



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
July 30, 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, July 30, 2019, at 9:34 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor 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; Dottie Steele, Chief Deputy Clerk to the Board of Supervisors; Ekua Brew-Ewool and Kecia Kendall, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:35 a.m.)

The Board asked everyone to keep in thoughts the family and friends of:

- Mrs. June Pape, mother of Ms. Marcia M. Pape, who died recently
- Mr. Arnold Hantman, father of Ms. Claudia Arko, who died recently

The Board asked to everyone to keep in thoughts the families of the victims of the random shooting at the Gilroy Garlic Festival in California.

AGENDA ITEMS2. **FAREWELL AND THANK YOU TO DR. ANGEL CABRERA AND DR. BETH CABRERA** (9:37 a.m.)

The Board bid farewell and thanked Dr. Angel Cabrera, president of George Mason University, and his wife, Dr. Beth Cabrera, for their years of service to the County.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE ROBINSON SECONDARY SCHOOL VARSITY WRESTLING TEAM (BRADDOCK DISTRICT)** (9:55 a.m.)

Supervisor Cook moved approval of the Certificate of Recognition presented to the Robinson Secondary School Varsity Wrestling Team for its remarkable “deep” talent and diligent team effort, resulting in winning the 2019 Virginia High School League Class 6 State wrestling title, its eighth State Wrestling Championship in the school’s history. Supervisor Herrity seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING AUGUST 6, 2019, AS “NATIONAL NIGHT OUT” IN FAIRFAX COUNTY** (10:04 a.m.)

Supervisor Hudgins moved approval of the Proclamation designating August 6, 2019 as “*National Night Out*” in Fairfax County. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING SEPTEMBER 2019 AS “ENVIRONMENTAL HEALTH AWARENESS MONTH” IN FAIRFAX COUNTY** (10:19 a.m.)

Supervisor Storck moved approval of the Proclamation designating September 2019 as "*Environmental Health Awareness Month*" in Fairfax County. Supervisor Foust seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING SEPTEMBER 2019 AS "EMERGENCY PREPAREDNESS MONTH" IN FAIRFAX COUNTY**
(10:30 a.m.)

Supervisor Foust moved approval of the Proclamation designating September 2019 as "*Emergency Preparedness Month*" in Fairfax County and urged all residents to participate in County, State and national efforts to ensure that everyone is better prepared for emergencies. Supervisor Gross seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

7. **INTRODUCTION OF INTERN (SULLY DISTRICT)** (10:42 a.m.)

Supervisor K. Smith introduced Travis Smith, an intern in her office. He is a recent graduate of Chantilly High School and will be attending George Mason University in the fall.

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

8. **UPDATE ON THE JULY 8, 2019, RAIN EVENT** (10:43 a.m.)

Chairman Bulova announced that later in the meeting, the Board will take action to terminate the Declaration of a Local Emergency.

Seamus Mooney, Director, Office of Emergency Management (OEM), provided an update on the rain event that occurred on July 8, 2019, and actions being taken by staff to meet the needs of residents and business who were affected by the storm.

Discussion ensued, with input from Mr. Mooney and Randy Bartlett, Director, Department of Public Works and Environmental Services (DPWES), regarding:

- Informing residents of the kinds of assistance available to them
- Coordination between OEM, Land Development Services, and DPWES, on flood mitigation projects
- Adequacy of existing stormwater facilities to handle rain events
- Increasing the frequency of County brush pick up

- Keeping the community informed of cleanup efforts
- Impacts of infill development and loss of tree coverage
- Ensuring emergency vehicle access when roadways are impassible

Supervisor Storck invited anyone interested in learning about floodplains to attend a presentation on *living in a flood plain 101*, on August 19, 2019, at 7 p.m. at the Mount Vernon Government Center.

(NOTE: Later in the meeting, action was taken to terminate the Declaration of a Local Emergency. See Clerk's Summary Item #25.)

AGENDA ITEMS

9. **10:10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (11:24 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard July 30, 2019." Supervisor McKay seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Mason District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Hunter Mill Business District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #1, #2, and #3 Representatives.

ARCHITECTURAL REVIEW BOARD

Appointment of:

- Ms. Samantha Huang as the Related Professional Group #4 Representative

ATHLETIC COUNCIL

Appointment of:

- Mr. Brian Luwis as the Dranesville District Alternate Representative
- Mr. John Corley as the Mount Vernon District Alternate Representative

The Board deferred the appointment of the Diversity-At-Large Principal, Lee District Alternate, Mason District Alternate, and the Women's Sports Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointment of:

- Mr. Ken Balbuena as the At-Large Chairman's Representative
- Honorable Emilie F. Miller as the Providence District Representative

The Board deferred the appointment of the Hunter Mill, Lee, and Mason District Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Hunter Mill District Representative.

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

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

CIVIL SERVICE COMMISSION

Appointment of:

- Ms. Deborah A. Woolen as the At-Large #2 Representative

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Appointment of:

- Mr. Theodore T. Choi as the Mount Vernon District Representative

Confirmation of:

- Mr. Morgan Jameson as the Federation of Citizens Associations Representative

CONSUMER PROTECTION COMMISSION

Reappointment of:

- Mr. Dennis D. Kirk as the Fairfax County Resident #4 Representative

The Board deferred the appointment of the Fairfax County Resident #1 Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Reappointment of:

- Mr. Brian D. Leclair as the Mount Vernon Representative

The Board deferred the appointment of the Sully District Representative.

ECONOMIC ADVISORY COMMISSION

The Board deferred the appointment of the Hunter Mill District Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #4 Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Appointment of:

- Ms. Elizabeth John as the Dranesville District Representative

The Board deferred the appointment of the Hunter Mill District Representative.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Carol Edelstein as the Long Term Care Providers #20 Representative

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Confirmation of:

- Mr. Ricky L. Brown as the Fairfax County Employee Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

The Board deferred the appointment of the At-Large #2, #3, and Springfield District Representatives.

HEALTH CARE ADVISORY BOARD

Reappointment of:

- Dr. Timothy E. Yarboro as the At-Large Representative

Appointment of:

- Ms. Maia Cecire as the Lee District Representative

HEALTH SYSTEMS AGENCY BOARD

Reappointment of:

- Mr. Douglas A. Samuelson as the Consumer #4 Representative

The Board deferred the appointment of the Provider #4 Representative.

HISTORY COMMISSION

The Board deferred the appointment of the Architect and Historian #1 Representatives.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #8 Representative.

HUMAN SERVICES COUNCIL

Reappointment of:

- Mr. Kevin H. Bell as the At-Large #1 Chairman's Representative
- Ms. Patrice M. Winter as the Braddock District #2 Representative
- Mr. Steven Bloom as the Dranesville District #1 Representative

The Board deferred the appointment of the Lee District #1, Providence District #2 and the Sully District #2 Representatives.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

LIBRARY BOARD

Reappointment of:

- Ms. Jane Miscavage as the At-Large Chairman's Representative

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Appointment of:

- Mr. Christopher Wade as the Fairfax County #1 Representative

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

The Board deferred the appointment of the At-Large Chairman's, Braddock, Dranesville, Lee, Mason, Mount Vernon, and Providence District Representatives.

POLICE CIVILIAN REVIEW PANEL

The Board deferred the appointment of the Seat #6 Representative.

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #1, #4, and #5 Representatives.

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY

The Board deferred the appointment of the Mason District Representative.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Citizen Member #1 and #2, Condo Owner, Landlord Member #2, and Tenant Member #1 Representatives.

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE

The Board deferred the appointment of the Hunter Mill District Representative.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Providence District Representative.

TREE COMMISSION

The Board deferred the appointment of the Springfield District Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Commercial or Retail Ownership #3, Hunter Mill District #1, Providence District #2, and Residential Owners and HOA/Civic Association #1 Representatives.

