



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 25, 2020**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, February 25, 2020, at 9:31 a.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- 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 Daniel G. Storck, Mount Vernon District
- Supervisor James R. Walkinshaw, Braddock District

Supervisor Kathy L. Smith, Sully District, arrived at 9:56 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 to the Board of Supervisors; Emily Armstrong, Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks, Department of Clerk Services.

BOARD MATTER1. **MOMENT OF SILENCE** (9:31 a.m.)

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

- Mr. Doshi, the father of Jay Doshi, Director of Tax Administration, who died recently
- Ms. Barbara Phillips, who died recently
- Dr. William Craig Pavord, who died recently
- Ms. Roz Engels, who died recently
- Mr. Phan, the father of Ann Phan, Legislative Staff for Senator Mark Warner, who died recently

Chairman McKay announced that Supervisor Smith would be arriving late due to a medical emergency involving her son and asked to keep him in thoughts.

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED THE JAMES MADISON HIGH SCHOOL MARCHING ENSEMBLE** (9:36 a.m.)

Supervisor Alcorn moved approval of the Resolution of Recognition presented to the James Madison High School Marching Ensemble, also known as the “Pride of Virginia,” for their outstanding season and historic championship. Supervisor Foust seconded the motion.

Following a brief discussion highlighting the accomplishments of the band, Bill Miller, Public Information Officer, Office of Public Affairs, was recognized as a graduate of the very first class of James Madison High School.

The question was called on the motion and it carried by a vote of nine, Supervisor Smith not yet having arrived.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO JAMES R. HART** (9:46 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to James R. Hart for his years of service on the Planning Commission. The motion was multiply seconded, and it carried by a vote of nine, Supervisor Smith not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman McKay.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT, POLICE DEPARTMENTS, AND THEIR JURISDICTIONAL COUNTERPARTS** (10:01 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificates of Recognition presented to the Fairfax County Fire and Rescue Department, Police Departments, and their jurisdictional counterparts and additional community organizations for their exceptional and extraordinary response to the Groveton fire, which occurred on February 8, 2020, and was one of the largest fires in the County, which resulted in \$48 million worth of damage. The motion was multiply seconded.

Following discussion regarding collaboration efforts to battle fires, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

5. **PRESENTATION BY REPRESENTATIVES OF COMBINED PROPERTIES, INCORPORATED** (10:23 a.m.)

Ms. Aisha Hill, Director of Development, Combined Properties, Incorporated, expressed gratitude to the first responders who helped combat the Groveton fire and thanked them for their efforts. She announced that Combined Properties, Incorporated, will be donating \$40,000 to the Fire and Rescue Departments and Police Departments. She noted that Combined Properties is committed to rebuilding the project.

Following discussion regarding the cause of the fire being the result of improperly discarded smoking materials, Supervisor Gross challenged the Fire and Rescue Department's education division to increase efforts to educate the public on how to properly discard smoking materials.

6. **10 A.M. – REPORT ON GENERAL ASSEMBLY (GA) ACTIVITIES** (10:32 a.m.)

Supervisor Walkinshaw, Chairman of the Board's Legislative Committee, noted that the Committee met on Friday, February 21, 2020, and referenced the updated Committee report which had been distributed to the Board.

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

- The 2020 Session is rapidly heading toward its scheduled adjournment on March 7, 2020. While nearly 600 bills have already passed both chambers and await gubernatorial action, over 1,300 bills are still awaiting final disposition

- The Legislative Committee received an update on the pending transportation funding legislation and received copies of a letter sent from the Northern Virginia Transportation Authority (NVTA) to General Assembly members in support of transportation funding provisions that would provide \$70 million annually to the NVTA. The Committee expressed support for these provisions as well, and for sending a letter of support to the County's General Assembly delegation. A copy letter was previously distributed to the Board. As a reminder, this effort is a result of the diversion of \$102 million in regional funding from NVTA by the 2018 General Assembly. These efforts would restore a significant portion of the diverted funds
- The Committee also received an update on pending legislation relating to equal taxing authority. The bills continue to successfully make their way through the General Assembly and are likely on their way to a conference committee, where their differences will be resolved. Additionally, the Committee discussed and expressed support for pending legislation relating to cannabis decriminalization, which has also evolved as it has moved through the General Assembly
- A key area of focus for the remainder of the session will be the 2020-2022 biennium budget. During the February 21, 2020, Legislative Committee meeting, staff provided an analysis of how the budgets adopted by the House and Senate affect key County priorities. As the budget is expected to enter conference committee, staff will closely monitor the negotiations and provide updates as the budget process unfolds

Therefore, Supervisor Walkinshaw moved that the Board approve sending a letter, copies of which were distributed around the dais, to the County's General Assembly delegation, expressing support for restoration of \$70 million to the Northern Virginia Transportation Authority through the transportation funding bills – HB 1414, SB 890, and HB 729. The motion was multiply seconded, and it carried by unanimous vote.

Supervisor Walkinshaw moved that the Board adopt Legislative Committee Report Number Three. Chairman McKay and Supervisor Lusk jointly seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY."

7. **10:10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs) (10:37 a.m.)**

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard

February 25, 2020.” Supervisor Lusk seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointments of the Lee and Mason District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Engineer/Architect/Planner #2 and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #1 Representative.

ANIMAL SERVICES ADVISORY COMMISSION

Reappointment of:

- Mr. Philip S. Church as the At-Large Chairman’s Representative
- Ms. Linda L. Bartlett as the Braddock District Representative
- Ms. Diane D’Arcy as the Dranesville District Representative
- Ms. Lucinda Stewart as the Hunter Mill District Representative
- Ms. Christina Anderson as the Mason District Representative
- Ms. Gina Marie Lynch as the Mount Vernon District Representative
- Ms. Allison Volpert as the Providence District Representative

The Board deferred the appointments of the Lee, Springfield, and Sully District Representatives.

ATHLETIC COUNCIL

The Board deferred the appointments of the Diversity-At-Large Principal, Mason District Alternate, Member-At-Large Alternate, and the Women's Sports Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointments of the Lee and Mason District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointments of the Design Professional #1 and #5 Representatives.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

Appointment of:

- Ms. Maria Dolores Quintela as the Professional #1 Representative

The Board deferred the appointment of the At-Large #2 Representative.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

Appointment of:

- Ms. Debbie Kilpatrick as the At-Large #4 Representative

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointments of the Lee and Mason District Representatives.

CHILD CARE ADVISORY COUNCIL

Reappointment of:

- Ms. Janet M. Reimer as the At-Large Chairman's Representative

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

The Board deferred the appointments of the Dranesville, Hunter Mill, Mason, and Providence District Representatives.

