



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
April 9, 2019**

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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, April 9, 2019, at 9:31 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 MATTER1. **MOMENT OF SILENCE** (9:32 a.m.)

The Board asked everyone to keep in thoughts the family and friends of Ms. Lucille Huddleston who died recently.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING APRIL 2019 AS "CHILD ABUSE AWARENESS MONTH" IN FAIRFAX COUNTY** (9:35 a.m.)

Supervisor Cook moved approval of the Proclamation designating April 2019 as "*Child Abuse Awareness Month*" in Fairfax County and urged all residents to wear blue and plant a pinwheel garden as a show of support for combined efforts to keep all children in the community safe. Supervisor Herrity seconded the motion and it carried by unanimous vote.

3. **PROCLAMATION DESIGNATING APRIL 2019 AS "SEXUAL ASSAULT AWARENESS MONTH" IN FAIRFAX COUNTY** (9:52 a.m.)

Supervisor Cook moved approval of the Proclamation designating April 2019 as "*Sexual Assault Awareness Month*" in Fairfax County and urged all residents to become involved in efforts to prevent and respond to sexual violence and recognize the impact of sexual violence in the community. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING APRIL 8-12, 2019, AS "PUBLIC SAFETY TELECOMMUNICATORS WEEK" IN FAIRFAX COUNTY** (10:10 a.m.)

Supervisor Cook moved approval of the Proclamation designating April 8-12, 2019, as "*Public Safety Telecommunicators Week*" in Fairfax County and urged all residents to show appreciation to members of this profession who are always there, always ready 24/7, 365 days a year to protect health and safety. Supervisor Herrity and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY 2019 AS "TOGETHER IN TEAL OVARIAN CANCER MONTH" IN FAIRFAX COUNTY** (10:21 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating May 2019 as "*Together in Teal Ovarian Cancer Month*" in Fairfax County and urged all residents to celebrate survivors of ovarian cancer and encouraged all women to be proactive in seeking health care, diagnosis, and treatment. Supervisor Herrity seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **PROCLAMATION DESIGNATING MAY 2019 AS "ASIAN/PACIFIC AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:30 a.m.)

Supervisor K. Smith moved approval of the Proclamation designating May 2019 as "*Asian/Pacific American Heritage Month*" in Fairfax County, providing an opportunity for residents to recognize the history, concerns, contributions, and achievements of Asian/Pacific Americans and to create a favorable climate for a harmonious and fully integrated community. Supervisor McKay seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING APRIL 14-20, 2019, AS "COMMUNITY DEVELOPMENT WEEK" IN FAIRFAX COUNTY** (10:37 a.m.)

Supervisor McKay moved approval of the Proclamation designating April 14-20, 2019, as "*Community Development Week*" in Fairfax County and urged all residents to recognize the importance and achievements of the Community Development Block Grant program and the HOME Investment Partnerships program in improving the quality of life in the County and throughout the U.S. Chairman Bulova and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

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8. **ADMINISTRATIVE ITEMS** (10:48 a.m.)

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

Supervisor Gross called the Board's attention to:

- Admin 4 - Authorization for the Police Department to Apply for and Accept Grant Funding from the Virginia Department of Criminal Justice Services (DCJS), Victims of Crime Act (VOCA) Grant Program, to Support Underserved Victim Populations in the County

- Admin 5 - Authorization for the Department of Family Services (DFS) to Apply for and Accept Grant Funding from the U.S. Department of Justice (DOJ), Office of Violence Against Women (OVW), to Address Children and Youth Experiencing Domestic Violence and Sexual Assault
- Admin 6 - Authorization for the Department of Family Services (DFS) to Apply for and Accept Grant Funding from the Virginia Department of Criminal Justice Services (DCJS), Victims of Crime Act (VOCA) Grant Program, to Expand and Enhance Services to Victims of Crime in the County

Discussion ensued, with input from Bryan J. Hill, County Executive, regarding the timely submission of grant applications for the Board's approval and the need to streamline the process.

The question was called on the motion to approve the Administrative Items 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 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

- Designated the following individual, identified with a registration number, as a Plans Examiner:
 - Kevin Marley (333)
- Designated the following individuals, identified with a registration number, as inactive Plans Examiners:
 - David Dwornik (Retired) (328)
 - John W. Ewing (Retired) (109)
 - Ben Flood (319)
 - Beth Forbes (292)
 - Gilbert Osei-Kwadwo (Retired) (157)
 - Stephen Platt (217)
 - Richard Smith (308)
 - William Yauss (Retired) (152)

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 122 (TREE CONSERVATION ORDINANCE), REGARDING ADDING CIVIL PENALTIES

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on May 8, 2019, and before the Board on **June 25, 2019, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance), regarding adding civil penalties for infractions of the Tree Conservation Ordinance.

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 1613 GREAT FALLS STREET TO WESTGATE CHILD CENTER AND LEWINSVILLE MONTESSORI SCHOOL (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 7, 2019, at 4 p.m.**, regarding the leasing of County-owned property at 1613 Great Falls Street to Westgate Child Center and Lewinsville Montessori School.

ADMIN 4 - AUTHORIZATION FOR THE POLICE DEPARTMENT TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS), VICTIMS OF CRIME ACT (VOCA) GRANT PROGRAM, TO SUPPORT UNDERSERVED VICTIM POPULATIONS IN THE COUNTY

(NOTE: Earlier in the meeting, this item was discussed. See page #4.)

Authorized the:

- Police Department to apply for and accept grant funding, if received, from the Virginia DCJS, VOCA Grant Program, in the amount of \$748,752, including \$149,751 in Local Cash Match to support underserved victims and witnesses in the Hispanic community, as well as required equipment, supplies, and training
- Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 5 - AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE (DOJ), OFFICE OF VIOLENCE AGAINST WOMEN (OVW), TO ADDRESS CHILDREN AND

YOUTH EXPERIENCING DOMESTIC VIOLENCE AND SEXUAL ASSAULT

(NOTE: Earlier in the meeting, this item was discussed. See page #4.)

Authorized the:

- DFS to apply for and accept grant funding, if received, from the DOJ, OVW, in the amount of \$500,000 to support crisis counseling, mental health services, and childcare and transportation assistance to families with children from birth to age 10 who have been exposed to domestic violence
- Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 6 - AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS), VICTIMS OF CRIME ACT (VOCA) GRANT PROGRAM, TO EXPAND AND ENHANCE SERVICES TO VICTIMS OF CRIME IN THE COUNTY

(NOTE: Earlier in the meeting, this item was discussed. See page #4.)

Authorized the:

- DFS to apply for and accept grant funding, if received, from the Virginia DCJS, VOCA Grant Program, in the amount of \$2,480,700 for the expansion and enhancement of direct services to victims of domestic and sexual violence, stalking, and human trafficking
- Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING EDITORIAL AND MINOR REVISIONS TO ARTICLES 2, 7, 10, 16, 17, 18, AND 19

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on May 16, 2019, and before the Board on **June 25, 2019, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding editorial and minor revisions to Articles 2, 7, 10, 16, 17, 1,8 and 19.

9. **A-1 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) ON BEHALF OF FLINT HILL SCHOOL FOR CONSTRUCTION OF A NEW MIDDLE SCHOOL AND RELATED CONSTRUCTION AND PERSONAL PROPERTY TOGETHER WITH OTHER SCHOOL CAPITAL PROJECTS** (10:53 a.m.)

- (R) Supervisor L. Smyth moved that the Board concur in the recommendation of staff and adopt the Resolution, with a revision on Attachment 1 of the Board Agenda Item, authorizing the EDA to issue up to \$26,000,000 of its revenue bonds to assist the borrower with construction of a new middle school and related construction and personal property together with other school capital projects. 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.”

10. **C-1 – APPEAL OF K2NC, LLC, FROM A DECISION BY THE EXCEPTION REVIEW COMMITTEE (ERC) PURSUANT TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE (CBPO) FOR 4104 WOODLARK DRIVE; FAIRFAX HILLS, SECTION 1, LOT 42; TAX MAP 059-4-10-0042 (BRADDOCK DISTRICT)** (10:55 a.m.)

The Board next considered an item contained in the Board Agenda regarding an appeal of the ERC decision denying an exception request under §118-6-7, Loss of Buildable Area, of the CBPO, and disapproving the associated Water Quality Impact Assessment.

Supervisor Cook announced that he recused himself from this item last week and will recuse himself from consideration of this item today; therefore, he left the room.

Chairman Bulova announced that Supervisor Herrity will make the motion on this item. She stated that County staff will make a brief presentation after which the appellant will present his case.

Matthew Hansen, Department of Land Development Services, gave a brief presentation on the item.

Greg Budnik, the appellant, made a presentation to the Board.

Supervisor Herrity stated that in this appeal, the appellant, K2NC LLC, requests that the Board reverse the Chesapeake Bay Preservation Exception Review Committee's denial of the applicant's application for an exception to the performance criteria under the CBPO. The appellant purchased the lot in 2015. It is a vacant lot and was in a forested condition at the time of purchase. An unnamed tributary of Accotink Creek is located in the rear of the property, parallel to the rear lot line. Eighty percent of the lot is within the Resource Protection Area (RPA) and contains a minor floodplain. The lot is also encumbered by a valid covenant, establishing a 75-foot front yard setback. As a result, the only place a structure can be built on the property is within the RPA. The lot is one among four consecutive lots that are undeveloped, each of which is largely, if not entirely, within the RPA.