WATER AUTHORITY

Reappointment of:

- Mr. Richard Dotson as the Providence District Representative

The Board deferred the appointment of the Hunter Mill District Representative.

10. **ADMINISTRATIVE ITEMS** (11:25 a.m.)

Supervisor Gross moved approval of the Administrative Items 1-8, and 10, and consideration of Admin 9 separately, the second to which was inaudible.

Supervisor Foust called the Board's attention to Admin 10 - Authorization to Advertise a Public Hearing on the County and Schools' Fiscal Year (FY) 2019 Carryover Review to Amend the Appropriation Level in the FY 2020 Revised Budget Plan.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to consider Admin 10 separately, and this was accepted.

The question was called on the motion, as amended, to approve Administrative Items 1-8, with the exception of Admin 9 and Admin 10, 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."

Vice-Chairman Gross returned the gavel to Chairman Bulova.

ADMIN 1 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE WESTFORD LANDING COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 24, 2019, at 5 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Westford Landing CPD.

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE FAIR OAKS FARMS COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 24, 2019, at 5 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Fair Oaks Farms CPD.

ADMIN 3 - APPROVAL OF INSTALLATION OF "\$200 ADDITIONAL FINE FOR SPEEDING" SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (LEE DISTRICT)

- (R)
- Adopted the Resolution substantially in the form of attachment 1 of the Board Agenda Item, for the installation of “\$200 Additional Fine for Speeding” signs on the following road:
 - Harrison Lane (Lee District)
 - Directed Department of Transportation (DOT) staff to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible.

ADMIN 4 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE DISTRICT)

- Endorsed the following traffic calming measures, as contained in Attachment 1 of the Board Agenda Item:
 - Two Speed Tables on Youngblood Street (Dranesville District)
- Directed Department of Transportation (DOT) staff to schedule the installation of the approved traffic calming measures as soon as possible

ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF PEYTON RUN AT LONGWOOD KNOLLS STREAM RESTORATION (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 24, 2019, at 4:30 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project SD-000031, Stream and Water Quality Improvements, Peyton Run at Longwood Knolls Stream Restoration, Fund 40100, Stormwater Services.

ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF GLADE DRIVE WALKWAY – COLTS NECK ROAD TO FREETOWN DRIVE (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 24, 2019, at 4:30 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project 2G40-088-007, Glade Drive Walkway – Colts Neck Road to Freetown Drive, in Fund 40010, County and Regional Transportation Projects.

ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF KIRBY ROAD WALKWAY – HALSEY ROAD TO FRANKLIN AVENUE (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 24, 2019, at 5 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project ST-000036, County-Maintained Pedestrian Improvements – 2014, Kirby Road Walkway – Halsey Road to Franklin Avenue, Fund 30050, Transportation Improvements.

ADMIN 8 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (HUNTER MILL DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-H19-6	Fairfax County Park Authority Lake Fairfax Park Tax Map Nos. 18-1 ((1)) 6, 18-1 ((1)) 7; 18-1 ((7)) C; 18-2 ((1)) 39; 18-3 ((1)) 1a; 18-3 ((1)) 3; and 18-4 ((1)) 1 1400 Lake Fairfax Drive Reston, VA Hunter Mill District Accepted June 11, 2019	Extend to May 11, 2020

ADMIN 9 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, ADDING A NEW CHAPTER 9.2 AND REPEALING CHAPTER 9.1, RELATING TO CABLE REGULATION AND FRANCHISING

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #11.)

ADMIN 10 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2019 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2020 REVISED BUDGET PLAN (11:27 a.m.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #12.)

11. **ADMIN 9 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF FAIRFAX COUNTY BY ADDING A NEW CHAPTER 9.2 AND REPEALING CHAPTER 9.1, RELATING TO CABLE REGULATION AND FRANCHISING** (11:34 a.m.)

(A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See page #10.)

Michael Liberman, Director, Department of Cable and Consumer Services, described the amendment to Attachment 1 of the Board Agenda Item, that had previously been distributed.

Supervisor Gross moved that the Board authorize the advertisement of a public hearing to be held before the Board on **September 24, 2019, at 5:30 p.m.**, to consider the adoption of an ordinance that amends the Code of the County of Fairfax by adding a new Chapter 9.2 and repealing Chapter 9.1, relating to cable regulation and franchising, the second to which, was inaudible.

Discussion ensued, with input from Erin Ward, Deputy County Attorney, regarding State and Federal restrictions on the types of provisions that the Board can include in a cable franchise agreement.

Supervisor McKay asked unanimous consent that the Board direct staff to provide a legal memorandum outlining whether there are restrictions to the County requiring the undergrounding of utilities as part of the Franchise Agreement. Without objection, it was so ordered.

Supervisor Gross asked to amend the request to include the County's legal authority to regulate cable franchising. Without objection, the amended request, was so ordered.

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

12. **ADMIN 10 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2019 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2020 REVISED BUDGET PLAN** (11:27 a.m.)

(A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See page #10.)

Christina Jackson, Director, Department of Management and Budget, gave a brief presentation on the Carryover balance.

Discussion ensued, with input from Joseph Mondoro, Chief Financial Officer, regarding position adjustments of non-merit to merit positions, the Operational Energy Strategy funding and the Economic Opportunity Reserve Fund.

Supervisor McKay asked unanimous consent that the Board direct staff to provide the Carryover package sooner to allow more time for review. Without objection, it was so ordered.

Supervisor Gross moved that the Board authorize the advertisement of a public hearing to be held before the Board on **September 24, 2019, at 10:30 a.m.**, regarding the County and Schools' FY 2019 Carryover Review to amend the appropriation level in the FY 2020 Revised Budget Plan. Supervisor McKay seconded the motion and it carried by unanimous vote.

13. **A-1 – APPROVAL OF A LICENSE AGREEMENT TO RELOCATE A SLUG LINE TO SPRINGFIELD UNITED METHODIST CHURCH (LEE DISTRICT)** (11:42 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the license agreement, substantially in the form as contained in Attachment I of the Board Agenda Item, to relocate a slug line to the Springfield United Methodist Church parking lot
- Authorized the Director of the Department of Transportation to execute this agreement on behalf of the County

14. **A-2 – APPROVAL OF A LEASE AGREEMENT TO ADD COMMUTER PARKING AND A SLUG LINE AT SPRINGFIELD TOWN CENTER (LEE DISTRICT)** (11:43 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the lease agreement, substantially in the form as contained in Attachment I of the Board Agenda Item, to add 308 commuter parking spaces and one slug line at Springfield Town Center,
- Authorized the Director of the Department of Transportation to execute this agreement on behalf of the County

15. **A-3 – APPROVAL OF AGREEMENT BETWEEN THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION AND FAIRFAX COUNTY FOR THE UTILIZATION OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS**

FOR FISCAL YEAR (FY) 2020 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAMS (11:44 a.m.)

(R) On motion of Supervisor Foust, seconded by Supervisor K. Smith, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and:

- Authorized the Director of the Department of Transportation to sign the project agreement, substantially in the form of Attachment 1 of the Board Agenda Item, for use of \$343,925 in CMAQ funds for the promotion of TDM programs in FY 2020
- Adopted a Resolution substantially in the form of Attachment II of the Board Agenda Item

16. **A-4 – APPROVAL OF AND AUTHORIZATION TO EXECUTE AN AMENDED AND RESTATED AGREEMENT WITH CAPITAL ONE TYSONS BLOCK C OWNER, LLC, FOR USE OF CAPITAL ONE HALL** (11:45 a.m.)

Michael Liberman, Director, Department of Cable and Consumer Services, outlined the proposed amendments to the agreement.

