



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 11, 2020**

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EA:ea

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, February 11, 2020, at 9:36 a.m., there were present:

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

Supervisor Penelope A. Gross, Mason District, arrived at 9:42 a.m.

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Emily Armstrong, Ekua Brew-Ewool, and Kecia Kendall, Deputy Clerks, Department of Clerk Services.

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

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

- Mr. Harold E. Henderson, who died recently
- The father of Ms. Laura Jane Cohen, who died recently
- Those affected by the fire on Saturday, February 8, 2020, in the Alexandria section of Fairfax County
- The pedestrian involved in the fatal car accident on February 11, 2020, on Richmond Highway

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO JANET SAMUELSON** (9:40 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Janet Samuelson, CEO of ServiceSource, for her more than 26 years of distinguished and devoted service to Fairfax County. The motion was multiply seconded and carried by unanimous vote.

3. **PROCLAMATION DESIGNATING FEBRUARY 2020 AS "TEEN DATING VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (9:52 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating February 2020 as "*Teen Dating Violence Awareness Month*" in Fairfax County, and urged all residents to work together to create a world where every teen can live free of dating and sexual violence. The motion was multiply seconded and carried by unanimous vote.

4. **PROCLAMATION DESIGNATING FEBRUARY 2020 AS "AFRICAN AMERICAN HISTORY MONTH" IN FAIRFAX COUNTY** (10:06 a.m.)

Chairman McKay moved approval of the Proclamation designating February 2020 as "*African American History Month*" in Fairfax County, and urged all residents to join in recognizing the African American community in Fairfax County and throughout the world. Supervisor Walkinshaw and Supervisor Palchik jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

BOARD MATTER

5. **INTRODUCTION OF NEW STAFF** (10:19 a.m.)

Supervisor Smith introduced Dan Dolan, a new staff member in her office.

6. **10 A.M. – REPORT ON GENERAL ASSEMBLY (GA) ACTIVITIES**
(10:20 a.m.)

Chairman McKay noted the Legislative Committee did not meet on Friday, February 7, 2020, due to several members attending the Virginia Association of Counties (VACo) Local Government Day.

Supervisor Walkinshaw, Chairman of the Board's Legislative Committee, noted that the Committee last met on Friday, January 31, 2020, and referenced the updated Committee Report which was distributed earlier to the Board.

Supervisor Walkinshaw presented the report on GA activities, noting the following:

- The Legislative Committee received an update on equal taxing authority
- The House and Senate bills have reported out from their respective committees. The Senate Bill passed the full Senate on Monday, February 10, 2020. The House Bill is expected to be on the floor for final passage Tuesday, February 11, 2020. There is almost unanimous support from the Fairfax County delegation for these Bills. Supervisor Walkinshaw highlighted the efforts of Senator Barbara Favola and Delegate Vivian Watts
- The Legislative Committee received an update on the Omnibus Transportation Funding Bills currently under consideration. The Bills provide \$30M for Northern Virginia Transportation Authority (NVTA) to partially restore the \$102M diverted to the Washington Metropolitan Area Transit Authority (WMATA) Capital Fund in 2018. Another Transportation Funding Bill, HB729, supported by Delegate Watts, was amended on the House floor on Monday, February 10, 2020, to provide additional funding for NVTA from existing state revenue sources. The County strongly supports allocating state funding for NVTA and Legislative staff are working closely with the County delegation on this issue. All of these Bills continue to evolve as they make their way through the Legislative process
- Today is “crossover” at the GA, which is the deadline for Bills to pass their originating chamber and crossover to the opposite chamber. As a result, there has been a rush of activity on Bills in both the House and Senate

- The Legislative Committee received an update on the Board's initiatives. The proposals, the first two relating to the Police Officers Retirement System, and the third relating to prohibiting discrimination on the basis of sexual orientation and gender identity, are successfully making their way through the GA. All three Bills have passed through the Senate and will now crossover to the House for consideration. Legislative staff will continue to provide updates to the Board on the progress of these Bills.

Looking ahead, a key area of focus for the remainder of the session will be the 2020-2022 Biennium Budget. On Sunday February 16, 2020, the House Appropriations and Senate Finance Committees will present their respective budgets. As in previous years, the Board expects that each chamber will reject each other's budget and appoint members to a Conference Committee to resolve the differences. Legislative staff will continue to closely monitor the budget process and provide updates to the Board as information becomes available.

Supervisor Walkinshaw noted the following:

- The Board's annual reception in Richmond will be held on February 12, 2020, at 5:30 p.m. at the Credit Union House of Virginia
- The next Legislative Committee meeting is scheduled for Friday, February 14, 2020, at 4 p.m. in Conference Room 11 in the Government Center

Supervisor Walkinshaw moved that the Board adopt Legislative Committee Report Number Two. The motion was multiply seconded and carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Herrity voting "NAY."

Chairman McKay noted equal taxing authority was the item most advocated by VACo this year, and the Board has long advocated for this issue since a serious inequity exists between counties and cities and limits flexibility in how the County generates revenue to pay for many vital services. This issue did pass on the Senate floor with bipartisan support.

Discussion ensued regarding the difference in views between the Board and VACo and the collaborative efforts between the two groups.

EBE:ebe

7. **ADMINISTRATIVE ITEMS** (10:34 a.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 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individual, identified with a registration number, as a Plans Examiner:

- Bradley D. Glatfelter (341)

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH THE LINDSAY PARK COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 10, 2020, at 4 p.m.**, to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Lindsay Park CPD.

ADMIN 3 - APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (DRANESVILLE DISTRICT)

- (R)
- Endorsed the following traffic calming plan and resolution for Douglass Drive consisting of the following:
 - Two speed humps on Douglass Drive (Dransville District)
 - Directed the Fairfax County Department of Transportation (FCDOT) staff to schedule the installation of the approved traffic calming measures as soon as possible.

ADMIN 4 - AUTHORIZATION TO SCHEDULE AND ADVERTISE A PUBLIC HEARING ON THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FY 2021

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 24, 2020, at 4 p.m.**, to receive public comment on the proposed use of funds as described in the proposed Action Plan in accordance with U.S. Department of Housing and Urban Development (HUD) regulations and guidelines. The public hearing will also provide an opportunity for comments on housing and community service needs in the County as well as provide information concerning changes in housing and community service trends since

the last public hearing on the Consolidated Plan One-Year Action Plan for FY 2020 held by the Board on March 19, 2019.

