



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 21, 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 21, 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; 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 MATTER1. **MOMENT OF SILENCE** (9:38 a.m.)

The Board asked everyone to keep in thoughts the family and friends of Mr. Bahman “Batman” Batmanghelidj, a community builder and developer in the Dulles area, who died recently.

AGENDA ITEMS2. **REPORT, VIDEO, AND RECOGNITION OF THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD’S (CSB) FIFTIETH ANNIVERSARY** (9:39 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the CSB on its fiftieth anniversary. Supervisor Herrity seconded the motion and it carried by unanimous vote.

Daryl Washington, Executive Director, CSB, presented a report and video to recognize the CSB on its fiftieth anniversary.

ADDITIONAL BOARD MATTER3. **INTRODUCTION OF A STAFF MEMBER IN THE CHAIRMAN’S OFFICE** (9:58 a.m.)

Chairman Bulova introduced Blue Park, a staff member in her office, and the Board warmly welcomed her to the Board Auditorium.

AGENDA ITEMS4. **CERTIFICATE OF RECOGNITION PRESENTED TO McLEAN HIGH SCHOOL** (9:58 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to McLean High School for winning a 2019 First Amendment Press Freedom Award. Supervisor Gross seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO THE LANGLEY HIGH SCHOOL ICE HOCKEY TEAM** (10:08 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to the Langley High School Ice Hockey Team for winning the Northern Virginia Scholastic Hockey League championship. Supervisor Herrity seconded the motion and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE LANGLEY HIGH SCHOOL MODEL UNITED NATIONS TEAM** (10:16 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to the Langley High School Model United Nations Team for winning multiple awards. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

7. **RESOLUTION OF RECOGNITION PRESENTED TO GRANDINVOLVE** (10:23 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to GrandInvolve for being awarded the Best Practice Award by the Commonwealth Council on Aging. Supervisor Herryty seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING JUNE 2019 AS "HOME OWNERSHIP AWARENESS MONTH" IN FAIRFAX COUNTY** (10:35 a.m.)

Supervisor K. Smith moved approval of the Proclamation designating June 2019 as "*Home Ownership Awareness Month*" in Fairfax County and urged all residents to recognize the value of owning a home. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

9. **RESOLUTION OF RECOGNITION PRESENTED TO THE COMMUNITIES OF TRUST COMMITTEE** (10:44 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the Communities of Trust Committee on its fifth anniversary. Supervisor L. Smyth and Supervisor Herryty jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova

10. **PROCLAMATION DESIGNATING MAY 19-25, 2019, AS "EMERGENCY MEDICAL SERVICES WEEK" IN FAIRFAX COUNTY** (10:55 a.m.)

Supervisor Gross moved approval of the Proclamation designating May 19-25, 2019, as "*Emergency Medical Services Week*" in Fairfax County and urged all residents to observe this week with appropriate recognition and appreciation of the value of emergency medical services programs and teams. Supervisor Foust and Supervisor Herryty jointly seconded the motion and it carried by unanimous vote.

11. **PROCLAMATION DESIGNATING MAY 2019 AS "FIGHT THE BITE AWARENESS MONTH" IN FAIRFAX COUNTY** (11:03 a.m.)

Supervisor Herrity moved approval of the Proclamation designating May 2019 as “*Fight the Bite Awareness Month*” in Fairfax County and urged all residents to take actions to prevent mosquito and tick-borne illnesses. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

12. **PROCLAMATION DESIGNATING MAY 2019 AS “BUILDING SAFETY MONTH” IN FAIRFAX COUNTY** (11:13 a.m.)

Supervisor K. Smith moved approval of the Proclamation designating May 2019 as “*Building Safety Month*” in Fairfax County and urged all residents to recognize the importance of modern construction safety codes and the vital contributions rendered by the dedicated individuals promoting building and construction safety. Supervisor Gross seconded the motion and it carried by unanimous vote.

13. **PROCLAMATION DESIGNATING MAY 2019 AS “AUTISM AWARENESS MONTH” IN FAIRFAX COUNTY** (11:24 a.m.)

Supervisor McKay moved approval of the Proclamation designating May 2019 as “*Autism Awareness Month*” in Fairfax County and urged all residents to recognize the contributions that those on the autism spectrum add to the community. Supervisor Herrity and Supervisor K. Smith jointly seconded the motion and it carried by unanimous vote.

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14. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (11:35 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 May 21, 2019.” Supervisor Foust 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.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Lee District Representative.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Related Professional Group #4 Representative.

ATHLETIC COUNCIL

Reappointment of:

- Mr. Gregory Beckwith as the Dranesville District Principal Representative

Confirmation of:

- Mr. Roland Taylor as the Town of Herndon Principal Representative

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Mason District Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

The Board deferred the appointment of the Design Professional #2 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

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

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #2 Representative.

COMMISSION ON AGING

Reappointment of:

- Ms. Catherine S. Cole as the At-Large Chairman's Representative
- Mr. Michael Perel as the Braddock District Representative
- Ms. Kay Larmer as the Dranesville District Representative
- Mr. Thomas B. Bash as the Springfield District Representative

The Board deferred the appointment of the Providence District Representative.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Appointment of:

- Ms. Debbie Kilpatrick as the Sully District Representative

Confirmation of:

- Ms. Adwoa Rey as the South Target Area #1 Representative

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointment of the Sully District Representative.

ECONOMIC ADVISORY COMMISSION

Confirmation of:

- Ms. Esther C. Lee as the At-Large #17 Representative
- Mr. Kevin McNulty as the At-Large #18 Representative
- Mr. Kiel Stone as the At-Large #19 Representative
- Dr. Terry Clower as the George Mason University Representative

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

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. S. Orlene Grant as the Long Term Care Providers #15 Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Mr. Garrett McGuire as the Mount Vernon District Representative

(NOTE: Nomination was announced on March 19, 2019.)

