



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
December 1, 2020**

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23-20

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; Ekua Brew-Ewool and Emily Armstrong, Deputy Clerks, Department of Clerk Services.

BOARD MATTERS1. **ORDERS OF THE DAY** (2:01 p.m.)

Chairman McKay stated that consistent with the Governor's announcement last Friday, which among other things, capped in-person gatherings at no more than 25 people, the Board has decided to meet virtually. The ability to do this is permitted under the Board's Emergency Declaration on April 14, 2020, and speakers were made aware of their continuing options to provide phone or video testimony.

He stated that because each member of the Board is 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. Supervisor Foust 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. Supervisor Foust 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** (2:05 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:

- Dr. Armand B. Weiss, who died recently. He was a long-time McLean resident and the Dranesville District Representative on the Water Authority and a Representative on the Dranesville District Budget Committee. He was active in the McLean Community

AGENDA ITEMS

3. **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 December 1, 2020.” Chairman McKay seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

ADVISORY SOCIAL SERVICES BOARD

Appointment of:

- Ms. Kendal M. Vahovius as the Mount Vernon District Representative

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointments of the At-Large #1 and #5 Representatives.

ATHLETIC COUNCIL

Confirmation of:

- Mr. Kurt Louis as the Park Authority Alternate Representative
- Mr. Ted Hollingsworth as the Football Council Alternate Representative

The Board deferred the appointments of the Mason District Alternate and Providence District Alternate Representatives.

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:

- Ms. Noelle Maynard Holmes as the Professional #4 Representative

The Board deferred the appointments of the At-Large #1 and #2, and the Professional #6 Representatives.

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.

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

Appointment of:

- Mr. L. Eric Marx as the Dranesville District Representative

CIVIL SERVICE COMMISSION

Reappointment of:

- Ms. Deborah A. Woolen as the At-Large #2 Representative

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:

- Mr. Taylor Chess as the Braddock District Representative
- Mr. Stephen Keat as the Mount Vernon District Representative

The Board deferred the appointments of the At-Large Chairman's #1, #2, #3, At-Large Chairman's #4 Land Use, At-Large #11, #12, Lee, Hunter Mill, and Mason District Representatives.

ENGINEERING STANDARDS REVIEW COMMITTEE

Confirmation of:

- Mr. Keith Sinclair as the Engineers/Surveyors Institute Representative

- Mr. Seyed Asad Rouhi as the Northern Virginia Soil and Water Conservation District Representative
- Mr. James Clark as the Heavy Construction Contractors Association Representative

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

FAIRFAX AREA DISABILITY SERVICES BOARD

Reappointment of:

- Ms. Deborah C. Cohen as the Braddock District Representative

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

GEOTECHNICAL REVIEW BOARD

Confirmation of:

- Mr. Daniel S. Rom as the Alternate #3 Representative
- Mr. Paul Burkart as the Primary #2 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 RIGHTS COMMISSION

Appointment of:

- Mr. Josh Shumaker as the At-Large #7 Representative

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Hunter Mill District #1 Representative.

INDUSTRIAL DEVELOPMENT AUTHORITY

The Board deferred the appointment of the At-Large #7 Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

Reappointment of:

- Mr. Edward Blum as the Providence District Representative

The Board deferred the appointment of the Braddock District Representative.

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.

PARK AUTHORITY

Reappointment of:

- Mr. Faisal Khan as the At-Large Chairman's Representative
- Mr. Ken A. Quincy as the Providence District Representative

PLANNING COMMISSION

Reappointment of:

- Mr. Phillip A. Niedzielski-Eichner as the Providence District Representative

REDEVELOPMENT AND HOUSING AUTHORITY

Appointment of:

- Ms. Staci Jones Alexander as the Mason District Representative

The Board deferred the appointment of 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

Appointment of:

- Ms. Peyton Onks as the At-Large #1 Representative

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

SMALL BUSINESS COMMISSION

Reappointment of:

- Mr. Joseph Patrick Underwood as the Braddock District Representative
- Ms. Kelly Pride Hebron as the Lee District Representative
- Ms. Melody McGuin Thorson as the Mount Vernon District Representative

Appointment of:

- Ms. Gigi Thompson Jarvis as the Dranesville District Representative

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #9 (Youth) Representative.

TENANT LANDLORD COMMISSION

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

TRESPASS TOWING ADVISORY BOARD

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

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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

WETLANDS BOARD

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

4. **2:00 P.M. – BOARD ADOPTION OF THE 2021 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY, APPROVAL OF THE COUNTY’S 117TH CONGRESS FEDERAL LEGISLATIVE STRATEGY AND PRINCIPLES** (2:10 p.m.)

Supervisor Walkinshaw, Chair of the Legislative Committee, highlighted the following regarding the 2021 Legislative Program:

- For state legislation, the Board is adopting the 2021 Legislative Program and Human Services Issue Paper, and for federal legislation, the Board is adopting Recommended Strategies and Principles for the 117th Congress. All these items were discussed at this fall’s Legislative Committee meetings, most recently on November 24, 2020
- As discussed at Legislative Committee, the fundamental priorities remain the same. However, in a welcome change, the County was able to remove several long-standing County priorities from its program this year as they were achieved during the 2020 session
- As in previous years, the program features state support for education as a top priority, and urges the state to fully meet its responsibility to adequately fund K-12 education
- The regional transportation funding priority statement encourages the General Assembly (GA) to fully restore funding to the Northern Virginia Transportation Authority (NVTA) in an amount equal to what was diverted by the 2018 GA. The transportation funding priority statement encourages the GA to continue to build upon legislation providing significant transportation revenues passed by the 2018 and 2020 GAs, to ensure sufficient funding for transportation needs
- The Board again has a Human Services Issue Paper as part of the package, which highlights the County’s interest in several human services programs and includes three priorities. The first is state funding and actions related to increasing the availability of affordable housing options, the second is sustainable state funding

for diversion programs to connect people who come into contact with the criminal justice system for low-level offenses to treatment, and the third is increased state support to address the growing substance use disorder epidemic

- The Board discussed several changes at the November 24, 2020, Legislative Committee meeting, which have been incorporated into the draft Program and Issue Paper. In the draft Program, the Board added notes about two regional positions – the first in support of full funding for System Transformation, Excellence and Performance in Virginia (STEP-VA), and the second in support of increased funding for the state Stormwater Local Assistance Fund (Water Quality position). The Board also added a new legislative initiative, which would give localities the authority to establish green banks to spur clean energy investment and added language to the Land Conservation position in support of increased education and early notification about environmentally sensitive land for residential property owners. Additionally, the Board added language to the Economic Development and Diversification position in support of additional resources for the Virginia Jobs Investment Program’s (VJIP), Small Business New Jobs and Workforce Retraining initiatives. The Board also added language to the Elections positions in support of allowing the use of drop boxes and added language to the Affordable Housing and Homelessness Prevention position in support of the Commonwealth expanding resources for legal assistance and aid to tenants facing eviction and considering changes to state law to protect residents in mobile home parks. Lastly, the Board added language to the introduction to the Human Services Issue Paper to note the dramatic effects the COVID-19 pandemic has on older adults, and included the infographic version of the human services fact sheet
- The Board also have four initiatives this year. The first would increase the number of members on the Fairfax County Economic Development Authority (EDA) Board from seven to nine, which will further diversify participation from the County’s business community. The second would provide localities with the authority to establish green banks. The third would allow ordinances adopted to assure continuity in government to remain in effect for up to twelve months following a disaster. And the fourth would update and modernize the state’s funding formula for the Commonwealth’s Attorneys’ offices, in order to improve the criminal justice system and policing. The current formula uses an outdated approach focused on felony indictments and sentencing events, which is antithetical for the goal of increasing diversion programs and utilizing specialty dockets

Supervisor Walkinshaw highlighted the following regarding the federal legislative strategies for the 117th Congress:

- The Board is also adopting a federal legislative strategy for the 117th Congress. As the Board is aware, the political and fiscal landscape in Congress has been volatile over the past several years, and the Board is likely to see continued uncertainty in the future
- The County continues to pursue a strategic approach to federal funding opportunities, with a focus on economic development, transportation, and protecting the social safety net. In particular, the County supports additional federal relief funding to address the current COVID-19 pandemic. The unprecedented economic and fiscal impacts of the pandemic require broad and long-lasting federal assistance for state and local governments to help mitigate these effects. The Board will also be actively working to protect existing federal investments in the County – particularly the military installations, civilian federal workforce, and federal contractors, which are so vital to the local economy
- As a result of the discussion at the November 24, 2020, Legislative Committee meeting, the Board has reordered the program to further highlight infrastructure and energy as the County’s top priorities. The Board has revised the language to the Transportation Funding position in support of increased federal investment in programs that expanded non-motorized travel choices such as Transportation Alternatives and strengthened the language regarding additional COVID-19 relief funding for transit agencies.