ADMIN 5 - APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (SPRINGFIELD DISTRICT)

- Approved the installation of “Watch for Children” signs on the following roads:
 - Two “Watch for Children” signs on Ruby Drive (Springfield District)
 - Two “Watch for Children” signs on Sasher Lane (Springfield District)
- Directed the Fairfax County Department of Transportation (FCDOT) staff to schedule the installation of the approved “Watch for Children” signs as soon as possible

8. **A-1 – APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY BOARD OF SUPERVISORS AND THE FAIRFAX COUNTY PARK AUTHORITY (FCPA) REGARDING IMPLEMENTATION OF THE COUNTY’S MUNICIPAL SEPARATE STORM SEWER SYSTEM PROGRAM ON FCPA-OWNED PROPERTY (10:35 a.m.)**

On motion by Supervisor Gross, seconded by Supervisor Alcorn, and carried by a vote of nine, Supervisor Lusk being out of the room, the Board concurred in the recommendation of staff and approved the MOU between the Board and the FCPA. Implementation of a Joint MS4 program by the County and FCPA will improve program efficiency and simplify permit compliance. The MOU defines the roles and responsibilities of each entity for implementation of a Joint MS4 program.

9. **A-2 – APPROVAL OF REVISIONS TO CHAPTERS 4 AND 10 OF THE PERSONNEL REGULATIONS TO ALIGN DEFINITIONS, ALIGN PRACTICE WITH POLICY, AND PROVIDE ADMINISTRATIVE CLARIFICATION (10:35 a.m.)**

- (O) Supervisor Gross moved that the Board concur in the recommendation of staff and approve the proposed revisions to Chapters 4 and 10 of the Personnel Regulations. Supervisor Smith and Chairman McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Lusk being out of the room.

10. **A-3 – AUTHORIZATION TO SIGN A STANDARD PROJECT AGREEMENT (SPA) FOR DISTRIBUTION OF I-395/I-95 TOLL REVENUES TO MULTI-MODAL PROJECTS IN THE I-395/I-95 CORRIDOR (LEE, MASON, MOUNT VERNON AND SPRINGFIELD DISTRICTS)** (10:36 a.m.)

- (R) Supervisor Alcorn moved that the Board concur in the recommendation of staff and approve a resolution (Attachment 1) authorizing the Director of FCDOT to sign the SPA, substantially in the form of Attachment 2, between the County and the Commissions, for distribution of \$3,540,903 million in I-395 toll revenues. These funds will be allocated by NVTC and PRTC to Fairfax County for the new Fairfax Connector Route 396. The new route will provide rush-hour express service from the Gambrill and Backlick North Park-and-Ride Lots to the Pentagon, with complementary bicycle and pedestrian improvements at the lots. This motion was multiply seconded.

Following discussion regarding the allocation of funds for the new route and ways to address over-parking at the Gambrill Park-and-Ride Lot, the question was called on the motion and it carried by unanimous vote.

11. **A-4 – APPROVAL OF PROJECT AGREEMENTS BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND FAIRFAX COUNTY FOR FISCAL YEARS (FY) 2015-2018 TRANSIT ASSISTANCE GRANT FUNDS** (10:37 a.m.)

On motion by Supervisor Alcorn, multiply seconded and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to sign two Project Agreements between DRPT and the County, in substantial form for FY 2015-2018 transit capital assistance (Attachments 1 and 2).

12. **A-5 – ENDORSEMENT OF DESIGN PLANS FOR THE ROUTE 28 WIDENING PROJECT FROM THE PRINCE WILLIAM COUNTY/FAIRFAX COUNTY LINE TO ROUTE 29 (SPRINGFIELD AND SULLY DISTRICTS)** (10:38 a.m.)

Supervisor Smith moved that the Board concur in the recommendation of staff and endorse the Route 28 Widening project, generally as presented at the Design Public Hearing on September 23, 2019, and authorize the Director of Fairfax County Department of Transportation (FCDOT) to transmit the Board's endorsement to VDOT (Attachment 1). Supervisor Herrity seconded the motion.

A brief discussion ensued regarding the project's ability to address congestion and continue the efforts in advocating for full restoration of the Northern Virginia Transportation Authority (NVTA) funds to fund such projects.

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

13. **A-6 – ENDORSEMENT OF A LIMITED ACCESS CONTROL CHANGE (LACC) ON ROUTE 28 AS PART OF THE ROUTE 28 WIDENING PROJECT FROM THE PRINCE WILLIAM COUNTY/FAIRFAX COUNTY LINE TO ROUTE 29 (SPRINGFIELD AND SULLY DISTRICTS)** (10:40 a.m.)

On motion by Supervisor Smith, jointly seconded by Supervisor Lusk and Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the LACC along Route 28.

DMS:dms

BOARD MATTERS

14. **MEETING REQUESTS FOR THE BOARD, SCHOOL BOARD, AND PLANNING COMMISSION** (10:41 a.m.)

(BACs) Chairman McKay announced that the Board and School Board met on February 3, 2020, for a joint retreat to discuss opportunities for continued collaboration and goals for the years ahead.

During that meeting, several ideas for Board collaboration on priorities were raised that Chairman McKay wanted to bring before our Board for action. Those items included conversations about workforce development; the environment; poverty; early childhood education; the Capital Improvement Program (CIP); and Boards, Authorities, and Commissions (BACs).

To ensure continued progress within these areas, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board direct the Clerk for the Board to begin scheduling standing non-budget meetings between the Board and the School Board. This will allow the Boards to discuss the work of groups such as the Young Adult Advisory Council and Economic Advisory Commission (EAC) on workforce development, the Joint Environmental Task Force's work on combatting the climate crisis, the Successful Children and Youth Policy Team's work on poverty and early childhood education, and more. These meetings should occur twice per year.

Chairman McKay further moved that the Board direct the Clerk for the Board to schedule a joint meeting between the School Board and Planning Commission to discuss the CIP and work done by the Commission in its CIP Committee.

Chairman McKay further moved that the Board direct staff to compile a list of all County and Fairfax County Public School (FCPS) BACs for the Board to review for possible collaboration at a future joint Board and School Board Committee meeting. FCPS should conduct a similar review, as well. This information should come back to the Board for review and potential action no later than June 1, 2020. Supervisor Alcorn seconded the motion.

Following discussion regarding opportunities for collaboration and increased efficiency, the question was called on the motion and it carried by unanimous vote.

15. **RECOGNITION OF THE COUNTY FIRE AND RESCUE AND POLICE DEPARTMENTS** (10:47 a.m.)

Chairman McKay stated that last Saturday morning, one of the largest fires in the County's history, occurred at a construction site along Route One. Within three minutes of the call for service, the Fairfax County Fire and Rescue Department (FRD) personnel were on scene battling an advanced fire in the five-story structure.

Windy weather conditions made matters more challenging, and ultimately the fire spread to five buildings and 14 townhouses that were under construction. An additional 14 townhouses, four single-family homes, five apartment buildings, a commercial building, and 28 vehicles were also damaged.

Though the losses were extensive, the hard work of the FRD ensured that the fire was contained to the construction site and ultimately extinguished. There is no doubt those efforts saved lives. The Fairfax County Police Department also played a major role in keeping individuals safe and directing traffic away from the burning structures.

This could not have happened if it hadn't been for the help of units from the City of Alexandria Fire Department, Arlington County Fire Department, Prince George's County Fire and Emergency Services Department, and the Fort Belvoir Fire and Emergency Services.

