



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
April 14, 2020**

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08-20

DMS:dms

The regular meeting was called to order at 1:05 p.m., and was conducted wholly electronically using Fairfax County's videoconferencing system because the COVID-19 pandemic made it unsafe to physically assemble a quorum in one location or to have the public present. The meeting was accessible to the public through live broadcast on Channel 16, live video stream, and live audio. Chairman McKay presided over the meeting and participated from the Government Center, and the following Supervisors participated remotely from their respective District Offices:

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

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk to the Board of Supervisors;

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

BOARD ANNOUNCEMENTS

1. **ORDERS OF THE DAY** (1:06 p .m.)

Chairman McKay stated that since the Board is meeting electronically, there are a number of preliminary motions that require Board approval. He stated that on March 24, 2020, the Board enacted an Emergency Ordinance to assure continuity in the County during the emergency. He stated that prior to taking action on any matter under the ordinance's modified procedures, the Board must first approve that the item or items are necessary to assure continuity in the County and that the usual procedures cannot be implemented safely or practically. This ensures that the Board will proceed deliberately, not lightly, under the modified procedures.

Chairman McKay noted that while the Board is conducting a virtual meeting, the public may view the meeting in real time on Channel 16 or online. Further, they can testify in public hearings in one of several different ways: (1) a written submission before the hearing; (2) a YouTube video; and (3) live testimony by calling into this meeting. Likewise, speakers during public hearings will be able to hear and respond to questions that may be asked by the Board. In fact, these modified procedures may give even more citizens the ability to participate in the hearing, as they will be able to testify without being physically present and without needing to travel to the Government Center.

Chairman McKay stated in order to conduct this meeting wholly electronically and to effectuate both the emergency procedures authorized by FOIA and the Emergency Ordinance, the Board needs to make certain findings and determinations for the record.

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

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

Chairman McKay further moved that the Board certify that all of the matters on the agenda today concern the emergency, or are necessary for continuity in

Fairfax County government, or both. Supervisor Smith seconded the motion and it carried by a recorded vote of nine, Supervisor Alcorn abstaining.

Vice Chairman Gross returned the gavel to Chairman McKay.

2. **MOMENT OF SILENCE** (1:15 p.m.)

Chairman McKay stated that the Coronavirus (COVID-19) is affecting the entire world and asked to keep everyone in Fairfax and around the world in thoughts and prayers during this difficult time.

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

- Mr. Michel Margosis, who died recently
- Mr. Daoud Khairallah, who died recently
- Mrs. Grace Mayer, who died recently

AGENDA ITEMS

3. **ADMINISTRATIVE ITEMS** (1:19 p.m.)

Supervisor Gross moved approval of the Administrative Items. 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 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR SUPPLEMENTAL FUNDING ASSOCIATED WITH THE HEAD START/EARLY HEAD START AND EARLY HEAD START CHILD CARE PARTNERSHIP AND EXPANSION GRANTS FOR COST-OF-LIVING ADJUSTMENT (COLA) AND QUALITY IMPROVEMENT (QI) FUNDING

- Authorized the Department of Neighborhood and Community Services to apply for and accept supplemental grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of \$518,462, including \$103,693 in Local Cash Match. Funding is specifically being provided to support a 2.0 percent Cost of Living Adjustment and Quality Improvements for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. Grant funding currently supports 68/61.8 FTE grant positions. No new grant positions are being requested with this funding

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

ADMIN 2 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION AS 20214 FOR THE DEPARTMENT OF FAMILY SERVICES TO ACCEPT GRANT FUNDING FROM THE VIRGINIA COMMUNITY COLLEGE SYSTEM (VCCS) FOR THE VIRGINIA RAPID RESPONSE COVID-19 BUSINESS SUPPORT INITIATIVE

- (SAR) Approved Supplemental Appropriation Resolution AS 20214 to accept funding from the Virginia Community College System in the amount of \$396,208 for the Virginia Rapid Response COVID-19 Business Support Initiative. Funding will support the layoff aversion strategies and activities that are designed to prevent, or minimize the duration of, unemployment resulting from layoffs due to COVID-19. There are no positions associated with this funding and no Local Cash Match is required.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 7936 TELEGRAPH ROAD TO STC THREE, LLC (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 19, 2020, at 3:30 p.m.** to lease to STC THREE, LLC, the County owned property at Kingstowne Fire Station, located at 7936 Telegraph Road, for the provision of telecommunications services for public use.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 7801 MARITIME LANE TO STC THREE, LLC (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 19, 2020, at 3:30 p.m.** to lease to STC THREE, LLC, the County owned property at Pohick Fire Station, located at 7801 Maritime Lane, for the provision of telecommunications services for public use.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 14005 VERNON STREET TO STC THREE, LLC (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 19, 2020, at 3:30 p.m.** to lease to STC THREE, LLC, the County owned property at Chantilly Fire Station, located at 14005 Vernon Street, for the provision of telecommunications services for public use.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 3721 STONECROFT BOULEVARD TO STC THREE, LLC (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 19, 2020, at 3:30 p.m.** to lease to STC THREE, LLC, the County owned property at the Fairfax County Police Department (FCPD) Driver Training Facility, located at 3721 Stonecroft Boulevard, for the provision of telecommunications services for public use.
4. **A-1 – APPROVAL OF A RESOLUTION SUPPORTING THREE ADDITIONAL PROJECTS BEING SUBMITTED TO THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION FOR FY 2021 TO FY 2022 COMMUTER CHOICE FUNDING (PROVIDENCE AND HUNTER MILL DISTRICTS)** (1:20 p.m.)
- (R) On motion by Supervisor Alcorn, seconded by Supervisor Palchik, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a resolution (Attachment 1) supporting three applications submitted to the Northern Virginia Transportation Commission (NVTC) by the City of Fairfax and Loudoun County for FY 2021 – FY 2022 Commuter Choice Program Funds and providing the County’s concurrence that these projects be evaluated. Projects submitted by the County were previously endorsed by the Board on January 28, 2020.
5. **A-2 – APPROVAL OF FAIRFAX CONNECTOR MAY 2020 SERVICE CHANGES** (1:21 p.m.)
- On motion by Supervisor Alcorn, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Fairfax Connector’s May 2020 service change proposals outlined in the staff report.
6. **A-3 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR FUNDING AND ENDORSEMENT FOR THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S FY2020 BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT DISCRETIONARY GRANT PROGRAM (LEE AND MOUNT VERNON DISTRICTS)** (1:22 p.m.)
- (R) On motion by Supervisor Alcorn, jointly seconded by Chairman McKay and Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed a resolution authorizing the Fairfax County Department of Transportation (FCDOT) to apply for funding from the United States Department of Transportation (USDOT) FY 2020 Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant Program. Funding in the amount of \$25.0 million will be requested for the Richmond Highway Bus Rapid Transit (BRT) Project.
7. **A-4 – ENDORSEMENT OF DESIGN PLANS FOR FAIRFAX COUNTY PARKWAY WIDENING AND POPE’S HEAD ROAD INTERCHANGE PROJECT (SPRINGFIELD AND BRADDOCK DISTRICTS)** (1:23 p.m.)

