



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

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

**TUESDAY  
May 7, 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, May 7, 2019, at 9:39 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; Ekuu Brew-Ewool, Kecia Kendall, and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:40 a.m.)

The Board asked everyone to keep in thoughts the family and friends of Nancy Falck, former Dranesville District Supervisor, School Board member, and member of the Board of Visitors of the College of William and Mary, who died recently.

**AGENDA ITEMS**2. **PROCLAMATION DESIGNATING MAY 7, 2019, AS "HOLOCAUST REMEMBRANCE DAY" IN FAIRFAX COUNTY** (9:43 a.m.)

Supervisor Gross moved approval of the Proclamation designating May 7, 2019, as "*Holocaust Remembrance Day*" in Fairfax County and urged all residents to rededicate themselves to not bear silent witness to injustice and always remain vigilant to the principles of individual freedom in a just society. Supervisor McKay seconded the motion and it carried by unanimous vote.

3. **RESOLUTION OF RECOGNITION PRESENTED TO CHANTILLY HIGH SCHOOL** (10:04 a.m.)

Supervisor K. Smith moved approval of the Resolution of Recognition presented to Chantilly High School for winning a 2019 First Amendment Press Freedom Award. Supervisor Herrity seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING MAY 12-18, 2019, AS "POLICE WEEK" AND MAY 15, 2019, AS "PEACE OFFICERS MEMORIAL DAY" IN FAIRFAX COUNTY** (10:12 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating May 12-18, 2019, as "*Police Week*" and May 15, 2019, as "*Peace Officers Memorial Day*" in Fairfax County. Supervisor Herrity seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO THE SHARK TANK TECHNOLOGY CHALLENGE STUDENTS** (10:23 a.m.)

Supervisor Herrity explained that the Shark Tank Technology Challenge is an intergenerational program where County high school students design devices or applications that address the needs of disabled and older adult communities. These young adults learn about the challenges of the older adult population by interfacing with them while testing their products.

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

Prosthetic Hand Team – (First Runner-up)

- Cindy Funes
- Edwin Maroquin
- Maria Cor Osorio

Laundry Grabber Team – (Second Runner-up)

- Jose Diaz
- Edwin Paz
- Fernando Vaquedano

Magnetic Grabber Team – (Third Runner-up)

- Lucero Diaz Flores
- Deily Escobar

Toilet Brush Team – (Third Place)

- Victor Espinoza
- Jasson Lopes
- Elber Lopez
- Carlos Segobia

Dog Feeder Team – (Second Place)

- Ronaldo Argueta
- Keven Castro

Senior Assistive Button Team – (First Place)

- Siddharth Krishnan

- Siddharth Tibrewala
- Aarav Bajaj
- Aryan Kumawat

Supervisor Storck, Supervisor Gross, and Chairman Bulova multiply seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING MAY 2019 AS “*OLDER AMERICANS AND ADULT ABUSE PREVENTION MONTH*” IN FAIRFAX COUNTY** (10:35 a.m.)

Supervisor Herrity moved approval of the Proclamation designating May 2019 as "*Older Americans and Adult Abuse Prevention Month*" in Fairfax County and urged all residents to recognize the contributions made to the community by older adults and to be alert for the symptoms of abuse, neglect, and exploitation. Supervisor McKay and Supervisor K. Smith jointly seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING MAY 5-11, 2019, AS “*CHILD CARE PROFESSIONALS WEEK*” IN FAIRFAX COUNTY** (10:47 a.m.)

Supervisor Cook moved approval of the Proclamation designating May 5-11, 2019, as "*Child Care Professionals Week*" in Fairfax County and urged all residents to recognize child care professionals for their important work in the community. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

8. **PROCLAMATION DESIGNATING MAY 9, 2019, AS “*CHILDREN’S MENTAL HEALTH AWARENESS DAY*” IN FAIRFAX COUNTY** (11:01 a.m.)

Supervisor Hudgins moved approval of the Proclamation designating May 9, 2019, as "*Children’s Mental Health Awareness Day*" in Fairfax County and urged all residents to renew their commitment to the well-being of every child and youth in the County. Supervisor McKay seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING MAY 2019 AS “*FOSTER CARE AWARENESS MONTH*” IN FAIRFAX COUNTY** (11:15 a.m.)

Supervisor Storck moved approval of the Proclamation designating May 2019 as "*Foster Care Awareness Month*" in Fairfax County and urged all residents to volunteer their time and talents on behalf of children in foster care and to support and recognize the commitment of foster families and professional staff who work

with these children and youth. Supervisor Gross seconded the motion and it carried by unanimous vote.

10. **PROCLAMATION DESIGNATING JUNE 2019 AS "FATHERHOOD AWARENESS MONTH" IN FAIRFAX COUNTY** (11:25 a.m.)

Supervisor Hudgins moved approval of the Proclamation designating June 2019 as "*Fatherhood Awareness Month*" in Fairfax County to raise public awareness of the importance of fatherhood and a father's engagement with his children and family. Supervisor McKay and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

11. **PROCLAMATION DESIGNATING MAY 19-25, 2019, AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (11:35 a.m.)

Supervisor Gross moved approval of the Proclamation designating May 19-25, 2019, as "*Public Works Week*" in Fairfax County and urged all residents to acquaint themselves with the varied services and programs provided to protect the community's health, safety, and welfare. Supervisor Foust seconded the motion and it carried by unanimous vote.

**DET:det**

12. **10 A.M. – BOARD ADOPTION OF THE FISCAL YEAR (FY) 2020 BUDGET PLAN** (11:46 a.m.)

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(ARs) (O)

Supervisor McKay, the Board's Budget Chairman, moved that the Board set the real property tax rate at \$1.15 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2019 will be maintained at the present rate of \$1.15 per \$100 of assessed value. 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."

Having established the real property tax rate at \$1.15 per \$100 of assessed value, Supervisor McKay moved that the Board adopt the FY 2020 Tax Rate Resolution Adopting Tax Rates for the County, as detailed in Attachment II of the Board Agenda Item dated May 6, 2019. Chairman Bulova seconded the motion.

Supervisor L. Smyth stated that her objection was noted at the Board's Budget mark-up meeting on April 30, 2019.

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

Supervisor McKay moved Board approval of the FY 2020 Appropriation Resolution for County Agencies/Funds, the FY 2020 Appropriation Resolution for School Board Funds, and the FY 2020 Fiscal Planning Resolution as set forth in Attachments III, IV, and V of the Board Agenda Item dated May 6, 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.”

Supervisor McKay stated that, as part of this year’s budget process, amendments to the sewer ordinance were proposed. The public hearing was advertised on March 8 and March 15, 2019, and held on April 9, 2019, at 3 p.m.

Therefore, Supervisor McKay moved that the Board adopt the proposed amendments to the Code of the County of Fairfax amending and readopting Chapter 67.1 (Sanitary Sewers and Sewage Disposal), Article 10 (Charges), and amending and readopting Chapter 68.1 (Individual Sewage Disposal Facilities), Chapter 9 (Fee Schedule), as advertised. This action is consistent with action taken at the April 30, 2019, Budget mark-up by the Board to adjust proposed sewer charges. 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.”

As part of this year’s budget process, an amendment was proposed to Appendix 1 (*sic* I) of the Code of the County of Fairfax, Fairfax County 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. The public hearing was advertised on March 22 and March 29, 2019, and held on April 9, 2019, at 2:30 p.m. The proposed changes will allow use of service district funds to remediate damage to trees caused by forest pests, including removal of damaged trees when indicated. These changes result in no change to the Integrated Pest Management Program tax rate which is maintained at the current rate of \$0.0010 per \$100 of assessed value. Only taxes levied after July 1, 2019, will be used for this new purpose.