CIVIL SERVICE COMMISSION

Appointment of:

- Mr. Farzin Farzad as the At-Large #5 Representative

Reappointment of:

- Ms. Sara J. Simmons as the At-Large #3 Representative
- Mr. Patrick Morrison as the At-Large #7 Representative

The Board deferred the appointment of the At-Large #8 Representative.

COMMISSION FOR WOMEN

Appointment of:

- Ms. Shafuq Naseem as the Braddock District Representative
- Ms. Chelsea H. Smith as the Springfield District Representative

The Board deferred the appointments of the At-Large Chairman's and Sully District Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Reappointment of:

- Mr. Jim Edwards-Hewitt as the Mason District Representative

Confirmation of:

- Mr. Abdalla M. Abdalla as the Elected – Central Target Area #2 Representative
- Ms. Dipti Pidikiti-Smith as the Elected – South Target Area #3 Representative
- Ms. Alice Yam as the George Mason University Representative

The Board deferred the appointment of the Hunter Mill District Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

The Board deferred the appointment of the BOS At-Large #6 Representative.

ECONOMIC ADVISORY COMMISSION

Confirmation of:

- Mr. James A. Tholen as the At-Large #20 Representative

The Board deferred the appointment of the At-Large #1 Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

Confirmation of:

- Mr. Mark Liberati as the Northern Virginia Association of Surveyors Representative
- Mr. Kevin Pullen as the League of Women Voters Representative

The Board deferred the appointment of the Citizen #4 Representative.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Appointment of:

- Mr. Bryan P. Campbell as the Braddock District Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Hunter Mill District Representative.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Elana Plotnick as the Long Term Care Providers #2 Representative
- Ms. Anita B. Light as the City of Fairfax Representative

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Appointment of:

- Mr. Matthew Briney as the Mount Vernon District Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Ms. Anne Whipple as the At-Large #2 Representative
- Ms. Karen Abraham as the Braddock District Representative
- Ms. Larysa M. Kautz as the Lee District Representative
- Ms. Srilekha Reddy Palle as the Springfield District Representative

(NOTE: These nominations were announced on January 28, 2020.)

Nomination of:

- Mr. Daniel T. Sherrange as the Sully District Representative

(NOTE: The Board is scheduled to take action on this appointment on March 24, 2020.)

The Board deferred the appointment of the At-Large #3 Representative.

HISTORY COMMISSION

Confirmation of:

- Mayor David as the City of Fairfax Representative

The Board deferred the appointment of the Historian #1 Representative.

HUMAN RIGHTS COMMISSION

The Board deferred the appointments of the At-Large #7 and #9 Representatives.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointments of the Lee and Springfield District Representatives.

MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY

Reappointment of:

- Ms. Karen R. Hammond as the Developer Representative
- Mr. John W. Foust as the Dranesville District Supervisor Representative

Appointment of:

- Ms. Dalia A. Palchik as the Providence District Supervisor Representative

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

The Board deferred the appointments of the At-Large Chairman's, Braddock, Dranesville, Lee, Mason, Mount Vernon, and Providence District Representatives.

PARK AUTHORITY

Reappointment of:

- Mr. James P. Zook as the At-Large #1 Representative

POLICE CIVILIAN REVIEW PANEL

Reappointment of:

- Mr. Robert E. Cluck as the Seat #2 Representative
- Ms. Shirley A. Norman-Taylor as the Seat #3 Representative
- Mr. Douglas Kay as the Seat #5 Representative

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Appointment of:

- Mr. Gary Maupin as the Resident Member from the Reston Town Center Association

The Board deferred the appointments of the Dranesville District, Residential Owners and HOA/Civic Association #1, #2, and #3 Representatives.

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #1, #4, and #5 Representatives.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Citizen Member #2, Condo Owner, Landlord Member #2, Tenant Member #1 and #2 Representatives.

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE

Appointment of:

- Mr. Alexander Rough as the Hunter Mill District Representative

Confirmation of:

- Ms. Kathryn M. McDaniel as the Clifton Horse Society Representative

The Board deferred the appointment of the Lee District Representative.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Lee District Representative.

TREE COMMISSION

Appointment of:

- Mr. Cory A. Suter as the Springfield District Representative

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Appointment of:

- Mr. Brad Swanson as the Hunter Mill District #1 Representative

The Board deferred the appointment of the Commercial or Retail Ownership #3 Representative.

WATER AUTHORITY

Appointment of:

- Ms. Nancy Colleton as the Hunter Mill District Representative

COUNCIL TO END DOMESTIC VIOLENCE (CEDV)

Confirmation of:

- Supervisor James R. Walkinshaw as the Board of Supervisors Representative

8. **10:20 A.M. – COUNTY EXECUTIVE’S PRESENTATION OF THE PROPOSED FISCAL YEAR (FY) 2021 AND FY 2022 MULTI-YEAR BUDGET PLAN AND THE PROPOSED COUNTYWIDE STRATEGIC PLAN** (10:37 a.m.)

Bryan J. Hill, County Executive, presented the Proposed FY 2021 and FY 2022 Multi-Year Budget Plan.

Following Mr. Hill’s presentation, the following Budget Town Hall Meetings were announced by district:

<u>MEETING</u>	<u>DATE/TIME</u>	<u>LOCATION</u>
Mount Vernon District	February 26 – 7 p.m.	Gerry Hyland South County Center
Dranesville District	February 27 – 7 p.m.	McLean Community Center
Sully District	March 4 – 7 p.m.	Sully Governmental Center
Lee District	March 7 – 1:30 p.m.	Franconia Governmental Center
Braddock District	March 11 – 7:30 p.m.	Kings Park Library Community Room
Mason District	March 12 – 7 p.m.	Mason District Governmental Center
Dranesville District	March 18 – 7 p.m.	Great Falls Library
Springfield District	March 19 – 7 p.m.	Springfield Governmental Center
Hunter Mill District	March 21 – 9 a.m.	Council Chamber at Vienna Town Hall
Providence District	March 25 – 7 p.m.	Providence Community Center
Hunter Mill District	March 30 – 7 p.m.	Dogwood Elementary School

Chairman McKay announced the following timeline for the FY 2021 Budget.

