



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 22, 2022**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, February 22, 2022, at 9:34 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 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; Angela Schauweker, Management Analyst III; Nathaniel Strathearn, Management Analyst II; Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks; and Bobby Vaught, Administrative Assistant, Department of Clerk Services.

Supervisor Dalia Palchik, Providence District, was absent from the entire meeting.

BOARD MATTERS1. **MASKS REQUIRED** (9:34 a.m.)

Chairman McKay stated that, in accordance with CDC guidance, masks continue to be required for everyone who enters a County facility. Therefore, everyone in the Board Auditorium today must wear a mask at all times, including while speaking or taking photos.

2. **ABSENCE OF SUPERVISOR DALIA PALCHIK (PROVIDENCE DISTRICT)** (9:35 a.m.)

Chairman McKay stated that Supervisor Palchik will not be participating in the meeting today. Her family is still recovering after the birth of her first child.

3. **AVAILABILITY OF SPANISH CLOSED CAPTIONING ON CHANNEL 16** (9:35 a.m.)

Chairman McKay announced that this is the second Board meeting during which Channel 16 is providing Spanish closed captioning for viewers.

4. **MOMENT OF SILENCE** (9:44 a.m.)

Chairman McKay stated that:

- A Fairfax County Police recruit and his wife died by suicide over the weekend. Chairman McKay asked everyone to keep the families and their loved ones along with the men and women in public safety in their thoughts and prayers
- Antisemitic flyers were distributed this weekend in McLean. Chairman McKay reminded everyone that the County is proud to be home to the largest Jewish congregation in Virginia, with nearly 600 houses of worship that span over countless religious affiliations; and the County rejects scare tactics and hate brought to the County

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

- Gill Davis, who passed away recently. He was a successful defense attorney from Northern Virginia and an active member of the Fairfax County Republican Committee
- Constance Stuntz, who passed away recently. She was a historian and author from the Hunter Mill District who wrote several books on Virginia and the history of Vienna, Tysons Corner, and Falls Church

- Elwyn J “Stub” Warfle, who passed away recently. He was a World War II veteran and retired Air Force Colonel with 32 years of active-duty service as a B-17 bombardier and a B-52 pilot; and was considered one of the founders of the Little Hunting Creek Harbor Point neighborhood
- Bruce Malkin, who passed away recently. He was a longtime Mount Vernon resident; spent 40 years with the Foreign Service; was awarded the United Communities Ministries Gerry Hyland Humanitarian Award in 2018; and was a leader in the Mount Vernon Kiwanis Club

AGENDA ITEMS

5. **RESOLUTION OF RECOGNITION PRESENTED TO GEORGE MASON UNIVERSITY** (9:45 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to George Mason University for its 50th anniversary. Supervisor Alcorn and Supervisor Lusk jointly seconded the motion and it carried by a vote of nine, Supervisor Palchik being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

6. **REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:01 a.m.)

Supervisor Walkinshaw, Chairman of the Board’s Legislative Committee, presented the report on General Assembly activities, noting the following:

- The crossover date of the 2022 General Assembly occurred on February 15, 2022. Crossover resulted in a much smaller number of bills to be worked on during the remainder of this session. Many bills which were problematic for the County have been amended or are no longer under consideration
- The Legislative Committee received the following status updates on the Board’s County initiatives this year:
 1. The Bill which would allow the Fairfax County Park Authority to resell electricity through electric vehicle charging stations passed the House with overwhelming support and awaits consideration by the Senate Local Government Committee
 2. The Bill which would reduce barriers for localities seeking to participate in virtual net metering through

the State's Municipal Net Metering Pilot Program moved out of the Senate Commerce and Labor Subcommittee and awaits consideration by the full committee

- The Legislative Committee also received updates on, and discussed, bills related to eliminating the sales tax on groceries and mask requirements in schools
- A key area of focus during the remainder of this session will be the 2022-2024 biennium budget

Supervisor Walkinshaw thanked his colleagues who made the trip to Richmond on February 16, 2022, for the County's Reception, during which they had the opportunity to discuss County issues and priorities with its Delegation and the Lieutenant Governor.

Supervisor Walkinshaw noted that the next meeting of the Legislative Committee will be held in the Board Auditorium on February 25, 2022, at 4 p.m.

Supervisor Walkinshaw moved adoption of Legislative Committee Report Number Three. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Herrity voting "NAY," Supervisor Palchik being absent.

7. **9:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACS)** (10:05 a.m.)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard February 22, 2022." Chairman McKay seconded the motion.

Supervisor Foust asked to amend the motion, to consider the appointment of the Springfield Representative to the Fairfax County 250th Commission separately, this was accepted.

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

(NOTE: Later in the meeting, the Springfield appointment to the Fairfax County 250th Commission was considered. See Clerk's Summary Item #8.)

The full list of Appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Appointment of:

- Mr. Wesley E. Speer as the Mount Vernon District Representative

Reappointment of:

- Ms. Catherine Shaw as the Hunter Mill District Representative
- Ms. Ernestine Heastie as the Providence District Representative
- Mr. Philip E. Rosenthal as the Springfield District Representative

The Board deferred the appointments of the At-Large Chairman's, Dranesville, Lee, and Mason District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointments of the Builder (Multi-Family), Engineer/Architect/Planner #1 and #2, and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

Reappointment of:

- Mr. Brian E. Carlson as the Hunter Mill District Representative
- Mr. Clifford L. Elow as the Providence District Representative
- Mr. David Skiles as the Springfield District Representative

The Board deferred the appointment of the Lee District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointments of the At-Large #1 and #4 Representatives.

ANIMAL SERVICES ADVISORY COMMISSION

Reappointment of:

- Mr. Philip S. Church as the At-Large Chairman's Representative
- Ms. Linda L. Bartlett as the Braddock District Representative

- Ms. Diane D’Arcy as the Dranesville District Representative
- Ms. Lucinda Stewart as the Hunter Mill District Representative
- Ms. Gina Marie Lynch as the Mount Vernon District Representative
- Ms. Allison Volpert as the Providence District Representative
- Ms. Carol Allin as the Sully District Representative

The Board deferred the appointments of the Lee, Mason, and Springfield District Representatives.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Related Professional Group #6 Representative.

ATHLETIC COUNCIL

Confirmation of:

- Mr. Tom Hanton as the Town of Vienna Principal Representative

The Board deferred the appointment of the Mason District Alternate Representative.

AUDIT COMMITTEE

Reappointment of:

- Mr. Paul Svab as the At-Large #1 Representative
- Mr. Lester A. Myers as the At-Large #2 Representative

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Dranesville District Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

Reappointment of:

- Mr. Rob Fisher as the Design Professional #6 Representative

The Board deferred the appointments of the Alternate #1 and Design Professional #1 Representatives.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

Appointment of:

- Mr. Said Rahman as the At-Large #2 Representative

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #8 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointments of the At-Large #2 and Mason District Representatives.

CHILD CARE ADVISORY COUNCIL

Reappointment of:

- Ms. Janet M. Reimer as the At-Large Chairman's Representative

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

The Board deferred the appointment of the At-Large Chairman's Representative.

CIVIL SERVICE COMMISSION

The Board deferred the appointments of the At-Large #6 and #8 Representatives.

COMMISSION FOR WOMEN

The Board deferred the appointments of the Mount Vernon, Springfield, and Sully District, and the Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+"), and Transgender Woman Representatives.

COMMISSION ON AGING

Confirmation of:

- Ms. Carolyn Sutterfield as the Fairfax City Representative

COMMUNITY ACTION ADVISORY BOARD

Reappointment of:

- Mr. Matthew J. Bell as the Mount Vernon Representative

- Ms. Caroline Hockenberry as the Providence District Representative

The Board deferred the appointment of the Sully District Representative.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointments of the Fairfax County Resident #6, #7, and #9 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Confirmation of:

- Ms. Audrey Wiggins as the NAACP Representative

The Board deferred the appointments of the Providence and Springfield District Representatives.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

Reappointment of:

- Mr. John E. Harrison as the At-Large #4 Representative
- Mr. Thomas D. Fleury as the At-Large #5 Representative

The Board deferred the appointment of the At-Large #6 Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

Confirmation of:

- Mr. Jeffrey J. Fairfield as the Town of Herndon #1 Representative

ECONOMIC ADVISORY COMMISSION

Confirmation of:

- Ms. Julie Strandlie as the Planning Commission Representative

The Board deferred the appointments of the Mason and Sully District Representatives.