Supervisor Herrity moved that the Board concur in the recommendation of staff and endorse the design plans for the Fairfax County Parkway Widening and Pope's Head Road Interchange project administered by Virginia Department of Transportation (VDOT) as generally presented at the December 12, 2019, Design Public Hearing (Attachment 1) and authorize the Director of the Fairfax County Department of Transportation (FCDOT) to transmit the Board's endorsement to VDOT (Attachment 2). Supervisor Walkinshaw seconded the motion.

Following discussion regarding the need for the project to address congestion and appreciation for including the Shirley Gate Interchange, the question was called on the motion and it carried by unanimous vote.

8. **A-5- APPROVAL OF AMENDMENT TO THE GUIDELINES FOR THE ECONOMIC OPPORTUNITY RESERVE** (1:25 p.m.)

On motion by Supervisor Foust, jointly seconded by Chairman McKay and Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and amended the "Eight Principles of Investment in Economic Opportunities to Support Economic Success". The amended Principles would modify the criteria for the use of funds from the Economic Opportunity Reserve to allow for the County to more effectively consider programs to support small business impacted by COVID-19, including impacts from federal, state, and local actions to stop the spread of COVID-19.

9. **A-6- AUTHORIZATION TO ESTABLISH THE FAIRFAX COUNTY SMALL BUSINESS COVID-19 RECOVERY MICROLOAN FUND** (1:26 p.m.)

(MOU) Chairman McKay stated that the Board is fully aware that businesses across all sectors and locations are suffering right now. Small businesses, in particular, have been hit hard and these small businesses employ a great number of our workforce. They fill the County's storefronts, provide needed services, and develop the innovative products and technology that make Fairfax County so competitive.

The Board and staff have been carefully analyzing the federal programs, i.e., the Coronavirus Aid, Relief and Economic Security Act (CARES Act), that have been established. It is imperative that as many businesses as possible apply for and receive federal assistance immediately.

In addition, the Board realizes that the County can complement federal aid and do its part to help businesses that are struggling at this time. Chairman McKay expressed appreciation for the proposed Small Business COVID-19 Recovery Microloan Fund that staff has put forth and the 0% interest rate. Chairman McKay expressed support for that approach and the use of the Economic Opportunity Reserve (EOR) as the source of this microloan fund. The microloan fund will play an important role in helping small businesses in the County remain in operation through the COVID-19 emergency and will also serve as a resource for businesses to obtain counseling to access the optimal federal and/or local program. Chairman

McKay stated that the County hopes to support businesses that most need financing because they may be denied SBA or traditional financing. Research indicates that minority businesses, for example, are less likely to be approved for small business financing and could be at-risk during this crisis.

The Community Business Partnership (CBP) has been identified as the operator of the microloan fund and is experienced in supporting small businesses and it is a US Treasury certified Community Development Financial Institution (CDFI). Its staff is dedicated to properly and professionally providing debt financing to businesses unable to find traditional sources of capital. This program will also establish a permanent revolving loan fund to continue to deliver growth capital to small businesses for the recovery period and beyond.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board establish the Fairfax County Small Business COVID-19 Recovery Microloan Fund as recommended by the County Executive:

- Authorized the allocation of \$2,500,000 of Economic Opportunity Reserve (EOR) dollars into COVID-19 economic relief efforts
- Established a Fairfax County Small Business COVID-19 Recovery Microloan Fund (“Fund”)
- Transferred \$1,217,500 of the \$2,500,000 to the Fairfax County Economic Development Authority (FCEDA)
- Permitted the FCEDA transfer these funds to the Community Business Partnership (CBP)
- Entered into a Memorandum of Understanding (MOU) with the CBP to allow them to distribute and administer these funds to eligible Fairfax County small businesses
- Instructed staff in the Department of Economic Initiatives (DEI) to monitor the distribution and administration of these funds to determine the most effective use of the remaining \$1,282,500 (within 45 days)

Chairman McKay further moved the following adjustments:

- The initial total fund amount of \$2.5 million should be utilized in its entirety
- The loans are to be made at a 0% interest rate. The Board will remain flexible and open to increasing the allocation to the fund and will make that determination based on monitoring needs and gaps in this first round
- Staff should report back to the Board no later than 45 days

Supervisor Foust seconded the motion.

