



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
June 17, 2014**

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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, June 17, 2014, at 9:32 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Edward L. Long Jr., County Executive; David P. Bobzien, 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; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Ekua Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:32 a.m.)

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. Art Steffen, who died suddenly after suffering a heart attack on Sunday. He was a beloved member of the West Springfield/Burke Community, born in Springfield, attended West Springfield High School and attended Virginia Tech. He was a retired County Public School Teacher and finished his teaching career at Mountain View Alternative High School. He was a coach, a leader, and a mentor. He is survived by his wife Beverly and his two children Mark and Emily.

Supervisor Frey said Mr. Steffen was a natural born teacher who had a way with children that was evident to everybody around him. He found his true calling at Mountain View Alternative High School, with the many different backgrounds and circumstances of the students and he found a way to make an impact.

Supervisor McKay asked everyone to keep in thoughts the family of Master Police Office (MPO) Sally McGowan who died recently. He also asked everyone to keep in thoughts the Police Department and the public safety groups.

Supervisor McKay asked everyone to keep in thoughts the family of Mr. Dave Tremaine who died recently after a long battle with cancer. He was the Principal of Hayfield High School who recently stepped aside because of his medical issues. He served the Public Schools for more than 24 years. A candlelight vigil was held in his honor on Monday night at the High School. Supervisor McKay asked to keep the Hayfield community in thoughts, especially with the Hayfield graduation today.

Chairman Bulova asked everyone to keep in thoughts the families of the following members of the County's Public Safety family who died recently:

- Henry Sanchez, Fire Fighter, who died unexpectedly at the age of 37. He served his country and the residents of the County with honor and distinction. He was a US Marine Veteran and served a tour in Iraq. Mr. Sanchez was also a six-year veteran of the Fire and Rescue Department and served honorably with men and women of Fire Station 10-A and 8-A.
- MPO Sally McGowan who bravely battled cancer. Arrangements of her funeral will be announced later.

AGENDA ITEMS2. **PRESENTATION OF THE COLORS** (9:39 a.m.)

Following an introduction by Tony Castrilli, Director, Office of Public Affairs, the US Army Color Guard presented the colors and an element of the Old Guard Fife and Drum Corps performed.

3. **PROCLAMATION DESIGNATING JUNE 13–21, 2014, AS "ARMY WEEK" IN FAIRFAX COUNTY** (9:42 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate June 13–21, 2014, as "Army Week" in Fairfax County. Supervisor Hyland seconded the motion.

Following a brief discussion regarding the Army and its service to the country, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **RESOLUTION OF RECOGNITION PRESENTED TO COLONEL GREGORY D. GADSON** (9:51 a.m.)

Jointly with Supervisor Hyland and Supervisor McKay, Supervisor Herrity moved approval of the Resolution of Recognition presented to Colonel Gregory D. Gadson, Commander, US Army Garrison, Fort Belvoir, for his distinguished leadership and noteworthy service to the County and to wish him well on his next assignment. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. DONALD N. CARR** (10 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Donald N. Carr, Director of Public Affairs for Fort Belvoir, for his distinguished leadership and service to the County. This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova acknowledged the presence of Colonel Michelle Mitchel, the new Commander for Fort Belvoir, and warmly welcomed her to the Board Auditorium.

6. **RESOLUTION OF RECOGNITION PRESENTED TO MS. MELISSA PORFIRIO (LEE DISTRICT)** (10:23 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Ms. Melissa Porfirio for being named a finalist for the national Teacher of the Year award and her dedication to the teaching of children. Supervisor Foust seconded the motion and it carried by unanimous vote.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. ED CLARK (SULLY DISTRICT)** (10:36 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Mr. Ed Clark when he was the superintendent of Manassas National Battlefield for his assistance on land use applications, Park Authority plans, and transportation

issues affecting the western part of the County and eastern Prince William County. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Supervisor Frey noted that Mr. Clark was instrumental in working with staff of the 2015 World Police Fire games to determine if some of the long distance running events could take place on the Battlefield so the athletes from around the world can experience the national park.

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

8. **CERTIFICATES OF RECOGNITION PRESENTED TO RECenter EMPLOYEES AND SIRIUS BLACK (LEE DISTRICT)** (10:45 a.m.)

Supervisor McKay moved approval of the Certificates of Recognition presented to the following Lee District RECenter Team Honey Badger members who took a “polar plunge” at Tim’s River Shore in Dumfries, Virginia, on February 22, with the temperature hovering near freezing, resulting in raising \$4,000 to benefit the Virginia Special Olympics:

- Sirius Black (Team Honey Badger’s canine)
- Ms. Breesa Capel
- Ms. Tara White
- Mr. David Wytttenbach

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

9. **CERTIFICATE OF RECOGNITION PRESENTED TO VOLUNTEERS OF AMERICA CHESAPEAKE** (10:54 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to Volunteers of America Chesapeake for Bailey’s Crossroads Community Shelter’s twentieth anniversary. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

10. **ORDERS OF THE DAY** (11:03 a.m.)

Chairman Bulova announced that former Chairmen of the Board of Supervisors, Katherine K. Hanley and Thomas M. Davis, Co-Chairs of the Task Force to consider a meals tax referendum were present in the Board Auditorium. She noted that the Board would adjust its schedule and allow them to present the report on the meals tax prior to presentation of the A. Heath Onthank Awards.

(NOTE: Later in the meeting, the report on the meals tax was presented. See Clerk’s Summary Item #12.)

11. **RESOLUTION OF RECOGNITION PRESENTED TO THE MOUNT VERNON-LEE CHAMBER OF COMMERCE (LEE AND MOUNT VERNON DISTRICTS)** (11:04 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to the Mount Vernon-Lee Chamber of Commerce for its sixtieth anniversary. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hudgins recognized the presence of Vienna Town Council Member Edythe Kelleher, and, on behalf of the Board, warmly welcomed her to the Board Auditorium.

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12. **10:40 A.M. – REPORT FROM THE TASK FORCE TO CONSIDER A MEALS TAX REFERENDUM** (11:17 a.m.)

(NOTE: Earlier in the meeting, Chairman Bulova announced that this report would be presented earlier than scheduled. See Clerk's Summary Item #10.)

Chairman Bulova:

- Noted that the report from the Task Force regarding the consideration of a meals tax referendum has been distributed to Board Members.
- Noted that Board Members will want to read and digest the report so no action will be taken at this time regarding the recommendations.
- Thanked former Chairmen of the Board of Supervisors Katherine K. Hanley and Thomas M. Davis, who Co-Chaired the Task Force.

Ms. Hanley asked members of the Task Force who were present in the Board Auditorium to stand and be recognized, and thanked them for their work. She also thanked the following individuals:

- Mark Thomas, Chairman Bulova's Office
- Matthew Graham, County Executive's Office
- Erin Ward, County Attorney's Office
- Lisa Connors, Office of Public Affairs
- Marcia Wilds, Department of Management and Budget

Ms. Hanley noted that the first 14 pages of the report is the Task Force report, and the additional pages include:

- The minority report
- Questions for information from the Task Force
- Minutes of the meeting
- Information submitted by Task Force members

Ms. Hanley noted that the Task Force held four meetings.
Mr. Davis noted that:

- Not all members of the Task Force agreed with every aspect of the report
- The meals tax issue should be considered at a general election, not a special election, to maximize participation and hold down the cost associated with the election
- The revenue should be dedicated to specific uses

Ms. Hanley noted that the State allows a dedication on the ballot, which was not the case in 1992.

