



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
July 14, 2020**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in Conference Room 11 of the Government Center at Fairfax, Virginia, on Tuesday July 14, 2020, at 3:01 p.m., there were present:

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

Supervisor Walter L. Alcorn, Hunter Mill District, was absent from the meeting.

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 and Ekua Brew-Ewool, Deputy Clerks, Department of Clerk Services.

BOARD ANNOUNCEMENTS1. **ORDERS OF THE DAY** (3:02 p.m.)

Chairman McKay announced that this was the first in-person Board Meeting and the Board is still taking the health precautions recommended by the State and Center for Disease Control (CDC) and hoped that residents will continue to help fight the spread COVID-19. He noted the importance of social distancing, washing hands, and wearing a mask when out in public.

Chairman McKay announced that Supervisor Alcorn will not be at the Board Meeting today because he is undergoing a medical procedure and asked everyone to keep him in thoughts and prayers.

2. **MOMENT OF SILENCE** (3:03 p.m.)

Chairman McKay stated that:

- COVID-19 is affecting the whole community, from children to small businesses, to those who are ill with the virus. He asked to keep everyone in Fairfax, and around the world, in thoughts during this difficult time
- The Fairfax County flag continues to fly at half-staff at County facilities in honor of the residents who have died of COVID-19 and in recognition of the many essential workers who are responding to the pandemic on our behalf on the front lines

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

- Hunter Mill District Supervisor Alcorn, who is undergoing a medical procedure
- Bension (Ben) Varon, a long-time resident of the Providence District, who passed away recently. Mr. Varon was an economist, formerly with the World Bank, as well as a writer and active member of the community.
- Arthur Cotton, Jr, a Pastor of Cornerstone Church of Christ, who passed away recently. Pastor Cotton served as a church elder for 35 years

AGENDA ITEMS**BOARD MATTERS**3. **PROCLAMATION REQUEST FOR THE 30TH ANNIVERSARY OF THE AMERICAN DISABILITIES ACT** (3:08 p.m.)

Chairman McKay relinquished the gavel to Vice-Chairman Gross and jointly with Supervisor Herrity and Supervisor Palchik, asked unanimous consent that the Board direct staff to prepare a Proclamation commemorating July 26, 2020, as the *30th Anniversary of the American Disabilities Act* be presented to the Northern Virginia ARC. Without objection, it was so ordered.

4. **PROCLAMATION REQUEST FOR THE 100TH ANNIVERSARY OF WOMEN'S SUFFRAGE** (3:08 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation commemorating August 18, 2020, as the *100th Anniversary of Women's Suffrage* to be presented to the Providence Chapter of the National Society Daughters of the American Revolution. Without objection, it was so ordered.

5. **PROCLAMATION REQUEST FOR NATIONAL IMMUNIZATION AWARENESS MONTH** (3:08 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation commemorating August as *National Immunization Awareness Month* in the County, to be presented to the Health Department. Without objection, it was so ordered.

6. **PROCLAMATION REQUEST FOR ENVIRONMENTAL HEALTH AWARENESS MONTH** (3:08 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation commemorating September as *Environmental Health Awareness Month* in the County, to be presented to the Health Department. Without objection, it was so ordered.

7. **PROCLAMATION REQUEST FOR HISPANIC HERITAGE MONTH** (3:08 p.m.)

Jointly with Supervisor Palchik, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation commemorating September as *Hispanic Heritage Month* in the County, to be presented to the Office of Human Rights and Equity Programs. Without objection, it was so ordered.

8. **PROCLAMATION REQUEST FOR KINSHIP CARE MONTH** (3:08 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation commemorating September as *Kinship Care Month* in the County, to be presented to the Department of Family Services. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST FOR OVARIAN CANCER AWARENESS MONTH** (3:08 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation commemorating September as Ovarian Cancer Awareness Month in the County, to be presented to the National Ovarian Cancer Coalition. Without objection, it was so ordered.

10. **COMPREHENSIVE PLAN AMENDMENT TO UPDATE THE PUBLIC FACILITIES ELEMENT POLICY PLAN AND RELATED UPDATES TO AREA PLANS** (3:09 p.m.)

Chairman McKay stated that the Public Facilities element of the Comprehensive Plan's Policy Plan is closely tied to the development review process for the County's public facilities, known as "2232 Review". Public projects must be found to be in harmony with the Comprehensive Plan in terms of character, location, and extent. Staff bases this analysis on the goals and policies outlined in the Public Facilities element of the Policy Plan, as well as on the maps and tables of public facilities located throughout the Comprehensive Plan. There are two recent actions that demonstrate that it is an appropriate time to consider updates to this section of the Comprehensive Plan; the Planning Commission's recommendations related to the Public Schools section of the Plan, and this Board's recent approval of the Capital Improvement Program.

On April 21, 2020, the Planning Commission forwarded to the Board a series of recommendations for revisions to the Comprehensive Plan from the Planning Commission's Schools Committee Joint Task Force. This task force included the members of the Planning Commission Schools Committee, School Board members, and staff from Fairfax County Public Schools Facilities Planning and the Public Facilities Branch of the Department of Planning and Development. The recommendations are in response to the October 2016 direction to create a Joint Work Program for collaboration on shared priorities between the two boards. The recommendations focus on the topics of Long-range Student Population Forecasting, School Proffers, Capital Improvement Program 2 (CIP) Recommendations, Co-location of Facilities, Equity and Access, and Economic Development.