Therefore, jointly with Supervisor Lusk and Supervisor Storck, Chairman McKay moved that the Board direct staff to invite the Chiefs of the Fairfax County Fire and Rescue Department and Fairfax County Police Department, alongside members of their teams, to a future Board meeting for recognition for their work and heroism. Jointly with Supervisor Lusk and Supervisor Storck, Chairman McKay further moved that the Chiefs from the departments of the surrounding jurisdictions listed above also be invited to the meeting. Supervisor Lusk seconded the motion.

Following discussion regarding aspects of the fire and the need to ensure HardiePlank Siding is used in future construction, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

16. **FORT BELVOIR LIAISON** (11:04 a.m.)

(BACs) Supervisor Stork stated that Fort Belvoir is a Federal Military Base located principally in the Mount Vernon District with more than 50,000 employees who reside throughout the area. It has over 150 departments and commands providing administrative, training, and logistical support to the Department of Defense (DoD), military branches, the Military District of Washington and Fort Belvoir staff, residents and retirees. Fort Belvoir includes the main base, Davison Army Airfield, Fort Belvoir North, and the future home of the National Museum of the U.S. Army and other installations. They are the largest single employment location in the County, are home to more than 8,000 residents, operate a world class hospital, their own public works, public safety departments, commissary, golf course, event facilities and many more services.

Supervisor Storck stated that during his 16 years of elected service to Mount Vernon District and Fairfax County, he has worked with nine different Garrison Commanders on many initiatives including Base Realignment and Closure (BRAC), funding and building a new school, increasing public access, supporting community recreational opportunities, developing Intergovernmental Service Agreements (IGSAs), etc. that have strengthened the County's relationship and partnerships. The County's significant recent successes are due to Colonel Michael Greenberg's leadership, the current Commander, but, unfortunately, he will be departing in 2020 at the end of this position's standard two-year tour.

Supervisor Storck stated that he has learned that these leadership relationships are crucial to getting things done, require constant renewal and leave many untapped opportunities that more dedicated time and longer-term relationships could grow. Both Fort Belvoir and the County could benefit by having a dedicated county liaison to facilitate discussions about economic development, work force development, education, public safety, land use and transportation. The City of Hampton, Virginia, has had a Director of Federal Facilities Support for years, focused on the goals of: "Increased employment opportunities; Strengthened economic base; [and] Increased tax revenues." A knowledgeable and experienced County liaison could build crucial long-term relationships and provide outstanding insight into the workings of these 150 commands and departments, fostering substantial local benefits.

Examples of this support could include:

1. Knowledge of all DoD agencies located at Fort Belvoir, maintaining current information on leadership, mission, employees, development opportunities, etc.
2. Develop and maintain relationships with the Command Team and Public Information Office and other large agencies on the installation including National Geospatial Agency, Defense Logistics Agency, Fort Belvoir Community Hospital, Missile Defense Agency, Night Vision Command, etc. Assess and communicate how these varying agencies can partner with key local initiatives in workforce training, public education, community improvements and encouraging public/private partnerships.

3. Work closely with Senator Warner's and Senator Kaine's offices on Fort Belvoir related issues and DoD funding of key commands. Monitor and develop relationships with key U.S. Senate and House Armed Services Committees and staff members as it relates to Fort Belvoir.
4. Work closely with Fairfax County Economic Development Authority (FCEDA) to increase contracting, local development opportunities and utilization of off-installation facilities, businesses and organizations.
5. Provide timely reports to the County and the Board on Fort Belvoir activities.

Supervisor Storck stated he recently had the opportunity to speak with Mike Coleman, who serves as the Governor's Military Liaison and Secretary of Veterans and Defense Affairs, at the Virginia Military Advisory Council (VMAC) and Fort Belvoir's Bi-Annual Community Leaders Luncheon, and Mr. Coleman urged the Board to take advantage of the opportunities that only greater collaboration of a full-time liaison can bring.

Therefore, jointly with Chairman McKay, Supervisor Storck moved that the Board direct the County Executive to assess the benefits and feasibility of creating a Fort Belvoir Staff Liaison position and report back to the Board at the May 12, 2020, Economic Development Committee Meeting. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

17. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-V-064-03 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-V-030 (HUNTER MILL DISTRICT)** (11:20 a.m.)

Supervisor Storck stated that the applicant has concurrently filed a Proffer Condition Amendment and a Special Exception Amendment to renovate an existing McDonald's restaurant located at 9398 Richmond Highway, on the property identified as Tax Map Reference 1083 ((1)) 0025. The restaurant is located on the west side of Richmond Highway, North of Armistead Road, and South of Lorton Road, on approximately 39,988 square feet of land in the Gunston Plaza Shopping Center. The proposed changes are necessary to modernize the restaurant and increase efficiency. The applications are scheduled for a Planning Commission hearing on March 4, 2020. In order to address the needs of the restaurant and patrons as soon as possible, the applicant has asked for consideration for concurrent processing of the site plan and scheduling of a hearing before the Board of Supervisors on March 24, 2020.

Therefore, Supervisor Storck moved that the Board direct the Planning staff to schedule Proffered Condition Amendment Application PCA 87-V-064-03 concurrent with Special Exception Amendment Application SEA 94-V-030 for a

hearing before the Board on March 24, 2020. Supervisor Storck further moved that the Board direct the Director of Land Development Services to accept for concurrent and simultaneous processing any site plans, architectural drawings, or other drawings as may be necessary in conjunction with the pending application. Please note that this motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, adopted standards, or proffers. This action in no way prejudices the substantive review of the application. Supervisor Foust seconded the motion and it carried by unanimous vote.

18. **WREATH-LAYING CEREMONY AT THE GEORGE WASHINGTON'S TOMB** (11:22 a.m.)

Supervisor Storck announced that there will be a wreath-laying ceremony at George Washington's tomb on February 17, 2020, at 8:30 a.m. at Mount Vernon and he invited the Board to attend the event.

19. **MOUNT VERNON DISTRICT TOWN MEETING** (11:22 a.m.)

Supervisor Storck announced that the 33rd annual Mount Vernon Town Meeting was held on February 1, 2020, and he thanked everyone who attended the event.

20. **GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS SERIES 2020A** (11:25 a.m.)

Supervisor Storck congratulated the Board and staff for earning a 1.8% interest rate for the sale.

21. **ENDORSEMENT OF THE NATIONAL PARK SERVICE'S APPLICATION FOR FUNDING THROUGH THE FY 2020 INFRASTRUCTURE FOR REBUILDING AMERICA (INFRA) GRANT PROGRAM** (11:27 a.m.)

Supervisor Foust stated that the National Park Service (Park Service) is seeking the Board's support for an application for funding through the INFRA Grant Program offered by the United States Department of Transportation (USDOT) to support the George Washington Memorial Parkway (GWMP) North Section Rehabilitation Program.