ENGINEERING STANDARDS REVIEW COMMITTEE

Confirmation of:

- Mr. Paul Agutter as the Association of Builders and Contractors Representative
- Mr. Kevin Nelson as the VDOT (Advisory) Fairfax District Representative

The Board deferred the appointments of the Citizen #2 and #4 Representatives.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

The Board deferred the appointments of the At-Large #1 and Providence District Representatives.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large #1 Business Community, Lee, and Mason District Representatives.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD

The Board deferred the appointment of the Lee District Representative.

HEALTH SYSTEMS AGENCY BOARD

Appointment of:

- Ms. Lydia Lawrence as the Consumer #5 Representative

The Board deferred the appointment of the Provider #1 Representative.

HUMAN RIGHTS COMMISSION

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

HUMAN SERVICES COUNCIL

Appointment of:

- Ms. Adwoa Rey as the Mount Vernon District #2 Representative

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

The Board deferred the appointment of the Braddock District Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Appointment of:

- Mr. Crystopher Herrera as the Dranesville District Representative

Reappointment of:

- Mr. Sean Wright as the Providence District Representative

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

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

The Board deferred the appointments of the At-Large Chairman's, Braddock, Dranesville, Hunter Mill, Mason, Mount Vernon, Providence, and Sully District Representatives.

POLICE CIVILIAN REVIEW PANEL

Reappointments of:

- Mr. Dirck A. Hargraves as the Seat #6 Representative
- Mr. James N. Bierman as the Seat #8 Representative

Confirmation of:

- Ms. Celeste Peterson as the Seat #7 Representative

The Board deferred the appointment of the Seat #3 Representative.

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

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

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointments of the Commercial or Retail Ownership #2 and the Residential Owners and HOA/Civic Association #3 Representatives.

SMALL BUSINESS COMMISSION

The Board deferred the appointment of the Sully District Representative.

TENANT LANDLORD COMMISSION

Reappointment of:

- Ms. Karen Geier-Smith as the Landlord Member #1 Representative

The Board deferred the appointments of the Citizen Member #1 and #3, Landlord Member #2 and #3, and Tenant Member #3 Representatives.

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE

Appointment of:

- Ms. Lydia Lawrence as the Dranesville District Representative

TREE COMMISSION

The Board deferred the appointment of the Dranesville District Representative.

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Commercial or Retail Ownership #3 Representative.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen appointed by BOS #4 Representative.

WETLANDS BOARD

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

YOUNG ADULTS ADVISORY COMMITTEE

Reappointment of:

- Ms. Denver Supinger as the At-Large #1 Chairman's Representative
- Mr. Sujit R. Koppula as the Hunter Mill District Representative
- Mr. Dini H. Mohamud as the Mason District Representative
- Ms. Mahnoor Zafar as the Mount Vernon District Representative
- Ms. Jessica Sun as the Providence District Representative
- Mr. Eddy Sandoval as the Sully District Representative

The Board deferred the appointments of the At-Large #2 Chairman's, Dranesville, and Lee District Representatives.

AFFORDABLE HOUSING ADVISORY COUNCIL

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

FAIRFAX COUNTY 250TH COMMISSION

The Board deferred the appointment of the Springfield District Representative.

HISTORICAL MARKER PROJECT VOTING COMMITTEE

Appointment of:

- Mr. Jevon Walton as the Braddock District Representative
- Ms. Barbara Glakas as the Dranesville District Representative
- Ms. Sylvia Taylor as the Hunter Mill District Representative
- Mr. David Houston as the Mount Vernon District Representative
- Dr. Sheila Graves as the Providence District Representative
- Mr. Edward Yost as the Sully District Representative

Confirmation of:

- Dr. Spencer Drew as the George Mason University Representative

The Board deferred the appointments of the At-Large Chairman's, Lee, Mason, and Springfield District Representatives.

8. **APPOINTMENT TO THE FAIRFAX COUNTY 250TH COMMISSION**
(10:05 a.m.)

(NOTE: Earlier in the meeting, the Board voted to consider this appointment separately. See Clerk's Summary Item # 7.)

Supervisor Herrity moved to appoint Mr. William "Bill" Denk as the Springfield District Representative to the Fairfax County 250th Commission. The motion died for lack of a second.

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9. **9:30 A.M. COUNTY EXECUTIVE'S PRESENTATION OF THE PROPOSED FISCAL YEAR (FY) 2023 AND FY 2024 MULTI-YEAR BUDGET PLAN** (10:07 a.m.)

Bryan J. Hill, County Executive, acknowledged the following new appointees that have joined the County's diverse and stellar senior management team during the past year:

- Reasa Currier, Director, Animal Shelter
- Matt Thompson, Director, Court Services, Juvenile and Domestic Relations Court
- Christina Jackson, Chief Financial Officer
- Jai Cole, Director, Park Authority
- Lloyd Tucker, Director, Neighborhood and Community Services
- Kevin Davis, Chief of Police
- Daniel Singh, Executive Director, McLean Community Center
- Christopher Herrington, Director, Department of Public Works and Environmental Services
- Karol Escalante Herrera, Management Analyst IV, Immigrant and Community Affairs
- Ellicia Seard-McCormick, Deputy County Executive, Administration

Mr. Hill, presented the Proposed FY 2023 and FY 2024 Multi-Year Budget Plan, which included information regarding the following:

- Impact of the COVID-19 pandemic
- Recruitment and retention of employees
- Integration of stimulus funding
- Growth in assessments for Real and Personal Property
- Countywide Strategic Plan spending adjustments
- School funding
- Employee compensation
- Implementation of recommendations from the joint County and Schools Capital Improvement Program Committee
- Future performance of the economy
- Annual changes in General Fund revenue
- Bond Referendum Plan
- Lifelong Education and Learning
- Health Initiatives
- Mobility and transportation
- Effective and efficient government
- Support for residents facing vulnerabilities
- Safety and security
- Cultural and recreational opportunities
- Economic opportunities
- Housing and neighborhood livability
- Environment

- New Land Development Services Fund
- Savings and reserves
- Timeline of the proposed FY 2023 budget

Chairman McKay thanked the County Executive and staff for all their work on the budget.

Following comments regarding the proposed budget, discussion ensued with input from Ms. Jackson and Mr. Hill regarding:

- Early childhood education
- Timeline on bond referendum
- \$83 million revenue increase
- Employee compensation
- Tailoring The County's economic development strategy
- School funding
- Accelerated market study adjustments
- Current employee vacancy rate
- Stormwater tax rate
- Adjusting the rate on assessments

Supervisor Foust asked staff to provide information on the following:

- Decrease in vacant land
- Funding retirement plans
- Special revenue funding

Supervisor Lusk asked staff to provide information on the following:

- Advancing employees step increases to July 1, 2022
- Funds for job training

- Baseline funds for additional coaching and job training support for individuals impacted by the pandemic

Board Members announced upcoming Budget Town Hall Meetings as follows:

<u>MEETING</u>	<u>DATE/TIME</u>	<u>LOCATION</u>
Dranesville District	February 28 – 7 p.m.	ZOOM
Sully District	March 3 – 7 p.m.	Channel 16
Mason District	March 10 – 7 p.m.	Mason District Governmental Center
Braddock District	March 15 – 7 p.m.	Channel 16
Mount Vernon District	March 23 – 6 p.m.	Virtual Meeting
Hunter Mill District	March 30 – 7 p.m.	Virtual Meeting
Springfield District	March 30 – 7 p.m.	West Springfield Governmental Center
Dranesville District	March 31 – 7 p.m.	Channel 16
Lee District	To Be Determined	
Providence District	To Be Determined	

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ADDITIONAL BOARD MATTERS

10. **PROCLAMATION REQUEST DESIGNATING MARCH 20 – 26, 2022, AS “SURVEYORS WEEK”** (12:02 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a Proclamation designating March 20–26, 2022, as “*Surveyors Week*” in Fairfax County, recognizing the historic contributions of surveying, and appreciation for the new technologies that are modernizing the profession, to be presented out of the Board Room. Without objection, it was so ordered.

11. **PROCLAMATION REQUEST DESIGNATING APRIL 10 – 16, 2022, AS “NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK”**
(12:02 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 10–16, 2022, as “*National Public Safety Telecommunicators Week*” in Fairfax County, to be presented out of the Board Room. Without objection, it was so ordered.

12. **RESOLUTION OF RECOGNITION REQUEST FOR SHIRLEY GINWRIGHT** (12:02 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Shirley Ginwright, in recognition of her service to the County as the Chair of the Communities of Trust. Without objection, it was so ordered.

13. **FUND REQUEST FOR CAPITAL AREA FOOD BANK (CAFB) FACILITY RENOVATION PROJECT** (12:02 p.m.)

