



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

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

**TUESDAY  
May 10, 2022**

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**10-22**

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**BV:bv**

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 10, 2022, at 9:33 a.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney Lusk, Lee District
- Supervisor Dalia A. Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James Walkinshaw, Braddock District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Nathaniel Strathearn, Management Analyst II, Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks, and Bobby Vaught, Administrative Assistant, Department of Clerk Services.

**BOARD MATTERS**1. **MASKS OPTIONAL** (9:34 a.m.)

Chairman McKay stated that masks are now optional for employees and visitors in County facilities, except for those where health or medical services are provided. It is up to an individual's comfort level to make that decision for themselves, given the status of COVID-19 in the County.

2. **MOMENT OF SILENCE** (9:34 a.m.)

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

- Elaine Moore, who passed away. She was the first CEO and Executive Director of Leadership Fairfax when it was launched by the Northern Virginia Chamber of Commerce in 1987; dedicating her life to service, working for the Chamber, the Virginia House of Delegates and the Southern Regional Education Board, and was retired from the County's Department of Family Services. She volunteered in the community, including serving as a lay reader at her chapel. Ms. Moore's commitment to engagement and education continues through the work of Leadership Fairfax.
- Retired Marine Lieutenant Colonel Justin Constantine, who passed away earlier this month. A Fairfax High School alumnus; he survived a 2006 sniper attack while serving in Iraq and spent the years that followed inspiring the world with his positivity and courage; was one of the wounded warriors painted by former President Bush, and was named a Champion of Change by former President Obama.
- Chairman McKay stated that the Board, at its last meeting, honored Captain Kimberly Schoppa, He noted that he attended a Naming and Dedication Ceremony in her honor yesterday at Fire and Rescue Station 27. Her funeral is being held today and he acknowledged her service and the tremendous impact she had on her peers and so many in the County.
- Earl Mark McConn Jr., who passed away last week. He was a longtime Sully District resident and a County resident for over 50 years; was very active in land use, serving as a member of the Western Fairfax County Citizens Association Land Use Board, and president of the Sully District Council; he was also Lord Fairfax for Sully District in 2016.

- Philip Yates, who passed away last month. He enjoyed a long and rewarding career in the land use, planning and regulatory areas of Northern Virginia; was an active engineer; served the County in various positions; was executive director of the Zoning Ordinance Study Committee which rewrote the County's Zoning Ordinance; and was the recipient of the County's A. Health Onthank Award for Merit in 1976.

### **AGENDA ITEMS**

3. **PROCLAMATION DESIGNATING MAY 9-15, 2022, AS "NATIONAL SALVATION ARMY WEEK" IN FAIRFAX COUNTY** (9:43 a.m.)

Supervisor Walkinshaw moved approval of the Proclamation designating May 9-15, 2022, as "National Salvation Army Week" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO THE LANGLEY HIGH SCHOOL SAXONS CLUB ICE HOCKEY TEAM FOR WINNING THE NORTHERN VIRGINIA SCHOOL HOCKEY LEAGUE CHAMPIONSHIP** (9:56 a.m.)

Supervisor Foust moved approval of the Resolution of recognition presented to the Langley High School Saxons Club Ice Hockey Team for winning the Northern Virginia School Hockey League Championship. Chairman McKay and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY 2022 AS "TEACHER APPRECIATION MONTH" IN FAIRFAX COUNTY** (10:06 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating May 2022 as "Teacher Appreciation Month" in Fairfax County. The motion was multiply seconded and carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

6. **PROCLAMATION DESIGNATING MAY 2022 AS "LYME DISEASE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:25 a.m.)

Supervisor Herrity moved approval of the Proclamation designating May 2022 as "Lyme Disease Awareness Month" in Fairfax County. Chairman McKay and Supervisor Storck jointly seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING MAY 2022 AS “FIGHT THE BITE AWARENESS MONTH” IN FAIRFAX COUNTY** (10:39 a.m.)

Supervisor Herrity moved approval of the Proclamation designating May 2022 as “Fight the Bite Awareness Month” in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

**EBE:ebe**

8. **9:30 A.M. - BOARD ADOPTION OF THE FISCAL YEAR (FY) 2023 BUDGET PLAN** (10:47 a.m.)

(SAR)

(FPR) (O)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board set the real property tax rate at \$1.11 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2022 will be reduced by \$0.03 from the present rate of \$1.14 per \$100 of assessed value. Vice-Chairman Gross seconded the motion and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Vice-Chairman Gross, and Chairman McKay voting “AYE,” Supervisor Herrity voting “NAY.”

Having established the real property tax rate at \$1.11 per \$100 of assessed value, Chairman McKay moved that the Board approve the FY 2023 Tax Rate Resolution Adopting Tax Rates for Fairfax County, as detailed in Attachment II of the Memorandum to the Board dated May 9, 2022. Vice-Chairman Gross seconded the motion and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Vice-Chairman Gross, and Chairman McKay voting “AYE,” Supervisor Herrity voting “NAY.”

Chairman McKay moved that the Board approve the FY 2023 Resolution Adopting a Vehicle Assessment Ratio of 85 Percent, as opposed to 100 Percent, as detailed in Attachment III of the Memorandum to the Board dated May 9, 2022. Vice-Chairman Gross seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

Chairman McKay moved approval of the FY 2023 Appropriation Resolution for County Agencies/Funds, the FY 2023 Appropriation Resolution for School Board Funds, and the FY 2023 Fiscal Planning Resolution as set forth in Attachments IV, V, and VI of the Memorandum to the Board dated May 9, 2022. Vice-Chairman Gross seconded the motion and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw,

Vice-Chairman Gross, and Chairman McKay voting “AYE,” Supervisor Herrity voting “NAY.”

As part of this year’s budget process, amendments to the sewer ordinance were proposed. The public hearing was advertised on March 11, and March 18, 2022, and held on April 12, 2022, at 3 p.m.

Therefore, Chairman McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), Article 10 (Charges), by amending and readopting Section 67.1-10-2 of the County Code, as advertised. Vice-Chairman Gross seconded the motion and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Vice-Chairman Gross, and Chairman McKay voting “AYE,” Supervisor Herrity voting “NAY.”

Vice-Chairman Gross returned the gavel to Chairman McKay.

**DMS:dms**

**ADDITIONAL BOARD MATTERS**

9. **PROCLAMATION REQUEST DESIGNATING MAY 9-13, 2022, AS “ECONOMIC DEVELOPMENT WEEK”** (10:54 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and, jointly with Supervisor Foust, asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 9-13, 2022, as “Economic Development Week” in the County. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING MAY 14, 2022, AS “APRAXIA AWARENESS DAY”** (10:54 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 14, 2022, as “*Apraxia Awareness Day*” in the County. Without objection, it was so ordered.

11. **PROCLAMATION REQUEST DESIGNATING JUNE 3, 2022, AS “NATIONAL GUN VIOLENCE AWARENESS DAY”** (10:54 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating June 3, 2022, as “*National Gun Violence Awareness Day*” in the County. Without objection, it was so ordered.

12. **PROCLAMATION REQUEST RECOGNIZING JUNETEENTH** (10:54 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation recognizing Juneteenth. Without objection, it was so ordered.

13. **PROCLAMATION REQUEST DESIGNATING JUNE 30, 2022, AS “WORLD REFUGEE DAY”** (10:54 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating June 30, 2022, as “*World Refugee Day*” in the County. Without objection, it was so ordered.

14. **PROCLAMATION REQUEST DESIGNATING JUNE 2022 AS “PROFESSIONAL WELLNESS MONTH”** (10:54 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating June 2022 as “*Professional Wellness Month*” in the County. Without objection, it was so ordered.

15. **PROCLAMATION REQUEST DESIGNATING JUNE 2022 AS “ALZHEIMER'S AND BRAIN AWARENESS MONTH”** (10:54 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating June 2022 as “*Alzheimer's and Brain Awareness Month*” in the County. Without objection, it was so ordered.

16. **ANALYSIS AND OPTIONS TO ADDRESS PANHANDLING** (10:55 a.m.)

Chairman McKay stated that over the last several months, his office has received numerous inquiries from residents as it relates to panhandling throughout the County. While courts have maintained repeatedly that panhandling is protected speech, the concerns residents have shared pertain to public safety, that is, worries over the individual(s) who panhandle, as it often takes place at busy intersections.

Furthermore, the County and Board have invested extensively in human services and resources aimed at ensuring residents do not have to turn to alternative means to meet their basic needs.

To be clear, neither the Board nor the County have any interest or desire to infringe or limit any individuals’ Constitutional rights. The interest at hand is ensuring that all residents and community remain safe.

Therefore, Chairman McKay moved that the Board direct the Office of the County Attorney, the Fairfax County Police Department, the County’s Department of Transportation, and the Office to Prevent and End Homelessness to coordinate and submit to the Board, no later than July 31, 2022, a memorandum containing the following:

- Data driven analyses into whether there is a public safety risk related to or stemming from panhandling
- Recommended solutions/options if such issues are identified

Supervisor Herrity seconded the motion.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

(NOTE: Later in the meeting, Supervisor Herrity presented a Board Matter on panhandling. See Clerk's Summary Item #34.)

17. **2022 REGIONAL HOUSING LEADERS AWARD** (11:04 a.m.)

Chairman McKay announced that the County recently received the 2022 Regional Housing Leaders Award from the Northern Virginia Affordable Housing Alliance.

18. **RESOLUTION OF RECOGNITION REQUEST FOR WESTMINSTER SCHOOL** (11:06 a.m.)