Supervisor L. Smyth moved that the Board concur in the recommendation of staff and:

- Approved the Amended and Restated Agreement (Restated Agreement) with Capital One
- Authorized the County Executive to execute the Restated Agreement substantially in the form presented at the meeting at which the Restated Agreement was approved, with such changes, insertions and omissions as may be approved by the County Executive in consultation with the County Attorney, the execution of the Restated Agreement with Capital One by the County Executive to be conclusive evidence of the Board’s approval of any such changes, insertions, and omissions therein
- To enable the expeditious processing of appropriate adjustments to the Seasonal List and scheduling processes that may be identified after operations begin, the Board granted the County Executive the authority to approve and execute future amendments to the Restated Agreement that he may deem necessary, appropriate, and consistent with the approved public facility commitment

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

17. **A-5 – APPROVAL OF A PLAIN LANGUAGE EXPLANATION FOR THE 2019 BOND REFERENDUM FOR IMPROVEMENTS TO PUBLIC SCHOOLS** (11:47 a.m.)

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

- Approved the plain language explanation
- Authorized staff to translate it, post it online, and print sufficient copies to make available at County absentee voting sites and polling places

Discussion ensued, with input from Erin Ward, Deputy County Attorney and Joe LaHait, Debt Coordinator, Department of Management and Budget, regarding the timeline for both County and Schools distribution of information detailing the projects to be covered in the bond referendum. Supervisor Gross seconded the motion and it carried by unanimous vote.

18. **A-6 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO MAKE A HOUSING BLUEPRINT LOAN IN THE AMOUNT UP TO \$3,000,000 TO THE RESIDENCES AT NORTH HILL BOND 94, LLC TO FINANCE THE DEVELOPMENT OF THE RESIDENCES AT NORTH HILL (MOUNT VERNON DISTRICT)** (11:55 a.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and authorized the FCRHA to make the proposed loan in the amount up to \$3,000,000 to the Residences at North Hill Bond 94, LLC for the development of The Residences at North Hill. Supervisor McKay seconded the motion.

Thomas Fleetwood, Director, Department of Housing and Community Development, made a brief presentation, referencing the amended Board Item previously distributed.

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

Supervisor Storck recognized Hossein Malayeri, Deputy Director, Real Estate, Finance and Development, Department of Housing and Development, who will be retiring in August and thanked him for his work on the project.

19. **A-7 – AUTHORIZATION TO EXECUTE A PROJECT AGREEMENT BETWEEN THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND THE COUNTY TO PROVIDE FUNDING FOR THE OPERATING COSTS OF BUS SERVICE TO**

MITIGATE IMPACTS RESULTING FROM THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) SHUTDOWN ALONG THE METRORAIL SYSTEM'S BLUE AND YELLOW LINES SOUTH OF THE RONALD REAGAN NATIONAL AIRPORT METRORAIL STATION (LEE, MASON, MOUNT VERNON AND SPRINGFIELD DISTRICTS) (12 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the Project Agreement with DRPT, substantially in the form of Attachment 1 of the Board Agenda Item
- Authorized the Director of the Department of Transportation to execute the Agreement on behalf of the County

20. **A-8 – ENDORSEMENT OF DESIGN PLANS FOR THE RICHMOND HIGHWAY CORRIDOR IMPROVEMENTS PROJECT FROM JEFF TODD WAY TO SHERWOOD HALL LANE (LEE AND MOUNT VERNON DISTRICTS)** (12:01 p.m.)

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

- Endorsed the design plans for the Richmond Highway Corridor Improvements project administered by Virginia Department of Transportation (VDOT) as generally presented at the March 26, 2019, Design Public Hearing
- Authorized the Director of the Department of Transportation to transmit the Board's endorsement to VDOT as contained in Attachment I of the Board Agenda Item

Supervisor Storck seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, regarding the cross-section of the right of way, vehicular speed control, and finding ways to underground utilities.

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

21. **A-9 – AUTHORIZATION TO AMEND A PROJECT ADMINISTRATION AGREEMENT (PAA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE IMPLEMENTATION OF ROLLING ROAD WIDENING FROM OLD KEENE MILL ROAD TO HUNTER VILLAGE DRIVE (SPRINGFIELD DISTRICT)** (12:10 p.m.)

- (R) On motion of Supervisor Herrity, seconded by Supervisor L. Smyth, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” moved that the Board concur in the recommendation of staff and:
- Approved an additional \$27.7 million in funding for the Project
 - Adopted a Resolution, substantially in the form of Attachment 1 of the Board Agenda Item, authorizing the Director of the Department of Transportation to execute an amendment to the PAA with VDOT, substantially in the form of Attachment 2 of the Board Agenda Item, for the implementation of the Project

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

22. **A-10 – APPROVAL OF A DRAFT BOARD OF SUPERVISORS MEETING SCHEDULE FOR CALENDAR YEAR 2020** (12:10 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the revised draft meeting schedule for January through December 2020. Chairman Bulova seconded the motion.

Following discussion, regarding the Committee meeting schedule, the question was called on the motion and it carried by unanimous vote.

23. **A-11 – APPROVAL OF FISCAL YEAR (FY) 2019 YEAR-END PROCESSING** (12:18 p.m.)

On motion of Supervisor Gross, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized staff to process payment vouchers for items previously approved and appropriated in FY 2019 for the interim period from July 1 until the Board approves the FY 2019 Carryover Review, which is scheduled for action on September 24, 2019.

24. **3 P.M. – A-12 – BOARD APPROVAL OF A MINOR VARIATION REQUEST FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-MV-033, FAIRFAX COUNTY BOARD OF SUPERVISORS, TO ADD CRAFT BEVERAGE PRODUCTION ESTABLISHMENT AND SMALL-SCALE PRODUCTION ESTABLISHMENT AS PERMITTED SECONDARY USES UNDER PROFFER 6(A) AT THE WORKHOUSE ARTS CENTER (MOUNT VERNON DISTRICT)** (12:18 p.m.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk’s Summary Items #46 and #55.)

25. **A-13 – ADOPTION OF A RESOLUTION TERMINATING A DECLARATION OF LOCAL EMERGENCY AND CONSENTING TO ALL ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF** (12:19 p.m.)

(R) (NOTE: Earlier in the meeting, this item was discussed. See Clerk’s Summary Item #8.)

Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution to:

- Terminate the Declaration of Local Emergency
- Approve and consent to all actions taken by the Director of Emergency Management and County pursuant to the Declaration of Local Emergency and the Fairfax County Emergency Operations Plan

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.”

26. **C-1 – APPEAL OF A NOTICE OF VIOLATION OF THE CHESAPEAKE BAY PRESERVATION ORDINANCE FOR 10622 BELMONT BOULEVARD (MOUNT VERNON DISTRICT)** (12:21 p.m.)

Chairman Bulova announced that this item has been withdrawn.

27. **I-1 – CONTRACT AWARD - CONSULTING SERVICES FOR A COMPREHENSIVE WATER AND SEWER RATE STUDY** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda, announcing that staff is awarding a contract to Management and Financial Services Group, LLC for consultant services to establish a Comprehensive Water and Sewer Rate Study.

28. **ORDERS OF THE DAY** (12:20 p.m.)

Chairman Bulova announced that the Board will need two hours and 15 minutes for closed session, therefore, following lunch, the Board will report into closed session at 1:15 p.m.

ADDITIONAL BOARD MATTERS

29. **NO BOARD MATTERS FOR CHAIRMAN BULOVA** (12:21 p.m.)

Chairman Bulova announced that she had no Board Matters to present today.

30. **MOTION TO EXPEDITE CHRISTOPHER LAND, LLC REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2019-SP-006 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-S-001 (SPRINGFIELD DISTRICT)** (12:21 p.m.)

Supervisor Herrity announced that Christopher Land LLC, the contract purchaser of 12.32 acres of land, is seeking a rezoning to develop a 25 dwelling unit residential community with open space located on Tax Map 79-3 ((4)) 26A, 27A1, 27B, 31B and a special exception amendment to modify the land area subject to the special exception and continued operation of a school of general education located on Tax Map 79-3 ((4)) 27A1 and 31B.

