



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 5, 2021**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, October 5, 2021, at 9:35 a.m., there were present:

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

Supervisor Walter Alcorn, Hunter Mill District, arrived 9:37 a.m.

Supervisor Dalia A. Palchik, Providence District, arrived 9:45 a.m.

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 Kecia Kendall, Deputy Clerks, and Bobby Vaught, Administrative Assistant, Department of Clerk Services.

BOARD MATTER1. **MOMENT OF SILENCE** (9:36 a.m.)

The Board asked everyone to keep in thoughts the family and friends of the following individuals who died recently:

- Joe Johnson, who was a Budget Analyst for the Department of Navy until his retirement. He served as a volunteer firefighter in the Greater Springfield Volunteer Fire Department and was actively involved in several organizations in Springfield
- Debra Jacobson, who specialized in energy and environmental issues and served in leadership roles in local and national Sierra Club and was a member of the Environmental Quality Advisory Council
- Jerry Corbin, who was instrumental in the work to revitalize Springfield. He was a member of the Springfield Franconia Lions Club
- Reynolds Johnson, who was a graduate of the United States Military Academy at West Point. He was the president of the Dunn Loring Civic Association and served on several Boards, Authorities and Commissions
- Dr. John Allwood, who was the Principal of Edison High School and Lake Braddock Secondary School. He was well known for defusing a hostage crisis that occurred at Lake Braddock in 1992
- Kamal Kirkpatrick, who was the editor of The Connection Newspaper, and served as a model for the press. He worked as a diplomat for the United Nations Office on drugs and crime and authored several books

AGENDA ITEMS2. **PROCLAMATION DESIGNATING SEPTEMBER 2021 AS "EMERGENCY PREPAREDNESS MONTH" IN FAIRFAX COUNTY** (9:51 a.m.)

Supervisor Lusk moved approval of the Proclamation designating September 2021 as "*Emergency Preparedness Month*" in Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

3. **RESOLUTION OF RECOGNITION PRESENTED TO 2021 FAIRFAX AREA "THINK TANK" COVID-19 CHALLENGE WINNERS** (10:02 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to 2021 Fairfax Area “Think Tank” COVID-19 Challenge winners. Chairman McKay seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO PAM MICHELL, EXECUTIVE DIRECTOR OF NEW HOPE HOUSING** (10:14 a.m.)

Chairman McKay relinquished the chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Pam Michell, Executive Director of New Hope Housing, on her retirement and for her contributions to the community. Supervisor Lusk and Supervisor Storck jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

5. **PRESENTATION OF THE A. HEATH ONTHANK AWARDS** (10:35 a.m.)

(BACs) John Townes, Commissioner, Civil Service Commission, gave a brief presentation regarding the history of the A. Heath Onthank Awards, the highest honor the County bestows on its employees.

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

- Jane Gwinn, Braddock District
- Kerrie Wilson, Dranesville District
- Catherine Shaw, Hunter Mill
- Ernestine Heastie, Providence District
- Philip Rosenthal, Springfield District
- Michael Coyle, Sully District

Cathy Spage, Director, Department of Human Resources, announced the A. Heath Onthank Award recipients, while Mr. Townes, Ms. Woolen, Chairman McKay, and Bryan J. Hill, County Executive, presented the awards to the following:

- Collin Brody, Health Department
- Emma Gutzler, Department of Public Works and Environmental Services
- Shannon McKeon, Health Department

- Foram Shah, Department of Family Services
- Laura Yager, Sheriff's Office

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BOARD MATTERS

6. **CHAIRMAN'S TASK FORCE ON EQUITY AND OPPORTUNITY
UPDATE AND RESOLUTION OF RECOGNITION REQUEST** (10:46 a.m.)

Chairman McKay stated that in 2020, everyone saw hundreds of thousands of individuals across the country mobilize in protest of systemic racism and injustice so that all continue to work and live up to the promises of the nation, while creating a more just and equitable society. Chairman McKay stated that this is work that he is proud to have led here in the County for several years before the events of 2020, as part of the County's One Fairfax Policy. However, it was clear that the County still has work to do.

Chairman McKay stated that last fall he convened the Chairman's Task Force on Equity and Opportunity, made up of leaders from diverse backgrounds and professions, who represent the breadth of the community. This group was tasked with garnering a better understanding of the drivers of inequity in the County and to develop recommendations for accelerating the County's progress towards becoming One Fairfax. The Task Force completed its work earlier this year and presented 20 recommendations, to the Board in February 2021.

Following the presentation, the appropriate County Departments, and staff, guided by Karla Bruce, Chief Equity Officer, began the process of reviewing the recommendations to chart the path forward for the next phase of work.

It was determined that four of the recommendations required immediate action. These recommendations (16, 18, 19, and 20), which were presented at the September 21, 2021, Budget Committee meeting, are fundamental to understanding the issues and barriers that remain while working to be intentional in not just what the County is doing in terms of equity but how it is going about this work.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board direct the Chief Equity Officer and appropriate County staff to develop a plan of strategy, action, and implementation regarding the four recommendations, as well as the broader recommendations presented by the Task Force.

Chairman McKay stated that, as the County enters the next stage to continue and progress the County, he would like to thank the Task Force for its work, recommendations, and care for the community in truly being champions of justice, equity, in pursuing the One Fairfax policy.

Chairman McKay further moved that the Board direct staff to prepare a Resolution of Recognition for the Task Force regarding its efforts, to be presented at the December 7, 2021, Board Meeting.

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

7. **SUBMISSION OF ABSENTEE BALLOTS WITHOUT A WITNESS SIGNATURE** (10:49 a.m.)

Chairman McKay stated that during the 2020 election cycle, Virginia made historic strides to expand voting access while protecting the health and safety of its residents as well as the integrity of the electoral process.

One key initiative was Virginia Attorney General Mark Herring's consent decree, re-affirmed by federal courts, that waived the requirement for witness signatures on absentee ballots for voters who feel unsafe having a witness present while filling out their ballot. This was codified by the General Assembly in the 2021 session, when they passed a bill that waives the witness requirement for absentee ballots during a declared state of emergency.

The Virginia State of Emergency expired at the end of June 2021. With this expiration, the witness requirement resumed per existing election law. However, while the Board was cautiously optimistic at the start of the summer, it has become clear that the COVID-19 pandemic remains as a significant public health threat. It should be noted that although Virginia's State of Emergency expired, the County's own State of Emergency remains in effect.

Chairman McKay stated that he has heard concerns from community members about requiring a witness signature during an ongoing health crisis.

Therefore, Chairman McKay moved that the Board send a letter to Governor Northam sharing these concerns and requesting action be taken to provide voters the ability to submit absentee ballots without a witness signature at this time. County residents have been diligent in heeding advice from public health officials and making informed, careful decisions to limit the spread of COVID-19. No one should have their ballot rejected because they were unwilling to risk their health and safety.

Chairman McKay further moved that the General Assembly's bill also be directed to the:

- Virginia Department of Elections to convene a work group to consider alternatives to the witness signature outside of declared emergencies
- Legislative Committee for further discussion

Vice-Chairman Gross and Supervisor Walkinshaw jointly seconded the motion.

Following discussion regarding the flawed process and the timing of this Board Matter, the question was called on the motion and it carried by a vote of nine, with Supervisor Herrity voting in opposition.

Vice-Chairman Gross returned the gavel to Chairman McKay.

(NOTE: Later in the meeting, Supervisor Herrity made a request related to this Board Matter. See Clerk's Summary Item# 32.)

8. **FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) EARNS NATIONWIDE HONOR FOR COMMUNITY DEVELOPMENT INITIATIVE IN LEE DISTRICT** (10:58 a.m.)

Chairman McKay congratulated FCRHA on being awarded by the National Association for County, Community, and Economic Development (NACCED) with the 2021 Community Development Award of Excellence for the acquisition and initial renovation of the soon to be renamed Lee District Community Center.

9. **COMMONWEALTH PLAN OF THE YEAR AWARD** (10:59 a.m.)

Chairman McKay announced that the County recently was awarded the Commonwealth Plan of the Year Award and he congratulated the Department of Planning and Development on its hard work.

10. **2021 VIRGINIA ASSOCIATION OF COUNTIES (VACo) DELEGATION** (11 a.m.)

Supervisor Gross stated that the Board has received a request from VACo, regarding designating a voting delegate and alternate voting delegate to represent the County at the VACo annual meeting to be held in Norfolk on November 16, 2021.

Therefore, Supervisor Gross moved that the Board designate Chairman McKay as the Voting Delegate and Supervisor Gross as the Alternate Voting Delegate. Supervisor Walkinshaw seconded the motion and it carried by unanimous vote.

11. **NO BOARD MATTERS FOR SUPERVISOR WALKINSHAW (BRADDOCK DISTRICT)** (11:01 a.m.)

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

12. **RESOLUTION IN SUPPORT OF THE PARK AUTHORITY'S NOMINATION OF OBSERVATORY PARK AT TURNER FARM TO THE INTERNATIONAL DARK-SKY ASSOCIATION (DRANESVILLE DISTRICT)** (11:01 a.m.)

- (R) Supervisor Foust stated that the award-winning International Dark Sky Places (IDSP) Program was founded in 2001 to encourage communities, parks, and protected areas around the world to preserve and protect dark sites through responsible lighting policies and public education. The IDSP Program offers five types of designations, one of which is Urban Night Sky Places.

An Urban Night Sky Place is a municipal park, open space, observing site, or other similar property near or surrounded by large urban environs whose planning and design actively promote an authentic nighttime experience.

The International Dark-Sky Association designates IDSPs following a rigorous application process requiring applicants to demonstrate robust community support for dark-sky protection and meet requirements, such as documenting efforts to educate the public on proper outdoor lighting that ensures public safety while minimizing potential harm to the nighttime natural environment.

