



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 11, 2022**

This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <https://www.fairfaxcounty.gov/boardofsupervisors/board-meeting-summaries>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 711 (TTY).

17-22

BV:bv

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 11, 2022, at 9:35 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 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, Ekoa Brew-Ewool and Kecia Kendall, Deputy Clerks, and Bobby Vaught, Administrative Assistant, Department of Clerk Services.

BOARD MATTERS1. **MASKS OPTIONAL** (9:35 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** (9:35 a.m.)

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

- Maureen Schreiner, who passed away recently. She was Chief of Staff for former Senator Joe Gartlan, former Supervisor Joe Alexander and former Supervisor Dana Kauffman. She spent her life dedicated to civics and politics
- Steven T. Edgemon, who passed away suddenly. He retired as General Manager of Fairfax Water in 2019 after nearly 12 years; had nearly 40 years of service in the water business; and also planned and negotiated Fairfax Water's acquisition of a large quarry in Lorton, VA, which will eventually become a 17-billion-gallon drinking water reservoir
- Rose Asuquo, who passed away suddenly on October 7 while at work in the Library's Access Services Branch at the Government Center. She was known for her kindness, passion for her work, and her sense of humor. She was a strong advocate for disability-focused services in her role as Branch Manager of Access Services
- Victims of Hurricane Ian, which were affected on September 28. Over 120 people in Florida died, and five in Cuba, making it possibly the deadliest in Florida's history. The Virginia Task Force One Urban Search and Rescue Team, headquartered in Fairfax County, deployed to Florida to assist in the search and rescue efforts and returned October 10
- Nancy Firestone, who passed away recently. She was a longtime resident of the Mason District, in the Lake Barcroft area. She had a distinguished career as an attorney with the Department of Justice; served on the US Court of Federal Claims, the Board of the Virginia Foundation for Community College Education, and the Theatre J Council; and was an adjunct professor at Georgetown University Law Center for more than 35 years

- Harris Miller, who passed away recently. He was a longtime McLean resident. He worked in the Carter Administration designing the Senior Executive Service, and on Capitol Hill serving on the Judiciary Committee for Congressman Ron Mazzoli where he essentially developed the Simpson Mazzoli Act which reshaped the US Immigration Policy
- Ed Barnes, who passed away recently. He was the spouse of Mount Vernon History Commissioner Ann Barnes. One of his first jobs was as a gang counselor at the YMCA and he was later employed by the Federal government for 45 years
- The female pedestrian who lost her life last week while crossing the road, not at a crosswalk, against the traffic light, in the early morning hours. Later that morning, another pedestrian almost lost his life and is in critical condition. Several Board Members attended a “Take a Moment” event almost two weeks ago, which focused on everyone taking a moment to save a life. Taking a moment is critical for all drivers and pedestrians, and these situations reminds us of the difference it can make in someone’s life

AGENDA ITEMS

3. **RESOLUTION OF RECOGNITION PRESENTED TO MEMBERS OF THE LONGFELLOW MIDDLE SCHOOL QUIZ BOWL TEAM** (9:50 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to members of the Longfellow Middle School Quiz Bowl team for their outstanding accomplishments. Chairman McKay seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2022, AS “HISPANIC HERITAGE MONTH” IN FAIRFAX COUNTY** (10:01 a.m.)

Supervisor Palchik moved approval of the Proclamation designating September 15 – October 15, 2022, as "*Hispanic Heritage Month*" in Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING OCTOBER 9 – 15, 2022, AS “FIRE PREVENTION WEEK” IN FAIRFAX COUNTY** (10:12 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating October 9-15, 2022, as "*Fire Prevention Week*" in Fairfax County. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

6. **PROGRESS UPDATE ON IMPLEMENTATION OF THE RECOMMENDATIONS OF THE CHAIRMAN'S TASK FORCE ON EQUITY AND OPPORTUNITY** (10:30 a.m.)

Karla Bruce, Chief Equity Officer, presented the progress update on implementation of the 20 recommendations of the Chairman's Task Force on Equity and Opportunity.

Ms. Bruce noted the following:

- The Task Force was convened in September 2020 to better understand the drivers of inequity in the County and to develop recommendations for accelerating the County's progress towards becoming One Fairfax. The insights and recommendations developed by the Task Force were identified as critical to advancing racial and social equity in the County
- The recommendations were prioritized, and four were identified with the intent of undergirding the work across all of the recommendations. The areas of focus are:
 - Cradle to career success
 - Community health and well being
 - Community safety and justice
 - Equitable communities
- The prioritized recommendations are:
 - Recommendation 16: Develop, pilot, and institute Fairfax County equity-based decision-making tools for planning, projects, decision making and resource allocation
 - Recommendation 18: Establish a Community Advisory Board, with representation by Black, Indigenous, and People of Color (BIPOC) and low-income individuals, to monitor the degree to which each County agency has prioritized the needs of BIPOC and lower income communities

- Recommendation 19: Demonstrate intentionality in ensuring diverse representation and inclusiveness in power and decision-making
- Recommendation 20: Ensure local leaders, public and private, have the knowledge and capacity to understand the drivers of racial inequity and their contribution to structural racism and use their power to build more equitable communities

Following the presentation, discussion ensued, with Board Member's expressing their appreciation for the progress update and the continued efforts to ensure equity and opportunity throughout the County, with input from Ms. Bruce.

Supervisor Herrity requested a progress update/data on:

- Metrics of success, the achievement gap for reading and math, and improving education prior to Pre-K
- Small Women and Minority Owned (SWAM) Contracts
- The number of small minority contractors being lost as a result of the implementation of prevailing wage

In the interest of time, Bryan Hill, County Executive, suggested that Supervisor Herrity provide a written list of his questions and staff will provide a report.

Discussion continued regarding:

- Generational poverty
- Investments concerning the achievement gap
- The demographics report and best practices for Boards, Authorities, and Commissions
- County vacancies – looking at ways to possibly get people in under-represented areas in those positions
- The Prevailing Wage Ordinance

NS:ns7. **PRESENTATION OF THE A. HEATH ONTHANK AWARDS** (11:13 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.

Michael Coyle, 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
- Deborah Woolen, Lee District
- Wesley Speer, Mount Vernon District
- Ernestine Heastie, Providence District
- Philip Rosenthal, Springfield District

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

- Sharon Arndt, Health Department
- Keisha Dotson, Department of Neighborhood and Community Services
- Amy Ginger, Department of Housing and Community Development
- Dwayne Pelfrey, Department of Transportation
- Lisa Thompson, Department of Housing and Community Development

DMS:dms**ADDITIONAL BOARD MATTERS**

8. **PROCLAMATION REQUEST DESIGNATING OCTOBER 2022 AS “ARTS AND HUMANITIES MONTH”** (11:27 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 October 2022 as “*Arts and Humanities Month*” in the County. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST DESIGNATING OCTOBER 16 – 22, 2022, AS “ACCESS SERVICES LIBRARY WEEK”** (11:27 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating October 16 – 22, 2022, as “*Access Services Library Week*” in the County. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING NOVEMBER 22, 2022, AS “KIMCHI DAY”** (11:27 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating November 22, 2022, as “*Kimchi Day*” in the County. Without objection, it was so ordered.

11. **REQUEST TO SEND LETTER ON BUDGET PRIORITIES TO GOVERNOR GLENN YOUNGKIN** (11:28 a.m.)

Chairman McKay stated that at this time of year, the Board spends a great deal of time working on its draft Legislative Program and Human Services Issue Paper, highlighting its legislative priorities for the upcoming 2023 General Assembly (GA) session, which begins in January. This is also the time of year that the Governor is working on his budget or budget amendments to the GA, depending on where Virginia is in the budget cycle. As a result, the Board typically shares some of the County’s budget priorities with the Governor as he begins crafting his legislative agenda in advance of the legislative session.

As the Board is aware, Virginia has an unusual budget process for new Governors. Last year, after a statewide election for a new Governor, it was actually the departing Governor, in this case Governor Ralph Northam, who proposed the official introduced budget to the 2022 GA. Then the incoming Governor Youngkin worked with the 2022 GA on the budget throughout the session, and even into a prolonged special session. He is also the Governor who is implementing the 2022-2024 biennium budget. While the 2022-2024 biennium budget is currently in place, Governor Youngkin will recommend a series of budget amendments to the GA in December – his first official opportunity to craft budget amendments at the beginning of the process.

A wide range of programs and services in the Commonwealth require a strong partnership between the State and localities. That partnership has often been

strained, because the Commonwealth continues to significantly underfund core services, leaving localities to fill funding gaps with local revenues to maintain essential services. Even now, State revenues are being described as being in “surplus.” However, until the State has fully met its funding commitment to core services, including shared State and local services, there cannot really be a State surplus, because all the Commonwealth’s bills have not yet been paid. At this critical time, it is important that the County highlights its State budget priorities, including increased State funding support for K-12 public education, transportation, behavioral health, public safety, affordable housing, energy and environment, and car tax relief.

Therefore, jointly with Supervisor Walkinshaw, Chairman McKay moved that the Board send the letter, attached to his written Board Matter, to Governor Youngkin requesting his consideration of the County’s budget priorities. Supervisor Walkinshaw seconded the motion.

Following discussion regarding the letter being provided to County delegation, personal property taxes, funding challenges related to transportation changes, and surplus funds being returned to taxpayers, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity abstaining.

12. **IMPROVEMENTS TO STATEWIDE NOTIFICATION PROCESS FOR ARREST OF SCHOOL EMPLOYEES** (11:35 a.m.)

Chairman McKay stated that as the Board will recall, this summer a Fairfax County Public School (FCPS) middle school employee was arrested outside of the County. In attempting to fulfill their obligation to notify FCPS leadership, a member of the arresting police department sent a message to a non-working FCPS email address which resulted in a 20-month period where this individual remained an FCPS employee. This is an unacceptable process and more must be done to protect FCPS students.

In service of this goal, the Board, along with Fairfax County School Board Chair Rachna Sizemore Heizer and Legislative Liaison Karen Corbett Sanders, convened a group of County General Assembly delegation and representatives from the Fairfax County Police Department and the Virginia State Police to discuss options at the state level to improve on this system. At this meeting, the group discussed the future enrollment of the Commonwealth in an FBI program called Rap Back and interim steps that should be taken. While there is legislation to be introduced in this session to improve the Commonwealth’s process, the Board feels the Department of Education can take certain steps now without the need for legislation and prior to the 2025 (or earlier) enrollment in Rap Back.

Therefore, jointly with Supervisor Walkinshaw, Chairman McKay moved that the Board approve sending the letter, attached to his written Board Matter, to Governor Glenn Youngkin and Education Secretary Aimee Guidera, outlining the steps

identified that will improve how school systems are notified of the arrest of employees. Supervisor Walkinshaw seconded the motion.

Following discussion regarding current process changes and improvements, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

13. **2022 EXCELLENCE IN VIRGINIA GOVERNMENT AWARDS** (11:43 a.m.)

Chairman McKay announced and congratulated Supervisor Gross on being awarded the 2022 Excellence in Virginia Government Award.

14. **THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) AND THE COUNTY RECEIVE NATIONAL RECOGNITION FOR CREATIVE EFFORTS TO CLOSE THE HOUSING GAP** (11:45 a.m.)