Chairman McKay stated that during the first year of the COVID-19 pandemic, the CAFB distributed 27 million meals throughout Northern Virginia, nearly tripling its output from the year prior. This year, the organization’s goal is to distribute approximately 8 million meals in the County alone, helping to rapidly serve residents and provide much-needed assistance during this difficult time.

To keep up with the need, however, the Food Bank was forced to double warehouse capacity through short-term leases – an inefficient mechanism in the current real estate market. Furthermore, the organization’s current Lorton facility is aging and needs frequent, costly repairs which have led to several inefficiencies in day-to-day operations.

CAFB leadership has been working on a plan to expand its current facility since even before the pandemic, growing it by nearly 400 percent in square footage which will enable an anticipated 300 percent increase in food throughout. The project would no doubt be a crucial step to meeting increased need, incorporating Americans with Disabilities Act (ADA) accessibility, and enabling response.

The CAFB anticipates the cost of the new 45,000 square foot facility to be in the range of \$35 million and expects it will take two years to build. They have reached out to the state, private partners, and the Northern Virginia local governments in communities they serve to assist with this critical project. The amount of funding being requested by these various entities are staggered based on food distribution totals in each jurisdiction. After meeting with the CAFB and facilitating multiple conversations with senior staff over the last year, Chairman McKay stated that he feels passionately about the need to help – and to ensure they are able to continue to serve the community.

Therefore, Chairman McKay moved that the Board direct staff to allocate one-time American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds in the amount of \$5 million to support the CAFB's facility renovation project in the County. Funds should be allocated from the County's second tranche of funding, which is expected to be received no sooner than this spring. Chairman McKay stated that the County is drafting an agreement to protect these funds should this project not move forward or if unexpected changes arise. Vice-Chairman Gross and Supervisor Lusk jointly seconded the motion and it carried by a vote of eight, Supervisor Herrity being out of the room, Supervisor Palchik being absent.

14. **ELIMINATION OF THE STATE SALES TAX ON GROCERIES**
(12:07 p.m.)

Chairman McKay stated that the General Assembly (GA) is currently considering proposals to eliminate the state sales tax on groceries. House Bill 90 (Delegate Joe McNamara), Senate Bill 451 (Senator Jennifer Boysko), and budget proposals being considered by both the Virginia Senate and House of Delegates all address this matter, which the Board has discussed at its Legislative Committee meeting.

While eliminating the sales tax on groceries is something the Board supports, it is essential that the State fully replace the revenue to K-12, localities, and transportation, as the State continues to underfund core services in those areas, even with current revenues. There has been significant discussion about the portion of sales tax that goes to localities and the additional portion that is distributed based on school age population. However, addressing any potential revenue loss through General Fund (GF) appropriations that must be reapproved each year is not an adequate replacement for the dedicated revenues provided by the existing tax, since appropriations will be vulnerable to caps or reductions in future years. The current sales tax on groceries generates approximately \$60-70 million per year in the County, with a significant portion being dedicated to K-12 funding.

Unfortunately, none of the proposals currently under consideration mitigate the projected \$135 million annual reduction in sales taxes directed to the Commonwealth Transportation Fund (CTF). The CTF provides necessary funding for Highway Maintenance and Operations (including repaving, snow removal, and mowing in the right-of-way); construction programs (including Smart Scale and Revenue Sharing); and public transportation. By not addressing the loss in State revenues over the long-term, there will be less of vital funding available for new projects, State road maintenance, and continued State assistance for local and regional transit systems. Further exacerbating this issue is that the County's regional revenues have not yet been fully restored. In 2018, the GA diverted \$102 million in regional revenues to the Washington Metropolitan Area Transit Authority (WMATA), which addressed WMATA funding needs at the expense of other critical projects throughout Northern Virginia. The GA has successfully restored approximately \$63.5 million annually, but the County has not yet been made whole, which has affected the timelines for numerous existing County

projects. Until such funds are fully restored, and until the State can fully meet its obligations to adequately fund transportation, reducing State transportation revenues, even temporarily, should not be considered.

Therefore, jointly with Supervisor Walkinshaw, Chairman McKay moved that the Board direct staff to send the letter (attached to his written Board Matter), under the Chairman's signature, to the County's GA delegation, expressing concern with proposals to eliminate the State sales tax on groceries without dedicated revenues to fully mitigate the impacts. Supervisor Alcorn seconded the motion.

Following discussion regarding this disproportionately affecting Northern Virginia and the current backlog of projects, the question was called on the motion and it carried by a vote of eight, Supervisor Herrity being out of the room, Supervisor Palchik being absent.

15. **LETTER OF SUPPORT OF THE EQUAL RIGHTS AMENDMENT (ERA), CERTIFYING IT AS THE 28TH AMENDMENT TO THE U.S. CONSTITUTION** (12:15 p.m.)

Chairman McKay stated that Virginia became the 38th State to ratify the ERA in 2020, following bipartisan approval by the General Assembly. This was a major victory for women who, for nearly a century, have been working to ensure a constitutional guarantee of legal rights regardless of gender.

This historic vote also paved the way for the ERA to become recognized as the 28th amendment to the U.S. Constitution. Constitutional amendments must be ratified by three-quarters of the states, or 38.

Though the U.S. Congress set a ratification deadline of 1982, a group of Attorneys General, including former Virginia Attorney General Mark Herring, sued to ensure the ERA would be recognized as an amendment.

Disappointingly, Virginia's current Attorney General, Jason Miyares, withdrew the Commonwealth from the legal effort last week, citing potential undermining of the Constitution and its amendment process.

Despite the Attorney General's withdrawal, the legal effort to certify the ERA as the 28th amendment will continue. Still, Virginia's absence from this effort undermines the work of so many in the Commonwealth who fought and continue to fight for equality regardless of gender.

Therefore, jointly with Vice-Chairman Gross, Supervisor Alcorn, Supervisor Foust, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, and Supervisor Walkinshaw, Chairman McKay moved that the Board direct staff to draft a letter of support of the ERA and the need to certify it as the 28th Amendment, to be sent to Attorney General Miyares no later than February 25, 2022, under the Chairman's signature. Supervisor Foust seconded the motion and it carried by a

vote of eight, Supervisor Herrity being out of the room, Supervisor Palchik being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

16. **PROCLAMATION REQUEST DESIGNATING APRIL 28, 2022, AS “HOLOCAUST REMEMBRANCE DAY”** (12:17 p.m.)

Supervisor Gross stated that the United States Holocaust Memorial Council designates Days of Remembrance each year to recall and reflect on the horrible crimes committed during the Holocaust and to ensure that the memory and legacy of the lives lost will not be forgotten. The County has a responsibility to remember and recognize this dark chapter of world history so that the tragic mistakes of the past are not repeated.

Therefore, Supervisor Gross moved that the Board direct staff to prepare a Proclamation designating April 28, 2022, as “*Holocaust Remembrance Day*” in the County, and invite representatives of the Jewish Community Relations Council to be presented the Proclamation at the April 12, 2022, Board Meeting. Chairman McKay and Supervisor Lusk seconded the motion and it carried by a vote of eight, Supervisor Herrity being out of the room, Supervisor Palchik being absent.

17. **NO BOARD MATTERS FOR SUPERVISOR WALKINSHAW (BRADDOCK DISTRICT)** (12:18 p.m.)

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

18. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:18 p.m.)

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

19. **NO BOARD MATTERS FOR SUPERVISOR ALCORN (HUNTER MILL DISTRICT)** (12:18 p.m.)

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

20. **NO BOARD MATTERS FOR SUPERVISOR LUSK (LEE DISTRICT)** (12:18 p.m.)

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

21. **NO BOARD MATTERS FOR SUPERVISOR STORCK (MOUNT VERNON DISTRICT)** (12:18 p.m.)

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

22. **PROCLAMATION REQUEST DESIGNATING APRIL 2022, AS “AUTISM AWARENESS MONTH”** (12:19 p.m.)

Supervisor Herrity stated that April is “*National Autism Awareness Month*,” promoting acceptance for individuals on the autism spectrum. One in 54 children in the United States and more than 3.5 million Americans are on the autism spectrum, including over 125,000 Virginians. Persons with autism form an incredibly diverse community with vastly different abilities, limitations, and preferences from individual to individual. The coronavirus pandemic has had significant impact on individuals on the autism spectrum, resulting in constant changes of routine and making it more difficult for them to access vital services. Approximately 80 percent of adults on the autism spectrum were unemployed or underemployed before the coronavirus pandemic, and economic fallout from the pandemic has caused them to lose jobs at a faster rate than the general population.