The Park Authority is nominating Observatory Park at Turner Farm in Great Falls to be designated as an Urban Night Sky Place. Observatory Park features an Orientation Room used for educational programs, and an Observation Room with three telescopes and a retractable roof. The non-profit Analemma Society, in cooperation with the Park Authority, offers programs and night-time viewing of stars and constellations that in many areas of the County are washed out by ambient light. Light pollution education is included in Analemma's presentations and outdoor public events.

Reducing light pollution has been part of the County's environmental goals for many years. As part of the Board's approval of the 2020 Work Program, Supervisor Foust stated that he added an item to establish lighting provisions to protect dark skies around astronomical facilities. Presently, staff is working on a Zoning Ordinance Amendment for dark skies. Supporting the Park Authority's nomination demonstrates the County's ongoing commitment to maintaining natural nighttime light.

The Great Falls Citizens Association and the Analemma Society have submitted letters of support for the Park Authority's nomination.

Therefore, Supervisor Foust moved that the Board adopt the resolution, attached to his written Board Matter, in support of the Park Authority's nomination of Observatory Park at Turner Farm to be designated by the International Dark Sky Association as an Urban Night Sky Place. Chairman McKay seconded the motion and it carried by unanimous vote.

13. **ECONOMIC DEVELOPMENT SUPPORT FUND - HERNDON DOWNTOWN REDEVELOPMENT PROJECT** (11:03 a.m.)

Supervisor Foust stated that the Town of Herndon has aggressively pursued economic development through revitalization of its historic downtown area, with a

focus on arts and art venues. To further these efforts, the Town created the Herndon Arts District which will provide tax incentives and regulatory flexibility for properties located in the district.

The most significant project in this effort has been the Herndon Downtown Redevelopment Project. This public-private partnership project began in 2016 to transform Town owned property in the heart of downtown into a vibrant mixed-use development providing new retail spaces, residential apartments, a public parking structure, and a new vibrant Arts Center.

The redevelopment will anchor an arts and entertainment hub in downtown Herndon that will generate additional investment and revenue for surrounding businesses. In addition, land that was publicly owned will be returned to the tax rolls, providing significant financial benefits to the County and, to a lesser extent, to the Town.

In 2018, the Board approved the Town of Herndon's request for \$1.2 million from the Economic Opportunity Reserve for use towards capital construction costs as part of the Herndon Downtown Redevelopment Project. Due primarily to delayed project commencement, no funds have been spent from that allocation to date.

The project continues to move through implementation and all key milestones have now been met, including all necessary regulatory approvals and the sale of the property by the Town to its development partner.

Not surprisingly, the COVID-19 pandemic has had major impacts on the construction and delivery of this project. There have been substantial increases in material costs and workforce restrictions which have led to project cost increases. The Town of Herndon has approved additional investments totaling \$5 million to help ensure the project completion. That increased contribution brings the Town's total project contribution to \$17.85 million. The Town has requested a similar increase of \$5 million in project funding support from the County.

Therefore, Supervisor Foust moved that the Board direct:

- The County Executive to prepare an Initial Project Evaluation to review the Herndon Downtown project under the guidelines adopted for the Economic Opportunity Reserve. The review should evaluate an additional \$5 million contribution to this capital project and the impacts such an investment would make in furthering the County's goals in areas of strategic importance
- That no additional investment from the Economic Opportunity Reserve be made to the Herndon Downtown project unless and until the Board has approved the use of the funds for that purpose

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

14. **RESOLUTION CONDEMNING ORGAN HARVESTING FROM PEOPLE OF CONSCIENCE IN THE PEOPLE’S REPUBLIC OF CHINA** (11:06 a.m.)

(R) Supervisor Foust stated that on June 13, 2016, the United States House of Representatives unanimously passed House Resolution 343, condemning the practice of state-sanctioned forced organ harvesting in the People’s Republic of China from prisoners of conscience, primarily practitioners of the Chinese spiritual practice of Falun Gong, but also of other religious and ethnic minority groups.

In December 2018, the Independent Tribunal into Forced Organ Harvesting of Prisoners of Conscience in China, chaired by the eminent British barrister and professor, Sir Geoffrey Nice who was the prosecutor of Slobodan Milosevic at the Hague, issued an interim judgment that stated: “The Tribunal’s members are all certain - unanimously, and sure beyond reasonable doubt - that in China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time involving a very substantial number of victims.”

In June 2021, a group of United Nations independent experts expressed concerns about allegations of organ harvesting carried out on minority groups detained in China, including Falun Gong practitioners, as well as Uyghurs, Tibetans, Muslims, and Christians.

The Government of the People’s Republic of China and the Communist Party of China have repeatedly denied reports that many organs are taken without the consent of prisoners, but they prevent independent verification of the transplant system.

On July 16, 2019, the Board unanimously adopted a Board Matter that was consistent with the findings and conclusions of House Resolution 363 and that expressed the Board’s deep concerns about these egregious violations of the fundamental right to life. Recently, the Board has been asked by local practitioners of Falun Gong to adopt a resolution that further supports efforts to educate and inform County residents about allegations of forced organ harvesting in the People’s Republic of China.

Therefore, jointly with Chairman McKay, Supervisor Alcorn, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, and Supervisor Walkinshaw, Supervisor Foust moved that the Board:

- Adopt the resolution, attached to his Board Matter, to condemn the harvesting of organs from prisoners of conscience in China
- Direct staff to conduct efforts to inform the medical community and residents of the County regarding concerns about travel to China for organ transplants

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

15. **FUNDING SAFER PEDESTRIAN AND BICYCLIST FACILITIES**
(11:10 a.m.)

Supervisor Foust stated that, recently, one of his constituents inquired about the possibility of constructing a sidewalk improvement project to provide safer pedestrian access to an elementary school. The response from staff was that “We currently do not anticipate funding will be available for new projects until Fiscal Year (FY) 2026 or later.” Board offices have been getting similar responses when one identifies the need for a pedestrian or bike project. Obviously, it is not acceptable to be in a funding position where that is the message that is delivered.

On January 28, 2020, the Board adopted a Board Matter sponsored by Supervisor Alcorn and Supervisor Lusk that, inter alia, emphasized the importance of making the County much safer for pedestrians and bicyclists. The Board Matter made the case that, despite significant past commitments, many important access and safety projects remained unbuilt due to lack of funding and that some of the most vulnerable residents have borne the brunt of unsafe or limited pedestrian access. It also emphasized the importance of implementing the new tools and technologies that will be identified in the ActiveFairfax Transportation Plan, but made it clear that focusing on solving pedestrian and bicycle safety problems should not wait until final completion of that planning process.

The Board has repeatedly acted to expand safe bicycle and pedestrian access for the residents. The Board has provided leadership through adoption of the Countywide Trails Plan (last updated in 2018) and the Countywide Bicycle Master Plan (adopted in 2014). The ActiveFairfax Transportation Plan will consolidate and update the Countywide Trails Plan and the Countywide Bicycle Master Plan. Staff has been working on preparation of the ActiveFairfax Transportation Plan over the past few years and recently advised that Phase One would soon be completed but that completion of Phase Two of the planning process could take another couple of years.

The County consistently emphasizes the importance of providing safe access for pedestrians and bikes, especially near schools, parks, activity centers, transit station areas, and in revitalization zones. The Board has demonstrated that it is aware of the benefits of providing safe access for pedestrians and bikers and the Board has clearly expressed its commitment to making that happen. While the Board cannot finish the job overnight, the purpose of this Board Matter is to take action to expedite those efforts and arrange for a “down payment” towards meeting the County’s active transportation needs.

Supervisor Foust stated that he has spoken to his colleagues about the difficult and costly challenges they face as the Board works with residents to make the communities safer and more accessible for pedestrians and bicyclists. Over the years, there has not been sufficient funding available to address the universe of

challenges the County faces. Even when the Board thought it could fund its most pressing needs as part of the Transportation Priorities Plan (TPP), decisions made in Richmond forced the Board to revise those plans and defer tens of millions of dollars of critically needed transportation projects. The TPP projects that were deferred were among projects that the Board had designated as its highest priorities. Many other much needed projects were not even included on the TPP project list because the Board never expected to have enough funding to cover them.

Supervisor Foust stated that the County has done an excellent job of addressing challenges brought on by the COVID crisis. From supporting small businesses and their employees to making additional funding available for affordable housing, and from delivering vaccinations and contact tracing, to meeting demands for basic human needs such as food, rent and utilities.

During the COVID crisis, pedestrian and bike activity seemed to increase everywhere it could be accommodated. However, the increased interest also highlighted the inadequacies of infrastructure. Due to the excellent fiscal management by the County Executive and his staff, and due to significant support from several federal sources, the Board believes it is uniquely situated to begin to make one-time investments in pedestrian and bike infrastructure that will have long term, meaningful impacts on accessibility and safety in the community. It is important that the Board stake this opportunity to begin to address a universally recognized need that is a priority.