Nomination of:

- Ms. Sheila Coplan Jonas as the Mason District Representative
- Ms. Evelyn Spain as the Sully District Representative

(NOTE: The Board is scheduled to take action on these appointments on June 25, 2019.)

The Board deferred the appointment of the At-Large #2 Representative.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Lee District Representative.

HISTORY COMMISSION

Appointment of:

- Mr. Gregory P. Wilson as the Historian #3 Representative

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

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

Confirmation of:

- Mr. Mark P. Lay as the Northern Virginia Technology Council Representative

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Appointment of:

- Ms. Ashley E. Shuler as the Braddock District Representative

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

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

The Board deferred the appointment of the Braddock, Dranesville, Mount Vernon, and Providence District Representatives.

POLICE CIVILIAN REVIEW PANEL

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

REDEVELOPMENT AND HOUSING AUTHORITY

Reappointment of:

- Mr. Christopher T. Craig as the Braddock District Representative

Appointment of:

- Ms. Lenore S. Kelly as the Sully District Representative

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Appointment of:

- Mr. Joe Koszarek as the Hunter Mill District #2 Representative
- Ms. Angela E. Roberts as the Apartment or Rental Owner Associations Representative

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

Appointment of:

- Ms. Shalonda Scott-Boyd as the At-Large #2 Representative

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

TENANT LANDLORD COMMISSION

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

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Providence District Representative.

TREE COMMISSION

Appointment of:

- Ms. Laura L. Beaty as the Providence 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

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

15. **ADMINISTRATIVE ITEMS** (11:36 a.m.)

Supervisor McKay moved that the Board withdraw Admin 7 - Authorization to Advertise a Public Hearing to Lease County-Owned Property at 8350 Richmond Highway to Clear Wireless, LLC. The authorization will be scheduled for a later date. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the Administrative Items 1 through 13, with the exception of Admin 7. Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (SULLY DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Pender Village Campus (Fair Ridge Drive)	Sully	Fair Ridge Drive

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING PHASE 2 OF THE “PFM FLEX PROJECT,” A FAIRFAX FIRST INITIATIVE TO IMPROVE THE SPEED, CONSISTENCY, AND PREDICTABILITY OF THE COUNTY’S LAND DEVELOPMENT REVIEW PROCESS

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on June 12, 2019, and before the Board on **July 16, 2019, at 4 p.m.**, regarding proposed amendments to the PFM regarding Phase 2 of the “PFM Flex Project,” to modernize street light fixtures to light emitting diodes (LED) and to allow additional pipe material for storm sewer applications.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2019, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, to reflect changes made to the Code by the 2019 General Assembly.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE DE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING COLLECTION SERVICE (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2019, at 5:30 p.m.**, regarding the de-creation of a Small and Local Sanitary District for refuse/recycling collection service as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District Within Dranesville District (4115 N. Ridgeview Rd)	De-Create	Refuse, Recycling, Collection	Approve

ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 6140 ROLLING ROAD TO CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2019, at 5 p.m.**, regarding the leasing of County-owned property to Cellco Partnership d/b/a Verizon Wireless for the continuation of telecommunications services for public use at the West Springfield Government Center located at 6140 Rolling Road.

ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 2610 RESTON PARKWAY TO CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2019, at 5 p.m.**, regarding the leasing of County-owned property to Cellco Partnership d/b/a Verizon Wireless for the continuation of telecommunications services for public use at the Fox Mill Fire Station located at 2610 Reston Parkway.

ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 8350 RICHMOND HIGHWAY TO CLEAR WIRELESS LLC (LEE DISTRICT)

(NOTE: Earlier in the meeting, this item was withdrawn. See page #10.)

ADMIN 8 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 7 (FAIRFAX COUNTY POLICE OFFICERS RETIREMENT SYSTEM)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2019, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 7 (Fairfax County Police Officers Retirement System), for the purpose of changing certain provisions with respect to spousal options.

ADMIN 9 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 19238 FOR THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (FCEDA) TO ACCEPT GRANT FUNDING FROM THE COMMONWEALTH OF VIRGINIA – COMMONWEALTH DEVELOPMENT OPPORTUNITY FUND (COF) FOR MICROSTRATEGY, INCORPORATED

- (SAR) Approved SAR AS 19238 for the FCEDA to accept grant funding in the amount of \$1,000,000 to convey to MicroStrategy Incorporated as the State portion of the grant to provide transportation improvements in the Providence District. The transportation improvements identified for the COF match are already planned and funded within the Department of Transportation and will not require any additional County funding.

ADMIN 10 - EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (MOUNT VERNON DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-V19-1	Department of Public Works and Environmental Services South County Police Station and Animal Shelter Tax Map No. 106-4 ((1)) 57	Extend to February 26, 2020

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
	Lorton Road (Address TBD) Lorton, VA Mount Vernon District Accepted March 26, 2019	

ADMIN 11 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE DE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICE (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2019, at 5:30 p.m.**, regarding the de-creation of a Small and Local Sanitary District for refuse/recycling and vacuum leaf collection service as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District Within Providence District (2428 Lockett Ave, 8630 Janet Ln)	De-Create	Refuse, Recycling, Collection	Approve

ADMIN 12 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICE (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2019, at 5:30 p.m.**, regarding the enlargement of a Small and Local Sanitary District for refuse/recycling and vacuum leaf collection service as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District Within Dranesville District (Chesterbrook Woods Area)	Enlargement	Refuse, Recycling, Collection	Approve

ADMIN 13 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE DE-CREATION/RE-CREATION OF SMALL AND LOCAL

SANITARY DISTRICTS FOR DISCONTINUING VACUUM LEAF COLLECTION SERVICE (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2019, at 5:30 p.m.**, regarding the de-creation/re-creation of a Small and Local Sanitary District for discontinuing vacuum leaf collection service as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District Within Mount Vernon District (Marthas Road Area)	De-Create/Re- Create	Vacuum Leaf Collection	Approve

16. **A-1 – APPROVAL OF THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2020** (11:37 a.m.)