Therefore, Supervisor Herrity moved that the Board direct staff to expedite the public hearings for Rezoning/Final Development Plan Application RZ/FDP 2019-SP-006 and Special Exception Amendment Application SEA 97-S-001 until October 29, 2019. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Supervisor Foust seconded the motion and it carried by unanimous vote.

31. **INITIATION OF A COMPREHENSIVE PLAN AMENDMENT FOR 9439 LEESBURG PIKE, VIENNA (DRANESVILLE DISTRICT)** (12:23 p.m.)

Supervisor Foust announced that 9439 Leesburg Pike, in the Wolf Trap Planning Sector (M7) of the McLean Planning District, is zoned R-1 and is currently developed with a retail plant nursery. The 6.72-acre site is planned for a density of 1-2 dwelling units per acre.

Brightview Senior Living Development, LLC proposes to redevelop the subject property as a continuing care facility. The facility would have approximately 172 units with a maximum size of approximately 191,000 square feet. A Comprehensive Plan amendment is required to consider Brightview Senior Living's proposal.

Therefore, Supervisor Foust moved that the Board direct staff to evaluate a Comprehensive Plan amendment for Tax Map 19-3 ((1)) 19 that would consider a continuing care facility up to an intensity of .65 floor area ratio (FAR). The impacts of the proposed use, including buffering, access, transportation and other infrastructure should be included in the review. This motion should not be construed as a favorable recommendation by the Board on the proposed application 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.

32. **REQUEST FOR PROCLAMATION DECLARING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH** (12:25 p.m.)

Supervisor Cook, referencing his written Board Matter, stated that the purpose of Domestic Violence Awareness Month is to raise public awareness of domestic violence and the resources available to those impacted by it.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite the staff of Domestic and Sexual Violence Services, volunteers from the Domestic Violence Prevention, Policy Coordinating Council and the Domestic Violence Community to appear before the Board on October 15, 2019, to receive a proclamation declaring October 2019 as “*Domestic Violence Awareness Month*” in Fairfax County. Without objection, it was so ordered.

33. **REQUEST FOR PROCLAMATION DECLARING SEPTEMBER AS SUICIDE AWARENESS MONTH** (12:26 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Cook, referencing his written Board Matter, stated that suicide is the tenth leading cause of all deaths in the U.S. In 2017, suicide was the second leading cause of death among individuals between the ages of 10 and 34, and the fourth leading cause of death among individuals between the ages of 35 and 54. For every suicide loss, families, friends and community members suffer.

Other organizations, including the ConnerStrong Foundation, Josh Anderson Foundation, Becky Love Foundation, Community of Solutions and the Eric Monday Foundation are to be commended for their work in suicide prevention. These organizations and PRS, AFSP and CSB all understand the value of the services provided. For every loss to suicide, 280 people live through their thoughts and thrive.

Therefore, jointly with Chairman Bulova, Supervisor Cook asked unanimous consent that the that the Board direct staff to invite the American Foundation for Suicide Prevention, PRS CrisisLink, the CSB and other partners in suicide prevention to appear before the Board on September 24, 2019, to receive a proclamation declaring September as “*Suicide Awareness Month*” in Fairfax County. Without objection, it was so ordered.

34. **MOTION TO EXPEDITE CLASSIC COTTAGES, LLC - SPECIAL EXCEPTION APPLICATION SE 2018-BR-028 (BRADDOCK DISTRICT)** (12:27 p.m.)

Supervisor Cook stated that Classic Cottages, LLC has filed Special Exception Application, SE 2018-BR-028, for approximately 8.086 acres identified as Tax Map 58-3 ((6)) lots 37, 38, and 38A. The applicant proposes a redevelopment under the current R-1 zoning with seven single-family detached dwellings,

pursuant to the cluster provisions of the Zoning Ordinance. The application is scheduled for Planning Commission consideration on September 18, 2019.

The applicant hopes to receive a decision on the rezoning application prior to November 2019. To meet this objective, the applicant has asked for consideration of expedited processing with the scheduling of a public hearing before the Board.

Therefore, Supervisor Cook moved that the Board direct the Clerk to the Board to schedule Special Exception Application SE 2018-BR-028 for a public hearing to be held before the Board on October 15, 2019. This motion should not be construed as a favorable recommendation by the Board on the proposed application 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.

35. **MOTION TO EXPEDITE TOLL MID-ATLANTIC LP COMPANY, INCORPORATED - REZONING APPLICATION RZ 2019-PR-001 (PROVIDENCE DISTRICT)** (12:28 p.m.)

Supervisor L. Smyth stated that Toll Mid-Atlantic LP Company, Incorporated has filed a rezoning application for the development of single-family detached dwellings off Lee Highway. Rezoning Application RZ 2019-PR-001 has been filed and accepted for review with a Planning Commission hearing scheduled for September 25, 2019. To ensure that this application can be heard before the end of October, the applicant has requested a concurrent Board hearing date.

Therefore, Supervisor L. Smyth moved that the Board direct the Clerk to the Board to schedule Rezoning Application RZ 2019-PR-001 for a public hearing to be held before the Board on October 15, 2019. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Supervisor Herrity seconded the motion and it carried by unanimous vote.

36. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF) /ECONOMIC OPPORTUNITY RESERVE (EOR) NOMINATION FOR TYSONS PARTNERSHIP** (12:30 p.m.)

In a joint Board Matter with Supervisor Foust and Supervisor Hudgins, Supervisor L. Smyth stated that the Tysons Partnership serves as the implementation entity for the County's Comprehensive Plan vision for Tysons. It is a 501(c)4 public-private partnership which works collaboratively with the County and Tysons stakeholders, serving as a convener, voice, and catalyst for the many groups that make Tysons vibrant. It currently has 130 organizational members.

Tyson's is a major contributor to the economic success of the County and the region. From 2014 to 2019 the assessed value of Tyson's real estate increased from \$12.4B to \$16.8B and serves as the home to five Fortune 500 companies.

The Tyson's Partnership is implementing a multi-year, place branding strategy and campaign for Tyson's. They have engaged with a design firm to develop a place branding strategy to elevate Tyson's and create a shared message for the diverse range of stakeholders. The strategy development is in process and expected to be complete by December, leading to execution in 2020.

To be successful, large branding efforts require a consistent, long term, sustained effort with placemaking activities that ensure the brand lives up to its promise. The Tyson's Partnership is seeking a seed investment from the County for this effort, which will be matched by private funds.

Therefore, jointly with Supervisor Foust, Supervisor L. Smyth moved that the Board direct the County Executive:

- Prepare an Initial Project Evaluation of a potential investment of \$500,000 - \$1,000,000 to the Tyson's Partnership to support their branding campaign and further exploration of a sustainable business and funding model for the Partnership
- That no investment from the Economic Development Support Fund be made until the Board has approved the use of those funds.

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

37. **REQUEST FOR PROCLAMATION DECLARING SEPTEMBER AS SICKLE CELL AWARENESS MONTH** (12:34 p.m.)

Supervisor Hudgins, referencing her written Board Matter, stated that Sickle Cell disease is a group of inherited red blood cell disorders. There are serious health problems associated with the disease. Between one to three million people in the U.S. carry the sickle cell trait (one sickle cell gene). It is important for people to know their status by getting tested for the sickle cell trait, which may be passed on to a child as sickle cell disease if the child receives two sickle cell genes—one from each parent.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a proclamation for presentation to the Heart of Gold Sickle Cell Foundation, Dr. Elizabeth Yang and the Be The Match Organization at the Board meeting on September 24, 2019, and proclaim September 2019 “*National Sickle Cell Awareness Month*” in Fairfax County. Without objection, it was so ordered.

38. **REQUEST FOR PROCLAMATION DECLARING SEPTEMBER AS KINSHIP CARE MONTH** (12:35 p.m.)