Therefore, Supervisor McKay moved that the Board adopt the proposed amendment to the Code of the County of Fairfax amending and readopting Appendix 1 (*sic* I) relating to the Fairfax County 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 as advertised. 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.”

Supervisor McKay thanked staff and Board Members for a remarkably successful budget this year. Chairman Bulova thanked Supervisor McKay, budget staff, and the Office of the Clerk to the Board staff for their work.

13. **ADMINISTRATIVE ITEMS** (11:56 a.m.)

Supervisor Gross moved approval of the Administrative Items. 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."

**ADMIN 1 - EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (DRANESVILLE, LEE, AND SULLY DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-D18-11	Fairfax County Park Authority McLean Central Park 1468 Dolley Madison Boulevard McLean, VA Dranesville District	Extended to November 17, 2019 (2 <sup>nd</sup> Extension)
2232-L18-33	Fairfax County Park Authority Franconia District Park 6432 Bowie Drive Springfield, VA Lee District	Extended to April 27, 2020
2232-Y18-35	Fairfax County Water Authority Willard Road Distribution and Maintenance Facility 14925 Willard Road Chantilly, VA Sully District	Extended to April 27, 2020

**ADMIN 2 -AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY ON AUTUMN WILLOW DRIVE TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (SPRINGFIELD DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 4, 2019, at 4 p.m.**, regarding the conveyance of Board-owned property located along Autumn Willow Drive to the FCRHA.

**ADMIN 3 - ADDITION OF A PORTION OF CINDER BED ROAD (ROUTE 637) TO THE SECONDARY SYSTEM OF STATE HIGHWAYS (MOUNT VERNON DISTRICT)**

- (R) Adopted the Resolution approving the addition of a portion of Cinder Bed Road (Route 637) to the Secondary System of State Highways.

**ADMIN 4 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 19224 FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY (DIT) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUBGRANT AWARD FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY**

- (SAR)
- Adopted SAR AS 19224 in the amount of \$300,000 for DIT to accept a DHS UASI subgrant award from the State Administrative Agency to support a contract for regional cybersecurity coordination and enhancement.
  - Authorized the 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 FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF JUSTICE (DOJ), OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE (BJA) FOR AN ADULT DRUG COURT DISCRETIONARY GRANT PROGRAM TO SUPPORT THE VETERANS TREATMENT DOCKET**

Authorized the:

- CSB to apply for and accept funding, if received, from the BJA Adult Drug Court Discretionary Grant Program for the Veterans Treatment Docket to support the Docket to serve the community and increase public safety by integrating and incorporating a coordinated treatment response for justice-involved veterans with substance abuse and/or mental health issues.



- 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 EARLY CHILDHOOD FOUNDATION (VECF) FOR THE MIXED-DELIVERY PRESCHOOL GRANT PROGRAM**

Authorized the:

- DFS, Office for Children, to apply for and accept grant funding, if received, from the VECF. Funding in the amount of \$250,000 will be used to continue to field-test the delivery of high-quality early childhood education services in a family child care setting and will enable the County to develop a new cohort of family child care educators who will provide high quality Pre-K and comprehensive services to 20 at-risk three- and four-year-olds.
- 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 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE AND SPRINGFIELD DISTRICTS)**

(Rs)

- Adopted the Resolutions, substantially in the form of Attachments I, II, and III of the Board Agenda Item, for the installation of “\$200 Additional Fine for Speeding” signs on the following roads:
  - Haycock Road (Dranesville District)
  - Parcher Avenue (Dranesville District)
  - Yates Ford Road (Springfield District)
- Approved “Watch for Children” signs on the following roads:
  - Four “Watch for Children” signs on Parcher Avenue (Dranesville District)
  - Two “Watch for Children” signs on Yates Ford Road (Springfield District)

- Directed staff to request the Virginia Department of Transportation schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible and that staff schedule the installation of the approved “Watch for Children” signs as soon as possible.

14. **A-1 – APPROVAL FOR THE HEALTH DEPARTMENT TO DONATE HEALTH CLINIC EQUIPMENT** (11:57 a.m.)

Following remarks by Tisha Deeghan, Deputy County Executive for Health, Housing, and Human Services, Supervisor McKay moved that the Board concur in the recommendation of staff and approve the donation of health clinic equipment, furnishings, and computer workstations from the Health Department to Neighborhood Health and HealthWorks for Northern Virginia. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

15. **A-2 – APPROVAL OF A LETTER AGREEMENT WITH THE FAIRFAX COUNTY PARK AUTHORITY (FCPA) FOR THE RELEASE OF THE REQUIREMENT TO CONSTRUCT A PORTION OF GILES RUN ROAD (MOUNT VERNON DISTRICT)** (11:59 a.m.)

On motion of Supervisor Storck, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Gross being out of the room, the Board concurred in the recommendation of staff and:

- Approved an agreement with FCPA for the release of the requirement to construct a portion of Giles Run Road, in substantially the form of Attachment 1 of the Board Agenda Item
- Authorized the:
  - Director of the Department of Transportation to sign the agreement after FCPA applies for a waiver from the responsibility for construction of a portion of Giles Run Road from Land Development Services
  - Waiver of the \$876 fee for submitting the waiver

16. **A-3 – APPROVAL OF AND AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) CONCERNING PAYMENT OF FUNDING TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) CAPITAL FUND** (11:59 a.m.)

On motion of Supervisor Foust, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to execute an agreement between the County and DRPT concerning payment of funding to the Commonwealth's WMATA Capital Fund, substantially in the form of Attachment 1 of the Board Agenda Item.

17. **A-4 – APPROVAL OF A RESOLUTION ENDORSING PROJECTS FOR SUBMISSION TO THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC) FOR THE FISCAL YEAR (FY) 2020 I-395/I-95 COMMUTER CHOICE PROGRAM (MASON, LEE, AND MOUNT VERNON DISTRICTS)** (12 p.m.)

(R) Supervisor Foust moved that the Board concur in the recommendation of staff and:

- Adopt the Resolution, substantially in the form of Attachment 1 of the Board Agenda Item, endorsing two multi-modal transportation projects for submission to NVTC's I-395/I-95 Commuter Choice Program for FY 2020 funding
- Authorize the Director of the Department of Transportation to sign and submit the applications

Supervisor McKay seconded the motion.

Following a brief explanation of the Board Agenda Item by Supervisor McKay, the question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE"

**ADDITIONAL BOARD MATTERS**

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

Chairman Bulova announced that the Board will consider Action Item A-5 - Board Approval of a Minor Variation Request for Rezoning Application RZ 93-L-023 By Frontier Drive Metro Center, L.P., to Modify Proffer 8 by Adding Façade Colors, Specifically the Colors "Creamy White/Off White" to the Trim (Cupolas And Cornices), and "Black Fox or Other Contrasting Color" to the Canopies, Storefronts, and Metal Trim (Lee District) later in the meeting.

Supervisor L. Smyth announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Special Exception Amendment Application SEA 88-D-008, Virginia Electric Power Company, also known as Dominion Energy of Virginia.

Supervisor McKay announced his intent, later in the meeting at the appropriate time, to cancel the final public hearing on the acquisition of certain land rights necessary for the construction of the Springfield Multi-Use Transit Hub. He stated that this issue has been resolved so there is no longer the need for a public hearing.

(NOTE: Later in the meeting, the Board considered Action Item A-5. See Board Summary Item #47.)

(NOTE: Later in the meeting, Special Exception Amendment Application SEA 88-D-008 was formally deferred. See Board Summary Item #54.)

(NOTE: Later in the meeting, the public hearing on the acquisition of certain land rights necessary for the construction of the Springfield Multi-Use Transit Hub was cancelled. See Board Summary Item #62.)