Therefore, jointly with Chairman McKay, Supervisor Alcorn, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck and Supervisor Walkinshaw, Supervisor Foust moved:

- For consideration by the Board at its next Transportation Committee meeting, that the County Executive be directed to:
 - Compile a list of previously identified and currently unfunded pedestrian and bike projects that would contribute to pedestrian and bike access and/or safety and that can be commenced as soon as funding is identified
 - Recommend criteria for immediate evaluation of projects to be funded with additional funding in FY 2022
 - Identify additional potential funding options for allocation to these pedestrian and bike projects during FY 2022
- For consideration by the Board at its next Transportation Committee meeting, if feasible, or at the following meeting), that the County Executive be directed to:
 - Compile a list of previously identified and other potential projects that would improve access and safety for pedestrian and bike

projects that are currently unfunded and could be commenced over the longer-term (FYs 2023 - 2027)

- Recommend criteria for evaluation and selection of projects from that list
- Identify longer term (FYs 2023 - 2027) additional funding options for pedestrian and bike projects that satisfy the criteria discussed herein
- That the goal for new funding over the approximately six-year period through FY 2027 shall be at least \$100 million and shall be in addition to any funding that was previously allocated to transportation projects

Chairman McKay seconded the motion. Discussion ensued regarding:

- Sidewalks and maintenance
- The need to focus on data and examining areas with the highest need
- Undiscovered connections
- Technology used to examine intersections
- Equitable ways to distribute resources

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

16. **RENAMING OF SOUTHGATE COMMUNITY CENTER (HUNTER MILL DISTRICT)** (11:30 a.m.)

Supervisor Alcorn stated that on May 4, 2021, he introduced a Board Matter requesting that Neighborhood and Community Services (NCS) take the lead in reaching out to the community to rename the Southgate Community Center in honor of former Hunter Mill District Supervisor Catherine M. Hudgins. Supervisor Alcorn stated that he is pleased to announce that NCS has completed its work on this task and the new name of the center is Cathy Hudgins Community Center at Southgate.

Supervisor Alcorn invited the community to attend the name change ceremony, being held on October 16, 2021, at 2 p.m. at the center located at 12125 Pinecrest Road in Reston.

Therefore, Supervisor Alcorn moved that the Board recognize Cathy Hudgins Community Center at Southgate as the new name for Southgate Community Center. Chairman McKay seconded the motion and it carried by unanimous vote.

17. **PARK AUTHORITY STIMULUS FUNDING** (11:32 a.m.)

Supervisor Alcorn stated that throughout the pandemic the amenities of the Park System, including gardens, golf courses, basketball courts, trails and more have provided a much-needed respite and opportunity to enjoy the outdoors for many residents. However, the increase in use has taken a toll on these amenities resulting in a substantial increase in maintenance costs. In addition, the Park Authority was impacted by revenue losses from the closure of classes and camps during the height of the pandemic.

The Park Authority has applied to the County for \$7,522,122 in stimulus funds in the first round of requests. While the Park Authority has cited more than \$35 million in revenue loss, Park Authority staff realize that it will not be possible to recoup the entire revenue loss, so they are focusing on areas that have an immediate operational impact. Those areas include the following:

- \$5,000,000 – Reinvest in operational expenditures of the RECenters to enable all facilities to replace consumable items beyond their useful life and address maintenance needs
- \$2,522,122 – Invest in deferred maintenance and operating expenses in parks, trails, and non-revenue facilities in disproportionately impacted areas of the County

This funding will be used to address significant deferred maintenance projects throughout the park system, affecting all districts in the County. Examples of these projects include the replacement of the HVAC system at the Mount Vernon Ice Arena and the restoration and maintenance of the South Lakes Drive trails. The proposed stimulus funding projects combine both the need to restore lost revenue and to address deferred maintenance throughout the Park Authority's system. By ensuring that the Board is addressing needs throughout the system, the Board will be reaching households that have been disproportionately impacted by the pandemic and the resulting economic downturn.

This request is mostly consistent with the \$7 million in American Rescue Plan Act (ARPA) Stimulus funding planned in the September 2021 Stimulus Funding Update, page 5, to be directed to the Park Authority.

Therefore, jointly with Chairman McKay, Supervisor Alcorn moved that the Board:

- Support the initial staff recommendation to utilize ARPA funds to support the Fairfax County Park Authority
- Direct the County Executive to allocate \$7.5 million for the purposes described

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

18. **APPOINTMENTS TO THE RESTON COMMUNITY CENTER (RCC) BOARD OF GOVERNORS** (11:35 a.m.)

(BAC) Supervisor Alcorn stated that the RCC has completed the annual preference poll
(APPTS) election for its Board of Governors. Bill Bouie, Lisa Ehrhardt, Dick Stillson were elected to serve three-year terms on the RCC Board of Governors.

All three candidates have actively served the community for several years.

Therefore, Supervisor Alcorn moved that the Board appoint the following individuals to serve three-year terms on the RCC's Board of Governors in time to be seated at the next Board of Governor's meeting on November 1, 2021:

- Bill Bouie
- Lisa Ehrhardt
- Dick Stillson

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

19. **POSSIBLE MARKET ASSESSMENT OF THE SPRINGFIELD-FRANCONIA SUBMARKET (LEE DISTRICT)** (11:36 a.m.)

Supervisor Lusk stated that the current Springfield Comprehensive Plan is in need of significant revision. The long-term vision laid out at the adoption of the plan reflects projections in office and retail markets that have likely been out of reach for some time now, a fact that has only been exacerbated by the current pandemic.

Fortunately, the Fairfax County Economic Development Authority (EDA) has a demonstrated capacity to commission and deliver high quality market assessments which provide valuable insights into the demographics, commercial and residential markets, current and planned development, as well as forecasted market demands in specific target areas within the County.

The recent Richmond Highway Market Assessment is an excellent example of one such investment. The increased quality of life for the residents of Route One, as well as the increased revues to the County that will result from the data collected in that study are certain to generate a significant return on investment into the market assessment.

Given the demonstrated need in the Springfield-Franconia submarket, and the EDA's track record of success with soliciting and delivering high quality market assessments, Supervisor Lusk moved that the Board direct the County Executive liaise with the EDA to prepare a draft request for proposal, cost estimate and other

relevant materials necessary for the Board to take up take up a consideration item for a possible market assessment of the Springfield-Franconia submarket in upcoming carryover discussions. Chairman McKay and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

20. **COMMERCIAL DRIVER'S LICENSES (CDL) HIRING PROCESS**
(11:41 a.m.)

Supervisor Lusk stated that the County is currently facing an extreme labor shortage within the Solid Waste Division of the Department of Public Works and Environmental Services (DPWES).

This labor shortage is particularly pronounced amongst the County truck drivers. DPWES is currently short by approximately 25 percent of the drivers needed to resume regular solid waste collection in the County. The shortage is further compounded by workers who are out sick or on various other types of leave, magnifying the issue even further.

The backlog created by this shortage has meant delays, as long as three weeks, for pickup in some neighborhoods. The accumulation of solid waste, particularly yard debris, is creating hazards that negatively impact the environment, attract rodents, and potentially create dangerous obstacles for drivers, cyclists, and pedestrians.

There is no single solution to addressing this labor shortage that is impacting not just the County, but the entire region. However, there may be systemic and strategic changes that the County could adopt to help train, attract and retain those with a Commercial Drivers License (CDL) to DPWES.

Currently, private companies in equally as desperate need for CDL holders are offering signing bonuses between \$3,000 and \$10,000 for new employees. Supervisor Lusk stated that his belief that, while he would not preclude the possibility of the County considering signing bonuses as a tool for filling vacancies, a compressive review of other strategies and incentives that the County could utilize to accelerate the hiring of CDL holders could help in both alleviating the current strain on the County's solid waste collection operation, and in preventing such labor shortages in the future.

Therefore, jointly with Supervisor Alcorn, Supervisor Gross and Supervisor Storck, Supervisor Lusk moved that the Board direct the appropriate staff to prepare a series of recommendations for the Board to consider for the purposes of training, attracting, and retaining CDL holders. Supervisor Lusk stated that while he will defer to staff on the best approach for researching and ultimately presenting recommendations to the Board, he is hopeful that the review will include options for financial incentives, no-cost or prorated options for obtaining CDLs, and strategies for integrating with workforce development efforts within the County that are already underway or will be launching shortly, such as the new workforce development center in Lee District. Chairman McKay seconded the motion.

Discussion ensued, with input from Bryan Hill, County Executive, regarding:

- National shortage of workers
- Using this as a catalyst for other shortages
- Timing for the information being provided to the Board
- Possible hiring limitations
- Future ongoing conversations by the Board

Supervisor Walkinshaw requested that staff provide the Board with a list of staff shortages by department and historical references in terms of those vacancies. The question was called on the motion and it carried by unanimous vote.

21. **FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT (FCFRD)**
HIRING UPDATE (11:55 a.m.)

Supervisor Lusk stated that the current pandemic has put unprecedented strain on the County's public safety personnel.

It has also greatly magnified many of the staffing challenges that were persistent in the public safety system even before Covid-19. Supervisor Lusk stated that he looks forward to continuing the conversations that the Board has already initiated aimed at addressing many of those challenges, however it's also critical that the Board look for smart fixes that can be made on a more immediate timeline.

Supervisor Lusk stated that he, Supervisor Alcorn, and Supervisor Gross believe that they have identified once such opportunity within the FCFRD.

For every entry-level Firefighter/Emergency Medical Technician (EMT) position advertised by the County, approximately 4,000 applications are received. Following the transmission of those applications, applicants then move through a structured screening process that includes the review of a personal profile, background check, fitness evaluation, medical screening, written exam and polygraph.

Each of these screening and evaluation measures are critical to ensuring that FCFRD remains the premiere fire and rescue department in the nation. However, Supervisor Lusk stated that he, Supervisor Alcorn, and Supervisor Gross were surprised to learn that of the 4,000 applicants that begin this process, approximately 75 percent drop out of the process on the very first step—the personal profile.

Unlike in surrounding jurisdictions, as well as in most comparable jurisdictions across the country, firefighter/EMT applicants are required to collect and mail in physical copies of their employment, education and personal reference documents.