The GWMP North Section Rehabilitation Project will reconstruct a 7.6-mile section of the GWMP from Spout Run Parkway to Interstate 495. The proposed project addresses serious deterioration of the Parkway and implements significant safety improvements. If funded, the Park Service plans to repave nearly eight miles of road along the Parkway, repair storm water management systems to prevent erosion at drainage outfalls; and rehabilitate two historic, scenic overlooks. The roadway has experienced critical infrastructure failures in the last year, including a sinkhole resulting in \$1.6M in emergency work and travel

restrictions exceeding 100 days. The proposed project will also include replacing guardrails, repairing walls, constructing new curbs, and building emergency turnarounds along the north end. In addition, work on the north section of the Parkway will address a significant part of the National Capital Region's \$1.7B maintenance backlog, which includes over \$395M for the Parkway alone.

This project will improve a critical link in the National Capital Region's transportation network while preserving the historical and cultural characteristics of the Parkway. These proposed improvements will increase the safety for visitors, while significantly extending the life of the Parkway.

Therefore, Supervisor Foust moved that the Board approve the letter, attached to his written Board Matter, supporting the National Park Service's application for federal funding from the FY 2020 INFRA Grant Program. Chairman McKay seconded the motion and it carried by unanimous vote.

22. **JAMES MADISON HIGH SCHOOL MARCHING ENSEMBLE, "PRIDE OF VIENNA"** (11:30 a.m.)

Supervisor Alcorn stated that the James Madison High School Marching Ensemble, "Pride of Vienna," had another exemplary performance year. This fall, the band won the Virginia Marching Band Cooperative State Championship, for the second year in a row. The theme of this year's performance was "Dusk 'till Dawn." The ensemble's theme captured awards for music, general effect and visual at the competition.

As part of this historic season, the James Madison Marching Band also won the Bands of America Regional Competition. This victory was the first time a Virginia band has won a Bands of America Regional Competition in nearly 40 years.

The 150-member band ensemble competed on the national level and progressed to the semi-final round. After the semi-final competition, the band was awarded the second highest score in the nation, in their class. James Madison was the only high school in the Commonwealth of Virginia to earn such a distinction.

Therefore, jointly with Supervisor Palchik, Supervisor Alcorn moved that the Board direct staff to invite representatives of the James Madison High School Marching Ensemble to an upcoming Board meeting to receive the Board's congratulations on an outstanding season and historic championship. Supervisor Palchik seconded the motion and it carried by unanimous vote.

23. **REQUEST TO WAIVE BUILDING AND INSPECTION FEES FOR THE VIENNA POLICE FACILITY CONSTRUCTION PROJECT** (11:32 a.m.)

Supervisor Alcorn stated that the Town of Vienna is currently in the process of designing a new police facility. This new building will provide the opportunity for the Town to place all police functions within one building with upgraded

technology and security. The building is also being designed to accommodate the Town's emergency planning needs and will include additional community space for the Town's residents.

In 2020, Vienna will be submitting plans and applications for this project which require numerous permits and inspections from the County. The Town of Vienna has requested waiving all County building and inspection fees applicable to the Vienna Police Facility Construction Project.

Therefore, jointly with Chairman McKay, Supervisor Alcorn moved to waive all County building and inspection fees applicable to the Vienna Police Facility Construction Project. Chairman McKay seconded the motion.

Following discussion regarding if the County had the authority to provide oversight on the project, the question was called on the motion and it carried by unanimous vote.

24. **ENCOURAGEMENT FOR "SMART COMMUNITY" STRATEGIES**
(11:34 a.m.)

Supervisor Alcorn stated that with the continued acceleration of technology advancement, many counties and other local governments across the country are pursuing "smart community" strategies to make government service delivery more efficient and improve the quality of life for residents.

One example of the County's leadership in this area has been in the development and application of Geographic Information System (GIS) technologies. This investment has enabled more efficient delivery of County services that include a geographic component, which affects nearly every service provided by the County. Fairfax County's GIS has also transformed data collected and maintained by the County into useful information for County residents through "My Neighborhood."

Supervisor Alcorn stated this was a good example of a "smart community" initiative, building upon County investments in new technology. However, these days, the pace of technology advancement has accelerated in the consumer sector.

Beyond the County's internal investments in GIS, other examples of the County's leadership in advancing technology include these initiatives chaperoned through our Economic Advisory Commission (EAC):

- The County's pilot with Dominion Energy as the first state-funded Connected Autonomous Vehicle (CAV) public transportation demonstration in Virginia
- Testing of driverless cars, by public and private entities, on the County's more than 70 miles of "connected corridors"

- The County's state-funded efforts to attract and retain workers for high-demand Information Technology (IT) positions, including cybersecurity
- The County's partnership with Smart City Works and Refraction utilizing their \$750,000 federal grant to increase regional capacity to bring technologies to market and grow innovative companies

To implement these EAC activities, the County can also do more to promote innovative and equitable technology. The Board's IT Committee provides an excellent opportunity for the Board to explore how it can use technology more efficiently and ensure that the residents also benefit from the new technology.

In concert with the efforts by the County's Economic Advisory Commission (EAC) and Economic Development Authority (EDA) to encourage emerging technology companies, it is also important that the County look to bring the benefits of safe and consumer-friendly emerging technologies to its residents as consumers. The County should also do so with an equity lens in mind so that residents who have the most need of the efficiencies and cost reductions often associated with these innovations, actually receive the benefits.

Therefore, Supervisor Alcorn moved that the Board direct the County Executive to report back to the IT Committee on the following:

- Identify significant local and state regulatory impediments for the application and/or expansion of promising emerging technologies such as the self-driving vehicle system pilots noted above, last mile delivery systems, blockchain technology applications and innovative cybersecurity approaches
- Using the results of the above research, identify possible state statutory and policy changes for consideration in next year's Legislative Package to allow for one or more areas within the County to be more competitive as a testbed for safe and consumer-friendly emerging technologies
- Explore the creation of a formal process for facilitating partnerships between federal departments/agencies and product-focused emerging technology entrepreneurs that can benefit the County. While this may include more traditional government grants or contracting, partnerships between the federal government and companies, focused on making and selling a product, are of greater interest. The focus should be on federal programs in the region whose mission includes the development of regulations and other institutional support systems relating to emerging technologies, and who would benefit from local partnerships with companies exploring and demonstrating the commercial viability of emerging technologies

Supervisor Lusk seconded the motion.

Supervisor Herrity offered a friendly amendment to include 5G technology as part of the motion. This was accepted.

Supervisor Gross offered a friendly amendment to include staff from the County Attorney's office to examine and provide guidance for the Board. This was accepted.

Following discussion regarding the need for the County to be innovative and address inequities, the question was called on the motion and it carried by unanimous vote.

25. **REQUEST TO WAIVE APPLICATION FEES FOR THE SPRINGFIELD GLOBAL LIONS CLUB (SGLC)** (11:43 a.m.)