**EBE:ebe**

19. **2019 IFTAR DINNER** (12:04 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and said that since 2014, she has partnered with the American Turkish Friendship Association (ATFA) to host an Iftar dinner at the Government Center. It is a community gathering, not a religious service, to break the fast during the month of Ramadan when Muslims fast daily from dawn to sunset for 29 or 30 days. Fasting is a tradition in many religious faiths and is meant to increase spirituality, discipline, and thankfulness. Ramadan is also a time of giving and reaching out to those less fortunate.

This year the dinner will take place on May 30 at 7:30 p.m. in the cafeteria of the Government Center. As in years past, all costs associated with this dinner are assumed by ATFA.

20. **FAIRFAX COUNTY DESIGN AND ENVIRONMENTAL ACHIEVEMENT AWARDS 2019** (12:05 p.m.)

In a joint Board Matter with Supervisor Gross, Chairman Bulova announced that the County's *Environmental Excellence Awards*, *Exceptional Design Awards*, and *Friends of Trees Awards* will be presented at a special evening ceremony at the Government Center on Tuesday, October 22, 2019, from 7 p.m. until 9 p.m. The ceremony will be televised, livestreamed, and archived by the County's Channel 16 and a reception will follow in the Forum. As in past years, Chairman Bulova requested that the Office of Public Affairs be present to take photos.

Chairman Bulova noted that the Board previously presented these awards during morning presentations at Board meetings. During the last two years, the Chairman's office, in partnership with County agencies, has coordinated a special evening event that better honors recipients and is more convenient for family members, friends, and coworkers of awardees to attend. She encouraged everyone to make a special effort to attend this year.

Chairman Bulova said that members of her staff will contact each Board office individually to hold this date on their calendars. The date of this ceremony is scheduled on a Board Committee meeting day.

Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to help publicize this event. Without objection, it was so ordered.

21. **FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) USE-OF-FORCE STUDY** (12:07 p.m.)

In a joint Board Matter with Supervisor Cook, Chairman Bulova said that in 2017, the FCPD released a report about the demographics of police use-of-force cases in the County. The study found that there were 539 use-of-force cases in 2015 and 40 percent of those cases involved African-Americans. The Board directed Independent Police Auditor Richard Schott to review the statistical disparity between the level of African-American use-of-force incidents and the African-American population in the County. In 2018, Mr. Schott completed his study of the 2015 Police Department data. The report did not yield any clear causes based upon race but noted additional evaluation of use-of-force data would be needed for the following years. In addition, the FCPD has already implemented new procedures and training that may yield useful new data on the interactions.

Since the conclusion of this initial study, FCPD Chief Edwin Roessler, Jr. and his staff have been working to find an academic partner to assist with the data analysis for further use-of-force studies for the County. While there were many possible partners, a suitable partner has not been identified to conduct the study to date. To provide additional clarity on the use-of-force issue, it is imperative for additional analysis of the data. As the Independent Police Auditor has experience with compiling similar types of reports, Chairman Bulova said that she is in favor of the that office overseeing the search for an academic partner and completion of the study.

Therefore, Chairman Bulova moved that the Board direct Independent Police Auditor Richard Schott to coordinate the search for an academic partner to conduct a review of the statistical disparity between the level of African-American use-of-force incidents and the African-American population in the County. Upon completion of this review, he should report his findings and any necessary recommendations to the Public Safety Committee. Supervisor Cook seconded the motion.

Discussion ensued concerning specifying a deadline for completion of the report.

Supervisor Herrity asked to amend the motion to change “academic partner” to “academic or research partner” and this was accepted.

Supervisor Foust asked unanimous consent that the Board direct FCPD to provide information on the steps it has taken to address this issue since the statistics became public. Without objection, it was so ordered.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

22. **COMMENT LETTER FOR THE DRAFT VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FISCAL YEARS (FYS) 2020–2025 SIX-YEAR IMPROVEMENT PROGRAM (SYIP)** (12:23 p.m.)

Supervisor Foust announced that on April 10, 2019, VDOT released its Draft Six-Year Interstate, Urban, Primary, and Transit Improvement Program for FYs 2020-2025. By law, the Commonwealth Transportation Board (CTB) has the responsibility to hold public hearings and adopt a final program based on the official revenue forecast by July 1, 2019. For Northern Virginia, the public hearing will be held on Monday, May 13, 2019, at VDOT’s Northern Virginia District Office. VDOT will be accepting comments on the program until May 27, 2019.

Supervisor Foust said that staff has prepared a comment letter, attached to his written Board Matter, based on review of the Draft FYs 2020 – 2025 Program, which will be presented at the public hearing on May 13, 2019.

Therefore, Supervisor Foust moved that the Board:

- Approve the attached May 7, 2019, comment letter on VDOT’s Draft FYs 2020-2025 Six-Year Improvement Program to be sent to the Virginia Secretary of Transportation as part of the public comments record for the County
- Authorize the Chairman of the Board’s Transportation Committee to present the Board’s comments to the CTB at the Six-Year Program hearing on May 13, 2019

Supervisor McKay seconded the motion.

Discussion ensued regarding:

- The extra mowing cycle funded by the County intended to be a one-time expenditure
- Secondary road pavement conditions throughout the County
- The need to incorporate language in the letter regarding motorist and pedestrian safety concerns caused by overgrown medians
- Better informing County residents that mowing of medians is the State's responsibility

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

23. **PROCLAIMING JUNE 2019 AS “LESBIAN, GAY, BISEXUAL, AND TRANSGENDER (LGBT) PRIDE MONTH” IN FAIRFAX COUNTY**  
(12:31 p.m.)

In a joint Board Matter with Supervisor McKay and Chairman Bulova, Supervisor Foust said that, in celebration of the County's richly diverse population, the Board has repeatedly affirmed its commitment to promoting a culture of openness, inclusiveness, and acceptance for all persons in the County.

In April 2017, the Board adopted a Resolution of Diversity and Inclusion. It espoused that the County exemplifies values of respect and acceptance and welcomes and celebrates one another's differences and cultural backgrounds.

In June 2017, the County amended its employment policies to explicitly state that County employees, volunteers, and vendors are prohibited from engaging in harassment, retaliation, and other forms of discrimination based on sexual orientation and gender identity. Discrimination based on gender identity and sexual orientation derives from sexual stereotypes about traditional gender roles. The County has zero tolerance for harassment and other forms of discrimination based on gender identity and sexual orientation.

In November 2017, the Board adopted One Fairfax, a joint social and racial equity policy of the County's Board of Supervisors and School Board. The policy commits the County and schools to intentionally consider equity when making policies or delivering programs and services. One Fairfax is a declaration that all residents deserve an equitable opportunity to succeed if they work hard regardless of race, color, sex, nationality, sexual orientation, income, or where they live.

Significant achievements in acceptance of gay people have been made in the country since the Stonewall Riots occurred 50 years ago in June 1969 in New York City, including the historic Supreme Court ruling in June 2015 that gay marriage was a right guaranteed by the Constitution.

Every year since the Stonewall Riots, June has been celebrated as LGBT Pride month across the country and the world. It is a movement that celebrates sexual diversity. For LGBT individuals, it is a way of protesting discrimination and violence. It promotes dignity, equal rights, self-affirmation, and is a way of increasing society's awareness of the issues they face.

Despite changes in laws and social attitudes, subtle and overt prejudice continues against people who identify as LGBTQ+ around the world and in the Commonwealth. As the Board leads by example in representing all County citizens and employees, it is imperative for the Board, along with County employees and residents, to continue to stand up, speak out, and show support for those who continue to face that prejudice. As Dr. Martin Luther King, Jr. stated: "...injustice anywhere is a threat to justice everywhere."

