



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
January 26, 2021**

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EBE:ebe

A regular meeting of the Board of Supervisors was called to order at 2:01 p.m. and was conducted wholly electronically using Fairfax County's videoconferencing system because the COVID-19 pandemic made it unsafe to physically assemble a quorum in one location or to have the public present. The meeting was accessible to the public through live broadcast on Channel 16, live video stream, and live audio. Chairman McKay presided over the meeting and participated with Supervisor Penelope A. Gross, Mason District, at the Government Center and the following Supervisors participated remotely from their respective District Offices:

- Supervisor Walter L. Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney L. Lusk, Lee District
- Supervisor Dalia A. Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James R. 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; Ekuwa Brew-Ewool, Emily Armstrong and Kecia Kendall, Deputy Clerks, Department of Clerk Services.

BOARD MATTERS

1. **ORDERS OF THE DAY** (2:01 p.m.)

Chairman McKay stated that the Board is again meeting virtually. The ability to do this is permitted by the ongoing state and local declarations of emergency due to COVID-19, the continuity in government ordinance on April 14, 2020 and the 2020 budget amendments that were approved by the Virginia General Assembly on April 22, 2020. Speakers were made aware of their continuing options to provide phone or video testimony.

He stated that because most members of the Board are participating in the meeting from his or her respective Board office, it must be verified that a quorum of Members is participating and that each Member's voice is clear, audible, and at an appropriate volume for all of the other Members. Therefore, Chairman McKay conducted a roll call and asked each Member to confirm that they could hear each other's voices.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board certify for the record that each Member's voice may be adequately heard by each other member of this Board. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Chairman McKay moved that the Board certify that the State of Emergency caused by the COVID-19 outbreak makes it unsafe for speakers, staff, applicants, and the public to attend this meeting in person, and that as such, an in-person meeting cannot be implemented safely or practically. As a result, Chairman McKay further moved that the Board conduct this meeting electronically through a dedicated video conference line, and that the public may access this meeting via simultaneous telecast on Channel 16, or video streaming, or hear a live audio feed of the meeting by dialing 703-324-5300, and the public may participate in public hearings by established phone lines, YouTube submissions, or through written testimony. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Chairman McKay further moved that the Board certify that all matters on the agenda today concern the emergency, and/or are necessary for continuity in Fairfax County government under the Ordinance adopted by the Board on April 14, 2020, and/or are statutorily required or necessary to continue operations and the discharge of this Board's lawful purposes, duties, and responsibilities. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

2. **MOMENT OF SILENCE** (2:06 p.m.)

Chairman McKay stated that:

- COVID-19 is affecting the whole community, from children to small businesses, to those who are ill with the virus. He asked to keep everyone in Fairfax, and around the world, in thoughts and prayers during this difficult time
- The Fairfax County flag continues to fly at half-staff at all County facilities in honor of the residents who have died from COVID-19 and in recognition of the many essential workers who are responding to the pandemic

The Board asked everyone to keep in thoughts the family and friends of the following people who are ill or recently passed away:

- Deputy Sergeant Butch Cameron, who was a 16-year veteran with the Sheriff's Department, and recently passed away
- Tammy Johnson, who was an employee in the Commonwealth Attorney's Office, and recently passed away
- Captain Brian Sicknick, who was a United States Capitol Police Officer and a Fairfax County Resident, and recently passed away
- Officer Howard Liebengood, who was a United States Capitol Police Officer and a Fairfax County Resident, and recently passed away
- Richard Sargent, who was an active park volunteer in the Lee District and recently passed away
- Mary Connolly, who was the mother of Congressman Gerald Connolly and a nurse of more than 45 years, and recently passed away
- John Franklin, who was the father of Sully District Supervisor Kathy Smith, and recently passed away
- Mary Kathryn Storck, who was Mount Vernon District Supervisor Storck's mother, and recently passed away

- Ann Kahn, who was a former Fairfax County School Board Member and was the first person from Virginia to serve as the President of the National Parent Teacher Association, and recently passed away
- Gertrude Hebron, who was mother of Carroll Hebron from the Lee District, and recently passed away
- Marlene Taylor Pride, who was mother of Kelly Pride Hebron, Lee District Representative on the Small Business Commission, and recently passed away
- Robert Mannion, who was former Fairfax City Councilmember Daniel Drummond's father-in-law, and recently passed away
- Joseph Stowers, who was the Chairman of Reston Planning and Zoning and was a longtime volunteer in the County, and recently passed away
- Tianja Grant, who has been active in the Providence District and with Fairfax County Public Schools, and who is currently battling cancer.
- Mary Dotson, who has been active in the community, including being a community gardener, and is the wife of Richard Dotson, the Providence District Representative to the Fairfax County Water Authority, and who is currently battling cancer

AGENDA ITEMS

3. **RESOLUTION OF RECOGNITION PRESENTED TO FAIRFAX COUNTY CHIEF OF POLICE EDWIN C. ROESSLER, JR.** (2:21 p.m.)

Chairman McKay relinquished the Chair to Vice Chairman Gross and moved approval of the Resolution of Recognition presented to Fairfax County Chief of Police Edwin C. Roessler, Jr. for his many years of service to Fairfax County. Vice Chairman Gross seconded the motion. Following discussion between the Board recognizing his many contributions to the County, the question was called on the motion and it carried by unanimous vote.

Vice Chairman Gross returned the gavel to Chairman McKay.

4. **2 P.M. – REPORT ON GENERAL ASSEMBLY (GA) ACTIVITIES** (2:47 p.m.)

Supervisor Walkinshaw, Chairman of the Legislative Committee, noted that the Committee last met on January 22, 2021, and referred the Board to the updated Committee report, which had been distributed to the Board.

Supervisor Walkinshaw presented the report on GA activities, noting the following:

- As of January 24, 2021, 1,179 bills and resolutions had been introduced in the 2021 GA – many of which were discussed at the Legislative Committee meeting. The Committee’s positions on specific bills are outlined in the memo and tracking chart included in the Committee’s report
- A key area of focus this session will be amendments to the 2020-2022 biennium budget, which continues to advocate for increased K-12 funding, as well as increased funding for the Fairfax-Falls Church Community Services Board and public safety, among others. The Board will get updates from staff as the budget process progresses
- A wide variety of bills have been introduced this session, including numerous bills that would affect County services and operations, or affect the County’s land use authority. The GA also continues to consider legislation to address the ongoing COVID-19 pandemic. Staff will continue to provide updates on these key issues throughout the legislative process
- The Legislative Committee received the following status updates on the Board’s county initiatives this year:
 1. The Bill which would increase the number of members on the Fairfax County Economic Development Authority (EDA) board from seven to nine, passed the House and now awaits consideration in the Senate Local Government Committee.
 2. The Bill which would allow ordinances adopted to assure continuity in government to remain in effect for up to twelve months following a disaster, passed the Senate and now awaits consideration in the House.
 3. The Bill which would update and modernize the state’s funding formula for Commonwealth’s Attorneys’ offices to reflect the goal of improving the criminal justice system and policing, was heard yesterday in the Senate Judiciary Committee. The committee had a very productive

discussion, and the bill was re-referred to the Senate Finance Committee.

4. The Bill which would provide localities with the authority to establish green banks, which is currently awaiting its first hearing in a House Counties, Cities, and Towns subcommittee later this week.

 - The Committee reviewed a number of transportation bills as well as bills relating to absentee voting and elections, electronic meetings, procurement, the environment, and health and human services. Legislative staff will continue to keep the Board updated on these issues throughout the legislative process

Supervisor Walkinshaw noted that the next meeting of the Legislative Committee will be held virtually on January 29, 2021, at 4:00 p.m.

Supervisor Walkinshaw moved adoption of Legislative Committee Report Number One. Chairman McKay seconded the motion and it carried by a vote of nine, with Supervisor Herrity voting “NAY.”

5. **2:00 P.M. – BOARD ORGANIZATION AND APPOINTMENTS TO VARIOUS REGIONAL AND INTERNAL BOARDS AND COMMITTEES**
(2:53 p.m.)

Chairman McKay announced that the list of Appointments for Board Members to Various Interjurisdictional Committees and Inter-/Intra-Governmental Boards and Committees for Calendar Year 2021 had been previously distributed to the Board.

Supervisor Smith moved the re-appointment of Supervisor Gross as Vice-Chairman of the Board. Chairman McKay seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

Daniel Storck, Chairman
Jeffrey McKay
Penelope Gross
Rodney Lusk

ARLINGTON

Penelope Gross, Chairman
Jeffrey McKay

John Foust
Dalia Palchik

DISTRICT OF COLUMBIA

Jeffrey McKay, Chairman
James Walkinshaw
Dalia Palchik
Daniel Storck

FAIRFAX CITY

James Walkinshaw, Chairman
Jeffrey McKay
Dalia Palchik

FALLS CHURCH

Penelope Gross, Chairman
Jeffrey McKay
John Foust
Dalia Palchik

FORT BELVOIR (Board of Advisors/Base Realignment and Closure)

Jeffrey McKay
Patrick Herrity
Rodney Lusk
Daniel Storck

HERNDON

John Foust, Chairman
Jeffrey McKay
Walter Alcorn

LOUDOUN COUNTY

Kathy Smith, Chairman
Jeffrey McKay
John Foust
Walter Alcorn

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)
Kathy Smith, Chairman
Jeffrey McKay
Patrick Herrity
Daniel Storck

VIENNA

Walter Alcorn, Chairman

Jeffrey McKay
John Foust
Dalia Palchik

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

Dalia Palchik

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG)

COG BOARD OF DIRECTORS

Jeffrey McKay, Principal
Rodney Lusk, Principal
Penelope Gross, Principal
James Walkinshaw, Alternate
Daniel Storck, Alternate
Walter Alcorn, Alternate

COG METROPOLITAN WASHINGTON AIR QUALITY COMMITTEE

Daniel Storck, Principal
Penelope Gross, Principal
James Walkinshaw, Principal
Kambiz Agazi (staff), Alternate (for any member)

COG CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE

Penelope Gross, Principal
Daniel Storck, Principal

COG CLIMATE, ENERGY AND ENVIRONMENTAL POLICY COMMITTEE

Penelope Gross, Principal
Kambiz Agazi (staff), Principal

COG EMERGENCY PREPAREDNESS COUNCIL

Rodney Lusk, Principal

COG HUMAN SERVICES AND PUBLIC SAFETY COMMITTEE

Penelope Gross
Rodney Lusk

COG REGION FORWARD COMMITTEE

Jeffrey McKay, Principal
Penelope Gross, Principal
James Walkinshaw, Principal

COG TASK FORCE ON REGIONAL WATER SUPPLY ISSUES

Penelope Gross

COG NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD

Walter Alcorn, Principal
James Walkinshaw, Principal
Jeffrey McKay, Alternate
Rodney Lusk, Alternate

GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY BOARD

James Walkinshaw
Patrick Herrity
Jim Zook (Chairman's designee)

INOVA HEALTH CARE SERVICES BOARD

James Walkinshaw

INOVA HEALTH SYSTEMS BOARD

Penelope Gross

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Patrick Herrity
James Walkinshaw
Penelope Gross
Dalia Palchik
Walter Alcorn
Rodney Lusk
Kathy Smith

NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)

(including WMATA and VRE Representatives)

Walter Alcorn, Principal, VRE Operation; Alternate, WMATA
James Walkinshaw, Principal VRE Operation
John Foust
Dalia Palchik
Jeffrey McKay; Alternate, VRE
Daniel Storck, Alternate; Principal, VRE Operation

**PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Jeffrey McKay
John Foust
Walter Alcorn
Dalia Palchik

**PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Jeffrey McKay
John Foust
Walter Alcorn
Kathy Smith

POTOMAC WATERSHED ROUNDTABLE

Penelope Gross
Randy Bartlett, Alternate

**ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Jeffrey McKay
John Foust
Walter Alcorn
Kathy Smith

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

(Recommendations. The Board of Supervisors makes recommendations to VACo for consideration.)