Supervisor Lusk stated that the Board has previously approved waiver requests for the SGLC annually since 1994. The SGLC flea market will run from April to November on Sundays. Supervisor Lusk stated that he was recently contacted by SGLC to express appreciation for the County's help last year and to request that the Board support a waiver again this year.

All net proceeds from these flea markets are returned to the community. The SGLC supports organizations such as ECHO, Koinonia, and assists indigent citizens with eyeglasses prescriptions and hearing aids.

Therefore, Supervisor Lusk moved that the Board direct staff to waive the application fees for the 28-day permits associated with the SGLC 2020 flea markets. Chairman McKay seconded the motion and it carried by unanimous vote.

26. **HISTORIC RICHMOND HIGHWAY CORRIDOR** (11:45 a.m.)

Supervisor Lusk stated that Richmond Highway Corridor is entering a tremendous period of opportunity. From the onset of the widening of the Corridor and the adoption of the Embark Plan, to the groundbreaking on both Amazon's HQ2 and Virginia Tech's innovation campus, Route One is poised to morph into an economic powerhouse that extends from the Pentagon to Fort Belvoir.

With a job base drastically leveraged into the retail and service industry sectors, the Corridor is currently on course to experience significant disruption and economic challenges given the speed at which emerging technology is drastically transforming those sectors. However, by strategically investing in the very sectors that are disrupting our jobs base, the County can turn those trends in its favor and avert the financial regression the Corridor will experience as the retail industry continues to be redefined by new technologies.

Furthermore, such an investment would create training, apprenticeship, and employment opportunities for those that live, work, and send their children to school along the Historic Richmond Highway Corridor. Supervisor Lusk stated

that he recognizes that these kinds of opportunities do not culminate out of thin air. This Board has committed a tremendous investment into the transportation infrastructure serving both the Mount Vernon and Lee Districts.

For reasons outside of any one person's or entity's control, and in spite of the efforts mentioned above, the Route One Corridor has not seen any significant new office development in a generation, and virtually zero development in the job creating sectors of the future. Route One is in a stagnant commercial cycle, and now is the perfect moment to break that cycle. With Amazon's and Virginia Tech's investment to the north, and the reliable stream of contractors seeking proximity to Fort Belvoir, the Mount Vernon and Lee Districts are the ideal ecosystem for the placement of a technology accelerator and co-working center.

Such a facility would be the perfect catalyst for bringing the initial outside investment necessary to break the cycle of stagnant commercial development, and largely undiversified employment options for those living in the Route One area.

Dissimilar to other such investments the County has previously made, such as Refraction, Supervisor Lusk proposed a public-private-partnership focused on the development and demonstration of emerging technology, providing both a makers space, as well as a coworking component designed to accelerate government contractors and entrepreneurs in emerging technology sectors. As tenants' operations expand, add employees, and eventually outgrow the space, the County would work with the Economic Development Authority to place them into existing or new spaces along the Corridor, or other strategic locations in the County.

Parallel to the clear economic development benefits, an equally important component is the educational and workforce development opportunities that will emerge for neighboring communities. The ability for County students, as well as graduates at various points in their post-secondary education to access apprenticeships and other training and employment opportunities, would be significant. The same is true for the underemployed residents of the Corridor who often must work multiple retail and service industry jobs simply to make ends meet.

Building on the County's long history of leadership on these issues, in addition to the stated priorities of the Economic Success Plan, the recommendations of the EAC, and the demonstrated need of the constituents, Supervisor Lusk moved the following:

- The Board direct the County Executive to assign the appropriate staff to identify county-owned sites along the Historic Richmond Highway Corridor that have excess capacity, and to work with partners such as the Southeast Fairfax Development Corporation (SFDC) and the Fairfax County Economic Development Authority (FCEDA) to identify privately-owned sites available for lease that could accommodate this project

- The Board direct the County Executive to assign the appropriate staff to identify potential operators with a proven track record of successfully establishing and operating similar facilities
- The Board direct staff to present the findings regarding available sites and a list of potential operators to the Economic Advisory Committee for a discussion of potential next steps—including an analysis of fiscal impacts, as well as the opportunities this initiative could generate

Supervisor Lusk stated that this approach is something bringing brought forward after deep consideration and a significant amount of consultation with the various public and private sector partners, that would be necessary to ensure that this effort is both appropriate and viable. Supervisor Lusk stated that he has also spent a significant amount of time vetting and refining this proposal with relevant economic development staff within the County.

The Historic Richmond Highway Corridor is at a generational moment of opportunity and the Board’s support for this motion will help address economic inequities in the community, and posture the County in a way that leaves it better prepared to thrive in the economic landscapes of tomorrow.

Chairman McKay and Supervisor Foust jointly seconded the motion. Following discussion regarding the County’s land use process and traffic challenges, the question was called on the motion and it carried by unanimous vote.

27. **BRADDOCK DISTRICT OPEN HOUSE** (12:09 p.m.)

Supervisor Walkinshaw announced that the Braddock District open house will be held on February 13, 2020, at 6:00 p.m. at the Braddock District Office and he invited the community to attend the event.

28. **NO BOARD MATTERS FOR SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (12:10 p.m.)

Supervisor Palchik announced that she had no Board Matters to present today.

29. **NO BOARD MATTERS FOR SUPERVISOR SMITH (SULLY DISTRICT)** (12:10 p.m.)

Supervisor Smith announced that she had no Board Matters to present today.

30. **PROCLAMATION REQUEST DESIGNATING APRIL AS “AUTISM AWARENESS MONTH” AND RESOLUTION OF RECOGNITION REQUEST FOR SERVICESOURCE** (12:11 p.m.)

Supervisor Herrity stated that each year “Autism Awareness Month” is nationally recognized in April to promote acceptance of people on the autism spectrum. There are currently more than 3 million Americans on the autism spectrum, with

over 125,000 of them living here in Virginia. The County's autistic community is very diverse, with wide ranging passions, skills and abilities that have a great impact here in the County. However, without the proper support in place, the skills of these residents often go underutilized, or unutilized altogether.

A recent study by Drexel University's Autism Institute concluded that only 14 percent of adults on the autism spectrum had paid employment and 70 percent of adults with autism, who were underemployed or unemployed, wanted to work. In addition, out of a range of people with disabilities, young adults on the autism spectrum had the lowest employment rates.

Hiring individuals with autism goes a long way towards achieving diversity on a worksite because each person with autism offers a valuable perspective that is unique from those of neurotypical individuals. Businesses and nonprofits can modify their hiring practices to accommodate persons with autism by taking advantage of Work Opportunity Tax Credits and job coaches. 59 percent of individuals on the autism spectrum gained employment after receiving vocational rehabilitation services.