This antiquated process is likely responsible for a substantive portion of the early attrition in the hiring process, largely based on a combination of inconvenience and that simple fact that an applicant can advance through the process in a neighboring jurisdiction much more quickly simply by being able to submit their application materials digitally.

Therefore, jointly with Supervisor Alcorn and Supervisor Gross, Supervisor Lusk moved that the Board direct the appropriate staff to:

- Undertake a review of the information technology support, resources, and timeline necessary to convert any applicable portion of the FCFRD application process over to a digital portal
- Specifically designate any best practices or adjustments that could potentially be coordinated and streamlined with parallel hiring process across other public safety departments
- Report with the findings to either the Public Safety Committee or the Information Technology Committee before the end of 2021 with interim-update or implementation recommendations

Supervisor Lusk stated that his motion was made following consultation with the Director of Human Resources, Director of Information Technology, Fire Chief, and County Executive, and is supported by each. Chairman McKay seconded the motion and it carried by unanimous vote.

22. **PUBLIC SAFETY INPUT SESSION** (11:59 a.m.)

Supervisor Lusk stated that the next public safety input session will be held on October 7, 2021, and will focus on the Use of Force Study that the County commissioned from the University of Texas at San Antonio. He encouraged the community to attend in person, watch live online, or call and email their questions in.

23. **SIMULATED TRAFFIC STOPS** (11:59 a.m.)

Supervisor Lusk announced that simulated stops will be held on October 23, 2021, at locations throughout the County.

24. **PROCLAMATION REQUEST DESIGNATING OCTOBER 6, 2021, AS "ENERGY EFFICIENCY DAY" IN FAIRFAX COUNTY** (12:01 p.m.)

Supervisor Storck stated that each year, “*Energy Efficiency Day*” presents an opportunity to focus on the many benefits of taking action to save energy. Many energy and climate experts use the phrase “efficiency first” when talking about ways to make a real difference, and for good reason. Energy efficiency is fundamental to our clean energy future and is critically important to the reduction of greenhouse gases as well.

By taking action to become more energy efficient, one of the two biggest sources of greenhouse gases in the County – energy use in buildings – can be addressed. The community has established a goal of achieving carbon neutrality by 2050, which is ambitious, but achievable if everyone does their part.

Efficiency measures are often inexpensive, quick, and easy to implement. Everyone can embrace energy efficiency. Becoming more energy efficient can reduce utility costs for residents and businesses. When everyone uses energy wisely, all can cut back on overall consumption and lower monthly bills. In fact, reducing energy waste saves U.S. consumers billions of dollars on their utility bills every year, up to \$500 per household from appliance efficiency standards alone.

Energy efficiency is also an economic driver, with millions of Americans employed in the industry. By supporting efficiency measures with clean energy policies and programs, it can help to sustain those jobs and create new opportunities for employment right here in the County.

With the recent completion of the Community-wide Energy and Climate Action Plan, the County now has a roadmap to help it achieve its greenhouse gas reduction goals. Existing County programs like Energy Action Fairfax and HomeWise stand ready to help residents make meaningful, lasting, efficiency improvements to their homes. In fact, the HomeWise program held their inaugural demonstration event in the Mount Vernon District just this past weekend and handed out hundreds of LED lightbulbs, weatherstrips, socket sealers, and more to County residents, completely free of charge.

A nationwide network of energy efficiency groups and partners has designated the first Wednesday in October as the sixth national annual “*Energy Efficiency Day*.” Together the residents of the County can take steps to learn more about energy efficiency and to use energy wisely each and every day.

Therefore, jointly with Supervisor Gross, Supervisor Storck asked unanimous consent that the Board direct:

- Staff to prepare a proclamation, to be signed by the Chairman and the Mason District Supervisor, designating October 6, 2021, as “*Energy Efficiency Day*” in Fairfax County
- The Office of Environmental and Energy Coordination register the County as a participant in Energy Efficiency Day 2021 on the official website

<https://energyefficiencyday.org/>, where information can be found to publicize energy efficiency tips and information in recognition of this day

Without objection, it was so ordered.

25. **PROCLAMATION REQUEST RECOGNIZING POHICK EPISCOPAL CHURCH (MOUNT VERNON DISTRICT)** (12:03 p.m.)

Supervisor Storck stated that Historic Pohick Church, established in 1732 and home parish to vestrymen such as George Washington, George Mason and George William Fairfax, is hosting its 75th Annual Pohick Country Fair. The Fair is an annual day of fun, historic reenactments, games, food, music, and famous handmade apple butter that parishioners and clergy of the church have held since 1944 for the enjoyment of the local community and the County. This festival is an established community event and draws hundreds of visitors from inside and outside the County.

Therefore, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a proclamation, to be signed by the Chairman and Mount Vernon District Supervisor, for the Pohick Episcopal Church, recognizing its 75th Annual Pohick Country Fair, to be presented at a future date. Without objection, it was so ordered.

26. **PROCLAMATION REQUEST RECOGNIZING SHERWOOD REGIONAL LIBRARY (MOUNT VERNON DISTRICT)** (12:04 p.m.)

Supervisor Storck stated that in 1964 the Board purchased the property that the Sherwood Regional Library occupies. In September 1971 at the Library dedication ceremony, it was added as the 13th public library in the Fairfax County Public Library system. The original library was 20,000 square feet and by 1989 it was so busy that the County voters supported adding an additional 16,400 square feet to the building. The new and improved Sherwood Library was unveiled in June 1992.

The library has been a stable anchor in the community for 50 years. Library programming, technology and services have evolved with the changing demographics and needs of the community. They have been a leader in technology innovation, collaboration with neighborhood groups, other libraries, County agencies, Richmond Highway service organizations, all in service to the Mount Vernon community and citizens of the County. Sherwood Regional Library is the home of the wildly popular local McCutcheon/Mount Vernon Farmers' Market on Wednesday mornings from April into December and active seniors know it as the home of Mount Vernon at Home, a membership organization that supports aging in place.

The Mount Vernon community will be celebrating this milestone on Saturday, October 16, 2021, from 11 a.m. to 3 p.m. at the Sherwood Regional Library. The Friends of Sherwood Library are sponsoring outdoor entertainment including a children's performer, Groovy Nate, the Mount Vernon High School Varsity

Singers, and a mariachi band, Mariachi Aguila DC. Inside the library there will be a scavenger hunt, children's craft and papermaking activities, a historical display commemorating 50 years of library service and the opportunity to check out the STEM-inspired Tech Lab.

Little known fact - Gerry Hyland was not the Mount Vernon Supervisor in 1971, he was the Supervisor in 1992 and was one of 200 volunteers who helped unload 15 truckloads of books - about 3,000 boxes with 100,000 volumes - from storage into the remodeled Sherwood Library and helped place them on the shelves.

Therefore, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a proclamation, to be signed by the Chairman and Mount Vernon District Supervisor, for the Sherwood Regional Library, congratulating them on 50 years of service to the community, to be presented on October 16, 2021. Without objection, it was so ordered.

27. **ADOPTION OF THE AUDITOR OF THE BOARD'S NOVEMBER 2021 AUDIT COMMITTEE WORK PLAN FOR THE UPCOMING QUARTER**
(12:07 p.m.)

Supervisor Storck stated that the Board has received the Auditor of the Board's Proposed Audit Committee Work Plan for November 2021. The Work Plan includes the following study area.

November 2021 Audit Committee Work Plan:

Fairfax County Police Department (FCPD) Seized and Inventoried Property Review and Follow-Up:

This study was originally performed September 2017. Several recommendations were made, implementation dates were extended and have passed. The physical and fiscal controls over seized and inventoried property are under the purview of FCPD. At the time of the previous study, FCPD staff provided an estimate of ~130,000 items stored at the main property room; actual dollar value of the items could not be determined. The inventoried items included a sundry list of seized properties; including cars, contraband, and money. This study will focus on the following areas (but not limited to):

Review Areas Included (but not limited to):

- Custody, Valuation, and Disposal
- Sales/Auctions and Revenue Recognition
- Vendor Contracting (Covanta) for FCPD and Other Agencies
- Follow up and New Reporting on Seized Property

Therefore, Supervisor Storck moved that the Board adopt the Auditor of the Board's November 2021 Audit Committee Work Plan for the upcoming quarter. Supervisor Palchik seconded the motion and it carried by unanimous vote.

28. **THE AMERICAN HORTICULTURAL SOCIETY (AHS) AND RIVER FARM** (12:07 p.m.)

Supervisor Storck announced that the AHS recently voted to reject a new offer from the Northern Virginia Park Authority (NOVA Parks) to purchase historic River Farm, formerly part of George Washington's Mount Vernon estate, and work could continue regarding long-term viability.

29. **PROCLAMATION REQUEST DESIGNATING NOVEMBER 2021 AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (12:11 p.m.)

Supervisor Herrity stated that November is "*National Adoption Awareness Month*" to recognize the need and value of adoption in our community. Across the United States more than 122,000 children are legally free for adoption and over 700 foster children in the Commonwealth of Virginia are waiting for adoptive families. Youth leaving foster care without being adopted or without permanent connections face on-going challenges with employment, education, and mental health, as well as have an increased risk of homelessness and human trafficking.

During Adoption Awareness Month, we celebrate all the families who have opened their homes to children through adoption. There were 23 children and youth adopted from foster care last year in the County and there are still children and youth waiting to join an adoptive family and find their permanent connection. There are currently five children in foster care in the County waiting to find their adoptive families. Every child, regardless of physical, medical or emotional challenges needs love, support, security, and a place to call home. The Department of Family Services is committed to supporting children in foster care waiting for adoption and supporting adoptive families through education, services, and support.

Supervisor Herrity stated that as an adoptive parent, he understands how rewarding and, as with all children, challenging the experience can be. Supervisor Herrity encouraged all residents to consider adoption as a way to give many foster children "forever" homes.