Supervisor Gross stated that 2022 marks the 60<sup>th</sup> anniversary of Westminster School, a non-profit independent school located in Annandale. The school began as a kindergarten class in rented facilities at St. Albans Church in Annandale. Today it has grown and evolved into a pre-school to eighth-grade program with its own campus and a capacity of 360 students. Westminster School continues to provide students with an accelerated curriculum, high academic standards, and an atmosphere promoting kindness, respect, personal responsibility, and the pursuit of excellence.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the Westminster School, commemorating its achievements, as the school celebrates 60 years of excellence in education, to be signed by the Chairman and the Mason District Supervisor, to be presented on June 11, 2022, as part of Westminster School's Diamond Jubilee Celebration. Without objection, it was so ordered.

19. **PLAN AMENDMENT AUTHORIZATION BAILEY'S CROSSROADS COMMUNITY BUSINESS CENTER (CBC) (MASON DISTRICT)** (11:07 a.m.)

Supervisor Gross stated that the adopted Comprehensive Plan recommendations for the Bailey's Crossroads CBC are now more than a decade old and may not reflect the needs of today's urban and post-pandemic communities. Some of the language in the current Plan was designed for the anticipated Streetcar Project, which was

withdrawn in 2014. While some repurposing of existing office buildings in Skyline is underway, the significant redevelopment envisioned by that Plan has not been seen, and it may be time to update portions of the Plan to promote renewal of the CBC.

A property owner is interested in development of residential uses on Leesburg Pike, within Land Unit B-5 of the Baileys Town Center Core area and has approached the County with a concept for increased residential density and building heights that are not anticipated in the current Plan. The Plan's recommendations for this Land Unit should be evaluated to determine if alternative planned uses may be appropriate and could incentivize redevelopment.

Therefore, Supervisor Gross moved that the Board authorize an amendment to the Comprehensive Plan to review the recommendations for Land Unit B-5 of the Town Center Core area of the Baileys CBC. The Plan Amendment should consider the following:

- The appropriate mix of residential and commercial uses with a strong emphasis on parcel consolidation, design, and open space
- A range of building heights from four to up to 14 stories

The Carousel Court Apartments, on the south side of Seminary Road, are part of Land Unit B-5 but should not be considered for a change in land use or density. This motion should not be construed as a favorable recommendation by the Board or Planning Commission on the proposed amendment and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Chairman McKay seconded the motion and it carried by unanimous vote.

20.

**RESOLUTION OF RECOGNITION REQUEST FOR THE WOODSON HIGH SCHOOL'S FOR INSPIRATION AND RECOGNITION OF SCIENCE AND TECHNOLOGY (FIRST) ROBOTICS TEAM (BRADDOCK DISTRICT)** (11:10 a.m.)

Supervisor Walkinshaw stated that the FIRST Robotics Competition is an annual international competition in which teams of high school students, teachers, and mentors work during a rigorous six-week period to build robots capable of competing in that year's games. In this year's competition that took place in Houston, more than 3,200 teams competed, with 454 teams advancing to Championship.

Woodson High School's Robotics Team qualified for the world championships by winning the Rookie All-Star award during a regular season meet and then making a presentation about the goals of the team at the district championship in Newport News. The Team supports the goal of Science, Technology, Engineering, and Mathematics (STEM) for all and has nearly 20 ethnicities participating. The team



members who went to the World Championships persevered through short nights, long days, bent/broken robot parts, driving challenges and a host of other problems; yet in the end, they finished as the highest ranked rookie team at the World Championships in their division.

Supervisor Walkinshaw stated that the following students are part of the Woodson FIRST Robotics team:

- Collin Ollis
- Rowan Rosenblum
- Sammy Kee
- Hailey Pan
- May Paek
- Chloe Cho
- Connor Geraghty
- Zainab Rentia
- Isaac Kim
- Indra Ranjan
- Joseph Tso
- Josh Park
- Sam Park
- Kaden Nguyen
- Kartikay Georg
- Aaron Amartuvshin

Therefore, jointly with Chairman McKay, Supervisor Gross, Supervisor Herrity, and Supervisor Palchik, Supervisor Walkinshaw asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the Woodson High School's FIRST Robotics Team, to be presented this spring in the Board Room. Without objection, it was so ordered.

21. **RECOGNITION OF THE 40<sup>TH</sup> ANNIVERSARY OF THE HERNDON-RESTON FRIENDLY INSTANT SYMPATHETIC HELP (FISH) BARGAIN LOFT (DRANESVILLE DISTRICT)** (11:11 a.m.)

Supervisor Foust stated that 2021 marked the 40<sup>th</sup> anniversary of the opening of the Bargain Loft by Herndon-Reston FISH, led by Executive Director Mary C. Saunders. For the past 53 years, FISH has operated as a non-profit in the Herndon and Reston area. In 1981, FISH opened a shop in Herndon named The Bargain Loft, which is a volunteer-run upscale thrift store that accepts donations and sells treasures. Over 60 volunteers help staff the shop – this is truly a community organization.

The profits that are generated by The Bargain Loft support the financial assistance given to residents with short-term emergency needs, such as pending evictions, utilities to be cut off, and needed medical prescriptions. The Bargain Loft proceeds help to support the FISH Holiday Food and Gift Program and SNAP at the Market program at the Herndon Farmers' Market.

Therefore, jointly with Supervisor Alcorn, Supervisor Foust asked unanimous consent that Board direct staff to invite members of the Bargain Loft and Herndon-Reston FISH to appear before the Board at its June 28, 2022, Board Meeting, to be acknowledged for their contributions to the community. Without objection, it was so ordered.

22. **RESOLUTION OF RECOGNITION REQUEST FOR THE COOPER MIDDLE SCHOOL BAND (DRANESVILLE DISTRICT)** (11:13 a.m.)

Supervisor Foust stated that the John Philip Sousa Foundation recently selected the Cooper Middle School Band program and its Conductor, Matthew Baker, as the recipients of the 2021 Sudler Cup. This prestigious international award recognizes junior high and middle school concert bands for outstanding musical excellence.

To be eligible for nomination for the award, a middle school band must have achieved and maintained high standards of excellence in the concert area over a period of seven years under the same conductor.

The band must have performed at several state and national level conferences, received letters of recognition and recommendations from prominent educators and conductors, as well as submit years of concert programs and recordings.

The Sudler Cup is recognized as the most prestigious award a school band program can receive. Only 60 schools have received this award since its inception in 1985.

Therefore, jointly with Chairman McKay, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the Cooper Middle School band and its Conductor, Matthew Baker, to be presented at

the band's spring concert to be held on June 2, 2022, at the Alden Theater in the McLean Community Center. Without objection, it was so ordered.

23. **NO BOARD MATTERS FOR SUPERVISOR LUSK (LEE DISTRICT)**  
(11:15 a.m.)

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

24. **PROCLAMATION REQUEST DESIGNATING MAY 6-13, 2022, AS "MILITARY SPOUSE APPRECIATION WEEK"** (11:15 a.m.)

Supervisor Storck stated that the freedoms that Americans enjoy can only be made possible by the efforts of the more than 2 million men and women who serve the nation as active-duty service members of the Armed Forces. Right here on Fort Belvoir, there are approximately 4,420 active-duty service members and 2,246 military spouses. Proudly, the County is home to approximately 80,000 military veterans and their spouses.

Military Spouse Appreciation Day is a day set aside to pause and recognize military spouses who have the greatest impact on service members lives through their support and commitment to service. The average military spouse moves 8-12 times in a span of a 20-year military career, which often results in starting over in each new location and dealing with the struggles of meeting new people and feeling a sense of community where they live. Military Spouse Appreciation Day was recognized nationally on May 6. However, tomorrow, on May 11, 2022, the County is co-hosting its second Veteran and Military Spouse Career Fair with the Fairfax County Economic Development Authority at the National Army Museum and virtually.

Therefore, in honor of the supportive and heroic military spouses, including those residing here in the County, and jointly with Chairman McKay, Supervisor Gross, and Supervisor Herrity, Supervisor Storck asked unanimous consent that the Board recognize May 6 – 13, 2022, as "*Military Spouse Appreciation Week*" and direct staff to prepare a Proclamation, to be signed by the sponsors of this Board Matter, to be presented to Army Community Services at the Veteran and Military Spouse Career Fair.

Discussion ensued regarding licensure issues associated with relocations. Without objection, it was so ordered.

25. **BRAND LAUNCH FOR POTOMAC BANKS – EXPLORE FAIRFAX SOUTH (MOUNT VERNON DISTRICT)** (11:22 a.m.)

Supervisor Storck stated that in February 2019, he launched the Mount Vernon Tourism Task Force with the purpose to bring together key tourism stakeholders to connect and increase awareness of the vibrant cultural, natural, and heritage resources of the southern portion of the County. Visit Fairfax has collaborated with

the Board and its many partners, including: Mount Vernon Estate, National Museum of the United States Army, Woodlawn Pope-Leighey House, Workhouse Arts Center, Gunston Hall, Gum Springs Museum, Fairfax County Park Authority, Arcadia Farms, National Park Service, Fort Belvoir, NOVA Parks, Mason Neck State Park, River Farm, South Fairfax and Mount Vernon Lee Chambers of Commerce, South Fairfax Development Corporation and local residents.

The Board has supported several initiatives as a result of the Mount Vernon Tourism Task Force work. This includes carryover funding to support the Semi quincennial Workgroup and for Visit Fairfax to study, develop, and procure a consultant for a tourism placemaking and marketing strategy. As a result of this work, the Potomac Banks Brand Launch will be on May 18, 2022, from 10:30 a.m. to noon at George Washington's Mount Vernon Estate.