Supervisor Walkinshaw moved the Board adopt the 2021 Legislative Program and Human Services Issue Paper. Chairman McKay seconded the motion.

Following discussion with the Board thanking the Legislative staff, the question was called on the motion and it carried by a recorded vote of nine, Supervisor Herrity voting “NAY.”

Supervisor Walkinshaw thanked the legislative staff who have spent countless hours working on the County’s behalf this year, during very unusual times, and through an extended special session of the General Assembly. The staff is now preparing for a new session that will be unlike any other and he thanked them for their efforts.

Supervisor Walkinshaw announced that a work session with the Fairfax delegation on the General Assembly will be held virtually on December 8, 2020, at 3:30 p.m.

Supervisor Walkinshaw moved the Board adopt the *Recommended Strategies and Principles for the 117th Congress*. Chairman McKay seconded the motion.

Supervisor Gross requested her colleagues to be aware of future opportunities for involvement with legislative initiatives and decisions through the Virginia Association of Counties VACo for the General Assembly and National Association of Counties (NACo) for Congress.

The question was called on the motion and it carried by a recorded vote of nine, Supervisor Herrity voting “NAY.”

DMS:dms

5. **REQUESTS FOR PROCLAMATIONS** (2:25 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare and schedule the following Proclamations:

- Representatives from the Fairfax County Health Department be presented out of the Board Room with a proclamation designating December 1, 2020, as “*HIV Awareness Day*”
- Representatives from the Virginia Department of Health be presented out of the Board Room with a proclamation designating December 6-12, 2020, as “*National Influenza Vaccination Week*”
- Designating December 2020 as “*Bangladeshi-Americans Victory Month*”
- Representatives from the Fairfax County Fire and Rescue Department be presented out of the Board Room with a proclamation designating January 18-24, 2021 as “*Community Risk Reduction Week*”

Without objection, it was so ordered.

6. **RECOGNITION AND PROCLAMATION REQUEST FOR CHIEF OF POLICE, EDWIN ROESSLER** (2:25 p.m.)

Chairman McKay stated that on November 5, 2020, Fairfax County Chief of Police, Edwin Roessler, announced his retirement, effective February 2021.

Chief Roessler dedicated his career to the Fairfax County Police Department (FCPD). He began with the Department as a police recruit on July 17, 1989, and moved up the ranks in leadership, eventually being appointed to his current role in July 2013.

During his tenure, Chief Roessler directed the department to national accreditation through the Commission on Accreditation for Law Enforcement Agencies, while

also maintaining state accredited status. Both entities have also re-accredited the FCPD.

Chief Roessler was and is committed to progress in the police department, leading FCPD through an outside review of its use of force and community review policies. This action led to the implementation of the body-worn camera program, enhanced diversity recruitment, and the establishment of the Civilian Review Panel and Independent Police Auditor's office. Finally, this review led to significant changes to the use of force policy including de-escalation tactics, prohibition of choke holds, and diversion programs. Some of these changes are only now being discussed on the state and national levels.

These are just some of his many accomplishments as Police Chief these last 8 years. Chief Roessler's work to community engagement, trust, and transparency is why Fairfax County continues to be the safest jurisdiction of its size.

Therefore, Chairman McKay moved that the Board recognize Chief Roessler for his retirement and thank him for his work. Chairman McKay further moved that the Board direct the Office of Public Affairs to prepare a proclamation in recognition of Chief Roessler, to be presented at a future Board meeting. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

7. **CARES ACT FUNDING ASSISTANCE FOR UTILITY CUSTOMERS**
(2:30 p.m.)

Jointly with Supervisor Storck, Supervisor Gross stated that through its amended budget, the Commonwealth has appropriated \$100 million of its Coronavirus Relief Funds to provide financial assistance to utility customers. A portion of this appropriation is allocated to the COVID-19 Municipal Utility Relief Fund Program. Under this Program, the Commonwealth will make funds available to qualifying municipal utilities so that the municipal utilities can provide financial assistance to customers who cannot pay their utility bills due to economic hardships caused by the COVID-19 pandemic. A municipal utility is a "utility providing electric, gas, water, or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the Commonwealth." Under the Program, each municipal utility must submit a separate application in order to receive funding. However, each municipal utility within the county's jurisdiction will need to partner with the county to act as the utility's fiscal agent to receive funds. The Virginia Department of Housing and Community Development will provide more details on the actual administration of the Program once funding has been awarded. Funding must be expended by December 30, 2020.

To comply with the November 30, 2020, application deadline, Supervisor Gross stated that she understands that all municipal utilities within the county's jurisdiction have submitted applications. This includes customer arrearages in the

county's sewer system, Fairfax Water as well as the Towns of Vienna and Herndon. I should note that staff is still working with the Cities of Fairfax and Falls Church to determine whether the county needs to act as the fiscal agent or whether they can administer the funding on their own.

Therefore, jointly with Supervisor Storck, Supervisor Gross moved that the Board support the municipal utilities applications and direct staff to continue to develop a program to administer the Program funds in accordance with state and federal law. If funding is awarded, it will be included in the revised *FY 2021 Mid-Year Review* recommendation to the Board in January 2021 and will be formally approved by the Board as part of the *FY 2021 Mid-Year Review*. Chairman McKay and Supervisor Storck jointly seconded the motion and it carried by unanimous vote.

8. **RETIREMENT OF ANN SHARP AND LINDA BUFANO, ADMINISTRATIVE AIDES, BRADDOCK DISTRICT SUPERVISOR'S OFFICE** (2:33 p.m.)

Supervisor Walkinshaw announced that two members of his office, Ann Sharp and Linda Bufano, would be retiring at the end of this year and he thanked them for their service to the County. He further announced that their retirement party would be held on December 16, 2020, at 4:00 p.m. at the Braddock District Supervisor's Office.

9. **CONCURRENCE IN FILING REQUEST FOR MILESTONE TOWER LIMITED PARTNERSHIP IV (DRANESVILLE DISTRICT)** (2:36 p.m.)

Supervisor Foust stated that on June 23, 2020, this Board concurred with the filing of a Special Exception to allow Milestone Communications to pursue the installation of a telecommunications monopole at Wolf Trap Fire Station #42, located at 1315 Beulah Road. County requirements specify that a zoning application on property owned by a party other than the applicant require the endorsement of the property owner.

Staff has determined that the application requires a Proffered Condition Amendment as well as the Special Exception, but the request for concurrence only referenced the Special Exception. Therefore, the Board needs to make an additional motion to concur with the filing of the Proffered Condition Amendment. The applicant understands that this motion will not prejudice the consideration of the application in any way.

Therefore, Supervisor Foust moved that the Board concur with the filing of Proffered Condition Amendment PCA 78-D-060-02 application on Tax Map Parcel 19-3 ((1)) 20, located at 1315 Beulah Road, by Milestone Tower Limited Partnership IV and its agent Donohue and Stearns, PLC. Chairman McKay and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

10. **REQUEST FOR APPROVAL OF COMMENT LETTER: COMMONWEALTH TRANSPORTATION BOARD'S (CTB) 2020 FALL TRANSPORTATION MEETINGS** (2:39 p.m.)

Supervisor Alcorn stated that this year, the Commonwealth of Virginia's FY 2020-2022 Biennium Budget included language allowing the FY 2020-2025 Six-Year Improvement Program (SYIP), adopted June 19, 2019, to remain in effect through June 30, 2021, or until a new SYIP can be adopted based on revenue forecasts reflecting the impacts of the COVID-19 pandemic. The budget amendments adopted by the General Assembly on Nov. 18, 2020, further granted the Commonwealth Transportation Board (CTB) the flexibility to address the decrease in revenues available resulting from COVID-19. The amendments allow the CTB to use funds currently allocated to projects from the Revenue Sharing, State of Good Repair, High Priority Project, and District Grant Programs that is not currently needed to support the project (based on its current schedule) to increase the funding available through the Commonwealth Transportation Fund (CTF). These revenues can be distributed to other programs and projects supported by the CTF to ensure they also advance according to their respective schedules. The funding must be replaced in the year or years needed to maintain those donor projects' current schedules, but no later than FY 2024 for Revenue Sharing or FY 2025 for the other three programs.