Chairman McKay announced that the County and FCRHA were recently featured in the August edition of *The Novogradac Journal of Tax Credits*, highlighting their collective and unprecedented work in developing public-private partnerships to more effectively deliver affordable housing. Chairman McKay stated that the article showcases the public-private partnership with Amazon in a new development and highlights the County's forward-thinking and creative approaches to delivering high-quality affordable housing. The FCRHA and County's efforts demonstrate that inviting corporate America to be a part of the solution is a critical component to long-term success.

15. **2022 VIRGINIA ASSOCIATION OF COUNTIES (VACo) DELEGATION** (11:48 a.m.)

(BAC) 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 Richmond, November 13 - 15, 2022.

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

16. **PROCLAMATION AND PUBLICITY REQUEST DESIGNATING OCTOBER 2022 AS "DOMESTIC VIOLENCE AWARENESS MONTH"** (11:48 a.m.)

Supervisor Walkinshaw stated that October 2022 will mark Domestic Violence Awareness Month. In the past year 36 percent of homicides in the County are attributed to domestic violence, an increase of five percent the previous year. In

addition, arrests due to the strangulation increased by 33 percent. With the backdrop of COVID-19 and community violence on the rise, now more than ever, the County must persevere in preventing and responding to interpersonal violence.

Many programs that support victims of interpersonal violence saw families' need for financial support, particularly rent and housing costs increase during the COVID-19 pandemic. Families experiencing poverty lost access to programs such as free-and-reduced school lunches, and organizations had to shift to providing basic needs. These issues disproportionately impacted people of color, immigrant communities, people with existing health needs or chronic conditions, and people in the LGBTQIA+ community. Additionally, longer waitlists and wait times to access supports, created additional barriers for many.

Agencies and organizations across the County have refocused and adapted their work. While the coordinated community response continues to rise to meet these challenges, funding opportunities are drying up and agencies struggle to maintain enough qualified staff to deliver quality services. Staff across the coordinated community response report exhaustion and burn out as they work to keep services operational.

Recognizing Domestic Violence Awareness Month in the County will provide an excellent opportunity to increase public awareness of interpersonal violence, including domestic violence and its impacts on victims and survivors, their families, and the community. In recognition of Domestic Violence Awareness Month, County residents are encouraged to wear purple on Purple Out Day, Thursday, October 20, 2022, to show support for domestic violence survivors and their families.

Therefore, jointly with Chairman McKay and Supervisor Palchik, Supervisor Walkinshaw asked unanimous consent that the Board direct:

- Staff to prepare a Proclamation designating October 2022 as "*Domestic Violence Awareness Month*" in the County, and that Supreme Court Justice of Virginia Thomas P. Mann be invited to appear before the Board at its meeting on October 25, 2022, to accept this proclamation
- The Office of Public Affairs to help publicize October 2022 as "*Domestic Violence Awareness Month*" in the County

Without objection, it was so ordered.

17. **REAL ESTATE TAX RELIEF FOR SURVIVING SPOUSES OF MEMBERS OF THE U.S ARMED FORCES** (11:51 a.m.)

Supervisor Walkinshaw stated that the Board has taken numerous steps with regard to the new authority granted to localities through House Bill (HB) 957 to offer real

estate tax relief to the spouses of members of the U.S. Armed Forces who died in the line of duty. First, on October 19, 2021, the Board referred to the Legislative Committee the matter of the small group of residents who were inadvertently provided a tax exemption under the state Constitutional amendment designated for spouses of service members killed in action. The Board sought a narrowly crafted solution to assist these individuals and expressed concern with the imposition of mandatory property tax exemptions on local governments, as well as the Board's preference that such exemptions should be a local option, rather than a mandate.

Following the passage of HB 957, a Board Matter of April 12, 2022, reiterated the Board's position that while legislation providing tax relief for military families is a worthy goal, the Commonwealth should consider providing that relief from its own budget rather than imposing the cost onto localities. HB 957 nonetheless fulfills the County's request for an option, and as such, the Board directed staff to explore options for considering implementation.

Staff from the Department of Tax Administration (DTA) worked extensively with his office, including a meeting held on May 26, 2022, with DTA and advocates. DTA continued their research in consultation with advocates, the Department of Defense, and the Veterans Administration to determine what the financial impact of implementing HB 957 would be to the County. The County Executive provided a memorandum to the Board on July 27, 2022, outlining the potential impact as well as some possible challenges to consider related to implementation.

Understanding the complexities and potential impact, the Board continues to express its interest in moving forward on consideration of an ordinance which would implement this tax relief. Supervisor Walkinshaw thanked Jay Doshi, Director, DTA, and his team including Justin Nejad, Greg Bruch and Tim Tangen, as well as Claudia Arko, Legislative Director, and the advocates who worked on getting the most accurate information and moving this forward.

Therefore, jointly with Chairman McKay, Supervisor Walkinshaw moved that the Board direct staff to:

- Draft an ordinance which would establish a real estate tax rate for property owned by eligible surviving spouses at \$0.01 per \$100 of assessed value, the lowest rate allowed by the legislation. The draft ordinance should enable the County to apply this relief retroactively to the taxable year beginning January 1, 2022, as provided in HB 957
- Place an Administrative Item on the agenda for the December 6, 2022, Board Meeting, to authorize a public hearing to consider enacting this ordinance

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

18. **ENDORSEMENT OF THE RECOMMENDATIONS OF THE MANUFACTURED HOUSING TASK FORCE AND COMPREHENSIVE PLAN AMENDMENT AUTHORIZATION** (11:57 a.m.)

Supervisor Foust that the recommendations of the Manufactured Housing Task Force were presented at the Board's Housing Committee meeting on September 30, 2022. The Manufactured Housing Task Force was established in August 2021 to develop a set of strategic recommendations to preserve the market affordable housing opportunities that exist in the eight manufactured housing communities within the County and address the needs of approximately 1,750 families that call the communities home.

The Task Force recommended three principal goals:

- Goal 1: Preserve, through a variety of means, the affordability of the manufactured housing communities and recognize that each has unique circumstances that will require a tailored approach
- Goal 2: Provide manufactured housing community residents the opportunity to fully participate in and benefit from civic life in the County, most critically, but not limited to, policy decisions that directly impact their housing sustainability
- Goal 3: Provide manufactured housing community residents and owners with the opportunity and resources to learn about their rights, limitations and responsibilities under the various codes and applicable regulations

Based on the presentation the Board received at the Housing Committee meeting and the task force recommendations document, Supervisor Foust stated that he thinks the Board can agree that the Manufactured Housing Task Force has prepared a comprehensive set of recommendations to improve County manufactured housing communities. The Board had a thoughtful and robust discussion of the Task Force recommendations during the committee meeting, and it was clear that there was broad support to begin implementation of the recommendations, and to continue engaging community stakeholders, the residents and owners of manufactured housing communities.

Therefore, Supervisor Foust moved that the Board:

- Accept the recommendations of the Manufactured Housing Task Force
- Authorize consideration of an amendment to the Comprehensive Plan based upon the recommendations in the Manufactured Housing Task Force report, dated August 15, 2022

- Direct staff to develop a funding strategy for review by the Board concurrent with the Fiscal Year 2024 Budget that supports manufactured housing improvements and ongoing community engagement, as recommended by the Task Force
- Direct staff to begin implementation of the process improvement and education recommendations, as recommended by the Task Force report
- Direct staff to begin the process to establish the Manufactured Housing Roundtable, as recommended by the Task Force

Chairman McKay and Supervisor Lusk jointly seconded the motion.

Following discussion with Supervisor Herrity sharing that he is not supportive of the list of solutions, the question was called on the vote and it carried by a vote of nine, Supervisor Herrity abstaining.

19. **REGIONAL ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE** (12:03 p.m.)

Supervisor Foust stated that the AI to Fair Housing Choice (AI) is a five-year plan providing an overview of fair housing in the County. The plan provides a comprehensive analysis of fair housing laws, regulations, and practices in the private and public sectors.

The purpose of the AI is to identify meaningful actions that local governments and public housing authorities can take to reverse historic patterns of discrimination and promote fair housing.

As a recipient of federal funding from the U.S. Department of Housing and Urban Development (HUD), jurisdictions must affirmatively further fair housing and complete a five-year AI. Historically, the County has developed the AI specific to its local jurisdiction.

In 2017, the County entered into a Memorandum of Understanding with neighboring jurisdictions to develop a Regional Analysis of Impediments (RAI), led by the Metropolitan Washington Council of Governments.

When completed, the RAI will be a five-year plan that includes goals and actions to help reverse patterns of segregation and increase access to neighborhoods. The plan will include goals and strategies specific to the County as well as to the regional that will further fair housing.

A draft of the RAI will be made available for public comment, anticipated to be released in early to mid-November. Staff will keep the Board informed of the specifics of the public comment period closer to the date.

It will be important to advertise the opportunity for residents to comment on the RAI through the public comment process.

Therefore, Supervisor Foust asked unanimous consent that the Board direct the Office of Public Affairs, the Office of Human Rights and Equity Programs, and the Department of Housing and Community Development to collaborate and take the necessary steps to widely publicize the opportunity and means to comment on the draft RAI. Without objection, it was so ordered.

20. **DECOMMISSIONING OF AMERICAN TOWER'S TELECOMMUNICATIONS TOWER IN THE RIGHT-OF-WAY NEAR INTERSTATE 495 AND OLD DOMINION DRIVE AND POTENTIAL HEALTH AND SAFETY IMPACTS** (12:06 p.m.)

Supervisor Foust stated that the I-495 Express Lanes Northern Extension project will extend the Interstate 495 toll lanes and requires the removal of the monopole and associated equipment located within the Virginia Department of Transportation (VDOT) right-of-way, on the west side of I-495 and south of Old Dominion Drive. AT&T and T-Mobile have telecommunications equipment on this monopole, which is owned by American Tower.

VDOT is currently requiring this tower to be decommissioned and removed by the end of this year. American Tower and the carriers have not applied for or even identified any alternative facility to replace it. Removal of this tower may result in decreased capacity and potential coverage loss for AT&T and T-Mobile users, which raises significant public safety concerns.

VDOT notified American Tower several times—dating back to January 2020 and December 2021—that the facility would have to be removed for the project. As of October 2022, American Tower, AT&T, and T-Mobile have not submitted anything for the County to review and have reportedly not made any progress in finding an interim or permanent facility to ensure continued cell coverage.

AT&T representatives notified staff on August 23, 2022, that removal of the telecommunications tower could result in significant cellular coverage and capacity loss such that some customers might not be able to make 911 calls.

Since being made aware of this situation, staff from the Dranesville District Supervisor's office, the Department of Planning and Development, and the Department of Information Technology have organized and participated in many phone calls and meetings with representatives of American Tower, AT&T, T-Mobile, and VDOT to voice the County's concerns, particularly the potential that citizens might not be able to use cell service in case of an emergency. During these meetings, American Tower, AT&T, and T-Mobile have provided conflicting information regarding the extent of potential coverage and capacity losses. They have stated that they are sure there will be some capacity loss, but they have also

said their existing towers to the north and south may provide the coverage necessary for users to make priority emergency calls after the current tower is removed. But the carriers have not provided any supporting documentation on any of these points.