Discussion ensued, with input from Rebecca Moudry, Director, Department of Economic Initiatives, regarding the following:

- Possible businesses that would not qualify under the CARES Act or other loans
- Credit checks not being required for the CARES Act
- Administrative cost for implementation of the Fairfax County Small Business COVID-19 Recovery Microloan Fund

Supervisor Herrity moved to amend the motion to require businesses to apply for the federal aid programs prior to applying for aid with the County. This motion died for lack of a second.

Further discussion ensued, with input from Ms. Moudry, regarding the following:

- Businesses needing the funds immediately
- Increased demand on nonprofits
- The County being assertive to address the needs
- Timeline for the availability for the funds
- Outreach into the community to inform them of possible options
- Translating the information for the community in many different languages
- Need for flexibility in administering the fund
- Number of businesses able to receive the counseling services and for those services to begin immediately
- Creating additional programs to address the needs of the business community
- Inclusion of large banks for counseling services

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

Chairman McKay further moved that the Board direct staff to prepare additional business and non-profit relief programs for the Board to consider through actions at its next Board Meeting. These efforts should be coordinated with the Chairman and Supervisor Foust as Chair of the Economic Advisory Commission. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice Chairman Gross returned the gavel to Chairman McKay.

10. **A-7– ADOPTION OF A RESOLUTION TO ADJUST THE SCHEDULE OF REGULAR BOARD OF SUPERVISORS MEETINGS DURING CALENDAR YEAR 2020** (2:06 p.m.)

- (A) (R) On motion by Supervisor Gross, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved revisions to its adopted 2020 meeting schedule by adding meeting dates on April 28, 29, and 30, dedicated to a budget public hearing, as well as on May 12. The Resolution also removes from the calendar the budget public hearing that was scheduled for part of the April 14 regular meeting and for April 15 and 16, as well as meeting scheduled for May 19.

11. **A-8–ADOPTION OF AN EMERGENCY UNCODIFIED ORDINANCE TO EXTEND THE VALIDITY OF CERTAIN DEVELOPMENT APPROVALS TO ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY** (2:08 p.m.)

- (O) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board adopt the emergency ordinance to extend the validity of certain development approvals to assure continuity in Fairfax County Government during the novel Coronavirus Disease 2019 (COVID-19) emergency. Supervisor Foust seconded the motion.

Following discussion, with input from Bill Hicks, Director, Land Development Services, regarding aspects of this ordinance on land use applications, 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.”

Vice Chairman Gross returned the gavel to Chairman McKay.

12. **A-9– ADOPTION OF AN EMERGENCY UNCODIFIED ORDINANCE TO ESTABLISH METHODS TO ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT AND CONDUCT OF MEETINGS OF BOARDS, AUTHORITIES, COMMISSIONS, AND REGIONAL AND INTERJURISDICTIONAL PUBLIC BODIES WITHIN FAIRFAX COUNTY GOVERNMENT DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY** (2:13 p.m.)

- (O) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board adopt the ordinance establishing additional methods for ensuring that essential public business conducted by governmental bodies in Fairfax County, other than the Board of Supervisors, may continue during the COVID-19 emergency. Virginia Code § 15.2-1413 authorizes localities to adopt an

ordinance, notwithstanding any other provision of law, general or special, that provides methods to “assure continuity in its government” in the event of a disaster. The COVID-19 emergency is a type of disaster contemplated by this statute. The ordinance distinguishes some County Boards, Authorities, and Commissions (BACs) from those that are completely independent from this Board, namely the School Board, Economic Development Authority, Fairfax Water, and Board of Zoning Appeals. It also includes regional and interjurisdictional bodies. This Ordinance is similar to the Emergency Ordinance the Board adopted on March 24, 2020. Supervisor Gross seconded the motion.

Following discussion, with input from Elizabeth Teare, County Attorney, regarding potential constraints on technology if the ordinance was adopted, 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.”

Vice Chairman Gross returned the gavel to Chairman McKay.

13. **A-10– APPROVAL OF EXCLUSION OF CERTAIN “EMERGENCY RESPONDERS” AND “HEALTH CARE PROVIDERS” FROM THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT** (2:15 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board defer action on this item indefinitely. Supervisor Storck seconded the motion.

Discussion ensued regarding the following:

- The need for additional time to review in order to ensure all affected groups have an opportunity to discuss prior to the Board’s action
- Department of Labor guidelines stating that exclusions be identified by job function instead of entire departments and agencies

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

Vice Chairman Gross returned the gavel to Chairman McKay.

14. **A-11– EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (HUNTER MILL DISTRICT)** (2:21 p.m.)

On motion by Supervisor Alcorn, seconded by Chairman McKay, and carried by unanimous vote, the Board authorized the extension of review period for the following Public Facility (2232) Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-H19-6	Fairfax County Park Authority Lake Fairfax Park Master Plan Revision Tax Map Nos. 18-1 ((1)) 6 and 7, 18-1 ((7)) C, 18-2 ((1)) 39, 18-3 ((1)) 1A and 3, and 18-4 ((1)) 1 1400 Lake Fairfax Drive Reston, VA Hunter Mill District	August 11, 2020

15. **I-1- FAIRFAX CONNECTOR MAY 2020 TEMPORARY SERVICE ADJUSTMENTS RELATED TO I-66 CONSTRUCTION (PROVIDENCE AND HUNTER MILL DISTRICTS)** (2:21 p.m.)