On motion of Supervisor Hudgins, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Adopted the Proposed Consolidated Plan One-Year Action Plan for FY 2020 as issued by the Consolidated Community Funding Advisory Committee (CCFAC) with funding allocations, as contained in the Board Agenda Item
- Authorized signature of the Consolidated Plan Certifications and Federal funding application forms (SF-424) required by the United States Department of Housing and Urban Development (HUD) by June 17, 2019

17. **A-2 – APPROVAL OF A STANDARD PROJECT AGREEMENT (SPA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR PARTIAL DESIGN OF THE BRADDOCK ROAD IMPROVEMENTS FROM HUMPHRIES DRIVE TO RAVENSWORTH ROAD (BRADDOCK AND MASON DISTRICTS)** (11:38 a.m.)

- (R) On motion of Supervisor Cook, seconded by Supervisor Gross, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted the Resolution, substantially in the form of Attachment 1 of the Board Agenda Item, authorizing the Director of the Department of Transportation to execute SPAs with VDOT, substantially in the form of Attachment 2 of the Board Agenda Item, for the partial design of the project (UPC114627).

18. **A-3 – APPROVAL OF AND AUTHORIZATION TO EXECUTE A STANDARD PROJECT ADMINISTRATION AGREEMENT (SPA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT), FOR THE IMPLEMENTATION OF THE COMPTON ROAD SHARED USE PATH (SULLY DISTRICT)** (11:39 a.m.)

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

- Approved an additional \$1.5 million in funding for the project
- Adopted the Resolution, substantially in the form of Attachment 1 of the Board Agenda Item, authorizing the Director of the Department of Transportation to execute a SPA with VDOT, substantially in the form of Attachment 2 of the Board Agenda Item, for the completion of the project.

19. **A-4 – APPROVAL FOR THE DEVELOPMENT AND IMPLEMENTATION OF A PUBLIC SAFETY UNMANNED AIRCRAFT SYSTEM PROGRAM (UAS)** (11:39 a.m.)

Following an inquiry from Supervisor Cook, Deputy County Executive David Rohrer clarified:

- The policy on the use, storage, and retention of imagery and video data
- That the program is for use by public safety agencies for the approved mission types
- That non-public safety agencies wanting to operate a UAS will be required to detail the intended purpose, mission types, scope, and request Board approval
- These items are to be incorporated into the Program Manual

Supervisor Cook stated that he would present a Board Matter later in the meeting that would require other County agencies to obtain Board approval before using UAS.

Supervisor Cook moved that the Board concur in the recommendation of staff and approve the development and implementation of a public safety UAS program with the caveat that the program will be restricted to use by public safety

agencies, with non-public safety agencies required to obtain Board approval before using UAS. Supervisor Gross seconded the motion.

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

(NOTE: Later in the meeting, Supervisor Cook presented a Board Matter regarding drone usage. See Clerk's Summary Item #24.)

20. **I-1 – CONTRACT AWARD – HUMAN RESOURCES BENEFITS CONSULTING** (11:48 a.m.)

The Board next considered an item contained in the Board Agenda announcing that staff is awarding a contract to Aon Consulting, Incorporated, for consulting services to assist the County with a comprehensive range of employee benefit services and solutions. The contract will begin on June 1, 2019, and terminate on May 31, 2022, with two one-year renewal options. The total estimated amount of this contract over the three-year term is \$675,000.

21. **I-2 – CONTRACT AWARD – PSYCHIATRIC RESIDENCY SERVICES** (11:48 a.m.)

The Board next considered an item contained in the Board Agenda announcing that staff is awarding a contract to George Washington University to provide Psychiatric Residency Services. The contract is for ten years and the total estimated amount of the contract is \$400,000.

Discussion ensued, with input from Cathy Muse, Director, Department of Procurement and Material Management, regarding the award of the sole source contract.

Supervisor Cook asked unanimous consent that the Board direct staff to include a statement, on future Board Items, indicating why the contract is sole source. Without objection, it was so ordered.

ADDITIONAL BOARD MATTERS

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22. **MEMORANDUM OF UNDERSTANDING (MOU) ON A SISTERHOOD RELATIONSHIP BETWEEN FAIRFAX COUNTY, THE CITY OF FAIRFAX, AND LEEDS CASTLE, ENGLAND** (11:50 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and announced that this evening, she will be traveling, as a part of a small delegation, which includes County Executive Bryan Hill, Mayor David Meyer of the City of Fairfax, and the former Mayor of the City of Fairfax, John Mason, to visit the City of York

and London in the United Kingdom. This trip is a result of the continuing friendship between Lord Nicholas Fairfax, the City of Fairfax, and the County. Members of the delegation are responsible for their own costs; Chairman Bulova stated that she is covering her airfare and in-country lodging personally. She added that in the past few years, Lord Fairfax participated in the County's 275th anniversary celebration and last year attended a charity motorcycle ride around the perimeter of the original Fairfax land grant.

While there, the delegation will be laying the groundwork with the City of York for a friendship partnership and establishing a MOU on a sisterhood relationship with Leeds Castle, governed by the Leeds Castle Foundation; the City of Fairfax; and the County; a copy of the proposed agreement is attached to her written Board Matter and includes the history of the relationship. The wording for the agreement has been approved by the County Attorney's office; County funds will not be used for this partnership, aside from incidental expenses.

Therefore, Chairman Bulova moved that the Board endorse the attached MOU on a sisterhood-relationship between the County, the City of Fairfax, and Leeds Castle, England. Supervisor McKay seconded the motion.

Following discussion, concerning adding the Fairfax House in York to the itinerary, the question was called on the motion and it carried by unanimous vote.

Vice Chairman Gross returned the gavel to Chairman Bulova.

23. **NO BOARD MATTERS FOR SUPERVISOR HERRITY SPRINGFIELD DISTRICT** (11:54 a.m.)