Therefore, Supervisor Herrity asked unanimous consent that the Board:

- Declare November 2021 as "*Adoption Awareness Month*" in the County and encourage all residents to support children in any way they are able – whether by opening their hearts and homes through adoption, becoming foster parents, or by supporting adoptive and foster parents in the community

- Direct staff to prepare a proclamation designating November 2021 as “*Adoption Awareness Month*” in the County, to be presented at the November 9, 2021, Board Meeting

Without objection, it was so ordered.

30. **PROCLAMATION REQUEST DESIGNATING NOVEMBER 2021 AS “CAREGIVERS AWARENESS MONTH” IN FAIRFAX COUNTY**
(12:12 p.m.)

Supervisor Herrity stated that November is “*National Family Caregivers Month.*” Many older adults have faced usually difficult times over the last two years because of the pandemic, adding to the care they regularly need. It is important to recognize and honor the dedicated contributions of family caregivers and encourage support and gratitude for all the care they provide. With the older adult population growing in the County and Virginia as a whole, caregivers are essential for the community and make up one in five persons in Virginia. Family caregivers selflessly care for older adults and adults with disabilities by providing physical and emotional support, as well as financial and medical assistance.

In addition, family caregivers prevent early institutionalization of loved ones, promote aging in place, and provide compassionate care without being paid. The monetary value of family caregiving is over \$11.7 billion in Virginia alone. Given the complexity of the roles and responsibilities of family caregiving, caregivers are at increased risk for adverse effects on their physical, mental, and emotional well-being.

The County provides support to family caregivers including caregiver webinars, caregiver telephone support calls, caregiver consultations, care management, in-home respite and bathing services, text and email alerts, and an Aging, Disability and Caregiver Resource line. With exacerbated needs and challenges for both older adults and caregivers during the pandemic, these resources are increasingly important.

Therefore, as Chairman of the Older Adults Committee, Supervisor Herrity asked unanimous consent that the Board:

- Designate November 2021 as “*Caregivers Awareness Month*” to honor the service and sacrifice of the County’s many dedicated caregivers
- Direct staff to prepare a proclamation designating November 2021 as “*Caregivers Awareness Month*” in the County, to be presented at the November 9, 2021, Board Meeting

Without objection, it was so ordered.

31. **SEWER CAPACITY INFORMATION REQUEST** (12:13 p.m.)

Supervisor Herrity stated that earlier this year, Buckley Development, LLC filed an application (PCA/CDPA/FDPA 2000-SU-012) to modify the zoning approvals for the Buckley's Reserve community located at the intersection of the Fairfax County Parkway and Route 29/Lee Highway in Fairfax. Buckley's Reserve is zoned PDH-4 and was developed in the mid-1990s with 247 single family detached and attached dwelling units. The pending application proposes to remove two single family homes and replace them with six new single-family homes, a net increase of four houses.

During its review of the zoning application, staff recently determined that the theoretical capacity of the sanitary sewer lines serving Buckley's Reserve had been exceeded as a result of development elsewhere in the service area that occurred after the community was built. Among the developments constructed after Buckley's Reserve and served by this sanitary sewer line are the McConnell Public Safety and Transportation Operations Center and 283 homes. Supervisor Herrity stated that as he understands it, staff has informed the applicant that no additional development can occur until the sanitary lines for the entire service area are upgraded to add capacity.

Setting aside the details of this particular application, it is concerning that the sanitary sewer system serving 530 homes and a 225,000 square foot public safety facility is stretched so thin that it cannot even handle the addition of four new houses. If this situation exists at this location, where most of the development occurred in the last 25 years, he wonders whether the same or similar issues exist in other parts of the County, particularly those areas built 50 or 60 years ago. As the Board has seen in Pimmit Hills, Springfield, Alexandria, McLean and Falls Church, three-bedroom, two-bathroom homes built in the 1950s or '60s routinely are being torn down and replaced with 5-6 bedroom homes having four or more bathrooms. Infill developments and redevelopments occur throughout the County and rely, in many cases, on sewer lines built decades before. Although the County expends capital funds each year to upgrade existing sewer lines, Supervisor Herrity stated that he would hope that the County do so before demand exceeds capacity on any given line. As this applicant has discovered, however, that may not be the case.

Supervisor Herrity stated his understanding that proposed developments in Tysons and the Dulles Corridor have exceeded the theoretical capacity of sewer lines there, and staff has adopted a strategy to have developers fund the expansion of sewer lines. These are typically large projects that can spread the cost of the sewer expansion across multiple buildings or developments. Supervisor Herrity stated that he is less clear about what are the policies and plans in place in other parts of the County where development and redevelopment is more incremental and at a scale that makes it hard for any single project to fund needed upgrades.

Therefore, jointly with Supervisor Gross, Supervisor Herrity moved that the Board direct staff to prepare a report summarizing the following:

- How the County monitors the sanitary sewer network to determine when individual service areas or line segments have reached or will reach theoretical or actual capacity limits
- How many such service areas or line segments already are at or above theoretical or actual capacity limits and their locations in the County
- How the County prioritizes upgrades to existing sewer lines that have reached or exceeded capacity limits
- The status of upgrades the County is making or intends to make using capital funds
- The policy it is currently using for developer expanded sewer lines

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

32. **WITNESS SIGNATURES ON BALLOTS** (12:21 p.m.)

(NOTE: Earlier in the meeting, this was discussed. See CL# 7.)

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

- Number of ballots without the witness signatures
- Process for correcting missing information on ballots

Without objection, it was so ordered.

33. **INTRODUCTION OF NEW STAFF IN THE PROVIDENCE DISTRICT OFFICE** (12:21 p.m.)

Supervisor Palchik introduced the following new staff in her office:

- Joanna Fitzpatrick
- Juan Morales

On behalf of the Board, she warmly welcomed them to the Board Auditorium and to the County.

34. **STUFF THE BUS** (12:23 p.m.)

Supervisor Palchik announced that the Stuff the Bus event will be held on October 9, 2021, at the People, Art, Recreation, Community (PARC) at Tysons and

will be benefiting Food for Others. She encouraged the community to take part in the event.

35. **FISCAL YEAR (FY) 2022-2023 ZONING ORDINANCE WORK PROGRAM**
(12:23 p.m.)

Supervisor Smith stated that at the Board's September 28, 2021, Land Use Policy Committee meeting, Leslie Johnson, Zoning Administrator, Department of Planning and Development (DPD), presented the proposed FY 2022-2023 Zoning Ordinance Work Program which represents an updated two-year work program cycle. Ms. Johnson highlighted the accomplishments in FY 2021, specifically the adoption of the new Zoning Ordinance with its new online Platform, the Wellington at River Farm Historic Overlay District (HOD) amendments, agritourism, as well as issuance of status update reports on short-term lodging, community gardens and most recently on the revised sign ordinance provisions.

The proposed FY 2022-2023 Work Program includes 11 main initiatives with 16 individual topics areas and includes both new and carryover items. Topics include a comprehensive review of parking rates and related provisions which is currently underway (Item #8) and will be discussed with the Board and Planning Commission at its joint meeting on October 12, 2021, at 9:30 a.m. In addition, staff is working to establish a Dark Skies Overlay District around Turner Park Observatory (Item #7); and initiating Signs Part 2 (Item #9) beginning with education and outreach on the existing sign provisions in coordination with the Department of Code Compliance, and to review processes and standards for comprehensive sign plans for mixed use or P-Districts along with other sign related provisions. Ms. Johnson also noted that some of the carryover topics like affordable housing, green initiatives, and the Zoning Ordinance Modernization (zMOD) Implementation are now noted with a TBD/Monitoring time frame. While specific changes to the Zoning Ordinance may not be on the near-term horizon for these topics, staff resources are required for researching and gathering data.

Supervisor Smith stated that she was pleased that staff has made significant progress on tackling the Priority 2 Work Program Items. Ms. Johnson indicated that staff will continue to review the remaining Priority 2 Items over the next year and provide an update to the Board. Staff also noted that Item# 28 on the Priority 2 List which was a recommendation from the 2003 New Millennium Occoquan Task Force Report was identified for consideration to move to the Work Program in a follow-on motion from the agritourism amendment. Item #28 recommends establishment of an advisory committee to review special permit, special exception and public uses in the R-C District and to review the Comprehensive Plan to see if clearer guidance is needed in reviewing these uses. Ms. Johnson noted that staff undertook a preliminary review of these applications and found that the County has indeed been good stewards of the Occoquan Watershed. Further, she noted that the DPD is currently responding to the Office of Environmental and Energy Coordination's Resilient Fairfax Audit on existing policies and regulations that affect climate change including floodplain and Water Supply Protection Overlay

District (WSPOD) regulations. To avoid duplication of efforts and allow time for the Board to review recommendations that come out of that effort, it was recommended that this item remain on the Priority 2 List and be re-evaluated during the FY 2023 Work Program update and there was no objection from the Committee.

The Work Program was reviewed by the Planning Commission's Land Use Process Review Committee on September 30, 2021, and no specific changes were recommended.

Therefore, Supervisor Smith moved that the Board:

- Endorse the FY 2022-2023 Zoning Ordinance Work Program as presented in the memorandum to the Board, dated September 21, 2021
- Direct staff to return to the Board next year for a status update and any needed re-prioritization of items
- Direct staff to post the FY 2022-2023 Work Program on DPD's webpage and circulated by Listserve announcement

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

EBE:ebe

AGENDA ITEMS

36. **10:30 A.M. – PUBLIC HEARING ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2021 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2022 REVISED BUDGET PLAN**
(12:28 p.m.)

(FPR)

(SAR)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 17 and September 24, 2021.