In addition, during the annual Capital Improvement Program process, staff and the Planning Commission worked to more closely align the CIP with the Comprehensive Plan. On April 22, 2020, the Planning Commission recommended that the Board authorize a Comprehensive Plan amendment to update the Public Facilities element of the Policy Plan, including reviewing the alignment of those updates with the CIP. On June 23, 2020, this Board approved the CIP and accepted the Planning Commission recommendations.

Therefore, Chairman McKay moved that the Board direct staff to consider a Comprehensive Plan amendment to update the Public Facilities element Policy Plan and related updates to Area Plans, including reviewing the alignment of those updates with the CIP. This effort should begin with the Public Schools element of the Public Facilities section of the Policy Plan and include the School's Committee recommendations referenced above. Supervisor Palchik

seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

11. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(3:11 p.m.)

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

12. **REQUEST TO SEND LETTER TO COUNTY'S GENERAL ASSEMBLY DELEGATION OUTLINING COUNTY'S POSITIONS ON A VARIETY OF POLICE REFORM ISSUES IN ADVANCE OF THE 2020 GENERAL ASSEMBLY SPECIAL SESSION** (3:12 p.m.)

Jointly with Chairman McKay, Supervisor Walkinshaw stated that as a result of the economic and revenue challenges that have developed in recent months as a result of the COVID-19 pandemic, the General Assembly (GA) has been planning for an August special session to address possible revisions to the state budget. Recent events, including the senseless murder of George Floyd, have sparked thousands in Fairfax County and around the nation to stand up against persistent racial injustice in our nation, leading GA leaders to announce that the August special session will also address issues related to police reforms.

In Fairfax County we lead the Commonwealth on important issues, including criminal justice reform and police accountability. We have made tremendous progress on these issues in recent years, from the creation of an independent Police Civilian Review Panel and Independent Police Auditor to a police body-worn camera program to the implementation of Diversion First, an award-winning program that diverts from incarceration those with mental illness, developmental disabilities, and substance use disorders. We are also committed to continuing to move this issue forward to ensure a more just and equitable Commonwealth.

Public safety is a core service for the Commonwealth of Virginia, as it is for localities. Protecting the Commonwealth's residents and ensuring the equitable operation of the justice system requires appropriate state funding. Substantial state cuts in recent years, in addition to the underfunding that already existed, place an increased burden on localities and serve to drive disproportionate and inequitable outcomes.

The special session is likely to consider a wide variety of issues next month – sharing information with the County's delegation on issues of particular interest to Fairfax County as they prepare for the session will allow them to use this information as they make determinations about priorities. The Commonwealth should:

1. **Provide Adequate Funding for Courts, Public Defenders, and Commonwealth's Attorneys**– Short-staffed and poorly-compensated public defenders, Commonwealth's Attorneys, court personnel,

probation officers, and magistrates are significant drivers of unjust and inequitable outcomes.

2. **Establish a Statewide Database for Officer Misconduct**– Localities across the Commonwealth need to know that the officers they hire do not have a history of serious misconduct or use of force violations in other jurisdictions. While we do thorough background checks on our police hires in Fairfax County, a statewide standard for data collection could provide benefits for all police departments as they make hiring decisions.
3. **Improve Data Transparency**– Fairfax County is one of, if not the only, jurisdiction in the Commonwealth that reports use of force, arrest, and citation data by race
4. **Support and Fund Strong Civilian Review Panels**– Fairfax County’s Police Civilian Review Panel is an important accountability tool. The state should consider providing funding for such panels, which would help other localities in their efforts to create them and, importantly, help ensure their independence
5. **Body-Worn Cameras**– Police body-worn cameras are a necessary tool for accountability, but inadequate state funding for Commonwealth’s Attorneys, and a funding process that substantially disadvantages Fairfax County, makes the expansion of this program very difficult

Therefore, jointly with Chairman McKay, Supervisor Walkinshaw moved that the Board direct staff send the letter attached to the written Board Matter, under the Chairman’s signature, to the County’s General Assembly delegation outlining the County’s positions on a variety of police reform issues in advance of the 2020 General Assembly Special Session. Chairman McKay seconded the motion.

Supervisor Herrity moved a friendly amendment to include impacts on the Court system and Public Defender's Office from the body-worn camera program. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Alcorn being absent.

13. **RESOLUTION REQUEST FOR JILL’S HOUSE ON ITS 10TH ANNIVERSARY** (3:23 p.m.)

Supervisor Foust congratulated Jill’s House on its 10th anniversary. Jill’s House, located in Vienna, is a Christian non-profit organization that provides critical services to some of the most vulnerable families in our community: those raising children with profound intellectual disabilities.

Respite is vital for families raising children with disabilities, who seldom (if ever) get a chance to let down their guard. While parents get a chance to rest and recharge, children at Jill's House get the opportunity to do things that most of their typical peers take for granted: they get to swim in the pool, make new friends, enjoy arts and crafts...all in an environment where they are safe, loved, celebrated, and cared for not in spite of who they are, but rather precisely because of who they are. In addition to respite, Jill's House also offers programs that nourish the entire family including regularly scheduled typical sibling workshops, parent support groups, and whole-family retreats. Through its services, Jill's House helps create a healthier environment for the entire family.

Later this year, Jill's House will reach another milestone: having provided 1 million respite hours! What began as an untested experiment here in our community is now serving as a model for services all over the country.