The Board next considered an item contained in the Board Agenda, announcing the Fairfax Connector May 2020 temporary service adjustments related to I-66 Construction.

Discussion ensued, with input from Tom Biesiadny, Director, Fairfax County Department of Transportation, regarding the need for extensive outreach with the community.

EA:ea

16. **2 P.M. PUBLIC HEARING TO CONSIDER ADOPTION OF AN UNCODIFIED ORDINANCE TO ESTABLISH METHODS TO ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT AND CONDUCT OF BOARD OF SUPERVISORS MEETINGS DURING THE NOVEL CORONAVIRUS 2019 (COVID-19) EMERGENCY, AND TO REPEAL THE EMERGENCY ORDINANCE ADOPTED ON MARCH 24, 2020, WHICH IS HEREBY REPLACED** (2:26 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 April 3 and April 10, 2020.

Elizabeth Teare, County Attorney, presented the staff report and provided background information on the action that is being requested by the Board, to ensure continuity of operation in Fairfax County in this time of emergency.

Ms. Teare recommended adoption of the ordinance for the reasons discussed in the staff presentation.

Following the public hearing, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board adopt the uncodified ordinance to establish methods to assure continuity in Fairfax County government and conduct of Board of Supervisors meetings during the novel Coronavirus Disease

2019 (COVID-19) emergency, and to repeal the emergency ordinance adopted on March 24, 2020, which is replaced by this ordinance, as recommended by the County Executive and the County Attorney. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Walkinshaw, Supervisor Foust, Supervisor Alcorn, Supervisor Lusk, Supervisor Storck, Supervisor Palchik, Supervisor Herrity, Supervisor Smith, Supervisor Gross, and Chairman McKay voting “AYE.”

Chairman McKay moved that the Board of Supervisors certify that, under the ordinance just adopted, all of the remaining matters on the agenda concern the emergency, or are necessary for continuity in Fairfax County government, or both. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw, Supervisor Foust, Supervisor Lusk, Supervisor Storck, Supervisor Palchik, Supervisor Herrity, Supervisor Smith, Supervisor Gross, and Chairman McKay voting “AYE,” Supervisor Alcorn abstaining.

Vice-Chairman Gross returned the gavel to Chairman McKay.

17. **2 P.M. - PUBLIC HEARING ON AGRICULTURAL AND FORESTAL APPLICATION AF 2019-DR-004 (MANE MANOR LLC AND NORMANDY FARM LLC) TO PERMIT THE CREATION OF AN AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON 31.54 ACRES OF LAND ZONED R-E (DRANESVILLE DISTRICT)** (2:47 p.m.)

Supervisor Foust moved to defer the public hearing on Agricultural and Forestal Application AF 2019-DR-004 until **June 9, 2020 at 3:30 p.m.** Supervisor Smith seconded the motion and it carried by unanimous vote.

18. **2 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2019-LE-015 (TPC VAN DORN LC) TO REZONE FROM R-1, R-3 AND C-8 TO C-8 TO PERMIT A VEHICLE SALES, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT WITH AN OVERALL FLOOR AREA RATIO OF 0.20, LOCATED ON APPROXIMATELY 5.88 ACRES OF LAND**

AND

PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-LE-020 (TPC VAN DORN LC) TO PERMIT A VEHICLE SALES, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT AND A WAIVER OF CERTAIN SIGN REGULATIONS, LOCATED ON APPROXIMATELY 5.88 ACRES OF LAND ZONED C-8 (LEE DISTRICT)
(2:48 p.m.)

(NOTE: On March 24, 2020, the Board deferred the public hearing until April 14, 2020, at 2:00 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 6 and March 13, 2020.

The application property is located in the southwest quadrant of McGuin Drive and South Van Dorn Street. Tax Map 81-2 ((2)) 2; 81-2 ((3)) 5, 5A, 5B, 6, 7, and McGuin Drive public right-of-way to be vacated and/or abandoned.

The application property is located at 5636 and 5644 South Van Dorn Street and 5816, 5820, 5900 and 5906 McGuin Drive, Alexandria, 22310. Tax Map 81-2 ((2)) 2; 81-2 ((3)) 5, 5A, 5B, 6, 7, and McGuin Drive public right-of-way to be vacated and/or abandoned.

Mr. David Schneider, Holland & Knight LLP, reaffirmed the validity of the affidavit for the record.

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

- Holland & Knight LLP

Supervisor Herrity disclosed that he had received a campaign contribution in excess of \$100 from the following:

- David C. Whitestone, Holland & Knight LLP

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

Mr. Schneider 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. Mr. Schneider confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 25, 2020.

Following the public hearing, Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development, presented the staff and Planning Commission recommendations.

Supervisor Lusk moved approval of:

- Rezoning Application RZ 2019-LE-015, subject to the proffers dated February 24, 2020
- Special Exception Application SE 2019-LE-020, subject to the development conditions dated February 25, 2020

Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Walkinshaw, Supervisor Foust, Supervisor Alcorn, Supervisor Lusk,

Supervisor Storck, Supervisor Palchik, Supervisor Herrity, Supervisor Smith, Supervisor Gross, and Chairman McKay voting “AYE.”