Jeffrey McKay
Penelope Gross
Kathy Smith
James Walkinshaw
Rodney Lusk
Daniel Storck

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
(WMATA)**

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

Walter Alcorn, Alternate

INTRAGOVERNMENTAL AND OTHER COMMITTEES

AUDIT COMMITTEE

Daniel Storck, Chairman
Dalia Palchik, Vice-Chairman

Rodney Lusk
Patrick Herrity

BUDGET POLICY COMMITTEE

(Committee of the Whole)
Jeffrey McKay, Chairman
John Foust, Vice-Chairman
Kathy Smith, 2nd Vice-Chairman

ECONOMIC ADVISORY COMMISSION

(Committee of the Whole)
John Foust, Chairman
Daniel Storck, Vice-Chairman

ECONOMIC INITIATIVES COMMITTEE

(Committee of the Whole)
John Foust, Chairman
Daniel Storck, Vice-Chairman

ENVIRONMENTAL COMMITTEE

(Committee of the Whole)
Daniel Storck, Chairman
Penelope Gross, Vice-Chairman

HEALTH AND HUMAN SERVICES COMMITTEE

(Committee of the Whole)
Dalia Palchik, Chairman
John Foust, Vice-Chairman

HOUSING COMMITTEE

(Committee of the Whole)
John Foust, Chairman
Dalia Palchik, Vice-Chairman

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)
Walter Alcorn, Chairman
Patrick Herrity, Vice-Chairman

JOINT ENVIRONMENTAL TASK FORCE

Daniel Storck
Penelope Gross

LAND USE POLICY COMMITTEE

(Committee of the Whole)
Kathy Smith, Chairman

Walter Alcorn, Vice-Chairman

LEGISLATIVE COMMITTEE

(Committee of the Whole)

James Walkinshaw, Chairman

Jeffrey McKay, Vice-Chairman

OLDER ADULTS COMMITTEE

(Committee of the Whole)

Patrick Herrity, Chairman

James Walkinshaw, Vice-Chairman

PERSONNEL AND REORGANIZATION COMMITTEE

(Committee of the Whole)

Penelope Gross, Chairman

Rodney Lusk, Vice-Chairman

PUBLIC SAFETY COMMITTEE

(Committee of the Whole)

Rodney Lusk, Chairman

James Walkinshaw, Vice-Chairman

SUCCESSFUL CHILDREN AND YOUTH POLICY TEAM

Dalia Palchik

Rodney Lusk

TRANSPORTATION COMMITTEE

(Committee of the Whole)

Walter Alcorn, Chairman

Kathy Smith, Vice-Chairman

6. **2:00 P.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (2:09 p.m.)

(APPTS)

(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard January 26, 2021.” Chairman McKay seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Reappointment of:

- Ms. Jane Gwinn as the Braddock District Representative

- Mr. Michael Coyle as the Sully District Representative

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointments of the Engineer/Architect/Planner #2 and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

Reappointment of:

- Mr. Robert R. Meier as the Mount Vernon District Representative
- Mr. Michael F. Rioux as the Mount Vernon District Business Representative
- Mr. Mark G. Searle as the Sully Business District Representative

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

Reappointment of:

- Mr. Richard O. Bolger as the At-Large #5 Representative

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

ATHLETIC COUNCIL

Appointment of:

- Ms. Kelly Ego-Osuala as the Providence District Alternate Representative

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointment of the Design Professional #1 Representative.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

Reappointment of:

- Mr. Asim Elfaki as the At-Large #1 Representative

Appointment of:

- Ms. Constance M. Hylton as the Professional #6 Representative

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

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

The Board deferred the appointments of the At-Large #1 and #2 Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #9 Representative.

COMMISSION ON AGING

The Board deferred the appointment of the Mason District Representative.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #5 Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

The Board deferred the appointments of the At-Large #1, #2, and #3 Representatives.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

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

ECONOMIC ADVISORY COMMISSION

Reappointment of:

- Ms. Sharon O. Steele as the At-Large Chairman's #1 Representative
- Mr. Mohammad Siddique Sheikh as the At-Large Chairman's #3 Representative

Appointment of:

- Mr. Clifford Yee as the At-Large Chairman's #2 Representative
- Mr. T. J. Radtke as the Hunter Mill District Representative

The Board deferred the appointments of the At-Large Chairman's #4 Land Use, At-Large #11, #12, Lee, and Mason District Representatives.

Confirmation of:

- Honorable Edythe F. Kelleher as the At-Large #3 Representative
- Mr. Mark S. Ingrao as the At-Large #4 Representative
- Ms. Linda Sullivan as the At-Large #5 Representative
- Mr. Sean Mallon as the At-Large #6 Representative
- Mr. David Baker as the At-Large #7 Representative
- Mr. James Quigley as the At-Large #8 Representative
- Mr. Anthony Chang as the At-Large #9 Representative
- Mr. Phillip A. Niedzielski-Eichner as the At-Large #10 Representative

- Mr. Sol Glasner as the At-Large #13 Representative
- Ms. Niki L. Zimmerman as the At-Large #14 Representative
- Mr. William M. Drohan as the At-Large #15 Representative
- Mr. Evan Kaufman as the At-Large #16 Representative
- Mr. Tom Weithman as the Center for Innovative Technology Representative
- Mr. Mark Carrier as the Fairfax County Convention & Visitors Corporation Board of Directors Representative
- Ms. Angelica Delboy as the Northern Virginia Association of Realtors Representative
- Ms. Sheila K. Dixon as the Northern Virginia Black Chamber of Commerce Representative
- Mr. Brian Winterhalter as the Northern Virginia Building Industry Representative
- Mr. Kevin Reynolds as the Northern Virginia Chamber of Commerce #1 Representative
- Ms. Luanne S. Gutermuth as the Northern Virginia Chamber of Commerce #2 Representative
- Mr. Todd Rowley as the Northern Virginia Chamber of Commerce #3 Representative
- Ms. Kelly Pride Hebron as the Small Business Commission Representative
- Ms. Carol Welti as the Washington Airports Task Force Representative

ENGINEERING STANDARDS REVIEW COMMITTEE

Confirmation of:

- Mr. Paul B. Johnson as the Northern Virginia Building Industry Association Representative

- Mr. Theodore D. Britt as the Northern Virginia Regional Council of Professional Engineers
- Ned A. Poffenberger as the Federation of Citizens Associations Representative
- Dr. Robert L Norwood as the Citizen #1 Representative

The Board deferred the appointment of the Citizen #4 Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the Hunter Mill, Mason, and Providence District Representatives.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Debi Alexander as the Long Term Care Providers #18 Representative
- Dr. Eileen McCartin as a Long Term Providers #32 Representative
- Mr. Myles Nienstadt as a Community/Religious Leaders #10 Representative

HEALTH CARE ADVISORY BOARD

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

HEALTH SYSTEMS AGENCY BOARD

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

HISTORY COMMISSION

The Board deferred the appointments of the Citizen #4, Historian #1, and #3 Representatives.

HUMAN SERVICES COUNCIL

Appointment of:

- Mr. Paul D. Thomas as the Hunter Mill District #1 Representative

INDUSTRIAL DEVELOPMENT AUTHORITY

Appointment of:

- Mr. Garrison Cole as the At-Large #7 Representative

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

Confirmation of:

- Mr. John Hanks as the Federation of Citizens Associations Representative
- Captain Matthew C. Ragan as the Northern Virginia Chamber of Commerce Representative

The Board deferred the appointment of the Braddock District Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Reappointment of:

- Ms. Ashley Elizabeth Shuler as the Braddock District Representative
- Ms. Joleane Dutzman as the Mount Vernon District Representative

The Board deferred the appointments of the At-Large Chairman's, Hunter Mill, and Sully District Representatives.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

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

POLICE CIVILIAN REVIEW PANEL

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

REDEVELOPMENT AND HOUSING AUTHORITY

Appointment of:

- Mr. Nicholas A. McCoy as the Lee District Representative

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointments of the Residential Owners and HOA/Civic Association #1, #2, and #3 Representatives.

ROAD VIEWERS BOARD

The Board deferred the appointments of the At-Large #3, #4, and #5 Representatives.

SMALL BUSINESS COMMISSION

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Appointment of:

- Mr. Amer Bayoumi as the Fairfax County #9 (Youth) Representative

TENANT LANDLORD COMMISSION

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

TRESPASS TOWING ADVISORY BOARD

Reappointment of:

- Mr. Fred Scheler as the Towing #1 Representative

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Confirmation of:

- Mr. Evan Pritchard as the Tysons Partnership #1 Representative
- Mr. David Gelfond as the Tysons Partnership #2 Representative

The Board deferred the appointment of the Adjacent Community Member #1 Representative and the Commercial or Retail Ownership #3 Representative.

WATER AUTHORITY

The Board deferred the appointment of the Dranesville District Representative.

WETLANDS BOARD

Appointment of:

- Mr. Bert Cramer as the Mount Vernon District #2 Representative

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

COUNCIL TO END DOMESTIC VIOLENCE (CEDV)

Confirmation of:

- Supervisor Dalia A. Palchik as the Board of Supervisors Representative

DMS:dms

BOARD MATTERS

7. **ADOPTION OF TRUST POLICY** (2:54 p.m.)

Chairman McKay state that last year, this Board directed staff to begin drafting a countywide policy to formally establish clear guidelines about information sharing and accepted documentation for residents interacting with all our agencies.

This work was meant to complement the recently signed General Order that enhanced the Fairfax County Police Department's longstanding restrictions on involvement in civil immigration cases and established clear guidelines for police contact with immigrant communities.

While there are no known instances of General County employees voluntarily sharing information about a resident's immigration status, such policies are no doubt critical steps forward in building community trust and transparency. They also help quell fear in our community and ensure everyone feels comfortable getting the assistance they need from local government. This is especially important now as we battle a public health pandemic that impacts everyone in the County and protect against inadvertent data sharing.

After much work and review by the Office of the County Attorney, Department of Human Resources, Police Department, and Deputy County Executive for Health and Human Services, from whose policies this was derived, the Trust Policy

(attached to his written Board Matter) has been prepared to address these concerns and, again, codify the County's longstanding practices.

Therefore, jointly with Supervisor Palchik and Supervisor Foust, Chairman McKay moved that the Board adopt the Trust Policy attached to his written Board Matter. Supervisor Foust seconded the motion.

Following discussion between the Board regarding concerns for the language used in the policy, the question was called on the motion and it carried by a vote of nine, with Supervisor Herrity voting "NAY."

8. **POLICE CIVILIAN REVIEW PANEL'S REQUEST ON COMPLAINT CRP-19-29** (3:16 p.m.)

Chairman McKay stated that late last year, the County's Police Civilian Review Panel (Panel) met virtually to review a complaint filed with an allegation of racial bias.

For the first time since the Panel's inception in 2016, members did not ultimately concur with the results of a Fairfax County Police Department investigation. Instead, a majority of members requested further work be done, to include follow up interviews with the officer's coworkers and a deeper data analysis.

The Panel's bylaws state that if a majority of members do not concur with the findings and determination of a requested investigation, they can advise the Board of this and recommend additional work. This was done in an October memo to the Board, which is attached to his written Board Matter.

Having reviewed this memo and recognizing the outstanding concerns included in it, therefore, jointly with Supervisor Lusk, Chairman McKay moved that the Board direct Chief Roessler to take further action on the Panel's requests for Complaint CRP-19-29. Supervisor Lusk seconded the motion.

Following discussion between the Board regarding attrition and examining the findings further to finalizing the report, the question was called on the motion and it carried by a vote of nine, with Supervisor Herrity voting "NAY."

9. **UPDATE ON THE VACCINATION STRATEGY** (3:25 p.m.)

Chairman McKay stated that over the past few weeks, more than 100,000 County residents have registered to receive their doses of the COVID-19 vaccine. As of last Thursday, the Health Department has administered shots to over 30,000 people, with more scheduled, and our private partners have given another 20,000-plus.

We know we have vaccinated more people than any other Health District in Virginia, but people are still very frustrated and most don't understand the daily challenges we face.

Unfortunately, we can only administer as many vaccines as we have on hand from the state and federal government. Knowing this challenge and recognizing the recent changes in the way the state calculates vaccine distribution, I have spoken to state officials repeatedly about increasing our supply as well as sent a letter to the Governor on January 20, 2021, which was also shared with the Board. At this time, I think it is important for this Board to hear about our overall strategy to vaccinate all those who wish to receive it as they become eligible.

Therefore, Chairman McKay asked unanimous consent that the Board direct the appropriate staff from the Health Department to come before our Board at our February 9, 2021 meeting, or during a Board committee slot if one becomes available beforehand, to provide a one-hour update about its vaccination strategy. Without objection, it was so ordered.

10. **LETTER OF SUPPORT FOR AMERICAN RESCUE PLAN** (3:33 p.m.)

Chairman McKay stated that the impacts of the COVID-19 pandemic have been far reaching – touching health, the economy, and our everyday lives. Ahead of Inauguration Day, President Biden announced his \$1.9 trillion American Rescue Plan that works towards three overarching goals:

- Mounting a national vaccination program, containing COVID-19, and safely reopening schools
- Delivering immediate relief to working families bearing the brunt of this Crisis
- Supporting communities that are struggling in the wake of COVID-19

It has almost been a year since COVID-19 began and Fairfax County residents have not seen significant federal government aid since the CARES Act. If we are serious about overcoming the disparities resulting from the virus we need to act definitively. In addition, this bill includes direct aid to local governments, a glaring omission from the last stimulus bill. This is a marathon, not a sprint, and we will need continued federal assistance.

Therefore, jointly with Supervisor Walkinshaw, Chairman McKay moved that the Board direct the office of Government Relations draft a letter for our Congressional delegation showing the Board's support for President Biden's proposed American Rescue Plan. Supervisor Gross seconded the motion.

Supervisor Herrity requested that the local funding piece be included.

This was not accepted by Chairman McKay.

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

11. **EXTENSION OF TAX RELIEF DEADLINES** (3:36 p.m.)

Chairman McKay stated that in an effort to ease the economic burdens caused by COVID-19, Fairfax County has implemented varying strategies such as extending tax deadlines and designing an economic framework to solve the problems of long-term recovery.