The purpose of the exception request and this appeal is to allow the appellant to construct a dwelling, with a 2,100 square-foot footprint, and other uses on the lot. The proposed dwelling, its attached garage, and a portion of the driveway is located entirely within the RPA but outside the seaward 50 feet. The appellant also asks for an exception to build a deck and patio and to add fill in the seaward 50 feet of the RPA. The fill is necessary to satisfy the Zoning Ordinance requirement that prohibits a dwelling from being less than 15 feet from the edge of a floodplain. The Board's job is to determine whether the ERC erred in denying the encroachment under the exception provisions of the CBPO.

Before discussing the exception criteria, it is important to review the purpose and intent of the CBPO, as set forth in the Ordinance, some of which is worth repeating today. The Ordinance is intended to promote the protection of existing high quality state waters, safeguard clean waters of the Commonwealth from pollution, and the prevention of any increase in pollution. It accomplishes these goals, in part, by prohibiting, generally, the establishment of uses in the RPA or requiring adequate mitigation measures to offset impacts when use of the RPA is permitted or authorized through the waiver and exception processes. Supervisor Herrity also noted that the County appropriates a significant portion of its annual budget to mitigate and reverse the negative impacts of development on local waterbodies and, ultimately, the Chesapeake Bay, to satisfy regulatory requirements. This application is within the Accotink Creek watershed which is the subject of stringent regulation because of its status as an impaired waterbody.

While the intent of the Ordinance is clear and ambitious, the Ordinance allows homes and other uses to be constructed in RPAs through the exceptions process. An exception is available for this lot provided it meets the following exception criteria:

1. The requested exception to the performance criteria is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property

owners who are subject to its provision and who are similarly situated.

3. The exception is in harmony with the purpose and intent of the Ordinance and is not of substantial detriment to water quality.
4. The exception request is not based upon conditions or circumstances that are self-created or self-imposed.
5. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.
6. Other findings, as appropriate and required herein, are met.

Application of the facts of each exception request to these criteria is a subjective exercise over which reasonable people may disagree.

On December 12, 2018, the ERC voted unanimously to deny the appellant's application for an exception, with one abstention. It determined that:

1. The exception to the performance criteria is not the minimum necessary to afford relief.
2. It is not possible to conclude that the exception would not be of substantial detriment to water quality.
3. The exception request is based upon conditions or circumstances that are self-created or self-imposed, because the property is not suited for the intended use.

In arriving at this determination, the ERC made several findings. The revisions that the appellant made to the plan increased the encroachment into the RPA from 7,500 square feet to 8,900 square feet, which included a 218 square-foot increase of disturbance in the seaward feet. The feasibility of the proposed dry swales and their effectiveness in mitigating sediment and nutrient runoff was not demonstrated. And roughly 1,900 cubic yards of fill was proposed to be added to the RPA.

The appellant's most recent application, compared to a previous iteration, increased the encroachment into the RPA by an additional 1,347 square feet. The encroachment into the seaward 50 feet, the most vital component of the riparian buffer, increased by 218 square feet. Therefore, the applicant's own applications demonstrate that the current exception request is not the minimum necessary to afford relief.

It is also true that the appellant's choices with regard to size, location, orientation, and design of the structure directly affect the extent of the encroachment into the RPA. This is because the RPA-encumbered portion of the lot is the only area where a home can be built. Therefore, the appellant's decisions must factor into whether the exception request is the minimum necessary to afford relief or is a result of a circumstance that is self-created or self-imposed.

Here, the appellant has proposed to construct an average to slightly below average-sized home relative to houses within a 500-foot radius of the lot. None of the homes presented by the appellant to justify the reasonableness of its proposed home required an exception under the CBPO. The question of whether the exception request is based on the minimum necessary to afford relief or is a self-created or self-imposed condition or circumstance is whether the size of the home is appropriate for this particular lot.

The appellant's application proposes to remove 8,915 square feet of RPA and is dependent upon adding a significant amount of fill to raise the elevation of the home and relocate the floodplain boundary. In so doing, the most critical zone, the seaward 50 feet, will be graded at an angle, increasing the rate of stormwater runoff compared to the current condition. Only 4,395 square feet of revegetation is proposed, or half of the overall RPA encroachment. Many of those new plantings will be in the front or side yards, not between the dwelling and the stream. Because the size, design, and location result in the above-described impacts, the exception request is a condition or circumstance that is self-imposed and self-created and it is not the minimum necessary to establish a residential use on this particular property.

Finally, the application does not establish that the encroachment will not be a substantial detriment to water quality. Several elements of this application would negatively impact water quality. Roughly 2,800 square feet of the impervious surface would be added to the RPA resulting in greater rates of runoff and diminished infiltration. The proposed rearward facing slope in the seaward 50 feet would increase the rate of stormwater runoff into the stream, diminishing the pollutant-reducing function of the existing riparian buffer. Lastly, the tree canopy and understory would be permanently reduced with a relatively low rate of revegetation, particularly in the area between the structure and the stream. The loss of buffer and canopy would reduce the attenuation of runoff and treatment of pollutants before they enter the stream.

Therefore, for all those reasons, Supervisor Herrity moved that the Board deny the appeal to Encroachment Exception Number 2582-WRPA-007-1. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

11. **I-1 – CONSOLIDATED PLAN CERTIFICATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) MOVING TO WORK PLAN FOR FISCAL YEAR (FY) 2020** (11:18 a.m.)

The Board next considered an item contained in the Board Agenda announcing that the County Executive will sign the Certification of Consistency with the Consolidated Plan and provide it to the FCRHA for inclusion in the Moving to Work Plan for FY 2020 to be submitted to the U.S. Department of Housing and Urban Development.

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ADDITIONAL BOARD MATTERS

12. **PRESENTATION REQUESTS** (11:19 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and, referring to her written Board Matter titled “Board Matter Presentations, April 9, 2019,” asked unanimous consent that the Board direct staff to:

- Invite representatives from the County Police Department and the Sheriff’s Office to appear before the Board on May 7 to designate May 7, 2019, as “*Peace Officers Memorial Day*” and May 11-18, 2019, as “*Police Week*” in Fairfax County.
- Invite representatives from the County Fire and Rescue Department (FRD) to appear before the Board on May 21 to designate May 19-25, 2019, as “*Emergency Medical Services (EMS) Week*” in Fairfax County.
- Invite representatives from the County FRD to appear before the Board on June 4 to designate June 16-22, 2019, as “*Safety Stand Down Week*” in Fairfax County.
- Prepare a resolution in recognition of INOVA Health System’s grand opening and dedication ceremony of the INOVA Schar Cancer Institute on April 24: It will be the first facility to offer complete, multi-disciplinary, patient-centric cancer care in Northern Virginia and the broader Washington, D.C. region.
- Prepare a proclamation to be sent to the County Economic Development Authority (EDA) designating May 5-11, 2019, as “*Small Business Week*” in Fairfax County.
- Invite representatives from the U.S. Army to appear before the Board on June 25 to highlight and celebrate its 244th anniversary and to recognize June 22-29, 2019, as “*Army Week*” in Fairfax County.

Without objection, it was so ordered.

13. **FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA)
WORKFORCE ATTRACTION/RETENTION BUDGET
CONSIDERATION ITEM** (11:19 a.m.)

Chairman Bulova announced that the County EDA presented a proposal for a new workforce attraction/retention program at the March 26 joint Schools (FCPS) and Board Budget Committee meeting. The program would use a multi-faceted approach to build awareness of the area to potential workers outside the area and reinforce it as a great place to begin a career to young people who are raised here so more of them return after college. The EDA envisions this program as a partnership that could involve County government, the schools, area business organizations, and companies. The discussion about the proposal prompted a number of questions from Supervisors and School Board members. The EDA provided responses to those questions in a subsequent budget Q&A.

In order to begin executing the program, the EDA is requesting \$200,000 in non-recurring funding and \$800,000 in recurring funding. The first \$200,000 would be used to hire a research firm that would conduct qualitative and quantitative research and to begin development of the communications vehicles that will be used in the program. The recurring \$800,000 would go toward execution of the campaign that would be designed based on the primary research.

Therefore, Chairman Bulova asked unanimous consent that \$200,000 in non-recurring funding be added as a Consideration Item to the *Fiscal Year (FY) 2019 Third Quarter Review* and \$800,000 in recurring funding be added as a Consideration Item for the FY 2020 Budget. Without objection, it was so ordered.

14. **REPORT ON JOINT BOARD OF SUPERVISORS (BOS) — SCHOOL
BOARD ENVIRONMENTAL POLICY MEETING** (11:22 a.m.)

Chairman Bulova announced that on October 30, 2018, she brought forward a Board Matter, which passed unanimously, requesting that staff compile information regarding the County's commitments to energy and the environment and identify potential areas of environmental collaboration with Fairfax County Public Schools (FCPS) to be presented at a joint BOS — School Board meeting.

On April 2, 2019, the joint environmental policy meeting was held, at which meeting both County and FCPS staff presented their respective policies, programs, and potential areas of collaboration that could help further the efforts of both in energy efficiency and environmental sustainability. In addition, the Boards discussed and decided to move forward on the establishment of a joint committee, the Joint Environmental Task Force (JET), which will function similarly to the Successful Children and Youth Policy Team (SCYPT).

Working with staff and engaging the community, members of JET will identify areas for collaboration between the County and FCPS to further the County's efforts in energy efficiency and environmental sustainability. JET is charged with developing implementation strategies for bringing efforts forward.