Therefore, jointly with Supervisor McKay and Chairman Bulova, Supervisor Foust moved that the Board direct staff to invite representatives of the LGBTQ+ community, and its supporters, to appear before the Board on June 4, 2019, to proclaim June 2019 as "*LGBT Pride Month*" in Fairfax County. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

24. **RECOGNIZING HERNDON-RESTON FRIENDLY INSTANT SYMPATHETIC HELP (FISH) ON ITS FIFTIETH ANNIVERSARY (DRANESVILLE DISTRICT) (12:35 p.m.)**

Supervisor Foust expressed his congratulations to Herndon-Reston FISH, Incorporated, on its fiftieth anniversary.

Supervisor Foust said that the organization's mission is to provide FISH to predominantly-to-very-low-income Herndon and Reston residents who face short-term financial crises. Among its many services, FISH has helped prevent evictions, covered utility and medical needs, provided funds to help move families from a shelter to low-cost housing and taught financial literacy classes. Often social workers contact FISH because they know it can provide help when others cannot.

FISH also helps Supplemental Nutrition Assistance Program (SNAP) families to double their spending dollars on fresh local produce purchased at the Herndon Farmers' Market. Over the years, FISH has provided millions of dollars in assistance to the County's most vulnerable residents.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a resolution, to be jointly signed by the Chairman and the Dranesville District Supervisor, recognizing Herndon-Reston FISH for its 50 years of community service for presentation at the annual FISH Fling Gala to be held on Saturday, May 18, 2019, in Herndon. Without objection, it was so ordered.



25. **PROCLAIMING MAY 14, 2019, AS A “DAY OF DECENCY” IN FAIRFAX COUNTY** (12:36 p.m.)

Supervisor Foust stated that about two weeks ago, Thomas Siegel, a 13-year old student who lives in Herndon, contacted his office. He and his parents asked that the County proclaim May 14, 2019, as a Day of Decency to coincide with National Decency Day and that the Board wear the Decency button that was provided.

A fundamental tenet of civil discourse, whether on a local, state or national level, is the understanding of and respect for the differences that should exist in a democracy. The Decency button was designed as a simple reminder of the basic standard of civility that every American deserves, regardless of personal, religious, or political views.

In July 2017, the Campaign for Decency, a grassroots effort founded by Ms. Lisa Chalnoky, went national as every Member of Congress received a DECENCY button. In September 2017, the campaign was recognized on the floor of the U.S. House of Representatives and both sides were encouraged to reach across the aisle with civility and serve as role models for all.

In December 2017, the DECENCY school outreach program began with Shelter Island Union Free School District in New York, becoming the first in the country to create and implement decency programs into the curriculum for all grade levels. Since then, another elementary school in Florida has done the same.

Unfortunately, decency in civil discourse is in short supply these days.

Therefore, Supervisor Foust asked unanimous consent that the Board show its support for civil discourse by:

- Proclaiming May 12, 2019, as a “*Day of Decency*” in Fairfax County
- Encourage wearing the DECENCY button
- Sending a copy of the proclamation to Mr. Siegel

Without objection, it was so ordered.

26. **NO BOARD MATTERS FOR SUPERVISOR STORCK (MOUNT VERNON DISTRICT)** (12:38 p.m.)

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

**KK:kk**

27. **REQUEST TO EXPEDITE A PUBLIC HEARING – WILLIAMS MEADOW, L.C. – REZONING APPLICATION RZ 2018-PR-024 (PROVIDENCE DISTRICT)** (12:39 p.m.)

Supervisor L. Smyth said that Williams Meadow, L.C., has filed a rezoning application for the development of single-family detached dwellings off Sutton Road. Rezoning Application RZ 2018-PR-024 has been filed and accepted for review with a Planning Commission (PC) public hearing scheduled for July 10, 2019. To ensure that this application can be heard before the August recess, the applicant has requested a concurrent Board hearing date.

To accommodate this request, Supervisor L. Smyth moved that the Board direct staff to expedite the public hearing for Rezoning Application RZ 2018-PR-024, located at Tax Map 48-1 ((1)) 77 and 78, to July 30, 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 all applicable ordinances, regulations, and adopted standards. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

28. **REQUEST TO EXPEDITE A PUBLIC HEARING FOR ROBERT H. PEARSON, JR.; R. H. PEARSON, INCORPORATED, AND THE WALLACH LIVING TRUST REZONING APPLICATION RZ 2016-PR-023 (PROVIDENCE DISTRICT)** (12:41 p.m.)

Supervisor L. Smyth said that Robert H. Pearson, Jr.; R. H. Pearson, Incorporated; and the Wallach Living Trust have filed Rezoning Application RZ 2016-PR-023 located at Tax Map 39-2 ((1)) 28, 28A, 28B, 29, and 32. This application has been accepted for review and is scheduled for a Planning Commission (PC) hearing on July 31, 2019. To ensure that this application can be heard before the end of the year, the applicant has requested that a Board hearing date be scheduled.

To accommodate this request, Supervisor L. Smyth moved that the Board direct staff to schedule a public hearing to be held before the Board on Rezoning Application RZ 2016-PR-023 for September 24, 2019. This motion should not be construed as a favorable recommendation by the Board or the PC 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.

29. **HISTORIC PROPERTIES IN THE COUNTY** (12:42 p.m.)

Supervisor McKay noted that the County is famous for sites such as Mount Vernon, the Huntley Mansion, and many others. However, there are many other structures that have survived over the years that need to be identified for

preservation. As public stewards, County government has the responsibility of identifying and protecting its rich historic and cultural resources.

The County does a great job at preserving its legacy through recording and studying history. However, Supervisor McKay expressed his belief that it is important to look for ways to support the historic inventory. In a recent meeting with members of the History Commission, possible actions were discussed that could help achieve this goal.

Therefore, Supervisor McKay moved that the Board direct staff to:

- Research the benefits and impacts of providing tax credits to owners of the County's inventory of historic properties. This research should include a look at what existing authority the County already has as well past programs that have "sun-setted" and are no longer in existence. Reviewing programs in other municipalities such as Virginia Beach may also be helpful
- Report its findings at an upcoming Budget Committee meeting.

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

30. **REQUEST FOR A PROCLAMATION DESIGNATING MAY 2019 AS "AUTISM AWARENESS MONTH" IN FAIRFAX COUNTY** (12:44 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor McKay said that one in 59 newborn children in the United States is on the autism spectrum, including 125,000 Virginians. Persons with autism form an incredibly diverse community with vastly different abilities, limitations, and preferences from individual to individual.

Individuals on the autism spectrum have amazing strengths and skills that often go untapped when the proper supports are not in place. A recent study by Drexel University's Autism Institute concluded that only 14 percent of adults on the autism spectrum had paid employment. Furthermore, young adults on the autism spectrum demonstrate the lowest employment rates among people with disabilities and over 70 percent of adults with autism want to work but are either unemployed or underemployed.

Hiring individuals with autism goes a long way toward achieving diversity on worksites because each person with autism offers a valuable perspective that is unique from those of neurotypical individuals. ServiceSource is a group in the region that is doing just that. It is working to achieve greater access to employment for individuals on the autism spectrum and to promote acceptance in the community through hosting its annual AWARE Art Show, among other efforts, which features talented artists on the autism spectrum.

Supervisor McKay expressed his belief that it is just as important that the County shed light on this issue and recognize the contributions that those on the autism spectrum add to the community and recognize the work ServiceSource is doing to help autistic individuals gain employment opportunities.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a proclamation, to be jointly signed by the Chairman and the Lee District Supervisor, for presentation at the Board meeting on May 21, 2019 designating May 2019 as “*Autism Awareness Month*” in Fairfax County. Without objection, it was so ordered.