19. **2 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2019-SU-009 (ELM STREET COMMUNITIES, INC.) TO REZONE FROM I-3, AN AND WS TO PDH-8, AN AND WS TO PERMIT RESIDENTIAL DEVELOPMENT WITH AN OVERALL DENSITY OF 7.88 DWELLING UNITS PER ACRE INCLUDING DENSITY ASSOCIATED WITH AFFORDABLE HOUSING AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 19.92 ACRES OF LAND**

AND

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-09 (ELM STREET COMMUNITIES, INC.) TO AMEND THE PROFFERS FOR RZ 78-S-063, PREVIOUSLY APPROVED FOR LIGHT INTENSITY INDUSTRIAL USES, TO PERMIT DELETION OF LAND AREA AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.435, LOCATED ON APPROXIMATELY 11.07 ACRES OF LAND ZONED I-3, WS AND AN

AND

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-S-061-06 (ELM STREET COMMUNITIES, INC.) TO AMEND THE PROFFERS FOR RZ 85-S-061, PREVIOUSLY APPROVED FOR LIGHT INTENSITY INDUSTRIAL USES, TO PERMIT DELETION OF LAND AREA AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.435, LOCATED ON APPROXIMATELY 0.53 ACRES OF LAND ZONED I-3, WS AND AN

AND

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-S-039 (ELM STREET COMMUNITIES, INC.) TO AMEND THE PROFFERS FOR RZ 86-S-039, PREVIOUSLY APPROVED FOR LIGHT INTENSITY INDUSTRIAL USES, TO PERMIT DELETION OF LAND AREA AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.435, LOCATED ON APPROXIMATELY 6.18 ACRES OF LAND ZONED I-3, WS AND AN (SULLY DISTRICT) (3:00 p.m.)

(NOTE: On March 24, 2020, the Board deferred the public hearing until April 14, 2020, at 2:00 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 6 and March 13, 2020.

The application property is located east of Parkstone Drive and south of Conference Center Drive, immediately south of 14800 and 14850 Conference Center Drive. Tax Map 43-4 ((1)) 16.

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The application property is located east of Parkstone Drive and south of Conference Center Drive, immediately south of 14800 and 14850 Conference Center Drive. Tax Map 43-4 ((1)) 16 (pt.).

The application property is located east of Parkstone Drive and south of Conference Center Drive, immediately south of 14800 and 14850 Conference Center Drive. Tax Map 43-4 ((1)) 16 (pt.).

Mr. Gregory Riegle, McGuire Woods LLP, reaffirmed the validity of the affidavit for the record.

Supervisor Smith disclosed that she had received a campaign contribution in excess of \$100 from the following:

- JACo Westfields Investors, LLC

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

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

Following the public hearing, which included testimony by two speakers, Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development, presented the staff and Planning Commission (PC) recommendations.

Supervisor Smith moved approval of:

- Proffered Condition Amendment Application PCA 78-S-063-09
- Proffered Condition Amendment Application PCA 85-S-061-06
- Proffered Condition Amendment Application PCA 86-S-039

- Rezoning Application RZ 2019-SU-009 and its associated Conceptual Development Plan (CDP), subject to the proffers dated March 10, 2020
- Modification of Par. 2 of Sect. 6-107 of the Fairfax County Zoning Ordinance to modify the 200-square-foot privacy yard requirement in order to allow a minimum 4-foot minimum rear yard as shown on the CDP/Final Development Plan (FDP)
- Modification of Par. 2 of Sect. 11-302 of the Fairfax County Zoning Ordinance to permit private streets in the proposed development to exceed the maximum 600-foot length limitation as shown on the CDP/FDP

Supervisor Alcorn requested a review of Comprehensive Plan language regarding residential development in areas with projected aircraft noise exposures exceeding DNL 60 dBA should there be other rezoning actions that require Board approval. Supervisor Herrity stated that all policies would need to be reviewed in that circumstance.

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

(NOTE: On February 12, 2020, the PC approved Final Development Plan Application FDP 2019-SU-009, subject to the development conditions dated December 31, 2019, as amended, and subject to the Board’s approval of the concurrent applications.)

20. **2 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2015-PR-014 (1690 OLD MEADOW HOLDINGS, LLC) TO REZONE FROM C-7, R-30, I-4 AND H-C TO PTC AND H-C TO PERMIT OFFICE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 5.02 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 1.31 ACRES OF LAND**

AND

PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2015-PR-029 (1690 OLD MEADOW HOLDINGS, LLC) TO PERMIT AN INCREASE IN FLOOR AREA RATIO FROM 2.50 TO 5.02 IN THE PTC ZONING DISTRICT, LOCATED ON APPROXIMATELY 1.31 ACRES OF LAND ZONED C-7, R-30, I-4 AND H-C (PROVIDENCE DISTRICT) (3:42 p.m.)

(NOTE: The Board deferred this public hearing on April 9, 2019, to May 7, 2019. On May 7, 2019, the Board deferred the public hearing indefinitely. The Board further deferred this public hearing on March 24, 2020, to April 14, 2020, at 2:00 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 6 and March 13, 2020.

The application property is located on the south side of Dolley Madison Boulevard and west side of Old Meadow Road. Tax Map 29-4 ((6)) 101B and a portion of the former Dolley Madison Boulevard, public right-of-way, recently conveyed to the applicant.

The application property is located at 1690 Old Meadow Road, McLean, 22102. Tax Map 29-4 ((6)) 101B and a portion of the former Dolley Madison Boulevard, public right-of-way, recently conveyed to the applicant.

Mr. Scott Adams, McGuire Woods LLP, reaffirmed the validity of the affidavit for the record.

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

Mr. Adams 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. Mr. Adams confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 28, 2020.