The CTB is currently developing a FY 2021-2026 SYIP, in accordance with the provisions provided in the Code of Virginia and the budget requirements. This includes:

- Using funding from existing Revenue Sharing projects that do not currently need the funding to address cashflow needs and replacing the funds in future years. In Fairfax County, five projects are currently on the list (Rolling Road Widening Phase I, Rolling Road Widening to 4 Lanes – Phase II, Richmond Highway Corridor Improvements, Route 28 Widening, and Soapstone Connector Roadway). County staff is working with the Virginia Department of Transportation (VDOT) to ensure that none of these projects are delayed by this adjustment in the timing of project funding
- Allocating new Revenue Sharing funds to projects submitted for consideration in Fall 2019. Allocations were originally supposed to be for FY 2021 and 2022, but are now recommended for FY 2025 and 2026, so that replacing the funding for existing projects can occur first
- Allocating State of Good Repair Funding to eligible bridges
- Allocating FY 2021 Transit Funding

As part of public comment process for the update, relevant materials were posted on November 13, 2020. In past years, public meetings were held across Virginia

for the public to learn about and comment on various transportation initiatives. However, since that was not possible this year, public comment was allowed at the start of the November 24, 2020, CTB meeting. Comments will also be accepted in writing through December 3, 2020.

The Board has generally provided testimony and substantial comments in support of our projects that were being considered for Smart Scale or other programs. However, due to the abridged comment period and the fact that the CTB will be considering an abridged FY 2021-2026 SYIP, county staff is recommending that the Board provide comments in a letter.

Therefore, Supervisor Alcorn moved that the Board approve the December 1, 2020, letter, attached to his written Board Matter, providing comments on the documents being considered as part of the Commonwealth's FY 2021-2026 SYIP update to be sent to the Virginia Secretary of Transportation as part of the public comments record on behalf of Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

11. **REQUEST TO AMEND COMPREHENSIVE PLAN ON SUBJECT PROPERTY FOR AUTOMOBILE DEALERSHIP (SHEEHY AUTO STORES) (LEE DISTRICT)** (2:42 p.m.)

Supervisor Lusk stated that Sheehy Auto Stores ("Sheehy") has recently acquired approximately 7.22 acres located on the east side of Loisdale Road and identified among the Fairfax County tax assessment records as 90-4 ((1)) 3, 4, and 5, which he would refer to as the "Subject Property". The Subject Property is zoned to the C-2 and the I-3 Districts.

In order to establish an automobile dealership on the Subject Property, it will be necessary to amend the Comprehensive Plan. While he appreciates that the Site-Specific Plan Amendment Process (SSPA) South County process is ongoing, this is a unique circumstance. The Subject Property was the subject of a nomination that was filed as part of the SSPA process and proposed townhouses. That nomination was not supported by the planning staff or the adjacent Loisdale Estates community, and was unanimously rejected by the Lee District Task Force.

Alternatively, Sheehy has met with my office, the Planning Division and the adjacent Loisdale Estates community to develop a concept development plan. In good faith, Sheehy worked with the then property owner to withdraw the pending SSPA nomination for townhouses. Sheehy is committed to continuing to work with the Lee District Supervisor's office, the Planning Division and, the Loisdale Estate community to design a development that can be supported by both. An automobile dealership would be consistent with the existing automobile dealerships that were approved directly to the south on Loisdale Road. Automobile dealerships have been well-received in the area as they generate less traffic on Loisdale Road than other uses. If established, the area would have the economic benefit of retaining a Subaru dealership in the Springfield area.

Sheehy plans to process a rezoning application concurrently with a Comprehensive Plan amendment, thereby assuring that this long vacant parcel is developed in a manner consistent with the discussions that have been held to date.

Therefore, Supervisor Lusk moved that the Board authorize staff to process an out-of-turn amendment to the Comprehensive Plan to permit the option of an automobile dealership on property identified among the Fairfax County tax assessment records as 90-4 ((1)) 3, 4, and 5. Supervisor Herrity seconded the motion.

Following discussion with the Board about needing to add to the motion the language typically used regarding “not construing it as a favorable recommendation,” the question was called on the motion and it carried by unanimous vote.

12. **CONCURRENT PROCESSING REQUEST FOR KINGSTOWNE SHOPPING CENTER I, LP PENDING APPLICATIONS (LEE DISTRICT)**
(2:46 p.m.)

Supervisor Lusk stated that the former Fiona’s space in the Kingstowne Shopping Center has been vacant now for nearly 18 months. However, Kingstowne Shopping Center I, LP has filed a series of Proffered Condition Amendment, Conceptual Development Plan Amendment, Final Development Plan, and Special Exception Amendment Applications, specifically PCA C-448-35, CDPA C-448-08, FDPA C-448-05-05, and SEA 94-L-004-3, to permit a Chick-fil-A restaurant with drive through in that space, located in the Kingstowne Shopping Center on Tax Map Parcel 091-2 ((1)) 32A. The applications have moved through the zoning review process thus far, and have recommendations of approval from County staff, the Lee District Land Use Committee, and as of November 4, 2020, the Planning Commission. However, due to the vagaries of the Board schedule towards the end of the year, they are not scheduled to come to the Board until January 26, 2020, nearly three months after obtaining a unanimous vote from the Planning Commission.

The scope of the physical work involved in converting the space into a Chick-fil-A and reconfiguring a portion of the parking lot to allow for the drive-through is fairly light, and the extra time between Planning Commission and Board represents a serious delay in filling this key retail space in the heart of the Kingstowne Community Business Center. In order to keep the overall timeline and County approval process moving during the coming months, the Applicant has asked for consideration for concurrent processing of their site plan, with the full understanding that they do so at their own risk.

Therefore, Supervisor Lusk moved that the Board direct the Director of Land Development Services to accept for concurrent and simultaneous processing any site plans, architectural drawings or other drawings as may be necessary in conjunction with the pending applications. This motion should not be construed as a favorable recommendation by the Board of Supervisors and does not relieve the

Applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards. Chairman McKay seconded the motion and it carried by unanimous vote.

13. **CONVEYANCE OF BOARD-OWNED PROPERTY (FRANCONIA POLICE STATION) TO FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (LEE DISTRICT)** (2:49 p.m.)

Supervisor Lusk stated that increasing the supply of affordable housing throughout Fairfax County is a high priority. A strategy to exceed our goal of developing a minimum of 5,000 affordable housing units within 15 years is to leverage use of vacant Board-owned property for housing development. The Department of Housing and Community Development is actively investigating the feasibility of several Board-owned sites for affordable housing within the Lee District. One site that has been identified is the Franconia Police Station property which also houses the Franconia Museum and the Lee District Supervisor's Office. The current operations are being relocated and co-located to the site of the future Kingstowne Library, which is expected to open in 2024, providing a redevelopment opportunity at the current site.

Based on initial studies, the Board owned 3.26-acre parcel is anticipated to accommodate up to 160 multifamily affordable units, with specific units designated for public safety personnel and teachers that serve our community to the extent feasible. Using public/private partnerships, appropriate publicly-owned land can be developed to efficiently produce affordable housing units in a cost effective manner through use of Low Income Housing Tax Credits.

Therefore, Supervisor Lusk moved that the Board to direct staff to initiate the steps to formally authorize and schedule a public hearing to consider conveyance of the 3.26-acre Franconia Police Station site located at Tax Map Parcels 81-3 ((5)) 2A,2B, 2C1 and 3A & Tax Map Parcels 81-3 ((8)) 503 to the Fairfax County Redevelopment and Housing Authority (FCRHA) for the development of affordable housing with appropriate lease-back provisions until the relocation of the police station and subject to the stipulation that in the event the FCRHA no longer pursues the project, the FCRHA will transfer ownership of the property back to the Board. Supervisor Foust seconded the motion.

Following discussion with the Board regarding staff involvement in this item, the question was called on the motion and it carried by unanimous vote.

14. **COMPREHENSIVE PLAN AMENDMENT AUTHORIZATION AND AUTHORIZATION OF ZONING FOR THE FORMER MOUNT VERNON ATHLETIC CLUB** (2:52 p.m.)

Supervisor Lusk stated that Fairfax County Redevelopment and Housing Authority (FCRHA) recently purchased the 5.3-acre former Mount Vernon Athletic Club property located at 7950 and 7960 Audubon Avenue and is currently coordinating

immediate capital renewal improvements and upgrades to the existing 50,000 square foot facility. Subsequently, the Department of Public Works and Environmental Services (DPWES) will manage the implementation of a more comprehensive Capital Improvement Program project of renovations and/or new construction to accommodate all program uses envisioned for this facility. The FCRHA will transfer the property to the county and the Department of Neighborhood and Community Services (NCS) plans to operate it as a community center with a variety of services provided on-site. There is also an opportunity for a partnership with a workforce development entity for use of a portion of the building.

The adopted Comprehensive Plan for the property recommends private recreation use, which reflects the previous ownership and use. Additionally, the site is zoned to the C-8 District, and subject to a proffered rezoning, including proffered plans and uses. While a determination has been made that the County could continue to operate the facility in accordance with the current proffers, in order to implement the desired expansion of services, a series of actions is needed. These include a Comprehensive Plan amendment to reflect the new public facilities use, a Proffered Condition Amendment to reflect the public use and permit site modifications, and potentially a Special Exception for “Alternate Use of Public Facilities.”

