proclamation for presentation to the Nyeri County, Kenya, delegation on June 7, 2018. Chairman Bulova seconded the motion and it carried by unanimous vote.

**ADDITIONAL BOARD MATTER**

43. **INTENT TO DEFER PUBLIC HEARINGS (LEE AND PROVIDENCE DISTRICTS)** (12:46 p.m.)

Supervisor McKay announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Proffered Condition Amendment Application PCA 1996-LE-047 (HD Development of Maryland, Incorporated) until **July 10, 2018, at 3:30 p.m.**

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 84-P-105-04 and SEA 99-P-046-02 (Flint Hill School) until **July 10, 2018.**

**AGENDA ITEMS**44. **RECESS/CLOSED SESSION** (12:47 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. *Board of Supervisors of Fairfax County, Virginia v. Equity Homes, LLC, Ray Yancey, Trustee, and Arch Insurance Company*, Case No. CL-2012-0003600 (Fx. Co. Cir. Ct.) (Braddock District)
  - 2. Claim of Biscayne Contractors, Inc., to the Board of Supervisors
  - 3. *Biscayne Contractors, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2017-0017671 (Fx. Co. Cir. Ct.)
  - 4. *Mateusz Fijalkowski v. M. Wheeler, S. Adcock, S. Blakely, R. Bronte-Tinkew, C. Clark, J. Grande, R. Jakowicz, L. Labarca, L. McNaught, W. Mulhern, M. Zesk, Sean Brooks, and American Pool, Inc.*, Case No. 1:18-cv-492 (E.D. Va.)
  - 5. *Joseph A. Glean v. Fairfax County Government and Michael J. McGrath*, Case No. 2018-0004976 (Fx. Co. Cir. Ct.)
  - 6. *Jerome Julius Brown v. Fairfax County Police Department*, Case No. CL-2017-0017695 (Fx. Co. Cir. Ct.)

7. *Qonita Badeges v. Officer Jeffrey Neach*, Case No. GV18-008920 (Fx. Co. Gen. Dist. Ct.)
8. *Matias Rodlauer by GEICO, Subrogee v. Hypolite Essorezam Padameli and Fairfax County*, Case No. GV17-025781 (Fx. Co. Gen. Dist. Ct.)
9. *Lynn Gaines-Oliver v. Iva Robertson*, Case No. GV18-004461 (Fx. Co. Gen. Dist. Ct.)
10. *Gerald E. Preston v. Officer A. Harrell*, Case No. GV17-011154 (Fx. Co. Gen. Dist. Ct.)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ramon A. Navorio*, Case No. CL-2017-0007129 (Fx. Co. Cir. Ct.) (Braddock District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. FW VA – Kings Park Shopping Center, LLC, and Exxon Mobil Oil Corporation*, Case No. CL-2018-0005345 (Fx. Co. Cir. Ct.) (Braddock District)
13. *Board of Supervisors of Fairfax County, Virginia v. Douglas A. Cohn and Kathryn J. Cohn*; Record No. 171483 (Va. Sup. Ct.) (Dranesville District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maziar Choubineh and Shabnam Belat*, Case No. CL-2018-0007073 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mishal Hamad Al-Thani*, Case No. CL-2018-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Arthur B. Hough and Anita S. Hough*, Case No. GV18-009878 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
17. *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)



18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael P. Savage*, Case No. CL-2008-0000541 (Fx. Co. Cir. Ct.) (Lee District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chau Qiu Wu, Cui May Nie, and Crespo General Contracting, LLC*, Case No. CL-2018-0007002 (Fx. Co. Cir. Ct.) (Lee District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Isidro Ramirez, Regina Estrada and Zandra Makel Otero*, Case No. CL-2018-0007087 (Fx. Co. Cir. Ct.) (Lee District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Harry Marshall Studds*, Case No. CL-2018-0007593 (Fx. Co. Cir. Ct.) (Lee District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lester H. Smallwood, Jr.*, Case No. GV18-010274 (Fx. Co. Gen. Dist. Ct.) (Lee District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oscar Maravilla*, Case No. CL-2018-0000825 (Fx. Co. Cir. Ct.) (Mason District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Dadvar Sassan*, Case No. GV18-010783 (Fx. Co. Gen. Dist. Ct.) (Mason District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kashif H. Waheed and Anahita Ada*, Case No. GV18-003252 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)