The County is fortunate to have organizations like ServiceSource and Phillips Programs, that are dedicated to this mission of promoting gainful employment for those on the autism spectrum. The community is stronger and more diverse because of the autistic residents and businesses and nonprofits who partner with them.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a proclamation to be presented at the Board meeting on April 14, 2020, designating April 2020 as "*Autism Awareness Month*" in the County, and encouraged all citizens to exercise respect and compassion for relatives, friends, co-workers, neighbors, and fellow Americans on the autism spectrum, and reaffirmed the commitment of this Board to encourage businesses and employers to utilize existing incentives and strategies to assist them in hiring persons with autism. Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a resolution of recognition for ServiceSource to be presented on April 2, 2020, at their annual AWARE Art Show, which features talented artists on the autism spectrum, for their work to achieve greater access to employment for individuals on the autism spectrum and for promoting acceptance in the local community,. Without objection, it was so ordered.

31. **PROCLAMATION REQUESTS DESIGNATING MAY AS "LYME DISEASE AWARENESS MONTH" AND "FIGHT THE BITE AWARENESS MONTH"** (12:12 p.m.)

Supervisor Herrity stated that tick and mosquito season will be here soon. Lyme Disease, Zika Virus, West Nile Virus, and other vector-borne diseases can have severe health impacts on constituents. For example, several hundred cases of

Lyme Disease have been reported in Virginia in the last several years and many cases go unreported, as many victims do not show obvious symptoms like the ‘Bulls-eye rash,’ or are misdiagnosed. In 2018, there were roughly 400,000 cases of Lyme disease reported nationally, with over 700 confirmed cases in Virginia.

Lyme is a terrible disease that can take many forms in its victim, from muscle pain to arthritis, to heart disease and Bell’s Palsy. “Lyme Disease Awareness Month” is officially recognized in May and offers an opportunity to bring this issue to the public’s attention. County residents can protect themselves by performing tick checks after outdoor activities and promptly removing attached ticks.

Mosquitos bites also can transmit various diseases such as the Zika and West Nile Virus. County residents can be instrumental in eliminating places where mosquitoes lay their eggs by checking their properties weekly to tip and toss over flowerpots, buckets, toys and other containers that might collect water.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a proclamation designating May 2020 as “*Lyme Disease Awareness Month*” to be presented outside of the Board room to Monte Skall, Director of National Capital Lyme & Tick-Borne Disease Association, at their 10th Anniversary FINISH LYME run for Lyme & tick-borne diseases. The event will be held at Fairfax Corner on Saturday, May 17, 2020, at 8:00 a.m. Supervisor Herrity requested that the Office of Public Awareness work with the Health Department to promote the FINISH LYME run. Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a separate proclamation designating May 2020 as “*Fight the Bite Awareness Month*” to be presented to the Health Department at the May 19, 2020, Board meeting. Without objection, it was so ordered.

32. **PROCLAMATION REQUEST DESIGNATING MAY AS “*OLDER AMERICANS AND ADULT ABUSE PREVENTION MONTH*”** (12:13 p.m.)

Supervisor Herrity stated that this year, the U.S. Administration for Community Living has chosen the theme, *Make Your Mark*, for Older Americans Month. The theme celebrates the countless ways older adults serve their communities as well as the ways communities support older adults and caregivers.

The 2020 theme provides an opportunity to celebrate older adults who play a vital role in strengthening the County through their participation in civic and volunteer activities.

The theme also offers an opportunity to promote the wide range of services and recreational opportunities the County and its nonprofit partners offer older adults and caregivers.

While recognizing the vitality of the County's older adults, the County also recognizes that vulnerable older adults deserve protection from abuse, neglect and exploitation.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a proclamation designating May as "*Older Americans and Adult Abuse Prevention Month*" in Fairfax County and invite representatives from the Commission on Aging, the Area Agency on Aging, Adult Protective Services, the Long Term Care Coordinating Council and other agencies and appropriate groups to appear before the Board on May 19, 2020, to receive the proclamation. Without objection, it was so ordered.

33. **FIVE-STAR RATING FOR INOVA HEALTH SYSTEM** (12:14 p.m.)

Supervisor Herrity stated that all five of the Inova Health System hospitals recently earned the highest five-star quality rating from the Centers for Medicare & Medicaid Services (CMS).

Fewer than nine percent of the 4,500+ hospitals evaluated by CMS earn a five-star rating, and Inova Health System is the only health system in the country comprised of more than three hospitals where all are five-star rated.

Supervisor Herrity congratulated Inova Health System for their hard work and dedication by providing the community with the best care. The County is very fortunate to have a top-tier health system.

34. **COMMUNITY MEETING REGARDING PROPOSED ZONING CHANGES** (12:15 p.m.)

Supervisor Herrity announced that there will be a community meeting to discuss the proposed zoning changes on February 19, 2020, at 7:30 p.m. at the Clifton Town Hall and he invited the community to attend the event.

35. **SUPERVISOR LUSK AWARDED 30-YEAR PIN** (12:16 p.m.)

Supervisor Gross announced that she recently had the opportunity to award Supervisor Lusk with his 30-year pin and she thanked him for his service to the County.

36. **CONSTRUCTION PROJECT HANDLING OF HISTORICAL MARKERS** (12:17 p.m.)

Supervisor Gross stated that for decades the Fairfax County History Commission and the Virginia Department of Transportation (VDOT) have worked in tandem to commemorate historic activities through the placement of markers, both the familiar black and silver state markers, and the County markers that use the buff and blue colors of George Washington's uniform. The language on each marker is carefully vetted for accuracy and significance, and locations are equally selected for appropriateness and safety.

A marker is not just another sign on a busy roadway. The cost to manufacture a one-of-a-kind historic marker, not including the research or the eventual placement, is about \$1800. So, when the state's T-40 historic marker, "Lincoln Reviews Troops at Bailey's Crossroads," was removed/disappeared from its original location at 5910 Leesburg Pike, where it had stood for 25 years, local historians expressed concern and consternation. The marker was in the way of roadway and sidewalk improvements funded by a Transportation Bond Referendum, and was removed sometime in 2017, but sadly, lost during the project. Efforts to find the marker and reinstall it were not successful. There was no local funding for a replacement marker, and state funding, although considered by the Virginia General Assembly, had not been included in VDOT's budget.

Finally, with assistance from Virginia State Senator Dick Saslaw, and Secretary of Transportation Shannon Valentine, funding for a replacement marker was secured, an order with the foundry was placed, and a new marker was installed in December, slightly to the east of its original location.

State and County historic markers are placed on VDOT right-of-way where they can be seen by thousands of passers-by every day. However, with the many transportation projects underway and many not yet scheduled, some markers may be "in the way," requiring removal due to construction. The historic marker is not just another road sign to be tossed into the truck, but an artifact that needs to be safeguarded and reinstalled at the end of the project.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to work with VDOT and others, to develop a template and process for safeguarding historic markers and County signs that may be displaced due to construction projects, both public and private. Without objection, it was so ordered.

37. **TREE ACTION PLAN** (12:21 p.m.)

(BACs) Supervisor Gross stated that the County's Tree Action Plan was approved by the Board in 2006. In 2017, staff and the Tree Commission began work on updating the Plan and presented a draft to the Board's Environmental Committee. Due to press of other business, including CECAP, C-PACE, and the election, action on the Tree Action Plan was postponed.

