



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

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

**TUESDAY  
July 19, 2022**

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**EBE:ebe**

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, July 19, 2022, at 9:37 a.m., there were present:

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

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

**BOARD MATTERS**1. **MASKS OPTIONAL** (9:37 a.m.)

Chairman McKay stated that masks are now optional for employees and visitors in County facilities, except for those where health or medical services are being directly provided.

2. **MOMENT OF SILENCE** (9:37 a.m.)

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

- Joyce Meyer, whose body was found in 1996 along with letters revealing that she had taken her own life. However, with no identification left with her or missing person's report filed, she was unidentified for over 25 years. The family now has closure, thanks to the dedicated work of the Public Safety professionals and technological advancements
- The residents of Buchanan County, Virginia - with devastating floods that occurred last Tuesday, as extreme weather ripped through the community, over 400 homes and structures were destroyed, but thankfully there were no fatalities reported
- Master Police Officer Kenneth Evans, who passed away recently. He served a 21-year career at the West Springfield Police Station and was dedicated to his community. His services will be held at Fairfax Memorial Funeral Home on Wednesday, July 20, 2022, 5 p.m. - 8 p.m. and Thursday, July 21, 2022, 10 a.m. - 12 noon
- Kerry Donley, who passed away recently. He was the former Mayor of the City of Alexandria from 1996-2003; a previous chairman of the Democratic Party of Virginia; an active Council of Governments member; an advocate for housing; and won the 2002 Scholar Award for elected officials. He was a steadfast public servant and dedicated community member and had been delivering Meals-on-Wheels hours before his untimely death. He will be missed by the entire Northern Virginia region
- Robert Dively, who passed away recently. He was a former Springfield resident and had his own law firm until his retirement. He ran for the House of Delegates in the 1980's and served on the Board of Zoning Appeals in the 1990's. He will be remembered for his dedication and hard work to the community
- Sidney Dewberry, who passed away recently. He was one of the founders of Fairfax; took pride in many projects in the County and

gave back to his profession; was a founding member of the Engineers and Surveyors Institute; actively involved in several civic, charitable, and academic endeavors; widely known as an industry leader in the Washington, metropolitan area; and was a founding member of the George Mason University Urban Systems Engineering Institute. The Civil Engineering Department at George Mason University is named after him and he received many local awards

- The Police Department’s Crisis Intervention Team – thanks to the trained officers, they were able to avoid any loss of life during a mental health crisis in Reston last week

3. **PRESENCE OF FORMER BOARD CHAIRMAN SHARON BULOVA**  
(9:50 a.m.)

Chairman McKay acknowledged the presence of former Board Chairman Sharon Bulova in the Board Auditorium and, on behalf of the Board, warmly welcomed her.

**AGENDA ITEMS**

4. **RESOLUTION OF RECOGNITION PRESENTED TO MEMBERS OF THE MCLEAN HIGH SCHOOL “IT’S ACADEMIC” TEAM** (9:51 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to members of the McLean High School “It’s Academic” team for their championship victory. The motion was multiply seconded and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO SECOND STORY FOR ITS 50<sup>TH</sup> ANNIVERSARY** (10:02 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Second Story for its 50th anniversary of service to young people in the community. Supervisor Palchik seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

6. **RESOLUTION OF RECOGNITION PRESENTED TO CATHY LEDEC**  
(10:15 a.m.)

Supervisor Storck moved approval of the Resolution of Recognition presented to Cathy Ledec for her service in support of the County’s environmental initiatives. Chairman McKay seconded the motion and it carried by unanimous vote.

7. **RESOLUTION OF RECOGNITION PRESENTED TO VIRGINIA RAILWAY EXPRESS ON THE ORGANIZATION'S 30<sup>TH</sup> ANNIVERSARY**  
(10:30 a.m.)

Supervisor Walkinshaw moved approval of the Resolution of Recognition presented to Virginia Railway Express on the organization's 30th anniversary, for its service to the community. Chairman McKay seconded the motion and it carried by unanimous vote.

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**ADDITIONAL BOARD MATTERS**

8. **PROCLAMATION REQUEST DESIGNATING AUGUST 2022 AS "NATIONAL BLACK BUSINESS MONTH"** (10:48 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a Proclamation designating August 2022 as "*National Black Business Month*" in the County. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST DESIGNATING AUGUST 2, 2022, AS "NATIONAL NIGHT OUT"** (10:48 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating August 2, 2022, as "*National Night Out*" in the County. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 2022 AS "KINSHIP MONTH"** (10:48 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating September 2022 as "*Kinship Month*" in the County. Without objection, it was so ordered.

11. **RESOLUTION OF RECOGNITION REQUEST FOR CHUCK BEAN**  
(10:48 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Chuck Bean, Executive Director, Metropolitan Washington Council of Governments, who will be retiring in February 2023, in recognition of his decade of service leading the region. Without objection, it was so ordered.

12. **CHAIRMAN’S TASK FORCE ON EQUITY AND OPPORTUNITY UPDATE** (10:49 a.m.)

(BAC) Chairman McKay stated that upon passing the One Fairfax Policy, the Board and staff have been working to center service, policy, and resource decisions through a lens of equity. As a County, it recognizes that while talent is not limited to a specific zip code or demographic, the opportunity to realize one’s full potential can be.

Chairman McKay stated that these barriers impact all and that is why in the fall of 2020 he worked with staff to convene the Chairman’s Task Force on Equity and Opportunity. The Task Force pulled together a diverse group of individuals from throughout the community who brought their unique set of experiences and knowledge in continuing to pursue the goal of One Fairfax. In February 2021 the group presented their recommendations to the Board and staff began to work on developing a framework and path forward for implementing those recommendations. Subsequently, in the fall of 2021, the Board received an initial update on several recommendations that required immediate attention.

Therefore, Chairman McKay moved that the Board request the Chief Equity Officer provide an update at the October 11, 2022, Board meeting regarding the implementation progress of the Task Force’s recommendations and that those updates begin occurring annually. Supervisor Foust seconded the motion and it carried by unanimous vote.

13. **SIGNS IN THE RIGHT-OF-WAY** (10:51 a.m.)

Chairman McKay stated that the proliferation of signs in the right-of-way has been a community-wide issue for many years. To address this issue, the County entered into an agreement with the Virginia Department of Transportation. The agreement permitted the community labor force, under the direction of the Sheriff’s Department, to pick up signs in the 100 roads designated within the “Signs in the Right-of-Way” (ROW) program. To date, this has been a successful program and partnership. However, Chairman McKay stated that he has been informed by Sheriff Kincaid that, as of September 12, 2022, the community labor force will no longer be available to assist in this critical program.