- February 28 – Budget Committee meeting with the School Board
- March 10 – Board authorizes the proposed real estate tax rate for FY 2021
- April 14, 15 and 16 – Public Hearings on the Budget
- May 5 – The Board adopts the FY 2021 Budget, tax rate and budget transfer amount to FCPS

Following comments regarding the proposed budget, Chairman McKay asked for comments from Board Members. Areas of comment included the following:

- Employee compensation
- Extended library hours
- Percentage of commercial tax base
- 50+ Community Action Plan
- Proposed tax increase
- Increase deficiencies and prioritizing spending
- Affordable housing
- Outreach on the Strategic Plan

Supervisor Gross asked unanimous consent that the Board direct staff to provide information on the following:

- The County's cost to increase teacher's salaries to reach the number set by the General Assembly
- Whether the position recommendation for the Student Bus Pass Program includes an opportunity to expand the program to other locations
- The ratio of County employees to the total population for the County

Without objection, it was so ordered.

Supervisor Foust asked unanimous consent that the Board direct staff to provide information on the following:

- How the extended library hours would be implemented over the next three years
- Implementation timing for each library
- The cost for the extended library hours for each location

- The findings regarding consolidation of the Office to Prevent and End Homelessness and the Department of Housing and Community Development
- Aspects of the proposal for the consolidation and reasons for Board support

Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information on what efforts have been made to achieve savings and efficiencies and what other reductions were put into the budget prior to the added increases. Without objection, it was so ordered.

Supervisor Walkinshaw asked unanimous consent that the Board direct staff to provide information on the following:

- Ways to eliminate SACC waitlists
- Examples of saving and efficiencies to fund advance investments in IT systems, which will have long-term savings
- Additional information regarding environmental projects

Without objection, it was so ordered.

Supervisor Alcorn asked unanimous consent that the Board direct staff to provide information on the following:

- Areas of the County likely to need additional facilities for school readiness
- Possible advancements resulting from the proposed penny and a half for affordable housing for this year and long-term. Additional advancements possible if a greater commitment were made
- Chart highlighting the general fund total over the last 20-25 years, and the long-term burden that the real estate tax is bearing on the community

Without objection, it was so ordered.

Supervisor Palchik asked unanimous consent that the Board direct staff to provide information on the following:

- Details on the Birth to 5-Year Fund and aspects of its usage

- The current building capacity if the Board was able to fully fund the programmatic side of the needs in the Pre-K, and how much is currently available for Board funding prior to increasing capacity
- Short-term, mid-term, and long-term goals needed to prioritize the Strategic Plan

Without objection, it was so ordered.

Supervisor Storck asked unanimous consent that the Board direct staff to identify what savings and efficiencies have been identified in terms of the budget process. Without objection, it was so ordered.

Supervisor Lusk asked unanimous consent that the Board direct staff to provide information on the following:

- Ways affordable housing can be incorporated with the Capital Improvement Program (CIP) and other facilities in the County
- Possible opportunities to extend community center hours, in order to provide additional value for the community
- The priorities of the Economic Reserve Fund and how the funds will be used
- Ways to expand the commercial tax base in revitalization areas and possible methods to encourage development

Without objection, it was so ordered

9. **ADMINISTRATIVE ITEMS** (12:14 p.m.)

Supervisor Foust called the Board's attention to Admin 1 – Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt 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, and inquired as to why the sewer rate was increasing rapidly and what the consequences would be if the Board raised it at a more reasonable rate.

Discussion ensued with input from Randy Bartlett, Director, Department of Public Works and Environmental Services, who stated that staff's recommendation was from the County's financial advisors in order to build a base rate into the rate structure.

Further discussion ensued with input from Supervisor Gross, noting that the consequence would be that drinking water quality standards would not be met,

and that it reflects the requirements necessary for cleaning up streams and restoring the Chesapeake Bay.

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

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT 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

(As) Authorized the advertisement of a public hearing to be held before the Board on **April 14, 2020, at 3 p.m.**, to consider an ordinance that proposes to amend and readopt 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:

1. Re-affirming the Sewer Service Charges for FY 2020, adjusting the Sewer Service Charges for FY 2021 through FY 2024, and establishing the Sewer Service Charges for FY 2025
2. Re-affirming the Base Charges for FY 2020, adjusting the Base Charges for FY 2021 through FY 2024, and establishing the Base Charges for FY 2025
3. Re-affirming the Availability Charges (including the fixture unit rate for nonresidential uses) for FY 2020, adjusting the Availability Charges for FY 2021 through FY 2024, and establishing the Availability Charges for FY 2025
4. Re-affirming the Hauled Wastewater Charges for FY 2020, adjusting the Hauled Wastewater Charges for FY 2021 through FY 2024, and establishing the Hauled Wastewater Charges for FY 2025
5. Making certain revisions of a housekeeping nature, such as deleting outdated sections of the Code

Although the sewer charges in the sewer ordinance, Chapter 67.1, are multi-year, all sewer charges are reviewed, adjusted as necessary, and adopted annually to ensure sewer charges are accurately priced.

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT

FAIRFAX COUNTY CODE SECTION 7-2-13 AND RELOCATE THE POLLING PLACES FOR THE LORTON PRECINCT IN THE MOUNT VERNON DISTRICT AND THE NOTTOWAY PRECINCT IN THE PROVIDENCE DISTRICT

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 24, 2020, at 4 p.m.**, to consider an ordinance that proposes to amend and readopt Fairfax County Code Section 7-2-13, relating to election precincts and polling places, to move the polling places for the Lorton precinct and the Nottoway precinct.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (SULLY DISTRICT)

- (R) Approved the request that the street listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Avion Development Lot 12A – VA Mallory Drive	Sully	Virginia Mallory Drive

ADMIN 4 – AUTHORIZATION TO APPLY FOR FUNDING THROUGH THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S INFRASTRUCTURE FOR REBUILDING AMERICA (INFRA) FY 2020 DISCRETIONARY GRANT PROGRAM FOR THE RICHMOND HIGHWAY WIDENING PROJECT (LEE AND MOUNT VERNON DISTRICTS)

- (R) Approved a resolution endorsing the Richmond Highway Widening (Sherwood Hall Lane to Mount Vernon Highway) Project, so that the Department of Transportation (FCDOT) can apply for grant funding through the United States Department of Transportation’s (USDOT) Infrastructure for Rebuilding America discretionary grant program.

10. **A-1 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO MAKE A HOUSING BLUEPRINT LOAN TO ARLINGTON PARTNERSHIP FOR AFFORDABLE HOUSING OAKWOOD, LLC, IN THE AMOUNT OF \$5,250,000, TO FINANCE THE DEVELOPMENT OF OAKWOOD APARTMENTS, ALEXANDRIA, VIRGINIA (LEE DISTRICT)** (12:19 p.m.)