Staff has serious concerns about the removal of this telecommunications facility, the potential impacts on cellular coverage and capacity, and most importantly the public health and safety of surrounding residents and motorists along I-495. It is unacceptable that the telecommunications carriers have not provided a clear response to the County to show the extent of the potential loss of cellular coverage, particularly any impact on the ability of its users to make emergency calls to 911 services. It is also unacceptable that American Tower and the carriers have not proposed any interim or long-term replacement telecommunications infrastructure for the County to review. By failing to address these issues in a timely manner, American Tower and the carriers will be responsible for any disruption in service. Their inaction and lack of planning has put public health and safety in jeopardy.

Therefore, jointly with Chairman McKay and Supervisor Alcorn, Supervisor Foust moved that the Board authorize the Chairman to sign the letter, attached to his written Board Matter, to be sent American Tower, AT&T, and T-Mobile discussing the issues that may result from the removal of the monopole located within the VDOT right-of-way at I-495 and Old Dominion Drive and requesting an appropriate and timely response. Chairman McKay, Supervisor Alcorn, and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

21. **REDESIGN OF THE FOR-SALE WORKFORCE DWELLING UNIT (WDU) PROGRAM** (12:08 p.m.)

Supervisor Foust stated that, as the Board will recall, the WDU program was enacted via the Comprehensive Plan in 2007, and since then has successfully delivered well in excess of 1,000 new rental units.

Over time, the Board discovered that the rental component of the WDU program needed to be reformed to serve lower income levels, as the units serving families earning over 80 percent of the Area Median Income were not as desirable as anticipated in the market. The Board convened a task force of representatives from industry and the advocacy community, and as a result, last year, the County was able to revise the program accordingly.

Similarly, the incomes served by the for-sale WDU program need to be addressed to ensure that the program is maximizing its potential to serve low- and moderate-income families.

Therefore, Supervisor Foust moved that the Board direct the County Executive to establish a task force, under the leadership of the Department of Housing and Community Development in partnership with the Department of Planning and Development, to develop recommendations for the improvement of the WDU program. The task force should include a diverse range of participants from

industry, the advocacy community, and the legal community, and should report its findings at a Housing Committee meeting in 2023. Supervisor Alcorn seconded the motion.

Following discussion regarding for sale units and the buyout process, the question was called on the motion and it carried by unanimous vote.

22. **CAPITAL STRATEGY FOR AFFORDABLE HOUSING PRESERVATION**
(12:12 p.m.)

Supervisor Foust stated that, as the Board is aware, the potential loss of “market affordable” housing in the County is a major challenge to the County’s ability to have a healthy housing market that meets the needs of everyone. At the Housing Committee meeting on September 30, 2022, the Board received a detailed update on the continued work to help ensure that the County preserves the approximately 9,000 market affordable units in the County.

The County has had some significant successes over the last year, including the preservation of the Colvin Woods, Cityside, and Landings properties. Success in preservation depends largely on the ability to act quickly to assist private partners in responding to preservation opportunities that emerge in the market.

One of the recommendations of the Affordable Housing Preservation Task Force was to develop a capital strategy and strike fund for preservation. It was evident from discussion that the Board recognized that such a strategy is needed to put the affordable housing development community in a position to succeed and compete for these properties.

Therefore, Supervisor Foust moved that the Board direct the County Executive to establish a capital strategy for affordable housing preservation as soon as practicable, preferably in time for Board consideration via the Fiscal Year 2024 budget process. Supervisor Alcorn seconded the motion and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

23. **PROCLAMATION AND PUBLICITY REQUEST DESIGNATING OCTOBER 2022 AS “CYBERSECURITY MONTH”** (12:15 p.m.)

Supervisor Alcorn stated that the security of cyberspace remains a significant concern. Events that could potentially lead to data loss and/or interruption of County services could occur in many ways. For example, a simple misconfiguration of a system containing sensitive records could be exposed to the internet; a system could be exploited due to software or code vulnerabilities after a user clicks on a phishing email or browses to a compromised website; or a smartphone, tablet or unencrypted flash drive could be lost.

Rarely does a month go by without another major company or government agency disclosing a breach of their corporate systems. Cyberattacks will continue to

increase as hackers continue exploiting weakness and finding ways to breach even the most sophisticated state-of-art defenses. Care and attention must be taken to safeguard financial, telecommunication, healthcare, emergency response, and other essential infrastructures that are increasingly remote and dependent on information technology systems.

The County has made significant investments in technology supporting public safety, human services, open government, and other County business operations to provide effective services to residents. A significant part of these investments includes supporting the critical technology infrastructure to conduct business efficiently and effectively while minimizing risk to the County's data and information technology assets. The threat from security breaches is real, and the County must continue to take the proper precautions to protect County infrastructure and citizen data.

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

- Prepare a Proclamation designating October 2022 as "*Cybersecurity Month*" in the County, to be presented at the Annual Security Awareness Day event on October 28, 2022
- Promote this proclamation and the Department of Information Technology's Annual Security Awareness Day event for County employees, to be held on October 28, 2022. This event will provide staff opportunities to hear from industry experts on many things that can be done in securing access to personal data as well as the data they have access to at work

Without objection, it was so ordered.

24. **RESTON COMMUNITY CENTER PREFERENCE POLL** (12:16 p.m.)

(BACs) Supervisor Alcorn stated that the Reston Community Center has completed the annual preference poll election for its Board of Governors. Beverly A. Cosham, Paul D. Thomas, and Shane M. Ziegler were elected to serve three-year terms on the Reston Community Center Board of Governors. All three candidates actively serve the community.

Therefore, Supervisor Alcorn moved that the Board appoint the following individuals to serve three-year terms on the Reston Community Center Board of Governors in time to be seated at the next Board of Governor's meeting on November 7, 2022:

- Beverly A. Cosham
- Paul D. Thomas

- Shane M. Ziegler

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

25. **LET'S GO EXPO** (12:17 p.m.)

Supervisor Alcorn announced that the Let's Go Expo will be held on October 22, 2022, which celebrates multimodal transportation. He invited the community to attend the event.

26. **RECONSTITUTING THE GRUBSTAKE BREAKFAST** (12:18 p.m.)

Supervisor Lusk stated that for 24 years, from 1988 through 2012, the quarterly Grubstake Breakfast was among the County's most effective catalysts for connecting early-stage local companies with investors and partners already operating inside the County.

The breakfast was regularly attended by hundreds of local companies and leaders, who were pitched by five to six early-stage companies that often resulted in both angel and venture capital investments. Among the events most unique features were its commitment to not charging startups a fee to attend and pitch their operation.

The breakfast was largely supported financially through funds allocated by the General Assembly (GA), which were appropriated directly to George Mason University, who maintained the staff infrastructure to facilitate the breakfast. When the GA ultimately reallocated funding away from the program in 2012, George Mason University was unable to continue the event in its existing format, and the breakfast ended.

Since 2012, similar events have grown and flourished in the region, funding early-stage companies and seeing those dollars multiplied back in their respective jurisdictions in the form of increased revenues and investments. Unfortunately, similar pipelines into the County are not nearly as robust as they could be.

As evidenced by many of the actions that it has taken over the past two years, the Board understands the impact that the COVID-19 pandemic has had on the business landscape in the County. Thanks to many of the actions taken, the County business ecosystem is quickly adapting to that new landscape, but there is still a long road back to its pre-pandemic economy. While this presents a challenge, it also presents an opportunity.

As new early-stage companies look to break on to the scene and fill the gaps of the post-pandemic economy, the County has an opportunity to continue to build on the progress it has made in supporting local companies over the last two years by endeavoring to reconstitute the Grubstake Breakfast.

Therefore, jointly with Supervisor Alcorn, Supervisor Lusk moved that the Board direct the County Executive assign the appropriate staff to undertake a study to explore the viability of reconstituting the Grubstake breakfast, developing a similar model aimed at catalyzing entrepreneurship and investment in the County. The study should include consideration of, but not be limited to:

- Any existing County infrastructure that may be able to support such an event
- Recommendations for the event's cadence and format
- Suggestions for private and non-profit partners that may be able to support such an effort
- A comprehensive review of similar such models that are being convened in the region
- A recommended funding level to either support an outside study for the reconstitution of such an event or support an initial iteration of it

Supervisor Herrity seconded the motion.

Following discussion regarding the motion, Supervisor Gross asked to amend the motion to direct staff to ensure duplicate efforts are not occurring. This was accepted.

Chairman McKay stated that a Not in Package Item could be provided to the Board regarding the General Assembly abandoning this effort.

Discussion continued regarding the inclusion of others, future discussion opportunities, and risk-taking angel investors.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to direct staff to report its findings for Board discussion at a future Economic Advisory Commission meeting. This was accepted.

Vice-Chairman Gross returned the gavel to Chairman McKay.

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

27. **GROWTH AND OPPORTUNITY FOR VIRGINIA GRANT PROGRAM**
(12:34 p.m.)

Supervisor Lusk stated that the Growth and Opportunity for Virginia grant program, popularly known as GO Virginia, is designed to: "create more

high-paying jobs through incentivized collaboration between business, education, and government to diversify and strengthen the economy in every region of the Commonwealth.”

Conceptually, Supervisor Lusk stated he is extremely supportive of the GO Virginia program. However, the County has learned a lot since the model was implemented in 2016. While many of the requirements associated with GO Virginia funding awards were based on sound logic at the time of their conception, the County has since learned that some of those requirements unintentionally box out extremely worthwhile applications. Furthermore, many of those unintended consequences directly disadvantage applications from the County.

For example, in 2021, the County, through the Department of Economic Initiatives, had an application denied that would have supported a new autonomous vehicle research and prototyping project. The main challenge for the County as an applicant was that it could not precisely define many of the requirements due to the fact that it was connected to new and emerging technology. Obviously, as the epicenter for new and emerging technologies in the Commonwealth, it is not difficult to envision similar pitfalls with future applications from the County.

Another reform that merits consideration is the local match requirement, which, when waived during the height of the pandemic, resulted in a much greater variety of submitted applications.

Additionally, the financial distress designation requirement and base salary thresholds have, in his view, outlived the objectives they were designed to achieve.

Therefore, jointly with Supervisor Alcorn and Supervisor Walkinshaw, Supervisor Lusk moved that the Board direct:

- The County Executive to assign the appropriate staff to prepare draft recommendations for potential inclusion in the Board’s upcoming legislative package for commonsense reforms of the GO Virginia program.
- Staff to coordinate with the Department of Economic Initiatives, as well as respective Board offices, to develop a direct understanding of the County’s firsthand experiences navigating previously submitted applications
- Staff to present these draft recommendations to the Board for consideration at the next meeting of the Legislative Committee

Supervisor Foust seconded the motion. Following discussion regarding providing language to staff for inclusion in the draft legislative package, the question was called on the motion and it carried by a vote of nine eight, Supervisor Palchik and Supervisor Smith being out of the room.

28. **STEM FEST** (12:39 p.m.)

Supervisor Lusk announced that the first STEM Fest will be held at the Hybla Valley Community Center in Alexandria on October 15, 2022. He stated that George Mason University, in partnership with his office and the WISH, will host the event which offers more than 50 STEM related activities for students K – 12. He invited the community to attend the event.

29. **ORDERS OF THE DAY** (12:39 p.m.)