Therefore, jointly with Vice-Chairman Gross, Chairman McKay moved that the Board direct the County Executive to:

- Explore other options by which these signs can be removed in a timely, regular, and safe manner. An option for potential review could include the expansion of other innovative programs in the County such as the Department of Public Works and Environmental Services’ Operation Stream Shield. This program utilizes three non-profit partners who, through the County’s stormwater tax, pay residents who are experiencing homelessness or have chronic issues impacting their return to work to do litter cleanup and remove invasive species on County-owned and Park

Authority property. Another option may be to utilize County employees and vehicles to perform the sign removal and disposal

- Provide these options, including any resource or cost implications to the Board along with a timeline of implementation, to prevent a significant gap in the ability to remove signs from the right-of-way

Vice-Chairman Gross seconded.

Supervisor Foust asked unanimous consent that the Board direct staff to provide the amount of funds provided to the current program and whether any remaining funds will be returned, to help continue with the sign removal. Without objection, it was so ordered.

Following discussion regarding possible opportunities and expansion, and the need to address the signs in the immediate future, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

14. **REQUEST TO WAIVE FEES FOR ANNANDALE CHRISTIAN COMMUNITY FOR ACTION (ACCA) (MASON DISTRICT)** (11 a.m.)

Supervisor Gross stated that the ACCA, a community non-profit, has conducted a furniture mission for decades, collecting donations of gently used furniture and providing those items to families in need in Mason District and the County. The furniture mission, like most ACCA programs, is run by volunteers who, most Saturday mornings, deliver needed items like beds, tables, and chairs to needy recipients.

Some donations, sadly, are inappropriate or unusable for the families served, leaving ACCA responsible for recycling and discarding many donated furniture items. At the present time, ACCA volunteers are clearing out the units where these items are stored and planning to take the items to the County disposal sites at I-66 or I-95. Tipping fees for an all-volunteer organization seeking to dispose of unusable donations can be challenging, and ACCA has asked for a waiver of fees for a limited number of disposals, perhaps once or twice a year.

Therefore, Supervisor Gross moved that the Board:

- Approve a waiver of the tipping fees for the ACCA furniture program
- Direct the Solid Waste Division of the Department of Public Works and Environmental Services to make the appropriate arrangements with ACCA

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

15. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 17 – 23, 2022, AS “CONSTITUTION WEEK”** (11:01 a.m.)

Supervisor Gross stated that Constitution Week is observed each September to commemorate the signing of the U.S. Constitution at the Constitutional Convention in 1787. The Daughters of the American Revolution (DAR) have asked that the Board, following the actions of the President and many governors, declare the week of September 17 – 23, 2022, as “*Constitution Week*” in the County.

Therefore, jointly with Chairman McKay, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a Proclamation designating September 17 – 23, 2022, as “*Constitution Week*” in the County and invite the appropriate local DAR leaders to receive the proclamation at the September 13, 2022, Board meeting. Without objection, it was so ordered.

16. **WHITE HOUSE CONFERENCE ON HUNGER, NUTRITION, AND HEALTH** (11:02 a.m.)

Supervisor Gross stated that on June 29, 2022, she participated in a virtual meeting with more than 50 people representing non-profit organizations, faith communities, academic institutions, and community partners, to discuss the pillars of the upcoming White House Conference on Hunger, Nutrition, and Health, and prepare a white paper for submission to the White House Conference. Partners included the Fairfax Food Council, which organized and led the community effort, and the Fairfax County Emergency Food Strategy Team. The discussion was wide-ranging, with many new ideas proffered for submission to the White House Conference. Additionally, the Food Council surveyed other concerned community members who work with food insecure populations, and their written and oral responses were included.

Supervisor Gross stated that the final version of the white paper submitted to the White House Conference by the Fairfax Food Council is attached to her written Board Matter. The White House Conference on Hunger, Nutrition and Health will be held in September. This is only the second White House Conference on this topic in more than 50 years. With millions more people facing food insecurity in this country today, this second conference should be an even bigger deal, needing bigger solutions.

Supervisor Gross thanked the many community members and staff, especially Ramona Carroll, who led the effort to prepare the white paper, and looks forward to the recommendations of the White House Conference, and next steps to address hunger, nutrition, and health in the County and community.

17. **NEW INTERN IN THE BRADDOCK DISTRICT SUPERVISOR'S OFFICE**  
(11:05 a.m.)

Supervisor Walkinshaw introduced Rowan Rosenblum, a new intern in his office. On behalf of the Board, he welcomed him to the County.

18. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (11:05 a.m.)

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

19. **COMMONWEALTH TRANSPORTATION BOARD'S PROPOSED CHANGES TO THE COMMONWEALTH MASS TRANSIT FUND STATE TRANSIT ASSISTANCE TO LOCALITIES FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)** (11:06 a.m.)

Supervisor Alcorn stated that the 2020 Transportation Omnibus Bill, passed by the General Assembly, granted the Commonwealth Transportation Board (CTB) the authority to be flexible with the allocation of state transit assistance prior to the implementation of new formulas included in that bill. As a result of that legislation and availability of transportation revenues, the Virginia Department of Rail and Public Transportation (DRPT) proposed a significant increase in state funding for DRPT's transit programs for Fiscal Year (FY) 2022 and FY 2023, including jurisdictional payments to WMATA and local transit systems' operating and capital assistance. Systems saw an increase in transit assistance in FY 2022 through a Revised Six-Year Improvement Program (SYIP) for transit approved by the CTB in January 2022. As part of this action, the state assistance for WMATA increased from \$177.1 million to \$265.1 million. The increased aid helps localities with WMATA payments since localities receive bills for WMATA service and use state aid, regional gas tax, and local revenues to make payments.

The Draft FY 2023 DRPT SYIP, released in April 2022, proposed the allocation of approximately \$272.8 million for state transit assistance to the localities for WMATA. At the June CTB meeting, Secretary of Transportation W. Sheppard Miller proposed reducing that assistance by approximately \$72 million. Secretary Miller instead proposed that the WMATA assistance funding be separated from the transitional funding approach used for all other transit systems and reduced to align with the 2020 Transportation Omnibus Bill formula. This proposed change would only affect state assistance to localities for WMATA. Per this proposed action, state transit assistance for WMATA would be \$200.8 million, which is higher than what was originally allocated to localities for WMATA in FY 2022, but less than what was allocated in the Revised FY 2022 SYIP and proposed in the draft FY 2023 SYIP. The Secretary's proposal would instead redirect the \$72 million to highway paving projects across the Commonwealth to provide reserves to protect against cost escalations that have occurred. This action was deferred to the July CTB meeting. The CTB is expected to act on this matter on July 20, 2022.



Since the revised FY 2022 SYIP (January) and the Draft FY 2023 SYIP (April) came later in the fiscal year, it could impact the amount of funding the County and other WMATA-partner localities will have available for future WMATA payments. As such, Supervisor Walkinshaw stated his belief that it is beneficial to send a letter to the Secretary voicing concerns over this proposed action, the way it was undertaken, and the impact to the County and its taxpayers. Further, the Board may want to provide information on how WMATA service is funded in Virginia, as well as a comparison to the funding and governance structures for Maryland and the District of Columbia. The County should advocate that if the funds are redirected to paving, they be used for projects in Northern Virginia. The region has significant maintenance needs – the paving schedule had to be reduced to address cost increases; and additional mowing cycles are already being paid for by the County. Four mowing cycles per year is inadequate. In Northern Virginia, only 65 percent of high-volume secondary roads and 52 percent of low-volume secondary roads are in fair or better condition. While the condition of the region’s roadways has improved in the past five years, additional investment is needed as these roads remain below the statewide targets (82 percent and 60 percent, respectively). Smart Scale (the Commonwealth’s competitive grant program for transportation capital funding) is extremely oversubscribed, so it may also be beneficial to provide that funding to the Northern Virginia District Grant Program programmed through Smart Scale.