On motion by Supervisor Lusk, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the FCRHA to make a Housing Blueprint Loan in the amount of \$5,250,000 to Arlington Partnership for Affordable Housing Oakwood, LLC, or wholly-owned affiliates (APAH), to finance the development of 150 units of

affordable senior housing, known as Oakwood Apartments (the Project), in the Lee District.

11. **A-2 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY REVENUE BONDS FOR THE BENEFIT OF THE LANGLEY SCHOOL (DRANESVILLE DISTRICT)** (12:21 p.m.)

(R) On motion by Supervisor Foust, jointly seconded by Supervisor Lusk and Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a resolution approving the issuance of up to \$21,000,000 in revenue bonds by the Fairfax County Economic Development Authority (FCEDA) to The Langley School to assist with certain capital improvements at its educational facilities.

12. **A-3 – APPROVAL OF THE TREE ACTION PLAN** (12:23 p.m.)

On motion by Supervisor Gross, jointly seconded by Supervisor Lusk and Supervisor Storck, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Tree Action Plan 2019.

Discussion ensued with input from Brian Keightley, Director, Urban Forestry Management Division, regarding the following:

- Possible tools or strategies to optimize tree conservation and land development
- Non-regulatory tools and outreach efforts by staff
- Focusing on tree planting activities and identifying vulnerable communities through the One Fairfax Policy

13. **A-4 – DESIGNATION OF THE ZONING ADMINISTRATOR AS THE BOARD OF SUPERVISORS' AGENT(S) IN OBJECTING TO VIRGINIA ALCOHOLIC BEVERAGE CONTROL LICENSE APPLICATIONS** (12:33 p.m.)

(R) On motion by Supervisor Smith, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a resolution designating the Zoning Administrator to act as the Board's agent in objecting to Virginia Alcoholic Beverage Control (VABC) license applications and participating in hearings based on those objections.

14. **I-1 – CONTRACT AWARD – ONSITE AMBULATORY MEDICAL ASSESSMENT PROGRAM (MAP)** (12:33 p.m.)

The Board next considered an item contained in the Board Agenda, announcing that staff is requesting to award a contract to Neighborhood Health to provide on-site medical assessments at the Merrifield Crisis Response Center.

DMS:dms

15. **REQUESTS FOR PROCLAMATIONS AND CERTIFICATE OF RECOGNITION** (12:34 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare and schedule the following Proclamations and Certificate of Recognition:

- Representatives from the Fairfax County Commission for Women be invited to appear before the Board on March 10, 2020, to accept a proclamation designating March 2020 as “*Women's History Month*” in the County
- Representatives from the Community Services Board be invited to appear before the Board on March 10, 2020, to accept a proclamation designating March 2020 as “*Developmental Disabilities Inclusion Month*” in the County
- Lula Bauer be invited to appear before the Board to recognize the 50th anniversary of Lee Mount Vernon Sports Club

Without objection, it was so ordered.

16. **COMMUNITY INPUT ON THE PROPOSED COUNTYWIDE STRATEGIC PLAN** (12:34 p.m.)

Chairman McKay thanked the County Executive and staff for the hard work on developing Fairfax County's first countywide, community outcome-focused strategic plan. He stated that he appreciates the robust community and stakeholder engagement in the process as input from the residents were an essential part of the drafting of the plan. As the Board embarks on a review of the plan, it is important to receive community input on the entirety of the proposed Countywide Strategic Plan.

Therefore, Chairman McKay moved that the Board direct staff to organize and facilitate four community sessions in different regions of the County and provide the Board with a summary of the community feedback on the Plan. The Board will then utilize this feedback in determining the adjustments needed in finalizing and adopting the new Countywide Strategic Plan. Supervisor Gross seconded the motion.

Discussion ensued regarding the following in terms of the draft Countywide Strategic Plan:

- Ensuring paper copies of the draft are available for the public at each session
- The need for translation services to ensure equal access and inclusion
- The need for a summary, detailing each step that has occurred and future steps

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

17. **JOINT BOARD AND SCHOOL BOARD RETREAT** (12:38 p.m.)

Chairman McKay stated that at the last Board Meeting, he presented a Board Matter detailing several ideas for collaboration following the recent joint Board of Supervisors and School Board retreat.

Among those items was the scheduling of a joint meeting between the School Board and Planning Commission to discuss the Capital Improvement Program (CIP) and work done by the Commission in its CIP Committee.

In order for the two Boards to best discuss and plan for future CIP work, the Chairman for the Board and the School Board Chairman, Karen Corbett Sanders, have agreed to create a joint working group. This will better allow for information sharing, prioritizations, and planning by both the County and Fairfax County Public Schools.

Although no Board action is needed, Chairman McKay stated that he wanted to announce the group and share that Supervisors Kathy Smith and John Foust have agreed to serve and represent this Board.

18. **JOINT BUDGET TOWN HALL MEETING WITH THE MOUNT VERNON COUNCIL OF CITIZENS' ASSOCIATIONS (MOUNT VERNON DISTRICT)** (12:40 p.m.)

Supervisor Storck announced that this joint meeting will be held on February 26, 2020, at 7:00 p.m. at the Mount Vernon Governmental Center and he invited the community to attend.

19. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:40 p.m.)

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

20. **CERTIFICATE OF RECOGNITION REQUEST FOR DE LUNE CORP (MOUNT VERNON DISTRICT)** (12:40 p.m.)

Supervisor Lusk stated that he would like to recognize an extraordinary act of corporate generosity by De Lune Corp, which is headquartered in Springfield, Virginia. They created a "Sharing the Love Initiative" which resulted in the donation of 20,000 farm fresh eggs, each stamped with a small pink heart on Valentine's Day, which were delivered to soup kitchens, homeless shelters, food pantries, and communities in need.

They spent the entire day delivering to organizations throughout the County and the greater Washington Metropolitan Area. Recipients included, United Community, Food for Others, Mt. Vernon at Home, Good Shepard Housing, Christian Relief services, South County Domestic Center, Alice's Kid's, Martha's Table, So Others Might Eat, Shepard's Cove and many more.

Therefore, Supervisor Lusk asked unanimous consent that the Board direct staff to invite the President of De Lune Corp, Gaddafi Ismail, to appear before the Board to receive a Certificate of Recognition for his commitment to serve those in need through this creative and charitable initiative. Without objection, it was so ordered.

21. **2019-2020 SOUTH COUNTY SITE-SPECIFIC PLAN AMENDMENT NOMINATION (LEE AND MASON DISTRICTS)** (12:42 p.m.)