Supervisor Hudgins, referencing her written Board Matter, stated kinship caregivers are relatives or close personal friends who raise a child when a parent is unable to do so.

The Department of Family Services as well as the Kinship Family Institute, George Mason University and other agencies, are working together to address the challenges and celebrate the strengths of Kinship Care families.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Direct staff to prepare a proclamation for presentation to the Department of Family Services at the Board meeting scheduled for September 24, 2019
- Proclaim September 2019 “*Kinship Care Month*” in Fairfax County

Without objection, it was so ordered.

39. **REQUEST FOR PROCLAMATION DECLARING OCTOBER AS HEAD START AWARENESS MONTH** (12:37 p.m.)

Supervisor Hudgins noted that Head Start was established in May 1965, and has provided educational, health and social services to more than 36 million children and their families in every state and territory of the U.S. for the last 54 years. The County established its first Head Start program in 1974 and currently provides services to 2,067 Head Start and 280 Early Head Start children.

The Department of Neighborhood and Community Services Office for Children and the federal Office of Administration for Children and Families Office of Head Start will be recognizing Head Start and Early Head Start children, families and staff during National Head Start Awareness Month in October.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Direct staff to prepare a proclamation for presentation to Department of Neighborhood and Community Services Office for Children at the Board meeting scheduled for October 15, 2019
- Proclaim October 2019 Head Start Awareness Month

Without objection, it was so ordered.

40. **COUNTY 4-H FAIR AND CARNIVAL (HUNTER MILL DISTRICT)**
(12:38 p.m.)

Supervisor Hudgins, referencing her written Board Matter, announced that the County 4-H Fair and Carnival is opening on Thursday, August 1 through Sunday, August 4, 2019, at Frying Pan Farm Park in Herndon. Admission to the fair is free, parking is \$10 per vehicle on Saturday and Sunday.

41. **RECOGNIZING THE FIFTIETH ANNIVERSARY OF HIDDEN OAKS NATURE CENTER (MASON DISTRICT)** (12:39 p.m.)

Supervisor Gross announced that Hidden Oaks Nature Center is celebrating its fiftieth anniversary this year. It was the first Fairfax County Park Authority nature center and has been an invaluable resource for residents of the County and all of Virginia, with live animal displays, Scouting programs.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition, signed by the Chairman and the Mason District Supervisor, congratulating the Hidden Oaks Nature Center for 50 years of dedicated and outstanding community engagement, natural resource education, and habitat protection, to be presented at a celebratory event on October 19, 2019, at the Hidden Oaks Nature Center. Without objection, it was so ordered.

42. **INTENT TO DEFER THE PUBLIC HEARING ON STONEBRIDGE INVESTMENTS, LLC - SPECIAL EXCEPTION APPLICATION SE 2018-SU-027 (SULLY DISTRICT)** (12:40 p.m.)

Supervisor K. Smith announced that on July 24, 2019, the Planning Commission deferred its decision regarding this application to July 31, 2019. Accordingly, the Board public hearing is to be deferred.

Therefore, Supervisor K. Smith announced her intent, later in the meeting, at the appropriate time, to defer the public hearing on Special Exception Application SE 2018-SU-027 to September 24, 2019, at 5:30 p.m.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #60.)

43. **REQUEST FOR DECLARING AUGUST 20, 2019, AS WOMEN'S SUFFRAGE DAY** (12:40 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Storck, referencing his written Board Matter, stated that as the County prepares for the one-hundredth anniversary of women's right to vote on August 26, 2020, it's important to shine the spotlight on the importance of women's suffrage and the Equal Rights Amendment (ERA). Women were not included in the Constitution until the

Nineteenth amendment and the ratification of the Nineteenth amendment led to the largest single one-day increase of potential voters in the history of the U.S.

The Turning Point Suffragist Memorial Association is working to build a memorial with 19 education stations in Occoquan Regional Park which will be dedicated on the centennial anniversary of the certification of the Nineteenth amendment, August 26, 2020.

Therefore, jointly with Chairman Bulova, Supervisor Storck asked unanimous consent, that the Board recognize August 26, 2019, as “*Women’s Suffrage Day*” in Fairfax County to honor the millions of women who fought for more than seven decades to win the right to vote. Without objection, it was so ordered.

44. **MOUNT VERNON TOURISM PLACEMAKING AND MARKETING STRATEGY (MOUNT VERNON DISTRICT)** (12:43 p.m.)

Supervisor Storck announced that he launched the Mount Vernon Tourism Task Force in February of this year. The purpose of the task force is to bring together key tourism stakeholders to connect and increase awareness of the vibrant cultural, natural, and heritage resources of the southern portion of the County.

In a few short months, the Tourism Task Force has made significant progress towards creating connections and collaborations between key locations, preparing for the opening of the Army Museum next year, identifying areas of focus and marketing for the many sites, and quantifying the benefits of increased tourism and visitation to the County’s Economic Success Strategic Plan (ESSP).

The Tourism Task Force has identified a number of goals that will better market, brand and tie together the 10+ area sites, create experiences (stories) between multiple sites, develop multi-site visit/hospitality/transportation packages and enable greater regional visibility and impact. Visit Fairfax, whose representatives sit on the Tourism Task Force, has extensive experience in this area and has already identified potential consultants to assist in developing this strategy.

Therefore, Supervisor Storck moved that \$100,000 be added as a Consideration Item as part of the Fiscal Year (FY) 2019 Carryover Review Process to Visit Fairfax to study, develop, and procure a consultant for a tourism placemaking and marketing strategy, in furtherance of the Mount Vernon Tourism Task Force efforts. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor K. Smith being out of the room.

45. **HUNTLEY MEADOWS FEATURED IN AUDUBON AWARD WINNING PHOTO (MOUNT VERNON DISTRICT)** (12:46 p.m.)

Supervisor Storck recognized Ms. Kathrin Swoboda, who won the grand prize in this year’s 2019 Audubon Photography Awards. She took an image of a red-winged blackbird blowing “smoke rings” in March 2019 at Huntley Meadows

Park. Ms. Swoboda told the Audubon Society that she had been photographing the red-winged blackbirds for a few years, trying to get a good photo of the “smoke rings” that come out of their mouths while singing on cold days.

Ms. Swoboda was one of 2,253 amateur and professional photographers who submitted entries to the Audubon Society contest, which is now in its tenth year. Entrants hailed from all 50 states, Washington, D.C. and Canada. Ms. Swoboda’s photo is on the cover of the summer 2019 edition of Audubon Magazine, and has been featured in People magazine, *Smithsonian Magazine* and *Gizmodo*. This is another great example of the incredible wildlife that can be found in the Southeastern part of the County, where nature and heritage sites abound.

46. **INTENT TO DEFER A-12 - BOARD APPROVAL OF A MINOR VARIATION REQUEST FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-MV-033, FAIRFAX COUNTY BOARD OF SUPERVISORS, TO ADD CRAFT BEVERAGE PRODUCTION ESTABLISHMENT AND SMALL-SCALE PRODUCTION ESTABLISHMENT AS PERMITTED SECONDARY USES UNDER PROFFER 6(A) AT THE WORKHOUSE ARTS CENTER (MOUNT VERNON DISTRICT)** (12:48 p.m.)

Supervisor Storck announced his intent later in the meeting, at the appropriate time, to defer A-12 - Board approval of a Minor Variation Request for Proffered Condition Amendment Application PCA 2003-MV-033, Fairfax County Board of Supervisors, to add craft beverage production establishment and small-scale production establishment as permitted secondary uses under proffer 6(a) at the Workhouse Arts Center to September 24, 2019, at 3 p.m.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk’s Summary Item #55.)

47. **MOTION TO EXPEDITE SOUTH ALEX SUBSIDIARY, LLC REZONING FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2013-LE-008 (LEE DISTRICT)** (12:48 p.m.)