Therefore, Supervisor Lusk moved that the Board:

- Authorize a Comprehensive Plan amendment to consider public facilities use for 7950 and 7960 Audubon Avenue [Tax Map Parcels 101-2 ((1)) 14 and 15]. This Plan amendment should be reviewed concurrently with the required zoning actions

Supervisor stated the following:

“In addition, **WHEREAS**, there is a clear public interest to be served by amending the planning and zoning approvals on this site to permit the desired expansion of uses and services to serve the citizens of Fairfax County; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice require such action; and

WHEREAS, the most economical means of accomplishing this is a zoning application to be processed concurrently with the Comprehensive Plan amendment; and

WHEREAS, the FCRHA has granted the Board of Supervisors authority to initiate any Land Use approvals or changes on behalf of the FCRHA for its property located at 7950 and 7960 Audubon Avenue in the Lee District.”

Therefore, Supervisor Lusk moved that the Board:

- Authorize and concur in the filing of any and all necessary zoning applications and permits to facilitate the expansion of services and site modifications at 7950 and 7960 Audubon Avenue [Tax Map Parcels 101-2 ((1)) 14 and 15]
- Designate the Director of the Department of Public Works and Environmental Services or his designee(s) and the Deputy County Executive for Human Services or his designee(s) to act as the Board's agent in these actions
- Designate the County Executive to act as the Board's agent for purposes of signing any proffered conditions associated with these applications
- Schedule the public hearings for these planning and zoning actions before the Planning Commission and Board of Supervisors' on an expedited basis
- Direct the Director of Land and Development Services (LDS) to process any necessary plans or permits concurrently with the zoning action

The approval of these motions does not in any way relieve the participants from compliance with the provisions of all applicable ordinances, regulations or adopted standards nor does it prejudice in any way the Board's consideration of the pending applications. Chairman McKay seconded the motion and it carried by unanimous vote.

15. **INCLUSION OF MENTAL HEALTH AND SUICIDE PREVENTION IN CENTRAL SPRINGFIELD LITTLE LEAGUE (CSLL)** (2:59 p.m.)

Supervisor Lusk announced that Marc Dolphin, President of CSLL, recently included mental health and suicide prevention as part of the orientation for this league. On behalf of the Board, Supervisor Lusk thanked him for including it in his program.

16. **ADOPTION OF AUDITOR OF THE BOARD'S NOVEMBER 2020 QUARTERLY REPORT AND APPROVAL OF THE AUDIT COMMITTEE WORK PLAN FOR THE UPCOMING QUARTER** (3:02 p.m.)

Supervisor Storck stated that the Board recently received the Auditor of the Board's Quarterly Report for November 2020. The report included the following study area, recommendations, and managements' concurrence:

November 2020 Quarterly Report:

- **Unallocated/Unassigned Sales Tax Study:**

- Observation:
 - Office of Financial and Program Audit Oversight (OFPA) liaised with Department of Tax Administration (DTA) to construct a process to identify if graphical declines in Fairfax County Local Sales and Use Tax Revenue was attributed to misallocation of revenue
- Auditor Recommends:
 - Staff review the sample of revenue decline to assess if the declines are associated with the misallocation of revenue
 - Further recommends DTA staff complete the requisite paperwork to affect the transfer of these funds, if necessary

Supervisor Storck stated that management agreed with the recommendations. Therefore, Supervisor Storck moved that the Board adopt the Auditor of the Board's November 2020 Quarterly Report and approve the Audit Committee Work Plan for the upcoming quarter. Supervisor Palchik seconded the motion and it carried by unanimous vote.

17. **REQUEST TO ADVERTISE A PUBLIC HEARING FOR CHAPTER 43.2 THE FAIRFAX COUNTY FOOD CODE** (3:04 p.m.)

Jointly with Supervisor Storck, Supervisor Palchik stated that following the most recent Health and Human Services Committee meeting, the Committee recommended replacement of the present County requirements on the regulation of food and food service establishments, now set forth in Chapter 43.1 of the Fairfax County Code, with a new Chapter 43.2 containing requirements based on a new federal model for the handling of food and food service establishments. The current Chapter 43.1 of the Fairfax County Code (also known as the Food and Food Handling Code) was adopted in 2006 and generally followed the 2005 version of the model code published by the Federal Drug Administration and the United States Public Health Service ("FDA/USPHS"). The ordinance being presented here proposes a new Chapter 43.2 with requirements based on a new model code published by the FDA/USPHS as the 2017 Food Code.

Fairfax County continues to be a leader in implementing regulatory standards and practices that help to protect the public's health and safety. Although Chapter 43.1 continues to provide valuable protection for the public's health, it does not address significant food safety concerns related to, for example, mobile food vending requirements in approved right-of-way locations, cottage food operations provisions, and requirements for pets in outdoor dining areas.

The adoption of Chapter 43.2 has established basic guidelines for food establishments to conduct outdoor cooking practices, the inclusion of additional

food items that require time/temperature control for safety, and added the current designations for food safety violations based on an association with foodborne illness.

Therefore, jointly with Supervisor Storck, Supervisor Palchik moved that the Board authorize a public hearing for the adoption of Chapter 43.2 of the Fairfax County Code. Chairman McKay seconded the motion and it carried by unanimous vote.

18. **CONTINUED FUNDING FOR COMMUNITY BASIC NEEDS** (3:07 p.m.)

Jointly with Chairman McKay, Supervisor Palchik stated that the Board received a briefing on the challenges facing County families facing potential evictions at its Health and Human Service Committee meeting on November 24, 2020. Clearly the challenges facing the community continue as the pandemic continues to impact our residents. As the Board is aware, the Board approved the allocation of \$20 million of CARES Coronavirus Relief Funds to augment funds for basic needs assistance included in the annual budget, including the funding pool and other sources. The deadline to expend Coronavirus Relief Funds is currently December 30, 2020, however the Board knows that the community's needs do not expire with that deadline. Ideally, the federal government will come through with another stimulus package to help support our community's most vulnerable residents. Without this assistance, however, the County is committed to continue providing the necessary support through this challenging economic period. The County has prudently set aside funds in the General Fund Pandemic Reserve – funds which can be used to continue to provide additional basic needs assistance and to continue other pandemic response programs.

Therefore, jointly with Chairman McKay, Supervisor Palchik moved that the Board direct staff to continue disseminating county funds for basic assistance after December 30, 2020, when CARES money gets exhausted. Currently budgeted resources for basic needs should be utilized first with additional support from the General Fund Pandemic Reserve expended as needed. In addition, jointly with Chairman McKay, Supervisor Palchik further moved that the Board direct staff to pursue other funding opportunities as available and provide updates as appropriate in the monthly CARES memo and at Committee meetings in the coming months. Chairman McKay seconded the motion and it carried by unanimous vote.

19. **EXPANSION OF TYSONS PARTNERSHIP'S ROLE** (3:10 p.m.)

Jointly with Chairman McKay and Supervisors Alcorn and Foust, Supervisor Palchik stated that since its inception, the Tysons Partnership has played a key role in the success that Tysons has seen. As the Board heard on November 10, 2020, at the Economic Initiatives Committee, the Partnership serves as the implementation entity called out in the Comprehensive Plan for Tysons. To that end, the Partnership's mission is to assist in the acceleration of the transformation of Tysons. Specifically, it serves as a convener, a voice and a catalyst for the people who live, work, and do business in Tysons.

Since the establishment of Tysons as a special tax district effective January 1, 2013, assessed values in Tysons have grown steadily from just over \$11 billion to almost \$17 billion. The projected trajectory for Tysons is robust and we need to do whatever we can to ensure that it is maximized. As we work to take advantage of previous Board investments and decisions, the Partnership is poised to expand and enhance its role. Again, as we heard on November 10th, the Partnership would expand its role in partnership with the county in such areas as research, planning and economic development, transportation and mobility, placemaking and activation, communication and place branding as we move ahead to the next generation of Tysons.

This expanded role, described as Tysons Partnership 3.0, has prompted conversations about governance, metrics to verify progress, and a sustainable funding stream. There are models outside of Fairfax, such as in Rosslyn and National Landing, from which we can take lessons learned to help inform what we do in Tysons. Ultimately this model may also be applied in other parts of the County to cement the partnership between County government and the community stakeholders who have the shared vision of economic growth and successful development.