The County's tax relief program provides additional aid to seniors above the age of 65 and those who are permanently and totally disabled. These are groups that often have fixed incomes. To provide more relief opportunities, we are extending real estate and vehicle tax relief to provide more time for residents to apply. Qualified taxpayers may also be eligible for tax relief for renters.

Returning applicants must file between January 1, 2021 and May 3, 2021. Some exceptions may be available if applications are filed late due to a hardship which prevented the application from being filed on time. You can find more information at fairfaxcounty.gov/taxes.

Therefore, Chairman McKay moved that the Board direct the Office of Public Affairs to publicize this information on its Countywide platforms. Supervisor Gross seconded the motion and it carried by unanimous vote.

12. **DISPOSAL OF PERSONAL PROTECTIVE EQUIPMENT (PPE)** (3:38 p.m.)

Chairman McKay state that it has been reassuring to see so many of our neighbors and County residents wearing masks in public to help reduce the spread of COVID-19. I'm proud of our residents and the way they have persevered through these difficult times.

An unintended consequence of the diligent use of Personal Protective Equipment (PPE), however, is that many have witnessed an abundance of discarded masks in parking lots, streets, and neighborhoods.

While practicing responsible wearing of PPE is still critical, it is necessary to consider the environmental impacts of the increased litter.

Therefore, Chairman McKay moved that the Board direct staff to explore a possible disposal program and/or a public information campaign that helps residents understand the importance of proper PPE disposal. Chairman McKay further moved that the Board direct staff to research potential innovations or recycling methods of PPE, that may be worth reviewing. Supervisor Gross seconded the motion and it carried by unanimous vote.

13. **REQUEST FOR RECOGNITION OF KIRK KINCANNON, EXECUTIVE DIRECTOR, FAIRFAX COUNTY PARK AUTHORITY (FCPA)** (3:39 p.m.)

Chairman McKay stated that on December 4, 2020, Kirk Kincannon announced his retirement, effective February 2021. Mr. Kincannon has over four decades of national parks and recreation experience, including 17+ years with the FCPA, service to the City of Alexandria, Wythe County, Virginia, and Boulder, Colorado.

To name just a few of Mr. Kincannon's accomplishments: FCPA was reaccredited by the Commission for Park and Recreation Agencies, meeting all 151 national standards; adopted the Park's first agencywide Master Plan; adopted and implemented the One Fairfax ethos to create a more equitable park service; earned the agency's fourth Gold Medal from the National Recreation and Park Association; and acquired new parkland reaching nearly 24,000 acres systemwide. Let's also not forget Mr. Kincannon's willingness to serve as acting County Executive prior to the hiring of Mr. Hill.

Under his tenure, Fairfax County Parks continued to provide exceptional services, but they also became more accessible to the community at large. Although we all understand the desire to spend more time with family, Kirk, you will be missed. I look forward to working with your successor and the Park Authority Board to build on your efforts.

Therefore, Chairman McKay moved that the Board direct staff to prepare a proclamation recognizing Kirk Kincannon for his retirement and thanking him for his years of service to be presented at a future Board meeting when it is appropriate to do so. Supervisor Gross seconded the motion and it carried by unanimous vote.

14. **RECOGNITION OF THE ENVIRONMENTAL EXCELLENCE AWARD WINNERS** (3:40 p.m.)

Chairman McKay stated that each year, the Fairfax County Environmental Excellence Awards honor individual residents, organizations or businesses, and County employees who advance or support the County's environmental goals and policies. The honorees dedicate personal time and expertise beyond their normal civic, fiscal, or professional responsibilities and they consistently demonstrate leadership as role models for others.

In 2020, five awardees were named by the Environmental Quality Advisory Council on behalf of the Board of Supervisors. Together, these honorees have devoted countless hours to the improvement of the natural environment in the County through public advocacy, volunteerism, the implementation of programs and sustainability strategies, and mentorship.

Due to the onset of the coronavirus pandemic last year, we were unable to gather to celebrate our honorees, as we typically do each fall. Therefore, today, we would

like to recognize the five winners of the 2020 Fairfax County Environmental Excellence Awards.

The Individual County Resident category included three winners. They are:

- Sara Holtz, who is an active volunteer with several prominent environmental organizations in Fairfax County and who dedicates over 1,000 hours each year to local causes and organizations
- Delegate Mark Keam, who represents Virginia's 35th House District and has been a staunch advocate on behalf of renewable energy and environmental justice
- Meghan Walker, who has served the community for well over a decade in her numerous positions with the Friends of Lake Accotink Park, including as President

The winner of the Business category is Freddie Mac, whose accomplishments include the development of mortgage products to incentivize the greening of buildings and the avoidance of significant waste and transportation emissions.

The winner of the County Employee category is Vickie Anglin, who volunteered to lead a team focusing on health and the environment as part of development of the County Strategic Plan.

We are very fortunate to have these leaders working in our community. Their efforts ensure that county residents and visitors can continue to enjoy a healthy, safe, vibrant, and beautiful natural environment for years to come.

Therefore, jointly Supervisor Storck, Chairman McKay moved that the Board direct the Office of Environmental and Energy Coordination to recognize and publicize the winners. Supervisor Storck seconded the motion and it carried by unanimous vote.

15. **COMMITTEE MEETING MATERIALS DEADLINES** (3:43 p.m.)

Chairman McKay stated that there is no doubt that Fairfax County has some of the best employees, not only regionally but across the country. I know I speak for all of us when I again thank them for their hard work and attention to detail on behalf of the residents we serve.

Sometimes, however, because of the ever-changing nature of our jobs and the pandemic we now face, information to the Board and the public can be delayed in advance of our Committee meetings. I know this is not the intention, but rather a desire to get the latest information included for our discussion.

That said, I believe it's important to allow the Board and the public time in advance to review Committee materials and formulate questions and requests. We know updates may be needed. However, we all realize the importance of transparency and good governance, and we know that we must set a concrete time for our offices and the public to know when presentable material will be available.

Therefore, Chairman McKay moved that the Board direct all staff to post the Board's Committee materials, to include presentations, no later than noon on the Friday before the scheduled meeting. This motion should include all Board Committees, with the exception of the Legislative Committee only during our special Friday meetings when the General Assembly is in session. Chairman McKay further moved that the Board direct the County Executive to work with the Clerk for the Board to send a memo announcing this deadline to all department heads. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

16. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(3:46 p.m.)

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

17. **REQUEST FOR RECOGNITION OF SHARON STARK** (3:47 p.m.)

Supervisor Walkinshaw stated that Congressman Gerald E. Connolly's District Director Sharon Stark is retiring after more than a decade of dedicated and faithful service to our community. Sharon's impressive career featured her rise to Vice President of Operations of a local bank by age 29, followed by serving as Vice President of a Top 25 title company for residential and commercial real estate.

Sharon has managed Congressman Connolly's district offices since 2009, where she established for the office a stellar reputation for constituent services and community engagement. During the financial crisis that began in 2008, Sharon used her knowledge of the mortgage industry to fight for those facing foreclosure, utility shutoffs, or housing insecurity. She went toe-to-toe with the banks and gave people hope where they saw none, even taking the fight to the courthouse steps to prevent foreclosures. Sharon's work literally saved people's homes and saved their families from the devastation of foreclosure.

Sharon and her team have helped 11th District constituents obtain the benefits owed to them through agencies such as the IRS, the Social Security Administration, and the Veterans Administration, amounting to nearly \$20 million in one-time or retroactive benefits plus \$9 million per year in recurring benefits over the past 9 years.

Sharon has been a fixture at countless events that she helped organize for 11th District constituents. She established an Open Season event to educate thousands of federal

employees, veterans, and others on their health plan options, she led and grew the annual 11th District Congressional Art Competition, and she coordinated countless community events like town halls, roundtables, outreach booths at fairs and festivals, and more. Sharon has demonstrated her care and commitment to students who seek to serve the nation in uniform by shepherding the Military Service Academy nomination process for the 11th District, which helps nominate future military leaders to our prestigious service academies. Under Sharon's leadership, the 11th District regularly ranks in the top three districts nationally in terms of number of students accepted into the academies.

As our community was hit by the COVID-19 pandemic, Sharon once again stepped up, delaying her retirement by working tirelessly to help constituents who have faced personal tragedies and financial hardships. She has helped small businesses secure desperately needed grants and loans, helped families resolve issues with economic impact payments, and made every effort to ensure that our constituents who were stuck abroad were able to make it back to the United States safely. In 2020 alone, Sharon and Rep. Connolly's staff were able to help more than 1,800 individuals overcome personal crises directly related to the global pandemic.

Sharon Stark is the finest example of what a public servant should be. Thanks to Sharon, there are countless constituents who have their basic needs met and their quality of life intact. As the 11th Congressional District comprises parts of all nine Supervisor Districts, and I'm sure that each Supervisor's office has benefited from Sharon's service, I ask my colleagues to join me in wishing Sharon Stark a happy and well-deserved retirement.

Therefore, jointly with Chairman McKay and Supervisor Herrity, Supervisor Walkinshaw moved that the Board direct staff to prepare a certificate of appreciation for Sharon Stark, recognizing her incredible service to the County, to be presented at a future Board meeting when it is appropriate to do so. Chairman McKay and Supervisor Herrity jointly seconded the motion, which carried by unanimous vote.

18. **REQUEST TO EXPEDITE REZONING APPLICATION RZ 2020-BR-016, TRUSTEES OF ANNANDALE UNITED METHODIST CHURCH** (3:51 p.m.)

Supervisor Walkinshaw stated that the Trustees of Annandale United Methodist Church have filed a rezoning application, RZ 2020-BR-016 on approximately 1.77 acres located in the northwest quadrant of Heritage Drive and Commons Drive and identified as Tax Map Parcel 70-2 ((1)) 2. The property is currently split zoned to the C-5 and R-20 Districts and the Applicant is proposing a rezoning to the C-5 District to permit a Public Benefit Association in conjunction with an existing place of worship. The Applicant does not propose any construction or physical changes to the existing site or buildings. The rezoning application is currently being processed by the Department of Planning and Development and is scheduled for a hearing before the Planning Commission on July 21, 2021.

The Applicant proposes to operate several uses consistent with the definition of a public benefit association that will serve the surrounding community and help address significant unmet needs, which have only increased given the challenges of this past year. The Applicant will not be making changes to the site with the exception of restriping an existing travel aisle and parking spaces. Given the minor nature of the proposal and the exigent community need, the Applicant has asked for consideration of a request to expedite the date of the Planning Commission hearing, to schedule a public hearing before the Board of Supervisors, and to permit concurrent processing.

Therefore, jointly with Supervisor Gross, Supervisor Walkinshaw moved that the Board direct staff to expedite the processing of Rezoning Application RZ 2020-BR-016, including the provision of an earlier Planning Commission hearing date, the scheduling of a hearing before the Board of Supervisors, and the concurrent and simultaneous processing of a site plan, if needed, and any other drawings as may be required. This motion should not be considered as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application.

19. **ADOPTION OF A RESOLUTION ON THE FURTHERANCE OF THE JOINT CITY/COUNTY REDEVELOPMENT OF THE WILLARD CENTER AND THE SHERWOOD COMMUNITY CENTER COMPLEX**
(3:55 p.m.)

- (R) Supervisor Walkinshaw stated that in 2017, the City of Fairfax and the County began to examine the feasibility of a joint redevelopment Project at the Joseph Willard Health Center and portions of the adjacent Sherwood Community Center Complex. As you know, the Joseph Willard Health Center is owned by the County, and the Sherwood Community Center Complex is owned by the City. Both are located within the boundaries of the City.

The City and the County then entered into two letters of agreement in 2017 and 2019 to further examine the Project, and an expanded feasibility study was prepared by Lemay Erickson Willcox Architects (referred to as the “LEWA Study”). The LEWA Study analyzed the City’s and the County’s anticipated needs for the programs and services at the respective sites and developed a master plan study for the Project, which has been discussed by staff members for the City and the County.

On December 17, 2020, the Project was the subject of discussion at a City/County interjurisdictional meeting. At that time, the City of Fairfax stated its ongoing support for the Project and asked that the City and the County each adopt a resolution expressing their support for the informal Project concept, so that the next steps could begin. Supervisor Walkinshaw stated that the draft resolution is

attached to his written Board Matter, and the City Council is expected to adopt a similar measure at its meeting later today.

Therefore, jointly with Chairman McKay, Supervisor Walkinshaw moved that the Board adopt the resolution attached to his written Board Matter, indicating the Board's endorsement of the informal Project concept, its commitment to working with the City to finalize the Project scope, and its support for proceeding with the Project's next steps, all as more fully outlined in the resolution attached to his written Board Matter. Chairman McKay seconded the motion and it carried by unanimous vote.

20. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (3:57 p.m.)

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

21. **DEFERRAL OF REZONING APPLICATION RZ 2019-HM-011, SAKTHIVEL CHINNASAMY AND NANDAKUMAR SREENIVASAN** (3:57 p.m.)

Supervisor Alcorn stated that there was a public hearing in the fall for application RZ 2019-HM-011 and the decision was deferred. When the applicant decided to amend the application to request R-2 instead of R-3, a new public hearing was required and was scheduled for Jan. 26, 2021 at 4 p.m. At the applicant's request, the public hearing is being deferred to March 23, 2021 at 3:30 p.m. to allow for additional time to amend the application.