Supervisor Lusk announced that the County has accepted a 2019-2020 South County Site-Specific Plan Amendment nomination for approximately 12 acres of land located along Oakwood Road, just east of its intersection with South Van Dorn Street, in the Van Dorn Transit Station Area. Nomination PC 19-LE-006, which comprises a portion of Land Unit D of the Transit Station Area, proposes a Plan option supporting a wider variety of mixed-use development than is supported by the current mixed-use Plan option, which applies to the entirety of Land Unit D.

Since the nomination was accepted, it has come to the attention that many of the owners of neighboring properties along Oakwood Road, which are also located within Land Unit D, are interested in exploring a similar Plan option for their properties. A total of eighteen additional parcels, totaling approximately 18.53 acres, comprise the remainder of the land unit. An additional Site-Specific Plan Amendment nomination has been received for consideration of a Plan option for the remaining eighteen parcels in Land Unit D. While the nomination period has closed, Supervisor Lusk stated that he would like this nomination to be considered in the screening process.

Therefore, Supervisor Lusk moved that the Board authorize staff to accept for consideration in the 2019-2020 South County Site-Specific Plan Amendment Process the Comprehensive Plan Amendment nomination submitted for

approximately 18.53 acres, comprised of eighteen parcels located on the north and south sides of Oakwood Road.

This motion should not be construed as a favorable recommendation for the Comprehensive Plan Amendment nomination and does not exempt the nomination from the screening and review procedures established by the Site-Specific Plan Amendment Process. Supervisor Foust seconded the motion.

Following discussion, with input from Barbara Byron, Director, Department of Planning and Development, regarding the possible benefits, concerns, and implications with this addition, the question was called on the motion and it carried by unanimous vote.

22. **HUNTER MILL DISTRICT BUDGET TOWN HALL MEETING**
(12:48 p.m.)

Supervisor Alcorn announced that there will be a Hunter Mill District Town Hall meeting on February 26, 2020, at 7:00 p.m. at James Madison High School and he invited the community to attend.

23. **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)'S PROPOSED FY 2021 OPERATING BUDGET AND RELATED SERVICE AND FARE PROPOSALS BACKGROUND: WMATA'S PROPOSED FISCAL YEAR (FY) 2021 OPERATING BUDGET TOTALS** (12:49 p.m.)

Supervisor Alcorn stated that WMATA's proposed Fiscal Year (FY) 2021 operating budget totals \$2.09 billion. It includes a base operating budget that is within the mandated 3% subsidy growth cap, with the exception of excluded items per the enacted legislation. The FY 2021 proposed budget adds hours to keep Metrorail open later and increases the frequency of trains on Sundays. The proposal also makes targeted improvements to weekday and weekend service on Metrobus and fare changes to grow ridership, improve customer experience and allow Metro to better serve the region. It also includes numerous fare changes. However, to balance the budget, the proposal also includes service reductions and consolidations for efficiency and effectiveness.

Supervisor Alcorn stated that the proposed Metrobus service cuts for routes operating in Fairfax County include the following:

- 2A (Washington Boulevard — Dunn Loring Metro) — Entire Route
- 3A (Annandale to East Falls Church Metro) — Entire Route
- 5A (Dulles Airport to Washington, DC) — Entire Route
- 16E (Culmore to Washington, DC via Columbia Pike — eliminate Pentagon to DC segment)

- 29W (Braeburn Drive/Little River Turnpike to Pentagon) — Entire Route
- NH2 (Huntington Metro to National Harbor — eliminate Huntington Metro to King Street Metro segment)
- 3T (McLean Metro to East Falls Church Metro via Pimmit Hills) — Entire Route
- 15K (East Falls Church Metro to Langley/CIA) — Entire Route
- S80 (Transportation Association of Greater Springfield [TAGS] Circulators) — Entire Route
- S91 (Transportation Association of Greater Springfield [TAGS] Circulators) — Entire Route

Supervisor Alcorn stated that key proposed fare changes of interest to Fairfax County include up to the following:

Metrorail

- Raise peak period base fares by \$0.25 from \$2.25 to \$2.50
- Raise maximum peak fare \$1 from \$6 to \$7
- Implement a \$2.75 weekend flat fare on Metrorail

Metrobus

- Create a \$0.25 surcharge for cash transactions on Metrobus, including senior/disabled cash transactions
- Increase the transfer discount utilizing SmarTripe between rail and bus systems from \$0.50 to \$2, equal to the base fare on Metrobus regular routes

Supervisor Alcorn stated that on February 4, 2020, the Board discussed the service and fare proposals at the Board Transportation Committee and directed staff to prepare a letter to WMATA transmitting the County's comments.

Therefore, Supervisor Alcorn stated that in order to limit the subsidy increase to no more than 3% and still maximize efficiencies with the least impact on WMATA riders, he moved that the Board approve the letter attached to his written Board Matter, in response to WMATA's Proposed FY 2021 Operating Budget and Related Service and Fare Proposals, including:

- The Board wishes to work with WMATA staff to maintain, and/or modify, the S80, S91, 3T, 15K and 3A routes to reduce subsidies but maintain service
- The Board requests that WMATA not eliminate two "tripper trains" that currently operate during the morning peak on the Orange Line
- The County does not support WMATA implementing the free transfer between bus and rail
- Fairfax County does not support a weekend flat fare of \$2

Supervisor Lusk seconded the motion.

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

- Cost savings and the tradeoff to allow bus service to continue
- Possible reduction in the number of stops for certain routes
- The flat rate weekend fee
- The needed balance between the flat rate fee and increasing ridership
- Route 29W and the need for WMATA to make amends with the riders on that route for previous disruptions in service
- Ensuring proffers related to transportation be general in nature
- Impact on transportation due to the increase in construction projects
- Efforts to increase ridership
- Elimination of local officials serving on the Metro Board
- Silver Line Phase 2 beginning in the spring of 2021

Following the discussion, Supervisor Walkinshaw offered a friendly amendment to include route 29W to the list of routes staff is requesting WMATA maintain service for. Supervisor Alcorn accepted this friendly amendment. The question was called on the motion, as amended, and it carried by unanimous vote.

24. **BANNING PLASTIC BAGS FOR YARD WASTE** (1:10 p.m.)

Jointly with Supervisor Gross, Supervisor Herrity stated that the County Executive stated in a February 14, 2020, memo to the Board that the County intends to communicate to its residents, beginning March 1, 2020, that residents

should no longer use plastic bags for yard waste collection. This would be followed by a Code change which would effectively ban plastic bags for this use.

According to his review of the tape from the Board's Environment Committee meeting on June 18, 2019, Supervisor Herrity stated that he, the then Chair of the Board's Environment Committee, and Supervisor Gross expressed concerns with the change and asked that it be brought back to the Environmental Committee for further discussion of the issues that were identified by the residents and Supervisors. Later in the discussion another Supervisor requested that the Board move quickly.