Young adults on the autism spectrum demonstrate the lowest employment rates among people with disabilities. Individuals on the autism spectrum have amazing strengths and skills that often go untapped when the proper supports are not in place. Existing incentives or strategies for businesses to hire persons with autism are currently under-utilized or unknown. Modifying hiring practices to accommodate persons with autism, taking advantage of Work Opportunity Tax Credits, partnering with a non-profit resource provider, and working with a job coach have all proven to be effective in supporting persons with autism and their employers. In fact, 59 percent of individuals on the autism spectrum gained employment after receiving vocational rehabilitation services.

The County is fortunate to have organizations like ServiceSource, Phillips Programs, and others that are dedicated to this mission of promoting gainful employment for those on the autism spectrum. The community is stronger and more diverse because of its autistic residents, businesses and nonprofits, who partner with them.

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

- Prepare a Proclamation designating and celebrating April 2022, as “*Autism Awareness Month*” in Fairfax County, encouraging all citizens to exercise respect and compassion for relatives, friends, co-workers, and fellow Americans on the autism spectrum, to be presented at the April 12, 2022, Board Meeting
- Include in the resolution, recognition of the unique challenges faced by individuals with autism during the coronavirus pandemic and that it reaffirms the commitment of the Board to encourage businesses and employers to utilize existing incentives and strategies to assist them in hiring persons with autism

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik being absent.

23. **PROCLAMATION REQUESTS DESIGNATING MAY 2022 AS “LYME DISEASE AWARENESS MONTH” AND “FIGHT THE BITE AWARENESS MONTH”** (12:21 p.m.)

Supervisor Herrity stated that tick and mosquito season will be here soon, and many will be spending more time outdoors in the warmer months. Throughout the last few years of the pandemic, residents have spent more time outside, contributing to higher numbers of confirmed and likely cases of Lyme Disease. Lyme Disease, Zika Virus, West Nile Virus, and other vector-borne diseases can have severe health impacts on constituents. Lyme Disease is the fastest spreading vector-borne disease in the United States. Several hundred cases of Lyme Disease have been reported in Virginia in the last few years and many cases go unreported, as symptoms, like the ‘Bulls-eye’ rash, go undetected or are misdiagnosed. The Virginia Department of Health shared that in 2020, many efforts to track Lyme Disease were diverted to the pandemic effort so many more cases than normal likely were unreported.

Lyme is a terrible disease that can take many forms, from muscle pain to arthritis, to heart disease and Bell’s Palsy. It can cause flu-like symptoms as well as extreme fatigue. “*Lyme Disease Awareness Month*” is officially recognized in May and offers an opportunity to bring this issue to the public’s attention. County residents can protect themselves by performing tick checks after outdoor activities and promptly removing attached ticks. With more people spending time outside during the pandemic, it is even more important to educate residents on how to protect themselves from disease-carrying ticks. This education is especially important for our children as 30 percent of the 476,000 cases reported by the Center for Disease Control (CDC) annually are children.

Mosquito bites also can transmit various diseases such as Zika and West Nile Virus. County residents can be instrumental in eliminating places where mosquitoes lay their eggs by checking their properties weekly for stagnant water and by tipping and tossing flowerpots, buckets, toys, and other containers that might collect water.

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

- Prepare a Proclamation designating May 2022 as “*Lyme Disease Awareness Month*” in Fairfax County, to be presented to Monte Skall, Director, National Capital Lyme and Tick-Borne Disease Association at the May 10, 2022, Board Meeting
- Publicize information on preventing and recognizing the symptoms of Lyme Disease

- Share this information with the County’s partners at Fairfax County Public Schools for students and their parents to educate themselves
- Prepare a Resolution declaring May 2022 as “*Fight the Bite Awareness Month*” in Fairfax County, to be presented to the Health Department at the May 10, 2022, Board Meeting

Without objection, it was so ordered.

24. **INTRODUCTION OF INTERN** (12:22 p.m.)

Supervisor Herrity introduced Anthony Amos, an intern in his office. On behalf of the Board, he welcomed him to the County.

25. **AUTHORIZATION OF COMPREHENSIVE PLAN AMENDMENT FOR CORNERSTONES, INC.** (12:23 p.m.)

Supervisor Smith stated that the County Redevelopment and Housing Authority currently owns approximately 1.12 acres, identified among the County tax assessment records as Tax Map Parcels 46-3 ((1)) 8 and 9B. This property is vacant and may provide an opportunity for the construction of housing with onsite support services to serve low and very low-income individuals. Affordable housing in this location will have access to transit along Route 50 and West Ox Road, with proximity to retail, recreation, medical and other services. Cornerstones, Inc. has prepared a proposal for the construction of a single multi-family building that would contain up to 34 units designed primarily for one-person households. The development would include onsite supportive services 24 hours a day. The property is currently planned for low density residential use at the baseline level and office use at the overlay level. A Comprehensive Plan amendment is needed to consider this proposal.

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

- Consider an amendment to the Comprehensive Plan for Tax Map Parcels 46-3 ((1)) 8 and 9B, for affordable housing at a density of up to 35 dwelling units per acre as an alternative use on the property
- Utilize a noise impact study as a key component in the review of the amendment
- Review the Comprehensive Plan amendment concurrently with an application to rezone the property once such amendment is submitted

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik being absent.

26. **UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) AND A REQUEST FOR A RESOLUTION OF RECOGNITION FOR CEDAW**
(12:25 p.m.)

Supervisor Smith stated that the County has a rich history of supporting policies and initiatives that promote gender equality, eliminate violence against women, and make the County a place for women to grow and thrive.

In 1971, the County established the Commission for Women, tasked with advising the Board with ways to promote the full equality of women and girls in the County. The Commission helped establish the Human Rights Commission (now affiliated with the Office of Human Rights and Equity Programs), the Women's Shelter (now Artemis House), the Women's Re-Entry Center (a career development center for women re-entering the workforce), and the Victims Program (now the Victim Services Section of the Police Department). The Commission is also a leader in creating many County employment policies favorable to women and families.

This year marks the 50-year anniversary of Title IX of the Education Amendments of 1972, prohibiting sex-based discrimination in any school or other education program that receives federal financial assistance.

In 2017, the Board and the Fairfax County School Board adopted the One Fairfax Policy that commits the County and School Board to consider equity in decision making and, in the development, and delivery of future policies, programs, and services.

In 2020, the Lucy Burns Museum opened at the Workhouse in Lorton and the Turning Point Suffragists Memorial was dedicated to honor the suffragists contributions to the ratification of the 19th Amendment to the Constitution, securing women the right to vote.

The County is engaged in a broad range of strategic initiatives and activities to promote gender equality and advance educational, economic, and social opportunities for those impacted most by discriminatory policies and practices. The County has an appropriate and legitimate role in affirming the importance of the principles of the CEDAW.

CEDAW provides a comprehensive framework for governments to examine their policies and practices and a broad coalition of community organizations, including, the Commission for Women organizing the "Fairfax Working Group for CEDAW," to raise the awareness of human rights for women and girls and to promote measures that will eliminate inequities and discrimination experienced by women and girls in the County.

Therefore, jointly with Chairman McKay, Supervisor Alcorn, Supervisor Gross, and Supervisor Palchik, Supervisor Smith moved that the Board direct staff to:

- In conjunction with appropriate partners, review the recommendations from CEDAW and provide an analysis to the Board on what initiatives are in place now, what additional initiatives are on the horizon, and what additional resources may be necessary to further advance these efforts
- Present the analysis to the Board by September 30, 2022
- Prepare a Resolution of Recognition in support of CEDAW and invite the appropriate individuals to be presented with the Resolution at the March 8, 2022, Board Meeting

Supervisor Alcorn seconded the motion.

Following discussion regarding equality and current issues with the CEDAW, the question was called on the motion and it carried by a vote of eight, Supervisor Herrity voting “NAY,” Supervisor Palchik being absent.

NS:ns

AGENDA ITEMS

27. **ADMINISTRATIVE ITEMS** (12:33 p.m.)

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

Chairman McKay called the Board’s attention to Admin 5 – Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-4 through 7-2-13 in Response to the 2021 Decennial Redistricting, to Adjust Certain Election Precinct Boundaries, Create New Election Precincts, and Establish Polling Places for Those New Precincts in the Braddock, Hunter Mill, Dranesville, Lee, Mason, Mount Vernon, Providence, Springfield, and Sully Districts; Consolidate the Danbury and Kings Park Precincts in the Braddock District; and Relocate the Polling Places for the Chesterbrook Precinct in the Dranesville District and the Army Precinct in the Mount Vernon District and reminded everyone that this public hearing is not in regards to the plan the Board adopted for the County’s magisterial districts at its meeting on December 7, 2021. This item is required due to State and Congressional redistricting. Residents affected by this will receive a mailer and can view updates on the County’s website.