In addition to senior staff from both the County and FCPS, both Boards will have two representatives on JET: School Board Chairman Karen Corbett Sanders and School Board Member Pat Hynes will be its appointees and Supervisor Gross and Supervisor Storck will represent the Board.

JET is expected to begin meeting in the next couple of weeks and is projected to be in place indefinitely; its first focus will be on energy and climate, and following, can change over time to ensure that both Boards continue to identify and focus on environmental priorities.

Supervisor Gross noted that the first meeting on organizational matters will be on April 30 at 4:30 p.m. at the FCPS Administration building to include a discussion on identifying community members.

Following additional discussion, Chairman Bulova clarified that the purpose of the JET is to identify initiatives that the County and FCPS can accomplish together, not to duplicate or supplant the work of the Board's Environmental Committee.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

15. **RECOGNIZING THE LANGLEY HIGH SCHOOL (HS) MODEL UNITED NATIONS (UN) TEAM FOR WINNING MULTIPLE AWARDS (DRANESVILLE DISTRICT)** (11:29 a.m.)

Supervisor Foust referred to his written Board Matter and congratulated the Langley HS Model UN team for winning multiple awards in several competitions over the past year.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite the Langley HS Model UN Team and its sponsors to appear before the Board on May 21 to be recognized for its superior achievements. Without objection, it was so ordered.

16. **RECOGNITION OF LANGLEY HIGH SCHOOL'S (HS) SAXON STAGE THEATRE COMPANY FOR ACHIEVING FIRST PLACE HONORS AND OUTSTANDING ACTOR AWARDS (DRANESVILLE DISTRICT)** (11:30 a.m.)

Supervisor Foust referred to his written Board Matter and congratulated the Saxon Stage Theatre Company of Langley HS for receiving first place honors and

outstanding actor awards at the Virginia HS League Theatre Festival State Championship.

Therefore, Supervisor Foust asked unanimous consent that Board direct staff to invite representatives from the Saxon Stage Theatre Company and its sponsors to appear before the Board on June 4 to acknowledge its superior accomplishments. Without objection, it was so ordered.

17. **RECOGNITION OF THE LANGLEY HIGH SCHOOL (HS) ICE HOCKEY TEAM FOR WINNING THE NORTHERN VIRGINIA SCHOLASTIC HOCKEY LEAGUE CHAMPIONSHIP (DRANESVILLE DISTRICT)** (11:30 a.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Foust congratulated the Langley HS Ice Hockey Team for winning the Northern Virginia Scholastic Hockey League Championship on March 1, 2019, and becoming the first County high school team to take home the title.

The seventh-seed Langley club team defeated Briar Woods in the finals. First Team All-State goalie, Max Campbell, blocked 30 shots in the championship game. During the 6 postseason games, the team's stingy defense only allowed 6 goals.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite the team, its coaches, and supporters to appear before the Board on May 21 to be acknowledged for its achievements. Without objection, it was so ordered.

18. **RECOMMENDATION OF DETAILED SCREENING FOR GO VIRGINIA: CYBER-AND-TECH VETERAN AND SPOUSES PROGRAM** (11:32 a.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Foust announced that, at the Budget Committee meeting held on April 2, the Board received a briefing on the Go Virginia Cyber-and-Tech Veterans and Spouses project submission. The presentation discussed the benefits to over 70,000 veterans residing in the County, the service members working in the region – including Fort Belvoir - and their spouses.

Pursuant to the process adopted for evaluating investments from the Economic Development Support Fund (EDSF), the next step is for staff to prepare and present a detailed screening proposal for the Board's consideration and action at a future Board meeting. The consensus of the Committee was to support moving forward with this next step.

Staff has requested that funding be encumbered for this purpose. While encumbering these funds would ensure funding availability if the proposal was ultimately approved, no funds will be spent unless approved by the Board.

Therefore, jointly with Supervisor McKay, Supervisor Foust moved that the Board:

- Direct the County Executive to encumber \$290,000 from the EDSF for use as a local match for the Go Virginia: Cyber-and-Tech Veteran and Spouses Program and direct staff to perform a detailed screening for this investment
- Direct the County Executive that no investment from the EDSF be made unless and until the Board has approved the expenditure of those funds

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

19. **MILITARY RETIREE APPRECIATION DAY** (11:34 a.m.)

Supervisor Cook announced that the freedoms Americans enjoy could only be made possible by the efforts of the more than 2 million men and women who served the nation as active duty members of the Armed Forces. In the County, there are approximately 77,000 retired military members who have decided to call this their home. These members have served all over the world and have sacrificed much for the nation and we should be proud that they have decided to now make Fairfax their home.

On March 28, a bipartisan resolution honoring the services of these military retirees passed unanimously in the U.S. Senate and designates April 18, 2019, as Military Retiree Appreciation Day.

Therefore, in honor of these heroic military retirees, including the 77,000 residing in the County, Supervisor Cook asked unanimous consent that the Board recognize and declare April 18, 2019, as “*Military Retiree Appreciation Day*” in Fairfax County. Without objection, it was so ordered.

20. **RESTON CROSSING LP (HUNTER MILL DISTRICT)** (11:35 a.m.)

Supervisor Hudgins announced that Reston Crossing LP is the owner of property identified as Tax Map 17-3 ((8)) 1 and part 2A and is the applicant in pending Rezoning Application RZ 2018-HM-002. The application requests rezoning of the property from the I-4 District to the PDC District as part of a proposed transit-oriented development (TOD) adjacent to the Reston Town Center Metro Station. As part of the construction by the Metropolitan Washington Airports Authority (MWAA), a new traffic circle is being built at the end of Edmund Halley Drive adjacent to the Reston Crossing Property. The traffic circle is being

constructed south of its originally-planned location to better accommodate the planned grid of streets in the area. This has resulted in excess right-of-way along the northern portion of the traffic circle. The applicant proposes to rezone a small portion (approximately 3,732 square feet) of right-of-way that is owned by the Board to the PDC District and incorporate it into the design of Reston Crossing. In light of the fact that the new traffic circle location is in keeping with the planned grid of streets, Supervisor Hudgins said that she is comfortable with this request.

Therefore, Supervisor Hudgins moved that the Board authorize the inclusion of approximately 3,732 square feet of Board-owned right-of-way associated with Edmund Halley Drive in pending applications Rezoning/Final Development Plan RZ/FDP 2018-HM-002 and authorize the County Executive to sign the associated proffers after receipt of an executed indemnification agreement from the applicant. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

21. **CHILDREN'S MENTAL HEALTH AWARENESS DAY** (11:37 a.m.)

Supervisor Hudgins referred to her written Board Matter concerning the County's efforts on behalf of children with mental health disabilities, noting that the Fairfax-Falls Church Community Services Board (CSB) takes the lead and collaborates with the following programs and organizations:

- Healthy Minds Fairfax
- Fairfax County Public Schools
- The Juvenile and Domestic Relations Court
- The National Alliance for Mental Illness Northern Virginia
- George Mason University
- Inova Health Systems

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Proclaim May 9" *Children's Mental Health Awareness Day*" in Fairfax County
- Direct staff to prepare a proclamation to be presented to the CSB at the May 7 Board meeting

Without objection, it was so ordered.

22. **FRYING PAN FARM PARK AWARDED 2018 CLEAN WATER FARM AWARD (HUNTER MILL DISTRICT)** (11:39 a.m.)

Supervisor Hudgins referred to her written Board Matter and stated that, in recognizing its outstanding land-use stewardship practices, the Northern Virginia Soil and Water Conservation District (NVSWCD) has selected Frying Pan Farm Park as the recipient of its 2018 Clean Water Farm Award.

For more than 20 years, the management of Frying Pan has been relentless in its efforts to comply with the County's Chesapeake Bay Preservation Program through a road map of best practices recommended by the NVSWCD. Reducing the nonpoint source pollution from entering State waters is no easy feat considering the farm is home to 2 draft horses, 15 cows and calves, and many other animals. The award reflects the diversity of the farm with the objective of the preservation and maintenance of its environmental conditions.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite staff from Frying Pan Farm Park, along with representatives from the Park Authority and the NVSWCD to appear before the Board to receive its congratulations. Without objection, it was so ordered.

23. **JAMES MADISON HIGH SCHOOL (HS) GIRLS AND OAKTON HS BOYS' WIN SWIM AND DIVE STATE CHAMPIONSHIPS (HUNTER MILL DISTRICT)** (11:41 a.m.)

In a joint Board Matter with Supervisor L. Smyth, Supervisor Hudgins announced that local swimmers made a big splash again this year at the Virginia High School League State swimming and diving championships.

The Oakton High School boys' team captured the boys' State championship with a decisive 36-point lead over second place W.T Woodson. The James Madison HS girls' team seized the State title with its tremendous depth of talent. This is the Warhawks girls' swim team's third consecutive State championship.

Therefore, jointly with Supervisor L. Smyth, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the James Madison girls' and Oakton boys' swim and dive teams to appear before the Board in recognition of the State titles. Without objection, it was so ordered.

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24. **EMBARK HOUSING ADVISORY GROUP** (11:42 a.m.)

In a joint Board Matter with Supervisor Storck, Supervisor McKay stated that the Board chartered the Embark Housing Advisory Group in 2018 to facilitate a more focused policy discussion of the issue of preservation and housing affordability in the Richmond Highway Corridor in light of the Embark Comprehensive Plan amendment. The main challenge for the advisory group was to recommend proven housing policies to help ensure that the anticipated new development and investment in the coming decades serves the needs of the Corridor's long-time low and moderate income residents and preserve its racial and economic diversity.