Therefore, Supervisor Foust asked without objection that the Board direct staff to prepare a resolution, signed by the Chairman and Dranesville District Supervisor, recognizing Jill's House for its 10 years of contributions to families in our area to be presented at their anniversary celebration to be held at a later date this year. Without objection, it was so ordered.

14. **INCREASED SPEED FOR ANSWERING CALLS ON THE COORDINATED SERVICES PLANNING PHONE LINE** (3:24 p.m.)

Jointly with Supervisor Alcorn, Supervisor Foust stated that the County's Health and Human Services Department (HHS) operates a Coordinated Services Planning (CSP) phone number (703-222-0880) which is referred to as the "222 number." The 222 number provides the public with a single point of access for referral for many critical services including emergency needs for food, shelter, financial assistance, and healthcare. Assistance in multiple languages is available to access critical government and community-based resources. It is an invaluable service provided by the county and, especially during the COVID-19 crisis, it has enabled HHS to do an excellent job of referring the most vulnerable members of our community to the services they need.

Jointly with Supervisor Alcorn, Supervisor Foust expressed his gratitude for the unprecedented efforts HHS is making to assist the most vulnerable members of our community during these difficult times. As staff is aware, however, there is an area where performance must be improved. Specifically, as demonstrated in "Community Based Organization Coordination Updates" report, attached to his written Board Matter, dated July 8, 2020, the "average speed of answer" for calls to the 222 number, especially for calls to the "Spanish line," is not acceptable.

While the speed of answer for the .222 number has been troubling for some time, even with implementation of mitigation strategies that were somewhat successful in reducing hold times during May and June, the introduction of the Virginia Rent and Mortgage Relief Program clearly overwhelmed the system as shown in the data for the week ending June 28, 2020. Specifically, during that week, the

average speed of answer for the English line was over 36 minutes and the average speed of answer for the Spanish line was almost 62 minutes. And these are just the averages, suggesting that many calls are taking even longer to answer. Clearly the volume of calls that is being handled is unprecedented, but it is not likely that we will see a significant drop-off in the call volumes any time soon. And while I understand that staff is working on this, given the critical nature of this service, we have the following motion.

Therefore, jointly with Supervisor Alcorn, Supervisor Foust moved that the Board direct staff to provide the Board with the plan for dramatically and rapidly improving the speed of answer for the 222 number lines, especially the Spanish line, and the status of implementation of that plan. Jointly with Supervisor Alcorn, Supervisor Foust further moved that the Board direct staff to report back to the Board on this matter no later than July 28, 2020, and identify any additional resources, staffing or other support that would be needed to make this critical service accessible in a more timely way. Supervisor Palchik seconded the motion.

Supervisor Palchik moved a friendly amendment to involve staff in that department in the discussion. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Alcorn being absent.

15. **CHILD CARE SERVICES NEEDED TO SUPPORT FCPS EFFORTS TO REOPEN SCHOOLS** (3:33 p.m.)

Jointly with Supervisor Alcorn, Supervisor Foust stated that because of COVID-19, the Fairfax County Public Schools School Board and the School Superintendent are going through the excruciatingly difficult task of determining how educational services will be delivered to 189,000 students this Fall. The decisions they make will have huge impacts on students, their families, teachers, administrators, and other staff. Likely to be included among those impacts will be an unprecedented need for child care services.

In general terms, it seems students are offered the option to complete full-time virtual school or a combination of a couple days a week of in-school and the balance as virtual. It can be anticipated that FCPS teachers and staff whose children normally attend school full time will need child care services for at least several days per week. In addition, in other families where both parents work, especially where both parents work outside their home, there could be a huge need for child care services during those days when their children are not in school.

For the sake of the children and their families it is essential that good quality childcare services be made available. It is also critical to advance the county's efforts to restart our economy that those parents who work but do not normally need childcare when schools are fully open can work and contribute to economic activity.

On June 19, 2020, the Board received a memorandum from staff that provided an "Update on Community Child Care and SACC Programs Supporting the Reopening of Fairfax County Schools." In essence, and except for SACC, that memo described the county's role as that of a provider of information about existing childcare opportunities. Hopefully that will be adequate, and the existing network of childcare providers can meet the needs created when FCPS reopens in an unprecedented way. However, it seems far more likely that there will be significant unmet childcare needs and that the county will need to take a significantly expanded role to ensure that those needs are met.

Therefore, jointly with Supervisor Alcorn, Supervisor Foust moved that the Board direct staff to:

- Continue to work with FCPS to identify ways to meet the needs for childcare services once the schools have reopened
- Report to this Board on progress made with respect to identifying the extent of need for childcare services, how staff expects that need to be met, and any additional county resources that may be needed to meet that need

Supervisor Palchik seconded the motion.

Supervisor Gross moved a friendly amendment to include the Child Care Advisory Committee in the discussions. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Alcorn being absent.

16. **APPROVING WORKFORCE DWELLING UNIT TASK FORCE RECOMMENDATIONS** (3:44 p.m.)

Jointly with Supervisor Alcorn, Supervisor Palchik, and Supervisor Smith, Supervisor Foust stated that the Workforce Dwelling Unit (WDU) Policy ("Policy") is one of many tools Fairfax County uses to provide affordable and workforce housing for its residents. The Policy is adopted as an Appendix to the Housing element of the Policy Plan within the Comprehensive Plan and is administered by the Department of Housing and Community Development (HCD) per the Board's Administrative Guidelines. In addition, in certain areas of the County, there is site-specific Plan text regarding the provision of WDUs. The WDU Policy is a proffer-based incentive system designed to encourage workforce housing in the County's Mixed-Use Centers, including the Tysons Urban Center, Suburban Centers, Community Business Centers, and Transit Station Areas.