27. *Elizabeth Perry, Property Maintenance Code Official v. Rosa C. Ferrufino and Lorenzo A. Hernandez*, Case No. CL-2018-0007573 (Fx. Co. Cir. Ct.) (Providence District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Victor R. Espinoza and Maria M. Espinoza*, Case No. GV18-007489 (Fx. Co. Gen. Dist. Ct.) (Providence District)
29. *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)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rubina Siddiqui*, Case No. CL-2018-0007397 (Fx. Co. Cir. Ct.) (Springfield District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roberta Couver*, Case No. CL-2011-0007717 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- Legal analysis regarding United States Equal Employment Opportunity Commission Claims #570-2018-02249 and #570-2018-02250 as permitted by Virginia Code Sections 2.2-3711(A)(7) and (8)

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

**DET:det**

At 3:44 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

#### **ACTIONS FROM CLOSED SESSION**

45. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:44 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."

46. **BISCAYNE CONTRACTOR, INCORPORATED** (3:45 p.m.)

Supervisor Foust moved that the Board deny and disallow Biscayne Contractor, Incorporated's, March 26, 2018, claim for the reasons outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

47. **ESTATES AT LEEWOOD HOMEOWNERS ASSOCIATION (HOA) (BRADDOCK DISTRICT)** (3:45 p.m.)

Supervisor Foust moved that the Board approve and authorize the County Executive to sign an agreement with the Estates at Leewood HOA relating to Circuit Court Case Number CL-2012-3600 based on the terms and conditions outlined by the County Attorney in closed session.

**AGENDA ITEMS**

48. **3:30 P.M. – DECISION ONLY ON REZONING APPLICATION RZ 2017-SP-029 (CHRISTOPHER LAND, LLC) (SPRINGFIELD DISTRICT)** (3:46 p.m.)

(NOTE: The Board deferred this public hearing at its May 1 meeting until May 15, at which time the public hearing was held and decision deferred until June 5.)

(O) The application property is located on the north side of Fairfax County Parkway, approximately 350 feet east of its intersection with Seabrook Lane. Tax Map 97-2 ((1)) 6.

Supervisor Gross, noting her absence from the May 15 Board meeting, disclosed that she received a campaign contribution in excess of \$100 from:

- Mr. Clark Massie

Chairman Bulova stated that she made that disclosure, on behalf of Supervisor Gross, at that meeting.

Supervisor Herrity stated that, on May 15 the Board held a public hearing on Christopher Land, LLC, Rezoning Application RZ 2017-SP-029, a request to rezone from the R-1 District to the PDH-3 District. The rezoning application, if approved, would allow the property to be developed with seven new single-family dwelling units at a density of 2.88 dwelling units/acre (du/ac). In considering the

application, Supervisor Herrity turned to the applicable Comprehensive Plan language and Zoning Ordinance (ZO) provisions and agreed with staff's opinion that the development meets the neighborhood context and other criteria of the Comprehensive Plan and conforms to the planned district standards in the ZO.

Supervisor Herrity said that the application provides sufficient measures to mitigate any adverse impacts of development. During his presentation, the applicant's representative commented on existing onsite and offsite conditions involving erosion and stormwater runoff. The applicant has committed, in the Final Development Plan (FDP) to control the quantity and quality of stormwater runoff in accordance with County stormwater ordinances and the Public Facility Manual (PFM), independent of any proffered conditions. The County has never asked for any proffer to mitigate offsite stormwater runoff or erosion and none of the proffers address any such impact outside the boundaries of the property. Furthermore, the applicant will reduce the maintenance burden for the proposed underground stormwater facility on the homeowners association by adhering to the PFM guidelines, which may include providing an escrow equal to a 20-year maintenance cycle plus 40 percent of the facility replacement cost. The applicant's proposed facilities will be carefully reviewed and must be approved by staff in Land Development Services (LDS) before any development can occur. Also, the applicant's Environmental Quality Corridor (EQC) line is consistent with Comprehensive Plan guidance encouraging preservation of steep slopes, streams, and wetlands. The applicant has also committed to providing 30 percent open space, including a tree preservation area in the EQC and the Resource Protection Area (RPA). He noted that the tree preservation area is 23,696 square feet, or slightly over half an acre.