The advisory group developed a report that included a set of three recommended principles:

1. No net loss of existing, market-affordable rental homes in the Richmond Highway Corridor, as feasible
2. Use of the equity lens of One Fairfax
3. Future housing development should reflect community needs

These policy principles are to guide future land use and housing funding decisions in the Corridor as a companion to the Embark Comprehensive Plan amendment.

The report recommends that the Board direct staff to prioritize and implement, or further develop, a menu of strategy options intended to advance the principles. The strategies, which fall under two categories, *leveraging public investments* and *public-private partnerships*, are not intended to be prescriptive or all-inclusive but to provide a range of actions to consider: from policy changes to potential programmatic changes.

The report was presented to the Strategic Economic Development Team in March and is now presented to the Board for adoption of its recommendations.

Therefore, Supervisor McKay moved that the Board adopt the recommended principles contained in the Report of the Embark Housing Advisory Group and direct staff to prioritize and implement, or further develop, the strategy options put forth in the report. Further, recognizing that many of the "market-affordable" rental units in the region are outside of the defined Corridor boundary, he moved that the Board direct staff to explore the applicability of the principles and strategies contained in the report to the areas outside of the Corridor boundary so as to consider the impact of encouraging greater density in those areas and the potential resultant effects on stable residential neighborhoods. Following that work, he also moved that these findings be discussed at a future Health, Housing, and Human Services Committee meeting.

Discussion ensued with some Board Members noting that they had not yet seen the report and therefore could not adopt its contents at this time.

Supervisor Herrity asked to amend the motion to change “adopt” to “accept,” and this was accepted.

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

25. **CONSIDERATION ITEM REGARDING FAIRFAX GREEN INITIATIVES** (11:57 a.m.)

In a joint Board Matter with Supervisor Foust, Supervisor Gross, and Supervisor Storck, Supervisor McKay said that, in response to the February 5, 2019, Fairfax Green Initiatives Board Matter, staff provided a presentation on energy and climate action planning at the April 2 meeting of the Board's Environmental Committee which included a framework and requirements for developing a Community-wide Energy and Climate Action Plan (CECAP).

To engage with residents and businesses to create and implement a CECAP, staff indicated that two additional positions and \$276,749 would be required. In addition, staff anticipates that additional one-time funding for contractual support for community engagement and plan development would be required.

Therefore, Supervisor McKay asked unanimous consent that the Board:

- Add \$276,749 and two positions for energy and climate planning as a Consideration Item for the Fiscal Year (FY) 2020 Budget
- Prepare a Consideration Item for contractual support for the development of a CECAP for the FY 2019 Carryover Review

Without objection, it was so ordered.

26. **JOHN MARSHALL LIBRARY (LEE DISTRICT)** (11:58 a.m.)

Supervisor McKay referred to his written Board Matter and said that the John Marshall Library, located at 6209 Rose Hill Drive in Lee District, held its grand reopening in October 2018 after undergoing major renovations and expansion.

Supervisor McKay announced that this project has since been selected to receive the 2019 American Public Works Association (APWA) Mid-Atlantic Chapter's Project of the Year Award in the category of "Structures of \$5 million, but less than \$25 million."

These improvements, among others, ensure energy and water efficiency. Supervisor McKay noted that the John Marshall Library is slated to achieve LEEDS Silver Certification.

This was a very environmentally-mindful project. In fact, 98 percent of construction waste was recycled under the construction management plan and 32 percent of the total value of new materials possess a recycled content.

Because of all the hard work and effort put into creating a state-of-the-art facility, an awards ceremony will be held at the APWA Mid-Atlantic Chapter Conference and Equipment Show in Norfolk on Thursday, May 16, 2019, to honor those who helped make this happen.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a proclamation, to be signed jointly by the Chairman and the Lee District Supervisor, for presentation outside of the Board Auditorium to representatives from John Marshall Library and the construction company involved in the project. Without objection, it was so ordered.

27. **GRANDINVOLVE** (11:59 a.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor McKay said that GrandInvolve, a volunteer group that brings older adults into County Title 1 elementary schools to improve the success of students, was recently awarded the Best Practice Award from the Commonwealth Council on Aging.

Referencing his written Board Matter, Supervisor McKay described GrandInvolve and its numerous benefits to the community. He also noted that the County's Department of Neighborhood and Community Services (NCS) received an Honorable Mention for its Senior Center Inclusion Services.

Therefore, Supervisor McKay asked unanimous consent that the Board:

- Hold May 21 for a reception to honor the GrandInvolve volunteers
- Direct staff to invite representatives from GrandInvolve, the Commonwealth Council on Aging, the School Board, and the NCS Senior Center Inclusion Services be invited to appear before the Board to receive a resolution recognizing their achievements and contributions to the community

Without objection, it was so ordered.

28. **UNITED COMMUNITY MINISTRIES (UCM)** (12:01 p.m.)

In a joint Board Matter with Supervisor Storck, Supervisor McKay stated that UCM of Alexandria is celebrating fifty years of service to the community.

Referencing his written Board Matter, Supervisor McKay noted that UCM is a nonprofit organization that lends a helping hand to those in need throughout

the Richmond Highway Corridor. It has grown into a widely-known, successful nonprofit that provides food, clothing, financial assistance, health education, employment services, and emergency assistance to children, youth, and families in need. It provides these services through Stepping Stones, Forward Steps, and Healthy Families programs.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the staff to prepare a proclamation, to be signed by the Chairman, the Mount Vernon District Supervisor, and the Lee District Supervisor, for presentation to the directors and volunteers of UCM outside of the Board Auditorium in celebration and appreciation of its fifty years of service to the community. Without objection, it was so ordered.

29. **REQUEST FOR EXPEDITIOUS AND CONCURRENT PROCESSING FOR FAIR LAKES NORTH AND SOUTH LC RELATED ENTITY OF THE PETERSON COMPANIES (LEE DISTRICT)** (12:02 p.m.)

Supervisor Herrity said that Fair Lakes North and South LC, related entity of The Peterson Companies, is the applicant of four concurrent proffered condition amendment ("PCA"), conceptual development plan amendment ("CDPA") and/or final development plan amendment ("FDPA") applications for Land Bays IV-A, V-A, VI-A, and VII-B (the "applications") in Fair Lakes. The purpose of these applications is to reallocate previously approved, unbuilt, office gross floor area from Land Bays IV-A, V-A, and VII-B to Land Bay VI-A. The reallocated office gross floor area will be combined with the existing, vacant office buildings in Land Bay VI-A to create a continuing care facility, single family attached residential dwellings, and open space. Staff is in the process of reviewing PCA/CDPA/FDPA applications for Land Bays VI-A and VII-B. The applications for Land Bays IV-A and V-A are proffer text-only PCA applications.

The applicant has a public hearing scheduled before the Planning Commission on October 23, 2019. The applicant has requested a date certain for a hearing before the Board.

Therefore, Supervisor McKay moved that the Board direct the Clerk to the Board to schedule this application for a public hearing before the Board on October 29, 2019. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Supervisor K. Smith seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McKay being out of the room.

30. **"LYME DISEASE AND FIGHT THE BITE AWARENESS MONTH" IN THE COUNTY** (12:04 p.m.)

Supervisor Herrity said that tick and mosquito season will be here soon. Referencing his written Board Matter, Supervisor Herrity noted that Lyme Disease, Zika Virus, West Nile Virus, and other vector-borne diseases can have severe health impacts.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare resolution declaring May 2019 as:

- “*Lyme Disease Awareness Month*” in Fairfax County to be presented outside of the Board Auditorium to Monte Skall, Director, National Capital Lyme and Tick-Borne Disease Association, at its ninth annual run FINISH LYME for Lyme and tick-borne diseases. The event, which has previously been held in Loudoun County, will take place this year in Fairfax Corner at 8 a.m. on May 19
- “*Fight the Bite Awareness Month*” in Fairfax County to be presented to the County’s Health Department at the May 21 Board meeting

Without objection, it was so ordered.

31. **ANNOUNCING DRUG TAKE-BACK DAY IN THE COUNTY** (12:05 p.m.)

Supervisor Herrity referred to his written Board Matter and said that, despite continued efforts, the opioid crisis is still a growing problem. He noted that it is important to continue efforts of getting unused medicines, especially opioids, out of medicine cabinets to prevent accidental or illicit use.

On Saturday, April 27, 2019, from 10 a.m. until 2 p.m. the County’s Police Department (FCPD), in conjunction with the Drug Enforcement Administration (DEA), will give the public another opportunity to prevent pill abuse and theft by ridding their homes of potentially dangerous expired, unused, and unwanted prescription drugs. Anyone may bring their pills for disposal to County police stations.

Therefore, Supervisor Herrity asked unanimous consent that the Board the direct the Office of Public Affairs to work with the FCPD to advertise this upcoming national drug take-back day. Without objection, it was so ordered

32. **CONSIDERATION ITEM - MACHINERY AND TOOLS (M&T) TAX** (12:06 p.m.)

Supervisor Herrity said that the “M&T tax” on the County’s existing small-scale production businesses and startups is more than three times higher than a number of surrounding jurisdictions. The combination of a higher tax rate and a less favorable depreciation schedule is not only having an adverse financial burden on

these businesses but also is discouraging new business as well as the expansion of their current facilities.