The launch will highlight the brand which ties together the area sites with tourism packaging which will enable greater regional visibility and impact, with a new visitor savings pass. This new branding effort will create synergy between the historical, recreational, cultural, and ecological venues in the region, help grow opportunities for new tourism infrastructure, and enhance the visitor experience to the area.

Therefore, jointly with Chairman McKay, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to share the media alert, attached to his Board Matter. Supervisor Storck invited the Board to attend this special event at the home of America's First President. Without objection, it was so ordered.

26. **NATIONAL FENTANYL AWARENESS DAY** (11:27 a.m.)

Supervisor Storck announced that National Fentanyl Awareness Day is on May 10, 2022, to raise public awareness about the growing fentanyl public health crisis. People are dying at alarming rates due to illegally made fentanyl, a dangerous synthetic opioid. Supervisor Storck encouraged the community to get the facts and share them widely.

27. **REQUEST TO EXPEDITE THE PUBLIC HEARING FOR B.F. SAUL (PROVIDENCE DISTRICT)** (11:29 a.m.)

Supervisor Palchik stated that B.F. Saul is proposing to redevelop a functionally obsolete 1970s-era office building located at 7926 Jones Branch Drive. This building, Park Place I, is part of a two-building complex, located at a gateway location along the Capital Beltway, next to the Scotts Crossing Road overpass and opposite the Capital One Tower. The other building in this complex, Park Place II, is commonly known as the Hilton Worldwide headquarters and was developed pursuant to a Special Exception Application SE 99-P-034, for additional building height, approved in 2000.

The new Park Place I building is proposed to be the same size as the building it will replace, but taller, by taking advantage of the increased building heights recommended in the Tysons Corner Comprehensive Plan. B.F. Saul proposes to achieve its desired building height through an amendment to the existing build height special exception.

Supervisor Palchik said the applicant has worked with staff on the Special Exception Amendment to improve the overall design, and she is encouraged by the progress made to date. The Special Exception Amendment has also received favorable community support.

The Special Exception Amendment is currently scheduled for a Planning Commission hearing on June 8, 2022. To ensure the application remains on track, the applicant has asked for a public hearing before the Board, to be held on June 28, 2022.

Therefore, Supervisor Palchik moved that the Board direct staff to schedule Special Exception Amendment Application SEA 99-P-034 for a public hearing before the Board on June 28, 2022. This motion should not be construed as a favorable recommendation by the Board, nor does it relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards. Chairman McKay seconded the motion and it carried by unanimous vote.

28. **APPOINTMENT OF THE HEAD START POLICY COUNCIL'S INTERIM DIRECTOR** ( 11:33 a.m.)

Supervisor Palchik stated that after serving children, families, and staff for close to 20-years as director of the County's Head Start/Early Head Start program, Jennifer Branch recently retired, leaving the program in excellent standing. Supervisor Palchik expressed that she is grateful for Ms. Branch's dedication and commitment to serving the community.

Staff has begun the competitive recruitment process for hiring a new Head Start Director and will be reaching out to stakeholders and partners throughout Virginia, Maryland, and the District of Columbia as well as national networks, as the County seeks to attract strong candidates for this complex and rewarding position.

During this transition period, the County will need to appoint an interim Head Start director. As the grantee of both federal grants, Head Start/Early Head Start and Early Head Start Child Care Partnership Grant, the Board serves as the governing body for the Head Start/Early Head Start program in partnership with the Head Start Policy Council. Federal Head Start Performance Standards require the governing body and Policy Council to approve key personnel appointments. This includes approval of both the Head Start Director and Chief Financial Officer positions.

As Chairperson of the Board's Health and Human Services Committee and Board liaison to the Head Start Program, Supervisor Palchik stated that she would like to

request Board's consideration for the appointment Janet Stewart to serve as Interim Director. Ms. Stewart has over 20 years of experience in Head Start. In her current position, she serves as the County's Head Start Quality Assurance Manager, ensuring the program meets federal, state, and local regulations and program standards, and serves as an Assistant to the Director. This past year she has played a leadership role in the County's Head Start program and had the opportunity to learn from Ms. Branch about all aspects of County's grants, build relationships with Policy Council members, and to support delegate partners Fairfax County Public Schools and Higher Horizons Day Care.

In addition to her experience in the County, Ms. Stewart has extensive experience supporting all Head Start service areas in her various roles at EACHS Head Start in West Virginia. Her previous positions include Family Services Specialist, Nutrition Coordinator, Family Service Worker, and Area Supervisor, among other certifications. Ms. Stewart's knowledge of County's program and grants, and her lengthy career serving at EACHS Head Start, as well as her service on Head Start Associations Board of Directors, uniquely position her to serve in the role of Interim Director for the County's Early Head Start and Head Start programs. Ms. Stewart will be supervised by the Director of the Office for Children.

As required by the Head Start Performance Standards, the Fairfax County Head Start Policy Council has voted to approve the appointment of Ms. Stewart as Interim Director. Therefore, Supervisor Palchik moved that the Board approve the appointment of Ms. Janet Stewart as Interim Director of Fairfax County's Head Start/Early Head Start Program. Additionally, staff are also currently recruiting for the Head Start Chief Financial Officer position, and she anticipates returning later this summer with a request to approve the appointment of a new Director of Head Start and Chief Financial Officer. Supervisor Foust seconded the motion and it carried by unanimous vote.

29. **HISTORICAL MARKER PROJECT** (11:38 a.m.)

(BAC) Supervisor Palchik stated that the Historical Marker Project, focusing on the Black/African American experience in the County, has been a positive partnership among the County, Fairfax County Public Schools (FCPS), and FCPS students. The submission period for the contest closed on April 30, 2022, with over 55 submissions from individual students and classes from around the County. The students have seized the opportunity to research the members of the Black/African American community in the County and learn more about their numerous contributions to County history.

The next step in this process is for the voting committee to select outstanding submissions to be honored, including ones that may be recommended for consideration as Historical Markers under the Fairfax County Historical Marker Program. This committee is comprised of several African American history and cultural organization representatives, as well as appointees from each magisterial district, and FCPS students. These participants were chosen with a goal of allowing

the community to spearhead the selection of submissions to be recommended as Historical Markers.

To ensure the Board has a sufficiently sized voting committee to address the robust number of submissions, and one that reflects the community, staff recommends that two additional representatives be added to the voting committee, to be appointed by the Chairman. These spots will be reserved for community leaders of the Black/African American community here in the County and will allow the voting committee to evaluate the Historical Marker Project submissions and recommend markers that best represent the County's One Fairfax values.

Therefore, jointly with Chairman McKay, Supervisor Palchik moved that two additional seats be added to the Historical Marker Project Voting Committee, to be appointed by the Chairman. Chairman McKay seconded the motion and it carried by unanimous vote.

30. **RESOLUTION OF RECOGNITION REQUEST FOR NV RIDES**  
(11:45 a.m.)

Supervisor Palchik stated that in early April, NV Rides was awarded first place for Best Practices for Aging from the Virginia Commonwealth Council on Aging. This award honors programs and services that allow seniors to age in place, identifies innovative, community-based strategies to help seniors in their home communities.

NV Rides supports a network of volunteer driver programs who make transportation for seniors possible in the Northern Virginia area. It is a unique umbrella volunteer organization that provides the capacity and support to their partner driving organizations, which in turn allows each partner to meet the needs of their community. They recognize the importance of customization to serve specific religious communities or veterans. Throughout the pandemic, NV Rides' partners continued to drive seniors in their own vehicles, on their own time, and have been tirelessly committed to making senior transportation available every single day in the region.

Therefore, jointly with Supervisor Gross, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for NV Rides and their volunteers, in honor of them receiving the Virginia Council on Aging Award and for the important work they do in assisting County seniors who wish to age in place, to be presented out of the Board Room. Without objection, it was so ordered.

31. **CONCURRENT PROCESSING REQUEST FOR TOLL MID-ATLANTIC LP COMPANY, INC. (PROVIDENCE DISTRICT)** (11:47 a.m.)

Supervisor Palchik stated that Toll Mid-Atlantic LP Company, Inc. is requesting a rezoning from the R-1 District to the PDH-12 District and to-be-vacated right-of-way associated with Buena Vista Road in Tysons. The applicant is currently

processing applications for a rezoning and final development plan, identified as Rezoning/Final Development Plan Application RZ/FDP 2021-PR-00019, to permit the construction of 48 single-family attached dwelling units and the retention of one single-family detached dwelling unit. The applications are scheduled for a Planning Commission public hearing on June 29, 2022. To be heard prior to the August recess, the applicant is requesting concurrent processing so that a public hearing before the Board may be scheduled.

Therefore, Supervisor Palchik moved that the Board direct the Director of Planning and Development to schedule Rezoning/Final Development Plan Application RZ/FDP 2021-PR-00019 for a public hearing before the Board on August 2, 2022. This motion should not be construed as a favorable recommendation by the Board, nor does it relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards. Supervisor Lusk seconded the motion and it carried by a vote of nine, Chairman McKay being out of the room.

32. **MURAL DEBUT AT THE PEOPLE, ARTS, RECREATION, AND COMMUNITY (PARC) AT TYSONS** (11:48 a.m.)

Supervisor Palchik announced that the mural debut was held on May 7, 2022, and she encouraged the community to visit the PARC at Tysons and view the mural.

33. **NAMING FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) HELICOPTER HANGAR AFTER FORMER POLICE CHIEF AND DEPUTY COUNTY EXECUTIVE, DAVID ROHRER** (11:50 a.m.)