The Countywide Policy was established in 2007, with a separate Policy established for Tysons in 2010. Since the adoption of the Plan, the Policy has resulted in the construction of approximately 1,600 units, nearly all of which are rental units serving income tiers from 60 to 120 percent of the Area Median Income (AMI). The first WDUs were delivered in 2014. Since that time, HCD

staff and industry leaders identified challenges renting units at the 100 and 120 percent income tiers, as the rents at these income levels are at or above market rents.

In March of 2019, the Board directed staff to establish a WDU Policy Task Force to evaluate the WDU Policy Rental Program as it pertains to income tiers and percentage of units. This Task Force included staff representation from HCD and the Department of Planning and Development (DPD), building industry representatives, affordable housing advocates, Planning Commissioners, and a Redevelopment and Housing Authority Commissioner.

The WDU Policy Task Force met between March 2019 and June 2020 to develop recommendations to revise the current Policy with consideration for the following:

- The challenges of 100 and 120 percent of the AMI units being at or above market rate
- The ability to provide housing opportunities for households between 60 and 80 percent of the AMI to realize the intent of the WDU Policy
- The WDU Policy impact to developers and development in the County
- The desire to align recommendations with One Fairfax and the Communitywide Housing Strategic Plan

The WDU Policy Task Force's recommendations for revising the current Countywide and Tysons WDU Policies were presented at the June 30, 2020 meeting of the Board's Housing Committee, along with the recommendation for a five-year retrospective. The recommended "next steps" are the Board's authorization for an amendment to the Comprehensive Plan Policy and Area Plans, as well as the Administrative Guidelines. The Housing Committee supported moving forward as expeditiously as possible with the amendment and requested that HCD provide the Board with a bi-annual review of the WDU pipeline of units. Staff estimates the timeframe to gather feedback from the affordable housing community, development industry, residents, and other stakeholders will enable these actions to be brought to the Board in February 2021.

In addition to this work, the amendment offers the ability to review the Housing element of the Policy Plan to reflect current conditions and ensure consistency between the Comprehensive Plan and the Board-adopted Communitywide Housing Strategic Plan. The Housing element defines countywide housing availability, critical housing issues, and housing goals and objectives, but has not been updated in its entirety since the 1990s. Similarly, the Communitywide Housing Strategic Plan establishes strategies to encourage, produce, and preserve additional affordable housing units within the county. The evaluation will update data on housing needs from the housing strategic plan and revise outdated

terminology. It should be noted that any changes to the Policy Plan that may result from the work of the upcoming affordable housing preservation task force will be handled separately as part of that effort.

Therefore, jointly with Supervisor Alcorn, Supervisor Palchik, and Supervisor Smith, Supervisor Foust moved that the Board:

- Authorize a Comprehensive Plan amendment for the Housing and Land Use elements of the Policy Plan and for specific guidance in Area Plans and the Glossary related to WDUs based on the policy adjustments recommended by the WDU Policy Task Force on June 30, 2020, as well as other appropriate updates to the Housing element of the Policy Plan. This effort should not include the recommendations in the Reston plan at this time as these will be addressed separately. The upcoming preservation task force may have additional changes which will be handled as appropriate at the conclusion of that effort
- Direct staff to actively engage stakeholders in the review of these amendments
- Direct staff to prepare revisions to the Board of Supervisors' WDU Policy Administrative Guidelines and Tysons Comer Urban Center WDU Policy Administrative Guidelines to be consistent with the WDU Policy Task Force recommendations
- Direct staff to schedule the Board's public hearing on these items in February 2021

Supervisor Walkinshaw seconded the motion and it carried by a vote of eight, Supervisor Herry abstained and Supervisor Alcorn being absent.

17. **REQUEST TO REVIEW 911 DISPATCH AND RESPONSE SYSTEM TO ENHANCE DIVERSION FIRST STRATEGIES** (3:55 p.m.)

Jointly with Supervisor Alcorn, Supervisor Lusk stated that our county is in the midst of a dialogue aimed at increasing both the effectiveness, as well as transparency of law enforcement activities within our community. The challenges before us are too complex, and far too pervasive for any single solution. They must be met individually and with dedicated fixes - whether they be failures of process or breakdowns of culture. To address the cultural shortcomings that have brought us to this juncture will require a sustained and long-term commitment. To rectify failures of process, we can act much more quickly.

We often cite the fact that we are the safest jurisdiction of our size in the nation. That mantle is one that our law enforcement professionals should be exceptionally proud of. However, Supervisor Lusk stated that he believes that in addition to the safest, the County must also endeavor to be the smartest. It's become clear to us that we are asking our law enforcement professionals to do far too much. Today,

in Fairfax County, if you call 911 your call will almost certainly be dispatched to a Fairfax County Police (FCPD) officer. Setting aside instances of ambulance and fire dispatches, that means that we are regularly deploying FCPD officers to respond to calls that are principally mental and behavioral health crises, as opposed to criminal activity. Based on data available from other jurisdictions that have studied this issue, these types of calls account for approximately 20% of all calls made to 911. Supervisor Lusk stated that he recognizes that the dedicated officers of the FCPD overwhelmingly endeavor to deescalate potentially dangerous situations where mental health, behavioral health, and substance abuse are a factor. Through Diversion First programs, the deployment of mobile crisis units, and the application of the department's crisis intervention training (CIT), he is confident that the County's officers prevent unnecessary harm and violence in our community every single day. However, only 40% of our officers are currently trained in CIT techniques. Never has this disparity been more clear to me personally than in the body camera footage of the recent incident in Gum Springs, where one officer clearly and responsibly worked to deescalate and render assistance to a resident in mental distress, while another officer chose to escalate the situation to the point of violence - in my view without having made a meaningful effort to peacefully resolve the situation.