At the public hearing, there was some discussion about potentially having the applicant amend its FDP conditions to depict fencing, limits of clearing and grading, and other details about the proposed development. Supervisor Herrity stated that while he believes such details are unnecessary in order to approve the rezoning and Conceptual Development Plan (CDP), this discussion related solely to potential amendments to the FDP, which has already been approved by the Planning Commission (PC). These comments were not suggestions, requests, or requirements for any proffered condition.

In summation, Supervisor Herrity stated that he found the application to be in harmony with the Comprehensive Plan and satisfies all applicable zoning requirements. Further, the proffers fully conform to Virginia Code § 15.2-2303.4 and he appreciated that the applicant's confirmation that the locality didn't suggest, request, or require any proffer, and that the April 26 proffers conform to the new proffer law.

Therefore, Supervisor Herrity moved that the ZO, as it applies to the property which is the subject of Rezoning Application RZ 2017-SP-029, and the associated Conceptual Development Plan, be amended from the R-1 District to the PDH-3

District, subject to the proffers dated April 26, 2018. Supervisor Cook seconded the motion.

Following input from Supervisor L. Smyth, concerning the lack of specificity on a number of issues, the question was called on the motion and it **CARRIED** by a recorded 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 voting “**NAY**.”

(NOTE: On May 3, 2018, the PC approved Final Development Plan Application FDP 2017-SP-029, subject to the development conditions dated April 25, 2018.)

49. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1996-LE-047 (HD DEVELOPMENT OF MARYLAND, INCORPORATED) (LEE DISTRICT)** (3:54 p.m.)

Supervisor McKay moved to defer the public hearing on Proffered Condition Amendment Application PCA 1996-LE-047 to **July 10, 2018, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

50. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-PR-060 (ROCKS TYSONS TWO LLC) (PROVIDENCE DISTRICT)** (3:55 p.m.)

(O) The application property is located on the south side of Leesburg Pike, 200 feet west of Old Gallows Road. Tax Map 39-2 ((15)) 9, 11 and 30 and 39-2 ((1)) 7.

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

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

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

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

Supervisor L. Smyth moved approval of Proffered Condition Amendment Application PCA 1999-PR-060, subject to the proffers dated May 3, 2018. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “**AYE**.”

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-P-046-02 (FLINT HILL SCHOOL) (PROVIDENCE DISTRICT)**

**AND**

**3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-P-105-04 (FLINT HILL SCHOOL) (PROVIDENCE DISTRICT)**  
(4:03 p.m.)

(NOTE: The Board deferred the public hearing on SEA 99-P-046-02 at the July 11, 2017, meeting until September 12, 2017. On September 12, 2017, the Board deferred the public hearing until October 24, 2017. On October 24, 2017, the Board indefinitely deferred the public hearing.)

Supervisor L. Smyth moved to defer the public hearing on Special Exception Amendment Applications SEA 84-P-105-04 and SEA 99-P-046-02 and until **July 10, 2018, at 4 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

52. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2017-PR-031 (SUNRISE DEVELOPMENT, INCORPORATED AND J127 EDUCATION FOUNDATION D/B/A MERRITT ACADEMY) (PROVIDENCE DISTRICT)**

**AND**

**3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 86-P-101-06 (SUNRISE DEVELOPMENT, INCORPORATED AND J127 EDUCATION FOUNDATION D/B/A MERRITT ACADEMY) (PROVIDENCE DISTRICT)** (4:04 p.m.)

- (O) The application property is located on the south side of Arlington Boulevard at its intersection with Nutley Street. Tax Map 48-4 ((1)) 49A and 49B.

The application property is located at 9207 and 9211 Arlington Boulevard, Fairfax, 22031. Tax Map 48-4 ((1)) 49A and 49B.

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

Daniel Creed, 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, Supervisor L. Smyth stated that the Planning Commission (PC) had received a letter of support from the neighbors.

Mr. Creed presented the staff and PC recommendations.

Following a query by Supervisor L. Smyth, Ms. Greenlief confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated April 12, 2018.