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

- Approve the letter providing comments on the proposed changes to the Commonwealth Mass Transit Fund and State assistance to localities for WMATA to be sent to the Virginia Secretary of Transportation
- Authorize staff to provide a summary during the public comment period during the upcoming Commonwealth Transportation Board meeting

Chairman McKay seconded the motion.

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

20. **CAMPUS COMMONS PEDESTRIAN IMPROVEMENTS (HUNTER MILL DISTRICT)** (11:21 a.m.)

Supervisor Alcorn stated that on October 15, 2019, the Board approved Rezoning Application RZ 2017-HM-018 – Campus Commons LLC – to entitle a mixed-use development at the northeast corner of Wiehle Avenue and Sunrise Valley Drive. As part of this application, the developer, TF Cornerstone, proffered to provide

pedestrian improvements for a crossing of Wiehle Avenue at the eastbound Dulles Toll Road ramps at the northwest corner of the site. Due to community concerns about the safety of the proposed at-grade crossing, the proffers envisioned the formation of a group to study three proposed pedestrian overpasses, as well as any alternative crossings identified by the study group. The study group was also to review an evaluation of a separate proposed at-grade crosswalk across Wiehle Avenue. The study group held 15 meetings from December 2019 to August 2021.

The results include a summary of findings along with individual comments and perspectives from members of the study group. The study group members were asked to identify crossing types they would support and were given the option to select multiple crossing alternatives. The study group findings included the following:

- Zero percent support for any of the three overpass options proffered by the applicant
- Zero percent support for the at-grade crosswalk across Wiehle Avenue at the Dulles Toll Road as shown on Sheet C-7 of the Conceptual Development Plan
- 59 percent support for an alternative crossing option of an enhanced at-grade pedestrian crosswalk associated with a more multimodal approach and potential road diet
- 71 percent support for an alternative crossing option of an underpass, recognizing there may be cost implications with this alternative

On September 14, 2021, the Board approved a Board Matter which directed staff to conduct a study of the Wiehle Avenue corridor between Sunrise Valley Drive and the Washington and Old Dominion Trail to evaluate opportunities to improve multimodal access and mobility. This study will consider mobility along both sides of Wiehle Avenue, with a particular focus on the Dulles Toll Road overpasses and its approaches. This study is fully funded and should begin six months after the opening of Phase 2 of the Dulles Corridor Metrorail Project.

Also on September 14, 2021, the Board accepted the findings of the Wiehle Avenue Study Group for review. Consistent with the timeline specified, the Board must now determine the most appropriate pedestrian crossing options proposed with the Campus Commons LLC application. The preference of the study group was an alternative crossing. Further refinement will occur in conjunction with the Corridor Study. When the Corridor Study is complete and the appropriate alternative crossing has been developed, staff will return to the Board for final approval and the applicant will, as required by the proffers, either construct the crossing or provide a contribution as laid out in the proffers.

Therefore, Supervisor Alcorn moved that the Board, in accordance with the approved proffer statement for Rezoning Application RZ 2017-HM-018:

- Determine that, consistent with the Study Group unanimously not supporting any of the overpass options, the Board selects the option known as “Alternative Wiehle Avenue Pedestrian Crossing” under Proffer 25
- Direct staff to return to the Board with options for the alternative pedestrian crossing based on recommendations from the completed Wiehle Avenue Crossing Study and the forthcoming Wiehle Avenue corridor study
- Determine that a high-visibility at-grade crossing of Wiehle Avenue at the Dulles Toll Road eastbound ramps should be provided, in accordance with Proffer 27.B, if such an improvement can be achieved through an enhanced multimodal design that demonstrates acceptable operational conditions and incorporates pedestrian safety measures developed in coordination with the Virginia Department of Transportation, the County’s Department of Transportation, and the Hunter Mill District Supervisor’s office. The at-grade crossing should:
  - Address documented concerns raised by the community through the Wiehle Avenue Crossing Study Group about the design of the at-grade crosswalk to ensure that this improvement is designed to be aesthetically pleasing, highly efficient, safe, and accessible for all users
  - Be provided in conjunction with pedestrian accommodations along the east side of Wiehle Avenue across the Dulles Toll Road overpass
- Notify the applicant that the Board has made these determinations

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

21. **RECOGNITION REQUEST FOR THE NORTHERN VIRGINIA HANDCRAFTERS GUILD (NVHG)** (11:26 a.m.)

Supervisor Alcorn stated that this year, NVHG, a nonprofit community organization based in Vienna is celebrating its 50th anniversary. An anniversary celebration is scheduled for September 12, 2022.

The creative works of the NVHG members can be found in homes and businesses throughout the region and across the country. NVHG promotes the development of artists and craftspeople in the community and provides expertise on operating a small business. In addition, its community support includes generous donations to local charitable organizations and scholarships to high school students interested in pursuing the arts in college.

Therefore, Supervisor Alcorn asked unanimous consent that the Board direct staff to invite members of NVHG to appear before the Board at its August 2, 2022, meeting, to be acknowledged for their contributions to the community. Without objection, it was so ordered.

22. **VIRGINIA HEALTH COMMISSIONER COLIN GREENE'S RECENT COMMENTS** (11:27 a.m.)

Supervisor Alcorn addressed the recent comments made by Commissioner Greene and discussed the Board's position on racial disparities.

23. **YOU'RE NOT ALONE 5K RUN (LEE DISTRICT)** (11:29 a.m.)

Supervisor Lusk stated that he is pleased to announce that his office, in partnership with the ConnerStrong Foundation and Celebrate Fairfax will kick off the first annual You're Not Alone 5k Run at the Kingstowne Shopping Center on September 24, 2022, from 7:30 a.m. – 10:30 a.m.

This event, which will take place during National Suicide Prevention Month, is designed to bring together local community-based resources focused on wellness, mental health, and suicide prevention.

It is well understood that there are certain basic needs that can particularly impact an individual's mental health—homelessness, unemployment, hunger—and this event is designed to increase awareness about resources available in the community that specifically address these needs.

Net proceeds raised through the 5k will go to two key nonprofits in the Franconia District, Koinonia and United Community, which provide various services and programs including addressing food insecurity for over 22,000 residents in the district.

Supervisor Lusk stated that each participant and observer is being asked to bring a canned good or other non-perishable food item to the event, which will help re-stock the food banks at both organizations.