Supervisor McKay announced that South Alex Subsidiary, LLC has filed a special exception request to allow carryout restaurants as part of the South Alex mixed use development located at 6226 North Kings Highway, a property previously referred to as Penn Daw Plaza. The parcel is more particularly identified as Tax Map as 83-3 ((1)) 7B.

The request was originally filed as part of the related rezoning of the property, Rezoning/Final Development Plan Application RZ/FDP 2013-LE-008 which rezoned the property and adjacent land to the PDH Zoning District to allow 45,500 square feet of ground-floor retail uses with multifamily units above. The original request was put on hold to allow the rezoning to be approved and

construction get underway, before studying the exact mix of tenants and therefore deciding on the appropriate square footage for the special exception request.

In light of the Board's adoption of a Zoning Ordinance amendment (ZO-18-469), which redefined various eating establishments, and the development progress at the property, the applicant reinitiated its special exception request earlier this year seeking permission to tenant up to 4,235 of the 45,500 total square feet of ground-floor retail space as carryout restaurants.

The Planning Commission public hearing is scheduled for September 25, 2019, and given the Board's schedule to stop hearing land use cases at the end of October, the applicant requests that the Board hold its public hearing on this case in October.

Therefore, Supervisor McKay moved that the Board direct staff to expedite the the public hearing for Special Exception Application SE-2013-LE-020 to October 15, 2019. This motion should not be construed as a favorable recommendation by the Board on the proposed application 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.

48. **BRIDGEWALK EVENT ON AUGUST 27, 2019, (LEE DISTRICT)**
(12:50 p.m.)

Supervisor McKay, referencing his written Board Matter, announced that on Tuesday, August 27, 2019, at 7 p.m., members of the Springfield community will march over Veterans Bridge in the heart of the Springfield Revitalization District and hold a community celebration at the American Legion end of the bridge. The celebration will feature music and food from local restaurants, and it will reaffirm the strong partnership between the County, its residents, and Fort Belvoir.

At this celebration, the tradition of renewing the Army/Community Covenant signing that began in 2009 will continue. The covenant is an affirmation of support by state and local communities to active, guard, and reserve service members and their families.

Therefore, Supervisor McKay invited Board Members to attend the BridgeWalk and asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection it was so ordered.

49. **PROPOSED CHANGES TO THE STANDARDS OF QUALITY (SOQs)**
(12:51 p.m.)

Supervisor McKay stated that the Board has expressed concerns about the inadequate funding formula used by the State to fund the school system. The

County has also long struggled with the State's underfunding of its own Standards of Quality (SOQs), leaving State education dollars at pre-recession levels.

A recent article, however, announced that the Virginia Board of Education is considering recommending changes to the SOQs that would lay out minimum funding requirements for school systems with a high number of at-risk students, among other items. This could increase State education funding and help close the gap the County fills in its own budget each year.

Therefore, Supervisor McKay moved that the Board direct staff to research the potential benefits of this change, monitor the School Board's efforts on it, and report to the Board at its next Legislative Committee meeting. However, should this item come up before that occurs, Supervisor McKay moved that a letter be sent under the Chairman's signature to either the School Board or the General Assembly delegation expressing the Board's historical support for increased State education funding as is contained in our adopted Legislative Package. Chairman Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

50. **RECESS/CLOSED SESSION** (12:54 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. *Barry McCabe v. Fairfax County, Fairfax County Animal Shelter, Fairfax County Board of Supervisors, David Rohrer, Ed Roessler, Anthony Matos, Barbara Hutcherson, Amanda Novotny, and John Doe(s), Case No, CL-2019-0008951 (Fx. Co. Cir. Ct*

2. *Willie A. McCallum v. Fairfax County Department of Public Works and Environmental Services*, Case No. 19-cv-724 (E.D. Va.)
3. *Chiao-Yung A. Sher v. Christopher A. Leonard*, Case No.'s GV19-013944 (Fx. Co. Gen. Dist. Ct./Small Claims Division) and GV19-017043 (Fx. Co. Gen. Dist. Ct./Civil Division)
4. *Dora Fatima Parada-Segovia v. Kenneth Barlowe and Fairfax County*, Case No. Not yet assigned (Va. Sup. Ct.)
5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Loetta Darlene George and Amin Musharab*, Case No. CL-2019-0002873 (Fx. Co. Cir. Ct.) (Braddock District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laurence Putnam Wheeler and Susie A. Wheeler*, Case No. CL-2019-0005794 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lecia A. Reeve*, Case No. GV19-017467 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Alvaro A. Cestti and Gladys A. Caballero*, Case No. CL-2019-0006141 (Fx. Co. Cir. Ct.) (Lee District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Isidro Ramirez, Regina Estrada, and Zandra Makel Otero*, Case No. CL-2018-0007087 (Fx. Co. Cir. Ct.) (Lee District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jeffrey D. Holt*, Case Nos. GV19-016988 and GV19-016989 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, v. Vivian A. Lingenfield*, Case No. GV19-017073 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Bryan R. Bishop, Trustee, or Successor Trustee(s), as Trustee(s) of The Jean E. Riggs Trust 16SEP10*, Case No. CL-2013-0006045 (Fx. Co. Cir. Ct.) (Providence District)
13. *In re: May 1, 2019, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Nagla A. Abdelhalim v. Board of Supervisors of the County of Fairfax, Virginia*, Case No. CL-2019-0007529 (Fx. Co. Cir. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vanessa E. Garcilazo and Wendy L. Ventura Espinozo*, Case No. CL-2019-0002725 (Fx. Co. Cir. Ct.) (Springfield District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bao Q. Tran and Tina Q. Le*, Case No. CL-2018-0016485 (Fx. Co. Cir. Ct.) (Springfield District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sun Mi Lee and Ok Chul Choe*, Case No. CL-2019-0003911 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

1. As permitted by Virginia Code Sections (§) 2.2-3711(A)(8) legal analysis regarding:
 - a. Use of social media accounts and the First Amendment
 - b. Potential additional regulations relating to safety within the curbs of the rights-of-way

- c. Immigration related matters and Virginia Attorney General Opinion No. 15-070 (May 10, 2016)
2. As permitted by Virginia Code Section (§) 2.2-3711(A)(7) and (8), evaluation of potential legal remedies against private trash hauling companies for service issues.
3. As permitted by Virginia Code Section (§) 2.2-3711(A)(1), potential appointments to several County Government positions, Sheriff's salary adjustment as required by law, and annual evaluation of the County Attorney.

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

At 3:34 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

51. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:45 p.m.)

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

52. **MOTION ADOPTING THE BOARD'S SOCIAL MEDIA POLICY** (3:46 p.m.)

Supervisor Gross stated that at the Board meeting on July 30, 2019, one of the items listed for closed session was First Amendment law and the use of social media. As part of that discussion, the Board developed a draft social media policy for Board Members' official social media sites.

Therefore, Supervisor Gross moved that the Board adopt the Board Social Media Policy, which was circulated to all Board Members and provided to the Clerk to the Board for the official record. Supervisor McKay seconded the motion and it carried by unanimous vote.

53. **SALARY ADJUSTMENT FOR THE COUNTY SHERIFF** (3:46 p.m.)

As required by Virginia Code Section (§) 15.2-1609.2(F), Supervisor Gross moved that the Board adjust the County Sheriff's annual salary to \$208,049.46 effective pay period 15. Chairman Bulova seconded the motion and it carried by unanimous vote.

54. **APPOINTMENT TO THE DEPARTMENT OF FAMILY SERVICES (DFS)**
(3:47 p.m.)

Supervisor Gross moved the appointment of Mr. Michael Becketts to the position of Director of the DFS, Grade E13, with a starting salary of \$195,000, effective September 3, 2019. Chairman Bulova seconded the motion and it carried by unanimous vote.