One of the Board's efforts to diversify the tax base and fill empty commercial and retail space is attracting and growing small-scale producers. As noted in the County-contracted Recast City LLC Small-Scale Production Report which was presented to the Board "*A number of scaling production businesses noted that the business taxes in the County are depressing their opportunity to grow and such disparity in tax rates might encourage them to consider neighboring jurisdictions as they scale;*" furthermore, "*The County's tax rate on this equipment, (\$4.57 per \$100 of assessed value), while competitive with some adjacent jurisdictions, is higher than Loudoun County (\$2.75 per \$100 of assessed value), and may out compete the County for small-scale producers, especially as they scale.*"

Supervisor Herrity said that the County has the second highest M&T structure of all counties in the Commonwealth. While only representing only \$1.3 million in the \$4-plus billion total budget, the tax has a serious impact on companies. As an example, the tax can be 27 percent of the cost of a piece of equipment financed over 10 years. The high M&T tax also discourages location of small-scale production companies in the County. The County currently has only 8 breweries compared to 32 in Loudoun County – the M&T tax in the County is the reason often cited by industry for the lower numbers.

From conversations with the Department of Tax Administration (DTA), it would take about \$400,000 to adjust the M&T tax rate to Loudoun's M&T rate and another approximately \$400,000 to adjust the depreciation schedule. Supervisor Herrity expressed his belief that if the Board is to advance diversification and place-making efforts the County needs to have a competitive M&T tax structure. He added that the adjustments in the rate structure will be offset by the growth in both M&T tax, related sales tax, and jobs created by new and expanding small-scale production businesses.

Therefore, Supervisor Herrity asked unanimous consent that the Board:

- Establish a \$400,000 Consideration Item to adjust the M&T tax rate to 2.75 percent in the Fiscal Year (FY) 2020 budget and that a Consideration Item of \$400,000 be established to adjust the depreciation schedule to 50 percent/40 percent/30 percent/20 percent/10 percent in the FY 2021 budget
- Direct DTA to provide the Board with an analysis of the tax rates and depreciation schedules of the County and surrounding jurisdictions and the resulting tax impacts on an investment of \$100,000 over the 10 years by a business in each of the jurisdictions

Following discussion and requests for additional information concerning the impact of the proposal on county revenue and historical efforts of revenue diversification, without objection, it was so ordered.

33. **MOTION TO EXPEDITE THE PUBLIC HEARINGS REGARDING PS BUSINESS PARKS, L.P. - PROFFERED CONDITION AMENDMENT APPLICATION PCA C-597-5 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2007-PR-014 (PROVIDENCE DISTRICT)** (12:20 p.m.)

Supervisor L. Smyth said that PS Business Parks has filed two concurrent applications, Proffered Condition Amendment Application PCA C-597-5 and Special Exception Amendment Application SEA 2007-PR-014, to construct an athletic field on property it owns on Boone Boulevard in Tysons. These applications have been accepted for review and scheduled for a Planning Commission hearing on September 18, 2019. To ensure that these applications can be heard prior to the end of the year, the applicant has requested a concurrent Board hearing date.

Therefore, Supervisor L. Smyth moved that the Board direct staff to expedite the public hearings for Proffered Condition Amendment Application PCA C-597-5, located at Tax Map 39-1 ((6)) 69A part and Special Exception Amendment Application SEA 2007-PR-014, located at Tax Map 39-1 ((6)) 69A to a date of September 24, 2019. This motion should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Supervisor K. Smith and Supervisor Herry jointly seconded the motion and it carried by unanimous vote.

34. **MOTION TO EXPEDITE A PUBLIC HEARING REGARDING THE RESTON HOSPITAL CENTER, LLC - SPECIAL EXCEPTION APPLICATION SE 2019-PR-011 (PROVIDENCE DISTRICT)** (12:22 p.m.)

Supervisor L. Smyth said that Reston Hospital Center, LLC, has filed Special Exception Application SE 2019-PR-011, to create a freestanding emergency department at 8240 Leesburg Pike in Tysons. This application has been accepted for review and is scheduled for a Planning Commission hearing on September 11, 2019. To ensure that this application can be heard before the end of the year, the applicant has requested a concurrent Board hearing date.

Therefore, Supervisor L. Smyth moved that the Board direct staff to expedite the public hearing for Special Exception Application SE 2019-PR-011, located at Tax Map 29-3 ((1)) 80, to a date of September 24, 2019. This motion should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and

adopted standards. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

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35. **LAW DAY 2019 - FREE SPEECH, FREE PRESS, FREE SOCIETY (MASON DISTRICT)** (12:23 p.m.)

Supervisor Gross said that Law Day, held annually on May 1, is a national day set aside to celebrate the rule of law. Law Day provides an opportunity to understand how law and the legal process protect liberty, strive to achieve justice, and contribute to the freedoms that all Americans share.

Law Day was first established in the Eisenhower Administration in 1958. The 2019 Law Day theme - Free Speech, Free Press, Free Society - focuses on these cornerstones of representative government and calls on everyone to understand and protect these rights to ensure, as the U.S. Constitution proposes, “the blessings of liberty for ourselves and our posterity.”

Therefore, Supervisor Gross asked unanimous consent that the Board:

- Proclaim May 1, 2019, as “*Law Day*” in the County and urge the citizens, schools, and businesses of the County to use this occasion to preserve and strengthen the rule of law
- Direct staff to prepare the resolution attached to her written Board Matter and signed by the Chairman and the Mason District Supervisor, to be presented at an event at Annandale High School on May 1

Without objection, it was so ordered.

36. **INTENT TO DEFER THE PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2019-CW-1CP, MOBILE AND LAND-BASED TELECOMMUNICATIONS POLICY PLAN (SULLY DISTRICT)** (12:24 p.m.)

Supervisor K. Smith announced her intent to defer, later in the meeting, the public hearing, on proposed Plan Amendment 2019-CW-1CP, Mobile and Land-Based Telecommunications Policy Plan until 2:30 p.m. to hold a joint public hearing with the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding zoning for wireless telecommunications infrastructure scheduled for 2:30 p.m.

(NOTE: Later in the meeting, the public hearing was held. See Clerk’s Summary Item #54.)

37. **BUILDING SAFETY MONTH – MAY 2019** (12:25 p.m.)

Supervisor K. Smith said that all residents should recognize the importance of modern construction safety codes and the vital contributions rendered by the dedicated individuals promoting building and construction safety. The County, working together with other jurisdictions, enforces the Uniform Statewide Building Code (USBC) that ensures those safety codes are followed.

Therefore, Supervisor K. Smith asked unanimous consent that the Board proclaim May as “*Building Safety Month*” in Fairfax County and direct staff to prepare a resolution to be presented to the Building Safety Month Planning Committee members, along with Mr. Brian Foley, Mr. John Walser, and Ms. Elizabeth Perry, at the May 21 Board meeting. Without objection, it was so ordered.

38. **THE FOURTH IDES OF BARK – A HOWLING SUCCESS! (MOUNT VERNON DISTRICT)** (12:26 p.m.)

Supervisor Storck said that on March 24, more than 300 dogs and 500 of their human companions attended the Ides of Bark event on a gorgeous day at Grist Mill Park in the Mount Vernon District. The Ides of Bark is a dog festival that is aimed at bringing the community together, enjoying the day with four-legged friends, and learning valuable information about pet care. As someone who appreciates the joy that a dog can bring, and understanding the importance of community gatherings, Supervisor Storck said that he will continue to celebrate the Ides of Bark each year.

This year, participants received many treats from local canine businesses, watched demonstrations by the County’s Police Canine Unit, learned pet care and pet CPR from pet technicians, and even had the opportunity to participate in a canine obstacle course. Supervisor Storck noted that this community event could not have happened without the incredible support of the Mount Vernon Community Coordinator, Shirley Short, Ms. Barbara Nugent, Mr. Philip Hagar, Ms. Jennifer Braun and the rest of the Park Authority, the Police Department, the Fire Department, local dog park groups, Channel 16, and wonderful vendors.

Supervisor Storck expressed his sincerest appreciation to everyone who helped makes this a successful event and encouraged other Board Members to do the same in their districts.

39. **INCLUDE FRIENDS OF FAIRFAX COUNTY ANIMAL SHELTER DONATION IN DOG LICENSE MAILER** (12:27 p.m.)

In a joint Board Matter with Supervisor K. Smith, Supervisor Storck said that in the spirit of supporting animal friends, he wanted to acknowledge the wonderful work done by the coordination between the Animal Shelter and the Friends of Fairfax County Animal Shelter, a nonprofit partner.

Thirteen years ago, The Friends Group was started with a single idea: to help take care of the major medical expenses for pets at the Animal Shelter. In its initial year, it provided \$10,000 of support.

In 2018, The Friends Group funding increased to \$275,671. Over the last 13 years, the Group has been able to expand its support considerably and a few of the programs currently being funded include: medical, dental, parasite prevention for all dogs, cats, and rabbits upon intake, spay/neuter for community cats, pawfax (for senior pets), collars, tags and leashes for all dogs, and collars and tags for all cats.

Supervisor Storck said that in order to continue to support the shared mission to ensure that every pet is given the best chance to find and stay in a loving forever home, the Animal Shelter continues to look for ways to spread the word to expand the annual donor support. He noted that this was a passion for former Sully District Supervisor Michael Frey.