This is a disconnect that is not unique to Fairfax County, and one that other jurisdictions have succeeded in overcoming. For example, in Eugene, Oregon the city has implemented what is known as the CAHOOTS model, a strategic triage initiative that dispatches unarmed medics and mental health workers to 911 calls that do not contain elements of extreme violence or criminal activity. These crisis intervention workers are able to alert law enforcement in instances where they require additional support, however out of roughly 24,000 calls dispatched in 2019 only approximately 150 required additional intervention from law enforcement - a success rate of over 99%. Additionally, this strategic deployment strategy is estimated to save the city of Eugene roughly \$15 million annually due to its significant positive downstream effects. Jurisdictions in California, Arizona and New Jersey have instituted similar models to great effect, and I believe that the time has come for Fairfax County to evaluate the feasibility of following their example.

Therefore, jointly with Supervisor Alcorn, Supervisor Lusk moved that the Board direct staff to:

- Assign the appropriate staff, including but not limited to the Deputy County Executive for Public Safety and the Deputy County Executive for Human Services to review our 911 dispatch and response system to enhance our Diversion First strategies by implementing systems for the deployment of trained unarmed medical, human services, and mental health professionals in instances where mental and behavioral health are the principal reason for the call

- Give specific consideration to programs that have been successfully implemented in other jurisdictions, such as the CAHOOTS model, which has been in place for over 30 years
- Return the results of the study to the Public Safety Committee with estimates as they relate to potential initial costs, long-term budget savings, the feasibility of a pilot program, and non-budgetary outcomes such as increased quality of service and decreased strain on our law enforcement professionals
- Share the status update on this effort with the Board no later than October 1, 2020

Supervisor Foust seconded the motion.

Supervisor Gross moved a friendly amendment to include staff from the Office of the County Attorney to prevent custodial issues from arising as it did previously. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Alcorn being absent.

18. **REQUEST FOR STAFF TO DEVELOP PUBLIC RELATIONS STRATEGY REGARDING NEW DATA SHARING EFFORT** (4:14 p.m.)

Supervisor Lusk stated that as this Board continues to review and deliberate how we might modernize our public safety infrastructure, each Board Member shares its senses of urgency, as well as a dedication to transparency. As Chair of the Public Safety Committee, he stated that he feels a sense of responsibility to these shared commitments.

To the point of urgency, Supervisor Lusk thanked the Chairman for accommodating his request for a second meeting of the Public Safety Committee. During this meeting, the members will be receiving the annual report from the Fairfax County Independent Police Auditor on annual use of force statistics, as well as an annual report from the Police Civilian Review Panel.

I would like to take this opportunity to encourage the public to view the meeting live at 1:30 p.m. on July 21, 2020, available to be viewed on FairfaxCounty.gov. For anyone wishing to submit comments or questions following the meeting they should be sent to LeeDist@FairfaxCounty.gov.

To the point of Transparency, Supervisor Lusk officially announced the upcoming launch of a new public safety reform website. This new site will act as a central landing page and repository for all existing and future public safety data—as well as a catalog of all policy questions and suggestions that are submitted to my office for consideration.

Therefore, Supervisor Lusk moved that the Board direct staff to develop a public relations strategy for advertising to, and engaging the public on, this new data sharing effort. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

19. **RECOGNITION REQUEST FOR REPRESENTATIVES FOR COMMUNITY EMERGENCY RESPONSE TEAM (CERT) AND THE FIRE AND RESCUE DEPARTMENT** (4:21 p.m.)

Supervisor Lusk stated that the Community Emergency Response Team, or CERT, attached to the Fairfax County Fire and Rescue Department, has served our community in multiple capacities over the course of the current public health crisis.

This past February, a local CERT volunteer from Springfield met with my office to introduce the CERT program and review ways that we could work together to support the Lee District Community. Since that initial meeting, the Lee District Supervisor's office has worked with CERT volunteers to coordinate the delivery of groceries and prescriptions for those in need. He stated that he is particularly proud that this model was quickly expanded across the entirety of Fairfax County, and was even featured on NBC news.

CERT, in partnership with the Lee District Supervisor's office, continues to provide guidance, strategy, and safety volunteers to support weekly large-scale food distributions across our county. These food distributions provide at least one week's worth of food to over 1500 families per week.

Therefore, in recognition of this exceptional work, Supervisor Lusk moved that the Board direct staff to invite representatives from CERT and the Fairfax County Fire and Rescue Department to a future Board meeting to be acknowledged for their outstanding service during an unprecedented crisis. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

20. **ADOPTION OF THE AUDITOR OF THE BOARD'S JUNE 2020 AND MARCH 2020 QUARTERLY REPORTS AND APPROVAL OF THE AUDIT COMMITTEE WORK PLANS FOR THE PRIOR AND UPCOMING QUARTERS** (4:23 p.m.)