Mr. Davis also noted that it allows restaurants to recoup costs for collection of the meals tax.

Following remarks by Board Members, thanking the Task Force for its report and expressing their opinions and/or concerns, Supervisor Gross moved to accept the Task Force's report. Chairman Bulova seconded the motion and it carried by unanimous vote.

Supervisor McKay raised a question regarding the existing legislative authority to establish a meals tax, with input from Ms. Hanley and Mr. Davis.

Ms. Hanley noted that the Task Force report is available online at <http://www.fairfaxcounty.gov/news/2014/meals-tax-task-force-final-report.htm>.

Chairman Bulova thanked the following individuals for their work:

- Albena Assenova and Marcia Wilds, Department of Management and Budget
- Claudia Arko and Matthew Graham, County Executive's Office

- Geoff Glass and Erin Ward, County Attorney's Office
- Lisa Connors and Austin Hendrick, Office of Public Affairs
- Mark Thomas, Chairman's Office

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13. **10:30 A.M. – PRESENTATION OF THE A. HEATH ONTHANK AWARDS**
(11:42 a.m.)

(BACs) The Honorable Rosemarie Annunziata, Chairman, Civil Service Commission, gave a brief presentation regarding the history of the A. Heath Onthank Awards, the highest honor the County bestows on its employees.

Ernestine Heastie, Chairman, A. Heath Onthank Award Selection Committee, noted the committee members, as follows:

- Clifford Fields, At-Large Member
- Joseph Blackwell, Lee District
- Thomas Coyle, Mount Vernon District
- Ronald Copeland, Hunter Mill District
- Eileen Garnett, Mason District
- Jane Gwinn, Braddock District
- Philip E. Rosenthal, Springfield District
- Kerrie Wilson, Dranesville District

Susan Woodruff, Director, Department of Human Resources, announced the A. Heath Onthank Award recipients, while Ms. Annunziata, Ms. Heastie, Chairman Bulova, and Edward L. Long Jr., County Executive, presented the awards to the following:

- Tom Biesiadny, Department of Transportation
- Dean Klein, Office to Prevent and End Homelessness
- Cynthia Tianti, Office of the County Attorney

14. **10:55 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:57 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 June 17, 2014,” as distributed around the dais. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Reappointment of:

- Mr. Charles T. Coyle as the Mount Vernon District Representative

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Mount Vernon and Sully District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder (Single Family) and Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ATHLETIC COUNCIL

The Board deferred the appointment of the Braddock District Alternate and the Women’s Sports Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointment of:

- Mr. Brett Kenney as the Mount Vernon Representative
- Ms. Emilie F. Miller as the Providence District Representative

The Board deferred the appointment of the Lee District Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

The Board deferred the appointment of the Alternate #2 Representative.

BOARD OF EQUALIZATION (BOE) OF REAL ESTATE ASSESSMENTS

Appointment of:

- Mr. Arthur S. Nachman as the Professional #2 Representative

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Sully District Representative.

CHILD CARE ADVISORY COUNCIL

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

CITIZEN CORPS COUNCIL

Appointment of:

- Mr. James Sobecke as the Braddock District Representative

Reappointment of:

- Mr. Wes Callender as the Dranesville District Representative
- Mr. Al Bornmann as the Mount Vernon District Representative

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

COMMISSION ON AGING

Reappointment of:

- Ms. Julie Bloom Ellis as the Mount Vernon District Representative

Appointment of:

- Mr. William “Bill” Shackelford as the Sully District Representative

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

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

The Board deferred the appointment of the At-Large and Lee District Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointment of the Sully District Representative.

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

Reappointment of:

- Mr. Arthur Morrissette as the At-Large #3 Citizen Representative
- Mr. Ronald C. Johnson as the At-Large #4 Citizen Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Confirmation of:

- Mr. Matthew Baker as the Student Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the At-Large #1 Business Community and Sully District Representatives.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Reappointment of:

- Mr. Gary Ambrose as the At-Large #3 Representative
- Mr. Jeffrey Wisoff as the Providence District Representative
- Ms. Lori Stillman as the Springfield District Representative

(Nominations were announced on May 13, 2014.)

Nominations of:

- Mr. Willard Kenneth Garnes as the At-Large #4 Representative
- Mr. Juan Pablo Segura as the Dranesville District Representative

(The Board is scheduled to take action on these appointments on July 29, 2014.)

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Consumer #4 and #6 and the Provider #1 Representatives.

HUMAN SERVICES COUNCIL

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Braddock and Mason District Representatives.

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Appointment of:

- Ms. Jennifer McGarey as the Fairfax County #2 Representative

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the At-Large Chairman's Representative, and the Hunter Mill, Lee, and Providence District Representatives.

ROAD VIEWERS BOARD

Reappointment of:

- Mr. John W. Ewing as the At-Large #2 Representative

The Board deferred the appointment of the At-Large #4 Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #3 and #5, and the Reston Association #2 Representatives.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Condo Owner and the Tenant Member #2 and #3 Representatives.

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the Mason District Representative.

TRANSPORTATION ADVISORY COMMISSION

Reappointment of:

- Mr. Michael Champness as the Dranesville District Representative
- Mr. Frank Cohn as the Mount Vernon District Representative

The Board deferred the appointment of the Providence District Representative.

TRESPASS TOWING ADVISORY BOARD

Confirmation of:

- Police Officer First Class Sean P. Regan as the Law Enforcement #1 Representative

The Board deferred the appointment of the Citizen Alternate Representative.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

Confirmation of:

- Lieutenant Richard L. Merrell as the Fire and Rescue #2 Representative

VOLUNTEER FIRE COMMISSION

Confirmation of:

- Mr. Thomas K. Warnock as the Volunteer Fire Rescue #1 Representative

- Mr. Gerald B. Striker as the Zone I Representative
- Mr. Timothy G. Fleming as the Zone II Representative

WATER AUTHORITY

Reappointment of:

- Mr. Joseph Cammarata as the Mount Vernon District Representative

WETLANDS BOARD

The Board deferred the appointment of the At-Large #1 Representative.

AD HOC COMMITTEES

FAIRFAX COUNTY POLICE – DIRECTED TOWING ADVISORY BOARD

Confirmation of:

- Mr. John Fee as the Citizen Representative
- Mr. Donnie Ward as the Towing Industry Representative
- Second Lieutenant Jason Long as the Law Enforcement Representative

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15. **ADMINISTRATIVE ITEMS** (11:58 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 5 – Authorization to Advertise Public Hearings on Proposed Amendments to The Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Food Trucks and raised a question concerning the proposed amendments, page 97 of the Board Agenda Item, Number 2, which reads:

- “Food trucks shall be permitted as an accessory use in any industrial or commercial district, in the commercial areas of a P district, or at any construction site...”

Following discussion, with input from Leslie Johnson, Zoning Administrator, Department of Planning and Zoning, Supervisor Smyth asked unanimous consent

that the Board direct staff to change the word “at” to “on.” Without objection it was so ordered.

Chairman Bulova called the Board’s attention to Admin 2 – Authorization to Advertise a Public Hearing on Proposed Amendments to The Code of the County of Fairfax, Chapter 109.1 (Solid Waste Management) and raised a question regarding outreach efforts, with input from James W. Patteson, Director, Department of Public Works and Environmental Management.