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

Supervisor Palchik moved approval of:

- Rezoning Application RZ 2015-PR-014, subject to the proffers dated January 21, 2020
- Special Exception Application SE 2015-PR-029, subject to the development conditions dated February 28, 2020
- Modification of Section 2-505 of the Zoning Ordinance to permit structures and/or plantings on a corner lot at an intersection as shown on the CDP/FDP and as proffered
- Modification of Section 2-506 of the Zoning Ordinance to permit parapet walls, cornices, or similar projections up to a maximum height of four feet
- Waiver of Section 6-506 of the Zoning Ordinance to permit a district size of less than ten acres
- Modification of Section 10-104 of the Zoning Ordinance to increase the maximum allowable fence height up to six feet in height along Route 123 and up to twelve feet in height facing the internal service drive

- Modification of Sections 11-201 and 11-203 of the Zoning Ordinance to permit the minimum number of required loading spaces as shown on the CDP/FDP

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

Supervisor Palchik further moved that the Board approve one additional follow-on motion:

- The Board direct the Fairfax County Department of Transportation to monitor the intersection of Old Meadow Road and Chain Bridge Road on an annual basis for five years after the intersection has been opened to traffic. It is anticipated that this monitoring would be conveyed in the Tysons Annual Monitoring report.

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

(NOTE: On April 3, 2019, the PC approved Final Development Plan Application FDP 2015-PR-014, subject to the development conditions dated March 12, 2019, and subject to the Board of Supervisors’ approval of RZ 2015-PR-014.)

21. **2:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2002-HM-043-04/CDPA 2002-HM-043-03 (ARROWBROOK CENTRE, LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR REZONING APPLICATION RZ 2002-HM-043, PREVIOUSLY APPROVED FOR MIXED-USE DEVELOPMENT, TO PERMIT SITE DESIGN MODIFICATIONS AND REVISIONS TO PROFFERS AT A FLOOR AREA RATIO OF 3.01, LOCATED ON APPROXIMATELY 3.37 ACRES OF LAND ZONED PDC (DRANESVILLE DISTRICT)** (4:10 p.m.)

(NOTE: On March 24, 2020, the Board deferred the public hearing until April 14, 2020, at 2:30 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 6 and March 13, 2020.

The application property is located on the west side of Centreville Road, north of Arrowbrook Centre Drive and south of Dulles Airport Access Road. Tax Map 16-3 ((20)) 5 (pt.), 7C (pt.), 4A and 16-3 ((20)) (1) D(pt.).

Mr. John McGranahan, Hunton Andrews Kurth LLP, reaffirmed the validity of the affidavit for the record.

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

- Jeffrey J. Fairfield, Esq.

Supervisor Foust disclosed that he had received a campaign contribution in excess of \$100 from the following:

- Jeffrey J. Fairfield, Esq.

Supervisor Alcorn disclosed that he had received a campaign contribution in excess of \$100 from the following:

- Douglas M. Garrou, Hunton Andrews Kurth LLC

William O'Donnell, Branch Chief, Zoning Evaluation Division, 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.

Following the public hearing, Mr. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Supervisor Foust moved approval of:

- Proffered Condition Amendment Application PCA 2002-HM-043-04 and the associated Conceptual Development Plan Amendment, subject to the proffers dated February 24, 2020
- Reaffirmation of the modification of Sect. 2-506 of the Zoning Ordinance to allow a parapet wall, cornice or similar project to exceed the established height limit by more than three feet as shown on the CDPA/FDPA
- Reaffirmation of the modification of Sect. 6-206 of the Zoning Ordinance to allow the maximum residential gross floor area (secondary use) permitted in the PDC District of 50 percent of principal uses to increase to 62 percent of the development in accordance with the uses shown on the CDPA and the proffered conditions.
- Reaffirmation of the modification of Par. 2 of Sect. 6-207 of the Zoning Ordinance requiring a minimum 200 square foot privacy yard for each single-family attached dwelling in favor of the rooftop terraces and open space areas shown on the CDPA and FDPA

- Reaffirmation of the modification of the private street limitation in Sect. 11-302 of the Zoning Ordinance
- Reaffirmation of the modification of the transitional screening yard and barrier requirements within the Property and to uses adjacent to the north in favor of the streetscape and landscaping shown on the CDPA/FDPA
- Reaffirmation of the modification of the loading requirement in favor of the loading spaces depicted on the CDPA/FDPA
- Reaffirmation of the modification of Public Facilities Manual Standards 12-0310.4E (9) to permit a reduction of the minimum planting width requirement from eight feet to a minimum of four feet as shown on the CDPA/FDPA and described in the proffers
- Waiver of Sect. 16-403 of the Zoning Ordinance requiring a final development plan as a prerequisite to a site or public improvement plan in the PDC District to permit the construction of the trailside park depicted on the CDPA
- Waiver of Sect. 13-202 and 13-203 of the Zoning Ordinance for interim surface parking lots prior to construction of parking garages or buildings

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

(NOTE: On February 12, 2020, the PC approved Final Development Plan Amendment Application FDPA 2002-HM-043-06, subject to the development conditions dated February 12, 2020.)

22. **2:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-V-064-03 (MCDONALD’S USA, LLC) TO AMEND THE PROFFERS FOR RZ 87-V-064, PREVIOUSLY APPROVED FOR A RETAIL SHOPPING CENTER, TO PERMIT MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF .09, LOCATED ON APPROXIMATELY 39,999 SQUARE FEET OF LAND ZONED C-8**

AND

PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-V-030 (MCDONALD’S USA, LLC) TO AMEND SE 94-V-030, PREVIOUSLY APPROVED FOR A RESTAURANT WITH DRIVE THROUGH, TO PERMIT ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON

**APPROXIMATELY 39,999 SQUARE FEET OF LAND ZONED C-8
(MOUNT VERNON DISTRICT)** (4:20 p.m.)

(NOTE: On March 24, 2020, the Board deferred the public hearing until April 14, 2020, at 2:30 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 6 and March 13, 2020.