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

24. **ACTION ITEM REQUEST FOR DRONE USAGE** (11:54 a.m.)

(NOTE: Earlier in the meeting, this item was referenced. See Clerk's Summary Item #19.)

Supervisor Cook, referencing his written Board Matter and the Board's earlier consideration of Action Item - A-4 regarding the use of Unmanned Aircraft Systems (UAS), moved that the Board direct the County Executive to prepare an Action Item, to be presented at the June 25 Board meeting, that would require non-public safety departments, including the Park Authority, to obtain Board approval before using drones, with restrictions anticipated to be similar to those just passed regarding public safety. Supervisor Foust seconded the motion.

Following discussion, concerning clarification of the intent of the requested Action Item and who would/would not be affected, the question was called on the motion and it carried by unanimous vote.

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25. **ESTABLISHMENT OF A SCHOOL RESOURCES READINESS PANEL**
(12 p.m.)

In a joint Board Matter with Supervisor Hudgins, Supervisor McKay said that the County's *Equitable School Readiness Strategic Plan* (ESRSP) lays out a vision and road map for ensuring that all young children in the County have the support they need to be successful in school and beyond. Referencing his written Board Matter, Supervisor McKay noted that the plan identifies five core strategies for implementation.

A foundational strategy for supporting children's school readiness is to increase the supply, access, and affordability of quality early childhood programs for babies, toddlers, and preschoolers. Ensuring that families have equitable access to high quality early childhood experiences for their children during the formative first five years of life is key to the County's efforts to eliminate disparities and close the achievement gap. The ESRSP seeks to advance racial and social equity as defined in the One Fairfax Policy so that all families have access to quality early childhood education programs in the setting that best meets their family's need.

Approximately 72,700 children under the age of five are County residents. Almost one quarter of children under the age of five are living in economically disadvantaged households with incomes below 200 percent of the Federal poverty level. Children living in families with low incomes and other risk factors may be in greatest need of, and receive the most benefit from, expanded access to early childhood programs. However, all children and families succeed when there is a dynamic system of school readiness supports. In the Fiscal Year (FY) 2019 Budget Guidance, the Board directed the Successful Children and Youth Policy Team (SCYPT) and staff to develop a multi-year plan for expanding early childhood services; and in the FY 2020 Budget Guidance, the Board directed staff to return to the Board in the fall of 2019 with recommendations specific to the multi-year plan.

As the SCYPT identifies options for expanding the County's early childhood mixed-delivery system of school readiness supports in order to serve more children, the County will concurrently need to identify a long-term funding strategy for expanding early childhood services. The convening of a School Readiness Resources Panel will engage community stakeholders, County departments and Fairfax County Public Schools (FCPS) in collectively approaching the work of creatively and systemically planning for the funding and other resourcing of early childhood services and school readiness supports in the coming years.

Similar to the very successful process the County used in the development of the Communitywide Housing Strategic Plan and subsequent Affordable Housing Resources Panel recommendations, the appointment of a panel to identify innovative and bold expansion goals and funding strategies for school readiness supports and services will help to ensure that the Board of Supervisors and School Board have funding recommendations to consider for the FY 2021 budget cycle.

Therefore, Supervisor McKay moved that the Board direct the County Executive to convene a School Readiness Resources Panel comprised of 15-20 community, County, and FCPS representatives to identify school readiness expansion goals and long-term funding strategies.

The Panel should include families, early childhood educators, providers of early childhood services, business leaders, and experts in funding opportunities for school readiness programs, activities, and support. The Panel should be convened with staff assistance from the Office for Children and work through the summer, including SCYPT as needed. Board Members may provide nominees if desired for panel appointment. The recommendations from the panel will be presented to the Board in the fall of 2019 for FY 2021 Budget consideration. Supervisor Hudgins seconded the motion.

Following discussion, regarding adding members of the faith and non-profit communities to the Panel, the question was called on the motion and it carried by unanimous vote.

26. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-D-008 (VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION ENERGY VIRGINIA (PROVIDENCE DISTRICT))** (12:10 p.m.)

Supervisor L. Smyth announced her intent to defer, later in the meeting, the public hearing on Special Exception Amendment Application SEA 88-D-008.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #46.)

27. **INTENT TO DEFER THE PUBLIC HEARINGS ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2011-PR-023-02/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION CDPA 2011-PR-023-02 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 2011-PR-023-03 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT)** (12:10 p.m.)

Supervisor L. Smyth announced her intent to defer, later in the meeting, the public hearing on Proffered Condition Amendment Application PCA 2011-PR-023-

02/Conceptual Development Amendment Application CDPA 2011-PR-023-03 and Proffered Condition Amendment Application PCA 2011-PR-023-03.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #49.)

28. **BLUE OCEAN DEVELOPMENT, INCORPORATED – SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2013-HM-012 (HUNTER MILL DISTRICT)** (12:11 p.m.)

Supervisor Hudgins said that Blue Ocean Development, Incorporated, has recently submitted Special Exception Amendment Application SEA 2013-HM-012 for the property located at 1283 Serenity Woods Lane, Vienna, Virginia. The applicant proposes to demolish an existing structure located on the property that is in poor condition and construct a new single-family dwelling that will more properly fit within the character of the surrounding community.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Land Design Services to accept for concurrent and simultaneous review of the site plan, architectural drawings, and any other plans or drawings as necessary in conjunction with Special Exception Amendment Application SEA 2013-HM-012. 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.

29. **APA PROPERTIES NUMBER 6, LP - REZONING APPLICATION RZ 2018-HM-020 (HUNTER MILL DISTRICT)** (12:13 p.m.)