The ConnerStrong Foundation works to bring awareness to mental health issues and suicide prevention and to change the discussion about mental health, particularly with teens and young adults. They also provide funds to bring the

Sources of Strength program, a national recognized suicide prevention program, to schools in and around the Northern Virginia/Charlottesville area.

Therefore, given the County's long standing and deep commitment to supporting the same values, Supervisor Lusk moved that the:

- County Executive direct the appropriate staff from the Community Services Board (CSB) to liaise with its appropriate affiliates and partners to increase awareness of the event and ensure that the full offering of CSB resources relative to mental health services in the County are fully represented
- Office of Public Affairs publicize the event

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

24. **PROCLAMATION REQUEST FOR CUB SCOUT PACK 868 (LEE DISTRICT)** (11:33 a.m.)

Supervisor Lusk stated that Cub Scout Pack 868 has had a constant presence in the Springfield community and has been chartered by the Springfield Estates Elementary School Parent-Teacher Association for over 50 years. Pack 868 is a pillar of the community and offers an enriching year-round program for children in kindergarten through fifth grade.

In addition to providing these children the opportunity to earn skill-related badges and age-specific awards, Pack 868 has a strong emphasis on outdoor activities, such as hiking and family camping trips, as well as community service programs. Each November, Scouts in Pack 868 participate in Scouting for Food, when they collect and donate goods to the community through the non-profit organization Ecumenical Community Helping Others. As part of its dedicated service to the community, Pack 868 has conducted cleanups at Lake Accotink Park and smaller neighborhood parks throughout the greater Springfield area and built personal hygiene and first-aid kits for donation.

Supervisor Lusk recognized the current Cubmaster of Pack 868, Greg Huska, who began his journey as a Cub Scout before rising to a Boy Scout and eventually earning the Eagle Scout rank. He found value in scouting through teamwork and the development of his skills in leadership and outdoor stewardship. When his sons were old enough to enroll in Cub Scouts, he joined alongside them as a den leader and later as Cubmaster.

As Cubmaster, Mr. Huska is responsible for the planning of monthly activities year-round for the entire pack and working with den leaders to ensure age-specific activities are completed so Scouts can earn their awards and ranks. He takes pride in his role in creating a welcoming and engaging environment for the Cub Scouts and their families while fostering a positive experience for the Scouts as they learn.

Therefore, in honor of the outstanding community service work of Cub Scout Pack 868 under the leadership of Cubmaster Greg Huska, Supervisor Lusk moved that the Board direct staff to prepare a Proclamation for Cub Scout Pack 868 and Cubmaster Greg Huska, in recognition of their 50<sup>th</sup> anniversary, to be presented at an upcoming Board meeting. Chairman McKay seconded the motion and it carried by unanimous vote.

25. **NEW INTERN IN THE LEE DISTRICT SUPERVISOR'S OFFICE**  
(11:36 a.m.)

Supervisor Lusk introduced Iman Abdel Latif, a new intern in his office. On behalf of the Board, he welcomed her to the County.

26. **NEW INTERN IN THE MOUNT VERNON DISTRICT SUPERVISOR'S OFFICE** (11:37 a.m.)

Supervisor Storck introduced Sarah Rivera Rivera, a new intern in his office. On behalf of the Board, he welcomed her to the County.

27. **NEW INTERNS IN THE PROVIDENCE DISTRICT SUPERVISOR'S OFFICE** (11:38 a.m.)

Supervisor Palchik introduced Eileen Lincoln and Lourdes Najarro-Zepeda, new interns in her office. On behalf of the Board, she welcomed them to the County.

28. **FAM-MINGLE FRIDAY (PROVIDENCE DISTRICT)** (11:40 a.m.)

Supervisor Palchik announced that a family event, Fam-Mingle Friday, is being held on July 22, 2022, and she invited the community to attend.

29. **PROCLAMATION REQUEST FOR THE OAKTON HIGH SCHOOL BOYS' TENNIS TEAM (PROVIDENCE DISTRICT)** (11:41 a.m.)

Supervisor Palchik stated that this past June, at the Virginia High School League's Class 6 Tennis state meet, the Oakton High School boys' tennis team won the Class 6 State Tennis Title. Having won a state championship in 2021, the Oakton Cougars tirelessly trained in preparation to defend the Virginia High School League's Class 6 boys tennis title this spring. Despite two key players graduating last Spring, the Cougars finished the 2022 Spring campaign undefeated, with a 20-0 record.

In addition to the state crown, Oakton High School also won Concorde District and 6D North Region tournament titles, finishing 5-0 in the postseason. The season ended for Oakton High School with a 5-0 victory over the Cosby Titans in the state-title match!

Therefore, jointly with Supervisor Alcorn and Supervisor Smith, Supervisor Palchik asked unanimous consent that the Board direct the Office of Public Affairs to prepare a Proclamation for the Oakton High School Boys' Tennis team, in honor of their dedication, effort, and team collaboration, to be presented outside the Board Room. Without objection, it was so ordered.

30. **BLAKE LANE SAFETY (PROVIDENCE DISTRICT)** (11:42 a.m.)

Supervisor Palchik stated that, as many are aware, a tragic crash occurred at the corner of Five Oaks Road and Blake Lane on June 7, 2022. The event took the lives of two Oakton High School students and injured a third. The three friends were walking home from school together. As of June 23, 2022, the driver responsible for the double fatal crash was indicted on two counts of involuntary manslaughter and turned himself in. This is the second bicyclist/pedestrian crash along this corridor in two years, and there have been other near misses.

Since the pedestrian crash in this corridor last year, there have been many improvements made, such as the installation of 30 pedestrian warning signs that highlight the presence of pedestrians, the installation of a high visibility crosswalk across Blake Lane at Kingsbridge Drive, a leading pedestrian interval at Blake Lane/Sutton Road to delay the green light for vehicles, and the addition of high visibility backplates to traffic signal heads. The Virginia Department of Transportation (VDOT) also evaluated the intersection at Hibbard and Blake Lane for a traffic signal, though it is not currently warranted, "Additional \$200 Fine" for speeding signs have been installed from Route 123 to Sutton Road, and through-truck traffic has been restricted. Staff is also currently finalizing the scope for a Crosswalk Improvement Project at the intersection with Bushman Drive and, more immediately, in the final steps of requesting additional VDOT signage through the Residential Traffic Administration Program (RTAP).

To further improve safety in this corridor, Supervisor Palchik stated that she hosted a community meeting on June 23, 2022, that included over 300 community members, Chairman McKay, State representatives, VDOT, staff, and Fairfax County Public Schools to discuss current concerns, as well as possible safety improvements along the Blake Lane Corridor.

Supervisor Palchik stated that she realizes work to improve safety along Blake Lane will involve short, mid, and long-term strategies. To ensure that the momentum necessary continues, advisory groups for the community and for staff are being convened. The focus of the staff group will be on pedestrian safety and tracking potential improvements that can be implemented in the corridor. The community group will support the continued engagement and communication with residents across the entirety of this corridor and help with reviews of the improvements proposed by staff. One immediate next step for both groups will include a road safety audit of the corridor.