Supervisor McKay called the Board’s attention to Admin 4 – Authorization to Advertise a Public Hearing on Proposed Amendments to The Code of the County of Fairfax, Chapter 61 (Building Provisions), Regarding Civil Penalty for Unlicensed Contractors and thanked staff for bringing the item forward.

Chairman Bulova and Supervisor Smyth thanked staff for their work on Admin 5.

The question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

ADMIN 1 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (BRADDOCK, DRANESVILLE, AND PROVIDENCE DISTRICTS)

- (R)
- Adopted the Resolution authorizing installation of “\$200 Additional Fine for Speeding” signs on the following road:
 - Paynes Church Drive from Ox Road to the end of the road (Braddock District)
 - Endorsed the installation of “Watch for Children” signs on the following road:
 - Magarity Road (2) (Dranesville and Providence Districts)
 - Directed staff to schedule the installation of the approved “Watch for Children” signs as soon as possible.
 - Direct staff to request the Virginia Department of Transportation (VDOT) to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 109.1 (SOLID WASTE MANAGEMENT)

- (A) (NOTE: Earlier in the meeting there was discussion regarding this item. See page 14.)

Authorized the advertisement of a public hearing to be held before the Board on **July 29, 2014, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 109.1 (Solid Waste Management), to clarify existing Code requirements and streamline portions of it to aid collection companies and other businesses in complying with County requirements.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Gunston Square Section Two	Mount Vernon	Cranford Street (Route 3365) Gunston Hill Lane

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS), REGARDING A CIVIL PENALTY FOR UNLICENSED CONTRACTORS

- (A) (NOTE: Earlier in the meeting there was discussion regarding this item. See page 14.)

Authorized the advertisement of a public hearing to be held before the Board on **July 29, 2014, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), regarding a civil penalty for unlicensed contractors.

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING FOOD TRUCKS

- (A) (R) (NOTE: Earlier in the meeting there was discussion regarding this item. See page 13.)

Adopted a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on July 30, 2014, and before the Board on **September 9, 2014, at 4 p.m.** to consider proposed amendments to the Code of the

County of Fairfax, Chapter 112 (Zoning Ordinance), to consider adopting provisions that would allow food trucks to locate in certain areas of the County subject to specific use limitations.

16. **A-1 – APPROVAL OF THE AGREEMENT BETWEEN THE COUNTY AND THE LORTON VOLUNTEER FIRE DEPARTMENT (VFD)**
(12:04 p.m.)

On motion of Supervisor McKay, seconded by Chairman Bulova, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and:

- Approved an agreement between the County and the Lorton VFD
- Authorized the County Executive to sign the agreement

17. **A-2 – APPROVAL OF THE DEPARTMENT OF TRANSPORTATION’S (DOT) FARE EQUITY ANALYSIS FOR FAIRFAX CONNECTOR FARE INCREASE** (12:04 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and approved DOT’s Fare Equity Analysis for the proposed Fiscal Year 2015 Fairfax Connector fare increase which resulted in no disparate impacts on minority populations or disproportionate burdens on low-income populations. The fare increases will be implemented on July 1, 2014.

18. **A-3 – AUTHORIZATION OF A FALL 2014 TRANSPORTATION BOND REFERENDUM** (12:05 p.m.)

(BONDS)

(R)

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

- Adopt a Resolution directing the County Attorney to petition the Circuit Court to schedule a transportation bond referendum on November 4, 2014.
- Approve a list of projects that may be funded with the 2014 transportation bond funds.
- Authorize the preparation and distribution of an informational pamphlet about the bonds that is mailed to all County households.

Chairman Bulova seconded the motion, noting that staff will report with Bond Referendum Plain English language at a future Board meeting.

Supervisor Herrity expressed his concerns regarding the \$85 million in funding in the bond referendum for bike and pedestrian projects, and discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, regarding the scope and extent of the bond referendum.

Supervisor Foust raised a question regarding the Route 7 widening project and discussion ensued with input from Mr. Biesiadny regarding project funding.

Discussion continued with several Board Members expressing their viewpoints and/or concerns regarding the projects included in the bond referendum and their support/nonsupport of the motion.

Discussion continued, with input from Erin Ward, Assistant County Attorney, who noted that the motion requires a roll call vote.

The question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “**AYE**,” Supervisor Frey and Supervisor Herrity voting “**NAY**.”

19. **A-4 – AUTHORIZATION FOR THE OFFICE OF ELECTIONS TO INSERT A FLYER INTO THE DEPARTMENT OF TAX ADMINISTRATION’S CAR TAX BILLS TO ALL COUNTY VEHICLE OWNERS** (12:37 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the use of a tax mailing insert to disseminate election information and help recruit election officers.

ADDITIONAL BOARD MATTERS

20. **REQUESTS FOR RECOGNITION** (12:37 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives from the following offices to appear before the Board:

- Department of Cable and Consumer Services and Channel 16 to accept a proclamation recognizing September 9, 2014, as Channel 16's thirtieth anniversary to be presented at the Board meeting scheduled on September 9, 2014.
- Office of Emergency Management to accept a proclamation recognizing September as “National Preparedness Month” in Fairfax County to be presented at the Board meeting scheduled on September 9, 2014.

In addition, Chairman Bulova asked that a proclamation be prepared for:

- Lutheran Social Services of the National Capital Area in celebration of “World Refugee Day” on June 20, 2014, to be presented on June 21, 2014, at Saint Paul Lutheran Church in Falls Church, VA.

Without objection, it was so ordered.

21. **UNITED WAY OF THE NATIONAL CAPITAL AREA "DO MORE 24" CAMPAIGN** (12:38 p.m.)

Chairman Bulova announced that two weeks ago, Rosie Allen-Herring, President and CEO of United Way of the National Capitol Area, invited County Executive Edward L. Long Jr. and her to join in supporting more than 550 nonprofits serving the County and the entire national capital area on Thursday, June 19, for United Way's Second Annual "Do More 24" Day.

Powered by United Way of the National Capital Area, "Do More 24" is a local movement that encourages donors to contribute to the causes and organizations closest to their hearts to solve the region's most pressing challenges.

Last year, 11,000 "Do More 24" donors contributed more than \$1.3 million to participating nonprofits. These nonprofits were then able to launch new programs, buy equipment, expand their services, hire staff, and fill budget gaps.

"Do More 24" is a 24-hour marathon of online giving happening this Thursday, June 19, where the entire region comes together on a single day to "give where they live."

Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to help assist the United Way of the National Capitol Area with promotion of this event. Without objection, it was so ordered.

22. **IFTAR DINNER** (12:40 p.m.)

Chairman Bulova noted that the County has a Sisterhood Relationship with the Municipality of Kecioren in Ankara, Turkey. The relationship and activities are supported by the American Turkish Friendship Association (ATFA) which is located in Fairfax.

In the spirit of this friendship, she accepted an invitation of the ATFA to jointly host an Iftar Dinner here at the Government Center.

The Iftar Dinner 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, including the

Catholic faith, and is meant to increase spirituality, discipline, and thankfulness. Ramadan is also a time of giving and reaching out to those less fortunate.