Therefore, Supervisor Storck asked unanimous consent that the Board direct staff to include A Friends of the Animal Shelter donation flyer in the dog license mailer that goes out in December 2019. He added that the Friends have offered to cover this additional cost. Without objection, it was so ordered.

40. **MONTEBELLO CONDOMINIUM ASSOCIATION RECOGNITION**
(MOUNT VERNON DISTRICT) (12:31 p.m.)

Supervisor Storck, referencing his written Board Matter, said that the Montebello Condominium Unit Owners Association has received two honors from the Washington Metropolitan Chapter Community Associations Institute. The awards, Community Association of the Year and overall Communicator of the Year, were presented on Saturday, February 23, 2019, in recognition of the excellent commitment Montebello has made to vision and communication.

The criteria for receiving these awards were spread among evaluation categories for financial health, environmental management, staffing, safety and access, and quality of community life. Montebello's commitment to best practices in these areas has encouraged programs like its English Language for non-English speaking staff and its presence on media platforms that have brought its diverse community closer and made it more connected.

In addition, Montebello was recognized with the Mary Thonen Beautification Award for its efforts in enhancing the Richmond Highway corridor. The award, sponsored by the Southeast Fairfax Development Corporation, is presented to businesses along the Richmond Highway corridor which make significant contributions and efforts in landscaping and maintenance to their properties.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to prepare a proclamation, signed by the Chairman and the Mount Vernon District Supervisor, commending and congratulating the Montebello Condominium Unit Owners Association. Without objection, it was so ordered.

41. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2015-PR-014 AND SPECIAL EXCEPTION APPLICATION SE 2015-PR-029 (1690 OLD MEADOW HOLDINGS, LLC) (PROVIDENCE DISTRICT)** (12:33 p.m.)

Supervisor L. Smyth announced her intent to defer, later in the meeting, the public hearing on Rezoning Application RZ 2015-PR-014 and Special Exception Application SE 2015-PR-029 until May 7, 2019.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #58.)

42. **INTENT TO DEFER PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-C-048 (PRINCE TOWNE, LLC) (HUNTER MILL DISTRICT)** (12:30 p.m.)

Supervisor Hudgins announced her intent to defer, later in the meeting, the public hearing on Proffered Condition Amendment Application PCA 84-C-048, until May 21, 2019, at 3:30 p.m.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #52.)

AGENDA ITEMS

43. **RECESS/CLOSED SESSION** (12:34 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. Appeal of State Tax Commissioner Ruling that Internet Tax Freedom Act Applies to BPOL Tax
 2. Demand Arising from an Automobile Accident that Occurred on February 18, 2017
 3. *Andrew Cooper, Rebecca Cooper, Blake Ratcliff, Sara Ratcliff, Cecilia Gonzalez, Cindy Reese, Donald Walker, Debra Walker, Carmen Giselle Huamani Ober, Amjad Arnous, John A. McEwan, Mary Lou McEwan, Kevin Holley, Laura Quirk Niswander, Lori Marsengill, Gary Marsengill, Margaret Wiegenstein, Melinda Norton, Nagla Abdelhalim, Nhung Nina Luong, Quan Nguyen, Robert Ross, Helen Ross, Sanjeev Anand, Anju Anand, Sarah Teagle, Sofia Zapata, Svetla Borisova, Nickolas Ploutis, Melinda Galey, Travis Galey, and Victoria Spellman v. Board of Supervisors of Fairfax County, Virginia, Case No. CL-2018-0012818 (Fx. Co. Cir. Ct.)*
 4. *Barry McCabe v. Fairfax County Animal Shelter, Case No, 1:19-cv-00053 (E.D. Va.)*
 5. *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.)*
 6. *Edgar Ayala v. Fairfax County, Case No. 1:18-cv-1350 (E.D. Va.)*
 7. *Louella F. Benson v. Penelope A. Gross, et al., Case No.: CL-2018-0000333 (Fx. Co. Cir. Ct.)*
 8. *Joseph A. Glean v. Board of Supervisors, Michael J. McGrath, and Christopher J.*

- Pietsch, Case No. CL-2019-0001067 (Fx. Co. Cir. Ct.); Joseph A. Glean v. Board of Supervisors, Case No. CL-2019-002450 (Fx. Co. Cir. Ct.); Joseph A. Glean v. Board of Supervisors, Michael J. McGrath, and Christopher J. Pietsch, Case No. CL-2019-002360 (Fx. Co. Cir. Ct.)*
9. *Modesta Flores v. Isaiah Brooks and Fairfax County, Case No. GV19-001152 (Fx. Co. Gen. Dist. Ct.)*
 10. *Tracy L. Groff v. Stephen Lawson, Case No. CL-2018-0009089 (Fx. Co. Cir. Ct.)*
 11. *Matthew Gage McCloud v. Mark Butler, Case No. CL-2018-0007408 (Fx. Co. Cir. Ct.)*
 12. *Lisa Therese Barnes v. Armando Cruz Hernandez, Case No. CL-2018-0009279 (Fx. Co. Cir. Ct.)*
 13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Loretta Darlene George and Amin Musharab, Case No. CL-2019-0002873 (Fx. Co. Cir. Ct.) (Braddock District)*
 14. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mishal H. Al-Thani, Case No. CL-2018-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)*
 15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Lucy W. Berkebile, Case No. CL-2018-0000961 (Fx. Co. Cir. Ct.) (Dranesville District)*
 16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. FSI Properties, LLC, Case No. GV19-006359 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
 17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Karen I. Scharer, Case No. GV19-006360 (Dranesville District)*

18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Karen I. Scharer*, Case No. GV19-006361 (Dranesville District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hector Medrano*, Case No. GV18-024895 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Nicholas A. Nikzad and Pamela L. Nikzad*, Case No. GV18-019772 (Fx. Co. Gen. Dist. Ct.) (Town of Vienna; Hunter Mill District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fernando A. Ovalle*, Case No. CL 2018-0015808 (Fx. Co. Cir. Ct.) (Lee District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert Dunn and Phyllis Dunn*, Case No. CL-2018-0013755 (Fx. Co. Cir. Ct.) (Lee District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oscar Maravilla*; Case No. CL-2019-0003395 (Mason District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ragheb Aburish*, Case No. CL-2017-0015519 (Fx. Co. Cir. Ct.) (Mason District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Iftikhar Khan*, Case No. CL-2019-0003971 (Fx. Co. Cir. Ct.) (Mason District)
26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, v. Shahid Ahmad*, Case No. GV19-005654 (Fx. Co. Gen. Dist. Ct.) (Mason District)

27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mann Realty, Inc., and 495 Shipping, Inc.*, Case No. CL-2010-0005205 (Fx. Co. Cir. Ct.) (Mount Vernon District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Virginia Marine Investments, LLC*, Case No. CL-2019-0003530 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Siti C. Siregar*, Case No. CL-2019-0002950 (Fx. Co. Cir. Ct.) (Providence District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. G.H.D. International, Bolmarket Corporation, Lozada Corporation, AASCO Paving Corporation, and Terra Landscape, Inc.*, Case No. CL-2018-0017926 (Fx. Co. Cir. Ct.) (Providence District)
31. *Board of Supervisors of Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia*, Case No. CL 2017 0015190 (Va. Sup. Ct.) (Springfield District)
32. *In re: September 27, 2017, Decision of the Board of Zoning Appeals of Fairfax County, Virginia*, CL-2017-0015193 (Fx. Co. Cir. Ct.) (Springfield District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Frank A. March*, Case No. GV18-020124 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
34. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Milton V. Alcazar*, Case No. CL-2018-0016777 (Fx. Co. Cir. Ct.) (Sully District)

35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chantilly Business Park, LLC, and Aquarius Supply, Inc.*, Case No. CL-2019-0002874 (Fx. Co. Cir. Ct.) (Sully District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Sun Mi Lee and Ok Chul Choe*, Case No. CL-2019-0003911 (Fx. Co. Cir. Ct.) (Sully District)
37. *Board of Supervisors of Fairfax County v. Jose R. Osorio Renderos*, Case No. CL-2018-0015213 (Fx. Co. Cir. Ct.) (Lee, Mason, Mount Vernon, and Providence Districts)
38. *Board of Supervisors of Fairfax County v. Artaville Oriental Rugs & Antiques, Inc.*, Case No. GV18-027700 (Fx. Co. Gen. Dist. Ct.) (Dranesville and Mount Vernon Districts)

And in addition:

1. As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), legal analysis regarding:
 - a. Neal v. Fairfax County Police Department, Circuit Court Case Number CL-2015-5902;
 - b. Opioid litigation against Purdue Pharma and others;
 - c. Claim of Josh and Amy Lipicky dated November 9, 2018.
2. As permitted by Virginia Code Section 2.2-3711(A)(1) and (8), appointment to vacant Board of Zoning Appeals seat.

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

DET:det

At 2:06 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

44. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:06 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. 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."

45. **APPEAL OF TAX COMMISSIONER'S RULING** (2:07 p.m.)

Supervisor Gross moved that the Board authorize the filing of an appeal to a portion of the Tax Commissioner's May 21, 2018, ruling regarding the applicability of the Internet Tax Freedom Act to the County's Business, Professional, and Occupational License (BPOL) tax, on the terms and conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

46. **SETTLEMENT OF A CLAIM ARISING FROM AN AUTOMOBILE ACCIDENT (MASON DISTRICT)** (2:08 p.m.)