Christina Jackson, Chief Financial Officer, introduced Philip Hagen, Deputy Director, Department of Management and Budget, who gave the staff presentation briefly outlining the FY 2021 Carryover Review Package.

Following the public hearing, which included testimony by one speaker, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Carryover package including Supplemental Appropriation Resolution AS 22009 and Amendment to the Fiscal Planning Resolution AS 22900. This approval includes the *FY 2021 Carryover Review* package as presented at the Board meeting on July 27, 2021, as well as the following adjustments:

1. One-time funding of \$20,000 to support the 250th anniversary of the American Revolution, the Revolutionary War, and the Independence of the United States of America
2. One-time funding of \$250,000 to contract an additional mowing cycle from the Virginia Department of Transportation in FY 2022
3. One-time funding of \$150,000 to support a market assessment of the Springfield-Franconia submarket
4. Eight new positions to be initially supported by funds received through the American Rescue Plan Act (ARPA), including one position to manage expanded short-term behavioral health services, one position to coordinate with families disproportionately impacted by COVID-19 to help develop, implement, and coordinate an intentional and measurable strategy for ensuring that these families inform the work of the Equitable School Readiness Strategic Plan, and six positions to provide targeted coaching and job training services to workers impacted by COVID-19
5. One-time funding of \$4,755,188 to be placed in the County's General Fund Pandemic Reserve to continue to provide the County flexibility to respond to the COVID-19 pandemic

With these adjustments, the General Fund balance at the FY 2021 Carryover Review is \$0.

Vice-Chairman Gross seconded the motion. Following discussion with Board Members expressing their views and support/non-support of the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Herrity voting "NAY."

Vice-Chairman Gross returned the gavel to Chairman McKay.

BV:bv

37. **ADMINISTRATIVE ITEMS** (12:43 p.m.)

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

Supervisor Storck called the Board's attention to Admin 1 – Authorization to Advertise a Public Hearing for Proposed Amendments to Chapter 116 (Wetlands Zoning Ordinance) of The Code of the County of Fairfax, Virginia and noted that

this proposed amendment is being done to implement legislation adopted by the General Assembly.

Supervisor Storck called the Board's attention to Admin 8 – Authorization to Advertise a Public Hearing to Amend Interim Agreement with Alpine-X LLC for Fairfax Peak Development at I-95 Lorton Landfill (Mount Vernon District) and noted that a series of meetings have been conducted over the past month regarding the agreement. He thanked all the staff who were involved.

The question was called on the motion to approve the Administrative Items 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 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR PROPOSED AMENDMENTS TO CHAPTER 116 (WETLANDS ZONING ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 9, 2021, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 116 (Wetlands Zoning Ordinance), to implement legislation adopted by the General Assembly that specifies the review and documentation required for permitting living shoreline approaches for shoreline management and protection of wetlands within the County Wetlands Board's jurisdiction.

ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (LEE DISTRICT)

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

| <u>Application Number</u> | <u>Description</u> | <u>New Date</u> |
|---------------------------|--|-----------------|
| 2232-L20-3 | Department of Public Works and Environmental Services Kingstowne Consolidated Facility Tax Map No. 091-3((08)) Parcels 8A and 8B Between Beulah Street, Silverlake Boulevard, and Interparcel Road Alexandria, VA Lee District Accepted August 5, 2020 | May 5, 2022 |

ADMIN 3 – AUTHORIZATION TO ADVERTISE THE PROPOSED AMENDMENT TO UPDATE APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (CODE)

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on November 3, 2021, at 7:30 p.m., and before the Board on **December 7, 2021, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix Q, simplifying the fee structure to ensure that it is consistent and fair.

ADMIN 4 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (DNCS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (MWCOC), ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM, IN SUPPORT OF THE PURCHASE OF WHEELCHAIR LIFT-EQUIPPED VEHICLES

- Authorized DNCS to apply for and accept grant funding, if received, from MWCOC in the amount of \$324,653, including \$64,930 in local cash match. Funding will support the purchase of five wheelchair lift-equipped vehicles to replace high-mileage vehicles currently owned by the County. The required 20 percent local cash match is available in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve. No new County funding will be necessary. There are no new grant positions associated with the award.
- Authorized the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF THOMAS GRANT DRIVE / ROUTE 8425 (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 9, 2021, at 4:30 p.m.**, to consider the vacation and abandonment of a portion of Thomas Grant Drive/Route 8425.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE A PORTION OF IVY LANE / ROUTE 1055 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 9, 2021, at 4:30 p.m.**, to consider vacating a portion of Ivy Lane/Route 1055.

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 22098 FOR THE HEALTH DEPARTMENT TO ACCEPT GRANT FUNDING FROM VIRGINIA DEPARTMENT OF HEALTH (VDH) TO ENHANCE CONTACT TRACING AND LABORATORY TESTING ACTIVITIES RELATED TO THE COVID-19 PANDEMIC

- (SAR)
- Approved SAR AS 22098 for the Health Department to accept grant funding from the VDH in the amount of \$6,704,767 to enhance contact tracing and laboratory testing activities related to the COVID-19 pandemic. No local cash match is required
 - Approve the execution of the Memorandum of Understanding between the VDH and the County

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND INTERIM AGREEMENT WITH ALPINE-X LLC FOR FAIRFAX PEAK DEVELOPMENT AT I-95 LORTON LANDFILL (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 19, 2021, at 3:30 p.m.**, to amend the Interim Agreement between the Board and Alpine-X LLC regarding the potential indoor ski facility and related development on the I-95 Lorton landfill, Fairfax County Tax Map 113-1 ((1)), Parcel 14.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE A PORTION OF GLORUS ROAD (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 9, 2021, at 4:30 p.m.**, to consider the vacation of a portion of Glorus Road.

38. **A-1 – APPROVAL OF A RESOLUTION TO AUTHORIZE THE SALE OF FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) – FAIRFAX COUNTY FACILITIES REVENUE BONDS, SERIES 2021A FOR THE STORMWATER/WASTEWATER FACILITY (BRADDOCK DISTRICT), EDA – FAIRFAX COUNTY FACILITIES REVENUE REFUNDING BONDS, SERIES 2021B FOR THE MERRIFIELD HUMAN SERVICES CENTER AND PROVIDENCE COMMUNITY CENTER (PROVIDENCE DISTRICT) REFINANCING, EDA– FAIRFAX COUNTY FACILITIES REVENUE REFUNDING BONDS, SERIES 2021C FOR THE WORKHOUSE ARTS CENTER, SOUTH COUNTY HIGH SCHOOL AND**

LAUREL HILL GOLF COURSE (MOUNT VERNON DISTRICT) REFINANCING, AND EDA- FAIRFAX COUNTY FACILITIES REVENUE REFUNDING BONDS, SERIES 2021D FOR THE PUBLIC SAFETY HEADQUARTERS (BRADDOCK DISTRICT) AND SCHOOL ADMINISTRATION BUILDING (PROVIDENCE DISTRICT) REFINANCING (12:48 p.m.)

Supervisor Walkinshaw moved to defer action regarding this item, until later in the meeting following the 3:30 p.m. public hearing on the Proposed Issuance of a Subordinate Wastewater Revenue Bond, Series 2021A in Connection with Fairfax County EDA Fairfax County Facilities Revenue Bonds, Series 2021A. Supervisor Palchik seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting action was taken regarding this item. See Clerk's Summary Item # 54.)

39. **A-2 - APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 22111 TO ACCEPT GRANT FUNDING AND AUTHORIZATION TO EXECUTE A PROJECT ADMINISTRATION AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE IMPLEMENTATION OF TRANSPORTATION ALTERNATIVES FUNDED BIKESHARE EXPANSION PROJECT** (12:50 p.m.)

(R)

(SAR)

On motion of Supervisor Alcorn, jointly seconded by Chairman McKay and Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved SAR AS 22111 authorizing the Department of Transportation (DOT) to accept grant funding from VDOT in the amount of \$500,000 for the Bikeshare Expansion project associated with the Transportation Alternatives Program
- Endorsed the Total Project Estimate of \$625,000 to be funded through the new grant approved by this Board Item, as well as from Fund 40010, County and Regional Transportation Projects
- Adopted a Resolution authorizing the Director of DOT to enter into a Standard Project Administration Agreement with VDOT for the Bikeshare Expansion project

40. **A-3 - AUTHORIZATION TO SIGN PROJECT AGREEMENTS WITH THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC) AND THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FOR DISTRIBUTION OF I-66 INSIDE THE BELTWAY TOLL REVENUES FOR THE MCLEAN METRORAIL STATION SECOND ENTRANCE (PROVIDENCE DISTRICT)** (12:51 p.m.)

On motion of Supervisor Palchik, seconded jointly by Chairman McKay and Supervisor Alcorn, 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:

- Standard Project Agreement between the County and NVTC for distribution of \$1 million in I-66 toll revenues
- Project Agreement between the County and WMATA for the transfer of \$1 million in I-66 toll revenues to WMATA for the construction of the McLean Metrorail Station Second Entrance project

41. **A-4 – ADOPTION OF THE COUNTYWIDE STRATEGIC PLAN** (1:22 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and adopt the proposed Countywide Strategic Plan, including the Ten Community Outcome areas, Indicators of Success, and Proposed Strategies, as originally outlined in Attachment One of the Board Agenda Item, and as updated in the Memorandum to the Board dated October 2, 2021. Vice-Chairman Gross seconded the motion.

Discussion ensued, with Supervisor Herrity expressing his views and concerns regarding the Strategic Plan, noting that he would not be supporting the motion.

Discussion continued with Board Members expressing their views/concerns, support of the motion, and community outreach efforts regarding the Plan.