Supervisor L. Smyth moved:

- That the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2017-PR-031, be amended from the R-2 District to the R-4 District, subject to the proffers dated March 29, 2018
- Approval of Special Exception Amendment Application SEA 86-P-101-06, subject to development conditions dated April 12, 2018
- Approval of the modifications as listed in the handout dated and distributed June 5, 2018, which will be made a part of the record of this case:
  - Modification of the transitional screening requirement for approximately 56.2 feet along the western portion of the site to that shown on the Generalized Development Plan/Special Exception Amendment Application (GDP/SEA) plat
  - Waiver of the barrier requirement along the western portion of the site
  - Waiver to allow a loading space to be shared by the two uses and to allow a loading space not on the lot with the use it serves in accordance with Paragraphs 1 and 2 of Section 11-202 of the ZO

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.”

53. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-S-032-02 (STERLING CENTER) (SULLY DISTRICT)** (4:15 p.m.)

- (O) The application property is located on the west side of Sully Road and south side of Penrose Place, approximately 800 feet east of Lee Road. Tax Map 34-3 ((1)) 30A and 30B.

Mr. Rajai Zumot reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor K. Smith moved approval of Proffered Condition Amendment Application PCA 82-S-032-02, subject to the proffers dated May 15, 2018. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

54. **4 P.M. – PH ON REZONING APPLICATION RZ 2017-MD-027 (HORSEPEN RUN, LLC) (DRANESVILLE AND SULLY DISTRICTS)** (4:23 p.m.)

- (O) The application property is located on the east side of Sully Road and south side of Frying Pan Road. Tax Map 24-2 ((1)) 1 and 10.

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

Kelly Atkinson, 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 one speaker, Ms. Atkinson presented the staff and Planning Commission (PC) recommendations.

Supervisor K. Smith moved:

- That the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2017-MD-027, be amended from the R-1 and AN District to the PDH-5 and AN District and its associated Conceptual Development Plan, subject to the proffers dated May 18, 2018
- Approval of the following waivers and modifications as listed on pages 1 and 2 of the staff report which will be made a part of the record of this case:
  - Modification of Section 6-0303.2B of the Public Facilities Manual (PFM) to utilize runoff reduction practices to the extent practical for the proposed development in lieu of stormwater detention facilities as shown on the Final Development Plan (FDP)
  - Waiver of Paragraph 3 of Section 13-305 of the ZO to waive the A-B Barrier requirement and B-B and E-E Transitional Screening and Barrier requirements as shown on the FDP
  - Modification of Paragraph 2 of Section 11-302 of the ZO to permit private streets in the proposed development to exceed the maximum 600-foot length limitation as shown on the FDP
  - Modification of Paragraph 2 of Section 6-207 of the ZO to modify the minimum 200 square foot privacy yard for each single family attached dwelling as shown on the FDP
  - Waiver of Part 4 of Section 11-203 of the ZO to permit a waiver of the loading space requirement for multi-family dwellings
  - Waiver of Section 10-0306 of the PFM to permit a waiver of the on-site dumpster pad
  - Modification of Paragraph 10 of Section 11-102 of the ZO to permit driveway parking in front of garage parking

(i.e, tandem parking) for multifamily 2-over-2 stacked units as shown on the FDP

Supervisor Foust seconded the motion.

Following additional discussion, with input from Ms. Atkinson concerning the number of workforce and affordable dwelling units, 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 Application FDP 2017-MD-027, subject to the development conditions dated April 11, 2018.)

55. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2017-MA-032 (SHIRLEY INVESTORS) (MASON DISTRICT) (4:35 p.m.)**

(NOTE: The Board deferred this public hearing at the May 1, 2018, meeting until June 5.)

The application property is located at 6701 Electronic Drive, Springfield, 22151. Tax Map 80-2 ((1)) 34.

Mr. Jonathan D. Bondi reaffirmed the validity of the affidavit for the record.

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

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

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

Following a query by Supervisor Gross, Mr. Bondi confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated April 10, 2018.