31. **THIRTY-FIRST ANNUAL SPRINGFIELD DAYS (LEE DISTRICT)**  
(12:48 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity, and Chairman Bulova, Supervisor McKay announced that the “Thirty-first Annual Springfield Days” celebration will take place this year on the weekend of June 1-2, 2019.

A wide variety of activities will take place across Springfield as part of the celebration, most notably the famous Cardboard Boat Regatta at Lake Accotink Park. This year's festivities will also include a 5K race, car show, and Taste of Springfield celebration at Springfield Town Center.

Therefore, Supervisor McKay asked unanimous consent that the Board direct:

- Staff to prepare a proclamation, to be jointly signed by the above-mentioned Board Members, to celebrate Springfield Days on June 1 and 2, 2019
- The Office of Public Affairs to publicize the event and invite all residents of the County to join in at this community event

Without objection, it was so ordered.

32. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (12:49 p.m.)

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

33. **REQUEST FOR EXPEDITIOUS PROCESSING FOR RESTON CROSSING L.P. (HUNTER MILL DISTRICT)** (12:49 p.m.)

Supervisor Hudgins said that Reston Crossing L.P. is the applicant for Rezoning/Final Development Plan Application RZ/FDP 2018-HM-002 seeking rezoning to permit a transit-oriented mixed-use development on 14 acres adjacent to the Reston Town Center Metro Station. The application includes a final development plan for a new office tower at the foot of the station entrance and

would provide new urban park space with the first building. The applicant has requested expedited processing of its zoning application.

Therefore, Supervisor Hudgins, moved that the Board direct the Department of Planning and Zoning to expedite the scheduling of the Board's public hearing for Rezoning Application RZ 2018-HM-002 to **June 25, 2019, at 3:30 p.m.** This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

34. **REQUEST FOR EXPEDITIOUS PROCESSING FOR CRS SUNSET HILLS, LLC (HUNTER MILL DISTRICT)** (12:50 p.m.)

Supervisor Hudgins announced that CRS Sunset Hills, LLC, (the "applicant") has filed Conceptual Development Plan Amendment/Final Development Plan Amendment/Proffered Condition Amendment CDPA/FDPA/PCA Application 2016-HM-035 for the property identified on Tax Map as 17-4 ((1)) 14A, 17B, 20, and a portion of 17A, to amend Rezoning/Final Development Plan Application RZ/FDP 2016-HM-035, approved by the Board on April 10, 2018, for a mixed-use development that includes office, residential, hotel, and retail uses (the "project"). The project includes four development blocks as an extension of the Reston Station development, located immediately north of the Wiehle-Reston East Metro Station.

Supervisor Hudgins said that the applicant has advanced its final design and engineering and secured a premier hotelier and retail tenants for Building C. Accordingly, the applicant refined its plans for Building C to reflect the needs of the parties and took the opportunity to improve the overall site layout and design for the project at the same time. As a result, the proposed applications not only reflect the final design and engineering of Building C but also demonstrate improved pedestrian connectivity and porosity, more seamless circulation within the property, and enhancements to the urban parkland serving the project.

As the applicant has a signed lease with the hotel for Building C and is subject to time-sensitive deadlines under its contract, it is imperative that the applications move forward as soon as possible.

Therefore, Supervisor Hudgins moved that the Board direct staff from the Department of Land Development Services to work closely with the applicant to expeditiously process its site plan under the County's concurrent processing regulations. 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.

35. **AP RESTON CAMPUS LLC – AMERICAN ARMED FORCES MUTUAL AID ASSOCIATION (AAFMAA) (HUNTER MILL DISTRICT)**  
(12:53 p.m.)

Supervisor Hudgins said that AP Reston Campus LLC, doing business as AAFMAA, has filed Proffered Condition Amendment Application PCA 78-C-098-04 and a final development plan amendment on property identified as Tax Map 17-4 ((1)) Parcel 1. AAFMAA proposes to replace the commercial building and garage with two three-story “Class A” commercial office buildings connected by a common below-grade parking structure and shared conference facility.

Therefore, Supervisor Hudgins moved that the Board direct the:

- Department of Planning and Zoning to expeditiously process Proffered Condition Amendment Application PCA 78-C-098-04 and Final Development Plan Amendment Application FDPA 78-C-098-05, including the scheduling of a public hearing to be held before the Board on **September 24, 2019, at 3:30 p.m.**
- Department of Land Development Services to accept a site plan, and any other plans as may be necessary, for concurrent and simultaneous processing with the pending application

This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

**DET:det**

36. **WINE, WHISKERS, AND WAGS** (12:55 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Cook stated that Wine, Whiskers, and Wags is the celebration of the Michael Frey Animal Shelter. Last year, over 4,500 dogs, cats, small animals, and poultry were taken in; of that number, over 3,000 were adopted and more than 1,000 were returned to their owners. The live release rate was over 93 percent which is very high.

Referring to his written Board Matter, Supervisor Cook said that this work is supported by volunteer efforts and is one of the main fundraisers for the Friends of the Fairfax County Animal Shelter (Friends Group). The event is on May 19, 2019, from 1 p.m. until 5 p.m. at Paradise Springs Winery in Clifton. There will be food, a wine tasting, a silent auction, and many critters to interact with.

Therefore, Supervisor Cook said that he would like to encourage everyone to attend and asked unanimous consent that the Board direct the Office of Public Affairs to advertise the event. Without objection, it was so ordered.

37. **COMMUNICATIONS VEHICLE RALLY** (12:56 p.m.)

Supervisor Cook announced that the County's Department of Information Technology (DIT) Radio Services Center and its public safety agencies are hosting the Fourteenth Annual Communications Vehicle Rally on Friday, June 28, 2019, from 8 a.m. until 2 p.m. at the County Police Department's driver training facility at 3725 Stonecroft Boulevard in Chantilly.

Referring to his written Board Matter, Supervisor Cook said that leadership is invited to observe communications interoperability and command units from Federal, State, and local public safety and emergency management agencies will attend. The County has made significant investments from the Urban Areas Security Initiative (UASI) and other grants.

Therefore, Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs to promote the Communications Vehicle Rally. Without objection, it was so ordered.

38. **AMERICAN DISPOSAL SERVICES (ADS)** (12:58 p.m.)

In a joint Board Matter with Supervisor K. Smith, Supervisor Cook said that the County faces a significant health, safety, and community enjoyment problem arising out of the current failures of ADS, which is the primary private trash service company serving County residents. For the last several weeks, it has failed to make many trash pick-ups in the County. Trash is left on street corners or in overflowing homeowners association (HOA) dumpsters. This open trash attracts rats and other vermin, smells, and is ugly.

The company blames a nationwide problem recruiting employees to drive its trucks. On a national level, the American Trucking Association (ATA) reports that the U.S. was short approximately 48,000 drivers in 2015. It also said an estimated 890,000 new hires will be needed over the next decade with the potential for a shortage of 175,000 drivers in 2024 if the trend continues. Last year, ADS was purchased by Waste Connections Incorporated, the third largest trash company in North America. All trash haulers in the country are facing challenges, but here, after the acquisition by Waste Connections, ADS's problems are more acute.

For the last few weeks, County staff has been working with ADS to help it solve its problem. Staff from the Department of Public Works and Environmental Services, Department of Cable and Consumers Services, and the Health Department have all pitched in. Yesterday, May 6, 2019, the County Executive advised the Board, via a written memorandum, of the current state of the County's

efforts and County staff was commended for going above and beyond the call of duty to help ADS.

It is an important part of the economic system for companies to cut costs to improve economic competition. Consumers benefit from that system. It is also an important part of the system for companies to keep its promises to customers and for government to enforce consumer protection statutes and other laws so companies do not engage in unfair competitive tactics that leave customers hanging. The County needs to investigate whether ADS is in violation of any consumer protection laws.