Following further discussion, with input from Bryan Hill, County Executive, regarding the Plan, the question was called on the motion and it carried by a vote of nine, with Supervisor Herrity voting “Nay”.

Vice-Chairman Gross returned the gavel to Chairman McKay.

DMS:dms

42. **RECESS/CLOSED SESSION** (1:23 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. *City of Eugene, Or, et al. v. Federal Communications Commission, et al.*, Case No. 19-4161 (Sixth Circuit)
 2. *Declaratory Judgment Action Pending in State Corporation Commission filed by T-Mobile Northeast*, Case No. PST-2019-00010 (Va. State Corp. Comm'n)
 3. *Final Order on Virginia Electric and Power Company's Motion to Extend InService Construction Date for Idylwood Substation Rebuild*, Case No. PUR-2017- 00002 (Va. State Corp. Comm'n) (County-wide)
 4. *David Berry, Carol A. Hawn, Helen H. Webb, and Adrienne A. Whyte v. Board of Supervisors of Fairfax County*, Case No. CL-2021-0003366 (Fx. Co. Cir. Ct.) (Countywide)
 5. *Darrell Williams v. County of Fairfax and TransDev Services, Inc.*; Case No. CL2021- 0011151 (Fx. Co. Cir. Ct.)
 6. *Cesar Esteves v. Buffa, 4485*, Case No. GV21-013316 (Fx. Co. Gen. Dist. Ct.)
 7. *Elizabeth Perry, Virginia Maintenance Code Official v. Joan B. Barrows Trust*, Case No. GV21-11170 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kurt Adam Janssen*, Case No. GV21-14338 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Jean John Aidonis*, Case No. 21-1943 (4th Cir.) (Hunter Mill District)
 10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Corsica Realty Group, LLC*, Case No. CL-2021-0012483 (Fx. Co. Cir. Ct.) (Hunter Mill District)

11. *Jay Riat, Building Code Official v. Omar R. Sangid and Diana Mazid*, Case No. GV21-14872 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District, Town of Vienna) Leslie B.
12. *Johnson, Fairfax County Zoning Administrator v. Sandra C. Urrutia*, Case No. CL-2011-0013511 (Fx. Co. Cir. Ct.) (Lee District)
13. *Hiba Aziz, Building Official v. Mizanur Rahman and Maria Rabeya Rahman*, Case No. GV21-11177 (Fx. Co. Gen. Dist. Ct.) (Lee District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Glenn E. Cannon and Gloria J. Cannon*, Case No. GV21-11839 (Fx. Co. Gen. Dist. Ct.) (Lee District)
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Helen M. Teklay*, Case No. GV21-11840 (Fx. Co. Gen. Dist. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Shimeles Legese, Ayda Mengistu, and Tsige Mengistu*, Case No. GV21-013406 (Fx. Co. Gen. Dist. Ct.) (Lee District)
17. *Jay Riat, Building Official for Fairfax County, Virginia v. Max Pro Construction, LLC*, Case No. GV21-013942 (Fx. Co. Gen. Dist. Ct.) (Lee District)
18. *Jay Riat, Building Official v. Imran Hafiz*, Case No. GV21-147871 (Fx. Co. Gen. Dist. Ct.) (Lee District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George M. Yaworsky and Zenia M. Yaworsky*, Case No. CL-2018-0014854 (Fx. Co. Cir. Ct.) (Mason District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Blanca Gutierrez and Elias A. Gutierrez*, Case No. CL-2021-0001603 (Fx. Co. Cir. Ct.) (Mason District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jonathan Q. Morgan and Naoko Morgan*, Case No. CL-2021-0001602 (Fx. Co. Cir. Ct.) (Mason District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax*

- County, Virginia v. Andrew Francis Zaccardi*, Case No. CL-2021-0010002 (Fx. Co. Cir. Ct.) (Mason District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Jian Liu*, Case No. GV21- 004457 (Fx. Co. Gen. Dist. Ct.) (Mason District)
24. *Brian F. Foley, Building Official for Fairfax County, Virginia v. Juan Carlos RojasLujan*, Case No. GV21-005239 (Fx. Co. Gen. Dist. Ct.) (Mason District)
25. *Brian F. Foley, Building Official for Fairfax County, Virginia v. Ramon Tobias Rodriguez Romero*, Case No. GV21-005605 (Fx. Co. Gen. Dist. Ct.) (Mason District)
26. *Leslie B. Johnson, Zoning Administrator, and Elizabeth Perry, Virginia Maintenance Code Official v. Tewodage Mulugeta*, Case No. CL-2021- 0007589 (Fx. Co. Cir. Ct.) (Mason District)
27. *Hollin Hills Park Preservation v. Civic Association of Hollin Hills, Augustine J. Matson, Patrick K. Kelly, and Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2021-0000848 (Fx. Co. Cir. Ct.) (Mount Vernon District)
28. *In re: March 10, 2021, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Harmony Hills Equestrian Center, Inc., and Terry Abrams v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2021-0004806 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas 2817 LLC*, Case No. CL-2021-0009574 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v. Jeffrey S. Chown*, Case No. GV21-007842 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. LZ Rentals, LLC*, Case No. CL-2021-0012482 (Fx. Co. Cir. Ct.) (Providence District)
32. *Jay Riat, Building Code Official for Fairfax County, Virginia v. Kubrat, LLC*, Case No. GV21-012050 (Fx. Co. Gen. Dist. Ct.) (Providence District)
33. *Jay Riat, Building Code Official v. Jose Roberto Marques, Jr.*, Case No. GV21- 14874 (Fx. Co. Gen. Dist. Ct.) (Providence District)

34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nga Huynh and Nhan Huynh*, Case No. CL-2021-0012190 (Fx. Co. Cir. Ct.) (Springfield District)
35. *Hiba Aziz, Building Official for Fairfax County, Virginia v. William A. Taylor and Elisa Taylor*, Case No. GV21-010212 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
36. *Jay Riat, Building Official for Fairfax County, Virginia v. Arjumand A. Akhtar*, Case No. GV21-010617 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
37. *Jay Riat, Building Official for Fairfax County, Virginia v. Infill by Design, LLC*, Case Nos. GV21-012957 & GV21-012958 (Fx. Co. Gen. Dist. Ct.) (Springfield District, Town of Clifton)
38. *Jay Riat, Building Official for Fairfax County, Virginia v. Hndyguy, LLC*, Case No. GV21-013945 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
39. *Board of Supervisors of Fairfax County v. TNJ Realty, Inc. d/b/a RE/MAX Allegiance and Faye Henris*, Case No. GV21-14337 (Fx. Co. Gen. Dist. Ct.) (Providence District)
40. *Board of Supervisors of Fairfax County v Tobacco King of Vape, CBD, Kratom*, Case No. GV21-11844 (Fx. Co. Gen. Dist. Ct.) (Mason District)
41. *Board of Supervisors of Fairfax County v Bravo Peruvian Chicken*, Case No. GV21-11845 (Fx. Co. Gen. Dist. Ct.) (Sully District)
42. *Board of Supervisors of Fairfax County v. ISTOPCONNECT, LLC*, Case No. GV21-11841 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(7) and (8), legal analysis regarding the following:
 1. Potential Circuit Court appeal from the ruling of State Tax Commissioner on November 10, 2020, in appeal filed by Gate Gourmet, Inc.
 2. *Elon Wilson v. Fairfax County, et al.*, Case No. 1:21-cv-800 (U.S. District Court for the Eastern District of Virginia)

3. *Fairfax County v. Purdue Pharma, et al.*, Case No. 1:17-MD-2804 (U.S. District Court for the Northern District of Ohio)
4. Objections to license applications for home-based businesses filed with the Virginia Alcoholic Beverage Control Authority under Chapter 2 of Title 4.1 of the Virginia Code

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

At 3:37 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

43. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:37 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."

44. **MOTION TO APPROVE OPIOID LITIGATION SETTLEMENTS** (3:38 p.m.)

- (R) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board approve the "Resolution of the Fairfax County Board of Supervisors Approving of the County's Participation in the Proposed Settlement of Opioid-Related Claims Against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their Related Corporate Entities." Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

45. **MOTION TO PETITION FOR CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES** (3:39 p.m.)

Supervisor Gross moved that the Board authorize the County to join a coalition of local governments to petition for certiorari to the Supreme Court of the United States relating to the May 26, 2021, Order issued by the Sixth Circuit Court of Appeals in the case of *City of Eugene, Oregon, et al. v. Federal Communications*

Commission, et al., Case No. 19-4161. Chairman McKay seconded the motion and it carried by unanimous vote.

46. **MOTION TO AUTHORIZE SETTLEMENT OF ELON WILSON V. FAIRFAX COUNTY, ET AL** (3:39 p.m.)

Supervisor Gross moved that the Board authorize a settlement in *Wilson v. Fairfax County, et al.*, Case No. 1:21-cv-800, which is pending in the United States District Court for the Eastern District of Virginia, on the terms and conditions discussed with the County Attorney in Closed Session. Supervisor Lusk seconded the motion and it carried by unanimous vote.

47. **MOTION TO AUTHORIZE THE APPEAL FILED BY GATE GOURMET, INC.** (3:40 p.m.)

Supervisor Storck moved that the Board authorize the appeal to the Fairfax County Circuit Court of the Tax Commissioner's November 10, 2020, ruling that the Tax Commissioner had jurisdiction to hear an administrative appeal filed by Gate Gourmet, Inc. pursuant to Virginia Code Section 58.1-3980, as outlined by the County Attorney in Closed Session. Supervisor Smith seconded the motion and it carried by unanimous vote.