Following remarks, Supervisor Gross moved approval of:

- Special Exception Application SE 2017-MA-032, subject to the development conditions dated April 10, 2018

- Waivers and/or modifications shown on pages 1 and 2 of the staff report which will be made a part of the record of this case:
  - Modification and waiver of Paragraphs 8 and 12 of Section 11-102 of the Zoning Ordinance (ZO) (permit existing off-street parking spaces to be located closer than 10-feet from a front lot line and all off-street parking spaces shall comply with the geometric design standards per the Public Facilities Manual (PFM) to permit existing parking spaces with a length less than 18-feet) in favor of that shown on the SE plat
  - Modification of Paragraph 1 of Section 13-202 of the ZO to permit a reduction in the interior parking lot landscaping required from five percent in favor of that shown on the SE plat
  - Waiver of Paragraphs 1 and 2 of Section 13-203 of the ZO (four-foot wide peripheral parking lot landscaping strip when a parking lot abuts a property line and ten-foot wide peripheral parking lot landscaping strip when a parking lot abuts right-of-way or a street) in favor of that shown on the SE plat
  - Waivers of Paragraphs 1, 5, and 14 of Section 17-201 of the ZO (construction of pedestrian walkways on-site and/or off-site other than those proposed with the future development, construction of curb and gutter around all medians that separate off-site parking areas from streets and travel lanes, and installation of street lights in accordance with the PFM) in favor of that shown on the SE plat
  - Waiver of Section 12-0510 of the PFM requiring ten-percent tree canopy coverage for all previously developed property
- A modification for proposed Parcel 34J (Option B) of Paragraphs 1 and 2 of Section 13-203 of the ZO (four-foot wide peripheral parking lot landscaping strip when a parking lot abuts a property line and ten-foot wide peripheral parking lot landscaping strip when a parking lot abuts right-of-way or a street) in favor of that shown on the SE plat

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

(NOTE: On April 26, 2018, the PC approved Special Exception Application SE 2017-MA-032. On May 3, 2018, the PC voted to approve Public Facilities Application 2232-M17-43.)

(NOTE: Earlier in the meeting, the Board discussed Public Facilities Application 2232-M17-43. See Clerk's Summary Item 20.)

**KK:kk**

56. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING ARTICLES 8, 10, 18, AND APPENDIX 2 – MINIMUM REQUIRED REAR YARD COVERAGE LIMITATIONS FOR SINGLE-FAMILY DETACHED DWELLINGS** (4:42 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 May 18 and May 25, 2018.

Casey Judge, Planner III, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

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

Supervisor K. Smith moved that the Board adopt the proposed Zoning Ordinance Amendments regarding the Minimum Required Rear Yard Coverage Limitations for Single-Family Detached Dwellings to include the following as discussed in the staff report, staff's memorandum dated April 26, 2018, and its proposed text:

- A maximum permitted coverage of 30 percent in the minimum required rear yard of R District lots
- A maximum permitted coverage of 50 percent of the minimum required rear yard of P District lots in excess of 5,000 square feet of land area
- With regard to lots of no more than 5,000 square feet in land area in P Districts, option D, as shown in the April 26, 2018, proposed text, which allows a maximum permitted coverage of 75 percent of the minimum required rear yard unless otherwise specified on an approved development plan or in a proffered or development condition

- That the amendment become effective at 12:01 a.m. the day following adoption

Supervisor McKay seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to provide a report at the end of one year regarding the number of special permits processed under this process. Without objection, it was so ordered.

Supervisor Foust offered an amendment to the motion with respect to the percentage of rear yard coverage permitted with special permit approval for Conventional R District lots. Supervisor Foust moved that the Board amend Section 8-926, Paragraph 1, Line 20 through 21 as included in the proposed text dated April 26, 2018, to allow a special permit to increase the percentage to no more than 40 percent of the minimum required rear yard coverage rather than the staff's recommendation of no more than 60 percent. Anything above 40 percent would be permitted only with variance approval.

Discussion ensued regarding stormwater run-off issues in older established neighborhoods and whether increasing rear yard coverage for such items as pools, decks, and play equipment, is an issue only in P Districts or county-wide.

Supervisor L. Smyth seconded the amended motion.

Discussion continued, with several Board Members expressing their views and support/nonsupport of the amended motion.

The question was called on the amendment and it **FAILED** by a recorded vote of seven, Supervisor Hudgins, Supervisor Foust, and Supervisor L. Smyth voting "AYE."

The question was called on the main motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storek and Chairman Bulova voting "AYE," Supervisor Foust and Supervisor L. Smyth voting "NAY."

57. **BOARD ADJOURNMENT** (5:15 p.m.)

The Board adjourned.