Following further discussion regarding the precinct lines and educating the public on the changes, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity,

Supervisor Lusk, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Palchik being absent.

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH THE MARLBORO ESTATES COMMUNITY PARKING DISTRICT (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 22, 2022, at 3:30 p.m.**, to consider adoption of an ordinance to establish the Marlboro Estates Community Parking District, consisting of Deer Drive and Poppy Drive.

ADMIN 2 – PROPOSED ADDITION OF A PORTION OF WOODLAWN ROAD TO THE SECONDARY SYSTEM OF STATE HIGHWAYS (MOUNT VERNON DISTRICT)

- (R) Adopted a Resolution approving the request that a portion of Woodlawn Road be added to the Secondary System of State Highways.

ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 22189 FOR THE HEALTH DEPARTMENT TO ACCEPT FUNDING FROM THE VIRGINIA DEPARTMENT OF HEALTH (VDH) TO INCREASE THE DISEASE INVESTIGATION SPECIALIST PUBLIC HEALTH WORKFORCE

- (SAR)
- Approved SAR AS 22189 for the Health Department to accept funding from the Virginia Department of Health in the amount of \$183,854 to increase Fairfax County’s disease investigation specialist public health workforce. This funding will support two full time exempt new grant positions. No local cash match is required
 - Authorized the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 4 – AUTHORIZATION FOR THE OFFICE OF THE SHERIFF TO APPLY FOR AND ACCEPT FUNDING FROM THE WASHINGTON/BALTIMORE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) FOR THE FISCAL YEAR (FY) 2023 ADVANCING INTERVENTIONS TO MITIGATE SUBSTANCES (AIMS) GRANT IN THE WASHINGTON/BALTIMORE (HIDTA) COMMUNITIES

- Authorized the Office of the Sheriff to apply for and accept funding, if received, from the Washington/Baltimore HIDTA, AIMS in the

Washington/Baltimore HIDTA Communities Program in the amount of \$329,269. No local cash match is required

- Authorized the Chairman of the Board, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Subaward Agreements, on behalf of the County

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTIONS 7-2-4 THROUGH 7-2-13 IN RESPONSE TO THE 2021 DECENNIAL REDISTRICTING, TO ADJUST CERTAIN ELECTION PRECINCT BOUNDARIES, CREATE NEW ELECTION PRECINCTS, AND ESTABLISH POLLING PLACES FOR THOSE NEW PRECINCTS IN THE BRADDOCK, HUNTER MILL, DRANESVILLE, LEE, MASON, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS; CONSOLIDATE THE DANBURY AND KINGS PARK PRECINCTS IN THE BRADDOCK DISTRICT; AND RELOCATE THE POLLING PLACES FOR THE CHESTERBROOK PRECINCT IN THE DRANESVILLE DISTRICT AND THE ARMY PRECINCT IN THE MOUNT VERNON DISTRICT

- (A) (NOTE: Earlier in the meeting, there was a brief discussion regarding this item. See page 25.)

Authorized the advertisement of a public hearing to be held before the Board on **March 8, 2022, at 4 p.m.**, to consider an ordinance that proposes to amend and readopt Fairfax County Code Section 7-2-4 through 7-2-13 in response to the 2021 decennial redistricting, to adjust certain election precinct boundaries, create new election precincts, and establish polling places for those new precincts in the Braddock, Hunter Mill, Dranesville, Lee, Mason, Mount Vernon, Providence, Springfield, and Sully Districts; consolidate the Danbury and Kings Park Precincts in the Braddock District; and relocate the polling places for the Chesterbrook Precinct in the Dranesville District and the Army precinct in the Mount Vernon District.

BV:bv

28. **A-1 – APPROVAL OF THE RECIPROCAL AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF STATE POLICE AND FAIRFAX COUNTY DURING THE POLICE UNITY TOUR** (12:37 p.m.)

On motion of Supervisor Lusk, multiply seconded, and carried by a vote of nine, Supervisor Palchik being absent, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the Reciprocal Agreement between the Virginia Department of State Police and the County during the Police Unity Tour.

29. **A-2 – APPROVAL OF THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) STATE AND LOCAL TASK FORCE AGREEMENT BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (DEA), ASSET REMOVAL GROUP (33) (NORTHERN VA FINANCIAL INITIATIVE TASK FORCE)** (12:38 p.m.)

On motion of Supervisor Lusk, seconded by Supervisor Gross, and carried by a vote of nine, Supervisor Palchik being absent, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the HIDTA State and Task Force Agreement between the FCPD and the DEA.

30. **A-3 – APPROVAL OF THE PROGRAM - FUNDED STATE AND LOCAL TASK FORCE AGREEMENT BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (DEA) FOR THE HIGH INTENSITY DRUG TRAFFICKING AREA GROUP 5 (12)** (12:39 p.m.)

On motion of Supervisor Lusk, seconded by Supervisor Gross, and carried by a vote of nine, Supervisor Palchik being absent, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the Task Force Agreement between the FCPD and the DEA.

31. **A-4 – APPROVAL OF THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) STATE AND LOCAL TASK FORCE AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA), AND THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD)** (12:40 p.m.)

Supervisor Lusk-moved that the Board concur in the recommendation of staff and authorize the Chief of Police to sign the HIDTA State and Local Task Force Agreement between the DEA and the FCPD. Supervisor Gross seconded the motion.

Following a brief discussion regarding the motion, the question was called on the motion and carried by a vote of nine, Supervisor Palchik being absent.

32. **A-5 – APPROVAL OF A LEASE AGREEMENT FOR COMMUTER PARKING AT SPRINGFIELD PLAZA (LEE DISTRICT)** (12:41 p.m.)

On motion of Supervisor Lusk, seconded by Supervisor Gross, and carried by a vote of nine, Supervisor Palchik being absent, the Board concurred in the recommendation of staff and:

- Approved the Lease Agreement to continue commuter parking services at Springfield Plaza in substantial form
- Authorized the Director of the Department of Transportation to execute the Lease Agreement on behalf of the County

33. **A-6 – APPROVAL OF FAIRFAX CONNECTOR’S RESTON – HERNDON BUS PLAN SERVICE CHANGES (DRANESVILLE, HUNTER MILL, AND SULLY DISTRICTS)** (12:42 p.m.)

Following discussion, with input from Tom Biesiadny, Director, Department of Transportation (DOT) and Michael Felschow, Chief, Coordination and Funding Division, DOT, regarding public outreach efforts, ridership, and the MetroNow Coalition’s Bus Transformation Progress Report, Supervisor Alcorn-moved that the Board concur in the recommendation of staff and approve Fairfax Connector’s service change proposals for the Reston – Herndon Bus Plan, to be implemented in conjunction with the start of the Metrorail Silver Line Phase 2. Supervisor Smith seconded the motion.

Following further discussion, with input from Mr. Felschow and Mr. Biesiadny, regarding the bus plan service, and the fiscal analysis and projections, the question was called on the motion and it carried by a vote of nine, Supervisor Palchik being absent.

34. **A-7 – APPROVAL OF AN INCREASE TO THE MAXIMUM ANNUAL FINANCING AUTHORIZED UNDER THE CURRENT MASTER LEASE AGREEMENT** (12:52 p.m.)

On motion of Supervisor Storck, multiply seconded, and carried by a vote of nine, Supervisor Palchik being absent, the Board concurred in the recommendation of staff and approved the proposed revision to the Master Lease Agreement.

35. **A-8 – ADOPTION OF A RESOLUTION OF SUPPORT FOR THE ABANDONMENT OF A PORTION OF RICHMOND HIGHWAY (U.S. ROUTE 1) (MOUNT VERNON DISTRICT)** (12:52 p.m.)

(R) On motion of Supervisor Storck, seconded by Supervisor Lusk, and carried by a vote of nine, Supervisor Palchik being absent, the Board concurred in the recommendation of staff and adopted a Resolution supporting abandonment of a portion of Richmond Highway (U.S. Route 1).

36. **A-9 – APPROVAL OF A MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) AND FAIRFAX COUNTY TO FORMALIZE THE PROCESS OF PROVIDING EMERGENCY BUS SUPPORT DURING METRORAIL DISRUPTIONS AT METRORAIL STATIONS IN FAIRFAX AND LOUDOUN COUNTIES** (12:53 p.m.)