Another short-term request that has come from the community is related to the “Know Your Speed” sign that was posted immediately following the crash. These signs, that are currently limited in supply and moved to different locations across the County, were deployed to Blake Lane immediately following the crash, and were very much appreciated by the community. They have now been, understandably, rotated to another site. With a larger inventory of these devices, the County could serve more communities for longer periods of time but stated that she is interested in the staff assessment of this idea.

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

- Provide information and recommendations on purchasing additional speed devices so that there is more capacity Countywide to use these effective deterrents to speed
- Place the topic of pedestrian safety on a future agenda of the Transportation Committee so that staff and the Board can discuss options for continued improvements

Chairman McKay and Supervisor Gross jointly seconded the motion.

Discussion ensued regarding:

- Examining previously used methods and options to increase safety
- Examining what methods other jurisdictions are using
- The decrease in staff needed for this
- Retrofitting older roads in old corridors

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

31. **RESOLUTION OF RECOGNITION REQUEST FOR THE BURKE VOLUNTEER FIRE AND RESCUE DEPARTMENT (SPRINGFIELD DISTRICT)** (12:02 p.m.)

Supervisor Herrity stated that Burke Volunteer Fire and Rescue Department, will be celebrating 75th years of service to the area in 2023.

The Burke Volunteer Fire and Rescue Department was incorporated as a nonprofit on January 29, 1948, by the Commonwealth of Virginia and assumed responsibility for an area of 91 square miles and a population of about 9,000 residents. From these origins, the Burke Volunteer Fire and Rescue Department have grown into an active service station in the Burke area, with over 100 active members that contributed more than 30,000 hours yearly.



As a result of the growth in the County, more volunteer fire companies were created throughout, requiring the establishment of a numbering system, the Burke Volunteer Fire and Rescue Department was assigned the number “14” and soon became known as Company 14. By 1992, the Department was providing advanced emergency medical care, specialized trench and high angle rescue response, auto accident disentanglement, just to name a few, thus, a formal request was submitted to State Corporation Commission, changing the name from the Burke Volunteer Fire Department to the Burke Volunteer Fire and Rescue Department.

Today, the Burke Volunteer Fire and Rescue Department carries on the proud tradition started by those first brave volunteers in 1948. Although the station, equipment, and the fire and medical technology has changed significantly over those nearly 75 years, the pride and professionalism of the volunteer and career personnel and tireless dedication to the mission of providing the highest quality service to the citizens of the community remain stronger than ever.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the Burke Volunteer Fire and Rescue Department, in recognition of its 75 years of service to Burke area and the County, to be presented at the Burke Volunteer Fire and Rescue Department 75th Year Banquet on March 18, 2023. Without objection, it was so ordered.

32. **UPCOMING EVENTS AT BURKE LAKE PARK (SPRINGFIELD DISTRICT)** (12:04 p.m.)

Supervisor Herrity announced that there are upcoming family-friendly events at Burke Lake Park and he invited the community to attend.

33. **PUTTING FOR PETS GOLD TOURNAMENT (SULLY DISTRICT)** (12:05 p.m.)

Supervisor Smith stated that one of the success stories of the County is its Michael Frey Animal Shelter. Not only is the facility the location where a child might pick out their first pet, but also where many of these pets find a new adult companion. In 2021, the Animal Shelter received a total just over 3,000 dogs, cats, small animals, and poultry. Of that number, over 2,500 were adopted or reunited with their owners. In 2021, the live release was an astounding 92 percent.

In addition to the outstanding Shelter staff, the Friends of the Fairfax County Animal Shelter, and other volunteers provided over 7,200 in-house hours. The Friends, through their efforts, provided nearly \$155,000 in Shelter funding, which was used for items such as medical treatment (\$26,000) of Shelter pets.

One of the fundraisers for the Friends Group is the Putting for Pets Golf Tournament. This year’s tournament is scheduled for September 19, 2022, at Chantilly National Golf and Country Club in Centreville. The shotgun start is

10 a.m. and there will be light breakfast before, and dinner after, the tournament and an auction.

Therefore, Supervisor Smith encouraged the Board to sign up for the event and asked unanimous consent that the Board direct the Office of Public Affairs to publicize the event. Without objection, it was so ordered.

**BV:bv**

### **AGENDA ITEMS**

34. **ADMINISTRATIVE ITEMS** (12:07 p.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

**ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE ROUTE 29 WIDENING PROJECT PHASE II (SPRINGFIELD DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 13, 2022, at 4 p.m.** regarding the conveyance of County-owned property to VDOT for the Route 29 Widening Project Phase II.

**ADMIN 2 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM FOR MEMORIAL STREET (MOUNT VERNON DISTRICT)**

- (R)
- Adopted the Resolution endorsing traffic calming plans consisting of three speed humps on Memorial Street (Mount Vernon District)
  - Directed the Department of Transportation to schedule the installation of the approved traffic calming measures as soon as possible

**ADMIN 3 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATIONS (MASON DISTRICT)**

Authorized the extension of review periods for the following Public Facility 2232 Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-2022-MA-00002	Department of Public Works and Environmental Services West Annandale Fire Station 23 (Permanent Station) Tax Map Number 58-4 ((1)) 62 8914 Little River Turnpike Fairfax, VA 22031 Mason District	October 31, 2022
2232-2022-MA-00003	Department of Public Works and Environmental Services West Annandale Fire Station 23 (Temporary Station) Tax Map Number 59-3 ((1)) 7 8724 Little River Turnpike Fairfax, VA 22031 Mason District	October 31, 2022

**ADMIN 4 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (SPRINGFIELD DISTRICT)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-2022-SP-00005	Department of Public Works and Environmental Services Fairview Temporary Fire Station 32 Tax Map Number 77-3 ((2)) 16 11112 Chapel Road Fairfax Station, VA Springfield District	September 24, 2022

**ADMIN 5 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) FOR THE TARGETED VIOLENCE AND TERRORISM PREVENTION (TVTP) GRANT PROGRAM**

- Authorized the FCPD to apply for and accept funding, if received, from the DHS for the TVTP Grant Program in the amount of

\$215,000. Funding will be used to develop a threat assessment and management team, based on national best practices, made up of law enforcement, mental health, and community services personnel for the Northern Virginia region. No new positions will be created, and no local cash match is required.

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

**ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR THE BODY-WORN CAMERA POLICY AND IMPLEMENTATION PROGRAM TO SUPPORT LAW ENFORCEMENT AGENCIES (CATEGORY 3) GRANT**

- Authorized the FCPD to apply for and accept funding, if received, from the BJA for the Body-worn Camera Policy and Implementation Program to Support Law Enforcement Agencies (Category 3) Grant in the amount of \$1 million. Funding will support the enhancement of system integrations to assist in expediently sharing digital evidence to the Commonwealth’s Office, providing needed tools for the review of digital evidence by its staff, and hiring dedicated personnel to assist in digital evidence management, training, and support. No new positions will be created, and no local cash match is required.
- Authorized the Chairman of the Board, the County Executive, and/or 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.