(R) Supervisor Herrity stated that at the March 8, 2022, Board Meeting, the Board unanimously approved the motion to have the History Commission begin the process of evaluating the naming of the FCPD Helicopter Hangar after former Police Chief and Deputy County Executive, David Rohrer.

Since then, the History Commission has determined that based on Board Policy for renaming facilities established January 26, 2021, it is not the appropriate agency to evaluate the naming of the facility given that the Board is seeking to name the facility after a living person. They further determined that FCPD is the appropriate agency to evaluate the naming of this facility.

FCPD has since reviewed the naming of the FCPD Helicopter Hangar and approved naming it after David Rohrer.

Therefore, in accordance with the Board's naming policy which requires the appropriate agency review and approve facility name recommendations, and jointly with the entire Board, Supervisor Herrity moved that the Board name the FCPD Helicopter Hangar after former Police Chief and Deputy County Executive, David Rohrer. Supervisor Alcorn seconded the motion and it carried by a vote of seven\*, Supervisor Gross, Supervisor Palchik, and Supervisor Smith being out of the room.



(\*NOTE: Later in the meeting, Supervisor Gross, Supervisor Palchik, and Supervisor Smith requested that they be recorded as voting affirmatively for this Board Matter. See Clerk's Summary Item #36.)

34. **REAFFIRMING COMMITMENTS TO ADDRESSING PANHANDLING**  
(11:52 a.m.)

(NOTE: Earlier in the meeting, Chairman McKay presented a Board Matter on panhandling. See Clerk's Summary Item #16.)

Supervisor Herrity stated that on April 8, 2022, the County Executive circulated a memorandum to the Board on panhandling. For the last two years, there has been little movement on the actions the Board directed in 2019 to address panhandling, in part due to the pandemic. Prior to the pandemic, the Board had significant discussions on panhandling solutions and directed staff to put those solutions in motion. As a refresher to the entire Board, the public, and as a supplement to the County Executive's memorandum, he shared some history on where the County's action on this issue left off.

Supervisor Herrity stated that in 2017 he proposed a program to provide jobs for people experiencing homelessness called "There's a Better Way," which has been successful in other jurisdictions nationally and was originally implemented in Albuquerque, New Mexico. Shortly thereafter, the City of Fairfax started a similar program teaming up with the Lamb Center. The Department of Public Works and Environmental Services piloted a similar program and later established that program, Operation Stream Shield, which has had over 2,200 clients serve in the program including many that "graduated" into full time jobs. Also in 2017, the Office of Public Affairs (OPA) executed a community outreach campaign to educate residents on what resources the County provides and to discourage them from giving to panhandlers.

On July 16, 2019, Supervisor Herrity stated that he presented a Board Matter jointly with former Supervisor Cook, which asked the Board to consider an ordinance to promote safety curb-to-curb by prohibiting anyone from engaging with motorists. In addition, it asked for continued community outreach to share with residents how they can better support people who are in need rather than giving one-time funds to panhandlers and what resources the County provides. This motion was unanimously approved.

On September 17, 2019, at the Board's Public Safety Committee Meeting, the County Attorney shared that a curb-to-curb safety ordinance could be considered and more likely to hold up in court if the ordinance is content neutral, limited in scope, and focused on conduct. The County Attorney further explained that the ordinance would need to be tailored to address specific traffic safety problems and recommended the County preemptively collect traffic data. Other recommendations from the meeting included enhanced enforcement strategy for law enforcement, a survey by the Office to Prevent and End Homelessness (OPEH)

to better understand panhandling individuals, a new community outreach campaign, and signage to discourage panhandling at specific intersections. The consensus at that meeting was that staff would conduct a limited, in-house transportation study to determine intersections where people in the median pose a particular public safety issue and staff would also conduct a survey to better understand if County services are connecting with the people who are panhandling. Using that data, the Board consensus was to move forward with signage discouraging panhandling at identified intersections and potentially consider an ordinance.

There was some reluctance by the Board at the time to enact an ordinance that would impact the Fill the Boot campaign, charity car washes, and other community benefit sign waving. Supervisor Herrity stated that he supports the efforts of the Fill the Boot campaign and was glad to see that it successfully used other fundraising mechanisms during the pandemic when in-person methods were not possible. Supervisor Herrity stated that while he would not want to impact any worthy fundraising effort like Fill the Boot, the safety issue of people interacting with motorists in intersections with heavy traffic persists year-round and needs to be addressed.

In early March of 2020, Supervisor Herrity stated that his office received updates from staff that the Department of Transportation and Police Department completed the traffic study and identified 40-plus panhandling hotspots. In addition, OPEH developed a survey based on other communities' panhandling surveys. Staff planned to conduct the survey on April 20, 2020, and release the survey data in May 2020. Further, his office was told that staff had a sign design prepared and ready to present to the Board but were waiting on other logistical issues. The pandemic hitting in mid-March 2020 delayed those efforts.

Since then, complaints about panhandling and road safety have increased significantly and he has followed up on this issue numerous times asking for an update. There also has been an uptick in panhandling at shopping centers, resulting in calls to his office and police who have had to remind the center owners that shopping centers are private property. The County is an increasingly urban suburb and traffic is returning to pre-pandemic levels. Distraction is already a major issue for motorists. Accidents and near-misses throughout the County compel the Board to do something and prevent further tragedy. To protect both panhandlers and motorists, the Board needs to move forward with action on this issue.

Therefore, Supervisor Herrity moved that the Board direct:

- Staff to share with the Board updated traffic data related to panhandling hotspots, suggested language and design for signage, and identified locations for sign installation for the Board to discuss at the next Public Safety Committee meeting

- The County Attorney to draft an ordinance promoting curb-to-curb safety that is content neutral, limited in scope, and focused on prohibiting anyone from engaging with motorists within medians or intersections as a critical public safety issue for discussion at the Public Safety Committee meeting
- OPA develop a communication plan to discuss at the Public Safety meeting to educate residents on what resources the County provides and to discourage them from giving to panhandlers. As a part of that education campaign, a component to educate businesses on available services the County offers as well as their right to address panhandling on their property as they see fit be included

This motion died for lack of a second.

Discussion ensued regarding the following:

- Differences among the Board on the process
- Directing staff to draft the ordinance
- The need for future conversations with the Board regarding the challenges associated with panhandling

35. **CITIZEN TASK FORCE ON TAX REVENUE AND EXPENDITURES**  
(12:03 p.m.)

Supervisor Herrity stated that during the public budget testimony and at the budget town halls, the Board heard from a large number of residents on the impact of rising assessments and the resulting real estate tax increases on the affordability of living in the County. Over the last several decades, past Boards took different approaches to address these concerns.

Prior to Fiscal Year 2000, there were several commissions and task forces formed to address County revenues and expenditures, emphasizing efficiency and fiscal restraint. From the Cole Commission under then-Chairman Tom Davis to the Task Force on Revenues and Expenditures under then-Chairman Kate Hanley. More recently there was the Line of Business Reviews under then-Chairman Sharon Bulova. These provided a forum for citizens of diverse backgrounds with fiscal expertise to review the County's revenue and expenditures, sharing feedback to the Board year-round outside of the annual budget process.

Based on the testimony received from numerous citizens on the impact of the tax increase and the recommendations of organizations like the McLean Citizens Association and the Fairfax County Federation of Civic Associations, Supervisor Herrity stated his belief that it is time for the Board to convene a group of citizens to review the budget for areas where services can be provided more efficiently and reduce the impact on County residents. This group would hopefully be comprised

of constituents with demonstrated budget expertise from diverse backgrounds for the purpose of providing recommendations on how the County can provide quality services in a more cost-effective manner, provide options for revenue diversification, and provide options to address the reduced commercial tax base with the goal of reducing the cost of government and the tax burden on County residents and businesses. The County Executive and Office of Management and Budget staff do an incredible job each year balancing the County budget, finding savings, and proposing greater efficiencies to the Board. As staff works under the direction of this Board, a citizen budget review group would provide a greater diversity of perspectives on the budget, which may aid this Board and staff in those efforts.

Therefore, Supervisor Herrity moved that the Board direct the County Executive to review the models used by the County in the past as well as current best practices for such efforts and report to the Board at an upcoming Budget Committee meeting with his findings and a recommendation on a direction forward. This motion died for lack of a second.

36. **REQUEST TO RECORD AN AFFIRMATIVE VOTE** (12:06 p.m.)

(NOTE: Earlier in the meeting, a Board Matter was presented regarding the naming of the Fairfax County Police Department (FCPD) helicopter hangar after former Police Chief and Deputy County Executive David Rohrer. See Clerk's Summary Item #33.)

Upon their return to the Board Room, Supervisor Gross, Supervisor Palchik, and Supervisor Smith requested to be recorded as voting affirmatively for the Board Matter, which was presented earlier in the meeting.

37. **REQUEST TO CONCUR IN FILING FOR MATAN GLORUS ROAD, LLC (SULLY DISTRICT)** (12:07 p.m.)

Supervisor Smith stated that the applicant, Matan Glorus Road, LLC, has filed a Rezoning and Proffered Condition Amendment Application for Tax Map Parcels 33-2 ((2)) 9, 9A and 10D. Each of the three parcels is located on the north side of Thompson Road and has frontage on Barney Road.

The application property is surrounded by industrial and institutional uses to the south and east, and the Dulles International Airport to the north. A significant portion of the application property and parcels to the north are located within Resource Protection Areas (RPAs). As part of the Rezoning and Proffered Condition Amendment applications, the Applicant proposes to incorporate the segment of Barney Road, located between Thompson Road to the south and Adkins Road to the north, within the application property. This segment of Barney Road is a dedicated but unimproved section of right-of-way that is unlikely to be constructed in the future due to the presence of RPA and floodplain on the application property and the surrounding area. Accordingly, this segment of Barney

Road is proposed to be vacated and abandoned in a separate but concurrent process. Since the Board owns the right-of-way associated with Barney Road, the Board must concur with the filing of the application. This proposal has been discussed with representatives from the Department of Transportation, who do not object to the proposed vacation/abandonment.