On motion of Supervisor Alcorn, jointly seconded by Chairman McKay and Supervisor Lusk, and carried by a vote of nine, Supervisor Palchik being absent, the Board concurred in the recommendation of staff and:

- Approved the MOA between WMATA and the County to provide emergency bus service to Metrorail patrons during Metrorail service disruptions in and around the County
- Authorized the Director of the Department of Transportation to execute the finalized agreement on behalf of the County

37. **A-10 – CONSIDERATION OF APPROVAL OF THE ECONOMIC INCENTIVE PROGRAM (EIP) APPLICATION OF LMC ALEXANDRIA CROSSING HOLDINGS, LLC (MOUNT VERNON DISTRICT)** (12:54 p.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and approve the application by LMC Alexandria Crossing Holdings, LLC for eligibility in the EIP. Supervisor Lusk seconded the motion.

Following a brief discussion, Supervisor Storck withdrew his motion and asked unanimous consent that the Board defer action regarding this item until later in the meeting, following the 3:30 p.m. public hearing on RZ 2021-MV-008 (LMC Alexandria Crossing Holdings, LLC) (Mount Vernon District).

Following a brief discussion, with input from Elizabeth Teare, County Attorney, this was accepted, and, without objection, it was so ordered.

(NOTE: Later in the meeting action was taken regarding this item. See Clerk's Summary Item #48.)

38. **C-1 – ADOPTION OF BYLAWS FOR THE FAIRFAX COUNTY AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE** (12:55 p.m.)

The Board next considered an item contained in the Board Agenda regarding amended Bylaws for by the Fairfax County Agricultural and Forestal District Advisory Committee.

Supervisor Gross moved that the Board adopt the Agricultural and Forestal District Advisory Committee bylaws. Chairman McKay seconded the motion.

Discussion ensued, with input from Elizabeth Teare, County Attorney, and Erin Blanch, Assistant County Attorney, regarding membership requirements for the committee.

The question was called on the motion and it carried by a vote of nine, Supervisor Palchik being absent.

DMS:dms

39. **RECESS/CLOSED SESSION** (12:57 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. *Curtiss Davis v. Edwin C. Roessler Jr.*, Case No. 1:20-cv-00992 (E.D. Va.)
 - 2. *AM Worldgate Owner LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2021-0017763 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 3. *JBG Tysons Hotel LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2021-0017762 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 4. *Tysons Corner Hotel Plaza, LLC v. Fairfax County*, Case No. CL-2021-0017755 (Fx Co. Cir. Ct.) (Providence District)

5. *Jay Riat, Building Official for Fairfax County, Virginia v. Thomas Burch*, Case No. GV21-013462 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
6. *Jay Riat, Building Official for Fairfax County, Virginia v. Young Sook Chun and Chong Yel Chun*, Case No. GV21-016707 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
7. *Jay Riat, Building Official for Fairfax County, Virginia v. Sung J. Kim*, Case No. GV21-017201 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abu Kamara*, Case No. CL-2021-0011020 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Cuong Tan Nguyen*, Case No. CL-2022-0000434 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Jay Riat, Building Official for Fairfax County, Virginia v. U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust*, Case No. GV21-017240 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Stephen Patrick Macmanus*, Case No. GV22-001127 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
12. *Elizabeth Perry, 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)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Douglas B. Liszweski and Julia K. Roig*, Case No. CL-2021-003250 (Fx. Co. Cir. Ct.) (Hunter Mill District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. William D. Giery and Ruthanne M. Giery*, Case No. GV21-007167 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sysmall I. Warfield*, Case No. CL-2021-0011520 (Fx. Co. Cir. Ct.) (Lee District)

16. *Jay Riat, Building Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2022-0001105 (Fx. Co. Cir. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. B-DEL Corporation and District Sports Center, LLC*, Case No. CL-2022-0001237 (Fx. Co. Cir. Ct.) (Lee District)
18. *Jay Riat, Building Official for Fairfax County, Virginia v Allison Tyous*, Case No. GV21-018877 (Fx. Co. Gen. Dist. Ct.) (Lee District)
19. *Jay Riat, Building Official for Fairfax County, Virginia v Hafsa Ishtiaq*, Case No. GV21-019367 (Fx. Co. Gen. Dist. Ct.) (Lee District)
20. *Jay Riat, Building Official for Fairfax County, Virginia v Nicole Ares*, Case No. GV22-001125 (Fx. Co. Gen. Dist. Ct.) (Lee District)
21. *Jay Riat, Building Official for Fairfax County, Virginia v Dataguru LLC*, Case No. GV22-001129 (Fx. Co. Gen. Dist. Ct.) (Lee District)
22. *Jay Riat, Building Official for Fairfax County, Virginia v Richard F. Peredo*, Case No. CL-2022-0000855 (Fx. Co. Cir. Ct.) (Mason District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kurt W. Kruger*, Case No. CL-2021-0008712 (Fx. Co. Cir. Ct.) (Mason District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Naoko Morgan*, Case No. CL-2021-0001602 (Fx. Co. Cir. Ct.) (Mason District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v Sang Y. Choi LC*, Case No. GV21-007206 (Fx. Co. Gen. Dist. Ct.) (Mason District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v Yun Investment*, Case No. GV21-019374 (Fx. Co. Gen. Dist. Ct.) (Mason District)

27. *Jay Riat, Building Official for Fairfax County, Virginia v Radosvet I. Grudev*, Case No. GV21-019366 (Fx. Co. Gen. Dist. Ct.) (Mason District)
28. *Jay Riat, Building Official for Fairfax County, Virginia v Suzanne Rach*, Case No. GV21-019368 (Fx. Co. Gen. Dist. Ct.) (Mason District)
29. *Jay Riat, Building Official for Fairfax County, Virginia v Bertha Gonzalez, Vladimir A. Gonzalez and Marlene F. Farrell*, Case No. GV22-000966 (Fx. Co. Gen. Dist. Ct.) (Mason District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v Marcelino Victor Arias*, Case No. GV22-001126 (Fx. Co. Gen. Dist. Ct.) (Mason District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Georgette Saad*, Case No. CL-2021-0011212 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Jay Riat, Building Official for Fairfax County, Virginia v Fahad Razzaq and Ruth Elizabeth Razzaq*, Case No. CL-2022-0001287 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v V-NBC LLC and Harbor Marble and Granite LLC*, Case No. GV21-013453 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
34. *Jay Riat, Building Official for Fairfax County, Virginia v V-NBC LLC*, Case No. GV21-019281 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
35. *Jay Riat, Building Official for Fairfax County, Virginia v Marios Tile and Marble, Inc.*, Case No. GV21-019375 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
36. *Jay Riat, Building Official for Fairfax County, Virginia v Springfield South LLC*, Case No. GV21-019369 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
37. *Jay Riat, Building Official for Fairfax County, Virginia v National Glass and Metals LLC*, Case No. GV21-019282 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

38. *Jay Riat, Building Official for Fairfax County, Virginia v Michael R. Nader and Taryn K. Nader*, Case No. GV21-013773 (Fx. Co. Gen. Dist. Ct.) (Providence District)
39. *Jay Riat, Building Official for Fairfax County, Virginia v Jessica Hannah Shim*, Case No. GV21-017203 (Fx. Co. Gen. Dist. Ct.) (Providence District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Herbert L. Wood and Suzanne W. Wood*, Case No. GV22-000427 (Fx. Co. Gen. Dist. Ct.) (Providence District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nhan Huynh and Nga Huynh*, Case No. CL-2021-0012190 (Fx. Co. Cir. Ct.) (Springfield District)
42. *Jay Riat, Building Official for Fairfax County, Virginia v Hndyguy, LLC*, Case No. GV21-013945 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
43. *Jay Riat, Building Official for Fairfax County, Virginia v Hang T. Le, a/k/a Kim Ngoc Le*, Case No. GV21-017937 (Fx. Co. Gen. Dist. Ct.) (Sully District)
44. *Jay Riat, Building Official for Fairfax County, Virginia v My Nhu T. Nguyen*, Case No. GV21-017941 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), legal analysis regarding monetary claims of Marathon Resource Management Group, LLC, for snow removal services and *Fairfax County, et al. v. State Building Code Technical Review Board and Sidney Harris*, Case No. CL-2021-0007643 (Fairfax County Circuit Court)
- As permitted by Virginia Code Section 2.2-3711(A)(1) and (7), personnel and legal discussion regarding retirement board authority
- As permitted by Virginia Code Section 2.2-3711(A)(1), annual review of the County Attorney and consideration of the following appointments: member of the Board of Zoning Appeals, a Deputy County Executive, and an Executive Director for the Police Civilian Review Panel

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik being absent.

At 3:44 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Palchik, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

40. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:44 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Palchik being absent.

41. **ADVERTISEMENT OF THE BOARD OF ZONING APPEALS (BZA) VACANCY** (3:45 p.m.)