Chairman McKay announced that, due to the lateness of the hour, the Board would proceed with the Public Hearing on the County and Schools' FY 2022 Carryover Review to Amend the Appropriation Level in the FY 2023 Revised Budget Plan.

(NOTE: Later in the meeting, additional Board Matters were presented. See Clerk's Summary Items #42- 46 and 55 - 63.)

NS:ns

AGENDA ITEMS30. **10:30 A.M. – PUBLIC HEARING ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2022 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2023 REVISED BUDGET PLAN**
(12:41 p.m.)

(FPR)
(SARs)

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 23 and September 30, 2022.

Christina Jackson, Chief Financial Officer, gave a presentation briefly outlining the FY 2022 Carryover Review Package.

Following the public hearing, which included testimony by 11 speakers, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Carryover package including Supplemental Appropriation Resolutions AS 22288 and AS 23009, and Amendment to the Fiscal Planning Resolution AS 23900. This approval includes the *FY 2022 Carryover Review* package as presented at the Board meeting on August 2, 2022, and the changes included in the memorandum to the Board titled Hiring Incentive Program and Updated Carryover Recommendation dated September 30, 2022, as well as the following adjustments:

1. One-time funding of \$7,500,000 to support the construction of permanent restroom facilities at 15 Fairfax County Public Schools outdoor high school stadiums. This funding, combined with funds approved by the School Board provides a total of \$15 million for this effort

2. One-time funding of \$2,058,224 to be held in reserve to support increased compensation costs related to the establishment of a comprehensive hiring incentive program. This funding would bring the reserve total to \$4.1 million

With these adjustments, the General Fund balance at the FY 2022 Carryover Review is \$0.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

KK:kk

31. **ADMINISTRATIVE ITEMS** (1:32 p.m.)

Chairman McKay noted that Admin 7 was withdrawn by staff. Supervisor Gross moved approval of the Administrative Items, with the exception of Admin 7. 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.”

ADMIN 1 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) – LAKEVALE DRIVE (PROVIDENCE DISTRICT)

- Authorized the installation of three “Watch for Children” signs on Lakevale Drive (Providence District)
- Directed staff of the Department of Transportation to schedule the installation of the approved “Watch for Children” signs as soon as possible

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE DE-CREATION OF MADDUX LANE AREA SANITARY DISTRICT FOR REMOVAL OF REFUSE/RECYCLING COLLECTION SERVICE (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2022, at 4 p.m.**, to consider the following change to sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board’s adopted criteria for the creation of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1-A1 Within Dranesville District (Maddux Lane Area)	De-Create	Refuse and Recycling	Approve

ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 23080 FOR THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO ACCEPT GRANT FUNDING FROM THE GOVERNOR’S AGRICULTURE AND FORESTRY INDUSTRIES DEVELOPMENT (AFID) FUND FOR BEANSTALK FARMS, INC., AND AUTHORIZATION TO USE ECONOMIC OPPORTUNITY RESERVE (EOR) FUNDING TO MEET THE LOCAL CASH GRANT REQUIREMENT AND TO EXECUTE THE PERFORMANCE AGREEMENT

(SAR) Took the following actions in support of the relocation and expansion of Beanstalk Farms, Inc.’s new hydroponic indoor growing facility:

- Approved SAR AS 23080 in the amount of \$100,000 from the Commonwealth of Virginia’s AFID Grant
- Authorized \$100,000 from the EOR to meet the local cash grant requirement
- Authorized the execution of the Performance Agreement substantially in the form of Attachment One of the Board Agenda Item

ADMIN 4 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE (DOJ), OFFICE OF JUSTICE PROGRAMS, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

- Authorized FCPD to apply for and accept funding, if received, from the U.S. DOJ, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant in the amount of \$128,362. Funding will be used toward the purchase of a Remote Operated Vehicle for the Marine Patrol Unit. 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 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 23002 FOR THE FAIRFAX COUNTY PARK AUTHORITY TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION FOR IMPROVEMENTS TO TRAIL FACILITIES IN ROYAL LAKE PARK

- (SAR)
- Approved SAR AS 23002 for the Park Authority to accept funding from the Virginia Department of Conservation and Recreation made available through the state’s American Rescue Plan Act State and Local Fiscal Recovery Fund allocation in the amount of \$1.0 million. This funding will be utilized for trail-related capital improvement projects at Royal Lake Park in the Braddock District. No local cash match is required
 - Approved the subrecipient agreement between the Virginia Department of Conservation and Recreation and the County

ADMIN 6 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) – O’DAY DRIVE (SULLY DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on O’Day Drive between Route 29 and Stone Road (Sully District)
 - Directed staff to request the Virginia Department of Transportation schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON POWHATAN STREET AND FREEDOM LANE (DRANESVILLE DISTRICT)

This item was withdrawn by staff.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA – CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 13 (TRANSIENT OCCUPANCY TAX)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **November 1, 2022, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 13 (Transient Occupancy Tax).

32. **A-1 – ADOPTION OF A RESOLUTION TO SUPPORT THE ABANDONMENT AND ADDITION OF PORTIONS OF THOMPSON ROAD (ROUTE 669) (SULLY DISTRICT)** (1:33 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 resolution supporting the abandonment and addition of portions of Thompson Road.

33. **A-2 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO ISSUE MULTIFAMILY HOUSING REVENUE BONDS OR NOTES IN AN AGGREGATE AMOUNT NOT TO EXCEED \$3,000,000 TO PROVIDE SUPPLEMENTAL FINANCING FOR THE 148-UNIT FOUR PERCENT LOW INCOME HOUSING TAX CREDIT (LIHTC) PORTION OF THE 274-UNIT OVATION AT ARROWBROOK (DRANESVILLE DISTRICT)** (1:33 p.m.)

(R) Supervisor Foust moved that the Board concur in the recommendation of staff and adopt a resolution to fill the Development’s funding gap by authorizing the FCRHA to:

- Issue private activity tax-exempt bonds in an aggregate amount not to exceed \$3 million
- Submit an application to Virginia Department of Housing and Community Development for private activity tax-exempt bond allocation

Supervisor Lusk and Chairman McKay jointly seconded the motion.

Discussion ensued, with input from Thomas Fleetwood, Director, Department of Housing and Community Development, regarding repayment of the supplemental funding.

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

34. **A-3 – APPROVAL OF A DEED OF EASEMENT AND MAINTENANCE AGREEMENT BETWEEN CHRISTOPHER AT THE RESERVE AT SPRING LAKE, LLC (CHRISTOPHER), SPRING LAKE ESTATES WEST COMMUNITY (SLEW1), AND SPRING LAKE WEST HOMEOWNERS ASSOCIATION (SLEW2) (HUNTER MILL DISTRICT)** (1:36 p.m.)

On motion of Supervisor Alcorn, jointly seconded by Supervisor Lusk and Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and, on behalf of the Board, approved and authorized the County Executive or his designee to sign the Deed of Easement and Maintenance Agreement for a Stormwater Management Facility between Christopher, SLEW1, and SLEW2, and the Board.

35. **A-4 – AMENDMENT OF THE BOARD’S WRITTEN POLICY GOVERNING PARTICIPATION BY ELECTRONIC COMMUNICATION OF BOARD MEMBERS IN PUBLIC MEETINGS** (1:36 p.m.)

(P) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and adopt the Policy for Remote Participation in Meetings amending the Board’s existing Policy. Supervisor Foust and Supervisor Palchik jointly seconded the motion.

Chairman McKay noted that the County Attorney will develop a memo to be used by the Board to ensure that specific guidelines are followed.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

36. **A-5 – ENDORSEMENT OF THE CITY OF ALEXANDRIA’S APPLICATION FOR THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S (USDOT) FISCAL YEAR (FY) 2022 RECONNECTING COMMUNITIES PILOT (RCP) DISCRETIONARY GRANT PROGRAM (MASON DISTRICT)** (1:38 p.m.)

On motion of Supervisor Gross, jointly seconded by Supervisor Palchik and Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Attachment One of the Board Agenda Item, supporting a discretionary federal grant application by the City of Alexandria for USDOT’s FY 2022 RCP Program for the I-395 Bicycle and Pedestrian Bridge at West End Alexandria Feasibility Study.

37. **A-6 – APPROVAL OF AND AUTHORIZATION TO EXECUTE AN AGREEMENT WITH CAPITAL ONE BANK (USA), NA, CAPITAL ONE TYSONS BLOCK C OWNER, LLC, 1750 OLD MEADOW, LLC, 1820 DOLLEY MADISON, LLC, SCG DEVELOPMENT PARTNERS, LLC, AND THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA), ASSOCIATED WITH DEVELOPMENT OF SOMOS AT MCLEAN METRO, MCLEAN, VIRGINIA (PROVIDENCE DISTRICT)** (1:38 p.m.)

Supervisor Palchik asked unanimous consent that the Board defer action regarding this item until later in the meeting following the 4 p.m. public hearing regarding Rezoning Application RZ 2021-PR-00022 (Somos at Tysons LLC). Without objection, it was so ordered.

(NOTE: Later in the meeting action was taken regarding this item. See Clerk's Summary Item #52.)

38. **I-1 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR (CY) 2023**
(1:39 p.m.)

The Board next considered an item contained in the Board Agenda, presenting the County's CY 2023 Holiday Schedule.

A brief discussion ensued regarding the proposed schedule.

DMS:dms

39. **RECESS/CLOSED SESSION** (1:41 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. *Pamela Sledge v. Officers Richard Castilon, Michael Scatchard, and Cassandra Zamora*, Case No. CL-2022-0012322 (Fx. Co. Cir. Ct.)
 2. *Orayl Ingram v. Commonwealth of Virginia, City of Fairfax, Virginia, Fairfax County Department of Child Protective Services, Fairfax County Police Department, Fairfax County Commonwealth's Attorney's Office, Commonwealth of Virginia Department of Social*

- Services, Richard Mullins, Jonathan Ortiz, Angie Combs, Steve Descano, Elizabeth Carter, County of Fairfax, Virginia, Case No. 1:22-cv-778 (E.D. Va.)*
3. *Al's Towing and Storage, Inc. v. Fairfax County Board of Supervisors, Case No. CL-2022-0006750 (Fx. Co. Cir. Ct.)*
 4. *Michelle Evans v. County of Fairfax, Virginia et. al. Case No. CL-2022-0008631 (Fx. Co. Cir. Ct.)*
 5. *Elio R. Rodriguez and The Hartford Underwriters Insurance Company, as subrogee of Enviroworld Lawn & Landscaping, Inc. v. Michael Anthony Hartsell, Case No. CL-2021-0005154 (Fx. Co. Cir. Ct.)*
 6. *Yenny S. Guevara v. Terry Mincey and Fairfax County, Case No. GV22-012632 (Fx. Co. Gen. Dist. Ct.) and Ruben Marquez Quinteros v. Terry Mincey and Fairfax County, Case No. GV22-012631 (Fx. Co. Gen. Dist. Ct.)*
 7. *Jay Riat, Building Official for Fairfax County, Virginia v. Charles V. Duran, Case No. CL-2022-0012211 (Fx. Co. Cir. Ct.) (Braddock District)*
 8. *Jay Riat, Building Official for Fairfax County, Virginia v. Huu D. Tran and Nhanh T. Le, Case No. GV22-006236 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
 9. *Jay Riat, Building Official for Fairfax County, Virginia v. Arsalan Anwar and Aqeel A. Khan, Case No. GV22-009807 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
 10. *Jay Riat, Building Official for Fairfax County, Virginia v. Henry Tuan Nguyen, Case No. GV22-009808 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
 11. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Robert Sexton, Case No. GV22-010185 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
 12. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Randal S. Cordes, Case No. CL-2022-0004466 (Fx. Co. Cir. Ct.) (Dranesville District)*
 13. *Jay Riat, Building Official for Fairfax County, Virginia v. Great Falls Estates, LLC, Case No. GV22-004386 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*