Therefore, Supervisor Alcorn moved that the Board defer action on Rezoning Application RZ 2019-HM-011 to a date certain of **March 23, 2021 at 3:30 p.m.** and direct staff to schedule and advertise a new public hearing on that date. Supervisor Foust seconded the motion and it carried by unanimous vote.

22. **RESTON'S DESIGNATION AS TOP PLACE IN U.S. TO WORK FROM HOME** (3:59 p.m.)

Supervisor Alcorn stated that Reston is one of the jewels of Fairfax County and Virginia. Restonians – and I am one – are particularly proud of our history, community engagement, green spaces, diversity, and public amenities. Therefore, it gives me great pleasure to note that Money magazine has designated Reston as number 1 in the country in its “The 10 Best Places to Live if You Work From Home” survey.

As noted in the Jan. 18, 2021 article, “Money analyzed 157,000 data points across nearly 2,000 cities and towns in the U.S. to find the best places to live if you work from home.” Consideration was given to cost of living, public safety, schools, green space, retail and other assets. Almost all homes in Reston have adequate Internet

service to support people working from home, as defined by service provider comparison site BroadbandNow.

In addition, as Reston is a planned community and has benefited from decades of investment by various Boards of Supervisors, Reston has a robust and – where not quite yet optimal – improving transportation infrastructure. And this infrastructure will be greatly enhanced with the upcoming opening of Phase 2 of the Silver Line.

Reston is a thriving employment center as well as a diverse residential community, and this combination has enabled us both to be resilient and to help our neighbors through a deep sense of community during the pandemic. The foundation of Reston put in place almost 60 years ago by the visionary Robert E. Simon, Jr. remains in place today – it is a great place to live work and play. And, of course to work from home. I am very happy that we're seeing that recognition at a national level.

Therefore, Supervisor Alcorn moved that Board direct the Office of Public Affairs to promote Reston's number one designation in Money Magazine's "The 10 Best Places to Live if You Work From Home." Chairman McKay seconded the motion and it carried by unanimous vote.

23. **REVIEW OF LIGHTING INFRASTRUCTURE** (4:02 p.m.)

Supervisor Alcorn stated that on January 28, 2020, the Board approved a joint of Supervisor Lusk and me on a pedestrian and bicycle safety initiative focusing on the ActiveFairfax planning process. As ActiveFairfax moves forward to facilitate additional opportunities for our residents to get around safely without getting into a car, bus or train, another piece of our local infrastructure also deserves additional Board attention and review – lighting.

The previous Board of Supervisors' vote in 2019 to convert all 57,000 Dominionowned/County-funded streetlights to LED technology signaled a commitment to bringing more consistency and energy efficiency to street lighting, and we are in the second year of that five-year program. Under that effort we are using full cut-off fixtures to support dark sky goals. These improvements are being implemented consistent with our lighting standards for roadways and are a big step forward for safer transportation and for public safety.

However, for various reasons lighting for other modes of transportation and located on property other than VDOT right-of-way have received less attention. We believe it is time for the Board to review lighting issues through the prism of OneFairfax – including exploring whether our lighting infrastructure meets the needs of all residents, and in all parts of Fairfax County.

Therefore, jointly with Supervisor Lusk and Supervisor Smith, Supervisor Alcorn moved that the Board direct staff to present an overview to the Board of current lighting practices, on-going challenges and potential funding needs across all

modes of transportation as a joint meeting of the Board's Transportation and Public Safety Committees. Prior to such committee meeting, we would ask that the County Executive provide a NIP (Not in Package) item to the Board on these topics. These actions are intended to facilitate a robust Board discussion on relevant lighting issues and explore whether a comprehensive lighting plan should be initiated following adoption of the ActiveFairfax Plan. Chairman McKay and Supervisor Smith jointly seconded the motion, which carried by unanimous vote.

24. **REQUEST FOR A DRIVER'S TRAINING PILOT PROGRAM** (4:06 p.m.)

Supervisor Lusk stated that thousands of our Fairfax County neighbors are differently-abled, or live with a diagnosed developmental disability, including approximately 27,000 of our FCPS students. Our county has made tremendous investments in our special education infrastructure, and has prioritized accessibility and equality through our One Fairfax commitment. As a result of those investments, many of our differently-abled neighbors are empowered to live, work and play in our community however they might choose. The ability to drive is a critical component in empowering our young people and adults with disabilities to access work experiences and live independent lives.

However, some of these residents are still limited from reaching their full potential. Over the past several months I've met with educators, advocates and parents to discuss the transportation challenges facing our differently-abled population in Fairfax County—specifically challenges associated with routine traffic stops.

Many of these residents have successfully overcome their own individual challenges to the degree that they can live an independent lifestyle, including the ability to successfully obtain a driver's license. Unfortunately, they are often held back by the uncertainty and social anxiety that many of us—regardless of our abilities—experience during routine traffic stops. Getting pulled over is part of being a driver. Our Fairfax County police officers conduct thousands of traffic stops every year, almost all without incident, and all in the pursuit of maintaining the safety of our roads and citizens.

Unfortunately, in these routine situations the unavoidable anxiety that we all feel, despite the professional conduct of our patrol officers, can be drastically amplified in individuals with social, developmental, communication, or anxiety challenges.

The fear of that amplification escalating into a situation that is dangerous for a driver, and our law enforcement officers, is what unfortunately keeps many of our differently-abled neighbors off the road, despite the fact that they are able to successfully obtain a driver's license.

In response to this challenge, my office partnered with the Fairfax County Police Department, School Board Member Rachna Sizemore Heizer, and the Arc of Northern Virginia to run a pilot program in the Lee District to create a safe training

environment to empower these drivers to achieve the equality of access that they deserve, and provide police officers additional opportunities to interact with drivers with disabilities.

In two separate public trainings we created scenarios in which residents were able to simulate the experience of a routine traffic stop in a safe and controlled environment—inside their own car, in a vacant parking lot, and with their parent or other supportive persons in the car with them.

In each instance a FCPD officer was also in the passenger seat to talk them through best practices in real time as they experienced the stops. Drivers received feedback following the stop from the officer that pulled them over, as well as a laminated card to keep in their car to refer to for best practices during a future stop.

These trainings gave the drivers, parents and advocates who participated the confidence to utilize their full independence, and alleviated the unavoidable anxiety that has kept so many of them off the road.

I also received positive feedback from the officers who participated in the pilot, sharing with me that this experience will help them to better interact with differently-abled drivers in the future.

The interest in the programing exceeded my initial expectations, with dozen of families from all across the county participating. Due to the support of our fantastic partners, as well as the professionalism and dedication of the FCPD, it was an unquestioned success.

Therefore, Supervisor Lusk moved:

- That the County Executive direct the appropriate staff to liaise with the station commanders of each FCPD station in the county to conduct a similar pilot in their districts in order to gauge the viability of such trainings; and, subject to feedback, that those trainings be conducted on a bi-annual basis. Best practices on logistics and implementation would be shared with each station from our pilot program, and such trainings could easily be incorporated into existing programing such as Sensory Day
- That the County Executive direct the appropriate staff to prepare a report to be circulated to the Board of Supervisors, as well as the School Board, for understanding the process, rules and regulations related to potentially implementing these trainings into all driver's education courses offered through FCPS

Chairman McKay and Supervisor Smith jointly seconded the motion.

Following discussion between the Board regarding staff time during the pandemic, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved to amend the motion to direct the County Executive to work with staff regarding the pilot program and report the findings to the Board.

This was accepted by Supervisor Lusk.

Following additional discussion between the Board regarding past coordination with staff, possibly extending this program to other parts of the County, and addressing the concerns raised by the Board, Supervisor Lusk moved to amend the motion to direct staff to examine the current pilot program being used in the Lee District and prepare a report to be circulated to the Board for future discussion. Chairman McKay seconded the motion, as amended, and it carried by unanimous vote.

25. **EXPEDITED ZONING REVIEW AND CONCURRENT PROCESSING FOR THE KINGSTOWNE CONSOLIDATED FACILITY** (4:20 p.m.)

Supervisor Lusk stated that the applicant, the Board of Supervisors of Fairfax County, submitted a series of concurrent applications for the construction of the Kingstowne Consolidated Facility on a site west of Beulah Street and south of Manchester Boulevard in the Franconia/Kingstowne area of Alexandria. The applications are filed on approximately 6.645 acres identified as Tax Map Parcels 091-3-((08))-8A & 8B. Parcels 8A & 8B are owned by the Board of Supervisors and are vacant. The proposal includes co-location of the Franconia Police Station, the Lee District Supervisor Office, the Franconia Museum, the Kingstowne Regional Library, the Active Adult Center, and a Child Care Center in one shared approximately 90,000 square feet facility with a separate secure police garage, and a public garage. The applicant has requested authorization to process concurrent site and building plans and permits, and zoning submission to allow this project to move forward expeditiously.

Therefore, Supervisor Lusk moved that the Board direct the Director of Land Development Services to accept concurrent and simultaneous review of site plan, architectural drawings, building permits and/or other plans and permits as may be necessary to implement the improvements proposed with these rezoning applications and schedule the public hearings for these planning and zoning actions before the Planning Commission and Board of Supervisors' on an expedited basis. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed zoning applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/or adopted standards, nor does it prejudice in any way the Board's consideration of the pending zoning applications. Chairman McKay and Supervisor Herrity jointly seconded the motion, which carried by unanimous vote.

26. **INFORMATION REGARDING COVID-19 ON THE COUNTY'S CHANNEL 16** (4:23 p.m.)

Supervisor Lusk announced that additional information regarding COVID-19 will be added to the news ticker for the County's Channel 16.

Discussion ensued by the Board regarding individual Board requests for staff and informing the entire Board when a request of staff is made, when that request pertains to the Board as a whole.

27. **REQUEST FOR AUTHORIZATION OF A SPECIAL LORTON AREA STUDY** (4:31 p.m.)

Supervisor Storck stated that at the October 27, 2020, Land Use Policy Committee meeting, county staff presented the anticipated 2021 work program, which anticipated a Lorton Area Study. This study was defined to include consultant support and services and a transportation analysis and county staff recommended moving the study to an active status. This study will allow staff and the community to determine the best approach to identify and evaluate changes to the Comprehensive Plan regarding land uses, densities, transportation conditions, parks, recreational areas, environmental corridors, and other supporting infrastructure and public facilities. After conferring with county staff, it was determined that this request should precede the forthcoming request for funds for the adoption of consulting resources for this project and two others.

As background, we have the opportunity to develop a new vision for Lorton, which should be evaluated with placemaking and connectivity goals in mind, especially as they relate to bicyclists and pedestrians, and within the backdrop of the larger context of the cultural and recreational systems to define a "there, there" and strengthen the places where community members can meet their neighbors, businesses can thrive, and everyone who lives, works, and visits Lorton can share in the benefits of these resources.

As a part of developing a structure for that new vision, the connections between that new vision and the potential for new indoor and outdoor recreational opportunities on industrial sites, and the potential for re-imagining the Workhouse should be considered. While the intention is not to re-plan areas that are 1) established, 2) developing under recently developed master plans, and/or 3) expected to be master planned in the future; it is critical to understand how the entirety of Lorton can be planned in a cohesive manner.

Specific focus should be placed on the Lorton Road area east of Silverbrook Road including the Lorton Town Center, and the Route 1 corridor from Fort Belvoir to the Occoquan River. The work should also establish a context for future potential land use changes, including linkages with those areas, that could help strengthen a distinct identity for Lorton and that would examine ways for existing and potential

future assets to complement one another to build community identity and an improved sense of place.

Therefore, Supervisor Storck moved that the Board authorize a special study for the Lorton Area and direct staff to prepare a Comprehensive Plan amendment that reflects the community's future vision. As part of the study, new or improved placemaking and connectivity opportunities should be considered in the context of the immediate area's many unique historic, cultural, natural, recreational and transportation assets to ensure that we take a comprehensive look at additional ways to embrace and link to these distinct places. Supervisor Foust seconded the motion and it carried by unanimous vote.

28. **REQUEST FOR FUNDING FOR LORTON, FAIRFAX CENTER AREA, AND SOUTH COUNTY SSPA COMPREHENSIVE PLANNING STUDIES**
(4:34 p.m.)

Supervisor Storck stated that in order to facilitate the Lorton Visioning Study, Phase III of the Fairfax Center Area Study, as well as other planning efforts that are currently listed on and proposed to be added to the Comprehensive Plan Amendment Work Program today, consultant resources will be necessary to supplement the efforts of county staff.

As part of the staff presentation at our October 27, 2020 Land Use Policy Committee meeting, Department of Planning and Development staff included information related to the anticipated need for consultant resources to support the Lorton Visioning Study, the third phase of the Fairfax Center Area study, and at least two of the South County Site-specific Plan Amendments that are proposed to be added to the work program. Staff estimated between \$75,000 to \$100,000 each was needed for the Lorton Visioning Study and for the Fairfax Center Area Phase III study to provide market research as needed, community engagement and visioning assistance, and development of potential land use and design scenarios, for a total of \$150,000-\$200,000. The need for assistance for community outreach, scenario planning, and design support for some of the South County SSPAs is also requested in the amount of \$50,000.