KK:kk

AGENDA ITEMS

55. **3 P.M. – A-12 – BOARD APPROVAL OF A MINOR VARIATION REQUEST FOR PROFFERED CONDITIONAL AMENDMENT APPLICATION PCA 2003-MV-033, FAIRFAX COUNTY BOARD OF SUPERVISORS, TO ADD CRAFT BEVERAGE PRODUCTION ESTABLISHMENT AND SMALL-SCALE PRODUCTION ESTABLISHMENT AS PERMITTED SECONDARY USES UNDER PROFFER 6(A) AT THE WORKHOUSE ARTS CENTER (MOUNT VERNON DISTRICT)** (3:48 p.m.)

Supervisor Storck moved to defer Minor Variation Request for Proffered Condition Amendment Application PCA 2003-MV-033 until **September 24, 2019, at 3 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

56. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2019-SU-002 (JDA CUSTOM HOMES, INCORPORATED) (SULLY DISTRICT)** (3:49 p.m.)

(O) The application property is located on the west side of West Ox Road, south of Franklin Farm Road. Tax Map 35-2 ((1)) 47B and 53.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

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

Ms. Strobel 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.

Chairman Bulova made the following preliminary comments before beginning the public hearing:

The Board is here for a hearing on a rezoning application known as JDA Custom Homes, Inc., RZ 2019-SU-002. This application is subject to the restrictions contained in Virginia Code Section 15.2-2303.4, which the Virginia General Assembly (GA) enacted in 2016. This law significantly restricts the ability of a locality to discuss possible proffers, because that discussion could violate the statute and subject the County to liability. Although the General Assembly approved amendments to the statute earlier this year, those amendments do not affect this application.

So, in an abundance of caution, the Board will discuss and consider only what the applicant has already proposed and the impacts of any potential development. Nothing in the Board's discussion here should be construed as a request, suggestion, or requirement for any proffer.

The Board will listen to the applicant's suggestions about how to mitigate impacts of its proposed development, and discuss those mitigation measures to the extent possible. But due to the fact that this application is governed by the 2016 legislation, the Board's discussion of certain issues may be more constrained than has been the case historically.

Finally, Chairman Bulova reiterated it for the record that testimony from the public represents the views of the individual speakers only, and not that of the locality. Again, this is because this application was submitted prior to amendments being made to that 2016 legislation.

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

Following inquiries by Supervisor K. Smith, Ms. Strobel stated that:

- No locality or anyone acting on its behalf suggested, requested, or required any proffer regarding this application
- All the proffers included in this application conform to the requirements of the Virginia Code Section 15.2-2303.4

Supervisor K. Smith moved amendment to the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2018-SU-002 and the associated Conceptual Development Plan, from the R-1 District to the PDH-2 District, subject to the executed proffers dated July 24, 2019. Supervisor Foust seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor L. Smyth abstaining, Supervisor Cook being out of the room.

(NOTE: On July 18, 2019, the PC approved Final Development Plan Application FDP 2019-SU-002.)

57. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2018-PR-024 (WILLIAMS MEADOW, L.C.) (PROVIDENCE DISTRICT)** (3:59 p.m.)

- (O) The application property is located on the east side of Sutton Road, north of its intersection with Oleander Avenue. Tax Map 48-1 ((1)) 77 and 78.

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

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

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

Discussion ensued regarding stormwater standards and underground detention with input from Ms. Greenlief.

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

Supervisor L. Smyth moved amendment to the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2018-PR-024 and the associated Conceptual Development Plan, from the R-1 District to the PDH-3 District, subject to the executed proffers dated July 11, 2019. 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.”

(NOTE: On July 17, 2019, the PC approved Final Development Plan Application FDP 2018-PR-024, subject to the development conditions dated June 26, 2019.)

58. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-D-095-04 (GREAT FALLS VILLAGE GREEN DAY SCHOOL) (DRANESVILLE DISTRICT)** (4:10 p.m.)

The application property is located at 790 Walker Road, Great Falls, 22066. Tax Map 13-1 ((3)) A.

Mr. Jason Lody reaffirmed the validity of the affidavit for the record.

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

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

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

Following a query by Supervisor Foust, Mr. Lody confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 17, 2019.

Supervisor Foust moved:

- Approval of Special Exception Amendment Application SEA 83-D-095-04 subject to the development conditions dated July 17, 2019
- Reaffirmation of a waiver of barrier requirements and modifications to transitional screening requirements along the eastern, western, and southern property lines to that shown on the SEA Plat

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

59. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2019-SP-010 (FEDERAL REALTY INVESTMENT TRUST) (SPRINGFIELD DISTRICT) (4:16 p.m.)**

The application property is located at 8402 Old Keene Mill Road, Springfield, 22152. Tax Map 79-3 ((5)) 1B.

Ms. Sheri L. Akin reaffirmed the validity of the affidavit for the record.

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

Ms. Akin 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 recommendations and noted that staff does not concur with the PC recommendation.

Following a query by Supervisor Herrity, Ms. Akin confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 11, 2019.

Supervisor Herrity moved approval of Special Exception Application SE 2019-SP-010, subject to the proposed development conditions dated July 11, 2019. Supervisor McKay seconded the motion and it carried by unanimous vote.

Discussion ensued regarding visual pollution of signage with input from Ms. Akin and Mr. Rodenbeck.

60. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2018-SU-027 (STONEBRIDGE INVESTMENTS, LLC) (SULLY DISTRICT)**
(4:39 p.m.)

Supervisor K. Smith moved to defer the public hearing on Special Exception Application SE 2018-SU-027 to **September 24, 2019, at 5:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

61. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SILVERBROOK ROAD/SOUTHRUN ROAD EASTBOUND LEFT TURN LANE (MOUNT VERNON DISTRICT)** (4:41 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 July 12 and July 19, 2019.

Dennis Cate, Land Acquisition, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Storck 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 5G25-059-000, Spot Improvements – 2014, Silverbrook Road/Southrun Road, eastbound left turn lane, Fund 30050, Transportation Improvements. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Herrity and Supervisor L. Smyth, being out of the room.

62. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SEMINARY ROAD WALKWAY – MAGNOLIA LANE TO COLFAX AVENUE (MASON DISTRICT)** (4:47 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 July 12 and July 19, 2019.

Richard A. Finnell, Branch Chief, Land Acquisition, 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 right necessary for the construction of Project 5G25-060-038, Pedestrian Improvements - 2014, Seminary Road Walkway-Magnolia Lane to Colfax Avenue, Fund 30050, Transportation Improvements. 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.

63. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF QUANDER ROAD WALKWAY (MOUNT VERNON DISTRICT)** (4:52 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 July 12 and July 19, 2019.

Richard A. Finnell, Branch Chief, Land Acquisition, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Storck 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 5G25-060-034, Pedestrian Improvements-2014, Quander Road Sidewalk - West Potomac High School to Emmett Drive, Fund 30050, Transportation Improvements. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor L. Smyth being out of the room.

64. **4 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT 7584 LEESBURG PIKE TO THE FRIENDS OF TYSONS-PIMMIT LIBRARY (DRANESVILLE DISTRICT)** (4:57 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 July 12 and July 19, 2019.

Michael P. Lambert, Assistant Director, Real Estate Services, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Foust moved to authorize the leasing of County-owned property to the Friends of Tysons-Pimmit Library. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

65. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2019-HM-005 (MADHURI PEDDI) (HUNTER MILL DISTRICT) (5 p.m.)**

The application property is located at 2472 Silk Court, Herndon, 20171. Tax Map 25-1 ((28)) 11.

Mr. Suresh Peddi reaffirmed the validity of the affidavit for the record.

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

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

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

Following a query by Supervisor Hudgins, Mr. Peddi confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 12, 2019.

Supervisor Hudgins moved approval of Special Exception Application SE 2019-HM-005, subject to the development conditions dated July 12, 2019. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

66. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE OAKTON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 19 (PROVIDENCE DISTRICT) (5:06 p.m.)**

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 12 and July 19, 2019.