In 2017, when the ban was announced by staff without Board discussion, the Board received significant resident opposition as well as questions that needed to be addressed. Board members also had many issues and questions and many of those were not addressed in the memo. For example, the cost of compostable paper bags can be prohibitive and are at least twice the cost of paper bags. Are significant paper bags available in the County – has the County discussed availability with its businesses? Paper bags are not as flexible or convenient to use. Paper bags fall apart in wet weather conditions leaving trash and debris on streets. Initiating this within one week does not provide enough time for Board offices to secure feedback from the residents again on this issue. This is what happened in 2017 and this process should not be again.

According to the memo, staff has been engaged in an outreach campaign to educate the community about a prohibition on the use of plastic bags for yard waste. Supervisor Herrity stated that at no time was he made aware of this program and the results of a very unscientific survey of neighbors and staff indicate they were not made aware either.

Furthermore, Supervisor Herrity stated he has spoken to the owner of a Northern Virginia Regional Composting Facility who is one of the largest recipients of the County's yard waste. Supervisor Herrity stated that the owner does not recall staff recently conducting a site visit to his facility. According to Mr. Hill's memo, staff not only conducted a site visit, but stated that the facility operators were on board with this change. The owner of this facility agrees that the removal of plastic bags would be beneficial to his operations, yet he remains concerned, as he was in 2017, that banning plastic bags will encourage more illegal dumping. He also has concerns with the impact that yard waste diversion has on state recycling goals and if yard waste is diverted to unregulated facilities, how much of that tonnage is actually reclaimed and how much, if improperly handled, becomes an environmental hazard to our waterways. Springfield District staff confirmed with DEQ in 2017 that illegal dumping is a problem with yard waste. And, by banning plastic, more operators may dump yard waste illegally, an issue not addressed in the memo.

Also, enforcement has not been addressed. Supervisor Herrity stated that he would like clarifications on what kinds of paper bags would be acceptable for use

and the penalties for non-compliance so it can be communicated to the residents if the ban were to go into effect.

Additionally, Supervisor Herrity expressed concern regarding stretching the patience of the residents with these initiatives. Within the last year, residents have had problems with major trash haulers, many who have now reduced their service from twice a week to once a week. The County has had great success with the purple glass recycling bins, but residents have still had to change their recycling behavior as they no longer can put glass in their own bins, necessitating an extra trip for them. The Board needs to consider how this plastic versus paper bag initiative will add to the burden for residents.

Supervisor Herrity stated that the General Assembly specifically exempted plastic bags for yard waste from the proposed new plastic bag tax.

Every bag has an environmental impact. There are no silver bullets. Decisions that are made in the name of the environment must be made on science and fact, not emotions and misconceptions. Each decision has consequences – intended and unintended – which should be fully examined and publicly discussed.

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

- Bring this discussion back before the Board at the May Environmental Committee meeting before any initiatives are implemented regarding plastic bag usage as directed by the Board at the Environmental Committee meeting in June 2019
- Gather information regarding concerns about illegal dumping as well as enforcement and report back to the Board at the May Environmental Committee meeting
- Provide answers to the questions asked at the June 2019 meeting and at the meeting today
- Provide the Board with the community feedback referenced in the memo to the Board

Discussion ensued regarding:

- The need for educating, outreach, and advocacy
- Getting plastics out of the environment
- Not delaying moving forward with steps to ban the use of plastic bags for yard waste

Following the discussion, jointly with Supervisor Gross, Supervisor Herrity moved to amend his motion to direct staff to:

- Have the discussion of an ordinance change brought back before the Board at the May Environmental Committee before the implementation regarding plastic bag use that was discussed at the Board Environmental Committee in June 2019
- Gather information regarding concerns about illegal dumping as well as information and report back to the Board at the May Environmental Committee meeting
- Provide answers to the questions asked at the June 2019 meeting and at the meeting today
- Provide the Board with the community feedback referenced in the memo to the Board
- Educate the public on the benefits of using paper bags instead of plastic bags

Supervisor Gross seconded the motion.

Following discussion regarding individual preference for paper versus plastic and support for the need of education, Supervisor Alcorn moved a substitute motion to bring this matter back for discussion at the Board's next Environmental Committee meeting but not prevent staff from moving forward with their recommendations. Supervisor Palchik seconded the motion.

Discussion ensued regarding:

- Encouraging the community to utilize reusable containers
- Need to move forward with utilizing paper instead of plastic
- Plastic being present in food sources
- Education already started in the community

Discussion ensued, with input from Elizabeth Teare, County Attorney, regarding the possible need for an ordinance change.

Supervisor Foust asked if this matter could be requested for reconsideration by any Supervisor.

Ms. Teare stated that a Supervisor on the prevailing side could make a motion to request the Board to reconsider this item.

The question was called on the substitute motion, in place of the main motion, and it carried by a vote of nine, Supervisor Herrity voting in opposition.

25. **OLD GLORY DC RUGBY** (1:38 p.m.)

Supervisor Herrity announced that there is new professional rugby team who recently won against the Seattle Seawolves. He congratulated local players, Ryan Burroughs and Michael Reid, on their win.

26. **REQUEST FOR A CERTIFICATE OF RECOGNITION PRESENTED TO BRADDOCK ELEMENTARY SCHOOL (BRADDOCK DISTRICT)** (1:39 p.m.)

Jointly with Supervisor Gross, Supervisor Walkinshaw announced that Braddock Elementary School recently became one of just two schools to win the Computer Science in Your Neighborhood Competition. This competition is a joint project of the Virginia Department of Education, the Science Museum of Virginia, and CodeVA. The program encourages young computer coders to continue learning and growing within the computer science field. The talented Braddock Elementary students with the guidance of their teacher, Joyce Matthews, were able to win a set of robots generously provided by CodeVA after sending a video that demonstrated their passion for computer science. These promising students have a great interest and talent for technology and learning.

Therefore, jointly with Supervisor Gross, Supervisor Walkinshaw asked unanimous consent that the Board direct staff to invite Joyce Matthews, STEM faculty, and Braddock Elementary School to appear before the Board on May 19, 2020, for a presentation of a Certificate of Recognition congratulating them on winning the Computer Science in Your Neighborhood Competition. Without objection, it was so ordered.

27. **REQUEST FOR A CERTIFICATE OF RECOGNITION PRESENTED TO W.T. WOODSON HIGH SCHOOL (BRADDOCK DISTRICT)** (1:40 p.m.)