In addition, the Department of Transportation has indicated the need for funding to complete the requisite transportation studies associated with the Lorton and Fairfax Center Area studies – approximately \$550,000 total.

The Board recognized that funding would be needed for these studies and that it makes sense to ensure that those funds are identified before beginning the studies, to avoid any unnecessary delays with the planning work and obtaining funding after a study has commenced.

Therefore, jointly with Supervisor Walkinshaw and Supervisor Smith, Supervisor Storck moved that the Board add a consideration item as part of FY 2021 3rd

quarter budget carryover for a total of \$800,000 for these upcoming planning studies. The allocation of the funding would be as follows: \$250,000 to the Department of Planning and Development for consultant support for the Lorton Visioning, Fairfax Center Area, and Site-specific Plan Amendment work, and \$550,000 to the Department of Transportation for the needed transportation analysis for Fairfax Center Area and the Lorton Visioning Studies. Chairman McKay seconded the motion and it carried by unanimous vote.

29. **MOUNT VERNON DISTRICT'S 34TH ANNUAL TOWN MEETING**
(4:37 p.m.)

Supervisor Storck stated that once again, this year he is fortunate to have the opportunity to continue a Mount Vernon tradition established by my predecessor in 1988, the annual Mount Vernon Town Meeting. While this year will look different and be entirely virtual, the Town Meeting provides a forum to inform the Mount Vernon community about what its government is doing for them, and even more importantly, listen to the people discuss and debate our future. I am pleased that Chairman Jeff McKay, County Executive Bryan Hill, Mount Vernon School Board Representative Karen Corbett Sanders and Health Department Director Dr. Gloria Addo-Ayensu will be presenting to residents.

The meeting will take place the Saturday before the Super Bowl on February 6, 2021, and will be live on Channel 16 and Facebook, from 9 a.m. – noon and he invited the Board to tune in for this annual event.

Therefore, Supervisor Storck moved that the Board direct the Office of Public Affairs to advertise the Mount Vernon District's virtual Town Meeting on its various communications platforms. Chairman McKay seconded the motion and it carried by unanimous vote.

30. **NO BOARD MATTERS FOR SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (4:39 p.m.)

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

31. **JANUARY 2021 IS "HUMAN TRAFFICKING AWARENESS MONTH"**
(4:39 p.m.)

Supervisor Herrity announced that January is Human Trafficking Awareness Month and shared that he would be reaching out to staff to raise awareness.

32. **2021 FAIRFAX COUNTY ANNUAL TEEN JOB AND OPPORTUNITY FAIRS**
(4:40 p.m.)

Supervisor Herrity announced that his office, along with Fairfax County Public Schools and Connection Newspapers, along with Supervisors' offices, businesses, and

Community organizations including our local chambers, have hosted very successful teen job fairs and career-building workshops for the past few years. These events focused on students and young job seekers looking for a variety of employment opportunities; full time, after-school, seasonal positions, internship opportunities, and volunteer positions. The fairs have provided thousands of teenagers the opportunity to get in front of employers and for our employers to find talented Fairfax County students to fill their positions.

This year I am once again teaming up with Connection Newspapers, Fairfax County Public Schools, community chambers and organizations and my fellow Board members to bring our community two Fairfax County Teen Job Fairs and Career-Building Workshops. Normally, we host 5-6 fairs at local high schools. With the limitations of the ongoing pandemic, this year's fairs will be hosted virtually through Brazen, a professional virtual job fair platform. The virtual fairs are scheduled for Saturday, March 13th from 2-5p.m. and Saturday, March 20th from 11a.m. to 2p.m.

The fairs will be open to all teens in Fairfax County looking for employment, volunteer opportunities, or tips on building their resume. Free online booth space will be provided to businesses and organizations to advertise their available positions. We will also host resume and career building sessions with our Chamber of Commerce partners. Beginning February 1st, both students as well as employers may register to attend by visiting the link on the County's website.

First jobs are important, and these events help connect teens with employers and prepare our youth for the workforce. This year especially, our students and employers are desperate for opportunities provided by the fair with the hope that some normalcy will begin this summer.

Therefore, jointly with Chairman McKay and Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, and Supervisor Walkinshaw, Supervisor Herrity moved that the Board direct the Office of Public Affairs to help publicize the 2021 Fairfax County Teen Job and Opportunity Fairs to the local community. Chairman McKay seconded the motion and it carried by unanimous vote.

33. **RECOGNITION OF THE CIVIL DISTURBANCE UNIT (CDU)** (4:43 p.m.)

Supervisor Herrity thanked and recognized the 60 members of our civil disturbance unit who were called into service at the last minute on January 6, 2021, to defend the U.S. Capitol and restore order. For those who do not know, the Fairfax County Civil Disturbance Unit (CDU) is a specialized unit of our police force that has the capability to respond to large demonstrations, labor/civil unrest situations, and provide crowd control for major events. Specially equipped officers from this unit provide an organized response to these incidents in such a manner as to minimize threats to public safety and damage to property.

Members of the CDU perform typical police duties when not deployed as members of the CDU and undergo specialized training in addition to their normal duties and training. This is an extremely difficult assignment, especially in the world we live in today. This unit has seen significant resignations over the last year due to the situations the CDU members must put themselves in to protect our citizens. On behalf of Fairfax County residents, I want to offer my sincere thank you to those brave officers in the CDU who responded to ensure the safety of our residents and our republic.

Therefore, Supervisor Herrity stated that in normal times he would have asked that the members of the CDU come before Board for recognition, but given the pandemic, Supervisor Herrity moved that the Board direct staff to prepare certificates of recognition, recognizing the selfless service of the officers in the CDU, to be presented outside of a Board meeting. Chairman McKay seconded the motion and it carried by unanimous vote.

34. **REQUEST FOR RECOGNITION OF WAYNE H. NICKUM AND RENAMING THE CLIFTON TOWN HALL** (4:46 p.m.)

Supervisor Herrity stated that the Town of Clifton's Mayor and Town Council have asked me to recognize Wayne Nickum's 40 plus years of contributions to our community through his duties as Mayor, Town Council Member, and community leader by renaming the "Clifton Town Meeting Hall" to the "Wayne H. Nickum Clifton Town Hall" in his honor. I wholeheartedly endorse and support their recommendation.

The Honorable Wayne Nickum retired from the Clifton Town Council on June 30, 2018, after 41 years and 2 months of service. During this period, he served as the Town Mayor for 10 years between 1982 and 1992 and as a Town Council Member for all other years, beginning in 1974. He also served on the Clifton Betterment Association (CBA) for multiple terms as Treasurer; was a Trained Medical Corpsman in the U.S. Army for 2 years; worked 31 years at the Internal Revenue (IRS); worked 17 years with the District of Columbia government; and served 36 years on the Northern Virginia Cigarette Tax Board.

Mr. Nickum's philosophy, as both a public servant and Clifton resident since 1971, has always been to build a sense of community and shared responsibility through citizen participation in the governance of Town business and the upkeep of the Town's various parks and other shared spaces. He has championed efforts to preserve and balance the historic nature of the Town for future generations while helping to grow business and revenue sources to modernize and create a highly desirable place to work, live, and visit.

The Board has honored Wayne Nickum at least twice previously, the first being the declaration June 15, 2003 as Wayne H Nickum Day under Chairman Hanley and

again with a unanimous Resolution recognizing his retirement from the Town Council on June 5, 2018.

Therefore, Supervisor Herrity moved that the Board direct staff to recognize Wayne Nickum's 40+ years of service to the Town of Clifton and the community by renaming the Clifton Town Meeting Hall to the Wayne H. Nickum Clifton Town Hall in his honor. Approval of this matter is subject to the approval of and compliance with the Renaming Policy on the Board's agenda today. As per the draft Renaming Policy, which the Board will take action on later today, Supervisor Herrity further moved that the Board direct the History Commission to follow the outlined process for renaming a facility. Chairman McKay seconded the motion.

Following discussion between the Board regarding the Board's authority to rename this building, the question was called on the motion and it carried by unanimous vote.

35. **COVID-19 AND VACCINE UPDATE** (4:51 p.m.)

Supervisor Herrity shared information regarding COVID-19 and the vaccine.

36. **NO BOARD MATTERS FOR SUPERVISOR SMITH (SULLY DISTRICT)**
(4:39 p.m.)

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

EA:ea

AGENDA ITEMS

37. **ADMINISTRATIVE ITEMS** (4:59 p.m.)

Supervisor Gross moved approval of the Administrative Items.

Supervisor Gross called the Board's attention to Admin 6 – Authorization to Advertise a Public Hearing Consider Amendments to the County's Solid Waste Management Ordinance, Chapter 109.1, to Prohibit the Use of Plastic Bags for Yard Waste and asked staff to provide clarification before the public hearing concerning the proposed exceptions for plastic bag use.

Supervisor Herrity asked to consider Admin 6 separately.

Supervisor Foust seconded the motion.

Supervisor Foust asked why Fairfax County is not considering building a compost facility.

Supervisor Herrity asked why the fiscal impact is set at zero when the County will be saving money by eliminating the cost of two dollars per ton of yard waste. Eric Forbes, Division Director, Solid Waste Management Program, Department of Public Works and Environmental Services, explained the County only provides collection services for ten percent of County citizens, so there may be County savings, but the greater economic impact of the reduced cost will be on the community as more private collection services are being contracted by individuals.

Supervisor Herrity asked why bio-degradable bags will not be collected. Mr. Forbes explained that this decision is to benefit the collection crews since there would be difficulty in distinguishing between bio-degradable bags and standard plastic bags. Mr. Forbes noted the proposed ordinance allows for the addition of permitted materials at a later date.

Supervisor Herrity asked if this public hearing would also be advertised at the landfill in order to better ensure citizens are aware they have the opportunity to provide testimony on the matter. Mr. Forbes confirmed staff would post notices accordingly.

Discussion ensued by the Board regarding voluntary participation in the effort to reduce plastic bag use.

The question was called on the motion to approve Administrative Items, with the exception of Admin 6 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."

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE 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>
Fox Creek Farm	Dranesville	Fox Creek Farm Way
Merrilee Industrial Park Section 3 (Patriot Village)	Providence	Merrilee Drive

**ADMIN 2 –ENDORSEMENT OF ALLAN AVENUE TO BE CONSIDERED
FOR CUT-THROUGH MEASURES AS PART OF THE RESIDENTIAL**

TRAFFIC ADMINISTRATION PROGRAM (RTAP) (PROVIDENCE DISTRICT)

- (R) Endorsed a resolution including Allan Avenue, between West Street and Buckelew Drive, into the RTAP for cut-through traffic.

ADMIN 3 - APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (DRANESVILLE DISTRICT)

- (R)
- Endorsed the following traffic calming plan and resolution for Lumsden Street consisting of the following:
 - One speed hump on Lumsden Street (Dranesville District)
 - Directed the Fairfax County Department of Transportation (FCDOT) staff to schedule the installation of the approved traffic calming measure as soon as possible.

ADMIN 4 - EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (SULLY DISTRICT)

Extended the review periods for the following application:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-M20-7	Department of Public Works and Environmental Services Holmes Run Sewer Pumping Station Tax Map No. 60-4 ((15)) 1 6623 Dearborn Dr. Falls Church, VA Mason District	October 30, 2021

ADMIN 5 – AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO CHAPTER 107 (PROBLEM SOILS), CHAPTER 112 (ZONING ORDINANCE), AND CHAPTER 122 (TREE CONSERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) TO REMOVE THE TREE COMMISSION AND GEOTECHNICAL REVIEW BOARD PROVISIONS FROM ARTICLE 19 OF THE ZONING ORDINANCE AND INCORPORATE

THEM INTO CHAPTERS 122 AND 107 OF THE COUNTY CODE, RESPECTIVELY

- (A) (R) Authorized the advertisement of the proposed amendments to Chapter 107 (Problem Soils), Chapter 112 (Zoning Ordinance), and Chapter 122 (Tree Conservation Ordinance) of the Code of the County of Fairfax, Virginia (County Code) to remove the Tree Commission and Geotechnical Review Board provisions from Article 19 of the Zoning Ordinance and incorporate them into Chapter 122 and Chapter 107 of the County Code, respectively, to be held before the Board on **March 23, 2021, at 4 p.m.**

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING CONSIDER AMENDMENTS TO THE COUNTY’S SOLID WASTE MANAGEMENT ORDINANCE, CHAPTER 109.1, TO PROHIBIT THE USE OF PLASTIC BAGS FOR YARD WASTE

(NOTE: Earlier in the meeting this item was discussed. See CL# 37.)

- (A) Supervisor Alcorn moved the Board authorize the advertisement of a public hearing regarding a series of amendments to the County’s Solid Waste Management Ordinance, Chapter 109.1, to prohibit the use of plastic bags for the set-out and collection of yard waste to be held before the Board on **February 23, 2021, at 4 p.m.** Supervisor Storck seconded the motion.

Supervisor Herrity moved to amend the motion to move the public hearing from February 23, 2021, to March 23, 2021, to allow time for citizens to be aware of the proposed ordinance.

The motion to amend died for lack of a second.