The application property is located on the west side of Richmond Highway, north of Armistead Road and south of Lorton Road. Tax Map 108-3 ((1)) 25.

The application property is located at 9398 Richmond Highway, Lorton, 22079. Tax Map 108-3 ((1)) 25.

Mr. Evan Pritchard, Venable LLP, reaffirmed the validity of the affidavit for the record.

Supervisor Herrity disclosed that he had received a campaign contribution in excess of \$100 from the following:

- J. Scott Hommer III, Venable LLP

Supervisor Palchik disclosed that she owns one share of stock in the McDonald's Corporation.

Mary Ann Tsai, Branch Chief, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Pritchard 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. Mr. Pritchard confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 19, 2020.

Following the public hearing, Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development, presented the staff and Planning Commission (PC) recommendations.

Supervisor Storck moved approval of:

- Proffered Condition Amendment Application PCA 87-V-064-03, subject to the proffers dated February 18, 2020
- Special Exception Amendment Application SEA 94-V-030, subject to the development conditions dated February 19, 2020

Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Walkinshaw, Supervisor Foust, Supervisor Alcorn, Supervisor Lusk, Supervisor Storck, Supervisor Palchik, Supervisor Herrity, Supervisor Smith, Supervisor Gross, and Chairman McKay voting "AYE."

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23. **2:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-L-083-02 (THE UNITED COMMUNITY OF MUSLIMS OF THE UNITED STATES OF AMERICA) TO AMEND THE PROFFERS FOR RZ 84-L-083, PREVIOUSLY APPROVED FOR A WAREHOUSE AND STORAGE YARD, TO PERMIT A PLACE OF WORSHIP AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.20, LOCATED ON APPROXIMATELY 1.14 ACRES OF LAND ZONED I-5 (LEE DISTRICT)** (4:27 p.m.)

Supervisor Lusk moved to defer the public hearing on Proffered Condition Amendment Application PCA 84-L-083-02, until **May 12, 2020, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

24. **2:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2019-SP-014 (BRIGHTVIEW SENIOR LIVING DEVELOPMENT, LLC) TO REZONE FROM R-1 AND WS TO PDH-4 AND WS TO PERMIT ADDITIONAL LAND AREA FOR AN INDEPENDENT LIVING AND ASSISTED LIVING FACILITY WITH NO INCREASE IN DENSITY OR INTENSITY, LOCATED ON APPROXIMATELY 0.16 ACRES OF LAND**

AND

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA/CDPA 2017-SP-017 (BRIGHTVIEW SENIOR LIVING DEVELOPMENT, LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2017-SP-017, PREVIOUSLY APPROVED FOR AN INDEPENDENT LIVING AND ASSISTED LIVING FACILITY, TO PERMIT INDEPENDENT LIVING AND AN ASSISTED LIVING FACILITY AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A DENSITY OF 15.16 DWELLING UNITS PER ACRE AND A FLOOR AREA RATIO OF 0.21, LOCATED ON APPROXIMATELY 5.62 ACRES OF LAND ZONED PDH-4 AND WS (SPRINGFIELD DISTRICT) (4:29 p.m.)

Supervisor Herrity moved to defer the public hearing on Rezoning Application RZ 2019-SP-014 and Proffered Condition Amendment Application PCA/CDPA 2017-SP-017 until **June 23, 2020 at 3:30 p.m.** Supervisor Smith seconded the motion and it carried by unanimous vote.

25. **2:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2016-SU-015 (OLD LEE ROAD,**

LLC) TO AMEND THE PROFFERS FOR RZ 2016-SU-005, PREVIOUSLY APPROVED FOR NEW VEHICLE STORAGE, VEHICLE MAJOR AND LIGHT SERVICE ESTABLISHMENT, TO PERMIT NEW VEHICLE STORAGE, VEHICLE MAJOR AND VEHICLE LIGHT SERVICE ESTABLISHMENT AND MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.10, LOCATED ON APPROXIMATELY 5.35 ACRES OF LAND ZONED IS, AN AND WS (SULLY DISTRICT) (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 March 27 and April 3, 2020.

The application property is located on the north side of Old Lee Road approximately 500 feet east of its intersection with Stonecroft Boulevard. Tax Map 43-2 ((1)) 2.

Mr. David Gill reaffirmed the validity of the affidavit for the record.

William O'Donnell, Branch Chief, Rezoning and Special Exception Evaluation Branch, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), gave a presentation depicting the application and site location.

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

Following the public hearing, Ms. Tracy Strunk, Director, ZED, DPD, presented the staff and Planning Commission (PC) recommendations.

Supervisor Smith moved approval of:

- Proffered Condition Amendment Application PCA 2016-SU-015, subject to the execution of proffered conditions consistent with those dated February 5, 2020
- Reaffirmation of a modification of Section 13-305 of the Zoning Ordinance in favor of that shown on the Generalized Development Plan (GDP)

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."

26. **3 P.M. - PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF HUNTER**

VILLAGE DR WALKWAY (WENTWORTH TO FLAX) (SPRINGFIELD DISTRICT) (4:34 p.m.)

Supervisor Herrity moved to defer the public hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-088-038, Hunter Village Drive Walkway from Wentworth Place to Flax Street, Fund 40010, County and Regional Transportation Projects until **July 14, 2020 at 4:00 p.m.** Chairman McKay seconded the motion and it carried by unanimous vote.

27. **3 P.M. - PUBLIC HEARING ON THE FY 2021 EFFECTIVE TAX RATE INCREASE** (4:35 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 March 27 and April 3, 2020.

Christina Jackson, Director, Department of Management and Budget, presented the staff report.