(BAC) Supervisor Gross stated that the term of one of the members of the BZA ends on April 9, 2022. This open seat on the BZA should be advertised widely in the interests of attracting a diverse applicant pool for the Board's and Circuit Court's consideration.

Therefore, Supervisor Gross moved that the Board direct the County Attorney to ask the Circuit Court to widely advertise this BZA seat in accordance with the established process so that members of the public and the incumbent member, if he wishes, will have an opportunity to submit applications. Chairman McKay and Supervisor Lusk jointly seconded the motion.

Following discussion regarding the incumbent, in addition to the community, being able to apply for the vacancy, the question was called on the motion and it carried by a vote of nine, Supervisor Palchik being absent.

42. **APPOINTMENT OF STEVEN RICHARDSON AS THE EXECUTIVE DIRECTOR FOR THE POLICE CIVILIAN REVIEW PANEL** (3:46 p.m.)

Supervisor Gross moved the appointment of Steven Richardson to the position of Executive Director for the Police Civilian Review Panel, Grade E-06, with a starting salary of \$120,000, effective February 28, 2022. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Palchik being absent.

Supervisor Gross recognized the presence of Mr. Richardson in the Board Auditorium. On behalf of the Board, Chairman McKay congratulated him on the appointment.

43. **APPOINTMENT OF THOMAS G. ARNOLD AS DEPUTY COUNTY EXECUTIVE** (3:47 p.m.)

Supervisor Gross moved the appointment of Thomas G. Arnold to the position of Deputy County Executive for Public Safety, Grade E-14, with a starting salary of \$215,000, effective February 26, 2022. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Palchik being absent.

Supervisor Gross recognized the presence of Mr. Arnold in the Board Auditorium. On behalf of the Board, Chairman McKay congratulated him on the appointment.

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AGENDA ITEMS

44. **3:30 P.M. PUBLIC HEARING ON SE 2021-HM-009 (FEDERAL REALTY OP, LP, FORMERLY KNOWN AS FEDERAL REALTY INVESTMENT TRUST) TO PERMIT A FREESTANDING RESTAURANT WITH DRIVE-THROUGH IN THE HIGHWAY CORRIDOR AND SIGN CONTROL OVERLAY DISTRICTS, LOCATED ON APPROXIMATELY 1.38 ACRES OF LAND ZONED C-7 (HUNTER MILL DISTRICT)** (3:49 p.m.)

Supervisor Alcorn moved to defer the public hearing on Special Exception Application SE 2021-HM-009 until **March 8, 2022, at 4 p.m.** Supervisor Lusk seconded the motion and it carried by a vote of eight, Supervisor Gross being out of the room, Supervisor Palchik being absent.

45. **3:30 P.M. PUBLIC HEARING ON RZ 2021-SU-003 (PARKSTONE TECH PARK, LLC) TO REZONE FROM I-3, WS AND AN TO PDC, WS AND AN TO PERMIT OFFICE OR DATA CENTER DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 0.6 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 18.91 ACRES OF LAND (SULLY DISTRICT)**

AND

PUBLIC HEARING ON PCA 85-S-061-07 (PARKSTONE TECH PARK, LLC) TO AMEND THE PROFFERS FOR RZ 85-S-061, PREVIOUSLY APPROVED FOR OFFICE USES, TO PERMIT DELETION OF LAND AREA AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.60, LOCATED

ON APPROXIMATELY 14.94 ACRES OF LAND ZONED I-3, WS AND AN (SULLY DISTRICT)

AND

PUBLIC HEARING ON PCA 78-S-063-11 (PARKSTONE TECH PARK, LLC) TO AMEND THE PROFFERS FOR RZ 78-S-063, PREVIOUSLY APPROVED FOR OFFICE USES, TO PERMIT DELETION OF LAND AREA AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.60, LOCATED ON APPROXIMATELY 3.97 ACRES OF LAND ZONED I-3, WS AND AN (SULLY DISTRICT) (3:50 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 February 4 and February 11, 2022.

The Rezoning Application RZ 2021-SU-003 property is located on the west side of Parkstone Drive and south side of Conference Center Drive, Tax Map 43-4 ((6)) 27 and 37A.

The Proffered Condition Amendment Application PCA 85-S-061-07 property is located on the west side of Parkstone Drive and south side of Conference Center Drive, Tax Map 43-4 ((6)) 27(pt.) and 37A.

The Proffered Condition Amendment Application PCA 78-S-063-11 property is located on the west side of Parkstone Drive and south side of Conference Center Drive, Tax Map 43-4 ((6)) 27 (pt.).

Scott Adams, Agent, McGuire Woods LLP, reaffirmed the validity of the affidavit dated February 1, 2022, for the record.

Sharon Williams, Planner, Zoning Evaluation Division (ZED), Department of Planning and Development (DPZ), gave a presentation depicting the application and site location.

Mr. Adams 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.

Discussion ensued, with input from Mr. Adams and Ms. Williams regarding:

- Water and energy usage for the data center
- Backup systems and diesel generators for power supply
- Plans to mitigate the noise impact

- Archeological review for the property
- Information on energy and water usage
- Environmental impacts and concerns
- Commitment to reaching LEED/Silver certification and energy efficiency
- Diesel generator screened to reduce noise impact
- Number of employees anticipated

Following the public hearing, which included testimony by two speakers, Mr. Adams presented rebuttal for issues and concerns raised by the speakers.

Ms. Williams presented the staff and Planning Commission recommendations.

A brief discussion ensued, with input from Tracy Strunk, Director, ZED, DPD, regarding the sea buffer.

Supervisor Smith moved that the Board approve:

- Rezoning Application RZ 2021-SU-003, and the associated Conceptual Development Plan, subject to the proffers dated January 18, 2022
- Proffered Condition Amendment Application PCA 85-S-061-07
- Proffered Condition Amendment Application PCA 78-S-063-11
- Waivers and modifications contained in the handout distributed, dated January 19, 2022, which will be made part of the record, and are as follows:
 - Modification to allow the gross floor area of secondary uses to exceed 25 percent of the gross floor area of the principal use
 - Reaffirmation of a modification of the interior parking lot landscaping requirements
 - Reaffirmation of a modification of the required number of loading spaces

- Reaffirmation of a modification of the transitional screening requirements along the southern property line
- Reaffirmation of a waiver of the barrier requirements along the southern property boundary line
- Reaffirmation of a waiver of the Zoning Ordinance requirement for the construction of Braddock Road widening

Supervisor Foust seconded the motion. Following discussion regarding the applications and diversification, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Palchik being absent.

(NOTE: On January 19, 2022, the Planning Commission approved Final Development Plan Application FDP 2021-SU-003, subject to the proposed development conditions dated November 23, 2021, and subject to the Board approval of Rezoning Application RZ 2021-SU-003.)

46. **3:30 P.M. – PUBLIC HEARING ON RZ 2020-BR-003 (PS SOUTHEAST ONE, INC.) TO REZONE FROM R-1, I-5, AND WS TO I-5 AND WS, TO PERMIT SELF-STORAGE WITH AN OVERALL FLOOR AREA RATIO OF 1.0, LOCATED ON APPROXIMATELY 6.09 ACRES OF LAND (BRADDOCK DISTRICT)**

AND

PUBLIC HEARING ON SE 2021-BR-011 (PS SOUTHEAST ONE, INC.) TO PERMIT AN INCREASE IN FLOOR AREA RATIO FROM 0.5 TO 1.0, LOCATED ON APPROXIMATELY 6.09 ACRES OF LAND ZONED R-1, I-5 AND WS (BRADDOCK DISTRICT) (4:36 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 February 4 and February 11, 2022.

The application property is located on the north side of Lee Highway and west side of Waples Mill Road, Tax Map 56-2 ((1)) 39 and 37A.

Mark M. Viani, Agent, Bean, Kinney & Korman, P.C., reaffirmed the validity of the affidavit dated February 3, 2022, for the record.

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

- Mark M. Viani, Bean, Kinney and Korman, P.C., who is identified on the affidavit as the attorney/agent for the applicant

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

- Mark M. Viani, Bean, Kinney and Korman, P.C.

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

Mr. Viani 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.

Discussion ensued, with input from Mr. Viani, regarding the dog park, the ongoing maintenance commitment, and stormwater management plans.

Following the public hearing, which included testimony by one speaker, a brief discussion ensued, with input from Mr. Fountain and Mr. Viani, regarding the historical interests and documentation.

Mr. Fountain presented the staff and Planning Commission recommendations.

Following a query by Supervisor Walkinshaw, Mr. Viani, confirmed for the record, acceptance of the proposed development conditions dated February 2, 2022.