Supervisor Storck announced that the Board has received the Auditor of the Board's Quarterly Reports for June 2020 & March 2020. The reports included the following study areas, recommendations, and managements' concurrences:

- FCPD Parking Citation Operations Study
- DPWES General Fund Offsets Study
- Risk Management Division Operations Study

- Stormwater Management Program Study

Therefore, Supervisor Storck moved that the Board adopt the Auditor of the Board's June 2020 & March 2020 Quarterly Reports and approve the Audit Committee Work Plans, attached to his written Board Matter, for the prior and upcoming quarters. Supervisor Palchik seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

21. **NO BOARD MATTERS FOR SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (4:25 p.m.)

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

22. **REQUEST FOR CONCURRENT PROCESSING FOR BRIGHTVIEW SENIOR LIVING DEVELOPMENT, LLC (SPRINGFIELD DISTRICT)** (4:25 p.m.)

Supervisor Herrity stated that Brightview Senior Living Development, LLC is the applicant of a zoning application and proffered condition amendment for an independent living and assisted living facility on the south side of Lee Highway, approximately 450 feet west of its intersection with Summit Drive on Tax Map 55-4 ((1)) Parcels 31A and 36B. The purpose of these applications is to rezone Parcel 36B from the R-1 and Water Supply Protection Overlay Districts (WS) to the PDH-4 and WS Districts. The applicant also requests a concurrent proffered condition amendment and associated Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA) approval on Parcel 31A, to add the land area of Parcel 36B to the independent and assisted living facility site, and permit site modifications.

The Planning Commission recommended approval of these application on February 26, 2020. The Board hearing is scheduled for November 17, 2020, at 3:30 p.m. The applicant has requested authorization to process a concurrent site and building plans/permits for the project in advance of the Board hearing.

Therefore, Supervisor Herrity moved that the Board direct staff to accept for concurrent and simultaneous review a site plan, architectural drawings, building permits and/or other plans and permits as may be necessary to implement the improvements contemplated by the Applicant with this PCA, CDPA, FDPA, RZ and FDP applications. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed Application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending Application. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

23. **CONGRATULATIONS TO KARA LAWSON, DUKE UNIVERSITY'S WOMEN'S BASKETBALL COACH** (4:27 p.m.)

Supervisor Herrity congratulated Kara Lawson for being named Women's Basketball Coach at Duke University.

24. **REQUEST FOR CONCURRENT PROCESSING FOR MATAN GLORUS ROAD, LLC (SULLY DISTRICT)** (4:28 p.m.)

Supervisor Smith stated that Matan Glorus Road, LLC is the applicant of a zoning application for industrial development located on the west side of Glorus Road, north side of Thompson Road and east side of Barney Road on Tax Map 33-2 ((2)) 10A and 10B. The purpose of this application is to rezone the subject 9.46 acre site from the 1-3, WS and AN Districts to the 1-4, WS and AN Districts to permit the construction of a 144,296 square foot industrial building.

The applicant has a public hearing scheduled before the Planning Commission on November 12, 2020. The Board hearing has not been scheduled. The applicant has requested authorization to process a concurrent site and building plans/permits for the project in advance of the Board hearing.

Therefore, Supervisor Smith moved that the Board of Supervisors direct staff to accept for concurrent and simultaneous review a site plan, architectural drawings, building permits and/or other plans and permits as may be necessary to implement the improvements contemplated by the Applicant with this RZ application. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed Application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending Application. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

25. **ADMINISTRATIVE ITEMS** (4:30 p.m.)

Chairman McKay stated that Admin Item 1 had been pulled from the Agenda.

Supervisor Gross moved approval of the Administrative Items 2-8. Supervisor Foust seconded the motion.

Supervisor Palchik called the Board's attention to Admin 3 – Installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Signs and discussion ensued with input from Tom Biesiadny, Director, Department of Transportation, regarding the new law adopted by the General Assembly that requires cars to fully stop for pedestrians in crosswalks and installation of “Yield to Pedestrians” signs addressing additional fines with the change in the legislation.

Supervisor Storck asked unanimous consent that the Board direct staff to include in their recommendations with the number of traffic stops and the cost of enforcement with posted signs. Without objection, it was so ordered.

Supervisor Palchik called the Board's attention to Admin 8 – Authorization to Advertise a Public Hearing on the Removal, Relocation, Contextualization, or

Covering of Publicly-Owned Civil War Related Monuments or Memorials at the Fairfax County Judicial Complex (Providence District), and discussion ensued, with input from Elizabeth Teare, County Attorney, who clarified that the new law adopted effective July 1, 2020, has been reviewed and all references for memorials and markers are listed correctly in the agenda item.

The question was called on the motion, as amended, to approve Administrative Items 2-8 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 absent.

ADMIN 1 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED ZONING ORDINANCE AMENDMENT RE: ADULT DAY CARE CENTERS

This agenda item was pulled.

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-V-083, SEJ MANAGEMENT AND INVESTMENT COMPANY (MOUNT VERNON DISTRICT)

- (AT) Approved the request for six months of additional time to commence construction for Special Exception Amendment Application SEA 83-V-083, to December 31, 2020, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 3 – INSTALLATION OF YIELD TO PEDESTRIANS IN CROSSWALK \$100–\$500 VIOLATION FINE SIGNS

(NOTE: Earlier in the meeting, this item was discussed. See Clerk’s Summary Item #25.)

Endorsed the installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs at the 114 subject locations, as shown in Attachment I.