NS:ns

35. **A-1 – APPROVAL OF A COOPERATIVE AGREEMENT – FAIRFAX COUNTY PARTNERSHIP WITH THE UNITED STATES GEOLOGICAL SURVEY (USGS) FOR A COMPREHENSIVE WATER RESOURCES MONITORING NETWORK AND STREAM RESTORATION MONITORING IN THE LONG BRANCH WATERSHED** (12:08 p.m.)

Supervisor Walkinshaw moved that the Board concur in the recommendation of staff and authorize staff to enter into a five-year Joint Funding Agreement between the County and the USGS in the amount of \$3,335,000 for Fiscal Year (FY) 2023 through FY 2027. This agreement combines the existing water resources monitoring network first established in 2007 with a program established in

September 2021 that provides specialized monitoring in the Long Branch sub-watershed of Accotink Creek. The JFA funds five years of monitoring at a standard annual cost (with inflationary increases) as outlined in Attachment One of the Board Agenda Item. Supervisor Gross seconded the motion. Following comments by Supervisor Walkinshaw regarding the positive impacts of stream restoration projects in the County, the question was called on the motion and it carried by unanimous vote.

36. **A-2 – APPROVAL OF THE HEAD START/EARLY HEAD START POLICY COUNCIL BYLAWS, SELF-ASSESSMENT REPORT AND MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN POLICY COUNCIL AND BOARD OF SUPERVISORS (BOS) (12:09 p.m.)**

On motion of Supervisor Palchik, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Head Start/Early Head Start Policy Council Bylaws, Self-Assessment Report and MOU between the Policy Council and the BOS.

37. **A-3 – APPROVAL TO EXECUTE AN AGREEMENT OF PERPETUAL MAINTENANCE WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE JOINT OPERATION AND MAINTENANCE OF THE SHARED-USE PATH AT THE INTERSECTION OF PROVINCIAL DRIVE AND OLD MEADOW ROAD (PROVIDENCE DISTRICT) (12:09 p.m.)**

On motion of Supervisor Palchik, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to execute an Agreement of Perpetual Maintenance with VDOT for the joint operation and maintenance of the Shared-Use Path at the intersection of Provincial Drive and Old Meadow Road.

38. **A-4 – APPROVAL AND AUTHORIZATION TO EXECUTE A PROJECT ADMINISTRATION AGREEMENT (PAA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR BRADDOCK ROAD AT OLD LEE ROAD IMPROVEMENTS (SULLY DISTRICT) (12:10 p.m.)**

- (R) Supervisor Smith moved that the Board concur in the recommendation of staff and adopt a resolution authorizing the Director of the Department of Transportation to execute a PAA with VDOT for the implementation of improvements on Braddock Road at Old Lee Road. Chairman McKay seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, regarding:

- Project timelines and public hearings

- VDOT Smartscale Competition
- Additional funding availability by the Commonwealth Transportation Board
- Scope of Services by VDOT
- Public input process
- Increased traffic congestion

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

39. **A-5 – APPROVAL OF A MEMORANDUM OF AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND FAIRFAX COUNTY FOR THE STREAM RESTORATION OF SCOTTS RUN** (12:17 p.m.)

On motion of Supervisor Foust, jointly seconded by Chairman McKay and Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive or his designee to sign an agreement with VDOT to accept funding toward the design and construction of the Scotts Run at Lewinsville Road Stream Restoration Project as a part of the 495 NEXT project.

40. **A-6 – APPROVAL OF CHANGES TO THE FAIRFAX COUNTY PURCHASING RESOLUTION** (12:17 p.m.)

- (R) Supervisor Gross moved that the Board concur in the recommendation of staff and approve the proposed changes to the Fairfax County Purchasing Resolution specified in Attachment One of the Board Agenda Item, to become effective on July 19, 2022, noting changes are a result of legislation in the Virginia General Assembly. Supervisor Lusk seconded the motion and it carried by unanimous vote.

41. **A-7 – APPROVAL OF A PROJECT ADMINISTRATION AGREEMENT (PAA) RESOLUTION WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE IMPLEMENTATION OF PEDESTRIAN IMPROVEMENTS FOR THE ROUTE 29 BRIDGE OVER CUB RUN PROJECT (SULLY DISTRICT)** (12:18 p.m.)

- (R) On motion of Supervisor Smith, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a PAA resolution with VDOT for the funding of improvements at the Route 29 Bridge over Cub Run project.

42. **A-8 – APPROVAL OF A BOARD OF SUPERVISORS' (BOS) DRAFT REGULAR MEETING SCHEDULE FOR CALENDAR YEAR 2023**  
(12:18 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the draft BOS regular meeting schedule for January through December 2023.

43. **A-9 – BOARD ENDORSEMENT OF VIENNA METRORAIL STATION BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT (PROVIDENCE DISTRICT)** (12:19 p.m.)

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

- Endorse the design plans for the Vienna Metrorail Station Bicycle and Pedestrian Improvements Project administered by the Virginia Department of Transportation (VDOT) at the November 17, 2021, Design Public Hearing
- Authorize the Director of the Department of Transportation to transmit the Board's endorsement to VDOT
- Authorize full funding of the project as outlined in the Fiscal Impact section of the Board Agenda Item

Supervisor Alcorn seconded the motion. Following brief comments by Supervisor Palchik supporting the project, the question was called on the motion and it carried by unanimous vote.

44. **A-10 – APPROVAL OF A RESOLUTION ENDORSING PROJECTS BEING SUBMITTED FOR STATE FUNDING THROUGH THE COMMONWEALTH TRANSPORTATION BOARD'S (CTB) FISCAL YEAR (FY) 2024-2029 SMART SCALE PROGRAM** (12:20 p.m.)

(R) Supervisor Alcorn moved that the Board concur in the recommendation of staff and adopt a resolution endorsing County projects for submission to the CTB's FY 2024–2029 Smart Scale Program. The motion was multiply seconded. A brief discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, regarding public engagement for projects and project prioritization. The question was called on the motion and carried by unanimous vote.

45. **A-11 – APPROVAL OF I-495 SOUTHSIDE EXPRESS LANES (SEL) STUDY COMMENTS (MASON, LEE, AND MOUNT VERNON DISTRICTS)** (12:24 p.m.)

On motion of Supervisor Alcorn, multiply seconded, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved comments on the I-495 SEL Study as specified in Attachment One of the Board Agenda Item.

**BV:bv**

46. **C-1 – APPROVAL OF AN AMENDMENT TO THE BYLAWS OF THE POLICE CIVILIAN REVIEW PANEL TO CODIFY A SUBCOMMITTEE REVIEW PROCESS FOR INITIAL REVIEW OF COMPLAINTS** (12:24 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda regarding approval of an amendment to the bylaws for the Police Civilian Review Panel to codify a subcommittee review process for initial review of complaints.

Supervisor Gross moved that the Board adopt the amendment to the Police Civilian Review Panel bylaws. Supervisor Lusk seconded the motion and it carried by unanimous vote.