Supervisor Walkinshaw moved that the Board approve:

- Rezoning Application RZ 2020-BR-003, subject to the proffers dated February 1, 2022
- Special Exception Application SE 2021-BR-011, subject to the development conditions dated February 2, 2022
- Waivers and modifications contained in the handout dated February 22, 2022, which will be made part of the record, and are as follows:
 - Modification of the front yard setback requirement as shown on the Generalized Development Plan/Special Exception (GDP/SE) Plat

- Modification of the loading space requirement in favor of the loading shown on the GDP/SE Plat
- Modification of the transitional screening and barrier requirements along the eastern and western property boundaries, as depicted on the GDP/SE Plat
- Modification of the major paved trail requirement along Waples Mill Road in favor of the existing trail

Supervisor Alcorn and Supervisor Lusk jointly seconded the motion. Following discussion, with input from Tracy Strunk, Director, ZED, DPD, regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Palchik being absent.

47. **3:30 P.M. PUBLIC HEARING ON RZ 2021-MV-008 (LMC ALEXANDRIA CROSSING HOLDINGS, LLC) TO REZONE FROM C-8, C-6, R-4, HC AND CRD TO PRM, HC AND CRD TO PERMIT RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO OF 2.5, INCLUSIVE OF ADUS AND WDUS, AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 7.61 ACRES OF LAND (MOUNT VERNON DISTRICT) (5:07 p.m.)**

(O) (NOTE: On February 8, 2022, the Board deferred this public hearing until February 22, 2022.)

The application property is located on the east side of Richmond Highway, north side of Shields Avenue, south of Quander Road, Tax Map 83-3 ((1)) 34, 36, 37, 38, 40, 41, 41A, 42, 44; 83-3 ((8)) B, C, 1; 83-3 ((22)) A, B, 2, 2A and a 0.3108-acre portion of right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Quander Road to proceed.)

Lynne Strobel, Agent, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavit dated January 4, 2022, for the record.

Joanne Fiebe, Revitalization Program Manager, Department of Planning and Development, gave a presentation depicting the application and site location.

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

Discussion ensued, with input from Ms. Strobel, regarding anticipated parking requirements.

Following the public hearing, which included testimony by one speaker, a brief discussion ensued, with input from Ms. Strobel.

Supervisor Storck moved that the Board approve:

- Rezoning Application RZ 2021-MV-008, and its associated Conceptual Development Plan, subject to the proffers dated February 17, 2022
- Parking Reduction Request #3058-PKS-001 pursuant to Paragraph 5 of Section 11-102 of the Zoning Ordinance based on the proximity of the development to mass-transit facilities, and subject to the conditions dated November 8, 2021, as contained in Appendix 14 of the Staff Report
- Waivers and modifications contained in the handout dated February 22, 2022, which will be made part of the record, and are as follows:
 - Modification of Paragraph 2 of Section 6-407 of the Zoning Ordinance to permit the privacy yard for each single family attached dwelling units to measure less than the required 200 square feet
 - Modification of Paragraph 2 of Section 2-506 of the Zoning Ordinance to permit a parapet wall, cornice or similar projection to exceed the established height limit above the roof level of any building within a zoning district by 13-feet, 7-inches feet instead of the permitted three feet
 - Modification of Paragraph 3.A of Section 11-203 of the Zoning Ordinance to allow for a reduced number of loading spaces in favor of that shown on the CDP/FDP
 - Modification of Paragraph 1 of Section 13-202 of the Zoning Ordinance that requires interior parking lot landscaping on the rooftop of the multifamily building parking structure to that shown on the CDP/FDP
 - Modification of Paragraph 5 of Section 13-305 of the Zoning Ordinance requiring transitional screening adjacent to existing single-family detached dwelling units to that shown on the CDP/FDP

- Modification of Paragraph 4 of Section 11-202 of the Zoning Ordinance to permit a loading space or berth to be located closer than 40 feet to the nearest intersection to that shown on the CDP/FDP

Chairman McKay and Supervisor Lusk jointly seconded the motion. Following discussion regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Palchik being absent.

48. **A-10 – CONSIDERATION OF APPROVAL OF THE ECONOMIC INCENTIVE PROGRAM (EIP) APPLICATION OF LMC ALEXANDRIA CROSSING HOLDINGS, LLC (MOUNT VERNON DISTRICT)** (5:35 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action regarding this item. See Clerk’s Summary Item #37.)

Supervisor Storck moved that the Board concur in the recommendation of staff and approve the application by LMC Alexandria Crossing Holdings, LLC for eligibility in the EIP. Chairman McKay, Supervisor Smith, and Supervisor Lusk jointly seconded the motion and it carried by a vote of nine, Supervisor Palchik being absent.

49. **3:30 P.M. – PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA (COUNTY CODE), CHAPTER 119 (GRASS OR LAWN AREA) TO ESTABLISH REGULATIONS ON RUNNING BAMBOO AND TO ADD A NEW ARTICLE 4 TO ESTABLISH CIVIL PENALTIES** (5:36 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 February 4 and February 11, 2022.

Jack Weyant, Director, Department of Code Compliance (DCC), presented the staff report.

Discussion ensued, with input from Mr. Weyant and Ms. Sarah Silverman, Assistant County Attorney, regarding:

- Enforcement policy
- Process to identify the responsible party through the complaint system

- Timeline to correct the violation
- Fines – Fiscal impact and financial implications
- Process for enforcement on State owned property
- Mowing options versus barriers and trenching to contain the spread
- Types of bamboos and what is being considered
- Staff preparation of an information flyer to educate the community on how to control and maintain running bamboo
- The need to engage Master Gardeners in the community

Following the public hearing, which included testimony by eight speakers, Mr. Weyant presented the staff recommendations.

Discussion ensued, with input from Mr. Weyant, regarding:

- The fine structure
- Additional discussion needed to revise the language in the ordinance
- Ways to mitigate the spread of running bamboo
- The process for issuing the notice of violation

Following additional discussion, with input from Bryan Hill, County Executive, regarding upcoming Board meetings, Supervisor Storck moved to defer decision on the proposed amendments to the Code of the County of Fairfax, Chapter 119, until **March 22, 2022, at 3:30 p.m.** Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik being absent.

50. **4 P.M. – PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT TO CHAPTER 112.1 REGARDING MINOR AND EDITORIAL REVISIONS** (6:52 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 February 4 and February 11, 2022.

Carmen Bishop, Assistant Zoning Administrator, Department of Planning and Development, presented the staff report.

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

Supervisor Smith moved that the:

- Board adopt the Zoning Ordinance Amendment to Chapter 112.1 for Minor and Editorial Revisions as set forth in the Staff Report dated December 7, 2021, including the following additional changes:
 - (1) Under item #4 of the proposed text, replace “granted” with “issued” in new subsection 2105.7.C, to read: “A Nonresidential Use Permit for a secondary use may not be issued until a Nonresidential Use Permit for the continuing care facility has been approved.”
 - (2) Under item #15 of the proposed text, add “for a fee” to the proposed last sentence of subsection 4102.7.J(1), to read: “The keeping, for a fee, of more than four companion animals not owned by the resident is a kennel or animal shelter.”
- The amendment become effective at 12:01 a.m., the day following adoption

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Palchik being absent.

51. **4 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF LITTLE RIVER TURNPIKE WALKWAY (WESTBOUND) FROM HIGH PLACE TO PINCREST PARKWY (MASON DISTRICT)** (7:03 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of February 4 and February 11, 2022.

Clyde Monahan, Jr., Senior Right-of-Way Agent, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of the Little River Turnpike Walkway (Westbound) from High Place to Pinecrest Parkway, in Project 5G25-060-043, Pedestrian Improvements – 2014, in Fund 30050, Transportation Improvements. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik being absent.

52. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:07 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of February 4 and February 11, 2022.

Chairman McKay announced the rules associated with public comment: The Board will hear public comment on any issue, except issues under litigation; issues that have been scheduled for public hearing before the Board; personnel matters and/or comments regarding specific individuals. Speakers must register in advance, and each speaker is given three minutes for his or her remarks. A maximum of ten speakers may address the Board during any public comment period and speakers may address the Board once during a six-month period.

Public comment was held and included the following individuals:

- Jenee Lindner – Regarding Confederate Name Task Force
- Geoff Hoppe – Regarding Nonverbal Learning Disability and Intersectionality in Fairfax County
- Blake Myers – Regarding Confederate Names Task Force Recommendations Report
- Roger Yackel – Regarding Data Center Development

53. **BOARD ADJOURNMENT** (7:22 p.m.)

At 7:22 p.m., the Board adjourned.