Supervisor Gross moved that the Board authorize the settlement of the claim filed by Amare Messay Adane arising from an automobile accident that occurred at the intersection of Leesburg Pike and Patrick Henry Drive on February 18, 2017, according to the terms and conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

47. **OPIOID CRISIS** (2:08 p.m.)

Supervisor Herrity moved that the Board declare the opioid crisis a public nuisance, which is the legal term for the opioid public health crisis, and authorize and direct the County Attorney to work with outside counsel to file a civil lawsuit in the Fairfax County Circuit Court alleging all of the County's causes of actions against the responsible parties, which include opioid manufacturers, distributors, and pharmacy benefit managers, all on the terms and conditions discussed with the County Attorney in closed session. Supervisor Cook and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

48. **2 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2018-MV-022 (MARIA DEL PILAR CHAVEZ CASALINO/PILI'S DAYCARE) (MOUNT VERNON DISTRICT)** (2:09 p.m.)

The application property is located at 8477 Kitchener Drive, Springfield, 22153. Tax Map 98-4 ((6)) 471.

Ms. del Pilar Chavez Casalino reaffirmed the validity of the affidavit for the record.

Jay Rodenbeck, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location. Discussion ensued, concerning the hours of operation, with input from Mr. Rodenbeck who noted that this issue is addressed in the proposed development conditions.

Ms. del Pilar Chavez Casalino 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.

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

Following a query by Supervisor Storck, Ms. del Pilar Chavez Casalino confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 13, 2019.

Supervisor Storck moved approval of Special Exception Application SE 2018-MV-022, subject to the development conditions dated February 13, 2019. Supervisor K. Smith seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

49. **2 P.M. – PH ON PROPOSED PLAN AMENDMENT 2019-CW-1CP, MOBILE AND LAND-BASED TELECOMMUNICATIONS POLICY PLAN** (2:17 p.m.)

(NOTE: Earlier in the meeting, Supervisor K. Smith announced her intent to defer this public hearing until later in the day. See Clerk's Summary Item CL #36.)

Following remarks by Chairman Bulova, Supervisor K. Smith moved to defer the public hearing on the Mobile and Land-based Telecommunication Services Comprehensive Plan Amendment, 2019-CW-1CP, to 2:30 p.m. for the purpose of a joint public hearing on the Wireless Telecommunications Infrastructure Zoning Ordinance amendment. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item #54.)

50. **2 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 91-S-031-02 (VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION ENERGY) (SPRINGFIELD DISTRICT)** (2:17 p.m.)

The application property is located at 12895 Clifton Creek Drive, Clifton, 20124. Tax Map 75-3 ((1)) 10.

Ms. Laura Angeline Crowder reaffirmed the validity of the affidavit for the record.

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

Ms. Crowder 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, Mr. Ellis presented the staff and Planning Commission recommendations.

Following a query by Supervisor Herrity, Ms. Crowder confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated March 29, 2019.

Supervisor Herrity moved approval of:

- Special Exception Amendment Application SEA 91-S-031-02, subject to the development conditions dated March 29, 2019
- Modification of Section 13-303 of the Zoning Ordinance (ZO) for transitional screening
- Modification of Section 13-304 of the ZO for the barrier requirement

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

51. **2 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), SECTION 7-2-13 (GENERAL PROVISIONS) TO RELOCATE THE POLLING LOCATION FOR THE BELLEVIEW PRECINCT (MOUNT VERNON DISTRICT)** (2:22 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 March 22 and March 29, 2019.

Beth Dixon Methfessel, Clerk to the Electoral Board, presented the staff report.

Following the public hearing, Supervisor Storck moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), Section 7-2-13 (General Provisions) to relocate the polling location for the Belleview Precinct. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor L. Smyth being out of the room.

52. **2 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-C-048 (PRINCE TOWNE, LLC) (HUNTER MILL DISTRICT)** (2:25p.m.)

(NOTE: On March 19, 2019, the Board deferred the public hearing until April 9, 2019.)

(NOTE: Earlier in the meeting, Supervisor Hudgins announced her intent to defer this public hearing. See Clerk's Summary Item CL # 42.)

Supervisor Hudgins moved to defer the public hearing on Proffered Condition Amendment Application PCA 84-C-048, until **May 21, 2019, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

53. **2 P.M. – PH ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA 2013-MV-001/CDPA 2013-MV-001 (WESLEY HUNTINGTON LANDLORD, LLC) (MOUNT VERNON DISTRICT)** (2:26 p.m.)

- (O) (NOTE: On March 19, 2019, the Board deferred the public hearing until April 9, 2019.)

The application property is located in the southeast quadrant of the intersection of Biscayne Drive and Huntington Avenue. Tax Map 83-1 ((8)) 92A, 92B, 93A, 93B, and 94A.

Ms. Sara V. Mariska reaffirmed the validity of the affidavit for the record.

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

Ms. Mariska 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, Mr. Rodenbeck presented the staff and Planning Commission (PC) recommendations.

Supervisor Storck submitted an item for the record.

Following inquiries, with input from Mr. Rodenbeck and Ms. Mariska concerning:

- The dollar amount set aside for a bike lane and the Department of Transportation's concurrence with that amount
- Staff outreach regarding neighborhood concerns including parking during construction and construction noise

Supervisor Storck moved approval of:

- Proffered Condition Amendment Application/Conceptual Development Plan Amendment Application PCA 2013-MV-001/CDPA 2013-MV-001, subject to the proffers dated April 9, 2019
- The following waivers and modifications distributed this afternoon dated April 9, 2019:
 - Modified Paragraph 10 of Section 17-201 of the Zoning Ordinance (ZO) to:
 - Underground the line that goes diagonally from the southeast corner of Huntington Avenue and Biscayne Drive to the west side of Biscayne Drive
 - Underground the overhead lines that run from the southeast corner of Huntington Avenue and Biscayne Drive to the northeast corner of Huntington Avenue and Farrington Avenue
 - Underground the portion of overhead line of Glendale Terrace on the southern portion of the site

- Underground the overhead line that crosses Huntington Avenue on the eastern side of the site
- Underground the overhead line that crosses Huntington Avenue on the eastern side of the site,
- Underground the overhead line that runs from north to south along the eastern property line, with no poles being undergrounded

- Reaffirmed a Modification of Section 11-203 of the ZO for required loading spaces to permit the single loading space depicted on the CDPA/Final Development Plan Amendment (FDPA)
- Reaffirmed a Modification of Section 13-303 of the ZO for transitional screening between the uses within the proposed development and surrounding properties to that shown on the CDPA/FDPA
- Reaffirmed a Waiver of Section 13-304 of the ZO for the barrier requirements between the uses within the proposed development and surrounding properties
- Reaffirmed a Waiver of Paragraph 2 of Section 17-201 of the ZO for the requirement to construct an on-road bike lane in favor of a contribution for future funding
- Reaffirmed a Waiver of Paragraph 3 of Section 17-201 of the ZO for the requirement to provide inter-parcel connections to adjoining parcels
- Reaffirmed a Waiver of Paragraph 4 of Section 17-201 of the ZO for further construction and/or widening of existing roads surrounding the application property

Chairman Bulova seconded the motion.

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

(NOTE: On March 14, 2019, the PC approved Final Development Plan Amendment Application FDPA 2013-MV-001, subject to the development conditions dated February 6, 2019.)

54. **2:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING ZONING FOR WIRELESS TELECOMMUNICATIONS INFRASTRUCTURE**

AND

2 P.M. – PH ON PROPOSED PLAN AMENDMENT 2019-CW-1CP, MOBILE AND LAND-BASED TELECOMMUNICATIONS POLICY PLAN (2:40 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 March 22 and March 29, 2019.

Lorrie Kirst, Senior Deputy Zoning Administrator, Department of Planning and Zoning, presented the staff report on the proposed amendments to Chapter 112 (Zoning Ordinance) of the Code of the County of Fairfax. Bryan Botello, Planner I, Planning Division, Department of Planning and Zoning (DPZ), presented the staff report on Plan Amendment 2019-CW-1CP.

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

Supervisor K. Smith moved adoption of the proposed Zoning for Wireless Telecommunications Infrastructure Zoning Ordinance amendment (Chapter 112 of the Code of the County of Fairfax) as dated April 8 2019, with an effective date of April 10, 2019, at 12:01 a.m. 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.”

Supervisor K. Smith moved adoption of the proposed Mobile and Land-based Telecommunication Services Comprehensive Plan text (Plan Amendment 2019-CW-1CP) as shown in the proposed amendment dated April 8, 2019. Supervisor Foust seconded the motion and it carried by unanimous vote.

Supervisor K. Smith thanked staff for its hard work on these two amendments.

55. **2:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF LITTLE RIVER TURNPIKE WALKWAY FROM COLUMBIA ROAD TO MAYHUNT COURT (MASON DISTRICT)** (2:56 p.m.)

- (R) 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 March 22 and March 29, 2019.

Stephen M. Bailey, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the Resolution, substantially in the form of Attachment B of the Board Agenda Item, authorizing the acquisition of certain land rights necessary for the construction of Project 5G25-060-045, Little River Turnpike Walkway from Columbia Road to Mayhunt Court, Fund 300-C30050, Transportation Improvements. 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.”

56. **2:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX I, REGARDING SPECIAL SERVICE DISTRICT FOR THE CONTROL OF INFESTATIONS OF INSECTS THAT MAY CARRY A DISEASE THAT IS DANGEROUS TO HUMANS, GYPSY MOTHS, CANKERWORMS, AND CERTAIN IDENTIFIED PESTS** (3 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 22 and March 29, 2019.