Therefore, jointly with Chairman McKay and Supervisors Alcorn and Foust, Supervisor Palchik moved that the Board:

- Direct that staff and the Partnership work to identify what the next generation of the Partnership looks like. The work of this group should include a plan spelling out the role, major activities, financing, and value proposition provided to the Tysons community and Fairfax County overall. It shall focus on governance, metrics of success and a sustainable funding stream. Recognizing that this process will take some time, Supervisor Palchik stated that she would set the FY 2023 budget as the timeframe for any recommendations to be implemented. In the preparation for this recommendation, the conversation should look at best practices in Virginia and beyond, engage local businesses, community members, and other stakeholders in Tysons beyond the Partnership membership, as well as provide regular reporting to the Board via memos and Committee meeting conversations
- Nominate \$1 million from the Economic Opportunity Reserve to provide resources for short term initiatives designed to support the priorities identified above. These would include things like wayfinding, promotion of Tysons events and businesses and connectivity through community events. This nomination begins the established process for review by staff and the Board prior to any allocation of funds. We will hear more of these initiatives from the Partnership as the Board discusses this nomination in the coming months

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

20. **APPROVAL OF COVID-19 RESPONSE PLAN FOR OLDER ADULTS**
(3:15 p.m.)

Jointly with Supervisor Walkinshaw, Supervisor Herrity stated that with a significant aging population in Fairfax County, the County has felt the devastating effects of the pandemic on our older adult community acutely. Through June, roughly 75 percent of COVID deaths in Fairfax County were from long term care facilities that serve our older adults. To date, over 80 percent of COVID deaths in Fairfax County have been adults 65 and older and over 95 percent of all deaths have been adults 50 and older. For those older adults who have not contracted the virus, the pandemic has exacerbated the challenges they were already facing, including physical and mental health issues. This is a tragedy that cannot go unaddressed.

In July, the Board paused the development of the SHAPE the Future of Aging Plan that was approved for this year in order to focus on a plan to address the critical issues facing our older adults during the pandemic. After multiple workgroups and focus groups with our 50+ Community Ambassadors, the Fairfax Area Commission on Aging, village coordinators, the Health Department as well as medical and mental health professionals from Inova, County staff, nonprofit partners, and community members, we have synthesized their needs and feedback in this plan.

The three primary needs they identified for older adults are wellness, lack of technology access, and social isolation. With their input, we have developed short term initiatives to better serve our older adult community through the remainder of the pandemic. In addition to these initiatives, this plan includes a comprehensive list of the continued services that county staff and partners are offering. Specifically, the lead agency: the Department of Family Services' Fairfax Area Agency on Aging, as well as the Department of Neighborhood and Community Services, the Fairfax County Health Department, the Fairfax-Falls Church Community Services Board, Fairfax County Department of Fire and Rescue, the Department of Housing and Community Development, and ServiceSource have executed providing services, supports and advocacy since the beginning of the pandemic.

Therefore, jointly with Supervisor Walkinshaw, Supervisor Herrity moved that, as Chairman of the Older Adults Committee, the Board adopt the plan attached to his written Board Matter and direct the County Executive and staff to begin implementing these short term initiatives to address the issues of wellness, social isolation, and lack of technology access affecting our older adults. Supervisor Walkinshaw seconded the motion and it carried by unanimous vote.

21. **HOLIDAY LIGHTS COMPETITION** (3:20 p.m.)

Supervisor Herrity stated that during the ongoing pandemic, he has been amazed at how the residents have responded with creativity and ingenuity to keep a sense of community. From drive by birthday celebrations, to chalk messages for walkers, to bears in windows for schoolchildren, and Halloween decorations taken to a new level, our residents have adapted and come together despite social distancing. He stated that his office brainstormed on how they could share some of this creativity and ingenuity with the community at large as we enter the holiday season.

Beginning December 1, 2020, the Springfield District Supervisor's office will be facilitating a Holiday Lights Competition. Residents with a Fairfax County address can submit a photo of their outdoor holiday display that will then be voted on through an online survey. Gift cards to our local restaurants will be awarded for the following categories: Most Creative, Simple Elegance, Best Use of Theme, Supervisor's Pick, and Community Pick.

All photo submissions will be due by December 16, 2020, and the survey to select the winners will open December 17, 2020. Winners will be announced by December 23, 2020. Supervisor Herrity stated that throughout the month, he will provide updates and highlights on his Facebook page as well as in his newsletter.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the Office of Public Affairs to publicize the Holiday Lights Competition. Without objection, it was so ordered.

Supervisor Palchik asked if people were able to participate if their decorations did not contain lights.

Supervisor Herrity stated that those displays were acceptable for the competition.

17. **EXPEDITED PROCESSING FOR MICHAELS DEVELOPMENT COMPANY I, L.P. (SPRINGFIELD DISTRICT)** (3:24 p.m.)

Supervisor Herrity stated that the applicant, Michaels Development Company I, L.P., has filed a Special Exception Application (SE 2020-SP-017) on Tax Maps 55-3 ((1)) 26A and 26B to permit the development of an affordable senior independent living facility containing a maximum of 150 units.

The applicant has a formal public hearing scheduled before the Planning Commission on February 3, 2021, and this case should move forward as soon as possible to allow consideration of the application for Low Income Housing Tax Credits (LIHTC) in March. The applicant has requested an expedited Board of Supervisors public hearing date.

Therefore, Supervisor Herrity moved that the Board direct staff to expedite the scheduling of the Board of Supervisors public hearing for Special Exception Application SE 2020-SP-017, to a date certain of February 23, 2021. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Supervisor Foust seconded the motion and it carried by unanimous vote.

18. **CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)** (3:26 p.m.)

Jointly with Chairman McKay and Supervisors Foust, Gross, and Palchik, Supervisor Smith stated that the CCFP is a long-standing funding source to support county residents with programs and services that enhance their lives. A significant portion of these resources provide direct funding for the critical basic needs of housing and food supports. Consistent with the Board's Health and Human Services Committee briefings on November 24, 2020, the Board must continue to consider various funding options to ensure these critical needs are met as the Board navigates the significant economic impacts of the COVID-19 pandemic. To the extent the residents rely on community-based organizations receiving CCFP funding to support those needs, the Board must ensure CCFP processes are designed to eliminate potential gaps in service.

Therefore, jointly with Chairman McKay and Supervisors Foust, Gross, and Palchik, Supervisor Smith moved that the Board:

- Direct staff to review the CCFP, with a specific eye toward the basic needs of housing and food supports
- Direct staff to return to the Board with recommendations on process improvements and should take into consideration previous Board recommendations, recent community input efforts, and data reflective of these vital basic needs
- Direct staff to return the information to the Board by the end of January 2021

Chairman McKay seconded the motion.

Following discussion by the Board regarding incorporating information from prior Board discussions and interviews and combining this Board Matter with the one presented earlier by Supervisor Palchik, the question was called on the motion and it carried by unanimous vote.

19. **SULLY DISTRICT VIRTUAL TOWN HALL** (3:30 p.m.)

Supervisor Smith announced that she would be holding a virtual town hall meeting on December 9, 2020, at 7:00 p.m. Therefore, Supervisor Smith asked unanimous consent that the Board direct staff to publicize the event. Without objection, it was so ordered.

EA:ea

20. **ADMINISTRATIVE ITEMS** (3:32 p.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay seconded the motion.

Supervisor Smith called the Board's attention to Admin 3 – Authorization to Advertise Public Hearings on a New and Modernized Zoning Ordinance to Replace the Current Zoning Ordinance. Supervisor Smith discussed the history of this agenda item and the process of allowing continuous community input and involvement.

Supervisor Alcorn called the Board's attention to Admin 11 – Supplemental Appropriation Resolution AS 21167 for the Health Department to Accept Grant Funding from Virginia Department of Health for the COVID-19 Mass Vaccination Campaign and Admin 12 - Supplemental Appropriation Resolution AS 21173 for the Health Department to Accept Grant Funding from Virginia Department of Health for COVID-19 Immunization Planning and asked when the County can expect to have a vaccination plan for the Fairfax Health District. Discussion ensued, with input from Bryan Hill, County Executive, and Jessica Werder, Deputy Director, Public Health Operations, Health Department, regarding the ongoing efforts to develop a plan for the Fairfax Health District while staff awaits the provisions from the Virginia Department of Health.

Supervisor Lusk called the Board's attention to Admin 9 - Supplemental Appropriation Resolution AS 21161 for the Department of Family Services to Accept Grant Funding from the Virginia Community College System for the Re-Employing Virginian (REV) Educational Vouchers and asked what the timeline and process would be to meet the stringent deadlines associated with this project. Discussion ensued, with input from Bryan Hill, County Executive, regarding the efforts of staff to identify and understand what can be spent for this project.

Supervisor Storck called the Board's attention to Admin 5 - Authorization to Advertise a Public Hearing to Lease County-Owned Property at 4618 West Ox Road to Republic Services of Virginia, LLC and asked about the process and how this arrangement came about. Discussion ensued, with input from John Kellas, Deputy Director, Solid Waste Management, regarding the history of this project and the proposed lessee's intent to move to a different location at a later time.