The applicant understands that this motion will not prejudice the consideration of the Rezoning and Proffered Condition Amendment applications in any way.

Therefore, Supervisor Smith moved that the Board:

- Concur with the filing of the Rezoning and Proffered Condition Amendment applications by Matan Glorus Road, LLC, to rezone the right-of-way associated with Barney Road to the I-4, WS and AN Districts
- Authorize the County Executive and/or his designees to act as agent of the Board in conjunction with this application

Supervisor Palchik seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Storck being out of the room.

38. **EXPEDITE AND CONCURRENT PROCESSING REQUEST FOR MATAN GLORUS ROAD, LLC (SULLY DISTRICT)** (12:09 pm.)

Supervisor Smith stated that Matan Glorus Road, LLC has filed a rezoning application on property in the Sully Magisterial District identified as Tax Map Parcels 33-2 ((2)) 9, 9A, and 10D. The application, identified as Rezoning Application RZ 2022-SU-00010, proposes to expand the parking area associated with a previously approved industrial building that is currently under construction. The proposed expansion is in response to market demand for additional parking from various prospective users of the building that the applicant has engaged in the course of its marketing efforts. Given that construction of the building is underway, and due to the applicant's ongoing marketing efforts with prospective users of the industrial building, the applicant seeks to expedite the processing of the rezoning application. In addition, the Applicant seeks to concurrently process a site plan for the expanded parking program.

Therefore, Supervisor Smith moved that the Board direct the Director of:

- The Zoning Evaluation Division to expeditiously process the pending rezoning application submitted by the applicant
- Land Development Services to accept for concurrent and simultaneous processing any site plans, architectural drawings or other drawings as may be necessary in conjunction with Rezoning Application RZ 2022-SU-00010

- Planning and Development to schedule Rezoning Application RZ 2022-SU-00010 for a public hearing before the Board. 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 McKay seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

39. **EXPEDITE REQUEST FOR SANDSTONE VIRGINIA CARE LLC (SULLY DISTRICT)** (12:12 p.m.)

Supervisor Smith stated that Sandstone Virginia Care LLC has filed a Special Exception Application on Tax Map Parcel 33-2 ((13)) 2 to allow a medical care facility within an existing building. No site modifications are proposed. The facility would occupy approximately 10,000 square feet of an existing building for a Medical Detox and Residential Treatment Center open 24-hours a day, seven days a week. Services would include voluntary, addiction and mental health treatments for adult community members. The Planning Commission public hearing is scheduled for July 13, 2022, and this case should move forward to the Board as soon as possible.

Therefore, Supervisor Smith moved that the Board direct staff to expedite the scheduling of the Board's public hearing for Special Exception Application SE 2021-SU-00031 to a date certain of August 2, 2022. 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 McKay seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

40. **PROCLAMATION REQUEST DESIGNATING MAY 8-14, 2022, AS "FOOD ALLERGY AWARENESS WEEK"** (12:13 p.m.)

Supervisor Smith stated that food allergies are a life-changing, serious, and increasingly prevalent disease that affects 32 million Americans. One in every 13 children has food allergies or approximately two children in every classroom. In the United States, emergency medical treatment for severe allergic reactions to food has increased 377 percent in only a decade. Each year an estimated 3.3 million Americans require emergency room treatment for symptoms of a severe food allergy reaction.

Food Allergy Research and Education (FARE) is one of the world's largest non-profit organizations that specializes in raising awareness of food allergies. It was founded in 1991, by a mother whose daughter had been diagnosed with a milk and egg allergy. FARE began Food Allergy Awareness week in 1998. This is an

opportunity to call on people to take action and make an impact on behalf of the millions of people around the world that suffer with food allergies by encouraging individuals to increase their understanding and awareness of food allergies and anaphylaxis.

Therefore, Supervisor Smith moved that the Board direct staff to prepare a Proclamation designating May 8-14, 2022, as “*Food Allergy Awareness Week*” in the County. Supervisor Palchik and Supervisor Storck jointly seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

41. **COMMENT LETTER ON THE COMMONWEALTH TRANSPORTATION BOARD'S (CTB) FISCAL YEAR (FY) 2023-2028 SIX-YEAR IMPROVEMENT PROGRAM (SYIP)** (12:17 p.m.)

Supervisor Alcorn stated that the CTB is currently developing its FY 2023-2028 SYIP. The draft SYIP was released on April 19, 2022, and the CTB is expected to adopt the SYIP in June. As in past years, public meetings are being held across Virginia for the public to comment on the program. The Northern Virginia District meeting occurred on May 4, 2022, and comments can also be submitted in writing through May 23, 2022.

In even-numbered years, the CTB allocates funding for smaller programs, such as the Transportation Alternatives Set-Aside and Revenue Sharing programs. Additionally, some programs are allocated annually, including Congestion Mitigation and Air Quality, Regional Surface Transportation Program and State of Good Repair. However, there is not as much flexibility with annually-allocated funds. The Board has generally provided testimony and substantial comments in support of County projects in odd years, which is when the more significant Smart Scale funding is allocated. Since the CTB will be considering smaller programs this year, staff is recommending the Board provide a letter, as they have done in previous years.

The draft letter thanks the Commonwealth for including funding for several projects and programs benefiting the County in the Draft SYIP. This includes \$33.5 million in operating assistance for the Fairfax Connector; \$26.4 million for various transit capital projects; \$641,000 for transportation demand management programs; \$5.1 million for the Fairfax County Parkway; \$4.9 million for the Lincoln Street project; \$2.4 million for three bicycle and pedestrian projects, and \$5.9 million for various bridge rehabilitation projects in the County.

The letter also notes the importance of transportation to the County and the Commonwealth and notes concerns over various legislative proposals that would reduce state transportation revenues.

Therefore, Supervisor Alcorn moved that the Board approve the letter (attached to his written Board Matter) providing comments on the Commonwealth's draft FY 2023-2028 SYIP to be sent to the Virginia Secretary of Transportation as part of

the public comment record on behalf of the County. Chairman McKay seconded the motion.

Discussion ensued, with input from Noelle Dominguez, Chief, Coordination Section, Department of Transportation (DOT) and Tom Biesiadny, Director, DOT, regarding the following:

- How and who identifies the projects for State funding
- Pedestrian projects
- Future discussion regarding the Transportation Priority Plan with the Board
- Bridge rehabilitation and the location of a bridge on Heritage Drive
- Concerns regarding replacing revenue
- Funding still not fully restored by the General Assembly
- Gas tax and transit funding

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

**NS:ns**

### **AGENDA ITEMS**

42. **ADMINISTRATIVE ITEMS** (12:29 p.m.)

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

Chairman McKay called the Board's attention to Admin 5 – Authorization for the Department of Transportation (DOT) to Apply for Grant Funding from the United States Department Of Transportation's (USDOT) 2022 Multimodal Project Discretionary Grant (MPDG) Program (Lee, Mount Vernon, and Springfield Districts) and asked for clarification on the projects included in the grant application.

Discussion ensued, with input from Tom Biesiadny, Director, DOT, regarding the projects included in the grant application and the availability of federal funding for bus electrification.

Following further discussion, Supervisor Gross amended her motion to approve the Administrative Items, with the exception of Admin 5. This was accepted.



The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity being out of the room.

**ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (MASON 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>
2232-2022-MA-00004	Board of Supervisors Patrick Henry Shelter Tax Map Numbers 51-3 ((36)) 101, 51-3 ((36)) 102, 51-3 ((36)) 201, 51-3 ((36)) 202, 51-3 ((36)) 301, 51-3 ((36)) 302, 51-3 ((36)) (80) 101, 51-3 ((36)) (80) 102, 51-3 ((36)) (80) 201, and 51-3 ((36)) (80) 202 3080 Patrick Henry Drive Falls Church, VA Mason District	August 10, 2022

**ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL AND PROVIDENCE DISTRICTS)**

(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>
Oakton Hollows	Hunter Mill	Coulter Lane
Eskridge Road	Providence	Eskridge Road

**ADMIN 3 – PROPOSED ADDITION OF A PORTION OF RICHMOND HIGHWAY (U.S. ROUTE 1) TO THE PRIMARY SYSTEM OF STATE HIGHWAYS (MOUNT VERNON DISTRICT)**

(R) Adopted the Resolution supporting the request that a portion of Richmond Highway be added to the Primary System of State Highways pursuant to Virginia Code Section 33.2-310.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON OLIN DRIVE, MUNSON HILL ROAD AND ROW STREET (MASON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 7, 2022, at 4 p.m.**, to consider endorsing Olin Drive, Munson Hill Road (a portion), and Row Street between Arlington Boulevard (Route 50) Service Road and Leesburg Pike (Route 7), to be included in the Residential Traffic Administration Program for a through truck traffic restriction. .

**ADMIN 5 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S (USDOT) 2022 MULTIMODAL PROJECT DISCRETIONARY GRANT (MPDG) PROGRAM (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)**

(NOTE: Earlier in the meeting, the Board took action to consider this item separately. See page Clerk’s Summary Item #42.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk’s Summary Item #43.)

43. **ADMIN 5 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S (USDOT) 2022 MULTIMODAL PROJECT DISCRETIONARY GRANT (MPDG) PROGRAM (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (12:34 p.m)

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page 25.)