14. *Jay Riat, Building Official for Fairfax County, Virginia v. Marsha Lynn Cassell and Andrew Lewis Cassell*, Case No. GV22-008608 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Debra Carmel and Mason Carmel*, Case No. GV22-009562 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Nikula P. Fernando*, Case No. GV22-009655 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
17. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Stephen Patrick MacManus*, Case No. GV22-011604 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
18. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Alice B. Middleton*, Case No. GV22-013468 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
19. *Jay Riat, Building Official for Fairfax County, Virginia v. Jennifer Mossgrove and John Mossgrove*, Case No. GV22-011196 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Alwadi L.L.C.*, Case No. CL-2019-0017284 (Fx. Co. Cir. Ct.) (Lee District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sysmall I. Warfield*, Case No. CL-2021-0011520 (Fx. Co. Cir. Ct.) (Lee District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James J. Weaver, Jr.*, Case No. CL-2022-0011588 (Fx. Co. Cir. Ct.) (Lee District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Dmitriy O. Minin*, Case No. CL-2022-0011671 (Fx. Co. Cir. Ct.) (Lee District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Andrew Hogan and Elizabeth Liberman*, Case No. GV22-01633 (Fx. Co. Gen. Dist. Ct.) (Lee District)

25. *Jay Riat, Building Official for Fairfax County, Virginia v. Diep T. Do and Quang M. Do*, Case No. GV22-002246 (Fx. Co. Gen. Dist. Ct.) (Lee District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. Analise Latoya Fagan*, Case No. GV22-06692 (Fx. Co. Gen. Dist. Ct.) (Lee District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Irene Castillo*, Case No. GV22-06948 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Leticia Fernandez, Jeff F. Fernandez, Aisha Fernandez and Selina Fernandez*, Case No. GV22-008248 (Fx. Co. Gen. Dist. Ct.) (Lee District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Leticia Fernandez, Jeff F. Fernandez, Aisha Fernandez and Selina Fernandez*, Case No. GV22-008187 (Fx. Co. Gen. Dist. Ct.) (Lee District)
30. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Carlos F. Gonzalez and Nancy E. Gonzalez*, Case No. GV22-009805 (Fx. Co. Gen. Dist. Ct.) (Lee District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carlos F. Gonzalez and Nancy E. Gonzalez*, Case No. GV22-009809 (Fx. Co. Gen. Dist. Ct.) (Lee District)
32. *Jay Riat, Building Official for Fairfax County Virginia v. Carlos F. Gonzalez and Nancy E. Gonzalez*, Case No. GV22-009799 (Fx. Co. Gen. Dist. Ct.) (Lee District)
33. *Jay Riat, Building Official for Fairfax County Virginia v. Arsenio G. Suyo*, Case No. GV22-013448 (Fx. Co. Gen. Dist. Ct.) (Lee District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ramiro Cespedes and Delmy R. Teran*, Case No. CL-2022-0007408 (Fx. Co. Cir. Ct.) (Mason District)
35. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. William G. Ramey, Jr.*, Case No. CL-2022-0008885 (Fx. Co. Cir. Ct.) (Mason District)

36. *Jay Riat, Building Official for Fairfax County Virginia v. Nicholas LRT2 LLC*, Case No. GV21-018322 (Fx. Co. Gen Dist. Ct.) (Mason District)
37. *Jay Riat, Building Official for Fairfax County Virginia v. Bao Quoc Nguyen and Bang Si Nguyen*, Case No. GV22-007334 (Fx. Co. Gen Dist. Ct.) (Mason District)
38. *Jay Riat, Building Official for Fairfax County Virginia v. Tin H. Truong*, Case No. GV22-010184 (Fx. Co. Gen Dist. Ct.) (Mason District)
39. *Jay Riat, Building Official for Fairfax County Virginia v. Alberto Sandoval and Martha Sandoval*, Case No. GV22-010028 (Fx. Co. Gen Dist. Ct.) (Mason District)
40. *Jay Riat, Building Official for Fairfax County Virginia v. Tamila Ghonghadze and Nukria Balarjishvili*, Case No. GV22-011178 (Fx. Co. Gen Dist. Ct.) (Mason District)
41. *Jay Riat, Building Official for Fairfax County Virginia v. Victoria H. Bak*, Case No. GV22-013191 (Fx. Co. Gen Dist. Ct.) (Mason District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Dinos, LLC*, Case No. GV22-013430 (Fx. Co. Gen. Dist. Ct.) (Mason District)
43. *Jay Riat, Building Official for Fairfax County Virginia v. Tigist Mitiku and Mekuria Mulugeta Negia*, Case No. GV22-013652 (Fx. Co. Gen Dist. Ct.) (Mason District)
44. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kara Investment LLC*, Case No. CL-2021-0015482 (Fx. Co. Cir. Ct.) (Mount Vernon District)
45. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas 2817, LLC, and Robert Barr*, Case No. CL-2021-0009574 (Fx. Co. Cir. Ct.) (Mount Vernon District)
46. *Jay Riat, Building Official for Fairfax County Virginia v. Piyush J. Goel and Kelli L. Goel*, Case No. GV22-005334 (Fx. Co. Gen Dist. Ct.) (Mount Vernon District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roya Qaemi*, Case No. GV22-013909 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

48. *Jay Riat, Building Official for Fairfax County Virginia v. Abdul Nasser Ahmadil*, Case No. GV22-009806 (Fx. Co. Gen Dist. Ct.) (Mount Vernon District)
49. *Jay Riat, Building Official for Fairfax County Virginia v. Landsdowne Centre, Limited Partnership and Lehem LLC d/b/a PHO BOWL Noodle Restaurant*, Case No. GV22-010131 (Fx. Co. Gen Dist. Ct.) (Mount Vernon District)
50. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Charles Randall Gentry*, Case No. GV22-010642 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
51. *Jay Riat, Building Official for Fairfax County Virginia v. S. G. Properties LLC, and Lorton Stone, LLC*, Case No. GV22-013910 (Fx. Co. Gen Dist. Ct.) (Mount Vernon District)
52. *Jay Riat, Building Official for Fairfax County Virginia v. Marisol Ferrel*, Case No. CL-2022-0006388 (Fx. Co. Cir. Ct.) (Providence District)
53. *Jay Riat, Building Official for Fairfax County Virginia v. Gul M. Niayz*, Case No. GV22-010258 (Fx. Co. Gen Dist. Ct.) (Providence District)
54. *Jay Riat, Building Official for Fairfax County Virginia v. Adolfo Parina Sandi*, Case No. GV22-011072 (Fx. Co. Gen Dist. Ct.) (Providence District)
55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary Street Properties, LLC*, Case No. GV22-011603 (Fx. Co. Gen. Dist. Ct.) (Providence District)
56. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tysons Ventures, LLC and Sasani Rashidi*, Case No. GV22-014021 (Fx. Co. Gen. Dist. Ct.) (Providence District)
57. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Agatha V. Williams*, Case No. GV22-009798 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
58. *Jay Riat, Building Official for Fairfax County Virginia v. Young Sook Chun and Chong Yel Chun*, Case No. GV22-011071 (Fx. Co. Gen Dist. Ct.) (Springfield District)

59. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v Connie M. Judge*, Case No. GV22-011914 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
60. *Jay Riat, Building Official for Fairfax County Virginia v. Harrison H. Doh and Rose Aegyeong Doh*, Case No. GV22-013433 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
61. *Jay Riat, Building Official for Fairfax County Virginia v. Orange Ltd., L.C.*, Case No. CL-2022-0011584 (Fx. Co. Cir. Ct.) (Sully District)
62. *Jay Riat, Building Official for Fairfax County Virginia v. Orange Ltd., L.C.*, Case No. CL-2022-0011587 (Fx. Co. Cir. Ct.) (Sully District)
63. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Michael G. Hicken and Donna Sperry Hicken*, Case No. CL-2022-0012153 (Fx. Co. Cir. Ct.) (Sully District)
64. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jack W. Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. William M. O'Rourke and Dorothy J. Z. O'Rourke*, Case No. CL-2021-0013479 (Fx. Co. Cir. Ct.) (Sully District)
65. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Vaidyanathan Ramaswamy & Sarada Ramaswamy*, Case No. GV22-006933 (Fx. Co. Gen. Dist. Ct.) (Sully District)
66. *Jay Riat, Building Official for Fairfax County Virginia v. Arash Saffari Ashtiani and Nahal Moussavi*, Case No. GV22-009818 (Fx. Co. Gen. Dist. Ct.) (Sully District)
67. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Linda M. Giuseppe*, Case No. GV22-010259 (Fx. Co. Gen. Dist. Ct.) (Sully District)
68. *Jay Riat, Building Official for Fairfax County Virginia v. Guesang Jeong and Kyong Ae Hong*, Case No. GV22-010260 (Fx. Co. Gen. Dist. Ct.) (Sully District)

69. *Jay Riat, Building Official for Fairfax County Virginia v. Ahmad Farshid Ghyasi and Maryam Ghyasi*, Case No. GV22-013079 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(7) and (8), legal briefings regarding the following: potential resolution of contract dispute with Arcadis US, Inc.; *LaFave et al. v. Board of Supervisors, et al.*, Fairfax County Circuit Court Case No. CL-2021-01569; *Board of Supervisors of Albemarle County v. Route 29, LLC*, Record No. 202523 (Virginia Supreme Court); and Virginia Code Section 2.2-3708.2
- As permitted by Virginia Code Section 2.2-3711(A)(1) and (7), appointment to the Board of Zoning Appeals

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

At 3:17 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

40. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:17 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."

41. **EXECUTION OF SETTLEMENT AGREEMENT WITH ARCADIS U.S., INC.** (3:18 p.m.)

Supervisor Storck moved that the Board authorize the County Executive to execute a settlement agreement with Arcadis U.S., Inc., on the terms and conditions outlines by the County Attorney in Closed Session. Supervisor Lusk seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

42. **ADOPTION OF THE AUDITOR OF THE BOARD'S SEPTEMBER 2022 QUARTERLY REPORT** (3:19 p.m.)

Supervisor Storck stated that the Board has received the Auditor of the Board's Quarterly Report for September 2022. The report included the following study areas, recommendations, and management's concurrences:

Auditor Recommends Staff:

- Develop a process to analyze the gaps between patient intake, discharge, and collection of PII
- Liaise with billing vendor to develop a process to track errors and identify root causes
- Review ambulances exceeding replacement criteria and employ mileage replacement standards

Items Discussed Under BOS Settled Policy:

- Residents' insurance payments for transports accepted as full, remaining balances written off
- Receivables aged to 180 days, then written off
- County collection vendor not engaged to collect outstanding receivables

Items Not Billed Due to Title 14 Under Code of Federal Regulations:

- Helicopter Medevac trips to County residents

Items Not Billed Under MAA Contract:

- Helicopter Medevac and law enforcement trips to other jurisdictions

Therefore, Supervisor Storck moved that the Board adopt the Auditor of the Board's September 2022 Quarterly Report. Supervisor Lusk seconded the motion and it carried by unanimous vote.