Supervisor Lusk asked staff to provide responses to the following after the meeting:

- What process is used to determine the rental amount for this property
- How many parking spaces are currently being used by the lessee on the property
- What is the maximum number of parking spaces the lessee is permitted to use

The question was called on 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.”

ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (MASON DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-M20-5	Department of Public Works and Environmental Services Seven Corners Fire Station Tax Map Nos. 51-3 ((15)) 4 and 51-3((1)) 11 2949 Sleepy Hollow Road Falls Church, VA Mason District	September 20, 2021

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY AT THE FAIRFAX COUNTY GOVERNMENT CENTER TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 26, 2021, at 4:00 p.m.**, regarding the proposed conveyance of Board-owned property to the FCRHA.

ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A NEW AND MODERNIZED ZONING ORDINANCE TO REPLACE THE CURRENT ZONING ORDINANCE

- (A) (R) Adopted the Resolution authorizing the advertisement of public hearings on a new and modernized Zoning Ordinance to be held before the Planning Commission on

January 28, 2021, at 7:30 p.m., and before the Board on **March 9, 2021, at 4:00 p.m.**

ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 21153 FOR VARIOUS FAIRFAX COUNTY AGENCIES TO ACCEPT DEPARTMENT OF HOMELAND SECURITY URBAN AREAS SECURITY INITIATIVE SUBGRANT AWARDS FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

- (SAR)
- Approved SAR AS 21153 in the amount of \$7,872,529. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1. All projects will be implemented in accordance with the program guidance documents
 - Authorized the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 4618 WEST OX ROAD TO REPUBLIC SERVICES OF VIRGINIA, LLC (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 26, 2021, at 4:00 p.m.**, to consider the lease of County-owned property at 4618 West Ox Road to Republic Services of Virginia, LLC.

ADMIN 6 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (SPRINGFIELD DISTRICT)

The Board:

- Endorsed the installation of two “Watch for Children” signs on Newington Woods Drive (Springfield District)
- Endorsed the installation of one “Watch for Children” sign on Middle Run Drive (Springfield District)
- Directed the Fairfax County Department of Transportation (FCDOT) to schedule the installation of the approved “Watch for Children” signs as soon as possible

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE ANNANDALE TERRACE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 37 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 26, 2021, at 4:00 p.m.**, to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Annandale Terrace Residential Permit Parking District (RPPD), District 37.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE GEORGE MASON UNIVERSITY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 40 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 26, 2021, at 4:00 p.m.**, to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the George Mason University Residential Permit Parking District (RPPD), District 40.

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 21161 FOR THE DEPARTMENT OF FAMILY SERVICES TO ACCEPT GRANT FUNDING FROM THE VIRGINIA COMMUNITY COLLEGE SYSTEM FOR THE RE-EMPLOYING VIRGINIAN (REV) EDUCATIONAL VOUCHERS

- (SAR) The Board:
- Approved SAR AS 21161 to accept funding from the Virginia Community College System in the amount of \$1,500,000 for the Re-Employing Virginians Educational Vouchers project. There are no positions associated with this funding and no Local Cash Match is required
 - Approved the execution of the Memorandum of Understanding between the Virginia Community College System and the County

ADMIN 10 – AUTHORIZATION FOR THE OFFICE OF THE COUNTY EXECUTIVE, ONE FAIRFAX TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE URBAN INSTITUTE TO PARTICIPATE IN THE UPWARD MOBILITY COHORT

The Board:

- Authorized the Office of the County Executive, One Fairfax to apply for and accept grant funding, if received, from the Urban Institute in the amount of \$125,000 for participation in the Upward Mobility Cohort. There are no positions associated with this funding and no Local Cash Match is required
- Authorized the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

**ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 21167 FOR THE HEALTH DEPARTMENT TO ACCEPT GRANT
FUNDING FROM VIRGINIA DEPARTMENT OF HEALTH FOR THE
COVID-19 MASS VACCINATION CAMPAIGN**

(SAR) The Board:

- Approved SAR AS 21167 to accept funding from the Virginia Department of Health in the amount of \$500,000 for the COVID-19 Mass Vaccination Campaign. There are no positions associated with this funding and no Local Cash Match is required
- Approved the execution of the Memorandum of Understanding between the Virginia Department of Health and the County

**ADMIN 12 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 21173 FOR THE HEALTH DEPARTMENT TO ACCEPT GRANT
FUNDING FROM VIRGINIA DEPARTMENT OF HEALTH FOR
COVID-19 IMMUNIZATION PLANNING**

(SAR) The Board:

- Approved SAR AS 21173 to accept funding from the Virginia Department of Health in the amount of \$230,000 for COVID-19 Immunization Planning. There are no positions associated with this funding and no Local Cash Match is required
- Approved the execution of the Memorandum of Understanding between the Virginia Department of Health and the County

**ADMIN 13 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 21174 FOR THE OFFICE OF ELECTIONS TO ACCEPT GRANT**

FUNDING FROM CENTER FOR TECH AND CIVIC LIFE IN SUPPORT OF THE NOVEMBER 2020 PRESIDENTIAL ELECTION

(SAR)

The Board:

- Approved SAR AS 21174 to accept funding from the Center for Tech and Civic Life in the amount of \$1,431,950 in support of the November 2020 presidential election. There are no positions associated with this funding and no Local Cash Match is required
- Approved the execution of the grant agreement between the Office of Elections and the Center for Tech and Civic Life

21.

A-1 – APPROVAL OF A RESOLUTION TO EXTEND THE CABLE FRANCHISE TERM OF COMCAST OF VIRGINIA, LLC (3:48 p.m.)

(R)

On motion of Supervisor Alcorn, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to enter into an agreement with Comcast extending the term of Comcast's cable franchise without change in the terms and conditions of the franchise.

22.

A-2 – APPROVAL OF THE SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND PUBLIC IMPROVEMENT REFUNDING BONDS (3:48 p.m.)

(R)

On motion of Supervisor Gross, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and

- Approved the sale of General Obligation Public Improvement Bonds that will generate \$290 million to fund construction of capital facilities and infrastructure as previously approved by the Board
- Approved the sale of Public Improvement Refunding Bonds
- Approved the resolution authorizing the issuance of the General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. The resolution delegates to the County Executive or Chief Financial Officer authority to award the bonds, on specified criteria, through either a competitive or negotiated sale. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions. This resolution also approves the form of the notice of sale and the Official Statement for the Public Improvement Bonds, and authorizes the Chairman,

Vice Chairman, County Executive or Chief Financial Officer to sign the Official Statement for the Public Improvement Bonds and Public Improvement Refunding Bonds

23. **A-3 – APPROVAL OF REVISIONS TO CHAPTERS 2 AND 10 OF THE PERSONNEL REGULATIONS TO REMOVE THE PREVIOUS DEFINITION OF BULLYING AND REPLACE IT WITH THE DEPARTMENT OF JUSTICE RECOMMENDED DEFINITION OF BULLYING AND TO REMOVE COLUMBUS DAY (SECOND MONDAY IN OCTOBER), AND ADD JUNETEENTH DAY (JUNE 19) AND ELECTION DAY AS HOLIDAYS** (3:49 p.m.)

On motion of Supervisor Gross, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed revisions to Chapters 2 and 10 of the Personnel Regulations.

24. **A-4 – APPROVAL TO USE CONSTRUCTION MANAGEMENT AT RISK (CMAR) PROCUREMENT METHOD FOR THE PRE-CONSTRUCTION AND CONSTRUCTION PHASE SERVICES FOR THE TYSONS FIRE STATION #29 AND BUS TRANSIT FACILITY PROJECT (PROVIDENCE DISTRICT)** (3:49 p.m.)

On motion of Supervisor Palchik, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved, in accordance with the Fairfax County Purchasing Resolution, utilization of the CMAR procurement process for the Tysons Fire Station #29 and Bus Transit Facility project, which is included in the FY 2021 - FY 2025 Adopted Capital Improvement Program (With Future Fiscal Years to 2030).

25. **A-5 – APPROVAL OF THE PROJECT AGREEMENT AND AUTHORIZATION TO EXECUTE ADDITIONAL AGREEMENTS BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND FAIRFAX COUNTY FOR FISCAL YEAR (FY) 2021 FUNDING FOR THE I- 95 TRANSIT AND TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN OPERATING ASSISTANCE (LEE, MASON, AND MOUNT VERNON DISTRICTS)** (3:50 p.m.)