- (R) Supervisor Gross moved that the Board adopt the resolution endorsing and authorizing the DOT to apply for grant funding from the USDOT in an amount up to \$150 million for the Richmond Highway Widening project consisting of Sherwood Hall Lane to Jeff Todd Way (up to \$100 million), and the Fairfax County Parkway at Popes Head Road Interchange project (up to \$50 million). A 20 percent local cash match (LCM) of up to \$30 million is required if both grants are awarded. Northern Virginia Transportation Authority 70 percent regional funding, currently programmed for both projects, will be used to satisfy the LCM requirement. There are no positions associated with this grant funding. Supervisor Lusk seconded the motion and it carried by a recorded vote of nine, Supervisor Herrity being out of the room.

44. **A-1 – BOARD ENDORSEMENT OF POST FOREST DRIVE AND RANDOM HILLS ROAD SHARED-USE PATH PROJECT (BRADDOCK AND SPRINGFIELD DISTRICTS)** (12:36 p.m.)

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

- Endorse the design plans for the Post Forest Drive and Random Hills Road Shared-Use Path Project administered by the Virginia Department of Transportation (VDOT)
- Authorize the Director of the Department of Transportation to transmit the Board’s endorsement to VDOT

The motion was jointly seconded by Chairman McKay and Supervisor Lusk.

Following a brief discussion regarding the multimodal transit center under construction on Monument Drive and traffic calming measures in the area, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

45. **A-2 – APPROVAL OF FAIRFAX CONNECTOR SHUTTLE TO WOLF TRAP PERFORMANCES; THIRD AMENDMENT EXTENDING THE TERM OF THE EXISTING LICENSE AGREEMENT (HUNTER MILL DISTRICT)** (12:38 p.m.)

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

- Approve the Third Amendment to the existing License Agreement between the County and the Wolf Trap Foundation for the Performing Arts
- Authorize the Director of the Department of Transportation to execute the Third Amendment on behalf of the County

Supervisor Foust seconded the motion. Following a brief discussion confirming that passengers will travel from the McLean Metro Station to Wolf Trap, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

46. **A-3 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO APPROVE THE FINANCING PLAN FOR THE REDEVELOPMENT OF THE LITTLE RIVER GLEN PROJECT, WHICH INCLUDES I) THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS OR NOTES IN AN AGGREGATE AMOUNT NOT TO EXCEED \$40,000,000; II)**

**THE APPROVAL OF THE SELLER TAKEBACK NOTE NOT TO EXCEED \$19,000,000 IN FAIRFAX, VIRGINIA; AND III) APPROVAL OF THE CREATION OF LRG APARTMENTS LIMITED PARTNERSHIP AND LRG LIMITED LIABILITY COMPANY (BRADDOCK DISTRICT)**  
(12:39 p.m.)

(R) On motion of Supervisor Walkinshaw, multiply seconded, and carried by a vote of nine, Supervisor Herry being out of the room, the Board concurred in the recommendation of staff and authorized the FCRHA to approve the following:

- Authorized the FCRHA to submit an application to the Virginia Department of Housing and Community Development for the necessary private activity bond allocation
- Approved FCRHA's issuance of private activity tax-exempt bonds in an aggregate amount not to exceed \$40 million
- \$19 million Seller Takeback Note (FCRHA – Approved)
- Authorized the creation of LRG Apartments Limited Partnership and LRG Limited Liability Company

47. **A-4 – BOARD ENDORSEMENT OF SAFE STREETS FOR ALL PROGRAM** (12:40 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and endorse the Safe Streets for All Program and the initial tasks recommended for implementation as part of the program. Supervisor Lusk seconded the motion.

Discussion ensued with input from Chris Wells, Active Transportation Program Manager, Department of Transportation (DOT), Lauren Delmare, Active Transportation Engineer, DOT, and Tom Biesiadny, Director, DOT, regarding:

- The scope of the Safe Streets for All Program
- Engagement with community organizations
- Maintenance responsibilities
- The County's communication plan
- The Slow Streets Program
- The results of the Street Simplified Program
- The environmental analysis of future projects

- The difference between the Safe Streets for All Program and the Active Fairfax Transportation Plan
- Partnerships with at-risk populations
- The benefits of lower speed limits
- The ability to assess other jurisdictions that have successfully implemented similar programs

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

48. **C-1 – APPROVAL OF AMENDMENTS TO THE FAIRFAX COUNTY HISTORY COMMISSION BYLAWS** (1:05 p.m.)

The Board next considered an item contained in the Board Agenda regarding amended Bylaws for the Fairfax County History Commission.

Supervisor Gross moved that the Board adopt the Fairfax County History Commission revised bylaws. The motion was multiply seconded.

A brief discussion ensued, with input from Denice Dressel, Principal Heritage Resource Planner, Department of Planning and Development, and Martin Desjardins, Assistant County Attorney, regarding compensation.

Supervisor Gross amended her motion that the Board adopt the Fairfax County History Commission revised bylaws with the striking of the language regarding compensation. This was accepted.

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

49. **C-2 – APPROVAL OF AMENDMENTS TO THE ARCHITECTURAL REVIEW BOARD BYLAWS (ARB)** (1:08 p.m.)

The Board next considered an item contained in the Board Agenda regarding amended Bylaws for the ARB.

Supervisor Gross moved that the Board adopt the ARB revised bylaws. The motion was multiply seconded and it carried by a vote of nine, Supervisor Herrity being out of the room.

50. **I-1 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FEE SCHEDULE** (1:09 p.m.)

The Board next considered an item contained in the Board Agenda regarding the CSB Fee Schedule. Staff will proceed with the implementation of the revised fee schedule.

Chairman McKay noted that the reduction in CSB fees are the result of increased federal reimbursement rates.

**DMS:dms**

**AGENDA ITEMS**

51. **RECESS/CLOSED SESSION** (1:10 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 Section 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 Section 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 Section 2.2-3711(A) (7).
  - 1. *Megan Field v. Fairfax County, Virginia, EEOC Charge* No.: 570-2019-00143
  - 2. *Abrar Omeish v. Sheriff Stacey Ann Kincaid, Officer J. Patrick, and David M. Rohrer*, Case No. 1:21-cv-35 (E.D. Va.)
  - 3. *Curtiss Davis v. Edwin C. Roessler Jr. et al.*, Case No. 22-1179 (United States Court of Appeals for the Fourth Circuit)
  - 4. *Samira Koussa v. Edwin C. Roessler Jr. and John Doe Officers*, Case No. CL 2020-0010604 (Fx. Co. Cir. Ct.)

5. *City of Eugene, Or, et al. v. Federal Communications Commission, et al.*, Record No. 21-661 (U.S. Sup. Ct.)
6. *Randy E. Jacobs v. State Farm Mutual Automobile Insurance Company, Nationwide Property & Casualty Insurance Company, County of Fairfax, Corvel Corporation and Maurice Jett*; Case No. CL 2022-0004592 (Fx. Co. Cir. Ct.)
7. *Ho Chul Sihm v. Syed Ahmed and Fairfax County Police Department*; Case No. CL-2022-0001100 (Fx. Co. Cir. Ct.)
8. *Pamela Clarke v. Darwin Ramos Rivas and Fairfax County, Virginia*; Case No. GV21014412-00 (P.W. Co. Gen. Dist. Ct.); and *Christopher Clarke v. Darwin Ramos Rivas and Fairfax County, Virginia*; Case No. GV21014411-00 (P.W. Co. Gen. Dist. Ct.)
9. *Mario Corado v. William Fisher*, Case No. GV21-014229 (Fx. Co. Gen. Dist. Ct.) and *Alma Duran v. William Fisher*, Case No. GV21-014230 (Fx. Co. Gen. Dist. Ct.)
10. *Kimberly Molitor, by GEICO (subrogee) v. Tiffany Hope Horton*; Case No. GV21- 003424 (Stafford Co. Gen. Dist. Ct.)
11. *Henry Reuter v. Tiffany Hope Horton*; Case No. GV22-000290 (Stafford Co. Gen. Dist. Ct.)
12. *Lisah Smith v. Tina Spurlock*, Case No. GV22-001235 (Fx. Co. Gen. Dist. Ct.)
13. *NS Reston, LLC v. Board of Supervisors of Fairfax County, Virginia, and Fairfax County Planning Commission*, Case No. CL-2019-0015831 (Fx. Co. Cir. Ct.) (Hunter Mill District)
14. *In re: September 23, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia in the matter of Appeal Application A 2019-SU-018*; Case No. CL-2020-0016508; and *In re: September 23, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia in the matter of Appeal Application A 2019-SU-019*; Case No. CL-2020-0016509 (Fx. Co. Cir. Ct.) (Sully District)

15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Springfield Golf and Country Club Inc.*, Case No. GV22-005270 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Daquan Zhou*, Case No. GV22-001884 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
17. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Randal S. Cordes*, Case No. CL-2022-0004466 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Yon Chol Pak and Sun Yee Pak*, Case No. CL-2022-0000780 (Fx. Co. Cir. Ct.) (Hunter Mill District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Kittredge D. Seely and Marlene Czajkowski Seely*, Case No. CL-2022-0004465 (Fx. Co. Cir. Ct.) (Hunter Mill District)
20. *Jay Riat, Building Official for Fairfax County, Virginia v. Qadeer Malik and Shahnaz Malik*, Case No. GV21-016561 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John M. Petruncio*, Case No. GV22-001321 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Travis G. Galey and Melinda M. Galey*, Case No. CL-2020-0018286 (Fx. Co. Cir. Ct.) (Lee District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Antonio Rivas and Leonidas Rivas*, Case No. CL-2022-0004136 (Fx. Co. Cir. Ct.) (Lee District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sysmall I. Warfield*, Case No. CL-2021-0011520 (Fx. Co. Cir. Ct.) (Lee District)