Therefore, jointly with Supervisor K. Smith, Supervisor Cook moved that the Board direct the County Attorney to prepare a closed session briefing, to be held during the Board's May 21, 2019, meeting. The briefing should include:

- An analysis of all applicable consumer protection statutes
- Potential claims of fraud or other legal issues potentially arising out of ADS's failure to meet its commitment to County residents
- Options for the County to seek legal remedies

The County should continue to assist ADS in providing its promised services but must also make clear that this is ADS's problem and the County expects it to solve it in the next two weeks or else the County will be prepared take whatever legal action may be available.

Supervisor K. Smith seconded the motion.

Discussion ensued concerning:

- Upholding contractual commitments/obligations
- Multiple vendors in neighborhoods picking up trash and the resulting environmental/infrastructure impacts on County roads
- The issue of trash collection being scheduled for the Board's Environmental Committee meeting agenda on June 18, 2019

Supervisor Herrity asked to amend the motion to include considering the role of the Health Department in this discussion and this was accepted.

Supervisor Herrity added that the County had established a special email account [trashmail@fairfaxcounty.gov](mailto:trashmail@fairfaxcounty.gov) for residents to register complaints.

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



39. **CLEAN THE BAY DAY** (1:09 p.m.)

In a joint Board Matter with Supervisor McKay and Supervisor Storck, Supervisor Gross announced that each year, on the first Saturday of June, volunteers across the Commonwealth gather to remove litter and debris from the rivers, streams, and beaches of the Chesapeake Bay watershed. Thirty-one years strong, Clean the Bay Day is a true Virginia tradition and an annual opportunity for families, military installations, businesses, clubs, and civic or church groups to give back to their local waterways.

Since 1989, Clean the Bay Day has engaged over 158,200 volunteers, who have removed approximately 6.64 million pounds of debris from nearly 7,750 miles of shoreline in Virginia.

This year, Clean the Bay Day will be held on Saturday, June 1 from 9 a.m. until noon, with hundreds of locations across the State. Two clean-up events will be held in the County: Huntley Meadows Park and Mason Neck State Park.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the County Executive and the Office of Public Affairs to promote this event to the public. Without objection, it was so ordered.

40. **2019 NATIONAL ASSOCIATION OF COUNTY PARK AND RECREATION OFFICIALS (NACPRO) AWARDS** (1:11 p.m.)

In a joint Board Matter with Supervisor Storck and Chairman Bulova, Supervisor Gross said that NACPRO will be recognizing three County residents, programs, and organizations at its annual awards banquet this June:

- The Friends of Green Spring (FROGS) will be honored as an Outstanding Support Organization
- The Fairfax County Park Authority (FCPA) Resident Curator Program will be honored with a Historical/Cultural Facility Award
- Laurel Hill Park trail maintenance volunteer Michael Applegate will be recognized in the Outstanding Volunteer category

Therefore, Supervisor Gross asked unanimous consent that the Board congratulate the FROGS, the FCPA Resident Curator Program, and Mr. Applegate for receiving these national awards. Without objection, it was so ordered.

41. **MOTION TO EXPEDITE SPECIAL EXCEPTION APPLICATION SE 2019-SU-007 - BROOKFIELD SWIMMING CLUB, INCORPORATED,**

**PLEASANT VALLEY DAYCARE, INCORPORATED (SULLY DISTRICT)** (1:12 p.m.)

Supervisor K. Smith said that Brookfield Swimming Club, Incorporated, and Pleasant Valley Daycare, Incorporated, are the applicants of a special exception application. The purpose of this application is to allow a child care facility to operate at an existing community swim club in Chantilly. The subject application is concurrent with a special permit application to amend the Swim Club approval. The 2.89-acre subject property is zoned R-3 and WS and is located at 13615 Pennsboro Drive, Tax Map 44-2 ((1)) 15 and 16.

The applicant has a public hearing for the special exception scheduled before the Planning Commission on June 26, 2019, and a public hearing for the special permit amendment scheduled before the Board of Zoning Appeals on July 10, 2019. The applicant has requested a date certain for a hearing before the Board.

Therefore, Supervisor K. Smith moved that the Board direct the Clerk to the Board of Supervisors to schedule this application for a public hearing to be held before the Board on July 16, 2019. 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 L. Smyth seconded the motion and it carried by unanimous vote.

42. **NATIONAL HOMEOWNERSHIP MONTH** (1:14 p.m.)

Supervisor K. Smith announced that June is National Homeownership Month, a time to recognize the value of homeownership to individuals, families, and communities. Homeownership builds wealth, provides security for individuals and families, strengthens communities, and is fundamental to the health of the local economy.

Since 1988, the County's Department of Housing and Community Development (HCD) has helped over 2000 homebuyers of affordable units and currently nearly 3800 family members own a home through the First-Time Homebuyers Program, helping to contribute to a homeownership rate of 67.5 percent in the County, higher than the national average of 64.2 percent. The average income of homebuyers through HCD's affordable homeownership programs in fiscal year 2018 was \$40,000 per year.

During National Homeownership Month, the Board commits to ensuring that more County residents can reach for this fundamental piece of the American dream.

Therefore, Supervisor K. Smith asked unanimous consent that the Board direct staff to invite HCD and its community partners to appear before the Board to

receive a proclamation on National Homeownership Month at the May 21, 2019 meeting. Without objection, it was so ordered.

### **AGENDA ITEMS**

43. **RECESS/CLOSED SESSION** (1:16 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. *Michael Star v. Archstone-Smith, Sara Read, C. Stacey, Officer Leed, Bud Walker and Jeffrey Overand*, Case No. 1:18-cv-01598 (E.D Va.)
  2. *Matthew Mwendwa Soroko v. Fairfax County Court, Commonwealth of Virginia, United States of America and the Fairfax County Police Department*; Case No. CL-2018-0008391 (Fx. Co. Cir. Ct.)
  3. *Carlos Francisco Cordon Rivas, Sr. v. Fairfax County Department of Family Services*; Record No. 1828-18-4; *Nely Margarita Bonillas de Cordon v. Fairfax County Department of Family Services*; Record No. 1536-18-4 (Va. Ct. App.)

4. *Chiao-Yung A. Sher v. Christopher A. Leonard and the Fairfax County Department of Neighborhood and Community Services*; Case No. GV19-007794 (Fx. Co. Gen. Dist. Ct. – Small Claims Division)
5. *Dora Fatima Parada-Segovia v. Kenneth Barlowe and Fairfax County*, Case No. CL-2018-0009390 (Fx. Co. Cir. Ct.)
6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sun Xiaoyi and Lingang Liu*, Case No. CL-2018-0007655 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, v. Elizabeth H. Titlow and Carol A. Polkinghorne*, Case No. GV19-004461 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
8. *Dulles Professional Center Condominium Unit Owners Association, Spectrum Innovative Properties, LLC, McWhorter, LLC, and Mulpuri Properties, LLC v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, Virginia, Stanley Martin Companies, LLC, and JLB Dulles Tech, LLC*, Case No. CL-2018-0011870 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Elizabeth Perry, Property Maintenance Code Official v. Charlene Farrell, Trustee of the Farrell Family Trust and Christopher Farrell, Trustee of the Farrell Family Trust*, Case No. GV19-008653 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Karen I. Scharer*, Case No. GV19-006360 (Dranesville District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jean Marie Maria*, Case No. CL-2018-0014161 (Fx. Co. Cir. Ct.) (Mason District)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Lamjam, LLC, and Tandoori Nights, LLC, d/b/a Tandoori Nights*, Case No. CL-2018-0009311 (Fx. Co. Cir. Ct.) (Mason District)
13. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robert John Rindo*, Case No. CL-2018-0014894 (Fx. Co. Cir. Ct.) (Mason District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert John Rindo*, Case No. CL-2012-0017557 (Fx. Co. Cir. Ct.) (Mason District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George M. Yaworsky and Zenia M. Yaworsky*, Case No. CL-2018-0014854 (Fx. Co. Cir. Ct.) (Mason District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mellinium Center, LLC*, Case No. CL-2018-0010208 (Fx. Co. Cir. Ct.) (Mason District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Francis A. Headley, Grace F. Headley, and Jerome E. Headley*, Case No. CL-2018-0015210 (Fx. Co. Cir. Ct.) (Mason District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, v. Shahid Ahmad*, Case No. GV19-005654 (Fx. Co. Gen. Dist. Ct.) (Mason District)
19. *Brian F. Foley, Building Official for Fairfax County, Virginia v. Tran Hang Thi Le and Dung Van Nguyen*, Case No. CL-2018-0015677 (Fx. Co. Cir. Ct.) (Providence District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Siti C. Siregar*, Case No. CL-2019-0002950 (Fx. Co. Cir. Ct.) (Providence District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney*,

*Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)*

22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James A. Giddings, Trustee of the James A. Giddings Trust and the Brandy D. Giddings Trust, and Brandy D. Giddings, Trustee of the James A. Giddings Trust and the Brandy D. Giddings Trust, Case No. GV18-027205 (Fx. Co. Gen. Dist. Ct.) (Providence District)*

23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mark Anthony Shiflette, Case No. GV19-007148 (Fx. Co. Gen. Dist. Ct.) (Springfield District)*

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; and
  - b. Virginia Alcoholic Beverage Control (ABC) Board license application for Bull Run Brewery
2. As permitted by Virginia Code Section 2.2-3711(A)(3), potential disposition of County-owned real property in the Hunter Mill District and possible acquisition of real property in the Providence District for a public transportation improvement.

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

**EBE:ebe**

At 4:07 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Gross, and with Chairman Bulova presiding.

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

44. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:08 p.m.)

Supervisor McKay 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 vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor Gross being out of the room.

Chairman Bulova announced that Supervisor Gross was not present in closed session and may not attend the afternoon's public hearings while she attends to a personal matter.

45. **AUTHORIZATION OF OBJECTIONS TO BULL RUN BREWERY'S ABC LICENSE APPLICATIONS TO BE WITHDRAWN** (4:09 p.m.)

Supervisor K. Smith moved that the Board authorize and direct the County Attorney to withdraw the County's objections to Bull Run Brewery's Alcoholic Beverage Control License application for a limited (farm) brewery based on the grounds discussed with the County Attorney in closed session. A letter withdrawing these objections will be submitted to the ABC Board, along with a statement that the use is not permitted until Bull Run Brewery obtains an approved special exception. Supervisor Herrity and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

46. **AUTHORIZATION FOR THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN THE PROVIDENCE DISTRICT** (4:10 p.m.)

Supervisor L. Smyth moved that the Board authorize the acquisition for a public purpose of a certain real property located in the Providence District of Fairfax County, Virginia, and the related actions necessary thereto, on the terms and conditions as outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

**KK:kk**

47. **A-5 – BOARD APPROVAL OF A MINOR VARIATION REQUEST FOR REZONING APPLICATION RZ 93-L-023 BY FRONTIER DRIVE METRO CENTER, L.P., TO MODIFY PROFFER 8 BY ADDING FAÇADE COLORS, SPECIFICALLY THE COLORS “CREAMY WHITE/OFF WHITE” TO THE TRIM (CUPOLAS AND CORNICES), AND “BLACK FOX OR OTHER CONTRASTING COLOR” TO THE CANOPIES, STOREFRONTS, AND METAL TRIM (LEE DISTRICT)** (4:10 p.m.)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item # 18.)

Ms. Kathryn R. Taylor reaffirmed the validity of the affidavit for the record.

Jerrell Timberlake, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the request, site location, and staff recommendations.

In accordance with Zoning Ordinance Section 18-204(5) and Virginia Code §15.2 2302, Supervisor McKay moved that the Board:

- Waive the requirement of a public hearing
- Approve the addition of façade colors, specifically “creamy white/off white” to the trim (cupolas and cornices), and “Black Fox or other contrasting color” to the canopies, storefronts, and metal trim for Rezoning Application RZ 93-L-023 as detailed in Action Item 5 of the Board Agenda Item

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

**EBE:ebe**

48. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION PCA/CDPA 2011-PR-023-02 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2011-PR-023-03 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT)** (4:15 p.m.)

Supervisor L. Smyth moved to defer the public hearing on Proffered Condition Amendment/Conceptual Development Plan Amendment Application PCA/CDPA 2011-PR-023-02, and Proffered Condition Amendment Application PCA 2011-PR-023-03, Cityline Partners LLC, until **May 21, 2019, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

49. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2016-DR-027 (POMEROY/CLARK I, LLC) (DRANESVILLE DISTRICT)**

**AND**



**PH ON PROFFERED CONDITION AMENDMENT APPLICATION  
PCA-C-637-04 (POMEROY/CLARK I, LLC) (DRANESVILLE DISTRICT)**  
(4:16 p.m.)

Supervisor Foust announced that the public hearing would be considered later in the meeting.

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

50. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2017-DR-012  
(POMEROY COMPANIES, INCORPORATED/POMEROY  
INVESTMENTS, INCORPORATED, TR) (DRANESVILLE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION  
PCA-C-637-05 (POMEROY INVESTMENTS, INCORPORATED, TR)  
(DRANESVILLE DISTRICT)** (4:16 p.m.)

Supervisor Foust announced that the public hearing would be considered later in the meeting.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #53.)

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION  
SE 2018-MV-021 (STARBUCKS COFFEE COMPANY) (MOUNT  
VERNON DISTRICT)** (4:17 p.m.)

The application property is located at 8098 Rolling Road, Springfield, 22153, Tax Map 98-2 ((1)) 13B.

Mr. Ross Stevens reaffirmed the validity of the affidavit for the record.

William Mayland, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Stevens 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 a presentation from Andrew Smith, Traffic Engineer, Kimley-Horn and Associates, Incorporated, discussion ensued regarding pedestrian access, proposed

crosswalks, and the American with Disabilities Act (ADA) accessible walkway to the site.

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

Supervisor Storck moved approval of Special Exception Application SE 2018-MV-021, subject to the development conditions dated April 10, 2019. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

52. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2016-DR-027 (POMEROY/CLARK I, LLC) (DRANESVILLE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-637-04 (POMEROY/CLARK I, LLC) (DRANESVILLE DISTRICT)**  
(4:31 p.m.)

Supervisor Foust moved to defer the public hearing on Rezoning Application RZ 2016-DR-027 and Proffered Condition Amendment Application PCA-C-637-04, until **June 4, 2019, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2017-DR-012 (POMEROY COMPANIES, INCORPORATED/POMEROY INVESTMENTS, INCORPORATED, TR) (DRANESVILLE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-637-05 (POMEROY INVESTMENTS, INCORPORATED, TR) (DRANESVILLE DISTRICT)** (4:32 p.m.)

Supervisor Foust moved that the Board:

- Defer the public hearing on Rezoning Application RZ 2017-DR-012 and Proffered Condition Amendment Application PCA-C-637-05, until **June 4, 2019, at 3:30 p.m.**
- Schedule the public hearing to immediately follow the public hearing for Proffered Condition Amendment Application PCA-C-637-04 and Rezoning Application RZ 2016-DR-027, which will also be heard on that day

Supervisor K. Smith seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

54. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-D-008 (VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION ENERGY VIRGINIA) (PROVIDENCE DISTRICT)** (4:33 p.m.)