The Tree Canopy goal is "No net loss of tree canopy to maintain our county's overall tree canopy of 57 percent based on the March 2017 analysis." Both the Tree Commission and the Urban Forestry Management Division staff recommend that the Board approve the Tree Action Plan.

Therefore, jointly with Chairman McKay and Supervisor Storck, Supervisor Gross moved that the Board direct the County Executive to put the Tree Action Plan on the agenda for the February 25, 2020, Board meeting, as an Action Item for the Board's consideration. Jointly with Chairman McKay and Supervisor

Storck, Supervisor Gross further moved that the Board direct the County Executive to provide any fiscal impacts that the implementation plan may trigger. Chairman McKay seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

38. **RECESS/CLOSED SESSION** (12:24 p.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2 3711(A) (1).
 - (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
 - (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *JBG Tysons Hotel LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2019-0017690 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 2. *Fairfax County Police Department and Colonel Edwin C. Roessler Jr., v. Harrison Neal*, Record No. 191129; *Harrison Neal v. Fairfax County Police Department and Colonel Edwin C. Roessler Jr.*, Record No. 191127 (Va. Sup. Ct.)
 3. *Paul Boyne v. Fairfax County, Virginia*, Case No. 2:19-cv-1208 (E.D. Va.)
 4. *Christopher Alipui v. Detective Brian Byerson, Detective Brendan Miller, MPO Jesse Thornton, PFC Daniel Custer, Lt. Charles Riddle, and Detective Debbie Manes*, Case No. 1:14-cv-103 (E.D. Va.)
 5. *Justin Reed v. Fairfax County*, Case No.1:18-cv-1454 (E.D. Va.)
 6. *Willie A. McCallum v. Fairfax County Department of Public Works and Environmental Services*, Case No. 1:19-cv-724 (E.D.Va.)

7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory S. Souders*, Case No. GV19-041522 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven D. Brown and Beth K. Brown*, Case No. GV19-042121 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Franconia Center LLC and Gates of Heaven Ministries, Int'l*, Case No. CL-2020-0000583 (Fx. Co. Cir. Ct.) (Lee District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Patrick Craig Muldoon*, Case No. CL-2019-0000467 (Fx. Co. Cir. Ct.) (Lee District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2019-0000700 (Fx. Co. Cir. Ct.) (Lee District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Shafiqul Sikder*, Case No. CL-2019-0013845 (Fx. Co. Cir. Ct.) (Lee District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Barbara J. Vereen and David Vereen*, Case Nos. GV19-023082 and GV19-023096 (Fx. Co. Gen. Dist. Ct.) (Lee District)
14. *Board of Supervisors of Fairfax County, Virginia v. Blake D. Ratcliff and Sara B. Ratcliff*, Record No. 191128 (Va. Sup. Ct.) (Mason District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jean Marie Maria*, Case No. CL-2020-0000945 (Fx. Co. Cir. Ct.) (Mason District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rose G. Bledsoe and John D. Bledsoe*, Case No. CL-2020-0001176 (Fx. Co. Cir. Ct.) (Mason District)
17. *Christopher Farrell v. Fairfax County Board of Supervisors and Virginia Department of Transportation*, Case No. CL-2020-0000569 (Fx. Co. Cir. Ct.) (Mason District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Franklin B. Benabise, Jr., and Paula K. Kneeland-Benabise*, Case No. GV20-000883 (Fx. Co. Gen. Dist. Ct.) (Mason District)

19. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Franklin B. Benabise, Jr. and Paula K. Kneeland-Benabise*, Case No. GV20-000882 (Fx. Co. Gen. Dist. Ct.) (Mason District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahlon C. Hawker*, Case No. CL-2019-0015198 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Chiang Ching Kuo Foundation for International Scholarly Exchange, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013382 (Fx. Co. Cir. Ct.) (Providence District)
23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Martin D. Siegel Living Trust, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013383 (Fx. Co. Cir. Ct.) (Providence District)
24. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Martinez Properties, LC, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013384 (Fx. Co. Cir. Ct.) (Providence District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Rouben A. Yedigarian, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013385 (Fx. Co. Cir. Ct.) (Providence District)
26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. 8373B Greensboro, LLC, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013457 (Fx. Co. Cir. Ct.) (Providence District)
27. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Hummingbird Holdings, LLC, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013494 (Fx. Co. Cir. Ct.) (Providence District)

28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Israel H. Clavijo and Wendy K. Clavijo*, Case No. GV19-029512 (Fx. Co. Gen. Dist. Ct.) (Providence District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Victor R. Espinoza and Maria M. Espinoza*, Case No. GV20-002280 (Fx. Co. Gen. Dist. Ct.) (Providence District)
30. *Gary S. Pisner v. Leslie B. Johnson, Fairfax County Zoning Administrator*, Record No. 191343 (Va. Sup. Ct.) (Springfield District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vanessa E. Garcilazo and Wendy L. Ventura Espinoza*, Case No. CL-2019-0002725 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- As permitted by Virginia Code Section 2.23711(A)(7) and (8), legal briefings regarding the following: (a) claim of NS Reston LLC regarding the denial of its conceptual plan and PRO plan applications; and (b) Va. ABC Board license applications and the County's objections to Cimarron Imports LLC's application
- As permitted by Virginia Code Section 2.23711(A)(1), potential reappointment to the Board of Zoning Appeals

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

At 3:33 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:33 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."

40. **REAPPOINTMENT OF KAREN DAY TO THE BOARD OF ZONING APPEALS** (3:34 p.m.)

- (BACs) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board of Supervisors concur in the reappointment of Karen Day to the Fairfax County Board of Zoning Appeals. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

41. **MOTION AUTHORIZING OBJECTIONS TO CIMARRON IMPORTS' ABC LICENSE APPLICATIONS BE WITHDRAWN** (3:34 p.m.)

Supervisor Foust moved that the Board of Supervisors authorize and direct the County Attorney to withdraw the County's objections to Cimarron Imports, LLC's Alcoholic Beverage Control License applications for wine importer and wine wholesale licenses because Cimarron Imports has amended its applications and no longer seeks to conduct its business at 1839 Poole Lane, which is zoned residential. A letter withdrawing these objections will be submitted to the ABC Board based on the grounds discussed with the County Attorney in Closed Session. Supervisor Lusk seconded the motion and it carried by unanimous vote.

42. **MOTION DENYING THE CLAIM BY NS RESTON, LLC** (3:35 p.m.)

Supervisor Alcorn moved that the Board of Supervisors deny NS Reston, LLC's December 2, 2019, claim for damages allegedly resulting from the Planning Commission's June 19, 2019, action and the Board's October 29, 2019, action regarding NS Reston's Conceptual Plan and PRC Plan applications. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Herrity abstained.