25. *Jay Riat, Building Official for Fairfax County, Virginia v. New Life Investments LLC*, Case No. GV22-017486 (Fx. Co. Gen. Dist. Ct.) (Lee District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Arsenio Suyo*, Case No. GV21-019314 (Fx. Co. Gen. Dist. Ct.) (Lee District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Julio Montufar and Mia F. Mishan-Rivera*, Case No. GV22-000241 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Jay Riat, Building Official for Fairfax County, Virginia v. Karem Vanessa Ibanez Padilla*, Case No. GV22-001885 (Fx. Co. Gen. Dist. Ct.) (Lee District)
29. *Jay Riat, Building Official for Fairfax County, Virginia v. Azmat Kham*, Case No. GV22-001604 (Fx. Co. Gen. Dist. Ct.) (Lee District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v. Nelly Pena, Anabel Garcia & Amindo Valera*, Case No. GV22-004179 (Fx. Co. Gen. Dist. Ct.) (Lee District)
31. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Ethel C. Jackson*, Case No. GV22-003835 (Fx. Co. Gen. Dist. Ct.) (Lee District)
32. *Jay Riat, Building Official for Fairfax County, Virginia v. Sujit Kumar Barua and Rina Barua*, Case No. GV22-004894 (Fx. Co. Gen. Dist. Ct.) (Lee District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v. Stephen K. Num*, Case No. GV22-004888 (Fx. Co. Gen. Dist. Ct.) (Lee District)
34. *Jay Riat, Building Official for Fairfax County, Virginia v. Rizwan Shah*, Case No. GV22-004891 (Fx. Co. Gen. Dist. Ct.) (Lee District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria Khorsandi and Djamshid Khorsandi*, Case No. CL-2022-0000431 (Fx. Co. Cir. Ct.) (Mason District)

36. *Jay Riat, Building Official for Fairfax County, Virginia v. Jorge Andia*, Case No. GV21-017504 (Fx. Co. Gen. Dist. Ct.) (Mason District)
37. *Jay Riat, Building Official for Fairfax County, Virginia v. Neyba Karla Pena*, Case No. GV21-017525 (Fx. Co. Gen. Dist. Ct.) (Mason District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Claudia Antionette Baya*, Case No. GV21-018000 (Fx. Co. Gen. Dist. Ct.) (Mason District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bertha Gonzalez, Vladimir A. Gonzalez, and Marlene F. Farell*, Case No. GV21-018004 (Fx. Co. Gen. Dist. Ct.) (Mason District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bryce A. Schwarzmman*, Case No. CL-2012-0006422 (Fx. Co. Cir. Ct.) (Mason District)
41. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Bryce A. Schwarzmman*, Case No. GV21-018007 (Fx. Co. Gen. Dist. Ct.) (Mason District)
42. *Jay Riat, Building Official for Fairfax County, Virginia v. Oscar Maravilla*, Case No. GV21-019442 (Fx. Co. Gen. Dist. Ct.) (Mason District)
43. *Jay Riat, Building Official for Fairfax County, Virginia v. Markham Management, LLC and Hanshin Pocha*, Case No. GV22-001887 (Fx. Co. Gen. Dist. Ct.) (Mason District)
44. *Jay Riat, Building Official for Fairfax County, Virginia v. V-Beltway Associates, LLC and Spec Drive LLC*, Case No. GV22-004078 (Fx. Co. Gen. Dist. Ct.) (Mason District)
45. *Jay Riat, Building Official for Fairfax County, Virginia v. DAA Constructors, LLC*, Case No. GV22-004766 (Fx. Co. Gen. Dist. Ct.) (Mason District)
46. *Jay Riat, Building Official for Fairfax County, Virginia v. Juan Carlos Cadima*, Case No. GV22-005089 (Fx. Co. Gen. Dist. Ct.) (Mason District)

47. *Jay Riat, Building Official for Fairfax County, Virginia v. Charbel C. Markhoul and Rita A. Douaihy*, Case No. GV21-013768 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
48. *Jay Riat, Building Official for Fairfax County, Virginia v. Fullerton Lot Two Associates*, Case No. GV21-013717 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
49. *Jay Riat, Building Official for Fairfax County, Virginia v. Charles Randall Gentry*, Case No. GV22-002475 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
50. *Jay Riat, Building Official for Fairfax County, Virginia v. Jeffrey S. Chown*, Case No. GV22-004389 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
51. *Jay Riat, Building Official for Fairfax County, Virginia v. Ethiorun LCC and MEDI, LLC*, Case No. GV22-004772 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
52. *Jay Riat, Building Official for Fairfax County, Virginia v. Unlimited Amlock, LLC and Papa & John's*, Case No. GV22-004768 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
53. *Jay Riat, Building Official for Fairfax County, Virginia v. AYR Properties SEP, LLC*, Case No. GV22-005333 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Branden Beasley*, Case No. GV22-005382 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
55. *Jay Riat, Building Official for Fairfax County, Virginia v. Ariel Ward and Paul Bruce Ward II*, Case No. GV22-001886 (Fx. Co. Gen. Dist. Ct.) (Providence District)
56. *Jay Riat, Building Official for Fairfax County, Virginia v. Waseem Q. Chaudhry and Seemi Gull*, Case No. GV22-0015885 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
57. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph McLoughlin*, Case

- No. GV22-001886 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
58. *Jay Riat, Building Official for Fairfax County, Virginia v. Mario Amaro*, Case No. GV22-002474 (Fx. Co. Gen. Dist. Ct.) (Sully District)
59. *Jay Riat, Building Official for Fairfax County, Virginia v. Massis Investments, LLC*, Case No. GV22-003837 (Fx. Co. Gen. Dist. Ct.) (Sully District)
60. *Jay Riat, Building Official for Fairfax County, Virginia v. Alert Eagle Enterprises, LLC*, Case No. GV22-003838 (Fx. Co. Gen. Dist. Ct.) (Sully District)
61. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Beatrice C. Garcia*, Case No. CL-2022-0004261 (Fx. Co. Cir. Ct.) (Sully District)
62. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Teresa Summers Hardy*, Case No. CL-2022-0004467 (Fx. Co. Cir. Ct.) (Sully District)
63. *Jay Riat, Building Official for Fairfax County, Virginia v. Gail Harris*, Case No. GV22-005090 (Fx. Co. Gen. Dist. Ct.) (Sully District)
64. *Jay Riat, Building Official for Fairfax County, Virginia v. Shun Tak Property, LLC*, Case No. GV22-005088 (Fx. Co. Gen. Dist. Ct.) (Sully District)
65. *Jay Riat, Building Official for Fairfax County, Virginia v. White Bear, LLC*, Case No. GV22-005087 (Fx. Co. Gen. Dist. Ct.) (Sully District)
66. *Board of Supervisors of Fairfax County, Virginia, v. Long & Foster Real Estate – Reston*, Case No. GV22-01889 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

And in addition:

- As permitted by Virginia Code Sections 2.2-3711(A)(1), appointment of the County's Purchasing Agent
- As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), legal analysis regarding *Lamonta Gladney v. Tyler Timberlake*,

Case No. 1:21-cv-00287 (U.S. District Court for the Eastern District of Virginia)

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

At 3:32 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

### **ADDITIONAL BOARD MATTER**

52. **REMOTE PARTICIPATION OF SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (3:32 p.m.)

Chairman McKay announced that Supervisor Palchik, who attended the morning portion of the meeting in person, will be participating remotely for the remainder of the meeting today for medical reasons. Therefore, Chairman McKay asked Supervisor Palchik to identify herself for the record and provide her general location.

Supervisor Palchik stated that she was participating remotely from her home in the Providence District.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board:

- Certify for the record that Supervisor Palchik's voice can be heard by all persons assembled in the Government Center
- Confirm that Supervisor Palchik's remote participation in the Board meeting today fully conforms with the Board Policy for participation in meetings by electronic communication

Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

### **ACTIONS FROM CLOSED SESSION**

53. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:32 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 Lusk seconded the motion.

Supervisor Herrity stated that he attended the funeral of Captain Kimberly Schoppa, Fire Department, and did not participate in Closed Session.

The question was called on the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity abstained.

54. **RESOLUTION OF THE LAMONTA GLADNEY CASE** (3:34 p.m.)

Supervisor Gross moved that the Board authorize the resolution of the matter involving Lamonta Gladney Case No. 1:21-cv-00287 (U.S. District Court for the Eastern District of Virginia) according to the terms and conditions outlined by the Board’s Attorney in Closed Session. Supervisor Lusk seconded the motion and it carried by a vote on nine, Supervisor Herrity voting “NAY.”

55. **APPOINTMENT OF LEE ANN PENDER, COUNTY PURCHASING AGENT** (3:35 p.m.)

Supervisor Gross moved the appointment of Lee Ann Pender as the County Purchasing Agent, effective May 9, 2022. Supervisor Lusk seconded the motion and it carried by unanimous vote.

Supervisor Gross recognized the presence of Ms. Pender in the Board Auditorium and, on behalf of the Board, welcomed and congratulated her on the appointment.