(NOTE: Earlier in the meeting, Supervisor L. Smyth announced her intent to defer this public hearing. See Clerk's Summary Item CL #18.)

Supervisor L. Smyth moved to defer the public hearing on Special Exception Amendment Application SEA 88-D-008, until **May 21, 2019, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

55. **ORDERS OF THE DAY** (4:33 p.m.)

Chairman Bulova announced that the public hearing schedule will be considered out of order to move the public hearing on proposed Plan Amendment 2018-III-DS1, Land Unit J of the Dulles Suburban Center, to the end of the agenda.

(NOTE: later in the meeting, the Board took action on this item. See Board's Summary Item #61.)

56. **4 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT 1613 GREAT FALLS STREET TO WESTGATE CHILD CENTER AND LEWINSVILLE MONTESSORI SCHOOL (DRANESVILLE DISTRICT)** (4:34 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 April 19 and April 26, 2019.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Foust moved adoption of the Resolution authorizing the leasing of County-owned property at 1613 Great Falls Street to Westgate Child Center and Lewinsville Montessori School, in accordance with the provisions of the draft leases as contained in the Board Agenda Item as Attachments 2 and 3. Supervisor McKay and Supervisor L. Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE," Supervisor Gross being out of the room.

57. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2018-III-DS1, LAND UNIT J OF THE DULLES SUBURBAN CENTER, LOCATED EAST AND WEST OF ROUTE 28, SOUTH OF OLD LEE ROAD AND WALNEY ROAD, AND NORTH OF BRADDOCK ROAD, STONECROFT BOULEVARD, AND POPLAR TREE ROAD (SULLY DISTRICT)**

(NOTE: Earlier in the meeting, Chairman Bulova announced that this item would be considered at end of the agenda. See Clerk's Summary Item #55.)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item #61.)

58. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2018-DR-010 (VIP WALKER ROAD, LLC) (DRANESVILLE DISTRICT)** (4:47 p.m.)

The application property is located on the east of Walker Road, north of its intersection with Colvin Run Road (formerly 1131 and 1137 Walker Road), Great Falls, 22066. Tax Map 12-4 ((1)) 63.

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

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

- Mr. Wayne Folley, Old Mill Associates LLLP

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

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

Supervisor Foust submitted items for the record.

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

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

Supervisor Foust moved approval of:

- Special Exception Application SE 2018-DR-010, subject to the development conditions dated April 17, 2019.
- The following modifications:
  - Allow a medical care building closer than 100 feet to a lot line which abuts an R-A through R-4 District, as required by Paragraph 5 of Section 9-308 of the Zoning Ordinance (ZO)
  - Minimum lot size for medical care facilities located in R-1 Districts, as required by Paragraph 6 of Section 9-308 of the ZO
  - Peripheral parking landscape required per Paragraph 2 of Section 13-203 of the ZO along the western property line to allow the proposed trail to be located within the required ten-foot wide landscape strip

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

59. **4 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) (4:55 p.m.)**

(NOTE: On April 9, 2019, the Board deferred the public hearing until May 7, 2019.)

Supervisor L. Smyth moved to defer the public hearing on Rezoning Application RZ 2015-PR-014 and Special Exception Application SE 2015-PR-029, indefinitely. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

60. **4:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SPRINGFIELD MULTI-USE TRANSIT HUB (LEE DISTRICT) (4:56 p.m.)**

Chairman Bulova announced that earlier in the meeting, Supervisor McKay announced his intent to cancel this public hearing.

(NOTE: Later in the meeting, the public hearing was cancelled. See Clerk's Summary Item #62.)

61. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2018-III-DS1, LAND UNIT J OF THE DULLES SUBURBAN CENTER, LOCATED EAST AND WEST OF ROUTE 28, SOUTH OF OLD LEE ROAD AND WALNEY ROAD, AND NORTH OF BRADDOCK ROAD, STONECROFT BOULEVARD, AND POPLAR TREE ROAD (SULLY DISTRICT)**  
(4:57 p.m.)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item #55.)

Leanna H. O'Donnell, Branch Chief, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following an inquiry from Supervisor K. Smith, Ms. O'Donnell, clarified the changes to the Comprehensive Plan section on Noise made following Board and Planning Commission input.

Chairman Bulova referred to items submitted for the record and a brief discussion ensued, with input from Mr. Michael Cooper (Speaker 4), regarding the status of a proposed resolution being considered by the Council of the District of Columbia.

Following the public hearing, which included testimony by 19 speakers, Ms. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Following remarks, Supervisor K. Smith moved approval of Plan Amendment 2018-III-DS1, as modified by the proposed changes distributed in a handout dated May 7, 2019. Supervisor L. Smyth seconded the motion.

Discussion ensued regarding the County's noise policies and standards and the Plan amendment.

Chairman Bulova relinquished the Chair to Acting-Chairman McKay and she moved a substitute motion that the Board defer Plan Amendment 2018-III-DS1, until direction laid out in the follow-on motion dated May 7, 2019, is completed and is brought back before the Board. Supervisor Hudgins seconded the motion.

Discussion ensued regarding:

- The economic viability of Westfields if the Plan Amendment is not approved

- The future growth of Dulles Airport and its importance to the economic development of the region
- Introducing residential units in the 60-65 dBA
- Similarities with issues of rail and roadway noise impacts on residential properties
- Commitments to construction standards and materials that mitigate indoor noise impacts
- Including disclosure statements in leasing and purchase agreements informing initial and subsequent residents of the impacts of airport noise that will be experienced
- Timing of the release of MWAA's draft new noise contour maps for the future buildout of the Airport and action on the Plan Amendment
- Future airplane technology and quieter aircraft

The question was called on the substitute motion and it **FAILED** by a recorded vote of six, Supervisor Herrity, Supervisor Hudgins, and Chairman Bulova voting "AYE," Supervisor Gross being out of the room.

Acting Chairman McKay returned the gavel to Chairman Bulova.

The question was called on the main motion and it **CARRIED** by a recorded vote of six, Supervisor Herrity, Supervisor Hudgins, and Chairman Bulova voting "NAY," Supervisor Gross being out of the room.

Supervisor K. Smith said that in response to the letter from MWAA to the Chairman, dated April 19, 2019, and the recommendation from the PC regarding the County's consideration of new airport noise contours, moved that the Board direct staff to:

- Gather relevant information and report with recommendations for next steps for possible consideration of new noise contours for Dulles Airport
- Request that MWAA provide the following:
  - A final report that outlines the methodology, operational assumptions, and findings associated with the new airport noise contour map
  - Copies of all relevant noise contour maps in an

electronic file format that staff can use as a Geographic Information System (GIS) layer to compare with existing noise contours

- Contact Loudoun County to determine what, if any, actions it is contemplating with respect to these new noise contours. Consultation and coordination with Loudoun County should be part of any consideration of these new airport noise contours.
- Consider bringing on a consultant to provide an external independent review of the assumptions and findings associated with the new noise contours.
- Report to the Board's Development Process Committee to present this information and discuss possible next steps, including any changes to the Comprehensive Plan and/or Zoning Ordinance that may be appropriate for consideration.

Supervisor Foust seconded the motion.

Supervisor Storck asked to amend the motion to include availability of all relevant data, and this was accepted.

Following further discussion, the question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Gross being out of the room.

62. **4:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SPRINGFIELD MULTI-USE TRANSIT HUB (LEE DISTRICT) (7:22 p.m.)**

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Items #18 and #60.

Supervisor McKay announced that all land rights had been acquired and moved to cancel the proposed public hearing on the acquisition of certain land rights necessary for the construction of the Springfield Multi-Use Transit Hub. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

63. **BOARD ADJOURNMENT (7:23 p.m.)**

The Board adjourned.