KK:kk

43. **3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-P-022 (BURKE PETROLEUM REALTY LLC) TO AMEND SE 95-P-022, PREVIOUSLY APPROVED FOR A SERVICE STATION WITH QUICK SERVICE FOOD STORE WITH A WAIVER OF THE MINIMUM LOT WIDTH AND LOT SIZE REQUIREMENTS IN A HIGHWAY CORRIDOR OVERLAY DISTRICT, TO PERMIT THE MODIFICATION OF DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 23,994 SQUARE FEET OF LAND ZONED C-8, SC AND HC (PROVIDENCE DISTRICT)** (3:36 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 January 24 and 31, 2020.

The application property is located at 2081 Chain Bridge Road, Vienna, 22182. Tax Map 39-1 ((3)) 1A.

Mr. David S. Houston, Bean, Kinney & Korman, P.C., reaffirmed the validity of the affidavit for the record.

Daniel Creed, Planner, Zoning Evaluation Division, 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. Creed presented the staff and Planning Commission recommendations.

Following a query by Supervisor Palchik, Mr. Houston confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated December 23, 2019.

Supervisor Palchik moved:

- Approval of Special Exception Amendment Application SEA 95-P-022, subject to the development conditions dated December 23, 2019.

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

44. **ORDERS OF THE DAY** (3:44 p.m.)

Chairman McKay announced that the public hearing to Consider Proposed Amendments to the Uniformed Retirement System would be heard prior to the public hearing on Special Exception Application SE 2019-DU-019, Milestone Tower Limited Partnership IV d/b/a Milestone: T-Mobile.

45. **3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-SU-019 (MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE: T-MOBILE) TO PERMIT A TELECOMMUNICATION FACILITY, LOCATED ON APPROXIMATELY 12.26 ACRES OF LAND ZONED R-1 AND WS (SULLY DISTRICT)** (3:50 p.m.)

(NOTE: Later in the meeting this public hearing was held. See Clerk's Summary Item #47.)

46. **3:30 P.M. - PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE UNIFORMED RETIREMENT SYSTEM (URS) ORDINANCE** (3:44 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 24 and 31, 2020.

Jeff Weiler, Executive Director, Fairfax County Retirement Systems, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the URS ordinance for the purpose of changing certain provisions with respect to severe service-connected disabilities. 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."

47. **3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-SU-019 (MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE: T-MOBILE) TO PERMIT A TELECOMMUNICATION FACILITY, LOCATED ON APPROXIMATELY 12.26 ACRES OF LAND ZONED R-1 AND WS (SULLY DISTRICT) (3:50 p.m.)**

(NOTE: Earlier in the meeting, Chairman McKay announced that this item would be considered later in the meeting. See Clerk's Summary Item # 45.)

(NOTE: On January 28, 2020, the Board deferred the public hearing until February 11, 2020.)

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 January 24 and 31, 2020.

The application property is located adjacent to 4920 Stringfellow Road, Centreville, 20120. Tax Map 55-1 ((3)) 45, 46 and 46A.

Ms. Tracy L. Themak, Donohue & Stearns, PLC, 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:

- Leonard Forkas, Jr. of Milestone Tower Limited Partnership IV

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

- Leonard Forkas, Jr. of Milestone Tower Limited Partnership IV

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

- Leonard Forkas, Jr. of Milestone Tower Limited Partnership IV

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

- Edward L. Donohue, Esq. of Donohue & Stearns, PLC
- Frank W. Stearns, Esq. of Donohue & Stearns, PLC
- Leonard Forkas, Jr. of Milestone Tower Limited Partnership IV

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

- Leonard Forkas, Jr. of Milestone Tower Limited Partnership IV

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

Ms. Themak 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.

Discussion ensued, with input from Ms. Themak regarding:

- The monopole being placed further from homes
- The placement of the monopole on existing impervious surface

The public hearing included testimony by nine speakers.

Further discussion ensued, with input from Ms. Themak regarding:

- Alternative sites being less impactful on the community
- Engagement of elected officials in discussions with VDOT

Ms. Mitchell presented the staff and Planning Commission (PC) recommendations.

Discussion ensued, with input from William O'Donnell, Planner V, Department of Planning and Development, regarding the requirements of the notification process.

Supervisor Smith noted that there were questions regarding potential health effects and read a memorandum sent to the Planning Commission that lists the Federal Communications Commission's opinion regarding this matter.

Following a query by Supervisor Smith, Ms. Themak confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated January 15, 2020.

Supervisor Smith moved:

- Approval of Special Exception Application SE 2019-SU-019, subject to the development conditions dated January 15, 2020
- Modification of Sect. 13-302 of the Zoning Ordinance for the transitional screening and barrier requirements along the eastern, northern, and western boundaries of the subject property in favor of the existing conditions as depicted on the SE Plat

Supervisor Gross seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Alcorn voting “NAY.”

(NOTE: On January 15, 2020, the PC found that the telecommunication facility proposed under 2232-Y-19-8 satisfies the criteria of location, character, and extent as specified in Sect. 15.2-2232 of the *Code of Virginia*, as amended, and is substantially in accord with the provisions of the Comprehensive Plan.)

48. **4 P.M. - PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT RE: ARTICLE 14 – OUTDOOR LIGHTING AND RELATED PROVISIONS** (5:10 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 January 24 and 31, 2020.

Ms. Carmen Bishop, Principal Planner, Department of Planning and Development, presented the staff report.

Discussion ensued, with input from Ms. Bishop regarding:

- Public facilities being subjected to the performance standards of the Zoning Ordinance
- Review of adequate lighting for safety and security features as a result of this amendment
- Staff outreach to the communities that would be affected by this amendment

Following the public hearing, Ms. Bishop presented the staff and Planning Commission (PC) recommendations.

Supervisor Smith moved adoption of the proposed Zoning Ordinance amendment regarding outdoor lighting, as set forth in the Staff Report dated November 19, 2019, including the following options:

- A turn-off time of 10:00 p.m. for the lighting of sports fields or courts approved with a sports illumination plan on properties that are both zoned to a residential district and developed with a single-family dwelling
- A maximum of 4,000 lumens for exempt motion activated lighting on lots developed with single family dwellings
- The amendment become effective at 12:01 a.m., the day following adoption

Supervisor Alcorn 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.”

Supervisor Smith moved adoption of the follow-on motion:

- Review of additional zoning provisions to protect dark skies around astronomical facilities be included in the Zoning Ordinance Amendment Work Program either as part of the overall green initiatives or as a stand-alone amendment

Supervisor Foust and Supervisor Storck jointly seconded the motion.

Discussion ensued, with input from Andrew Hushour, Deputy Zoning Administrator, Department of Planning and Development, regarding the priority of this item.

Supervisor Foust asked to amend the motion to include it on the Zoning Ordinance Amendment Work Program’s Priority One List. This friendly amendment was accepted.

The question was called on the motion, as amended, 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.”

49. **BOARD ADJOURNMENT** (5:32 p.m.)

The Board adjourned.