47. **C-2 – AMENDMENTS TO THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) BYLAWS** (12:26 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda regarding approval of amendments to the Bylaws for the CSB.

Supervisor Gross moved that the Board adopt the proposed amendments to the CSB bylaws. Supervisor Palchik seconded the motion and it carried by unanimous vote.

**DMS:dms**

48. **RECESS/CLOSED SESSION** (12:27 p.m.)

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

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



bargaining position or negotiating strategy of the public body, pursuant to Virginia Code Section 2.2-3711(A) (3).

(c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code Section 2.2-3711(A) (7).

1. *Jonate Williams v. Fairfax County*, Case No. 1:21-cv-00598 (E.D.Va.)
2. *Abrar Omeish v. Sheriff Stacey Ann Kincaid, Officer J. Patrick, and David M. Rohrer*, Case No. 1:21-cv-35 (E.D. Va.)
3. *Lamonta Gladney v. Tyler Tyan Timberlake*, Case No. 1:21-cv-287 (E.D. Va.)
4. *Sophia D. Alford, et al. v. Fairfax County Department of Family Services – Children, Youth and Families, et al.*; Case No. CL-2021-0002095 (Fx. Co. Cir. Ct.)
5. *Tiffanie R. W. Gillis v. Department of Family Services, Youth, Families Division, Child Protective Services*, Case No. CL-2022-0006441 (Fx. Co. Cir. Ct.)
6. *Cisco Systems, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2022-0007328 (Fx. Co. Cir. Ct.)
7. *Stewart, Ryan M. v. Fairfax County*, Case No. GV22-006243 (Fx. Co. Gen. Dist. Ct.)
8. *April Michelle Marshall, a.k.a. April Norwood v. Alicia A. Adkins, et al.*, Case No. CL-2021-0004405 (Fx. Co. Cir. Ct.)
9. *Board of Supervisors of Fairfax County, Virginia v. Srinivas Dasari and Padmaja Phani Dasari*, Case No. CL-2022-0004702 (Fx. Co. Cir. Ct.) (Sully District)
10. *Board of Supervisors of Fairfax County, Virginia v. Ajey Bargoti*, Case No. CL2022-0004703 (Fx. Co. Cir. Ct.) (Sully District)
11. *In re: April 20, 2022, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Addicott Hills Homeowners Association, Inc., Great Falls Citizens Association, and Farhad Saba v. Stonecrest Home Arts*,

- Inc., and Board of Supervisors of Fairfax County, Virginia, and Addicott Hills Homeowners Association, Inc., Great Falls Citizens Association, and Farhad Saba v. Stonecrest Home Arts, Inc., Board of Supervisors of Fairfax County, Virginia, and Board of Zoning Appeals of Fairfax County, Virginia, Case Nos. CL-2022-0006672, CL-2022-0007036 (Fx. Co. Cir. Ct.) (Dranesville District)*
12. *Brookfield Washington, LLC v. The County of Fairfax, Virginia, The Board of Supervisors of Fairfax County, Virginia, and The Department of Land Development Services of Fairfax County, Virginia, Case No. CL-2022-0008210 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
  13. *Jay Riat, Building Official for Fairfax County, Virginia v. Charles V. Duran, Case No. GV22-006629 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
  14. *Jay Riat, Building Official for Fairfax County, Virginia v. Gezu D. Kalaye, Case No. GV22-006634 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
  15. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Stephen Patrick MacManus, Case No. GV22-006931 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
  16. *Jay Riat, Building Official for Fairfax County, Virginia v. Dong Chuel Shim and Bon Suk Shim, Case No. GV22-008024 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
  17. *Jay Riat, Building Official for Fairfax County, Virginia v. Marsha Lynn Cassell and Andrew Lewis Cassell, Case No. GV22-007336 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
  18. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Bruce A. Blackerby, Case No. CL-2020-0005195 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
  19. *Jay Riat, Building Official for Fairfax County, Virginia v. Ronald V. Stehman, III and Liza M. Stehman, Case No. GV22-008607 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*
  20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John M. Petruncio, Case No. GV22-001321 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*

21. *Jay Riat, Building Official for Fairfax County, Virginia v. Nelly Pena, Anabel Garcia and Armino Valera*, Case No. GV22-004179 (Fx. Co. Gen. Dist. Ct.) (Lee District)
22. *Jay Riat, Building Official for Fairfax County, Virginia v. Rizwan Shah*, Case No. GV21-004891 (Fx. Co. Gen. Dist. Ct.) (Lee District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Theodorus Priftis*, Case No. GV22-009026 (Fx. Co. Gen. Dist. Ct.) (Lee District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Kurt W. Kruger*, Case No. CL-2021-0008712 (Fx. Co. Cir. Ct.) (Mason District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v. Miguel A. Giron*, Case No. GV22-000461 (Fx. Co. Gen. Dist. Ct.) (Mason District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. Bertha Gonzalez, Vladimir A. Gonzalez and Marlene F. Farrell*, Case No. GV22-000966 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Hien Phong Dang*, Case No. GV22-005081 (Fx. Co. Gen. Dist. Ct.) (Mason District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tuan Dang*, Case No. GV22-006229 (Fx. Co. Gen. Dist. Ct.) (Mason District)
29. *Jay Riat, Building Official for Fairfax County, Virginia v. Steuart Backlick Plaza, LLC and Fresh World One, Inc.*, Case No. GV22-006936 (Fx. Co. Gen. Dist. Ct.) (Mason District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v. Mohammed F. Talukder and Momataz Parvin*, Case No. GV22-008609 (Fx. Co. Gen. Dist. Ct.) (Mason District)
31. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Ziya Anwar Rahim*, Case No. GV22-008724 (Fx. Co. Gen. Dist. Ct.) (Mason District)

32. *Jay Riat, Building Official for Fairfax County, Virginia v. V-NBC LLC*, Case No. GV21-019281 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v. Charles Randall Gentry*, Case No. GV22-002475 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
34. *Jay Riat, Building Official for Fairfax County, Virginia v. Isela Flores*, Case No. GV22-005080 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
35. *Jay Riat, Building Official for Fairfax County, Virginia v. Kings Crossing Shops, LLC*, Case No. GV22-006633 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
36. *Jay Riat, Building Official for Fairfax County, Virginia v. Meneses Family Trust*, Case No. GV22-008073 (Fx. Co. Gen. Dist. Ct.) (Providence District)
37. *Jay Riat, Building Official for Fairfax County, Virginia v. Trinh Hoang and Danielle Hoang*, Case No. GV21-016701 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
38. *Jay Riat, Building Official for Fairfax County, Virginia v. Danielle Gilbert*, Case No. GV22-002846 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Beatrice C. Garcia*, Case No. CL-2022-0004261 (Fx. Co. Cir. Ct.) (Sully District)
40. *Jay Riat, Building Official for Fairfax County, Virginia v. Gail Harris*, Case No. GV22-005090 (Fx. Co. Gen. Dist. Ct.) (Sully District)
41. *Jay Riat, Building Official for Fairfax County, Virginia v. Shun Tak Property, LLC*, Case No. GV22-005088 (Fx. Co. Gen. Dist. Ct.) (Sully District)
42. *Jay Riat, Building Official for Fairfax County, Virginia v. White Bear, LLC*, Case No. GV22-005087 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Sections 2.2-3711(A)(7), and (8), legal analysis regarding the following: *LaFave, et al. v. Fairfax County, et al.*, Fairfax County Circuit Court Case No. CL-2021-1569; *CoxCom, LLC v. Fairfax County, et al.*, Virginia Supreme Court Record No. 210568; *City of Long Beach, et al.*