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

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE PORTIONS OF SAINT AUGUSTINE LANE AND SAINT AUGUSTINE COURT (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing regarding a proposal to vacate portions of Saint Augustine Lane and Saint Augustine Court. to be held before the Board on **March 9, 2021, at 4 p.m.**

ADMIN 8 – AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES), SOLID WASTE MANAGEMENT PROGRAM AND THE DEPARTMENT OF VEHICLE SERVICES TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA STATE DEPARTMENT OF ENVIRONMENTAL QUALITY, CLEAN AIR COMMUNITIES PROGRAM

- Authorized the DPWES, Solid Waste Management Program and the Department of Vehicle Services to apply for and accept grant funding, if received, from the Virginia Department of Environmental Quality, Clean Air Communities Program. Funding in the amount of \$1,973,700, including \$493,425 in Local Cash Match, will support the purchase of five vehicles to replace older, high-mileage vehicles currently owned by the County. There are no new grant positions associated with the award
- 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

38. **A-1 - APPROVAL OF THE BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2021 AND AUTHORIZATION FOR THE CHAIRMAN TO POSTPONE A SCHEDULED MEETING IN THE EVENT OF WEATHER OR OTHER HAZARDOUS CONDITIONS** (5:12 p.m.)

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

- Approve the Board meeting schedule for January through December 2021
- Authorize the Chairman to defer any scheduled regular meeting to the Tuesday following the deferred regular meeting if the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for members to attend

Supervisor Palchik seconded the motion.

Supervisor Gross commented on the time between the last July meeting and the September meeting and asked whether the Board should consider potentially moving the first September meeting up by one week.

Discussion ensued between Chairman McKay and Supervisor Gross concerning the schedule for committee meetings.

Bryan Hill, County Executive, stated that staff can revise the Board meeting schedule, but it would require coordination with committee chairs and their meetings may need to be rescheduled accordingly.

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

39. **A-2 – AUTHORIZATION FOR SCHEDULING A VOTE ON UPDATED AND MODERNIZED RULES OF PROCEDURE FOR THE BOARD OF SUPERVISORS** (5:16 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the scheduling of a vote on the updated and modernized Rules of Procedure on February 9, 2021. Supervisor Gross seconded the motion.

Chairman McKay stated that changes could be made to the language between the authorization to schedule a vote and the actual vote by the Board.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

40. **A-3 – ADOPTION OF BOARD’S OWN POLICY ON NAMING COUNTY FACILITIES AT A BOARD MEMBER’S REQUEST** (5:18 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board adopt a policy (Attachment I of the Board Agenda Item) on naming County Facilities at a Board Member’s request. Supervisor Gross seconded the motion.

Supervisor Foust asked for clarification regarding Paragraph ‘E’ of the proposed policy.

Joanna Faust, Assistant County Attorney, explained that Paragraph ‘E’ pertains to the adoption of the Virginia State criteria for naming highways, bridges, and interchanges which specifically states that nothing shall be named that is either profane, obscene, vulgar, sexually explicit, descriptive of illegal activities, condones or encourages violence, or is socially, racially, or ethnically offensive.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

41. **A-4 – ADOPTION OF THE 2021 COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM, INCLUDING CERTAIN PROPOSED 2019-2020 SOUTH COUNTY SITE-SPECIFIC PLAN AMENDMENT (SSPA) NOMINATIONS** (5:21 p.m.)

Supervisor Smith explained this item involves the adoption of the 2021 Comprehensive Plan Amendment Work Program, which schedules all authorized Plan Amendments and planning studies. The 2021 Work Program would retain all ongoing active plan amendments and studies, anticipate the beginning of the deferred Fairfax Center Area Phase III study, and accommodate potential additional

authorizations of amendments and studies in 2021. The revised work program would remove five pending, but inactive Plan Amendments and add fourteen Plan Amendments resulting from nominations in the South County Site-Specific Plan Amendment process in the Lee, Mount Vernon, and Mason Districts, per the Planning Commission recommendation included in the Board Package for this agenda item. The addition of these SSPAs follow several months of review by community task forces, staff, and members of the public in a series of public meetings held last summer virtually due to COVID-19. The community was involved in the process and provided substantial input to the task forces, as well as to the Planning Commission, on many of the nominations. A few of the nominations have resulted in community concerns, so Supervisor Smith reiterated that the Board is not approving or denying any Plan Amendments at this stage, rather they are advancing these plan amendments to the Work Program for further study by staff, the community task forces, other stakeholders, and the Planning Commission. If approved, the Board will have concluded the screening for North County and South County SSPA, and work will begin this spring on a retrospective assessment of the process itself to determine what has worked well and what needs to be refined. Aspects of the process to be reviewed will likely include ways to streamline and shorten the length of the process, potentially combining the North/South cycles in the future, examining the eligibility criteria, and refining expectations for nominations and who can submit them. Supervisor Smith concluded that staff has begun laying the foundations for this retrospective, and she expects that they will provide the Land Use Policy Committee with an update on this effort later this year.

Supervisor Smith moved that the Board adopt the 2021 Comprehensive Plan Amendment Work Program (as shown in Attachment I of the Board Agenda Item), including the following South County SSPA nominations be added to the Work Program for further study as modified or with additional considerations:

- PC19-MA-001 First Christian Church
- PC19-MA-002, 6152 Leesburg Pike
- PC19-MA-004, 4312 Ravensworth Road
- PC19-MA-005, Western Annandale Community Business Center (CBC)
- PC19-MA-006, Dar Al-Hijrah Islamic Center
- PC19-MV-002, Engleside Trailer Park / Ray's Mobile Home Colony
- PC19-MV-003, Mount Vernon Highway
- PC19-MV-005, Huntington Metro Station

- PC19-MV-009, 2806 Popkins Lane
- PC19-MV-011, 2550 Huntington Avenue
- PC19-LE-004, Potomac Steel
- PC19-LE-006, 5605 Oakwood Road
- PC19-LE-008, 6235 Brandon Avenue
- PC19-LE-009, 5400-5604 Oakwood Road

Supervisor Palchik seconded the motion.

Supervisor Gross proposed an amendment to the motion for the nomination of PC19-MA-005, Western Annandale Community Business Center (CBC) located in the Mason District, due to the following:

- The original nomination did not include several commercial properties along Little River Turnpike and Hummer Road. The Planning Commission recommended adding those parcels for study, but did not remove the residential parcels
- Significant and wide-ranging community opposition
- The amount of fear and misinformation about PC19-MA-005 cannot be remedied by adding it to the 2021 Comprehensive Plan Work Program

This was accepted by Supervisor Smith.

Supervisor Gross requested that Item number 41, titled Western Annandale CBC, PC19-MA-005, be removed from the proposed 2021 Comprehensive Plan Work Program.

This was accepted by Supervisor Smith.

Supervisor Gross discussed the following:

- Existing stormwater management infrastructure
- Ongoing stormwater management evaluations and assessments

- Affordable senior housing with support for medical care services being further considered through a Comprehensive Plan Amendment evaluation

Therefore, Supervisor Gross requested the following nominations be modified:

- PC19-MA-001 First Christian Church
- PC19-MA-002, 6152 Leesburg Pike
- PC19-MA-006, Dar Al-Hijrah Islamic Center

Supervisor Gross requested a statement in the authorization for PC19-MA-001 be added that states “staff should consider opportunities for onsite stormwater management beyond the current regulations that could be pursued with redevelopment.” This directive would replace the statement for a “Comprehensive review of the Cameron Run and Four Mile Run Watersheds, including an assessment of existing and anticipated impacts to downstream properties caused by the proposed development.”

Both were accepted by Supervisor Smith.

Supervisor Gross stated the proposed modification addresses a need to consider stormwater management beyond the current regulations in a matter that is clearer than a “Comprehensive Watershed review.” This modification should also be included for PC19-MA-002 and PC19-MA-006.

This was accepted by Supervisor Smith.

Supervisor Lusk noted the following regarding PC19-LE-008:

- Staff did not recommend PC19-LE-008 be included in the Work Program, but the Lee District SSPA Task Force voted to include it
- The need for development in this area which may serve as a catalyst for further development
- The amount of time the site has been vacant
- The size and location of the site and its limited range of viable and marketable uses
- Additional research needed for PC19-LE-008 before it is considered by the Lee District SSPA Task Force

- The nominator should work with staff to research successful urban storage facilities and buildings and identify how such designs could be realized on the nomination property, and pending the successful outcome of this research the nomination could be authorized as a plan amendment at a later date

Supervisor Lusk requested that the Board defer action on including 6235 Brandon Avenue, PC19-LE-008, to the Work Plan to provide the nominator and staff with time to research examples of successful urban self-storage designs and how the designs could be utilized on that site. The nominator is also encouraged to continue working with the Springfield community to address their concerns regarding the nomination during that time.

This was accepted by Supervisor Smith.

Supervisor Storck discussed the following:

- Community concerns regarding the Mount Vernon nominations
- The importance of mobile home communities and affordable housing
- The delays in addressing the affordable housing needs due to the COVID-19 pandemic

Supervisor Storck asked staff what was the next phase for the SSPA implementation, particularly what that will look like for the PC19-MV-002 nomination.

Graham Owen, Planner, Department of Planning and Development, explained the next phase is implementation where the following will happen:

- Task forces will reconvene to discuss and study the nominations in further detail
- Public meetings will be held with the community
- Staff will be analyzing the impact of the nominations on the county systems, and any discovered issues will be studied and mitigation measures will be proposed

Supervisor Storck asked what the expected timeline was for PC19-MV-002.

Mr. Owen explained the Planning Commission indicated in their recommendation that this nomination should be added to the Work Program, but the review should be deferred until the Affordable Housing Preservation Task Force's recommendations are presented to the Board.

Supervisor Storck asked what is involved in the Affordable Housing Preservation Task Force's recommendations on mobile homes.

Mr. Owen explained the Task Force has been looking at mobile home parks and considering what the policy should be from the county perspective. The current Comprehensive Plan has guidelines for mobile home park retention, which include an overall approach that retention is preferred, but there are areas of the county with site-specific recommendations that call for redevelopment options.

Mr. Owen clarified that these nominations are not approvals, but rather just an inclusion in the Work Program for further discussion and analysis.

Supervisor Lusk noted his support for the efforts to assess mobile home communities and their preservation.

Chairman McKay commented on the challenges faced by mobile home residents who have made an investment in a depreciating asset while residing on a property that they will never own.

Supervisor Foust asked what is needed to remove the deferral of PC19-MV-002 so that it can be evaluated.

Mr. Owen explained the Planning Commission recommendation stated the review of the amendment would begin following the recommendation from the Affordable Housing Preservation Task Force or from any relevant Board action.

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

42. **A-5 – APPROVAL OF A RESOLUTION ENDORSING PROJECTS FOR SUBMISSION TO THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC) FOR THE FISCAL YEAR 2022-2023 I-395/I-95 COMMUTER CHOICE PROGRAM (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (5:58 p.m.)

- (R) On motion by Supervisor Alcorn, and seconded by Chairman McKay and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a resolution (Attachment 1 of the Board Agenda Item) endorsing Fairfax County's project submissions for NVTC's Commuter Choice Program on I-395/I-95.

43. **A-6 – APPROVAL OF A RESOLUTION ENDORSING PROJECTS SUBMITTED FOR FY 2027 REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FEDERAL FUNDING THROUGH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA)** (5:59 p.m.)

(R) On motion by Supervisor Alcorn, and seconded by Chairman McKay and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a resolution (Attachment 1 of the Board Agenda Item) endorsing Fairfax County projects for submission to NVTA's for the CMAQ and RSTP funding programs.

44. **A-7 – ENDORSEMENT OF COMMENTS ON THE I-495 AMERICAN LEGION BRIDGE (ALB) TRANSIT/TRANSPORTATION DEMAND MANAGEMENT (TDM) STUDY DRAFT REPORT (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (6:00 p.m.)

Supervisor Alcorn moved the Board concur in the recommendation of staff and approve a letter (Attachment 1 of the Board Agenda Item) endorsing comments on the draft report of the I-495 ALB Transit/TDM Study. Supervisor Palchik seconded the motion.

Supervisor Foust noted his concerns with the conclusions of the traffic study, which included the following:

- The distinction between the mid-term recommendations which would be implemented in conjunction with the opening of the managed lanes and the long-term recommendations which would be implemented following the opening of the managed lanes
- The short-sighted assumption that a transit study can be completed prior to widening lanes on the Maryland state side
- Reliance on surveys that included thirty responses from Virginia residents

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

45. **C-1 – APPROVAL OF A RESOLUTION AND BYLAWS STATING THE PURPOSES, MEMBERSHIP, AND PROCEDURES FOR THE ADVISORY SOCIAL SERVICES BOARD** (6:04 p.m.)

(R)
(BAC) Supervisor Gross moved that the Board approve a resolution (Attachment 1 of Board Agenda Item) and the bylaws stating the purposes, membership, and procedures for the Advisory Social Services Board. Chairman McKay seconded the motion.

Supervisor Gross asked if there are any current members of the Advisory Social Services Board (ASSB) who have served past the term-limit as outlined in the proposed bylaws.