**KK:kk**

**AGENDA ITEMS**

56. **3:30 P.M. – PUBLIC HEARING ON PCA 2009-MV-018 (SCANNELL PROPERTIES #117, LLC AND SCANNELL PROPERTIES #82, LLC) TO AMEND THE PROFFERS FOR RZ 2009-MV-018 PREVIOUSLY APPROVED FOR OFFICE AND INDUSTRIAL USES TO PERMIT A SECOND MOTOR FREIGHT DISTRIBUTION HUB IN A SECOND LOCATION AND ASSOCIATED MODIFICATIONS TO PROFFERS WITH AN OVERALL FLOOR AREA RATIO (FAR) OF 0.09, LOCATED ON APPROXIMATELY 117.75 ACRES OF LAND ZONED I-5 - (MOUNT VERNON DISTRICT)** (3:37 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 April 22 and April 29, 2022.

The application property is located north of Telegraph Road, west of Fairfax County Parkway, and south of Cinder Bed Road. Tax Map 108-1 ((12)) 6, 7A1,

7B1, 7C; 99-4 ((8)) 1, 2, 3B, 4 and 5.

David R. Gill, Agent, Wire Gill LLP, reaffirmed the validity of the affidavit dated April 20, 2022, for the record.

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development, introduced Lauren Hall, a new staff coordinator in her department.

Ms. Hall gave a presentation depicting the application and site location.

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

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

Discussion ensued, with input from Mr. Gill, regarding the applicant's commitment to green building and energy reduction.

Supervisor Storck moved that the Board approve Proffered Condition Amendment Application PCA 2009-MV-018, subject to the executed proffers dated March 10, 2022. Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

57. **3:30 P.M. – PUBLIC HEARING ON SE 2021-SP-008 (BURKE COMMUNITY CHURCH) TO PERMIT A COLLEGE OR UNIVERSITY WITH A TOTAL DAILY ENROLLMENT OF 60 STUDENTS, LOCATED ON APPROXIMATELY 12.65 ACRES OF LAND ZONED R-1 (SPRINGFIELD DISTRICT)** (3:43 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 April 22 and April 29, 2022.

The application property is located at 9900 Old Keene Mill Road, Burke, 22015. Tax Map 88-1 ((1)) 7A.

John W. Farrell, Agent, McCandlish Lillard, P.C., reaffirmed the validity of the affidavit dated December 23, 2021, for the record.

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

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

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

Following a query by Supervisor Herrity, Mr. Farrell confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated May 9, 2022.

Supervisor Herrity moved that the Board approve Special Exception Application SE 2021-SP-008, subject to the development conditions dated May 9, 2022. Chairman McKay seconded the motion and it carried by unanimous vote.

58. **3:30 P.M. – PUBLIC HEARING ON SEA 84-V-035-03 (HUNTWOOD, L.L.C.) TO AMEND SE 84-V-035 PREVIOUSLY APPROVED FOR AN INCREASE IN BUILDING HEIGHT TO ALLOW FOR ADDITION OF LAND AREA, INCREASE IN FLOOR AREA RATIO (FAR), INCREASE IN OFFICE USE, SITE MODIFICATIONS AND USES IN FLOODPLAIN, LOCATED ON APPROXIMATELY 4.67 ACRES OF LAND ZONED C-8, HC AND CRD (MOUNT VERNON DISTRICT) (3:49 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 April 22 and April 29, 2022.

The application property is located at 5845 and 5863 Richmond Highway, Alexandria, 22303. Tax Map 83-4 ((1)) 8, 9, 10 and 11.

Robert D. Brant, Agent, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavit dated April 4, 2022, for the record.

Curtis Rowlette, Planner, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), gave a presentation depicting the application and site location.

Discussion ensued, with input from Mr. Rowlette and Catherine Lewis, Branch Chief, ZED, DPD, regarding:

- The status of the existing building
- Whether the original building was part of a Resource Protection Area or a Water Quality Impact Assessment

Mr. Brant 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. Rowlette presented the staff and Planning Commission recommendations.

Supervisor Storck moved that the Board defer decision-only for Special Exception Amendment Application SEA 84-V-035-03 until June 7, 2022. Supervisor Alcorn seconded the motion.

Following a brief discussion regarding the Huntington Area Transit Study and the flow of traffic, the question was called on the motion and it carried by unanimous vote.

59. **3:30 P.M. – PUBLIC HEARING ON SEA 2021-PR-00200 (FFI VIRGINIAN OWNER LLC) TO AMEND SE 200 PREVIOUSLY APPROVED FOR AN INDEPENDENT LIVING FACILITY AND MEDICAL CARE FACILITY TO PERMIT MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 32.27 ACRES OF LAND ZONED R-1 (PROVIDENCE DISTRICT)** (4:11 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 April 22 and April 29, 2022.

The application property is located at 9225 and 9229 Arlington Boulevard, Fairfax, 22031. Tax Map 48-4 ((1)) 10 and 50.

Jennifer L. Garcia, Agent, DLA Piper LLP, reaffirmed the validity of the affidavit dated April 21, 2022, for the record.

Curtis Rowlette, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

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

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

Supervisor Palchik moved that the Board approve Special Exception Amendment Application SEA 2021-PR-00200, subject to the proposed development conditions dated April 19, 2022. Supervisor Lusk seconded the motion and it carried by unanimous vote.

60. **4 P.M. – PUBLIC HEARING ON PCA/CDPA 2005-LE-021 (TRUEALTY VAN DORN, LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2005-LE-021, PREVIOUSLY**

**APPROVED FOR 17 SINGLE FAMILY ATTACHED DWELLINGS AT A DENSITY OF 7.23 DWELLING UNITS PER ACRE AND ALLOW ASSOCIATED MODIFICATIONS TO SITE DESIGN AND PROFFERS, LOCATED ON APPROXIMATELY 2.35 ACRES OF LAND ZONED PDH-8 (LEE DISTRICT)** (4:18 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 April 22 and April 29, 2022.

The application property is located on the east side of Van Dorn Street, approximately 1,200 feet north of Franconia Road. Tax Map 81-4 ((1)) 37, 38 and 39.

Lori R. Greenlief, Agent, McGuireWoods LLP, reaffirmed the validity of the affidavit dated April 20, 2022, for the record.

Catherine Lewis, Branch Chief, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

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

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

Supervisor Lusk moved that the Board approve Proffered Condition Amendment Application PCA 2005-LE-021, and its associated Conceptual Development Plan Amendment, subject to the executed proffers dated May 6, 2022. Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

(NOTE: On March 30, 2022, the Planning Commission approved Final Development Plan Amendment Application FDPA 2005-LE-021.)

61. **4 P.M. – PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENT TO THE UNIFORMED RETIREMENT SYSTEM ORDINANCE** (4:29 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 April 22 and April 29, 2022.

Jeffrey Weiler, Executive Director, Retirement Systems, presented the staff report.

Following the public hearing, Supervisor Gross moved that the Board approve the proposed amendment to the Uniformed Retirement System ordinance. Supervisor Lusk and Chairman McKay jointly seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

62. **4 P.M. – PUBLIC HEARING TO AMEND AND READOPT THE LARGE AREA COMMUNITY PARKING DISTRICTS (CPD) TO REFLECT 2021 REDISTRICTING OF ELECTION/MAGISTERIAL DISTRICTS (LEE, MASON, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (4:33 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 April 22 and April 29, 2022.

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

Discussion ensued, with input from Ms. Padilla, regarding re-evaluation of the signage of the Cardinal Forest CPD.

Following the public hearing, Ms. Padilla presented the staff recommendations.

Supervisor Alcorn moved that the large area CPDs be amended and readopted for the new 2021 election magisterial district for the Mason District, the Lee District, the Mount Vernon District, and the Springfield District, as set forth in the Board Agenda Item. The motion was multiply seconded, and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

63. **4 P.M. – PUBLIC HEARING FOR THE DE-CREATION/RE-CREATION OF A SMALL AND LOCAL SANITARY DISTRICT FOR THE REMOVAL OF VACUUM LEAF COLLECTION SERVICES (MOUNT VERNON DISTRICT)** (4:39 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 22 and April 29, 2022.

Lainie Cooke, Management Analyst II, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by three speakers, Ms. Cooke presented the staff recommendation.

Supervisor Storck moved approval of the County Executive's recommendation for the de-creation of a small sanitary district for the purpose of terminating County vacuum leaf collection service for the Waynewood area as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
DTA Small District 1 within the Mount Vernon District Waynewood Area	De-Create/ Re-Create	Remove vacuum leaf collection

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

64. **4:30 P.M. – PUBLIC HEARING ON SE 2018-PR-014 (UNITED REAL ESTATE LLC) TO PERMIT USES IN FLOODPLAIN, LOCATED ON APPROXIMATELY 20,437 SQUARE FEET OF LAND ZONED R-4 (PROVIDENCE DISTRICT)** (4:52 p.m.)

(NOTE: On April 12, 2022, the Board deferred this public hearing to May 10, 2022.)

The application property is located at 6801 Custis Parkway, Falls Church, 22042. Tax Map 50-4 ((5)) 450.

David R. Gill, Agent, Wire Gill LLP, reaffirmed the validity of the affidavit dated April 20, 2022, for the record.

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

- Saifaldin D. Rahman, United Real Estate LLC

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

- Saifaldin D. Rahman, United Real Estate LLC

Catherine Lewis, Branch Chief, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Discussion ensued, with input from Ms. Lewis, regarding whether the property was declared or identified as a floodplain when the original structure was built.

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

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

Following a query by Supervisor Palchik, Mr. Gill confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated March 30, 2022.

Supervisor Palchik moved that the Board approve Special Exception Application SE 2018-PR-014, subject to the development conditions dated March 30, 2022. Supervisor Lusk seconded the motion. Following discussion regarding the motion, the question was called on the motion and it carried by unanimous vote.

65. **BOARD ADJOURNMENT** (5:02 p.m.)

At 5:02 p.m. the Board adjourned.