43. **RESOLUTION OF RECOGNITION REQUEST FOR JUDGE GLENN L. CLAYTON II** (3:21 p.m.)

Supervisor Palchik stated that after more than 16 years of service with Fairfax Juvenile and Domestic Relations (JDR) District Court, Judge Glenn L. Clayton II will be retiring on October 21, 2022. Prior to his investiture, Judge Clayton had

practiced law in Northern Virginia for 28 years. As a lawyer, he represented both juveniles and adults, and served as a Guardian Ad Litem. He served as Chair of the Juvenile Court Committee of the Fairfax Bar Association, co-authored several court-related publications, lectured at various legal seminars involving juveniles and Juvenile Court procedures, and volunteered for various Bar activities.

In the community, Judge Clayton served in leadership positions on many youth clubs and organizations, coached various teams in those organizations for over a decade, and later served as an officer and director of the Robinson High School Athletic Boosters.

As a judge, Judge Clayton has served as the court's liaison on matters involving criminal procedure, technology, and foreign language interpretation. In July 2012, Judge Clayton was elected as chief judge of Fairfax JDR Court and served in that capacity for two years in Virginia's largest juvenile court. Most recently, Judge Clayton led the effort to retain eight judges in Fairfax JDR Court and has received two President's Awards from the Fairfax Bar Association for his efforts.

In 2017, he was appointed by Chief Justice Donald Lemons to serve on the Judicial Needs Advisory Committee, which was tasked with overseeing the statewide Weighted Caseload Study. Statewide, Judge Clayton has been appointed to the Executive Committee of the Virginia Council of JDR District Court Judges and served as its treasurer from 2011-2021. He is also an active member of the National Council of Juvenile and Family Court Judges. Judge Clayton has made significant contributions and provided unwavering service to the youth, families, and citizens of the County.

Therefore, jointly with Chairman McKay and Supervisor Lusk, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Judge Glenn L. Clayton II, in recognition for his many years of dedicated service and for the positive impact he has made in the community, to be presented out of the Board Room. Without objection, it was so ordered.

44.

AUTHORIZATION OF COMPREHENSIVE PLAN AMENDMENT FOR THE JUDICIAL COMPLEX (3:22 p.m.)

Supervisor Palchik stated that this is directing staff to evaluate a potential change to the Comprehensive Plan guidance for the Judicial Complex. The motion will also be a follow-on to the Judicial Complex Building One Update circulated to the Board on October 3, 2022. As the Board knows, the Judicial Complex is a 47.8-acre site surrounded by the City of Fairfax. The complex is home to the Fairfax County Circuit Court, General District Court, Juvenile and Domestic Relations District Court, the Historic Fairfax Courthouse and Jail, the Historic Legato School,

the Adult and Juvenile Detention Centers, Police Evidence Storage facility, two parking garages, as well as several non-profit and volunteer organizations.

In 2018, the Fairfax County Judicial Complex Master Plan process began, led by the Department of Public Works and Environmental Services, with the goal of providing the County a 20-year road map for physical development onsite and to plan for a more effective delivery of County services to the community. The Master Plan was completed in January 2021. The site has potential for infill development at the recently demolished Massey building site, the Burkholder site, and the existing surface parking lots. These opportunity areas will accommodate future service needs and expansion of the Courts and Court related services, the Commonwealth's Attorney, Office of the Sheriff, and Police and Fire department's evidence storage. In addition, the Master Plan recommends new uses onsite to provide the space for agencies that will complement the efforts of the judicial and public safety systems, as well as provide a much more convenient support system to County residents. These proposed uses include an affordable housing development, Head Start and Childcare programming, a Diversion and Community Re-Entry Center, other supportive services and office space with ground floor uses. The Diversion and Community Re-Entry Center will partner with the Criminal Justice System, County agencies, non-profits, and faith-based and business communities to provide the services to individuals recently diverted from incarceration with the tools to integrate into the community more successfully. More immediately the master plan envisions the rehabilitation and preservation of the Historic Courthouse.

The outreach process for the Master Plan engaged multiple stakeholders, including the surrounding community, to establish a high-level vision for the future of the complex. It included coordination with county leadership, a Land Use Development Team, Judicial Complex users, residents from Fairfax County and Fairfax City, the Architectural Review Board, the History Commission, George Mason University, and the City of Fairfax Planning and Community Development Department. Throughout the Master Plan process, there were eleven Land Use Development Team meetings, four community meetings, two Judicial Complex Stakeholder meetings with 80-100 people in attendance, two joint City/County meetings, two meetings with the History Commission and one meeting with the Architectural Review Board.

Since the current Comprehensive Plan permits only existing public uses, a plan amendment would be required to accommodate the new uses proposed in the County Judicial Complex Master Plan. Future planning and zoning processes will continue to include comprehensive stakeholder engagement.

Therefore, Supervisor Palchik moved that the Board direct staff to consider a Comprehensive Plan amendment that recommends expanding the public facility uses, to include new residential uses that may include affordable and supportive housing, and other land uses supportive of the January 2021 Judicial Complex Master Plan for Tax Map Parcels 57-4 ((01)) 14 and 57-3 ((01)) 17. It is anticipated

that the Plan Amendment will be reviewed concurrently with zoning applications once those applications are submitted. This motion should not be construed as a favorable recommendation on future applications by the Board and does not relieve any applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of future applications. Chairman McKay seconded the motion and it carried by a unanimous vote.

45. **CERTIFICATE OF RECOGNITION REQUEST FOR ILIA MALININ**
(3:28 p.m.)

Supervisor Palchik stated that 17-year old George C. Marshall High School Senior, Ilia Malinin, made figure skating history on September 14, 2022, when he successfully landed the first quad axel in competition while winning the lower-level U.S. Classic in Lake Placid, New York. Ilia is the first and only skater to land a quad axel, which is widely regarded as the hardest jump in figure skating, as well as the first to land a fully rotated one in international competition.

Ilia began skating in 2010 under the guidance of his parents, who were both Olympic skaters for Uzbekistan. He started competing in 2015 and has garnered many accomplishments throughout his career. He is the 2022 World Junior champion, 2021 Junior Grand Prix France champion, and 2021 Junior Grand Prix Austria champion. He currently holds the world junior record for the men's short program, men's free skate, and men's combined score. Ilia is making the County community proud, and all hope to see him continue to succeed in figure skating and beyond.

Therefore, Supervisor Palchik asked unanimous consent that the Board direct the Office of Public Affairs to prepare a Certificate of Recognition for Ilia Malinin, in recognition of his 'spintacular' achievement, to be presented at a time appropriate. Without objection, it was so ordered.

46. **RESOLUTION OF RECOGNITION REQUEST FOR NOVA UNITED SENIOR ADULT WOMEN'S BASKETBALL TEAMS** (3:30 p.m.)

Supervisor Palchik stated that NOVA United Senior Women's Basketball Association is a nonprofit organization that provides women ages 50 and over with opportunities to improve their basketball skills. The association is comprised of several age group teams at five-year intervals that practice every Friday at the James Lee Community Center to play half-court games of basketball. The organization, which started with only five people, was founded by Jackie Stephens, Helen White, Nancy D. Joyner, and Bonnie Ballentine in 2003. The association continued to grow and has the following age group teams: 50-54, 55-59, 60-64, 65-69, 70-74, 75-79, and 80+. Their oldest member is 83 years old.

In May of this year, the NOVA United Classics team (ages 80+) won the Gold Medal at the National Senior Games in Fort Lauderdale, Florida. They plan to

defend their title at the next National Senior Games which will take place in Pittsburgh in July of 2023. Additionally, the NOVA United Rapid Fire 50-54 team won the Silver Medal.

Therefore, jointly with Chairman McKay and Supervisor Smith, Supervisor Palchik asked unanimous consent that the Board direct the Office of Public Affairs to prepare a Resolution of Recognition for both NOVA United teams, in recognition and congratulations for their wins, to be presented at a time appropriate. Without objection, it was so ordered.

(NOTE: Later in the meeting, additional Board Matters were presented. See Clerks' Summary Items #55 – #63.)

EBE:ebe

AGENDA ITEMS

47. **3:30 P.M. – PUBLIC HEARING ON AF 2022-DR-00002 (AR 2006-DR-001-02) (BARBARA LOIS WHITNEY TRUSTEE) TO PERMIT RENEWAL OF A PREVIOUSLY APPROVED AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON APPROXIMATELY 21.8 ACRES OF LAND (DRANESVILLE DISTRICT) (3:32 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 23 and September 30, 2022.

The application property is located at 10607 Beach Mill Road, Great Falls, 22066. Tax Map 03-3 ((1)) 32Z.

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

John Whitney, spouse of the applicant, gave brief comments regarding the application.

Following the public hearing, Ms. Fisher presented the staff and Planning Commission recommendations.

Following a query by Supervisor Foust, Mr. Whitney confirmed, for the record, that the applicant was in agreement with the proposed Ordinance provisions dated August 31, 2022.

Supervisor Foust moved that the Board adopt the Planning Commission recommendations as set forth in the Agenda Item to approve Agricultural Application AF 2022-DR-00002 (AR 2006-DR-001-02), and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing

the Whitney Local Agricultural and Forestal District, subject to the Ordinance provisions dated August 31, 2022. 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.”

48. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2021-PR-00024 (APPLETREE MONTESSORI, LLC) TO PERMIT A CHILDCARE CENTER, LOCATED ON APPROXIMATELY 0.94 ACRES OF LAND (PROVIDENCE DISTRICT)**
(3:37 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 23 and September 30, 2022.

The application property is located on the south side of Arlington Boulevard, east of Barkley Drive. Tax Map 48-4 ((1)) 41.

Annelly Carver, Appletree Montessori, LLC, reaffirmed the validity of the affidavit dated January 12, 2022, for the record.

Kimia Zolfagharian, Planner, Department of Planning and Development, gave a presentation depicting the application and site location.

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

Following the public hearing, Ms. Zolfagharian presented the staff and Planning Commission recommendations.

Following comments and a query by Supervisor Palchik, Ms. Carver confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 21, 2022.

Supervisor Palchik moved that the Board approve:

- Special Exception Application SE 2021-PR-00024, subject to the development conditions dated September 21, 2022
- Modification of the transitional screening along all property lines to the existing vegetation as shown on the SE Plat

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

49. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2022-PR-00007 (CLARK CONSTRUCTION GROUP, LLC) TO PERMIT A WAIVER OF THE SIGN REGULATIONS FOR AN INCREASE IN SIGN AREA, LOCATED ON APPROXIMATELY 7.90 ACRES OF LAND (PROVIDENCE DISTRICT) (3:45 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 23 and September 30, 2022.

The application property is located at 7900 Westpark Drive, McLean, 22102. Tax Map 29-4 ((7)) 6A

David S. Houston, Bean, Kinney and Korman, P.C., reaffirmed the validity of the affidavit dated March 1, 2022, for the record.