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-HM-046-02, JLB DULLES TECH LLC AND THE FAIRFAX COUNTY PARK AUTHORITY (DRANESVILLE DISTRICT)

- (AT) Approved the request for thirty months of additional time to commence construction for Special Exception Amendment Application SEA 2002-HM-046-02, to January 1, 2023, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2014-PR-001, 7799 LEESBURG PIKE, LLLP (PROVIDENCE DISTRICT)

- (AT) Approved the request for twenty-four months of additional time to commence construction for Special Exception Application SE 2014-PR-001, to July 1, 2022, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 6 – REAPPOINTMENT OF PRIVATE PROVIDER MEMBER TO THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)

Concurred in the recommendation of staff and re-appointed Richard Leichtweis, Inova Kellar Center in Fairfax, for a term to expire on June 30, 2022, as a provider representative member of the CPMT.

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION AS 21010 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT TO ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS FOR THE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM

- (SAR)
- Approved SAR AS 21010 for the Fairfax County Police Department (FCPD) to grant accept funding from the U.S. Department of Justice, Office of Justice Programs for the Coronavirus Emergency Supplemental Funding (CESF) grant in the amount of \$402,297. Funding will be used for personnel reassignment in response to prevention, preparation, and response efforts during the Coronavirus pandemic as well by George Mason University to conduct a case study on preventing, preparing, and responding to COVID-19 and the impacts on Fairfax County Police Department. The grant period is January 20, 2020 to January 31, 2022. No Local Cash Match is required
 - Authorized the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE REMOVAL, RELOCATION, CONTEXTUALIZATION, OR COVERING OF PUBLICLY-OWNED CIVIL WAR RELATED MONUMENTS OR MEMORIALS AT THE FAIRFAX COUNTY JUDICIAL COMPLEX (PROVIDENCE DISTRICT)

- (A) (NOTE: Earlier in the meeting, this item was discussed. See Clerk’s Summary Item #25.)

Authorized the advertisement of a public hearing to be held before the Board on **September 15, 2020, at 4:30 p.m.** to consider the removal, relocation,

contextualization, or covering of any or all of the publicly-owned Civil War related monuments or memorials at the Judicial Complex.

26. **A-1 – ADOPTION OF A RESOLUTION OF SUPPORT FOR A BREAK OF THE LIMITED ACCESS LINE TO PROVIDE A DIRECT PEDESTRIAN AND BICYCLE CONNECTION ADJACENT TO THE JONES BRANCH CONNECTOR (PROVIDENCE DISTRICT)** (4:31 p.m.)

- (R) Supervisor Palchik moved that the Board concur in the recommendation of staff and adopt a resolution (Attachment I) supporting a break of the limited access line adjacent to the Jones Branch Connector to facilitate a direct pedestrian and bicycle connection. Chairman McKay seconded the motion.

Supervisor Palchik clarified that this motion should not be construed as a favorable recommendation by the Board on the pending Zoning application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards.

The question was called on the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

27. **A-2 – AUTHORIZATION OF DESIGN AND CONSTRUCTION AGREEMENT WITH THE TOWN OF VIENNA FOR REDEVELOPMENT OF THE PATRICK HENRY LIBRARY AND ADDITIONAL PUBLIC PARKING (HUNTER MILL DISTRICT)** (4:42 p.m.)

On behalf of Supervisor Alcorn, Supervisor Gross moved that the Board concur in the recommendation of staff and approve the Agreement to redevelop the Patrick Henry Library site which would include a County library and separate parking structure to be jointly used and funded by the County and Town of Vienna. Approval of the Agreement is required to establish the framework to jointly fund the design and construction of the parking structure. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

28. **A-3 – AUTHORIZATION TO ADD FUNDING TO THE FAIRFAX RISE (RELIEF INITIATIVE TO SUPPORT EMPLOYERS): COVID-19 SMALL BUSINESS AND NON-PROFIT RELIEF GRANT PROGRAM** (4:43 p.m.)

Supervisor Foust stated that there was tremendous interest in the Fairfax RISE COVID-19 Small Business and Non-Profit Relief Grant Program, during the week application period, there were 6,300 applications that were received. This number exceeded the available amount of funding of \$25,000,000 that the Board authorized on May 12, 2020. Increasing the funding of Fairfax RISE will allow the program to serve most applicants who have applied. Therefore, to continue to support Small Businesses and Non-Profit Community, Supervisor Foust moved that the Board approve the expenditure of an additional \$20,000,000 to expand the Fairfax RISE Program as proposed by the County Executive, with the adjustment

that no more than two percent of the total fund amount be used for outside administrative costs. Chairman McKay seconded the motion.

Following discussion on the motion regarding the loan award process, timeliness for approval and disbursement, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Supervisor Foust moved that the Board direct staff to provide regular updates to the Board regarding the demand for the Fairfax RISE Grants, the timeliness of awarding the funds, updates on the administrative costs for the program and applicability of funds for Federal reimbursements through the Coronavirus Relief Funds provided through the CARES Act (Coronavirus Aid, Relief, and Economic Security Act.) Supervisor Lusk seconded the motion.

Following discussion with input from Bryan Hill, County Executive, who clarified that the requirements to provide regular updates are currently occurring and will continue to do so, Supervisor Foust withdrew his motion.

29. **C-1 – REVISIONS TO BYLAWS OF THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)**

This agenda item was withdrawn.