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

Following the public hearing, which included testimony by two speakers, Supervisor L. Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Oakton RPPD, District 19. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor K. Smith, Supervisor L. Smyth, Supervisor McKay, Supervisor Storck, and Chairman Bulova voting “AYE.”

67. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS); CHAPTER 101 (SUBDIVISION PROVISIONS); CHAPTER 108.1 (NOISE ORDINANCE); CHAPTER 109.1 (SOLID WASTE MANAGEMENT); CHAPTER 114 (AGRICULTURAL AND FORESTAL DISTRICTS OF STATEWIDE SIGNIFICANCE); AND CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICTS)** (5:14 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 July 12 and July 19, 2019.

Sara Morgan, Senior Planner, Department of Planning and Development, presented the staff report.

Following the public hearing, Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions); Chapter 101 (Subdivision Provisions); Chapter 108.1 (Noise Ordinance); Chapter 109.1 (Solid Waste Management); Chapter 114 (Agricultural and Forestal Districts of Statewide Significance); and Chapter 115 (Local Agricultural and Forestal Districts) of the Code of the County of Fairfax,” as set forth in the staff report dated June 25, 2019, excluding the proposed change to Article 1 of Chapter 61, with an effective date of 12:01 a.m. on July 31, 2019. Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor K. Smith, Supervisor L. Smyth, Supervisor McKay, Supervisor Storck, and Chairman Bulova voting “AYE.”

68. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2019-MA-003 (BENEVIS, LLC) (MASON DISTRICT)** (5:18 p.m.)

The application property is located at 6531 Arlington Boulevard, Falls Church, 22042. Tax Map 50-4 ((1)) 20.

Mr. Patrick M. Via reaffirmed the validity of the affidavit for the record.

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

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

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

Following a query by Supervisor Gross, Mr. Via confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 24, 2019.

Supervisor Gross moved approval of:

- Special Exception Application SE 2019-MA-003, subject to the development conditions dated July 24, 2019
- Waiver of Par. 1 of Sect. 13-202 of the Zoning Ordinance (ZO) for the interior parking lot landscaping requirement in favor of the existing conditions, as shown on the Special Exception Plat (SE Plat)
- Waiver of Sect. 13-203 of the ZO for the peripheral parking lot landscaping along the eastern, western and northern boundaries in favor of the existing conditions, as shown on the SE Plat
- Waiver of Par. 4 of Sect. 17-201 of the ZO for the construction of frontage improvements along South Street in favor of the existing conditions
- Modification of Par. 2 of Sect. 17-201 of the ZO for the installation of a major paved trail along Arlington Boulevard
- Modification of Sect. 11-203 of the ZO for the number of loading spaces, as shown on the SE Plat
- Modification of Sect. 13-305 of the ZO for the transitional screening requirement along the southern boundary in favor of the existing conditions, as shown on the SE Plat

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

69. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2017-BR-030
(ROBERTS ROAD INVESTMENT LC) (BRADDOCK DISTRICT)**
(5:28 p.m.)

(O) The application property is located on the north side of Braddock Road and east side of Roberts Road. Tax Map 68-2 ((1)) 21, 22, 23, 24 and 25.

Mr. Frank McDermott reaffirmed the validity of the affidavit for the record.

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

- Mr. Jon M. Peterson
- Mr. Milton V. Peterson
- Mr. William C. Smith
- Mr. Nancy Z. McGrath
- Mr. James J. Vecchiarelli
- Mr. Taylor O. Chess
- Mr. Bruce A. Gould

Supervisor K. Smith disclosed that she received a campaign contribution in excess of \$100 from:

- Mr. Frank McDermott

Supervisor Gross disclosed that she received a campaign contribution in excess of \$100 from:

- Mr. Frank McDermott

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

- Mr. Frank McDermott

William O'Donnell, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a PowerPoint slide presentation depicting the application and site location.

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

Following the public hearing, Mr. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Supervisor Cook moved:

- Amendment to the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2017-BR-030 and the associated Conceptual Development Plan, from the R-1 District to the PDH-5 District, subject to the proffers dated July 26, 2019
- Modification of the private street limitations of Section 11-302 of the ZO in favor of the private streets shown on the CDP/FDP

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

(NOTE: On July 25, 2019, the PC approved Final Development Plan Application FDP 2017-BR-030.)

70. **5 P.M. – PH ON REZONING APPLICATION RZ 2018-PR-011 (CROWN TYSONS PROPERTIES LLC) (PROVIDENCE DISTRICT)**

(AND)

PH ON SPECIAL EXCETION AMENDMENT APPLICATION SEA 78-D-075-03 (CROWN TYSONS PROPERTIES LLC) (PROVIDENCE DISTRICT) (5:47 p.m.)

- (O) The application property for Rezoning Application RZ 2018-PR-011 is located on the north side of Leesburg Pike, east of the interchange with the Dulles Airport Access and Toll Rd. Tax Map 29-1 ((1)) 17A.

The application property for Special Exception Amendment Application SEA 78-D-075-03 at 8600 Leesburg Pike, McLean, 22101 and 8602 and 8610 Leesburg Pike, Vienna 22182. Tax Map 29-1 ((1)) 15, 16 and 17A.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

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

Ms. Strobel 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. Creed presented the staff and Planning Commission recommendations.

Following a query by Supervisor L. Smyth, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 3, 2019.

Supervisor L. Smyth moved:

- Approval of Special Exception Amendment Application SEA 78-D-075-03, subject to the development conditions dated July 3, 2019.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2018-PR-011 from the I-4 and HC Districts to the C-7 and HC Districts, subject to the proffers dated June 28, 2019.
- Modification to the Comprehensive Plan trail requirement along Leesburg Pike in favor of the existing 16-foot wide concrete trail
- Modification of the peripheral parking lot landscaping requirements to that shown on the GDP/SEA Plat
- Modification of transitional screening requirements and a waiver of the barrier requirement along the northeastern property line to that shown on the GDP/SEA Plat
- Waiver of the peripheral parking lot landscaping along the southern property line
- Modification of the total minimum loading requirement for both dealerships during Phase II from 7 spaces required to 6 spaces as shown on the GDP/SEA Plat

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."

71. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2019-SP-006 (CLEMENTINE TWIN LAKES, LLC) (SPRINGFIELD DISTRICT)** (5:56 p.m.)

The application property is located at 13215 Twin Lakes Drive, Clifton, 20124. Tax Map 66-3 ((1)) 18.

Mr. John W. Farrell reaffirmed the validity of the affidavit for the record.

Supervisor K. Smith disclosed that she received a campaign contribution in excess of \$100 from:

- Mr. John W. Farrell

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

Mr. Farrell 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.

Following a query by Supervisor Herrity, Mr. Farrell confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 19, 2019.

Supervisor Herrity moved approval of:

- Special Exception Application SE 2019-SP-006, subject to the development conditions dated July 19, 2019
- Waiver of the loading space requirements of Sect. 11-203 of the Zoning Ordinance
- Modification of Sect. 13-303 and Sect. 13-304 pursuant to Sect. 13-305 of the Zoning Ordinance to permit transitional screening and barriers as shown on the SE Plat along the eastern, southern and western boundaries

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

72. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:15 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of July 12 and July 19, 2019.

Public comment was held and included the following individuals:

- Ms. Ruth Ann Pinkman, Prospective performing arts center in Reston
- Mr. Peter Millikin, Lake Fairfax Park GLOW events impact on neighbors
- Mr. Luke Rosiak, Fiscal impact of school redistricting
- Ms. Jennifer Koprowski, Operationalizing WIN (Welcoming Inclusion Network)
- Mr. Robert Whitfield, Transportation issues
- Mr. Thomas Cranmer, School redistricting

73. **BOARD ADJOURNMENT** (6:51 p.m.)

The Board adjourned.