She noted that attached to her written Board Matter is an invitation to the event. She encouraged her colleagues to invite leaders in the community as well as representatives from local civic and homeowner associations to attend. Those wishing to RSVP may do so by going to: <http://bit.ly/11IWRR2>

The Iftar Dinner will take place on Friday, July 18, from 7:30-9:30 p.m. in the cafeteria of the Government Center. All costs associated with this dinner, and the catering of the dinner, are assumed by the ATFA.

Chairman Bulova asked unanimous consent that the Board direct the Facilities Management Department and the Department of Cable and Consumer Services to assist with the coordination of this event. Without objection, it was so ordered.

23. **FAIRFAX COUNTY - A CRIME PREVENTION COMMUNITY, RESOLUTION OF SUPPORT** (12:42 p.m.)

(R) Chairman Bulova said that in 2003 the County was one of only eight localities in Virginia to be certified as a crime prevention community by the Department of Criminal Justice Services. The certification recognized that the County had implemented a number of safety strategies as part of a comprehensive community safety/crime prevention effort. The County's initiatives in such areas as neighborhood watch, citizen involvement, youth crime prevention, victim and witness services, school resource officers, and the distribution of community safety information were the basis for that certification.

The initial certification was valid for three years. In 2007, the Board adopted a Resolution of Support for the County to be re-certified as a Crime Prevention Community and that was accomplished.

It is time to submit for re-certification and a Resolution of support from the governing body is required. A copy of the Resolution is attached to her written Board Matter.

Therefore, Chairman Bulova moved that the Board adopt a Resolution supporting the County's designation as a certified crime prevention community and authorize her to sign it on behalf of the Board. Vice-Chairman Gross seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

24. **CONGRESSIONAL REAUTHORIZATION OF FEDERAL WORKFORCE INVESTMENT ACT (WIA)** (12:44 p.m.)

Chairman Bulova said that in late May 2014, Senate and House committee leaders released details on a bipartisan plan to reauthorize the WIA through 2020. The WIA was first passed in 1998 and was scheduled for reauthorization in 2003. The newly-

titled legislation, the Workforce Innovation and Opportunity Act (WIOA) will maintain the basic structure of the public workforce system, realign and streamline certain program elements, and eliminate 15 current programs.

The proposed legislation attempts to simplify a variety of program components as detailed in the fact sheets. The 15 programs proposed for elimination are either small programs or have not necessarily been funded in recent years. In 2012, the SkillSource Group, Incorporated, received an \$8.3 million grant award under a newer program scheduled for elimination, the Workforce Innovation Fund, but those four-year funds have already been awarded in total and are not threatened by this legislative elimination.

National workforce organizations have reviewed the legislative proposal and are encouraging local officials and workforce board chairs to support this compromise WIOA reauthorization bill. The bill is a compromise between the SKILLS Act which passed the House of Representatives in March 2013 and the Workforce Investment Act of 2013 which passed through the Senate Health, Education, Labor, and Pensions Committee in July 2013.

Therefore, Chairman Bulova moved that the Board, in line with its previous support for WIA reauthorization, support the:

- Passage of the WIOA and convey its support through a letter to the County's Congressional delegation. (A copy of which is attached to her written Board Matter.)
- Northern Virginia's Workforce Investment Board sending a similar letter expressing support for the WIOA to the County's delegation.

Supervisor Hudgins seconded the motion.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide the most recent Northern Virginia Workforce Investment Board report. Without objection, it was so ordered.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

25. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (12:47 p.m.)

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

EBE:ebe

26. **EXPEDITED PROCESSING OF KENNETH FISHER SPECIAL EXCEPTION APPLICATION SE 2014-MA-003 (MASON DISTRICT)**
(12:47 p.m.)

Supervisor Gross said that a special exception application has been filed by a non-profit organization on a residential property in the Mason District to provide improvements to an existing congregate living facility. The application has been filed with the County, and review by staff and outreach to the community has been positive so far. The applicant will meet with the Mason District Land Use Committee for decision next week, and a Planning Commission public hearing is scheduled for July 10, 2014.

A public hearing date before the Board has not been scheduled for this application, and according to the current timeline it will likely occur in early autumn due to the August recess. The applicant wishes to proceed through the special exception process as quickly as possible to a Board decision to provide improvements to their existing facility.

Therefore, Supervisor Gross moved that the Board direct the Director of the Zoning Evaluation Division, Department of Planning and Zoning, to expeditiously process Special Exception Application SE 2014-MA-003 on behalf of Kenneth Fisher and schedule the Board's public hearing to a date prior to the August recess.

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

27. **PUBLIC SAFETY AND MOTOR BIKE LAWS (HUNTER MILL DISTRICT)** (12:47 p.m.)

Supervisor Hudgins said that in May, Sean Logan, 17, was killed during a vehicle accident at the intersection of Wiehle Avenue and Reston Parkway.

Mr. Logan was riding a motorized scooter that was not legal to be on the local roads. As school is letting out, there are going to be a lot more students riding these vehicles and they might not know all the road rules associated with these vehicles and how unsafe they are.

Therefore, Supervisor Hudgins moved that the Board direct staff from the Police Department, Department of Transportation, and Office of Public Affairs to distribute information on these vehicle types and laws regarding their operation through their outreach tools. Chairman Bulova seconded the motion.

Discussion ensued, regarding the need to educate the public on the dangers of riding these motorized scooters on the roads and the legality of using these motors on the roadway.

Supervisor Smyth asked to amend the motion and direct staff to provide information on what constitutes the definition of legal in terms of the variety of scooters and cycles, and this was accepted.

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

PMH:pmh

28. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)**
(12:52 p.m.)

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

29. **INTRODUCTION OF SUMMER INTERN (DRANESVILLE DISTRICT)**
(12:53 p.m.)

Supervisor Foust introduced Romina Gonzales Tapia, a summer intern in his office and the Board warmly welcomed her to the Board Auditorium.

30. **COUNTY HIGH SCHOOL TEAMS FEATURED IN RUGBY VIRGINIA STATE HIGH SCHOOL STATE CHAMPIONSHIP** (12:53 p.m.)

Supervisor Herrity said that on Saturday May 31, the County saw four of its teams defeat strong challengers from other regions in Virginia to compete in the Rugby Virginia High School State Championships. The girls SYC West End team beat a Fort Hunt team to win the title, and the boys Fort Hunt overcame a strong SYC West End in a 30-7 victory at Morven Park in Leesburg.

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

31. **REZONING APPLICATION RZ 2014-SP-015 - CHRISTOPHER LAND, LLC (SPRINGFIELD DISTRICT)** (12:54 p.m.)

Supervisor Herrity said that Rezoning Application RZ 2014-SP-005 by Christopher Land, LLC, is proposing seven single family detached homes at 7717 Gambrell Road. The Planning Commission public hearing is scheduled for September 18. The applicant is closing on this property on September 30 and has requested a Board public hearing prior to that date.

To facilitate the applicant's closing date, Supervisor Herrity moved that the Board direct the staff to schedule a public hearing to be held before the Board on September 23 and furthermore direct the Director of the Department of Public Works and Environmental Services to concurrently process the subdivision plan. The applicant is aware that this action should not be construed to prejudice the consideration of this application in any way. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

32. **PLAN AMENDMENT PROPOSAL - FAIRFAX TOWNE CENTER (SPRINGFIELD DISTRICT)** (12:55 p.m.)