Following the public hearing, which included testimony by six speakers, Supervisor Foust moved that the Board close the public hearing while leaving the record open for testimony until May 5, 2020, as part of the Budget Mark-Up Process. That will permit persons who wish to testify on this matter to do so during the public hearings on the Fiscal Years (FY) 2021 Advertised Budget Plan, the Advertised Capital Improvement Plan (CIP) for the Fiscal Years 2021-2025 (with Future Fiscal Years (FYs) to 2030) and the FY 2020 Third Quarter Review. Supervisor Gross and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

28. **3 P.M. - PUBLIC HEARING ON PROPOSED AMENDMENTS TO SECTION 67.1-10-2 OF THE FAIRFAX COUNTY CODE RELATING TO SEWER SERVICE CHARGES, BASE CHARGES, AVAILABILITY CHARGES, FIXTURE UNIT CHARGES, AND CHARGES FOR HAULED WASTEWATER** (4:58 p.m.)

Supervisor Foust stated that today's public hearing scheduled for 3:00 p.m. was to consider the advertised amendments to Fairfax County Code Section 67.1-10-2, relating to Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charges, and Charges for Hauled Wastewater for the County. The advertised amendments include adjustments to the previously adopted sewer charges for Fiscal Years (FYs) 2021-2024, and they would establish charges for FY 2025. These adjustments and proposed new rates were based upon the results of the Revenue Sufficiency Rate Analysis completed in January of this year. In his updated Budget Proposal released last week, the County Executive is recommending deferral of all proposed increases to sewer charges for FY 2021, and he further cautioned the Board that previously proposed rate changes for the out-years (FY 2022 - FY 2025) may also be impacted.

Supervisor Foust moved to defer the public hearing on the proposed amendments to Section 67.1-10-2 of the Fairfax County Code relating to Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charges, and Charges for Hauled Wastewater until **April 28, 2020, at 4:00 p.m.** in order to give staff additional time to evaluate the financial impact of the amendments and determine, if any changes should be made to the ordinance with respect to the existing sewer rates for the out-years.

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

29. **3 P.M. - PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH AN ADMISSIONS TAX** (5:01 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 April 3 and 10, 2020.

Christina Jackson, Director, Department of Management and Budget, presented the staff report.

Discussion ensued, with input from Joseph Mondoro, Chief Financial Officer, regarding the recommendation to establish an admissions tax and Mr. Mondoro noted that the Board controls the schedule for bringing the item up for discussion.

Following the public hearing, Supervisor Foust moved that the Board accept the County Executive's revised recommendation to reject the proposed ordinance changes. With the County facing the health and economic impacts of the current Coronavirus epidemic, now is not the time for the Board to consider this new tax. Supervisor Herrity and Chairman McKay jointly seconded the motion.

Following a brief discussion regarding the timing of the proposed changes, the question was called on the motion and it carried by unanimous vote.

30. **4 P.M. - PUBLIC HEARING ON THE COUNTY EXECUTIVE'S PROPOSED FY 2021 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS (FYs) 2021-2025 (WITH FUTURE FISCAL YEARS (FYs) TO 2030) AND THE CURRENT APPROPRIATION IN THE FISCAL YEAR (FY) 2020 REVISED BUDGET PLAN** (5:05 p.m.)

Supervisor Foust stated that the public hearing on the FY 2021 Advertised Budget Plan, Capital Improvement Plan (CIP) for Fiscal Years (FYs) 2021-2025 (with Future FYs to 2030) and the Current Appropriation in the FY 2020 Revised Budget was advertised and scheduled to begin today, April 14, 2020, at 4:00 p.m. and continue on April 15 and 16, beginning at 3:00 p.m., both days. In response to the economic impacts of the COVID19 global pandemic, the County Executive published an FY 2021 updated budget proposal on April 7, 2020. To allow the County's residents, the Board, and other County stakeholders time to evaluate the updated budget proposal, the public hearings on the FY 2021 Advertised Budget

Plan, CIP and FY 2020 Third Quarter Review will be held on April 28 beginning at 4:00 p.m. and April 29 and 30 beginning at 3:00 p.m. The new hearing dates will be advertised in accordance with the Virginia Code. In the midst of the COVID 19 outbreak, it has been declared a global pandemic by the World Health Organization (WHO), a National Emergency by the President, and a State Emergency by Governor Northam, and a Local Emergency by the Board. Public health officials agree that the best way to combat this public health crisis is to practice social distancing and the Governor has issued Executive Order 55 which directs all Virginia residents to remain at their places of residence until June 10, 2020, except as set forth in that Executive Order. In order to protect the public health, the budget public hearings on April 28-30, will be conducted virtually. However, the County has provided several options for members of the public to provide testimony on the budget, including a new form to easily submit written testimony, the option to submit testimony by phone and the option to submit video testimony available on the County's website.

Therefore, Supervisor Foust moved to defer the public hearings on the FY 2021 Advertised Budget Plan, CIP and FY 2020 Third Quarter Review, originally scheduled for April 14, 2020, at 4:00 p.m. and continuing on April 15 and April 16, 2020 at 3:00, until **April 28, 2020, at 4:00 p.m., April 29, 2020, at 3:00 p.m., and April 30, 2020, at 3:00 p.m.** Chairman McKay seconded the motion.

Discussion ensued regarding the new options to provide testimony and the need to allow the public additional time to review the updated budget.

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

Chairman McKay thanked staff for all their efforts regarding the Board's first electronic meeting, which allowed the Board the ability to conduct County business in an efficient, transparent, and inclusive way.

31. **BOARD ADJOURNMENT** (5:11 p.m.)

The Board adjourned.