Supervisor Hudgins said that APA Properties Number 6, LP, has filed Rezoning Application RZ 2018-HM-020 to rezone from Industrial District-5 to Planned Residential Mixed-Use (PRM), [Tax Map 17-4 ((5)), parcels 3C1, 3E1, 3N1, 3W2, 6S2, 6S4, 7E2, and 7N2]. The proposed neighborhood will comprise up to 2,828,884 square feet of uses (inclusive of any bonus density units), including 2,500,000 square feet of residential uses, 68,884 square feet of retail uses, and 260,000 square feet of office uses. The Planning Commission public hearing is scheduled for September 18, 2019, at 7:30 p.m.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to expedite the scheduling of the Board public hearing for Rezoning Application RZ 2018-HM-020 to **October 15, 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 applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

30. **RECOGNITION OF IRMA CLIFTON** (12:14 p.m.)

Supervisor Storck said that few people have given so much to preserve the history of their community as Ms. Irma Clifton. Referencing his written Board Matter, he noted that a Lorton native, Ms. Clifton lived until recently in the home her parents purchased in 1944. She attended Lorton School and Mount Vernon High School, the only high school in the eastern part of the County at the time. Her many years of sharing information, especially through her writings, about the area have preserved history that otherwise would be lost. After working for 25 years at the D.C. Correctional Facility at Lorton, formerly a Progressive Era Reformatory, and one-time home to the imprisoned suffragists, a former Nike missile site, and Laurel Hill, a plantation house built in the 1700s, Ms. Clifton spent many years working to preserve the history of this unique complex. When the prison closed, Ms. Clifton was appointed by former Mount Vernon District Supervisor Gerry Hyland to serve on the committee charged with determining how the prison property, now owned by the County, would be used. During the prison closing and for many years after, Ms. Clifton was on the scene preserving artifacts for posterity. She had previously rescued the D.C. Court logbooks containing names, offenses, and sentences of the prisoners who served time at the “Occoquan Workhouse” and negotiated to have the books containing suffragist names kept at Lorton. She also rescued numerous artifacts and boxes of legal documents signed by Frederick Douglass as the first U.S. Marshall for D.C. She later worked at *The Chronicle* community newspaper, writing many historical articles for the paper and other media outlets. She has served on the County History Commission and the South County Federation.

The citizens of the County owe much gratitude to Irma Clifton for her love of the Lorton area, the prison and suffrage history, as well as her commitment to preserve this important national history for the future generations.

Therefore, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a proclamation, to be signed by the Chairman and the Mount Vernon District Supervisor, to be presented to Ms. Clifton on June 6, 2019, at the Turning Point Suffragist Memorial Gala where she will be honored. Without objection, it was so ordered.

31. **WORKHOUSE CAMPUS PROFFER FLEXIBILITY PHASE I – ZONING APPLICATION FILING CONCURRENCE AND AUTHORIZATIONS** (12:17 p.m.)

Referencing his written Board Matter, Supervisor Storck noted that in October 2018, the Board established the Workhouse Campus Steering Committee to focus on recommendations to accelerate implementation of the long-term vision of establishing the Workhouse Campus as a destination of choice providing a wide variety of arts and community building experiences with unique economic development opportunities. On February 28, 2019, the Workhouse Campus

Steering Committee voted to endorse increasing flexibility in the existing proffers applicable to the Workhouse Campus by adding craft beverage and small-scale production uses to the list of permitted uses. This recommendation recognizes that a more comprehensive review of the existing proffers that apply to the Workhouse Campus will also be necessary given the age of the proffers, current trends, and other factors. This Board Matter allows consideration of an initial action that can serve as an incentive for accelerated economic development at the site.

Therefore, Supervisor Storck moved that the Board:

- Concur in the filing of a minor variation request to consider adding craft beverage and small-scale production to the list of permitted uses within the existing or proposed buildings on County-owned property located in the PDC District at Tax Map 106-4 ((1)) 58
- Authorize the County Executive, or his designee, to execute the minor variation statement on behalf of the Board, the property owner
- Authorize and direct the Director of the Department of Public Works and Environmental Services, or his designee, to serve as the agent of the Board, and the co-applicant, as may be needed, to assist the Workhouse Arts Foundation (WAF) during the processing of the minor variation request

This motion should not be construed as a favorable recommendation of the request by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. This action in no way prejudices the substantive review of the request. Supervisor Herrity seconded the motion and it carried by unanimous vote.

32. **LORTON COMMUNITY CENTER PROJECT STAFF DESIGNEE CLARIFICATION (MOUNT VERNON DISTRICT)** (12:20 p.m.)

Supervisor Storck said that the Lorton Community Center was approved as part of the Human Services and Community Development Bond Referendum in November 2016. The proposed facility includes space for the Lorton Senior Center currently operating in leased space and the Lorton Community Action Center (LCAC). The site for the Lorton Community Center has been identified adjacent to the Lorton Community Library at 9518 Richmond Highway, which is located at Tax Map 107-4 ((1)) 34. The facility will provide a broad array of services, programs, and activities for individuals of all ages and abilities throughout the community and complement the services provided by the Lorton Community Library.

Supervisor Storck referred to his written Board Matter of July 31, 2018, and noted that County staff is concurrently processing the special exception plan amendment for the Lorton Community Action Center, the determination under Section 15.2-2232 of the Code of Virginia, and the related site and building permits.

The Board Matter also designated specific individuals to act as agents on the Board's behalf for all actions associated with these applications. County staff changes require the Board Matter to be revised to designate Department of Public Works and Environmental Services and Neighborhood and Community Services staff for the Lorton Community Center project to act on behalf of the Board as its representative agent.

Therefore, Supervisor Storck moved that the Department of Public Works and Environmental Services and Department of Neighborhood Community Service staffs be designated to act on behalf of the Board as its representative agent for the Lorton Community Center project.

These motions should not in any way be construed as a favorable recommendation on any application or plan by the Board, and do not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards, and in no way prejudice the substantive review of the applications and/or plans. Chairman Bulova seconded the motion and it carried by unanimous vote.

EBE:ebe

33. **MCLEAN COMMUNITY CENTER (MCC) ELECTIONS (DRANESVILLE DISTRICT)** (12:22 p.m.)