Supervisor Herrity said that BRE DDR Fairfax Town Center LLC, ("DDR"), owner of Fairfax Towne Center, is requesting that the Board direct staff to review a proposal for a Comprehensive Plan Amendment to permit the revitalization and redevelopment of the existing, aging shopping center as a mixed-use center. DDR plans to retain existing retail tenants but develop additional commercial and residential buildings. Fairfax Towne Center is part of the Fairfax Center Area which is currently under review as part of the Fairfax Forward process. Staff will be examining this particular area of the Fairfax Center Area in Phase 2 beginning early 2015. Any Plan recommendations arising out of Phase 2 will not come before the Board for a decision until 2016. However, there is a present need and opportunity to revitalize an aging, but important, commercial asset in a manner consistent with sound land use policy and at the same time advance the important policy goal of creating mixed-use centers.

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

- Review the Plan Amendment proposal for the property identified as Tax Map 46-3 ((1)) 24A (the "subject property") which is located in sub-unit J-1 of the Fairfax Center Area under the current Comprehensive Plan. The review should consider the appropriateness of the subject property redeveloping as a mixed-use development that may incorporate a mix of multifamily, retail/commercial, hotel, and offices uses up to a maximum of 1.2 floor area ratio (FAR)
- Concurrently process this Plan Amendment along with any rezonings, development plans, or site plans filed with respect to the subject property

This motion should not be construed as a favorable recommendation for this proposed Plan Amendment or any subsequent rezoning or other applications. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

33. **REZONING APPLICATION 2013-SP-011 (VAN METRE COMMUNITIES (SPRINGFIELD DISTRICT))** (12:57 p.m.)

Supervisor Herrity said on March 25 the Board approved Rezoning Application RZ 2013-SP-011, which rezoned approximately 7.72 acres of real property located in the Springfield District to allow for the construction of a clustered residential infill development. Lawanda A. Swope is the titled owner of one of the parcels included in the application, which is located at Tax Map 89-3((1)) parcel 39. In the course of processing the rezoning application, Ms. Swope signed the proffers that were ultimately approved by the Board, but she failed to state that she was signing as a Trustee even though she had conveyed her parcel to the Lawanda A. Swope Trust shortly before she signed the proffers. Upon discovery of this information, the applicant worked with the County Attorney's office to have Ms. Swope execute a document dated June 6 and entitled "Confirmation, Ratification, and Approval of Proffers" in which Ms. Swope agrees to be bound by the proffered conditions that were approved as part of Rezoning Application RZ 2013-SP-011, both in her individual capacity and in her capacity as Trustee of the Lawanda A. Swope Trust.

Accordingly, Supervisor Herrity moved that the Board:

- Approve and accept the terms of the document entitled "Confirmation, Ratification, and Approval of Proffers," which is dated June 6, 2014
- Direct the Clerk to the Board to make this document a part of the record relating to RZ 2013-SP-011

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

34. **INTRODUCTION OF SUMMER INTERN (LEE DISTRICT)** (12:59 p.m.)

Supervisor McKay introduced Jackson Fitzsimmons, a summer intern in the Lee District office and the Board warmly welcomed him to the Board Auditorium.

35. **HERITAGE HILL OF ALEXANDRIA TOWNHOUSES ASSOCIATION (LEE DISTRICT)** (12:59 p.m.)

Supervisor McKay said members of the Heritage Hill of Alexandria Townhouses Association volunteered their Saturday morning for a beautification project in the areas around Heritage Hill Drive, Heritage Hill Court, Lawsons Hill Court, Lawsons Hill Place, and Telegraph Road.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite the following individuals to appear before the Board on July 1 to be recognized for their work:

- Francisco Grullon
- Dan Brody
- Leigh Lowry
- Anita Hobson
- John Jones
- Ranta Russell
- Amin Chawki
- Diane Nixon
- Amed Mohammad and his son, George Owino
- Sua Garrett
- Don Lewis

Without objection, it was so ordered.

36. **REQUEST FOR RECOGNITION OF ROBINSON SECONDARY SCHOOL LACROSSE TEAM (BRADDOCK DISTRICT)** (1 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Cook congratulated Robinson Secondary School's men's lacrosse team on its State championship win. This is the first lacrosse State championship for the Rams since 2007. The Robinson lacrosse team is led by Coach Matt Curran who has been involved in six of Robinson's 10 lacrosse State championships since the VHSL recognized the sport in 1991.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite these students to appear before the Board to be recognized for their achievement. Without objection, it was so ordered.

37. **REQUEST FOR RECOGNITION OF THE LAKE BRADDOCK MEN'S TENNIS TEAM (BRADDOCK DISTRICT)** (1 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Cook congratulated Lake Braddock on its first Virginia 6A boys' tennis State championship. The Bruins men's tennis Coach Bill Hughes led the team to both a state championship and an undefeated season. The Bruins beat Langley for the state title, the team that had eliminated Lake Braddock in the regional tournament in each of the previous three seasons.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite these students to appear before the Board to be recognized for this achievement. Without objection, it was so ordered.

38. **NO BOARD MATTERS FOR SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (1:02 p.m.)

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

39. **RECESS/CLOSED SESSION** (1:03 p.m.)

Following a query by Supervisor Hyland, David P. Bobzien, County Attorney, stated that the issue of procedural questions regarding the Board decision on the following applications would not be appropriate for discussion in closed session:

- Proffered Condition Amendment Application PCA 2000-MV-004 (Furnace Road Associates)
- Special Exception Amendment Application SEA 80-L/V-061-02 (Furnace Road Associates)

Mr. Bobzien further stated that limited legal questions regarding the application would be appropriate for discussion in closed session.

Supervisor Hyland asked unanimous consent that the issue be placed on the Agenda pending a ruling from the County Attorney. Without objection, it was so ordered.

Supervisor Smyth 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. In Re: \$6,086,310.50 (Fx. Co. Cir. Ct.)
2. Authorization to File Lawsuit Challenging Ruling by the State Tax Commissioner with Respect to Appeal by Verizon Online LLC of Determination by the Director of the Fairfax County Department of Tax Administration Regarding Taxability of Cable TV Set-Top Converter Boxes
3. *Angela Pledger v. Fairfax County*, Case No. 3:13-CV-740 JAG (E.D. Va.)
4. *Lawrence M. Frye v. Child Protective Services and Department of Family Services*, Case No. CL-2014-0002828 (Fx. Co. Cir. Ct.)
5. In Re: November 20, 2013, Decision Of The Fairfax County Board of Zoning Appeals In BZA Appeal No. A-2013-SU-024, Case No. CL-2013-0018953 (Fx. Co. Cir. Ct.) (Sully District)
6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald M. Douglas and Louise L. Douglas*, Case No. CL-2013-0003838 (Fx. Co. Cir. Ct.) (Springfield District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thinh V. Luong and Thuy T. Trinh*, CL-2010-0008779 (Fx. Co. Cir. Ct.) (Mason District)
8. *Board of Supervisors of Fairfax County, Virginia v. D and J Real Estate, LLC and L & M Body Shop, Inc.*, Case No. CL-2011-0016596 (Fx. Co. Cir. Ct.) (Lee District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaime R. Rueda*, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)
10. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. R. Joun Enterprises, LLC, Roland G. Joun, Trustee, Maria Joun, Trustee, Roland G. Joun Revocable Living Trust, and Maria Joun Revocable Living Trust*, Case No. CL-2012-