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

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

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

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

Traci Strunk, Director, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Houston had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Mr. Houston confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated August 30, 2022.

Ms. Strunk presented the staff and Planning Commission recommendations.

A brief discussion ensued, with input from Ms. Strunk, regarding the timing on the Comprehensive Sign Ordinance plan changes.

Following comments, Supervisor Palchik moved that the Board approve Special Exception Application SE 2022-PR-00007, subject to the development conditions dated August 30, 2022. Chairman McKay and Supervisor Lusk jointly seconded the motion. Following discussion regarding the motion, the question was called on the motion and it carried by unanimous vote.

50. **4 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2021-MV-00018 (OLDE TOWNE PET RESORT SPRINGFIELD LLC) TO PERMIT THE EXISTING OUTDOOR COMPONENTS ASSOCIATED WITH AN EXISTING INDOOR KENNEL, LOCATED ON APPROXIMATELY 1.67 ACRES OF LAND (MOUNT VERNON DISTRICT)** (3:59 p.m.)

Supervisor Storck moved to defer the public hearing on Special Exception Application SE 2021-MV-00018 (Olde Towne Pet Resort Springfield LLC) until **December 6, 2022, at 3:30 p.m.** Chairman McKay seconded the motion and it carried by unanimous vote.

51. **4 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2021-PR-00022 (SOMOS AT TYSONS LLC) TO REZONE FROM I-4 AND HC TO PTC AND HC TO PERMIT MIXED-USE MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH UP TO A 2.68 FAR AND APPROVAL OF THE CONCEPTUAL AND FINAL DEVELOPMENT PLANS (CDP), LOCATED ON APPROXIMATELY 4.00 ACRES OF LAND (PROVIDENCE DISTRICT)** (4 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 23 and September 30, 2022.

The application property is located at 1750 Old Meadow Road, McLean, 22102. Tax Map 29-4 ((6)) 100A

John C. McGranahan, Jr., Hunton Andrews Kurth LLP, reaffirmed the validity of the affidavit dated September 29, 2022, for the record.

Supervisor Herrity disclosed that he received a campaign contribution in excess of \$100 from Kenneth Feng.

Katie Quinn, Planner, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. McGranahan had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Discussion ensued, with input from Thomas Fleetwood, Director, Department of Housing and Community Development, and Ms. Quinn, regarding the number of proposed affordable dwelling units and the percentage of Area Median Income units.

Following the public hearing, Ms. Quinn presented the staff and Planning Commission recommendations.

Following comments, Supervisor Palchik moved that the Board approve Rezoning Application RZ 2021-PR-00022, and the associated Conceptual Development Plan, subject to the proffers dated October 3, 2022. Chairman McKay seconded the motion. Following a brief discussion regarding affordability, the question was called on the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

Supervisor Palchik further moved that the Board approve:

- Waivers and modifications contained in the handout distributed, dated October 11, 2022, which will be made part of the record, and are as follows:
 - Modification of subsection 2105.6.A(7) of the Zoning Ordinance for the Tysons Urban Center streetscape design in favor of that shown on the CDP
 - Waiver of subsection 2105.6.B(1) of the Zoning Ordinance requiring a minimum district size of ten acres
 - Modification of subsection 5100.2.C(5) to allow a parapet wall, cornice or similar projection to exceed the height limit established by more than three feet but not more than four feet
 - Modification of subsection 5108.5.B(1) and 5108.5.B(2) for peripheral landscaping of above grade parking structures, as demonstrated on the CDP
 - Modification of minimum parking space requirements pursuant to subsection 6100.6.B(1)(a) of the Zoning Ordinance
 - Modification of the loading space requirements set forth in subsection 6101.3 of the Zoning Ordinance in favor of that shown on the CDP
 - Waiver of subsection 8100.7.E(3) of the Zoning Ordinance requiring inter-parcel access to adjoining parcels

- Modification of subsection 8100.7.E(4) of the Zoning Ordinance for dedication, construction, or widening of existing roads to that shown on the CDP and proffers
- Modification of subsection 8100.7.E(14) of the Zoning Ordinance to permit street lighting to be provided in conformance with the Tysons Urban Design Standards
- Approval of Parking Reduction Request 7788-PKS-002, pursuant to subsection 6100.6.B(1)(a) of the Zoning Ordinance based on the proximity of a mass transit facility, subject to the conditions dated August 22, 2022, and contained in Appendix 10 of the staff report

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

(NOTE: On September 21, 2022, the Planning Commission approved Final Development Plan Application FDP 2021-PR-00022, subject to development conditions dated September 6, 2022.)

52. **A-6 – APPROVAL OF AND AUTHORIZATION TO EXECUTE AN AGREEMENT WITH CAPITAL ONE BANK (USA), NA, CAPITAL ONE TYSONS BLOCK C OWNER, LLC, 1750 OLD MEADOW, LLC, 1820 DOLLEY MADISON, LLC, SCG DEVELOPMENT PARTNERS, LLC, AND THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA), ASSOCIATED WITH DEVELOPMENT OF SOMOS AT MCLEAN METRO, MCLEAN, VIRGINIA (PROVIDENCE DISTRICT)** (4:25 p.m.)

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

Supervisor Palchik moved that the Board concur in the recommendation of staff and approve and authorize the County Executive to execute the Workforce Dwelling Unit Swap Agreement with such changes, insertions and omissions as may be approved by the County Executive in consultation with the County Attorney. Chairman McKay seconded the motion.

Discussion ensued, with input from Thomas Fleetwood, Director, Department of Housing and Community Development, regarding the fiscal impact and total development cost per unit.

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

53. **4 P.M. – PUBLIC HEARING ON AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 1, PERSONNEL ADMINISTRATION, SECTION 3-1-6(b)(2)**
(4:29 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 23 and September 30, 2022.

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

Following the public hearing, Ms. Schafrik presented the staff recommendation.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 1, Personnel Administration, Section 3-1-6(b)(2). Supervisor Lusk 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.”

54. **4:30 P.M. – PUBLIC HEARING ON PROPOSED AMENDMENT TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA REGARDING EXEMPTION FROM THE FEE FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING (EVC) EQUIPMENT FOR A TRIAL PERIOD OF EIGHTEEN MONTHS** (4:32 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 23 and September 30, 2022.

John Friedman, Engineer IV, Department of Land Development Services, presented the staff report.

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

Chairman McKay relinquished the Chair to Vice-Chairman Gross and, following comments, moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Appendix Q (Land Development Services Fee Schedule) as set forth in Attachment 1 to the Board Agenda Item, with the following change to the advertised language:
 - In the sentence that reads: “*This provision will expire 18 months from the date of adoption or readoption of*

this provision, unless the Board of Supervisors expressly authorizes its continuation by an appropriate amendment to this Article” replace the words “date of adoption or readoption” with the words “effective date”

- The amendment becomes effective at 12:01 a.m. on October 31, 2022

Supervisor Smith seconded the motion. Following a brief discussion regarding the impacts of carbon, the question was called on the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Vice-Chairman Gross, and Chairman McKay voting “AYE.”

Following further comments, Chairman McKay moved that the Board waive all sign permit application fees associated with EVC infrastructure for an 18-month trial period beginning at 12:01 a.m. on October 31, 2022. Supervisor Lusk seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

DMS:dms

ADDITIONAL BOARD MATTERS

55. **PROCLAMATION REQUEST FOR TOM BASH** (4:42 p.m.)

Supervisor Herrity stated that for the last 13 years, Tom Bash has served as his appointee to the Commission on Aging. During his tenure, he was deeply engaged in the development of the Fairfax County 50+ Community Action Plan. He played a critical role in the community outreach and formulation of the 31 initiatives in the plan. In 2019, he was the main advocate for Pre-notification 9-1-1, an opt-in program to help first responders know the needs of elderly and disabled people in an emergency. He has been an invaluable community leader and public servant. While he will no longer be serving as the Springfield District appointee to the Commission on Aging, he plans to continue serving County residents through other volunteer efforts.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Proclamation recognizing Tom Bash for his many years of dedicated public service on the Commission on Aging and thanking him for his advocacy on behalf of all County residents. Without objection, it was so ordered.

56. **PROCLAMATION REQUEST DESIGNATING NOVEMBER 2022 AS “ADOPTION AWARENESS MONTH”** (4:43 p.m.)

Supervisor Herrity summarized his written Board Matters which reads: November is National Adoption Awareness Month which recognizes the need and value of adoption in the community. Across the United States more than 125,000 children are legally free for adoption and over 1700 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, all the families who have opened their homes to children through adoption are celebrated. There were 26 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 four children in foster care in the County waiting to find their adoptive families. Every child in the County, 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.

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

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Proclamation designating November 2022 as “*Adoption Awareness Month*” in the County, to be presented out of the Board Room and encouraged 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. Without objection, it was so ordered.

57. **PROCLAMATION AND PUBLICITY REQUEST DESIGNATING NOVEMBER 15, 2022, AS “FAIRFAX RECYCLES DAY”** (4:44 p.m.)

Supervisor Herrity stated that America Recycles Day takes place annually on November 15 and is the only nationally recognized day dedicated to promoting and celebrating recycling in the United States. He summarized his written Board Matter which reads: Nationally, thousands of organizations, including neighboring jurisdictions, hold events to educate people about recycling resources in their community. For the past couple of years, the locally branded Fairfax Recycles Day has included informational webinars, the opening of new glass recycling bins and

food scrap drop-off locations, a recycling poster design competition, and a touch-a-truck at the main Government Center.

This year there will be multiple ways for residents to engage in Fairfax Recycles Day as the County encourages everyone to increase their recycling at home, at school, in the office and in the community. The Solid Waste Management Program (SWMP) will be hosting two ribbon cuttings for new purple glass recycling bins, launching an app to help residents recycle, and offering a recycling photo contest. More details on these Fairfax Recycles Day opportunities will be publicized soon.

In addition, this year, the Springfield District Supervisor's office is working with SWMP staff and the student-run organization, Glass Recycling Network, to draw more engagement from County students on America Recycles Day. Caroline Sieber, student co-founder of Glass Recycling Network, will be hosting an interactive webinar to teach students about how they can recycle and help their neighbors recycle too.

Each year, staff does a fantastic job helping residents find ways to recycle. By declaring a "Fairfax Recycles Day," the County can build on this success and continue to highlight the benefits of recycling as well as help County residents recycle more.

Therefore, jointly with Supervisor Gross and Supervisor Storck, Supervisor Herrity asked unanimous consent that the Board direct staff to:

- Prepare a Proclamation designating November 15, 2022, as "*Fairfax Recycles Day*" in the County, to be presented to the Director of the Solid Waste Management Program and members of the recycling team at the November Board Meeting
- In alignment with the national initiative to better promote local efforts to recycle, publicize information related to this

Without objection, it was so ordered.

58. **PROCLAMATION REQUEST DESIGNATING NOVEMBER 2022 AS "CAREGIVERS AWARENESS MONTH"** (4:45 p.m.)

Supervisor Herrity summarized his written Board Matter which reads: 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 Fairfax County Department of Family Services' Adult and Aging Division 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 Board's Older Adults Committee, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Proclamation designating November 2022 as "*Caregivers Awareness Month*" in the County, in honor of the service and sacrifice of many dedicated caregivers, to be presented before the Board on November 1, 2022. Without objection, it was so ordered.