*v. Monsanto Company, et al.*, U.S. District Court for the Central District of California (Western Division) Case No. 2:16-cv-03493; and *Matammu v. Fairfax County*, U.S. District Court for the Eastern Division of Virginia Case No. 1:20-cv-1468

- As permitted by Virginia Code Section 2.2-3711(A)(1) and (7), personnel and legal discussion regarding Retirement Board authority

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

At 3:41 p.m., the Board reconvened in the Board Auditorium with all Members being present, except Supervisor Palchik who participated remotely, and with Chairman McKay presiding.

#### **ADDITIONAL BOARD MATTER**

49. **REMOTE PARTICIPATION OF SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (3:41 p.m.)

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

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

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

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

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

**ACTIONS FROM CLOSED SESSION**50. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:42 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."

51. **AUTHORIZATION TO OPT-OUT AS A SETTLEMENT CLASS MEMBER** (3:43 p.m.)

Supervisor Storck moved that the Board authorize and direct the County Executive and County Attorney to opt-out as a Settlement Class Member, to the proposed settlement agreement in *City of Long Beach, et al., v. Monsanto Company, et al.*, Case No.: 2:16-cv-03493-FMO-AS. Chairman McKay seconded the motion and it carried by unanimous vote.

**KK:kk**

**AGENDA ITEMS**52. **3:30 P.M. – PUBLIC HEARING ON SE 2021-SU-00017 (RP INDUSTRIAL OWNER, LLC) TO PERMIT AN INCREASE IN BUILDING HEIGHT FROM 75 FEET UP TO A MAXIMUM OF 102 FEET, LOCATED ON APPROXIMATELY 59.58 ACRES OF LAND (SULLY DISTRICT)** (3:45 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 July 1 and July 8, 2022.

The application property is located east of Park Center Road and north of Towerview Road. Tax Map 24-2 ((1)) 12, 12A, 15 and 16.

Lynne J. Strobel, Agent, Walsh, Colucci, Lubeley and Walsh, P.C. reaffirmed the validity of the affidavit dated July 5, 2022, for the record.

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

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

Following the public hearing, which included testimony by one speaker, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. O'Donnell and Bradley Gray, Principal, Worldwide Mission Critical, regarding decibel levels.

Following a query by Supervisor Smith, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 18, 2022.

Supervisor Smith moved that the Board approve:

- Special Exception Application SE 2021-SU-00017, subject to the development conditions dated July 18, 2022
- Waivers and modifications included in the Waivers and Modifications Statement dated July 19, 2022, which are as follows:
  - Modification of the required number of loading spaces from 20 spaces (five per building) to eight spaces (two per building)
  - Modification to allow loading spaces located in the front yard of the site
  - Modifications of the transitional screening yard requirements for the southeastern site boundaries adjacent to Tax Map Parcel 24-2 ((1)) 13A in favor of the landscaping shown on the SE Plat
  - Modification of the barrier requirement for the southeastern site boundaries adjacent to Tax Map Parcel 24-02 ((1)) 13A in favor of the proposed eight-foot-tall security fence shown on the SE Plat

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

53. **3:30 P.M. – PUBLIC HEARING ON PROPOSED MODIFICATIONS TO THE SITE-SPECIFIC PLAN AMENDMENT (SSPA) PROCESS** (4:01 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 July 1 and July 8, 2022.

Graham Owen, Planner IV, Policy and Plan Development Branch, Planning Division, Department of Planning and Development, presented the staff report.

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

- The timeline of Board action to accept nominations
- Clarification of eligibility for nominations that previously went through the process

Following the public hearing, which included testimony by four speakers, Supervisor Smith moved that the Board endorse the proposed modifications to the SSPA Process as presented in the White Paper on preliminary recommendations and modifications to the SSPA process dated April 26, 2022, and revised July 5, 2022. Supervisor Lusk seconded the motion.

Following a brief discussion regarding the revisions to the White Paper and the benefits of the process, the question was called on the motion and it carried by unanimous vote.

54. **4 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SCOTTS RUN STATION NORTH (PROVIDENCE DISTRICT)** (4:28 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 1 and July 8, 2022.

Nicole Wilson, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Wilson presented the staff recommendation.

Supervisor Palchik moved that the Board adopt a resolution, as shown on Attachment B of the Board Agenda Item, to authorize acquisition of the necessary land rights. Supervisor Smith and Chairman McKay jointly seconded the motion.

A brief discussion ensued, with input from Ms. Wilson, regarding continued conversations with owners associations and staff moving forward to negotiate some of the terms under which the acquisition would occur.

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



55. **4 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF POLE ROAD CROSSWALK IMPROVEMENTS (MOUNT VERNON DISTRICT)**  
(4:40 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 1 and July 8, 2022.

Sarah Guy, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Storck moved that the Board adopt the resolution as shown on Attachment B of the Board Agenda Item, to authorize the acquisition of the necessary land rights. Supervisor Smith seconded the motion and it carried by a vote of nine, Supervisor Alcorn being out of the room.

56. **4 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE A PORTION OF WESTBRANCH DRIVE (PROVIDENCE DISTRICT)** (4:45 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 June 17 and July 8, 2022.

Jeffrey Edmondson, Sight Analysis Section, Department of Transportation, presented the staff report.

Following the public hearing, Mr. Edmondson presented the staff recommendation.

Supervisor Palchik moved that the Board adopt Attachment Three of the Board Agenda Item, the Ordinance of Vacation of the subject right-of-way. Supervisor Gross seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

57. **4 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF LOISDALE ROAD/ROUTE 789 (LEE DISTRICT)** (4:48 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 June 17 and July 8, 2022.

Jeffrey Edmondson, Sight Analysis Section, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Lusk moved that the Board adopt Attachment Three of the Board Agenda Item, Order of Abandonment, and Attachment Four of the Board Agenda Item, Ordinance of Vacation on the subject right-of-way. 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.”

58. **4:30 P.M. – PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 7936 TELEGRAPH ROAD TO STC THREE LLC (LEE DISTRICT)** (4:52 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 July 1 and July 8, 2022.

Michael Lambert, Assistant Director, Real Estate Services, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Lusk moved that the Board approve the County Executive’s recommendation to authorize staff to amend the lease with STC Three LLC for County-owned property located at 7936 Telegraph Road. Supervisor Foust and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

59. **BOARD ADJOURNMENT** (4:55 p.m.)

At 4:55 p.m. the Board adjourned.