Joan Allen, Urban Forester IV, Urban Forest Management Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Chairman Bulova announced that the record would remain open to receive testimony until April 30, 2019, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings or to provide written comment.

57. **2:30 P.M. – PH ON A PROPOSAL TO ABANDON AND CONVEY A PORTION OF CAROLINA PLACE (MASON DISTRICT)** (3:03 p.m.)

- (R) 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 March 22 and March 29, 2019.

Roger Dindyal, Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the:

- Order abandoning a portion of Carolina Place, as contained in Attachment III of the Board Agenda Item
- Resolution conveying the abandoned right-of-way, substantially in the form of Attachment IV of the Board Agenda Item

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.”

58. **2:30 P.M. – PH ON REZONING APPLICATION RZ 2015-PR-014 (1690 OLD MEADOW HOLDINGS, LLC) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2015-PR-029 (1690 OLD MEADOW HOLDINGS, LLC) (PROVIDENCE DISTRICT)
(3:07 p.m.)

(NOTE: Earlier in the meeting, Supervisor L. Smyth announced her intent to defer this public hearing. See Clerk’s Summary Item CL # 41.)

Supervisor L. Smyth moved to defer the public hearing on Rezoning Application RZ 2015-PR-014 and Special Exception Application SE 2015-PR-029 until **May 7, 2019, at 4 p.m.** Supervisor Gross seconded the motion and it carried by unanimous vote.

59. **3 P.M. – PH ON THE FISCAL YEAR (FY) 2020 EFFECTIVE TAX RATE INCREASE** (3:09 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 7 and March 8, 2019.

Joseph M. Mondoro, Chief Financial Officer, Department of Management and Budget, presented the staff report.

Following the public hearing, Chairman Bulova announced that the record would remain open to receive testimony until April 30, 2019, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings or to provide written comment.

60. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL) SECTION 67.1-10-2 RELATING TO SEWER**

SERVICE CHARGES, BASE CHARGES, AVAILABILITY CHARGES, FIXTURE UNIT CHARGES, INTRODUCTION OF CHARGES FOR HAULED WASTEWATER AND AMENDMENTS TO CHAPTER 68.1 (INDIVIDUAL SEWAGE DISPOSAL FACILITIES) SECTION 68.1-9-1. C.2 RELATING TO LICENSE FEES FOR SEWAGE HANDLERS

(3:12 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 8 and March 15, 2019.

Following the public hearing, Chairman Bulova announced that the record would remain open to receive testimony until April 30, 2019, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings or to provide written comment.

61. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO CONSIDER PARKING RESTRICTIONS ON HUNTSMAN COURT (SPRINGFIELD DISTRICT)**

(3:14 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 March 22 and March 29, 2019.

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

Following the public hearing, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, establishing parking restrictions on Huntsman Court, as contained in Attachment I of the Board Agenda Item. Supervisor K. Smith 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.”

ADDITIONAL BOARD MATTERS

62. **FLATLICK BRANCH STREAM RESTORATION (SULLY DISTRICT)**

(3:17 p.m.)

Supervisor K. Smith complimented staff on the stream restoration at Flatlick Stream Branch. This past Saturday there was a fishing gate for children and the stream was stocked with over 600 trout.

63. **RESTON FOUNDERS DAY (HUNTER MILL DISTRICT)** (3:18 p.m.)

Supervisor Hudgins announced that Reston Founders Day was held this past Saturday. It was a beautiful day and a beautiful ceremony.

64. **“THE BEST OF RESTON” (HUNTER MILL DISTRICT)** (3:19 p.m.)

Supervisor Hudgins announced that this past Thursday, those in the community being recognized as the “Best of Reston” were honored at the Hyatt. Each year, the event continues to grow and the primary institution that it supports is Cornerstones. She thanked Supervisor McKay and County Executive Bryan J. Hill for their attendance.

65. **TEEN JOB FAIRS** (3:20 p.m.)

Supervisor Herrity announced that this past Friday, the first teen job fair during the week was held at Chantilly High School. The fair, held jointly with Supervisor K. Smith, had an outstanding turnout.

On Saturday, a fair was held at South County High School with Supervisor Storck.

The last teen job fair will be Saturday, April 27, at 10 a.m. in Mount Vernon; the event is jointly sponsored with Supervisor McKay and Supervisor Storck.

66. **PUBLIC SERVICE ANNOUNCEMENT (PROVIDENCE DISTRICT)**
(3:21 p.m.)

Supervisor L. Smyth announced that the gymnasium at the Providence Community Center will be closed Wednesday through Friday of this week so that the floors can be refinished.

67. **OFFICE OF COMMUNITY REVITALIZATION (OCR) POP-UP**
(3:21 p.m.)

Supervisor Storck said he recently had an opportunity to go to an OCR pop-up along Richmond Highway. A vacant store front was commandeered for a few days and it was a big success. The objective was to demonstrate the changes ongoing in the community and many local residents were able to attend. He encouraged the County to continue such events.

68. **RECESS** (3:23 p.m.)

The Board briefly recessed, and at 3:27 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

69. **COUNTY JOB FAIR** (3:27 p.m.)

Supervisor Gross announced that she had flyers from a County-sponsored job fair that will be held on Thursday and Friday, April 11 and 12, from 4 p.m. to 7 p.m., at the Government Center.

70. **SOUTH LAKES JOB FAIR (HUNTER MILL DISTRICT)** (3:28 p.m.)

Supervisor Hudgins announced that a South Lakes job fair was held a week ago. This was held during the school day so students were able to go directly from class to speak with numerous business representatives.

AGENDA ITEMS

71. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2018-LE-019 (NPC QUALITY BURGERS, INCORPORATED) (LEE DISTRICT)** (3:29 p.m.)

The application property is located at 6700 Richmond Highway, Alexandria 22306. Tax Map 93-1 ((1)) 1A (pt.).

Mr. Philip C. Dales reaffirmed the validity of the affidavit for the record.

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

Mr. Dales 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. Suder presented the staff and Planning Commission recommendations.

Supervisor McKay provided additional background concerning the application.

Following input from Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning and a query by Supervisor McKay, Mr. Dales confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated March 20, 2019.

Supervisor McKay moved approval of:

- Special Exception Application SE 2018-LE-019, subject to the development conditions dated March 20, 2019
- Modification of the lot size requirements of Section 4-606 in accordance with Section 9-622 of the Zoning Ordinance

(ZO) to permit the lot size and lot width as shown on the SE plat

- Waiver of the loading space requirements of Section 11-203 of the ZO in favor of that shown on the SE plat
- Modification of Paragraph 2 of Section 13-203 of the ZO to permit a variable width landscape planting strip along the Richmond Highway Service Road frontage as shown on the SE plat

Supervisor Storck seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

72. **RECESS** (3:40 p.m.)

The Board briefly recessed, and at 4 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

73. **4 P.M. – PH ON THE COUNTY EXECUTIVE’S PROPOSED FISCAL YEAR (FY) 2020 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYs 2020-2024 (WITH FUTURE FYs TO 2029) AND THE CURRENT APPROPRIATION IN THE FY 2019 REVISED BUDGET PLAN** (4:01 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 22 and March 29, 2019.

Chairman Bulova announced that tonight is the first of three days of public hearings on the FY 2020 Budget as proposed by the County Executive. During the public hearings, testimony will be accepted on the FY 2020 Effective Tax Rate and also the sewer service charges (which public hearings were held earlier in the meeting).

Chairman Bulova announced that the public hearing would begin with a presentation by the School Board and called upon Karen Corbett Sanders, Chairman, Fairfax County School Board.

Chairman Corbett Sanders introduced the following members of the School Board who were present in the Board Auditorium:

- Ilryong Moon, Vice-Chairman and Member At-Large
- Megan McLaughlin, Braddock District Representative

Chairman Corbett Sanders also recognized the presence of:

- Dr. Scott Brabrand, Fairfax County Public Schools (FCPS) Superintendent
- Leigh Burden, Assistant Superintendent, Department of Financial Services (FCPS)

Chairman Corbett Sanders delivered the school's annual presentation.

Chairman Bulova thanked the School Board for its presentation and commented on the partnership the Boards have experienced over the past few years. A joint meeting was recently held to discuss initiatives on climate, energy, and the environment. As a result of this meeting, a committee comprised of members from both the Board of Supervisors and the School Board will be formed called the Joint Environmental Task Force (JET). Chairman Bulova stated that she is looking forward to working together on energy and environmental issues.

Supervisor Gross asked unanimous consent that the Board direct staff to recirculate information previously compiled regarding annual General Obligation Bond sales, debt service, and adhering to the 10 percent cap, and update per FCPS's current request to increase to \$205 million.

Without objection it was so ordered.

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

The Board heard testimony from 29 speakers.

74. **BOARD RECESS** (7:35 p.m.)

Chairman Bulova announced that the Board would recess until 1 p.m. on April 10, 2019, at which time the budget public hearings will continue regarding:

- Proposed adoption of the County Executive's Fiscal Year (FY) 2020 Advertised Budget Plan
- Capital Improvement Program for FY 2020-2024 (with future FYs to 2029)
- Current appropriation level in the FY 2020 Revised Budget Plan

Chairman Bulova also announced that the Budget Mark-up will be held on April 30, 2019, at 10:00 a.m.