59. **ADVERTISEMENT OPPORTUNITIES FOR PUBLIC PRIVATE PARTNERSHIPS TO DEVELOP SPORTS TOURISM** (4:46 p.m.)

Supervisor Herrity stated that at the May 24, 2022, Board Meeting, he presented a Board Matter, jointly with Supervisor Smith and Supervisor Foust, asking the Board to direct the County Executive to advertise that the County is actively seeking public private partnerships to develop sports tourism facilities. Chairman McKay made a substitute motion to have the Park Authority and Neighborhood and Community Services work with the Chief Equity Officer to conduct an equity review of the sites proposed by the sports tourism task force's consultant which the Board then passed. The consultant identified the proposed sites as the sites with the most potential for success given the space limitations in the County, east coast sports market opportunities, and other factors impacting tourism. According to the equity review, sports tourism facilities should be developed where they will be successful, while considering how development of a facility affects communities across the County, especially opportunity zones.

On September 27, 2022, the Sports Tourism Task Force discussed the equity review and supported the following conclusions:

- Sports tourism facilities should be built where they will be successful in generating tourism revenue

- Sports tourism facilities are opportunity multipliers. Regardless of where a facility is built, it will free up field/court space in other parts of the County and benefit local leagues across the County
- Regardless of development location, tax revenue from sports tourism facilities will benefit all taxpayers
- Development of any sports tourism facility should include consideration of ways to magnify the impact of the facility throughout the County. Sports tourism facilities will increase the volume of available recreational space in certain areas of the County. While sports tourism facilities may not be successful in every area of the county, the task force should consider how to leverage sports tourism revenue to develop recreational opportunities in those areas of the County. The Sports Tourism Task Force discussed how community needs vary throughout the County so those funds should not necessarily be limited to sports or recreational improvements.

The Sports Tourism Task Force unanimously agreed to recommend that the Board proceed with the advertisement that the County is actively seeking public private partnerships to develop sports tourism facilities and to consider the equity impact review as it reviews potential public private partnerships. The Sports Tourism Task Force will continue to develop and consider revenue model recommendations that would benefit opportunity zones and other parts of the County.

Therefore, jointly with Chairman McKay and Supervisor Smith, Supervisor Herrity moved that the Board direct the County Executive to:

- Advertise that the County is actively seeking public private partnership proposals to develop sports tourism facilities, including those identified in the Sports Tourism Task Force Consultant's Report. As with any development process, the community and district supervisors will have an opportunity to weigh in on any proposed development
- Begin to develop a proposed revenue model that leverages some sports tourism revenue and benefits to develop recreational opportunities in areas of the County that may not be suitable for the location of a sports tourism facility and that are currently underserved by active athletic facilities

Supervisor Smith seconded the motion.

Discussion ensued, with input from Chris Leonard, Deputy County Executive, regarding the following:

- Equity review and potential issues
- Legal notice language being provided to the Board prior to advertisement
- Language used in the task force report
- Public-private partnership
- Private properties
- Inclusion of Supervisors and Chairman based on property location
- Proposals that violate County and Board policies
- Listing sites and their associated values
- Inclusion of representatives from Board, Authorities, and Commissions
- Utilizing a list of preferred and alternate properties
- Not rushing and the need to get it right

Based on the discussion, Chairman McKay asked Supervisor Herrity if he was amenable to withdrawing the motion and instead requested staff to provide the following prior to Board decision:

- The proposed language that would be used for solicitation
- The timeline of the necessary steps
- The restrictions and opportunities of the PPE process as it relates to land use decisions

Following further discussion, with a query to Bryan Hill, County Executive, regarding a staff response timeline, Supervisor Herrity withdrew his motion and stated that he would revisit this item again at the October 25, 2022, Board meeting.

Following further discussion regarding the process, Supervisor Herrity clarified that he is withdrawing his motion, and asked unanimous consent that the Board direct staff to provide the information in the three bulleted items listed above. Without objection, it was so ordered.

60. **SOLUTIONS TO ADDRESS PUBLIC SAFETY ISSUE OF PANHANDLING IN MEDIANS** (5:15 p.m.)

Supervisor Herrity stated that on May 10, 2022, he asked the Board to address panhandling with the solutions discussed by the previous Board that were moving forward prior to the pandemic. In lieu of his motion, the Board asked for a study to determine whether panhandling is a public safety issue. The study findings showed that even though “panhandling appears dangerous and generates considerable public complaint” staff determined that there is not available data to determine if panhandling poses a safety risk to panhandlers or motorists because it is not tracked separately. With as many tragic pedestrian fatalities as we have had in this County, including one panhandler, he is frankly appalled that the Board has not done more to protect residents on this issue. The Board should not need a study to determine what is commonsense.

One of the first things parents teach kids is that it is not safe to stand in or near the road. The County puts infrastructure and laws in place so that pedestrians can cross the road safely and motorists can drive on roads safely without barriers or interference in the roadway. Back in December 2010, the Board approved a motion to support State legislation that would allow the County to keep its medians free of signs, including political signs, which cause a sight barriers and distractions for motorists. A human being standing in the median introduces even more risks and concerns, particularly for their own safety, than a flashy sign. Anyone who stands in the median of busy intersections trying to engage with motorists puts themselves in danger and presents a dangerous distraction to motorists. This applies to panhandlers, fundraisers, marketers, and anyone else in the medians.

The Board should not be muddying the waters by saying this is a first amendment issue, or that it lacks compassion for some residents who truly need help. The Board has already addressed that if an ordinance is content neutral and narrowly tailored it could hold up as constitutional. Loudoun County and Virginia Beach are examples that have had an ordinance in place for some time and do not have the panhandling issues the County does. The County can promote free speech in places where it does not pose a safety risk to pedestrians and motorists. In addition, the County has robust resources in place to help those in need and countless nonprofit partners who also provide food, shelter, employment, and medical services. Directing people to those resources is a better long-term solution than giving to panhandlers. It is also the guidance given by the County on a regular basis.

Residents are asking the Board to hear them and do the right thing by dealing with this persistent risk to public safety.

Therefore, Supervisor Herrity moved that the Board direct staff to draft a curb-to-curb safety ordinance that would restrict anyone from engaging with motorists between the curbs of a road with the exception of recognized public safety entities. This ordinance should be content neutral and narrow in scope, as per the previous recommendation of the County Attorney. This draft ordinance should come back

to the Board at a Public Safety Committee meeting and/or closed session, as appropriate. This motion died for lack of a second.

Discussion ensued regarding legal concerns with panhandling, with input from Elizabeth Teare, County Attorney, who noted that documentation had been shared with previous Board Members and she will provide a memorandum with updates for the current Board.

Following further discussion regarding panhandling, Chairman McKay stated that he will be looking at adding this topic to the agenda for an upcoming Closed Session meeting with the County Attorney to discuss the legal concerns and updated legal information.

Supervisor Herrity noted that Loudoun County's ordinance has been in existence since 2013 and asked to add that to the closed session briefing to review what Loudoun County has done. He also noted that Virginia Beach just recently approved an ordinance, based on Loudoun County's.

Supervisor Herrity moved that the Board direct the Office of Public Affairs to launch a public information campaign to share with residents and businesses the County resources available for those in need of basic assistance. This outreach should include education on the best ways to help those in need in the community, including donating to local shelters and non-profits, rather than giving cash to panhandlers. In addition, separate outreach should be done to inform business owners and shopping center owners of their right to allow or restrict panhandling on their private property as well as resources the County provides for people in need. The motion died due to lack of a second.

Discussion ensued, with input from Tony Castrilli, Director, Office of Public Affairs (OPA), who noted that communications strategies had been initiated several years prior and some of the information and content is still available on the County's website and can be updated.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the OPA to update and provide the public with information regarding available resources. Without objection, it was so ordered.

A brief discussion continued regarding updating the information.

61. **SPRINGFIELD DISTRICT SUPERVISOR APPOINTED TO THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA)**
(5:44 p.m.)

(BACs) Supervisor Herrity announced that he had recently been appointed to serve on the NVTA and will be attending its upcoming meeting on Thursday.

62. **STATUS UPDATE ON THE ADOPTION OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)** (5:45 p.m.)

Supervisor Smith stated that at the February 22, 2022, Board meeting she presented a Board Matter to "review the recommendations from CEDAW and provide an analysis to the Board on what initiatives are in place now, what additional initiatives are on the horizon, and what additional resources may be necessary to further these efforts." An analysis of this review was to be completed by September 30, 2022, and presented to the Board. In addition, a Resolution in support of CEDAW was prepared and presented at the March 8, 2022, Board meeting.

A multi-agency short-term workgroup representing departments relevant to the key objectives of the CEDAW and Fairfax County Public Schools was convened to review the CEDAW recommendations in relation to the situation of women and girls in the County.

The workgroup completed a crosswalk between the CEDAW Resolution and the County's Strategic Plan, collated data currently being collected in the County, and populated a matrix with baseline data that could be used to shed light on potential areas of gender disparity. The group determined six possible indicators that could provide useful information on the condition of women and girls in the County that seem to align with the spirit of CEDAW:

- Economics
- Health
- Safety and Interpersonal Violence
- Education
- Civic Participation
- Work-Life Balance

Workgroup members concluded that County-level information disaggregated by gender is not generally available and that data would likely need to come from a variety of local and national sources. The group determined a need for further analysis to provide a baseline understanding of the condition of women and girls in the County.

Given the mandate of the February 22, 2022, Board Matter, this is an opportunity to complete a more comprehensive evaluation on the status of women and girls in the County by engaging a university partner to assist in the compilation of a report on the state of women and girls that offers more specificity and identifies strengths, opportunities, and existing data gaps. There is more to be done to achieve equity

and equality for the more than half of the County's residents that identify as female according to the 2021 Community Profile and the Board must first have a better understanding of the current condition of females in the County.

Therefore, Supervisor Smith moved that the Board direct staff and appropriate partners, to include the Fairfax County Public Schools, partner with university research entities to complete a comprehensive evaluation of the state of females in the County to be completed within a 12-month timeframe. Staff should provide regular status updates to the Board of their progress. Supervisor Palchik seconded the motion.

Following discussion, with input from Chris Leonard, Deputy County Executive, regarding the scope and cost, the question was called on the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

63. **PUBLICITY REQUEST FOR SUPERVISOR SMITH'S WALK IN THE PARK** (5:49 p.m.)

Supervisor Smith announced that she is hosting a walk in the park through historic Ellanor C. Lawrence Park on October 22, 2022, at 9 a.m. and she invited her colleagues and the community to attend the event with her and staff. Walkers will take advantage of the beautiful fall foliage and learn about the park's upcoming events and community resources. The walk will begin at the Walney Visitor Center and traverse through the Creek and Ridge trails and then past Cabell's Mill and eastward through the Big Rocky Run Trail. She invited everyone to visit her Facebook page for up-to-date logistical details.

Therefore, Supervisor Smith asked unanimous consent that the Board direct staff to widely publicize this event. Without objection, it was so ordered.

64. **BOARD ADJOURNMENT** (5:50 p.m.)

At 5:50 p.m. the Board adjourned.