- 0011286; *Leslie B. Johnson, Fairfax County Zoning Administrator v. R. Joun Enterprises, LLC, Roland G. Joun, Trustee, Maria Joun, Trustee, Roland G. Joun Revocable Living Trust, and Maria Joun Revocable Living Trust*, Case No. CL-2012-0015804 (Fx. Co. Cir. Ct.) (Lee District)
11. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Gregg Riddiford*, Case No. CL-2013-0015905 (Fx. Co. Cir. Ct.) (Providence District)
 12. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Albert E. Mays*, Case No. CL-2013-0017866 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Trang P. Mai*, Case No. CL-2014-0001385 (Fx. Co. Cir. Ct.) (Mason District)
 14. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump*, Case No. CL-2010-0010469 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)
 16. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jean E. Riggs, Trustee, or Successor Trustee(s), as Trustee(s) of The Jean E. Riggs Trust 16SEP10*, Case No. CL-2012-0006045 (Fx. Co. Cir. Ct.) (Providence District)
 17. *Board of Supervisors of Fairfax County, Virginia v. Rixen Liao and Xiaoying Wang*, Case

- No. CL-2014-0006337 (Fx. Co. Cir. Ct.)
(Dranesville District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kwang Woo Kim and Eun Sook Kim*, Case No. CL-2014-0006957 (Fx. Co. Cir. Ct.) (Mason District)
 19. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Smith and Jeanice Warwick Smith*, Case No. GV14-008400 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
 20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edwin Hercules Funk, Jr.*, Case Nos. GV13-015379 and GV14-008403 (Fx. Co. Gen. Dist. Ct.) (Lee District)
 21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gordon F. Crago and Bernadine H. Crago*, Case No. GV14-005404 (Fx. Co. Gen. Dist. Ct.) (Providence District)
 22. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. James Edward Beard*, Case No. GV14-008408 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
 23. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Beverly K. Lester*, Case No. GV14-005406 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Pascal Sung-Won Hong and Agnes Song-Kyung Hong*, Case No. GV14-007987 (Fx. Co. Gen. Dist. Ct.) (Sully District)
 25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose O. Flores, Blanca H. Flores, Doris E. Villatoro, and Jose A. Villatoro*, Case No. GV14-007985 (Fx. Co. Gen. Dist. Ct.) (Lee District)
 26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Barbara Jean Oksanen*, Case No.

- GV14-007896 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Yurie C. Chigna*, Case No. GV14-007900 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
 28. *Oscar Benitez v. Fairfax County Risk Management and Herbert Michael Napper*, Case No. GV14-008942 (Fx. Co. Gen. Dist. Ct.)
 29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bong R. Suh*, Case No. GV14-003513 (Fx. Co. Gen. Dist. Ct.) (Lee District)
 30. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Nazari Living Trust, Majid Nazari, Trustee, or his Successors in Trust Under the Nazari Living Trust*, Case Nos. GV14-007894, GV14-007895, and GV14-007988 (Fx. Co. Gen. Dist. Ct.) (Mason District)
 31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Norah Borda*, Case No. GV14-010710 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Daniel C. Robinson*, Case Nos. GV14-011327 and GV14-011328 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

And in addition:

- Comcast Cable Franchise
- Legal issues regarding Proffered Condition Amendment Application PCA 2000-MV-004 and Special Exception Amendment Application SEA 80-L/V-061-02, pending a ruling by the County Attorney

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

DET:det

At 3:53 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

40. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:53 p.m.)

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

41. **AUTHORIZATION TO FILE SUIT AGAINST VERIZON ONLINE LLC** (3:54 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the County Attorney to file suit against Verizon Online LLC in the name of the Board of Supervisors, the County, and the Director of the Department of Tax Administration in his official capacity, challenging the rulings of the State Tax Commissioner set forth in his letter of May 21, 2014, concerning an Appeal of Final Local Determination by Verizon Online LLC, as outlined by the County Attorney in closed session. Supervisor McKay seconded the motion and it carried by unanimous vote.

42. **AUTHORIZATION TO FILE A DECLARATORY JUDGMENT IN THE CASE OF MONIES TRANSFERRED TO THE POLICE DEPARTMENT** (3:55 p.m.)

Supervisor Hyland moved that the Board authorize the County Attorney to file a declaratory judgment in the case of monies transferred to the Police Department in accordance with the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

43. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 78-D-075-02 (CROWN REAL PROPERTIES, LC) (PROVIDENCE DISTRICT)** (3:55 p.m.)

The application property is located at 8602 and 8610 Leesburg Pike, Vienna, 22182, Tax Map 29-1 ((1)) 15 and 16.

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

Suzanne Lin, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

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

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

Supervisor Smyth moved:

- Approval of Special Exception Amendment Application SEA 78-D-075-02, subject to the development conditions dated May 22, 2014.
- Modification of the transitional screening and waiver of the barrier requirements along the northern property boundaries in favor of the landscaping depicted on the SEA plat.
- Modification to the peripheral parking lot landscaping requirements in favor of the landscaping depicted on the SEA plat.
- Waiver of the Comprehensive Plan's Major Paved Trail requirement along Leesburg Pike in favor of the existing sidewalk.

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

44. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-MV-002 (NAGMA F. ALI D/B/A THE MAGIC FOREST ACADEMY) (MOUNT VERNON DISTRICT) (4:02 p.m.)**

The application property is located at 8052 Paper Birch Drive, Lorton, 22079, Tax Map 107-2 ((8)) (F) 50.

Ms. Nagma F. Ali reaffirmed the validity of the affidavit for the record.

Following a query by Supervisor Hyland, Ms. Ali confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated May 22, 2014.

Carmen Bishop, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. This motion was multiply seconded and it carried by a vote of eight, Supervisor Hudgins and Supervisor Smyth being out of the room.

Supervisor Hyland moved approval of Special Exception Application SE 2014-MV-002, subject to the development conditions dated May 22, 2014. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Smyth being out of the room.

45. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2012-MV-007 (CRP BELVOIR, LLC) (MOUNT VERNON DISTRICT)** (4:07 p.m.)

- (O) The application property is located in the northwest quadrant of the intersection of Richmond Highway and Backlick Road, Tax Map 109-1 ((1)) 5-9 and 13-16 and a portion of public right-of-way for Anderson Lane to be vacated and/or abandoned.

(NOTE: Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Anderson Lane to proceed under Section 15.2-2272 (2) of the *Code of Virginia*.)

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Supervisor Foust disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Mr. Donald E. King, McGuire Woods LLP

Discussion ensued, with input from David P. Bobzien, County Attorney, concerning disclosure and recusal.

Megan Duca, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

Discussion ensued, with input from Ms. Duca, concerning clarification of Proffer 15 [Transportation Demand Management (TDM)], Item v., concerning a future bus shelter. Chairman Bulova requested that Mr. Riegle address this issue in his presentation.

Mr. Riegler 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
- Addressed the issue of the construction of a bus shelter

Following the public hearing, Ms. Duca presented the staff and Planning Commission (PC) recommendations. She noted that since the PC public hearing, a Conceptual Development Plan Amendment (CDPA) condition was added, that would require the applicant to recycle construction and demolition waste to the fullest extent possible, with a minimum of 25 percent by weight and a goal of 50 percent by weight.