Jointly with Supervisor Herrity and Supervisor Palchik, Supervisor Walkinshaw announced that the W.T. Woodson High School Boys' Swim and Dive Team recently won the 2020 Virginia Class 6 State Swim and Dive Championship for the first time since 1993. The team clinched the State Championship title at George Mason University's Jim McKay Natatorium on Saturday, February 22, 2020. Their impressive 245-point win featured the Cavaliers topping the 200-medley relay, Sophomore Aiken Do's first and second place finishes in the 100 and 50 freestyles, and Eric Lundgren's second place finish in the 100 backstroke.

Therefore, jointly with Supervisor Herrity and Supervisor Palchik, Supervisor Walkinshaw asked unanimous consent that the Board direct staff to invite the W.T. Woodson High School Boys' Swim and Dive Team along with their dedicated coaching staff to appear before the Board for a presentation of a Certificate of Recognition, congratulating them on winning the 2020 Virginia

Class 6 State Boys' Swim & Dive Championship. Without objection, it was so ordered.

28. **BRADDOCK DISTRICT BUDGET TOWN HALL MEETING** (1:41 p.m.)

Supervisor Walkinshaw announced that there will be a Braddock District Town Hall meeting on March 11, 2020, at 7:00 p.m. at the Kings Park Library Room and he invited the community to attend.

29. **MASON DISTRICT BUDGET TOWN HALL MEETING** (1:41 p.m.)

Supervisor Gross announced that there will be a Mason District Town Hall meeting on March 13, 2020, at 7:00 p.m. at Mason District Governmental Center and she invited the community to attend.

30. **NO BOARD MATTERS FOR SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (1:41 p.m.)

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

31. **REQUEST FOR A PROCLAMATION DESIGNATING MAY 2020 AS "BUILDING SAFETY MONTH" IN FAIRFAX COUNTY** (1:41 p.m.)

Supervisor Smith stated that all residents should recognize the importance of modern construction safety codes and the vital contributions rendered by the dedicated individuals promoting building and construction safety. The County, working together with other jurisdictions, enforces the Uniform Statewide Building Code (USBC) that ensures those safety codes are followed.

Therefore, Supervisor Smith moved that the Board direct staff to invite the Building Safety Month Planning Committee members, along with Mr. Brian Foley, Mr. John Walser and Ms. Elizabeth Perry to appear before the Board on May 5, 2020, to be presented with a Proclamation designating May 2020 as "*Building Safety Month*" in the County. Supervisor Gross seconded the motion.

Following discussion regarding the possibility of this being presented outside of the Board Room, the question was called on the motion and it carried by unanimous vote.

AGENDA ITEMS

32. **RECESS/CLOSED SESSION** (1:43 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. Application of Washington Gas Light Company to Increase Rates, PUR-2018-00080 (Va. State Corp. Comm'n) (All Districts)
 2. *Dora Fatima Parada-Segovia v. Kenneth Barlowe and Fairfax County*, Record No. 190862 (Va. Sup. Ct.)
 3. *Anna Elena Gordon, by GEICO, subrogee v. Kevin Lee Keyes*, Case No. GV20-001213 (Fx. Co. Gen. Dist. Ct.)
 4. *Janet Ramallo v. Fairfax County, Fairfax County Board of Supervisors, and Corvel Corporation*, Record No. 1610-19-4 (Va. Ct. App.)
 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Alees S. Coates*, Case No. CL-2017-0011608 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 6. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Linda L. LaFever*, Case No. CL-2020-0001175 (Fx. Co. Cir. Ct.) (Lee District)
 7. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Chan Ly Thich*, Case No. CL-2020-0000500 (Fx. Co. Cir. Ct.) (Mason District)
 8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Khanh Nguyen*, Case No. CL-2020-0002027 (Fx. Co. Cir. Ct.) (Mason District)
 9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas 2817 LLC*, Case No. GV20-02465 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. 300 Beverly Road, LLC*, Case No. CL-2019-0003050 (Fx. Co. Cir. Ct.) (Providence District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Falls Church Hospitality, Inc. and Aireen-K, LLC*, Case No. CL-2015-0002063 (Fx. Co. Cir. Ct.) (Providence District)
12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Milestone Properties in Fairfax, LLC, and Armstrong, Green, and Embrey, Inc.*, Case No. CL-2019-0016759 (Fx. Co. Cir. Ct.) (Providence District)
13. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy V. Marshall*, Case No. GV19-025605 (Fx. Co. Gen. Dist. Ct.) (Providence District)
14. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Samuel A. Velasquez*, Case No. CL-2019-0002543 (Fx. Co. Cir. Ct.) (Sully District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brian W. Sherfey and Emily B. Sherfey*, Case No. CL-2020-0002028 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.23711(A)(7) and (8), legal briefing regarding several federal and state immigration-related laws

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

At 3:52 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

33. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:53 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. Supervisor Lusk seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

EA:ea

34. **3:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-D-007-02 (MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE; FAIRFAX COUNTY SCHOOL BOARD) TO AMEND THE PROFFERS FOR REZONING APPLICATION RZ 89-D-007, PREVIOUSLY APPROVED FOR PUBLIC USES TO PERMIT A TELECOMMUNICATIONS FACILITY AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.24, LOCATED ON APPROXIMATELY 40.68 ACRES OF LAND ZONED R-3**

AND

PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-DR-012 (MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE; FAIRFAX COUNTY SCHOOL BOARD) TO PERMIT A TELECOMMUNICATIONS FACILITY, LOCATED ON APPROXIMATELY 40.68 ACRES OF LAND ZONED R-3 (DRANESVILLE DISTRICT) (3:53 p.m.)

Supervisor Foust moved to defer the public hearing on Proffered Condition Amendment Application PCA 89-D-007-02 and Special Exception Application SE 2019-DR-012 until **March 10, 2020 at 3:30 p.m.** Supervisor Lusk seconded the motion and it carried by unanimous vote.

35. **3:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2019-PR-001 (TOLL MID-ATLANTIC LP COMPANY, INC.) TO REZONE FROM R-1 AND HC TO PDH-3 AND HC TO PERMIT RESIDENTIAL DEVELOPMENT WITH AN OVERALL DENSITY OF 2.93 DWELLING UNITS PER ACRE AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 9.55 ACRES OF LAND (PROVIDENCE DISTRICT) (3:54 p.m.)**

(NOTE: On October 15, 2019, the Board deferred the public hearing until January 28, 2020, at 3:30 p.m. On January 14, 2020, the Board further deferred this public hearing to February 25, 2020.)

- (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 February 7 and 14, 2020.