On motion of Supervisor Alcorn, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to:

- Sign the Project Agreement between DRPT and Fairfax County, in substantial form as Attachment 1, to fund Fairfax County's I-95 Transit and TDM Plan operating assistance

- Sign additional future agreements with DRPT related to the FY 2021 second, third, and fourth quarter installments of I-95 TDM Plan and Operating Assistance grants

26. **A-6 – APPROVAL OF PROJECT AGREEMENT AND AUTHORIZATION TO EXECUTE ADDITIONAL AGREEMENTS BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND FAIRFAX COUNTY FOR FISCAL YEAR (FY) 2021 TRANSIT OPERATING ASSISTANCE GRANT FUNDS** (3:51 p.m.)

On motion of Supervisor Alcorn, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to:

- (1) Sign the Project Agreement between DRPT and Fairfax County, in substantial form of Attachment 1, for FY 2021 second quarter transit operating assistance
- (2) Sign additional agreements with DRPT related to FY 2021 third and fourth quarter funding of the transit operating assistance grants

27. **A-7 – BOARD ENDORSEMENT OF DESIGN PLANS FOR HUNTER MILL ROAD OVER COLVIN RUN BRIDGE REPLACEMENT PROJECT (HUNTER MILL DISTRICT)** (3:52 p.m.)

On motion of Supervisor Alcorn, seconded by Chairman McKay, and carried by unanimous vote, the Board:

- Endorsed the design plans for the Hunter Mill Road over Colvin Run Bridge Replacement Project administered by the Virginia Department of Transportation (VDOT) as generally presented at the September 16, 2020, Design Public Hearing
- Authorized the Director of the Fairfax County Department of Transportation (FCDOT) to transmit the Board's endorsement to VDOT

28. **A-8 – APPROVAL OF COMMENTS ON I-495 NEXT DRAFT NATIONAL ENVIRONMENTAL POLICY ACT ENVIRONMENTAL ASSESSMENT (NEXT EA) AND DRAFT DESIGN PLANS (DRANESVILLE AND PROVIDENCE DISTRICTS)** (3:52 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and approve two letters containing Fairfax County's comments on the I-495 NEXT EA and draft design plans, which are included as Attachment A and Attachment B, respectively. Supervisor Palchik and Supervisor Alcorn jointly seconded the motion.

Supervisor Foust moved to amend the letters by deleting the last sentence of the first paragraph of each of the letters and insert in its place the following language:

- As VDOT's own studies demonstrate, the project provides significant benefits only if Maryland completes their system of managed lanes, particularly increasing the capacity of the American Legion Bridge. In the interim, the project will cause inequitable and, therefore, unacceptable delays to non-Express Lane traffic. Construction of the project will also cause massive disruption to neighborhoods in and around McLean and Tysons as well as permanent damage to parks, stormwater, streams, and private property with no equivalent benefits without Maryland's managed lanes. Therefore, it is imperative that VDOT only consider final action on the I-495 NEXT project once Maryland has successfully executed a comprehensive agreement with a developer to complete their system of managed lanes

The motion was seconded by Supervisor Lusk.

Discussion ensued by the Board regarding:

- The traffic reduction benefits for this project
- The involvement of the private sector in reducing the cost and impact on homes
- The positive impact this project will have on providing relief to local roads
- The project concerns mentioned in the letters before the Board, which contain the Board's comments on the project
- The increased value of this project with the participation from the State of Maryland
- The uncertainty that Maryland will take action to bring this project to fruition

The question was called on the motion as amended, and it carried by a vote of six, Chairman McKay, Supervisor Gross, Supervisor Palchik, and Supervisor Herrity voting in opposition.

Discussion ensued with input from Supervisor Palchik, Chairman McKay, and Tom Biesiadny, Director, Fairfax County Department of Transportation, FCDOT, regarding:

- If there will there be an opportunity in the future to move forward with the project if Maryland does not commit to the project

- That the Board still has time to change their position as the project continues to evolve
- Virginia Department of Transportation's timeline for the project

The question was called on the main motion, as amended, and it carried by a vote of nine, Supervisor Herrity voting in opposition.

Vice-Chairman Gross returned the gavel to Chairman McKay.

29. **A-9 – APPROVAL OF AN ADDITION TO ACTION ITEM NO. 17, ESTABLISHMENT OF A POLICE CIVILIAN REVIEW PANEL, APPROVED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON DECEMBER 6, 2016, AND RELATED BYLAWS AMENDMENT** (4:21 p.m.)

Supervisor Lusk moved the Board:

- Approve an addition to Action Item Number 17 on the Board's December 6, 2016 agenda, to allow the Police Civilian Review Panel to receive public comment at up to six public meetings annually, and make recommendations as outline more fully in the action item before the Board today
- Approve all the related red-line changes to the Police Civilian Review Panel's bylaws as set forth in the attachment to this Action Item

Chairman McKay seconded the motion.

Discussion ensued by the Board regarding:

- Community input and feedback
- The limitations imposed by the existing bylaws, such as member participation in public forums
- The reason for permitting six meetings per year for public input
- The fiscal impact of public meetings with the Civil Review Panel

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

30. **C-1 – REVISIONS TO BYLAWS OF THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)** (4:30 p.m.)

(BAC) The Board next considered an item contained in the Board Agenda regarding the amended Bylaws presented by the Fairfax-Falls Church Community Policy and Management Team (CPMT).

Following discussion, Chairman McKay relinquished the Chair to Vice-Chairman Gross, and moved that the Board adopt the Fairfax-Falls Church Community Policy and Management Team (CPMT) bylaws as they appear in Attachment 1 of the consideration item. Supervisor Gross seconded the motion and it carried by a unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

31. **I-1 – APPROVAL OF FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD FEE SCHEDULE** (4:31 p.m.)

The Board next considered an item contained in the Board Agenda, presenting the Fairfax-Falls Church Community Services Board revised fee schedule.

32. **I-2 – PRESENTATION OF THE FISCAL YEAR (FY) 2020 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND POPULAR ANNUAL FINANCIAL REPORT (PAFR)** (4:31 p.m.)

The Board next considered an item contained in the Board Agenda, presenting the Fiscal Year (FY) 2020 Comprehensive Annual Financial Report (CAFR) and Popular Annual Financial Report (PAFR).

33. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 96-B-010-03 (TRINITY CHRISTIAN SCHOOL OF FAIRFAX, A NON-STOCK VIRGINIA CORPORATION, D/B/A TRINITY CHRISTIAN SCHOOL) TO AMEND SPECIAL EXCEPTION APPLICATION SE 96-B-010, PREVIOUSLY APPROVED FOR A CHURCH AND PRIVATE SCHOOL OF GENERAL EDUCATION, TO PERMIT A BOUNDARY LINE ADJUSTMENT AND ASSOCIATED MODIFICATIONS TO DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 25.27 ACRES OF LAND ZONED R-C AND WS (BRADDOCK DISTRICT)** (4:34 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 November 13 and 20, 2020.

The application property is located at 11204 Braddock Road, Fairfax, 22030. Tax Map 56-4 ((12)) 5 (pt.), 56-4 ((12)) A1 (pt.), and 68-1 ((1)) 1B.

Bryan Clifford, Land Use Planner, DLA Piper LLP (US), reaffirmed the validity of the affidavit for the record.

Brandon McCadden, 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.

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

Following a query by Supervisor Walkinshaw, Mr. Clifford confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 26, 2020.

Supervisor Walkinshaw moved:

- Approval of Special Exception Amendment Application SEA 96-B-010-03, subject to the development conditions dated October 26, 2020
- Reaffirmation of a waiver of barrier requirements along all property lines
- Reaffirmation of a waiver of the requirement for interparcel access to Forest Drive
- Reaffirmation of a modification of transitional screening requirements along all property boundaries in favor of that shown on the SEA Plat

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

34. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-P-129-05 (ARDEN COURTS - FAIR OAKS OF FAIRFAX, VA, LLC AKA ARDEN COURTS OF FAIR OAKS) TO AMEND SPECIAL EXCEPTION APPLICATION SE 84-P-129, PREVIOUSLY APPROVED FOR ASSISTED LIVING AND MEDICAL CARE FACILITIES, TO PERMIT AN 8-BED EXPANSION AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 8.98 ACRES OF LAND ZONED R-5, WS, AND HC (SPRINGFIELD DISTRICT)**
(4:40 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 November 13 and 20, 2020.

The application property is located at 12469 Lee Jackson Memorial Highway, Fairfax, 22033. Tax Map 45-4 ((1)) 6B.

Timothy Dugan, Agent, Bean Kinney & Korman, P.C., reaffirmed the validity of the affidavit for the record.

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

Mr. Dugan 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. Williams presented the staff and Planning Commission recommendations.

Following a query by Supervisor Herrity, Mr. Dugan confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 6, 2020.