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 2012-MV-007, and the associated CDPA, subject to the proffers dated May 16, 2014.
- Approval of the CDPA conditions dated June 17, 2014.
- Approval of the waivers and modifications as stated in the handout dated June 12, 2014.

Supervisor McKay seconded the motion.

Following discussion concerning a waste management plan condition and the need for redevelopment in the area, with its proximity to Fort Belvoir, the question was called on the motion, and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins being out of the room.

(NOTE: On June 12, 2014, the PC approved Final Development Plan Amendment Application FDPA 2012-MV-007, subject to the development conditions dated May 29, 2014.

46. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-SP-007 (FAIRFAX COMPANY OF VIRGINIA LLC) (SPRINGFIELD DISTRICT)**
(4:23 p.m.)

The application property is located at 11750 Fair Oaks Mall, Fairfax, 22033, Tax Map 46-3 ((8)) 1C, 1A, 1D, 2, 4A, 5, 6, 6A, 7, 10, 11 and 13; 46-4 ((9)) 8, 18B1 pt.; 56-1 ((12)) 9 and 14.

Mr. Brian J. Winterhalter reaffirmed the validity of the affidavit for the record.

Michael Lynskey, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

Mr. Winterhalter 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. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Herrity moved approval of Special Exception Application SE 2014-SP-007, subject to the development conditions dated June 10, 2014. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

47. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-696-10 (DULLES ROCKHILL PARTNERS LIMITED PARTNERSHIP) (DRANESVILLE DISTRICT)**

AND

PH ON REZONING APPLICATION RZ 2009-HM-017 (NUGGET JOINT VENTURE LC) (DRANESVILLE DISTRICT) (4:31 p.m.)

Following discussion, with input from Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, Supervisor Foust, noted that additional time is needed to finalize the real estate exchange agreement between the Board and Nugget Joint Venture LC.

Therefore, Supervisor Foust moved to defer the public hearing on Rezoning Application RZ 2009-HM-017 and Proffered Condition Amendment Application PCA C-696-10 until **July 29, 2014, at 4:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

48. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-M-036-02 (PINECREST SCHOOL, INCORPORATED) (MASON DISTRICT) (4:34 p.m.)**

The application property is located at 7209 Quiet Cove, Annandale, 22003, Tax Map 60-3 ((14)) 2B.

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

Michael Lynskey, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case. She noted the presence of a number of parents in the Board Auditorium who were present to show their support for the application.

Following the public hearing, which included testimony by one speaker, Mr. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 01-M-036-02, subject to the development conditions dated May 7, 2014.
- Modification of transitional screening requirements (per Section 13-305, Paragraph 3) along the north and west boundaries to utilize the existing and proposed vegetation, as shown on the SE plat and as conditioned.
- Modification of the loading space requirements for the private school of general education and child care/nursery school uses (per Section 11-202, Paragraph 3B), in favor of one 15-foot by 25-foot parking space.

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

49. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-PR-021 (TRUSTEES OF BRUEN CHAPEL UNITED METHODIST CHURCH AND MONTESSORI SCHOOL OF CEDAR LANE, INCORPORATED) (PROVIDENCE DISTRICT)** (4:47 p.m.)

The application property is located at 3035 Cedar Lane, Fairfax, 22031, Tax Map 49-3 ((1)) 25A.

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

Carmen Bishop, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a Powerpoint slide presentation depicting the application and site location.

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

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

Following a query by Supervisor Smyth, Ms. Strobel stated for the record that the applicant has agreed to the proposed development conditions dated June 11, 2014.

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2013-PR-021, subject to the development conditions dated June 11, 2014.
- Modification of the transitional screening to that shown on the SE plat and the waiver of the barrier and interior parking lot landscaping requirements.
- To direct the Director of the Department of Public Works and Environmental Services to waive the dustless surface requirement for the portion of the rear parking lot depicted as gravel on the SE plat and waive the construction of a trail along Cedar Lane.

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

50. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE SYDENSTRICKER ROAD WALKWAY FROM BRIARCLIFF DRIVE TO GALGATE DRIVE (SPRINGFIELD DISTRICT)** (4:54 p.m.)

Supervisor Herrity moved to cancel the public hearing on the construction of the Sydenstricker Road walkway from Briarcliff Drive to Galgate Drive as all land rights needed had been acquired. Supervisor Foust seconded the motion and it carried by unanimous vote.

51. **4 P.M. – JOINT PH ON THE PROPOSED VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SIX-YEAR SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FYs) 2015 THROUGH 2020 AND THE FY 2015 BUDGET** (4:55 p.m.)

- (R) Chairman Bulova announced that a revised Board Agenda Item had been distributed.

Kenneth J. Kanownik, Transportation Planner, Coordination and Funding Division, Department of Transportation, noting that the revised items include the Agenda Item and Attachment 1, presented information on the secondary six-year

program. Following his remarks, Mr. Kanownik introduced Leonard “Bud” Siegel, Jr., PE, Arlington/Fairfax Preliminary Engineering Manager, VDOT, who made a brief presentation on project updates as contained in Attachment 1.

Chairman Bulova called the Board’s attention to Table A in the Board Agenda Item dated June 17, 2014. Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, concerning House Bill (HB) 2313 and estimated revenue.

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved:

- Approval of the VDOT Six-Year Secondary System Construction Program for FYs 2015–2020 and the FY 2015 Budget as revised
- Adoption of the Program Endorsement Resolution

Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

52. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SECTION 3-7-24, TO REDUCE THE EMPLOYEE CONTRIBUTION RATE TO THE POLICE OFFICERS’ RETIREMENT SYSTEM** (5:14 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 30 and June 6, 2014.

Jeff Weiler, Executive Director, Retirement Administration, presented the staff report.

Discussion ensued, with input from Mr. Weiler, concerning employer contributions.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Section 3-7-24, reducing the employee contribution rate to the Police Officers’ Retirement System from 10 percent to 8.65 percent. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

53. **4:30 P.M. – PH ON THE PROPOSED INTERIM AGREEMENT BETWEEN THE BOARD AND WESLEY HAMEL LEWINSVILLE, LLC, FOR THE REDEVELOPMENT OF THE LEWINSVILLE SENIOR CENTER AND DAYCARE PROPERTY (DRANESVILLE DISTRICT)** (5:18 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issue of June 6, 2014.

John L. Payne, Deputy Director for Real Estate, Department of Housing and Community Development, presented the staff report.

Discussion ensued concerning deferral of the decision on the agreement, with input from Mr. Payne.

Following the public hearing, Supervisor Foust moved to defer decision on the interim agreement with Wesley Hamel, LLC, until July 29, 2014. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

54. **ORDERS OF THE DAY** (5:23 p.m.)

Chairman Bulova announced that the Board would proceed with Public Comment.

55. **4:30 P.M. – DECISION ONLY ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-MV-034 (FURNACE ASSOCIATES, INCORPORATED) (MOUNT VERNON DISTRICT)**

AND

DECISION ONLY ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-L/V-061-02 (FURNACE ASSOCIATES, INCORPORATED) (MOUNT VERNON DISTRICT) (5:23 p.m.)

(NOTE: Later in the meeting, the public hearing regarding these items was held. See Clerk's Summary Item #57.)

56. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:23 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 30 and June 6, 2014.

Citizens and businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten

speakers will be heard. Speakers may address the Board only once during a six month period.

The public hearing was held and included testimony by the following individuals:

- Mr. Michael Lyon, regarding the growth in schools and overcrowding in the Mason District.

Supervisor Gross responded to several of the issues raised.

- Ms. Nicole Cheshire, regarding safety concerns at Clemyjontri Park

Chairman Bulova, noting that repairs were needed, requested that Ms. Cheshire provide contact information to the Clerk for follow-up.

Supervisor Foust acknowledged, from a maintenance standpoint, park conditions. He stated that the Fairfax County Park Authority (FCPA) is aware of the problems and recently completed an assessment of repairs required; he will continue the conversation with the FCPA.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct Catherine A. Chianese, Assistant County Executive and Clerk to the Board, to contact Kirk Kincannon, Director, FCPA, to:

- Express the Board's concern following the speaker's presentation
- Learn if there is a budgetary issue that the Board should be aware of and might be able to assist with

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

57.

4:30 P.M. – DECISION ONLY ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-MV-034 (FURNACE ASSOCIATES, INCORPORATED) (MOUNT VERNON DISTRICT)

AND

DECISION ONLY ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-L/V-061-02 (FURNACE ASSOCIATES, INCORPORATED) (MOUNT VERNON DISTRICT) (5:38 p.m.)

(NOTE: On May 13, 2014, the Board held a public hearing regarding this item and deferred decision until June 17, 2014.)

Following remarks, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved:

- Deferral of the Board decision Proffered Condition Application PCA 2000-MV-034 and Special Exception Amendment Application SEA 80-L/V-061-02 until **July 29, 2014, at 5 p.m.**
- The following Framework for the applicant to consider and to work with staff prior to July 29 to address a number of the Board's concerns about the special exception amendment (SEA) as currently framed. This period of time would allow for the applicant to: revise its plat; for conditions to be rewritten; and for staff to review the amended application. Both Supervisor Hyland and the Chairman would be kept apprised of the progress being made during the deferral period and, she noted, they would participate to ensure that the community continues to be involved and engaged and has the opportunity to weigh in. Elements of the Framework include:
 - A date certain closure of no later than December 31, 2025, an additional seven years of operation from Special Exception Amendment Application SEA 80-L/V-061 (the 2007 SEA)
 - To address concerns regarding the long-term stability and liability of the Mechanically Stabilized Earthen Berm (or other such structures as proposed in the pending SEA) a compromise should either eliminate the berm entirely or significantly reduce its height to no greater than 20 feet, preferably less; and again, preferably no mechanically stabilized earthen berm at all
 - A modification of the SEA approved in 2007 to acknowledge that the Overlook Ridge Park will not be built on top of the closed landfill. In lieu of this, the applicant will substitute green energy uses and/or community amenities
 - Wind turbines and geothermal recovery will not be part of any green energy demonstration uses. Other green energy infrastructure, such as solar and methane and perhaps other devices, would be provided in areas that would not require the need for structural support or a lid on top of the landfill which could add to the height
 - An amendment of commitments, reflected in the development conditions, to be in proportion to changes in time of operation and removal of the supporting structures.
 - The withdrawal of the concurrent Proffered Condition Amendment Application PCA 2000-MV-034. This

would allow the applicant to proceed with the development of a Mixed Waste Reclamation facility

- In conjunction with the withdrawal of the PCA application, the applicant will agree in writing to restrict the truck traffic to and from the Waste Reclamation Facility site in line with its current commitments on the landfill site, that is: hours of operation; debris; use of residential streets, restricting use of residential streets; et cetera. This is important in order to avoid adversely impacting neighborhood streets. In particular, there will be no entry from or exit to northbound Furnace Road.
- The applicant is aware of, but not necessarily in agreement with, that will be resolved or addressed during discussions of this Framework. Hopefully, negotiations during the next weeks will result in a compromise agreement for the Board to have before it at its last July meeting

Vice-Chairman Gross seconded the motion.

Following remarks by Supervisor Hyland concerning the motion and a press release issued by the applicant, he introduced, and read, into the record a letter sent to Chairman Bulova by the South County Federation concerning the application.

Supervisor Hyland asked to amend the motion to include the Chairman, himself, and at least one community representative in the process. Following discussion, this was accepted.

Supervisor Herrity asked unanimous consent that the Board direct staff to:

- Also keep him informed
- Inform his staff of any and all meetings so that his staff may be present

Without objection, it was so ordered.

Supervisor Hyland asked to further amend the motion, following language concerning a “date-certain closure,” to include a covenant prohibiting further extensions of the closure date. Supervisor Foust seconded the amendment to the motion.

Extensive discussion ensued concerning the use of the word “covenant” or alternative language, with input from Barbara C. Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning, concerning staff understanding of guidance for negotiations.

Following additional discussion concerning actions of future Boards and the ability to renegotiate covenants/agreements, Supervisor Hyland withdrew his motion.

Supervisor Hyland noted that the Virginia Department of Environmental Quality (DEQ) is engaged in a review of the type of berm proposed in this application and he asked unanimous consent that the Board direct staff to contact the DEQ for additional guidance. Without objection, it was so ordered.

Chairman Bulova reiterated her preference for no berm.

Supervisor Hyland asked to further amend the main motion concerning Overlook Ridge Park to add the following language:

- As agreed upon, with the South County Federation, the Chairman and the Mount Vernon District Supervisor

This was accepted.

Discussion ensued concerning:

- How the land can be recaptured for use as a park
- “An amendment of commitments” reflected in the development conditions.

Supervisor Hyland asked to further amend the main motion to include the following language:

- There shall be no further deferrals of this application.

This was accepted.

Discussion ensued regarding the established Framework and Francis A. McDermott, agent of the applicant stated that the applicant is and has expressed the willingness to work within the Board’s Framework.

Following a query from Supervisor Herrity, Ms. Berlin said that staff would issue a final addendum to the staff report.

Supervisor Herrity asked unanimous consent that the Board direct the County Attorney to issue an opinion on Condition 60 if there is a berm. Without objection, it was so ordered.

Supervisor Smyth noted that developers in Tysons, Merrifield, and other places are reporting high percentages of recycled construction debris.

Discussion continued regarding:

- The long-standing need for a South County police station and the possibility that the use of the land for that purpose be considered
- The need for the landfill
- Increased recycling
- Construction and demolition debris
- Green energy
- Wind turbines

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

(NOTE: On April 3, 2014, the Planning Commission approved Public Facilities Applications 2232-V13-17 and 2232-V13-18, noting that the applications met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia, as amended.)

58. **BOARD ADJOURNMENT** (6:24 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	3–5
Report from the Task Force to Consider a Meals Tax Referendum	5–7
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	7–13
Items Presented by the County Executive	
Administrative Items	13–16
Action Items	16–17
Board Matters	
Chairman Bulova	2, 17–20
Supervisor Cook	25–26
Supervisor Foust	22
Supervisor Frey	2
Supervisor Gross	21
Supervisor Herrity	2, 22–26
Supervisor Hudgins	21–22
Supervisor Hyland	n/a
Supervisor McKay	2, 24–25
Supervisor Smyth	n/a
Actions from Closed Session	31
Public Hearings	31– 44