Melanie Fenwick, Senior Manager, Department of Family Services, stated there are no current members of the ASSB who have exceeded their term limit.

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

46. **3 P.M. – ANNUAL MEETING OF THE FAIRFAX COUNTY SOLID WASTE AUTHORITY** (6:06 p.m.)

At 6:06 p.m., the annual meeting of the Fairfax County Solid Waste Authority was called to order by Chairman McKay in accordance with Article III, Section I of the bylaws.

Supervisor Gross moved that the Board appoint the following officers and officials to the Fairfax County Solid Waste Authority:

OFFICERS

Jeffrey C. McKay Chairman, Fairfax County Board of Supervisors	Chairman
Penelope A. Gross Vice Chairman, Fairfax County Board of Supervisors	Vice Chairman
Jill G. Cooper Clerk for the Fairfax County Board of Supervisors	Secretary
Christopher Pietsch Director, Department of Finance	Treasurer
Elizabeth Teare County Attorney	Attorney
Bryan Hill County Executive	Executive Director
John Kellas Deputy Director, Solid Waste Management, Program Operations Division Department of Public Works and Environmental Services (DPWES)	Authority Representative

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

Supervisor Gross moved approval of the minutes from the January 28, 2020, meeting of the Fairfax County Solid Waste Authority. Supervisor Alcorn seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the financial statements for the Authority. Supervisor Alcorn seconded the motion.

Supervisor Gross noted there are no fiduciary assets, obligations, transactions to record or report for FY2020.

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

Supervisor Gross moved to adjourn the annual meeting of the Fairfax County Solid Waste Authority. Supervisor Alcorn seconded the motion and it carried by unanimous vote.

At 6:08 p.m., the annual meeting of the Fairfax County Solid Waste Authority was adjourned.

KK:kk

47. **3 P.M. – PUBLIC HEARING ON THE FY 2021 MID-YEAR REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2021 REVISED BUDGET PLAN** (6:10 p.m.)

(FPR)

(SAR)

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 January 8 and 15, 2021.

Christina Jackson, Director, Department of Management and Budget, outlined the FY 2021 *Mid-Year Review Package*.

Chairman McKay moved approval of the Mid-Year package including Supplemental Appropriation Resolution AS 21200 and Amendment to the Fiscal Planning Resolution AS 21902 for FY 2021 adjustments.

Chairman McKay stated that this approval includes the *FY 2021 Mid-Year Review* package as presented at the Board of Supervisors meeting on November 17, 2020, and the changes included in the *FY 2021 Mid-Year Review Update* memorandum dated January 8, 2021. With these and associated reserve adjustments, the General Fund balance at the *FY 2021 Mid-Year Review* is \$0.

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

48. **3 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2020- PR-007 (SCOTT W. DOWNING & MARY CONSTANCE DOWNING) TO**

REZONE FROM R-1 TO R-2 TO PERMIT RESIDENTIAL DEVELOPMENT WITH A TOTAL DENSITY OF 1.9 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 1.06 ACRES OF LAND (PROVIDENCE DISTRICT) (6:13 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 January 8 and 15, 2021.

The property is located on the east side of Hunter Road., approximately 400 feet north of Bluegate Drive. Tax Map 48-2 ((1)) 8A.

William O’Kelly Russell, Agent, Land Design Consultants, Inc., reaffirmed the validity of the affidavit for the record.

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

Mr. Russell 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, which included testimony by one speaker, Ms. Suder presented the staff and Planning Commission (PC) recommendations.

Supervisor Palchik moved approval of:

- Rezoning Application RZ 2020-PR-007, subject to the execution of proffered conditions consistent with those dated December 11, 2020
- Waiver of the requirement to construct frontage improvements along Hunter Road in lieu of the proffered cash contribution

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.”

49. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-SU-010 (THE SULLY LIMITED PARTNERSHIP) TO PERMIT A WAIVER OF CERTAIN SIGN REGULATIONS, LOCATED ON APPROXIMATELY 62.41 ACRES OF LAND ZONED C-8, WS, AND HC (SULLY DISTRICT)** (6:25 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 January 8 and 15, 2021.

The property is located at 13800, 13855, 13910 and 13957 Metrotech Drive, Chantilly, 20151. Tax Map 34-4 ((1)) 16B, 16D, 16E, and 16F.

Bernard Suchicital, Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the validity of the affidavit for the record.

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

Mr. Suchicital 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. Fountain presented the staff and Planning Commission (PC) recommendations.

Following a query by Supervisor Smith, Mr. Suchicital confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 28, 2020.

Supervisor Smith moved approval of:

- Special Exception Application SE 2020-SU-010, subject to the development conditions dated October 28, 2020

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

50. **3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-448-35/CDPA-C-448-08 (KINGSTOWNE SHOPPING CENTER I, LIMITED PARTNERSHIP) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ C-448, PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT, TO PERMIT ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR AREA RATIO OF 0.18, LOCATED ON APPROXIMATELY 23.18 ACRES OF LAND ZONED PDH 4 (LEE DISTRICT) (CONCURRENT WITH SEA 94-L-004-03)**

(AND)

PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-L-004-03 (KINGSTOWNE SHOPPING CENTER I,

LIMITED PARTNERSHIP) TO AMEND SE 94-L-004-03, PREVIOUSLY APPROVED FOR RESTAURANTS AND RESTAURANTS WITH DRIVE THROUGH, TO PERMIT ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 23.18 ACRES OF LAND ZONED PDH-4 (LEE DISTRICT) (CONCURRENT WITH PCA-C-448-35/CDPA-C-448-08)
(6:30 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 January 8 and 15, 2021.

The property is located on the north side of Kingstowne Boulevard and west side of South Van Dorn Street. Tax Map 91-2 ((1)) 32A.

The property is located at 5820 Kingstowne Circle, Alexandria, 22315. Tax Map 91-2 ((1)) 32A.

Brian J. Clifford, Agent, DLA Piper LLP, reaffirmed the validity of the affidavit for the record.

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

Mr. Clifford 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. Clifford regarding:

- Addressing traffic related issues seen at a neighboring Chick-Fil-A
- How vehicle stacking will be used
- The traffic movement for those coming in from and exiting onto Kingstowne Village Parkway

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

Following a query by Supervisor Lusk, Mr. Clifford confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 29, 2020.

Supervisor Lusk moved approval of:

- Proffered Condition Amendment Application PCA-C-448-35 and the associated Conceptual Development Plan Amendment CDPA C-448-08, subject to the execution of proffered conditions consistent with those dated October 29, 2020
- Special Exception Application SEA 94-L-004-03, subject to development conditions, dated October 29, 2020
- Modification to the transitional screening and waiver of the barrier required along the eastern property line in favor of the landscaping as shown in the FDPA/SEA Plat
- Reaffirmation of the previously approved modification to the transitional screening and waiver of the barrier required along the northern property boundary line in lieu of the existing vegetation along Kingstowne Village Parkway

Supervisor Alcorn 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.”

(NOTE: On November 4, 2020, the PC approved Final Development Plan Amendment Application FDPA-C-448-05-05.)

51. **3:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2020-SU-002 (MATAN GLORUS ROAD, LLC) TO REZONE FROM I-3, WS, AND AN TO I-4, WS, AND AN TO PERMIT INDUSTRIAL USE WITH AN OVERALL FLOOR AREA RATIO OF 0.35, LOCATED ON APPROXIMATELY 9.46 ACRES OF LAND (SULLY DISTRICT)**
(6:44 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 January 8 and 15, 2021.

The property is located on the west side of Glorus Road, north side of Thompson Road and east side of Barney Road. Tax Map 33-2 ((2)) 10A and 10B.

Robert Brant, Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the validity of the affidavit for the record.

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

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, Ms. Atkinson presented the staff and Planning Commission (PC) recommendations.

Supervisor Smith moved approval of:

- Rezoning Application RZ 2020-SU-002, subject to the execution of proffered conditions consistent with those dated November 12, 2020
- Waiver of the requirement to construct a vehicular travel lane, service drive or other access connection to and from adjacent properties as set forth in Par. 3 of Sect. 17-201 of the Zoning Ordinance
- Waiver of the requirement to construct roadway improvements to Barney Road and Glorus Road along the property's frontage as set forth in Par. 4 of Sect. 17-201 of the Zoning Ordinance
- Modification of Par. 10 of Sect. 11-102 of the Zoning Ordinance to allow the use of tandem spaces as part of the required parking

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."

52. **3:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2013-PR-009 (TYSONS WESTPARK, L.C.) TO AMEND THE PROFFERS FOR RZ 2013-PR-009, PREVIOUSLY APPROVED FOR HOTEL, RESIDENTIAL, AND RETAIL, TO ALLOW INTERIM USES FOR NEW VEHICLE STORAGE, COMMERCIAL OFF-STREET PARKING, AND PUBLIC PARK AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR AREA RATIO OF 0.0, LOCATED ON APPROXIMATELY 5.32 ACRES OF LAND ZONED PTC, SC, AND H-C (PROVIDENCE DISTRICT) (6:49 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 January 8 and 15, 2021.

The property is located on the southeast side of the intersection of Westpark Drive and Leesburg Pike. Tax Map 29-3 ((15)) 8.

Elizabeth D. Baker, Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the validity of the affidavit for the record.

Alexis Robinson, Planner, Planning Division, Department of Planning and Development, presented the staff report.

Ms. Baker 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. Robinson presented the staff and Planning Commission (PC) recommendations.

Discussion ensued with input from Ms. Baker regarding the current usage of this property.

Supervisor Palchik moved approval of:

- Proffered Condition Amendment Application PCA 2013-PR-009, subject to the execution of proffered conditions consistent with those dated November 19, 2020
- Waiver of Par. 15 of Sect. 6-505 of the Zoning Ordinance on the requirement that new vehicle storage be located within a parking structure
- Modification of Sects. 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements to that shown on the FDPA Plan
- Reaffirmation of a waiver of Sect. 2-505 of the Zoning Ordinance to permit structures and vegetation on a corner lot as shown on the CDP/FDP
- Reaffirmation of a waiver of Par. 7 of Sect. 6-505 of the Zoning Ordinance requiring the designation of specific outdoor dining areas on the CDP. Outdoor dining may be provided in any area outside of the public right-of-way where the adjoining use includes dining activity and will be indicated at time of FDP
- Reaffirmation of a waiver of Par. 1 of Sect. 6-506 of the Zoning Ordinance to allow a district size of less than 10 acres for an application

- Reaffirmation of a modification of Par. 3E of Sect. 10-104 of the Zoning Ordinance to permit a maximum fence height of eight feet around outdoor recreational courts/fields shown on an FDP
- Reaffirmation of a modification of Par. 12 of Sect. 11-102 and Par. 1 of Sect. 6-509 of the Zoning Ordinance to allow for tandem spaces and valet spaces controlled by building management to count towards required parking specified in the Zoning Ordinance
- Reaffirmation of modification of Sects. 11-201 and 11-203 of the Zoning Ordinance to permit a reduction in the required number of loading spaces to that shown on the CDP/FDP
- Reaffirmation of a modification of Par. 4 of Sect. 11-202 of the Zoning Ordinance requiring a minimum distance of 40 feet of a loading space in proximity to drive aisles, to that shown on the CDP/FDP
- Reaffirmation of a waiver of Sect. 11-302 of the Zoning Ordinance to allow a private street to exceed 600 feet in length as shown on the CDP
- Reaffirmation of a waiver of Sect. 17-201 of the Zoning Ordinance to not require provision of a service road along Leesburg Pike
- Reaffirmation of a modification of Sect. 17-201 of the Zoning Ordinance to permit the streetscape and on-road bike lane system shown on the CDP/FDP in place of any trails and bike trails shown for the subject property on the Comprehensive Plan
- Reaffirmation of a waiver of Par. 3 of Sect. 17-201 of the Zoning Ordinance to provide any additional interparcel connections to adjacent parcels beyond that shown on the CDP/FDP and as proffered
- Reaffirmation of a waiver of Par. 4 of Sect. 17-201 of the Zoning Ordinance to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDP/FDP and proffers
- Reaffirmation of a waiver of Par. 7 of Sect. 17-201 of the Zoning Ordinance to permit the applicant to establish parking control signs and parking meters along private streets within and adjacent to the development

- Reaffirmation of a modification of Sect. 12-0508 of the Public Facilities Manual to allow for tree preservation target deviations as justified by PFM 12-0508.3A(1) and 3A(3)
- Reaffirmation of a modification of Sect. 12-0510 of the Public Facilities Manual to permit trees located in rights-of-way and easements to count toward the 10-year tree canopy requirement subject to the proffered replacement provisions
- Reaffirmation of a waiver to allow the use of underground stormwater management and best management practices in a residential development (826-WPFM-002-1) subject to the Conditions dated August 26, 2014, contained in Attachment A of Appendix 11 of the staff report associated with RZ 2013-PR-009

Supervisor Alcorn 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 December 9, 2020, the PC approved Final Development Plan Amendment Application FDPA 2013-PR-009, subject to the development conditions dated December 7, 2020.)