(APPTS)
(BACs)

Supervisor Foust announced that on Saturday, May 18, 2019, the MCC held elections for five positions on its Governing Board of Directors including three adult three-year terms, one youth one-year term for the Langley High School Area, and one youth one-year term for the McLean High School Area. A copy of the MCC Elections and Nominations Committee's certification of the results of the election is attached to his written Board Matter.

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

Therefore, based on the results of the election, as certified by the MCC Elections and Nominations Committee, Supervisor Foust moved that the Board find that it is in the public interest to appoint those persons receiving the highest number of

votes in this election and appoint the following individuals to the MCC Governing Board:

- Adult three-year terms:
 - Ms. Carla Post
 - Ms. Suzanne Le Menestrel
 - Ms. Maria Foderaro-Guertin
- Youth one-year term – Langley High School area:
 - Megan Markwart
- Youth one-year term – McLean High School area:
 - Xavier Jimenez

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

34. **PUBLIC HEARING DEFERRAL OF POMEROY/CLARK I, LLC – REZONING APPLICATION RZ 2016-DR-027 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA C-637-04 (DRANESVILLE DISTRICT)** (12:24 p.m.)

Supervisor Foust announced that Pomeroy/Clark I, LLC, has filed three concurrent rezoning applications: Proffered Condition Amendment Application PCA C-637-04, Rezoning Application RZ 2016-DR-027, and Final Development Plan Application FDP 2016-DR-027, to permit mixed use development consisting of 2,033,600 square feet of residential uses and a public elementary school. The Planning Commission approved the FDP and recommended approval of the PCA and RZ applications at its November 1, 2018, meeting. A formal public hearing before the Board was scheduled for June 4, however, public hearings for this day have been rescheduled due to a religious holiday. Further, the applicant has not provided signed proffers, therefore, this public hearing needs to be deferred until a later date.

Therefore, Supervisor Foust moved that the Board:

- Defer the public hearing on Proffered Condition Amendment Application PCA C-637-04 and Rezoning Application RZ 2016-DR-027
- Direct staff to schedule the applications for a public hearing to be held before the Board on **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 anyway. Supervisor Gross seconded the motion and it carried by unanimous vote.

35. **DEFERRAL OF THE PUBLIC HEARING REGARDING THE POMEROY COMPANIES, INCORPORATED, AND POMEROY INVESTMENTS INCORPORATED, TR, REZONING APPLICATION RZ 2017-DR-012 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA C-637-05 (DRANESVILLE DISTRICT)** (12:27 p.m.)

Supervisor Foust announced that Pomeroy Companies, Incorporated, and Pomeroy Investments Incorporated, TR., has filed three concurrent rezoning applications: Proffered Condition Amendment Application PCA C-637-05, Rezoning Application RZ 2017-DR-012, and Final Development Plan Application FDP 2017-DR-012, to permit mixed use development consisting of 2,011,751 square feet. A public hearing was scheduled before the Planning Commission (PC) on January 30, 2019, and the applicant is currently addressing comments raised at the hearing and has a PC decision-only scheduled for May 22, 2019. A formal public hearing before the Board was scheduled for June 4, however, public hearings for this day have been rescheduled due to a religious holiday, therefore, this public hearing needs to be deferred until a later date.

Therefore, Supervisor Foust moved that the Board:

- Defer the public hearing on Proffered Condition Amendment Application PCA C-637-05 and Rezoning Application RZ 2017-DR-012 to **June 25, 2019, at 3:30 pm.**
- Direct staff to 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 this day.

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

36. **SUMMER OPEN HOUSE (SULLY DISTRICT)** (12:29 p.m.)

Supervisor K. Smith announced an upcoming Summer Open House event at the Sully District Government Center on Saturday, June 22, from 10 a.m. until 2 p.m.

This day will be a unique opportunity to raise awareness around two important issues: food insecurity and environmental awareness.

Supervisor K. Smith noted that cases of food insecurity exist regardless of the season and impact more families than often realized. The Sully District office will be partnering with Western Fairfax Christian Ministries to conduct a food drive for the duration of the Summer Open House and she invited all residents to stop by and contribute to this worthy cause.

As temperatures continue to rise, many residents will find themselves spending more time outside. It is during this period that outdoor safety and environmental stewardship must be emphasized. The Summer Open House will feature a panel of environment-related agencies, such as the Park Authority, the Health Department, and the Clean Fairfax Council. Representatives from these branches will be at the event to answer questions and offer helpful information for children as well as adults. Those in attendance will be able to learn about dealing with disease-carrying insects and become familiar with the County's latest conservation efforts.

In addition to the food drive and environmental panel, Supervisor K. Smith and the Sully District staff will be greeting residents and sharing information about the office. The role of a supervisor's office and the services it provides are not always obvious, this will be a great chance to meet members of the office and discover the types of issues it can assist with.

Supervisor K. Smith said she welcomes residents of all ages to come and support the food drive while learning about ways to enjoy the outdoors safely and responsibly, and, along with the Sully District staff, looks forward to meeting members of the community as they work together to continually improve Sully District.

Therefore, Supervisor K. Smith asked unanimous consent that the Board direct the Office of Public Affairs to support this event by widely advertising it. Without objection, it was so ordered.

37. **RETIREMENT OF KATHY ANDERSON, CEO OF GOODWIN HOUSE (MASON DISTRICT)** (12:31 p.m.)

Supervisor Gross announced that Kathy Anderson, CEO of Goodwin House, will be retiring this summer after 17 years of service.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a certificate, signed jointly by the Chairman and the Mason District Supervisor, to be presented at an event outside the Board Auditorium. Without objection, it was so ordered.

38. **AMENDMENT TO THE 2019 HOLIDAY CALENDAR** (12:32 p.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Gross announced that this year, July 4, will fall on a Thursday. Given the timing of the important Federal holiday, it makes sense to make Friday, July 5, a full day off. This will give most County employees a well-deserved four-day weekend.