Supervisor Herrity moved:

- Approval of Special Exception Amendment Application SEA 84-P-129-05, subject to the development conditions dated October 6, 2020
- Reaffirmation of a modification of the transitional screening and waiver of barrier requirements of Sects. 13-303 and 304 of the Zoning Ordinance, in favor of the landscaping shown on the SEA Plat
- Approval of an increase in fence height above seven feet pursuant to Sect. 10-104(3)(H) of the Zoning Ordinance to permit an eight-foot high fence as shown on the SEA Plat

Supervisor Lusk seconded the motion and it carried by a unanimous vote.

35. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-SU-013 (RECOVERY INNOVATIONS INC., D/B/A RI INTERNATIONAL) TO PERMIT A MEDICAL CARE FACILITY, LOCATED ON APPROXIMATELY 1.85 ACRES OF LAND ZONED I-3, I-5, WS, AND AN (SULLY DISTRICT) (4:46 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 November 13 and 20, 2020.

The application property is located at 14554 Lee Road, Chantilly, 20151. Tax Map 34-3 ((10)) 12.

Ross Stevens, Agent, Kimley-Horn and Associates, Inc., 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. Stevens 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 and Amy Pugsley, Agent, Recovery Innovations Inc. d/b/a RI International, proceeded to present their case.

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

Following a query by Supervisor Smith, Ms. Pugsley 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-013, subject to the development conditions dated October 28, 2020.
- Modification of Par. 1 of Sect. 13-202 of the Zoning Ordinance for the interior parking lot landscaping requirement in favor of the existing site conditions as further described in the staff report
- Modification of Par. 1 and 2 of Sect. 13-203 of the Zoning Ordinance for the peripheral parking lot landscaping requirements in favor of the existing site conditions as further described in the staff report

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

36. **3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-2-112-04 (ARCLAND PROPERTY COMPANY, LLC) TO AMEND THE PROFFERS FOR REZONING APPLICATION RZ 74-2-112, PREVIOUSLY APPROVED FOR A RESTAURANT WITH A DRIVE THROUGH, TO PERMIT A MINI-WAREHOUSING ESTABLISHMENT AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 1.0, LOCATED ON APPROXIMATELY 1.13 ACRES OF LAND ZONED I-5 AND WS**

AND

PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-SP-007 (ARCLAND PROPERTY COMPANY, LLC) TO PERMIT AN INCREASE IN FLOOR AREA RATIO, LOCATED ON APPROXIMATELY 1.13 ACRES OF LAND ZONED I-5 AND WS (SPRINGFIELD DISTRICT) (4:53 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 November 13 and 20, 2020.

The application property is located on the east side of West Ox Road, approximately 180 feet north of the intersection with Piney Branch Road. Tax Map 56-1 ((13)) 2.

Mr. Andrew Painter, Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the validity of the affidavit for the record.

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

Mr. Painter 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. Williams presented the staff and Planning Commission recommendations.

Following a query by Supervisor Herrity, Mr. Painter confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 20, 2020.

Supervisor Herrity moved:

- Approval of Proffered Condition Amendment Application PCA 74-2-112-04, subject to the proffers dated October 16, 2020
- Approval of Special Exception Application SE 2020-SP-007, subject to development conditions, dated October 20, 2020
- Modification of Sect. 2-423 of the Zoning Ordinance to permit a 13.2-foot setback from an access easement in lieu of the required 25-foot setback

Chairman McKay seconded the motion and it carried by a 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.”

37. **4 P.M. - PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 61 (BUILDING PROVISIONS) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) REGARDING PENALTIES** (5:00 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 November 20 and 27, 2020.

Jerry Stonefield, Engineer, Site Code Research and Development Branch, Land Development Services, presented the staff report.

Following the public hearing, Supervisor Smith moved:

- Adoption of the proposed amendments to the *Code of the County of Fairfax*, Chapter 61 (Building Provisions) regarding penalties as set forth in Attachment 1
- Adoption of an enactment clause for these amendments as follows:
 - Under these amendments, a violation of the Virginia Construction Code, or Section 105 of the Virginia Maintenance Code, is now designated for a civil penalty. These new designations for civil penalties are prospective only and do not preclude criminal enforcement against any such prior violation
- The amendments become effective at 12:01 a.m. on December 2, 2020

Supervisor Gross seconded the motion and it carried by a 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.”

38. **4 P.M. - PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2018-IV-MV5, NORTH GATEWAY COMMUNITY BUSINESS CENTER (CBC) AND PLAN AMENDMENT 2018-IV-T1, PLANNED INTERCHANGE AT RICHMOND HIGHWAY AND HUNTINGTON AVENUE (MOUNT VERNON DISTRICT)** (5:04 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 November 13 and 20, 2020.

Sophia Fisher, Planner, Planning Division, Department of Planning and Development, presented the staff report.

Following the public hearing, which included testimony by two speakers, Ms. Fisher presented the staff and Planning Commission recommendations.

Supervisor Storck moved approval of Plan Amendment 2018-IV-MV5 and Plan Amendment 2018-IV-T1, as recommended by the Planning Commission. Chairman McKay and Supervisor Foust jointly seconded the motion and it carried by a unanimous vote.

39. **4 P.M. - PUBLIC COMMENT ON ISSUES OF CONCERN** (5:21 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 November 13 and 20, 2020.

Public comment was held and included testimony from the following individuals:

- Toora Arsala, Celebrate Fairfax Festival
- Andrea Thornock, Support of Police
- Lawrence Macdonald, Support of Police
- Charlies Collier, Support of Police
- Maggi De Lamater-Jeng, Support of Police
- Tim Stevens, Support of Police
- Larry Wilson, Stream Restoration Projects
- John Field, Stream Restoration Projects

40. **RECESS/CLOSED SESSION** (5:50 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

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

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *Application of Virginia Electric and Power Company*, PUR-2020-00198 (Va. State Corp. Comm'n) (Providence District)
 2. *Modesta Flores v. Isaiah Brooks and Fairfax County*, Case No. GV19-001152 (Fx. Co. Gen. Dist. Ct.)
 2. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hugo F. Amaya*, Case No. CL-2019-0013901 (Fx. Co. Cir. Ct.) (Braddock District)
 4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose Luis Peredo*, Case No. GV20-010932 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 5. *Dulles Professional Center Condominium Unit Owners Association, Spectrum Innovative Properties, LLC, McWhorter, LLC, and Mulpuri Properties, LLC v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, Virginia, Stanley Martin Companies, LLC, and JLB Dulles Tech, LLC*, Case No. CL-2018-0011870 (Fx. Co. Cir. Ct.) (Dranesville District)
 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. SSJGRSAS9025, LLC*, Case No. CL-2020-0017535 (Fx. Co. Cir. Ct.) (Dranesville District).
 7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Charles Russomanno*, Case No. CL-2020-0013372 (Fx. Co. Cir. Ct.) (Dranesville District)
 8. *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-CMH-TCB (E.D. Va.) (Hunter Mill District)
 9. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Chan Ly Thich*, Case No. CL-2020-0000500 (Fx. Co. Cir. Ct.) (Mason District)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahlon C. Hawker*, Case No. CL-2019-0015198 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John N. Withrow*, Case No. CL-2019-0014360 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)
13. *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)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hyun B. Lee, Sook J. Lee, and Seung Han Lee*, Case No. CL-2020-015797 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

1. As permitted by Virginia Code § Section 2.2-3711(A)(8), legal briefing regarding The State and Local Government Conflict of Interests Act and filing requirements associated with Va. Code Section 2.2-3115 and County Code Section 3-5-2.1.
2. As permitted by Virginia Code § Sections 2.2-3711(A)(6) and (8), legal analysis regarding the terms of a proposed agreement between one or more of the County's retirement systems and Citadel Kensington Global Strategies Fund, Limited.

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

At 6:52 p.m., the Board reconvened their electronic meeting with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

41. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (6:52 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman McKay seconded the motion and it carried by

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.”

42. **MOTION TO AUTHORIZE THE FILING OF A NOTICE OF PARTICIPATION** (6:53 p.m.)

Supervisor Gross moved that the Board authorize the filing of a Notice of Participation with the State Corporation Commission in the Application of Virginia Electric and Power Company for Approval and Certification of Electric Facilities, Case No. PUR-2020-00198, on the terms and conditions outlined by the County Attorney in closed session. Chairman McKay seconded the motion and it carried by unanimous vote.

43. **MOTION TO AUTHORIZE A WAIVER OF THE COUNTY’S RIGHT TO A JURY TRIAL FOR CITADEL KENSINGTON GLOBAL STRATEGIES FUND, LIMITED** (6:54 p.m.)

Supervisor Gross moved that the Board authorize the County’s three Retirement Systems to agree to the waiver of the County’s right to a jury trial provided in the subscription agreement for Citadel Kensington Global Strategies Fund Ltd. Chairman McKay seconded the motion and it carried by unanimous vote.

44. **BOARD ADJOURNMENT** (6:55 p.m.)

The Board adjourned.