The application property is located on the south side of Lee Highway, west of Mainstone Drive. Tax Map 48-4 ((1)) 54B.

Mr. Francis McDermott, Hunton Andrews Kurth, LLC, 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:

- Francis A. McDermott of Hunton Andrews Kurth, LLC, attorney and agent for Applicant

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

- Francis A. McDermott of Hunton Andrews Kurth, LLC, attorney and agent for Applicant

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

- Francis A. McDermott of Hunton Andrews Kurth, LLC, attorney and agent for Applicant

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

- Douglas M. Garrou of Hunton Andrews Kurth, LLC, attorney and agent for Applicant

Kelly Posusney, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a PowerPoint slide presentation depicting the application and site location.

Mr. McDermott 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 one speaker, Ms. Posusney presented the staff and Planning Commission (PC) recommendations.

Supervisor Palchik moved:

- Approval of Rezoning Application RZ 2019-PR-001, subject to the execution of proffered conditions consistent with those dated October 2, 2019
- Waiver of the 600-foot maximum length requirement for a private street per Par. 2 of Sect. 11-302 of the Zoning Ordinance

- Waiver of the service drive requirements along Lee Highway (Route 29)

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

(NOTE: On September 25, 2019, the PC approved Final Development Plan Application FDP 2019-PR-001, subject to the development conditions dated September 11, 2019.)

36. **3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-M-058-03 (MCDONALD'S CORPORATION) TO AMEND SPECIAL EXCEPTION APPLICATION SE 81-M-058, PREVIOUSLY APPROVED FOR A FAST FOOD RESTAURANT WITH DRIVE THROUGH, TO PERMIT SITE MODIFICATIONS AND ASSOCIATED MODIFICATIONS TO DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 1.38 ACRES OF LAND ZONED C-8, CRD, SC AND HC (MASON DISTRICT)**
(4:07 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 February 7 and 14, 2020.

The application property is located at 4803 Leesburg Pike, Alexandria, 22302. Tax Map 62-3 ((1)) 34.

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, listed in Par. 1(c) of the Venable LLP partner list

Supervisor Palchik disclosed that she owned one share in the McDonald's Corporation.

Sharon Williams, Planner, 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.

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

Following a query by Supervisor Gross, Mr. Pritchard confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 4, 2020.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 81-M-058-03, subject to the development conditions dated February 4, 2020
- Waiver of the loading space requirements of Sect. 11-203 of the Zoning Ordinance in favor of that shown on the SEA Plat
- Modification of the parking requirements to allow a parking reduction of up to 20 percent per Section A7-209(3)(A) of the Zoning Ordinance for the Bailey's Crossroads Commercial Revitalization District
- Modification of transitional screening requirements per Sect. 13-305 of the Zoning Ordinance along a portion of the northwestern property boundary in favor of that shown on the SEA Plat

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

37. **3:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-L-020-26/CDPA 84-L-020-07 (KINGSTOWNE M&N LP AND KINGSTOWNE TOWNE CENTER LP) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 84-L-020, PREVIOUSLY APPROVED FOR MIXED-USE DEVELOPMENT TO PERMIT RESIDENTIAL/MIXED-USE DEVELOPMENT AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A DENSITY OF 119 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 5.46 ACRES OF LAND ZONED PDC (LEE DISTRICT) (4:19 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 February 7 and 14, 2020.

The application property is located on the south side of Kingstowne Village Parkway approximately 1,650 ft. west of its intersection with South Van Dorn Street. Tax Map 91-2 ((1)) 36B and 36G (part).

Mr. Antonio Calabrese, DLA Piper LLP, reaffirmed the validity of the affidavit for the record.

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

- Metropolitan Homes, National Waste Managers, Odenton Management, Comar Management and WM Leasing, Inc.

Chairman McKay noted that none of these entities are parties to this application; however, Warren E. Halle is an officer of these companies and he is listed in Par. 1(a) as an agent for Kingstowne M&N LP and Kingstowne Town Center LP, the Applicants and Owners of the site.

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

- Jonathan Halle

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

Mr. Calabrese 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. Posusney presented the staff and Planning Commission recommendations.

Supervisor Lusk moved:

- Approval of Proffered Condition Amendment Application PCA 84-L-020-26 and the associated Conceptual Development Plan Amendment, CDPA 84-L-020-07, subject to the execution of proffered conditions consistent with those dated February 7, 2020
- Reaffirmation of a modification to the use limitations of Par. 5 of Sect. 206 of the Zoning Ordinance to exceed the 50 percent maximum amount of dwellings as a secondary use relative to the gross floor area of all principal uses in the development
- Reaffirmation of the previously approved modification to the transitional screening and waiver of the barrier required along the northern property boundary line
- Approval of a parking reduction request #6105-PKS-012-02 pursuant to Par. 5D of Sect. 11-102 of the Zoning Ordinance,

based on the proximity of a mass transit facility, subject to the conditions dated October 28, 2019, which are contained in Appendix 13 of the Staff Report

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."

(NOTE: On January 15, 2020, the PC approved Final Development Plan Amendment Application FDPA 84-L-020-0215, subject to the development conditions dated December 31, 2019.)

38. **4 P.M. - PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE WEST SPRINGFIELD RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 7 (SPRINGFIELD DISTRICT)** (4:33 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 February 7 and 14, 2020.

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

Following the public hearing, which included testimony by one speaker, Supervisor Herrity moved adoption of an amendment to Appendix G, of the Fairfax County Code to expand the West Springfield RPPD, District 7.

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

39. **4 P.M. - PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE GEORGE MASON UNIVERSITY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 40 (BRADDOCK DISTRICT)** (4:38 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 February 7 and 14, 2020.

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

Following the public hearing, which included testimony by six speakers, Supervisor Walkinshaw moved adoption of an amendment to Appendix G, of the Fairfax County Code to expand the George Mason University RPPD, District 40.

Supervisor Foust 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. **4:30 P.M. – PUBLIC COMMENT ON ISSUES OF CONCERN** (5:01 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 7 and 14, 2020.

Public comment was held and included the following individuals:

- Justin De Rise, Second Amendment Sanctuary
- Mike Shearer, Second Amendment Sanctuary
- Rachel Mace, Second Amendment Sanctuary
- Brian Farish, Second Amendment Sanctuary
- James Nida, Second Amendment Sanctuary
- Steven Grutman, Second Amendment Sanctuary
- Brendan Brown, Second Amendment Sanctuary
- Lisa Logan, Second Amendment Sanctuary

41. **BOARD ADJOURNMENT** (5:30 p.m.)

The Board adjourned.