Therefore, jointly with Supervisor McKay, Supervisor Gross moved that the Board amend the 2019 Holiday Calendar to grant a full-day holiday for County employees on July 5. Supervisor McKay seconded the motion and it carried by unanimous vote.

39. **NATIONAL ASSOCIATION OF COUNTIES (NACo) CREDENTIALS**
(12:33 p.m.)

Supervisor Gross announced that the Board has received a request from NACo regarding designating a voting delegate and alternate voting delegate to represent the County at its annual meeting to be held in Clark County, Nevada, on July 12-16, 2019.

Therefore, Supervisor Gross moved that the Board designate her as the voting delegate with the alternate voting delegate determined based on who will be attending the conference. Chairman Bulova seconded the motion and it carried by unanimous vote.

EBE:ebe

AGENDA ITEMS

40. **RECESS/CLOSED SESSION** (12:36 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. *Panajot M. Ilias, Laureta Ilias, Julia Ilias, Alex Ilias v. Stephen H. Souder and County of Fairfax, Virginia*, Case No. C 02-CV-18-002006 (Anne Arundel County, Maryland, Circuit Court)
2. *Matthew Gage McCloud v. Mark Butler*, Case No. CL-2018-0007408 (Fx. Co. Cir. Ct.)
3. *Erica M. Allen Winslow v. Ramona Simmons*, Case No. GV19-008954 (Fx. Co. Gen. Dist. Ct.)
4. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mishal H. Al-Thani*, Case No. CL-2018-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
5. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Laurence Putnam Wheeler and Susie A. Wheeler*, Case No. CL-2019-0005794 (Fx. Co. Cir. Ct.) (Dranesville District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bruce A. Blackerby*, Case No. CL-2019-0005679 (Fx. Co. Cir. Ct.) (Hunter Mill District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary C. O'Brien*, Case No. CL-2019-0000067 (Fx. Co. Cir. Ct.) (Lee District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James L. Price*, Case No. CL-2018-0017871 (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. Keun Hoon Lee and Yong Ja Lee*,

Case No. CL-2019-0000700 (Fx. Co. Cir. Ct.)
(Lee District)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mohammed J. AbdLazez and Inshirah Ali*, Case No. CL-2018-0017405 (Fx. Co. Cir. Ct.) (Mason District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Otis Williams, Jr.*, Case No. CL-2019-0000069 (Mount Vernon District)
12. *Elizabeth Perry, Property Maintenance Code Official v. Cynthia Etkin*, Case No. GV18-027882 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Charles Alan Little*, Case No. CL-2019-0000561 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

1. As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8),
Legal analysis regarding:
 - a. Claim arising from an incident at the Fairfax County Animal Shelter on January 23, 2018
 - b. Potential legal remedies against American Disposal Services, Incorporated, as a result of trash collection issues
2. As permitted by Virginia Code Sections 2.2-3711(A)(1) and (8),
reappointments to the Fairfax County Board of Zoning Appeals

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

ADDITIONAL BOARD MATTER

41. **INTENT TO DEFER DECISION ON PROPOSED PLAN AMENDMENT 2018-II-F2 (ONE UNIVERSITY), LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF UNIVERSITY DRIVE AND ROUTE 123 (BRADDOCK DISTRICT) (12:37 p.m.)**

Supervisor Cook announced that he intends to hold the public hearing this afternoon as scheduled but will move to defer decision-only on proposed Plan Amendment 2018-II-F2 (One University).

(NOTE: Later in the meeting, the public hearing was held and the decision was deferred. See Clerk's Summary Item #50.)

DET:det

At 3:56 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

42. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:56 p.m.)

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

43. **CLAIM SETTLEMENT** (3:57 p.m.)

Supervisor Herrity moved that the Board authorize the settlement of the claim arising from an incident at the County Animal Shelter on January 23, 2018, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

44. **REAPPOINTMENT TO THE BOARD OF ZONING APPEALS (BZA)** (3:58 p.m.)

Supervisor Storck moved that the Board concur in the reappointment of Mr. John F. Ribble, III, to the BZA. Chairman Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

45. **ORDERS OF THE DAY** (3:58 p.m.)

Chairman Bulova announced that there will be an additional item that the Board will consider later in the day.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #51.)

46. **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)** (3:58 p.m.)

(NOTE: On May 7, 2019, the Board deferred the public hearing until May 21, 2019.)

Supervisor L. Smyth moved to defer the public hearing on Special Exception Amendment Application SEA 88-D-008 until **June 25, 2019, at 3 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

47. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY AMENDMENT APPLICATION PRCA-B-846-02 (RESTON HEIGHTS RESIDENTIAL I, LLC) (HUNTER MILL DISTRICT)** (3:59 p.m.)

Due to the deferral of a decision by the Planning Commission, Supervisor Hudgins moved to defer the public hearing on Planned Residential Community Amendment Application PRCA-B-846-02 until **June 25, 2019, at 3 p.m.** Supervisor Gross and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

48. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-C-048 (PRINCE TOWNE, LLC) (HUNTER MILL DISTRICT)** (4 p.m.)

- (O) (NOTE: On March 19, 2019, the Board deferred the public hearing until April 9, 2019, at which time it was deferred until May 21, 2019.)

The application property is located on the northwest side of West Ox Road, approximately 600 feet east of Fairfax County Parkway. Tax Map 25-4 ((14) 85, 86, and 87.

Mr. Gifford R. Hampshire reaffirmed the validity of the affidavit for the record.

William Mayland, Assistant Director, ZED, DPZ, gave a Power Point slide presentation depicting the application and site location.

Mr. Hampshire 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. Mayland presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Proffered Condition Amendment Application PCA 84-C-048, subject to the proffers dated April 15, 2019. 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 L. Smyth, and Chairman Bulova voting "AYE," Supervisor Storck being out of the room.

49. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA 2011-PR-023-02/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) (4:07 p.m.)