KK:kk

AGENDA ITEMS

48. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2020-BR-001 (CHRISTOPHER LAND, LLC) TO REZONE FROM R-1 TO PDH-3 TO PERMIT RESIDENTIAL DEVELOPMENT WITH AN OVERALL DENSITY OF 2.71 DWELLING UNITS PER ACRE AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 4.43 ACRES OF LAND (BRADDOCK DISTRICT)**
(3:42 p.m.)

(O) (NOTE: On September 14, 2021, the Board deferred this public hearing until October 5, 2021.)

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 August 27 and September 3, 2021.

The application property is located at the north terminus of Banting Drive and west terminus of Caprino Court approximately 400 feet west of Braddock Road. Tax Map 69-1 ((1)) 31A and 31B.

E. John Regan, Jr., Agent, Christopher Land, LLC reaffirmed the validity of the affidavit for the record.

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Regan, Jr. 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.

Clark L. Massie, Agent, Tetra Corporation, gave the Applicant's presentation.

Discussion ensued with input from Danielle Barlow, Planner II, Department of Transportation, regarding secondary street acceptance requirements.

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

Supervisor Walkinshaw moved:

- Approval of Rezoning Application RZ 2020-BR-001 and its associated CDP/FDP, subject to the proffers dated October 1, 2021
- Modification of Section 10-104.3.B of the Zoning Ordinance to permit a six-foot tall fence in the front yard of Lot 31A during Phase One

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

(NOTE: On July 14, 2021, the Planning Commission approved Final Development Plan Application FDP 2020-BR-001, subject to the Final Development Plan conditions dated July 12, 2021.)

49. **3:30 P.M. – PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO EXPAND THE SINGLETON'S GROVE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (4:02 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 September 17 and September 24, 2021.

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

Following the public hearing, Supervisor Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the

Singleton's Grove CPD, in accordance with current CPD restrictions. The expansion includes:

- Old Centreville Road (Route 858), from Tanners House Way, east side, to the cul-de-sac inclusive; and west side, from the cul-de-sac to the commercial zoning boundary, within the residentially zoned area

Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Palchik and Supervisor Storck being out of the room.

50. **3:30 P.M. – PUBLIC HEARING FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (MASON DISTRICT)**
(4:05 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 September 17 and September 24, 2021.

Lainie Shifflett, Management Analyst II, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the public hearing, which included testimony by four speakers, discussion ensued with input from Christopher S. Herrington, Director, DPWES, John W. Kellas, Deputy Director, DPWES, and Joanna Faust, Assistant County Attorney, regarding:

- The De-Creation process for sanitary districts
- Current staffing shortages
- The Effect of delaying the process
- Timeline of action
- Quality of service
- Converting agency trash routes to private sector contracts
- Out-of-state contractors
- Solutions to address issues with service and coverage

- A need for broader conversations at the Board level
- Ensuring systems are consistent with environmental and solid waste recycling strategies

Supervisor Gross moved to defer decision until such time as DPWES and the County Executive can present a plan to the Board that addresses the current service deficiencies and how they will be corrected. Chairman McKay seconded the motion and it carried by unanimous vote.

51. **3:30 P.M. – PUBLIC HEARING FOR THE CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING COLLECTION SERVICES (BRADDOCK DISTRICT)** (5:05 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 September 17 and September 24, 2021.

Lainie Shifflett, Management Analyst II, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor Walkinshaw moved to defer decision until DPWES can present a plan to the Board to improve the quality of services. Supervisor Foust seconded the motion and it carried by vote of nine, Supervisor Palchik being out of the room.

52. **3:30 P.M. – PUBLIC HEARING FOR THE CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (LEE DISTRICT)** (5:19 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 September 17 and September 24, 2021.

Lainie Shifflett, Management Analyst II, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Lusk moved to defer decision until DPWES and the County Executive can present a plan to the Board to address the collection deficiencies experienced by the Department of Solid Waste. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Palchik and Supervisor Storck being out of the room.

53. **3:30 P.M. – PUBLIC HEARING FOR THE ENLARGEMENT AND CREATION OF FOUR SMALL AND LOCAL SANITARY DISTRICTS**

FOR REFUSE/RECYCLING COLLECTION SERVICES (DRANESVILLE DISTRICT) (5:22 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 17 and September 24, 2021.

Lainie Shifflett, Management Analyst II, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the public hearing, which included testimony by four speakers, Supervisor Foust moved to defer decision until such time as the County Executive can present a plan for the Board to consider which adequately addresses the service problems with existing County services and that the County Executive attempt to provide the Board with that plan prior to the end of the year and in enough time to act on the deferred items at the December meeting. Chairman McKay seconded the motion and it carried by unanimous vote.

54. **3:30 P.M. – PUBLIC HEARING ON THE PROPOSED ISSUANCE OF A SUBORDINATE WASTEWATER REVENUE BOND, SERIES 2021A IN CONNECTION WITH FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) FAIRFAX COUNTY FACILITIES REVENUE BONDS, SERIES 2021A (BRADDOCK DISTRICT)**

AND

A-1 – APPROVAL OF A RESOLUTION TO AUTHORIZE THE SALE OF FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) – FAIRFAX COUNTY FACILITIES REVENUE BONDS, SERIES 2021A FOR THE STORMWATER/WASTEWATER FACILITY (BRADDOCK DISTRICT), EDA – FAIRFAX COUNTY FACILITIES REVENUE REFUNDING BONDS, SERIES 2021B FOR THE MERRIFIELD HUMAN SERVICES CENTER AND PROVIDENCE COMMUNITY CENTER (PROVIDENCE DISTRICT) REFINANCING, EDA– FAIRFAX COUNTY FACILITIES REVENUE REFUNDING BONDS, SERIES 2021C FOR THE WORKHOUSE ARTS CENTER, SOUTH COUNTY HIGH SCHOOL AND LAUREL HILL GOLF COURSE (MOUNT VERNON DISTRICT) REFINANCING, AND EDA– FAIRFAX COUNTY FACILITIES REVENUE REFUNDING BONDS, SERIES 2021D FOR THE PUBLIC SAFETY HEADQUARTERS (BRADDOCK DISTRICT) AND SCHOOL ADMINISTRATION BUILDING (PROVIDENCE DISTRICT) REFINANCING (5:35 p.m.)

(R)

(BONDS)

(NOTE: Earlier in the meeting, the Board deferred action regarding item A-1. See Clerk's Summary Item # 38.)

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 September 17 and September 24, 2021.

Joseph LaHait, Debt Manager, Department of Management and Budget, presented the staff report.

The public hearing was held.

Discussion ensued with input Emily Smith, Assistant County Attorney, regarding the public hearing and the action to be taken on Item A-1.

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

- Requesting the EDA to issue the following facilities revenue and refunding bonds:
 - EDA– Fairfax County Facilities Revenue Bonds, Series 2021A for the Stormwater/Wastewater Facility (Braddock District)
 - EDA– Fairfax County Facilities Revenue Refunding Bonds, Series 2021B for the Merrifield Human Services Center and Providence Community Center (Providence District) refinancing
 - EDA– Fairfax County Facilities Revenue Refunding Bonds, Series 2021C for the Workhouse Arts Center, South County High School and Laurel Hill Golf Course (Mount Vernon District) refinancing
 - EDA – Fairfax County Facilities Revenue Refunding Bonds, Series 2021D for the Public Safety Headquarters (Braddock District) and School Administration Building (Providence District) refinancing
- Approving the form of the Installment Purchase Contract, Fifth Supplemental Trust Agreement, Preliminary Official Statement, Bond Purchase Agreement (including the Continuing Disclosure Agreement), Direct Bond Purchase Agreement, and the Subordinate Wastewater Bond (collectively, the Documents), containing substantially the same terms and provisions as Attachments 4-9 of the Board Agenda Item
- Authorizing the Chairman and Vice-Chairman to approve additions, deletions, and modifications to the Installment Purchase Contract and Subordinate Wastewater Bond
- Authorizing the County Executive and the Chief Financial Officer to approve additions, deletions and modifications to the Installment Purchase Contract, Fifth Supplemental Trust Agreement, Preliminary Official

Statement, Bond Purchase Agreement (including the Continuing Disclosure Agreement), and Direct Bond Purchase Agreement

- Authorizing the execution and delivery of each of the documents
- Authorizing the Chairman, Vice Chairman, the County Executive, or the Chief Financial Officer to determine and approve certain details of the transaction

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

A brief discussion ensued, with input from Elizabeth Teare, County Attorney, clarifying that the Board acted on the public hearing and Action Item A-1 essentially at the same time.

55. **4 P.M. – PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE FAIRFAX CODE SECTION 82-5-32, REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES UNLAWFULLY PARKED ON PRIVATE OR COUNTY PROPERTY** (5:41 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 September 17 and September 24, 2021.

Rebecca L. Makely, Director, Consumer Services Division, Department of Cable and Consumer Services, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-32, Removal, immobilization, and disposition of vehicles unlawfully parked on private or County property. The proposed ordinance provisions become effective on October 31, 2021. Supervisor Lusk seconded the motion and it carried by a vote of eight, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn and Supervisor Foust being out of the room.

56. **4 P.M. – PUBLIC HEARING ON AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, COUNTY EMPLOYEES, BY ADDING ARTICLE 10, COLLECTIVE BARGAINING, SECTIONS 3-10-1 THROUGH 3-10-18** (5:44 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 17 and September 24, 2021.

Catherine Spage, Director, Department of Human Resources, presented the staff report.

Following the public hearing, which included testimony by 51 speakers, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved to defer decision until **October 19, 2021, at 4 p.m.**, with the record remaining open for written comments. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

57. **BOARD ADJOURNMENT** (8:49 p.m.)

At 8:49 p.m. the Board adjourned.