53. **3:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2020-PR-004 (MERRILEE VENTURES, L.C.) TO REZONE FROM I-4 TO PRM TO PERMIT MIXED USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 2.70, WHICH INCLUDES BONUS DENSITY FOR WORKFORCE HOUSING, AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 2.00 ACRES OF LAND (PROVIDENCE DISTRICT)**
(6:59 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 January 8 and 15, 2021.

The property is located on the west side of Merrilee Drive between Prosperity Avenue and Merrifield Avenue. Tax Map 49-1 ((16)) 6 and 7.

Gregory Riegle, Agent, McGuireWoods LLP, reaffirmed the validity of the affidavit for the record.

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

Mr. Riegle 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. Posusney presented the staff and Planning Commission (PC) recommendations.

Supervisor Palchik moved approval of:

- Rezoning Application RZ 2020-PR-004 and the associated Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated November 12, 2020
- Modification of Par. 1 of Sect. 2-505 of the Zoning Ordinance to allow buildings to be constructed to the streetscape building zone line on corner lots as shown on the CDP/FDP
- Modification of Sect. 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 Sect. 11-303 of the Zoning Ordinance to allow private streets less than 24 feet in width in the interim condition
- Modification of Par. 7 of Article 17-201 of the Zoning Ordinance such that “No Parking” signs along travel ways at a distance of no more than 50 feet apart are only required during the interim condition
- Modification of Sect. 7-0403 of the Public Facilities Manual (PFM) to allow for private streets and commercial entrances connecting to a VDOT roadway at less than the minimum width of 30 feet to permit the location of the parking garage as shown on the CDP/FDP
- Modification of Par. 3 of Sect. 8-0201 of the PFM requiring trails and bike trails as shown on the Comprehensive Trails Plan in favor of the streetscape and bike trail system as shown on the CDP/FDP
- Approval of a parking reduction request, #3300-PKS-004-01, pursuant to Part 5 of Sect. 11-102 of the Zoning Ordinance based on the proximity of the development to mass transit facilities, and subject to the conditions dated June 4, 2020, and contained in Appendix 12 of the Staff Report

Supervisor Palchik moved a follow-on motion directing staff to identify specific planning alternatives and potential new mechanisms to realize the implementation

of the urban park vision set forth in the Merrifield Suburban Center Comprehensive Plan.

Supervisor Alcorn 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 December 9, 2020, the PC approved Final Development Plan Application FDP 2020-PR-004.)

54. **4 P.M. - PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE GEORGE MASON UNIVERSITY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 40 (BRADDOCK DISTRICT)** (7:11 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 January 8 and 15, 2021.

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

Following the public hearing, which included testimony by two speakers, Supervisor Walkinshaw moved that the Board adopt an amendment (Attachments I and II of the Board Agenda Item) to Appendix G, of the Fairfax County Code, to expand the George Mason University RPPD, District 40.

Supervisor 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.”

55. **4 P.M. - PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE ANNANDALE TERRACE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 37 (MASON DISTRICT)** (7:19 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 January 8 and 15, 2021.

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

Following the public hearing, Supervisor Gross moved that the Board adopt an amendment (Attachment I of the Board Agenda Item) to Appendix G, of the Fairfax County Code, to expand the Annandale Terrace RPPD, District 37.

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."

56. **4 P.M. - PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 4618 WEST OX ROAD TO REPUBLIC SERVICES OF VIRGINIA, LLC (SPRINGFIELD DISTRICT)** (7:22 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 January 8 and 15, 2021.

Hans Christensen, Director, Solid Waste Management Program, presented the staff report.

Following the public hearing, Supervisor Herrity moved that the Board authorize staff to prepare and execute all documentation necessary to lease approximately 5.8 acres of Board-owned property to the I-66 Solid Waste Transfer Station located at 4618 W. Ox Road and identified by Tax Map 056101-0002 to Republic Services of Virginia, LLC. Chairman McKay seconded the motion and it carried by unanimous vote.

57. **4 P.M. - PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY AT THE FAIRFAX COUNTY GOVERNMENT CENTER TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCHRA) (BRADDOCK DISTRICT)** (7:26 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 January 8 and 15, 2021.

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

Following the public hearing which included testimony by one speaker, Supervisor Walkinshaw moved that the Board authorize staff to prepare and execute all documentation necessary to convey approximately 5 acres of Board-owned property at The Fairfax County Government Center and generally identified as parking lots G and H on Tax Map Parcel 0561-15-0014 to the Fairfax County Redevelopment and Housing Authority subject to the condition that the property must be used to create an affordable housing project. If FCRHA no longer pursues

the project, they will transfer ownership of the property back to the Board. Chairman McKay seconded the motion and it carried by a vote of nine, with Supervisor Herrity voting “NAY.”

58. **4:30 P.M. - PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE FAIRFAX COUNTY CODE BY ADDING A NEW CHAPTER 43.2, FOOD CODE, AND REPEALING CHAPTER 43.1, FOOD AND FOOD SERVICE ESTABLISHMENTS** (7:35 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 January 8 and 15, 2021.

Pieter Sheehan, Environmental Health Director, Health Department, presented the staff report.

Discussion ensued with input from Mr. Sheehan regarding the communication and outreach provided to those affected and the plans moving forward before full implementation.

Following the public hearing, Supervisor Palchik moved that the Board amend the Fairfax County Code by adding a new Chapter 43.2, Food Code, and repealing Chapter 43.1, Food and Food Service Establishments, as set forth in Attachment I of the Board Agenda Item and that these Code Amendments be made effective immediately.

Supervisor 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.”

59. **RECESS/CLOSED SESSION** (7:40 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 attached agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *Farid Saleh and Miraj Bibi v. Officer Imran Farooq and Fairfax County*, Case No. 1:19-cv-01546 (E.D.Va.)
 2. *Filsan Duale v. Colonel Edwin C. Roessler Jr., Fairfax County Police Department, Sgt. Joe Shoemaker, Brandon Vinson, John Doe Police Officers 1-5*, Case No. 1:20-cv-1499 (E.D. Va.)
 3. *Abrar Omeish v. Sheriff Stacey Ann Kincaid, Officer J. Patrick*, Case No. 1:21-cv-35 (E.D. Va.)
 4. *Lolita R. Matammu v. County of Fairfax, Virginia a/k/a/ Fairfax County Health Department*, Case No. 1:20-cv-1468 (E.D. Va.)
 5. *Tysons West Retail, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case Nos. CL-2020-0017476, CL-2020-0017477, and CL 2020-0017478 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 6. *Tricia Martin and James Finley v. Jey Phillips*, Case No. C 08-CV-18-000217 (Charles County, Maryland, Circuit Court)
 7. *Mathieu Ghirardo v. Jarryd Blackford*, Case No. GV20-011457 (Fx. Co. Gen. Dist. Ct.)
 8. *Jose Salazar, by GEICO (subrogee) v. Johnny Cleveland*; Case No. GV20-001059 (Fx. Co. Gen. Dist. Ct.)
 9. *Mercury County Mutual Insurance Co. a/s/o Glenn Hamby v. Fairfax County, Virginia*; Case No. CL-2020-0016253 (Fx. Co. Cir. Ct.)
 10. *Progressive Gulf Insurance Co., as subrogee of Denis Padilla v. Mark Pullman*; Case No. GV20-018480-00 (Fx. Co. Gen. Dist. Ct.)
 11. *Randy Pope v. Carl J. Pumphrey and Fairfax County*, Case No. GV 20-005877 (Fx. Co. Gen. Dist. Ct.)
 12. *Amanda Freeman, by GEICO General Insurance Co., subrogee v. Morgan Russell Walker*, Case No. CL-2020 -0011547 (Fx. Co. Cir. Ct.)
 13. *Majahid Osman, by GEICO (subrogee) v. Morgan Russell Walker*; Case No. GV20-004237 (Fx. Co. Gen. Dist. Ct.)

14. *Capital Investment Advisors, Inc. v. Fairfax County Human Rights Commission* Case No. CL-2020-0006566 (Fx. Co. Cir. Ct.)
15. *Melinda Norton, Cecilia Gonzalez, Amjad Arnous, John A. McEwan, Mary Lou McEwan, Laura Quirk Niswander, Nagla Abdelhalim, Robert Ross, Helen Ross, Sanjeev Anand, Anju Anand, Melinda Galey and Travis Galey v. Board of Supervisors of Fairfax County, Virginia*, Record No. 201028 (Va. Sup. Ct.)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thien Tho Ngoc Nguyen and Kim-Uyen Mai Pham*, Case No. CL-2020-0014216 (Fx. Co. Cir. Ct.) (Braddock District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahshid Hassan Pourzai and Mina Dadkhah*, Case No. GV20-015965 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Niema A. Touhidi*, Case No. GV20-14008 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
19. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Jean John Aidonis*, Case No. 1:20-cv-01236 (E.D. Va.) (Hunter Mill District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. David M. Frutchey*, Case No. CL-2019-0016757 (Fx. Co. Cir. Ct.) (Hunter Mill District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Norman J. Fry and Laura A. Fry*, Case No. CL-2020-0011752 (Fx. Co. Cir. Ct.) (Hunter Mill District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fausto Aranzana and Enma Vasquez*, No. CL-2020-0009991 (Fx. Co. Cir. Ct.) (Lee District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jene Ballard, Robert M. Ballard, Donnie C. Ballard, Blanche Perry, Neal Ballard, and Goldie McGuin, heirs to Alice M. Ballard, Trustee of Alice M. Ballard Living Trust*, Case No. CL-2020-0011749 (Fx. Co. Cir. Ct.) (Lee District)

24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sarra Semere and Helen Semere-Kifle*, Case No. CL-2020-0015796 (Fx. Co. Cir. Ct.) (Lee District)
25. *ZAAKI Restaurant and Café LLC v. State Building Code Technical Review Board, County of Fairfax, Virginia, and Brian F. Foley, Building Official*, CL-2020-0017855 (Fx. Co. Cir. Ct.) (Mason District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Khanh Nguyen*, Case No. CL-2020-0002027 (Fx. Co. Cir. Ct.) (Mason District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary Lee Sheahan, Margaret Sheahan Eddy, Roger Neal Eddy*, Case No. CL-2020-0018287 (Fx. Co. Cir. Ct.) (Mason District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John A. McEwan and Mary Lou McEwan*, Case No. CL-2019-0008365 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax, Virginia v. Debra E. Alford*; Case Number CL-2020-11326 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Holly P. Fay*; Case No. CL-2020-0011325 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahlon C. Hawker*, Case No. CL-2019-0015198 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdul Haleem and Tanveer M. Sayeedi*, Case No. CL-2020-0018488 (Fx. Co. Cir. Ct.) (Providence District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy V. Marshall*, Case No. CL-2020-0008131 (Fx. Co. Cir. Ct.) (Providence District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)

35. *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)*

And in addition:

1. As permitted by Virginia Code Section 2.2-3711(A)(1), discussion and consideration regarding the following:
 - (i) Actions of specific personnel during a Police Department use-of-force incident on December 17, 2020
 - (ii) Appointments of Acting Chief of Police and members of the Board of Zoning Appeals
 - (iii) Annual evaluations of the County Executive and the County Attorney

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

At 10:31 p.m., the Board reconvened their electronic meeting with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

60. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (10:31 p.m.)

Supervisor Gross moved that the Board certify that, to the best each members 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 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."

61. **MOTION APPOINTING DAVID ROHRER, DEPUTY COUNTY EXECUTIVE, AS ACTING CHIEF OF POLICE** (10:31 p.m.)

Supervisor Gross moved that the Board appoint David M. Rohrer, Deputy County Executive, as acting Chief of Police effective February 2, 2021. Chairman McKay seconded the motion and it carried by unanimous vote.

62. **MOTION AUTHORIZING SETTLEMENT IN SALEH AND BIBI V. FAIRFAX COUNTY** (10:32 p.m.)

Supervisor Gross moved that the Board authorize a settlement, on the terms and conditions discussed with the County Attorney in Closed Session, in the following court case: *Farid Saleh and Miraj Bibi v. Officer Farooq and Fairfax County*, Case No. 1:19-cv-01546 in the United States District Court for the Eastern District of Virginia. Chairman McKay seconded the motion and it carried by unanimous vote.

63. **MOTION CONCURRING IN THE APPOINTMENT TO THE FAIRFAX COUNTY BOARD OF ZONING APPEALS** (10:33 p.m.)

(BAC) In response to a letter from the Fairfax County Circuit Court to the County Attorney dated December 7, 2020, Supervisor Gross moved that the Board concur in the appointment of Daniel Aminoff to the Fairfax County Board of Zoning Appeals. Chairman McKay seconded the motion and it carried by unanimous vote.

64. **MOTION REQUESTING ADVERTISEMENT FOR VACANT POSITIONS ON THE BOARD OF ZONING APPEALS** (10:33 p.m.)

(BAC) Supervisor Gross moved that the Board direct the County Attorney to notify the Fairfax County Circuit Court that the two additional openings on the Board of Zoning Appeals should be advertised using the agreed upon procedures, which include notifying a diverse and extensive group of community organizations of the openings and soliciting applications from their membership. Chairman McKay seconded the motion and it carried by unanimous vote.

65. **BOARD ADJOURNMENT** (10:34 p.m.)

The Board adjourned.