(NOTE: On May 7, 2019, the Board deferred the public hearing until May 21, 2019.)

Supervisor L. Smyth moved to defer the public hearings on Proffered Condition Amendment/Conceptual Development Plan Amendment Application PCA 2011-PR-023-02/CDPA 2011-PR 023-02 and Proffered Condition Amendment Application PCA 2011-PR-023-02 to **June 25, 2019, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

50. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2018-II-F2 (ONE UNIVERSITY), LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF UNIVERSITY DRIVE AND ROUTE 123 (BRADDOCK DISTRICT)** (4:09 p.m.)

(NOTE: Earlier in the meeting, Supervisor Cook announced his intent to hold this public hearing but defer decision-only. See Clerk's Summary Item #41.)

Michael Lynskey, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following remarks by Chairman Bulova, regarding the location of the property in a non-exempt area, Supervisor Cook made the following statement:

Before we begin this afternoon, I have been asked to make some preliminary comments. We are here for a public hearing on a proposed Comprehensive Plan amendment. Because this amendment involves possible residential use, it could implicate Virginia Code Section 15.2-2303.4, which the Virginia General Assembly (GA) enacted in 2016. That statute restricts local authority regarding proffers in certain residential rezonings. While the GA approved amendments to the statute earlier this year, those amendments do not affect our discussion today. And, although this meeting doesn't directly involve a rezoning application, one has been filed and we want to be certain that nothing said or done here could in any way raise an issue under that statute.

So, in an abundance of caution – even though this hearing concerns a proposed Plan amendment, not a rezoning – we will discuss and consider only the impacts of any potential development of the subject property, not any proffers that a rezoning applicant might make to address those impacts. Nothing in our discussion here should be construed as a suggestion, request, or requirements for any proffer.

Due to the statute and the uncertainty over its application, our discussion of certain issues may be more constrained than has been the case historically. In the past, we've had open, collaborative discussions not only about the impacts of proposed development, but also about how those impacts might be addressed. Unfortunately, the current statute doesn't encourage such an open dialogue. Should the discussion today venture into those areas, please understand that no one on the County side is suggesting, requesting, or requiring any proffer; however, there could be another mechanism, such as a development plan associated with the rezoning application, to address some concerns.

Finally, it goes without saying, but I will reiterate it for the record: comments from the public represent the views of the individuals only, not the views of County staff, County officials, the Board of Supervisors, or the locality.

Chairman Bulova again stated that what is in front of the Board is a Comprehensive Plan change proposal and not a rezoning.

Following procedural instructions, Chairman Bulova announced that, at the conclusion of the public hearing, Supervisor Cook will be making a motion to defer decision on the proposed Plan amendment until the Board's meeting on **June 4, 2019, at 2 p.m.**

Following the presentation of Mr. Neil Gallagher (Speaker 8), discussion ensued concerning the version of the Institute of Transportation Engineers' (ITE) Trip Generation Manual used for his presentation.

Following the public hearing, which included testimony by 24 speakers, Supervisor Cook presented items for the record.

Mr. Lynskey presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. Lynskey and Thomas E. Fleetwood, Director, Department of Housing and Community Development, concerning:

- Leasing parameters of the self-contained student housing and any Fair Housing implications
- The differences between the multi-family housing and student housing, and the ensuing market rates versus affordable housing rates

Following additional remarks by Mr. Fleetwood, concerning the composition of the multi-family affordable housing units, financing, and the replacement of the current 46 units at Robinson Square, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to:

- Be present at the June 4 meeting
- Invite representatives from the development firm to also be present so that they may respond to Board inquiries

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Cook, noting that this is a complicated proposal, moved to defer decision on Plan Amendment 2018-II-F2 to **June 4, 2019, at 2 p.m.**, and that the record be kept open for written and electronic comments. Supervisor Hudgins and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

ADDITIONAL ACTION FROM CLOSED SESSION

51. **AMERICAN DISPOSAL SERVICES (ADS), INCORPORATED** (6:06 p.m.)

(NOTE: Earlier in the meeting, this item was referenced. See Clerk's Summary Item #45.)

Supervisor Cook moved that the Board:

- In coordination with the County Executive and County Attorney, seek information and business records from ADS, Incorporated, and Waste Connections, Incorporated, relevant to consideration of whether recent conduct violated the Virginia Consumer Protection Act, Virginia Code §59.1-198, *et. seq.*;

- Direct staff to set a deadline for receipt of all requested information and business records no later than Friday, June 14, 2019
- Direct the County Attorney report with her findings and recommendations in closed session on June 25, 2019
- Direct staff to continue pursuing available administrative remedies under the Code of the County of Fairfax, Chapter 109.1

Supervisor Gross seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to circulate a written copy of the motion. Without objection, it was so ordered.

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

(NOTE: Later in the meeting, there was additional discussion regarding this issue. See Clerk's Summary Item #52.)

AGENDA ITEMS

52. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:08 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 May 3 and May 10, 2019.

Public comment was held and included the following individuals:

- Mr. Jason Hein, concerning Newport Academy Rehabilitation Treatment Centers

Chairman Bulova recognized individuals in the Auditorium who supported Mr. Hein's presentation.

Additional Discussion From Closed Session Regarding American Disposal Services, (ADS), Incorporated (6:12 p.m.)

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Items #45 and #51.)

Supervisor K. Smith announced her support for the motion concerning ADS, Incorporated, and Waste Connections, Incorporated.

- Ms. Maria Kleimann Sanchez Cerro, concerning the fur ban in the County

Chairman Bulova stated that the County does not have the authority to establish a ban and suggested that Ms. Kleimann Sanchez Cerro contact members of the General Assembly (GA).

- Ms. June Ok, concerning the fur ban in the County
- Ms. Mary Meyer, concerning transportation issues and health care costs
- Mr. Chad Baker, concerning the denial of a claim

53. **BOARD ADJOURNMENT** (6:25 p.m.)

The Board adjourned.