EBE:ebe/KK:kk

30. **3:30 P.M. – PUBLIC HEARING TO CONSIDER ADOPTION OF AN UNCODIFIED ORDINANCE TO PROVIDE A METHOD TO ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY BY TEMPORARILY APPROVING OUTDOOR DINING AND OUTDOOR FITNESS AND EXERCISE ACTIVITIES SUBJECT TO CERTAIN CONDITIONS, THEREBY SUSPENDING ANY REQUIREMENT FOR INDIVIDUALIZED APPROVALS OF SUCH ACTIVITIES, AND TO REPEAL THE EMERGENCY UNCODIFIED ORDINANCE ON THE SAME SUBJECT, WHICH WAS ADOPTED ON MAY 28, 2020, AND IS HEREBY REPLACED (4:50 p.m.)**

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 26 and July 3, 2020.

Barbara Byron, Director, Department of Planning and Development, provided background regarding the item.

Following the public hearing, which included testimony by one speaker, Supervisor Smith moved adoption of an uncodified ordinance to provide a method to assure continuity in Fairfax County Government during the Novel 3 Coronavirus Disease 2019 (COVID-19) Emergency by temporarily approving outdoor dining and outdoor fitness and exercise activities subject to certain

conditions, thereby suspending any requirement for individualized approvals of such activities, and to repeal the Emergency Ordinance on the same subject adopted on May 28, 2020, which is hereby replaced and the ordinance shall become effective immediately upon adoption. Chairman McKay seconded the motion.

Following a brief discussion regarding the motion allowing six-months to operate, the question was called on 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 absent.

31. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-LE-021 (MUNA BARKHADLE D/B/A DAFFODILS CHILDCARE) TO PERMIT A HOME CHILD CARE FACILITY, LOCATED ON APPROXIMATELY 2,560 SQUARE FEET OF LAND ZONED PDH-4 AND NR (LEE DISTRICT) (4:57 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 June 26 and July 3, 2020.

This property is located at 7814 Seth Hampton Drive, Alexandria, 22315. Tax Map 99-2 ((10)) (4) 214.

Muna Barkhadle, Owner of Daffodils Childcare, reaffirmed the validity of the affidavit for the record.

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

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

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

Following a query by Supervisor Lusk, Ms. Barkhadle confirmed, for the record, that the applicant agreed with the proposed development conditions dated June 23, 2020.

Supervisor Lusk moved:

- Approval of Special Exception Application SE 2019-LE-021, subject to the proposed development conditions dated June 23, 2020

- An additional condition stipulating the operation of the childcare center for up to 12 children, pursuant to proper licensure from the State of Virginia

The motion was multiply seconded, and it carried by a vote of nine, Supervisor Alcorn being absent.

32. **3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-491-03 (T&M MCLEAN VENTURE, LLC) TO AMEND THE PROFFERS FOR REZONING APPLICATION RZ C-491, PREVIOUSLY APPROVED FOR OFFICE USE TO PERMIT THE CONSTRUCTION OF AN INTERPARCEL CONNECTION AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.52, LOCATED ON APPROXIMATELY 4.43 ACRES OF LAND ZONED C-2, CRD AND SC (DRANESVILLE DISTRICT)** (5:02 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 26 and July 3, 2020.

This property is located on the south side of Chain Bridge Road, approximately 800 feet east of Westmoreland Street. Tax Map 30-2 ((1)) 23.

Lynne J. Strobel, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Foust moved approval of:

- Proffered Condition Amendment Application PCA C-491-03, subject to the execution of proffered conditions consistent with those dated May 11, 2020
- Reaffirmation of the modification to the transitional screening along the southern and a portion of the eastern property lines where the subject property abuts single family detached dwelling units to that shown on the Generalized Development Plan (GPD)

- Reaffirmation of the parking reduction in accordance with the McLean Commercial Revitalization District provisions of the Fairfax County Zoning Ordinance
- Reaffirmation of the waiver of the on-road bike lane and major regional trail system required along Chain Bridge Road

The motion was multiply seconded, 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 absent.

33. **3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA/CDPA 2010-PR-021-03 (CAPITAL ONE BANK (USA), NATIONAL ASSOCIATION) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2010-PR021, PREVIOUSLY APPROVED FOR HOTEL/MIXED-USE, TO PERMIT OFFICE/MIXED-USE AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR AREA RATIO OF 4.10, LOCATED ON APPROXIMATELY 5.09 ACRES OF LAND ZONED PTC AND HC**

(AND)

PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-PR-002 (CAPITAL ONE BANK (USA), NATIONAL ASSOCIATION; CAPITAL ONE, NATIONAL ASSOCIATION; CAPITAL ONE TYSONS BLOCK C OWNER, LLC) TO PERMIT AN INCREASE IN FLOOR AREA RATIO IN THE PTC DISTRICT, LOCATED ON APPROXIMATELY 24.52 ACRES OF LAND ZONED PTC AND HC (PROVIDENCE DISTRICT) (5:08 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 26 and July 3, 2020.

This property is located on the north side of Dolley Madison Boulevard, south side of Scotts Crossing Road, and east side of the Capital Beltway. Tax Map 29-4 ((5)) (1) B (pt.), E1 and F (pt.).

This property is located at 1600 Capital One Drive, McLean, 22102. Tax Map 29-4 ((5)) (1) A, B, C, D, E1, E2 and F.

Gregory A. Riegle, McGuireWoods LLP, reaffirmed the validity of the affidavit for the record.

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

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

Discussion ensued with input from Mr. Riegler regarding the level of quality and amenities, function of the building and utilization of the interior space.

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

Following a query by Supervisor Palchik, Mr. Riegler confirmed, for the record, that the applicant agreed with the proposed development conditions dated June 10, 2020.

Supervisor Palchik moved approval of:

- Proffered Condition Amendment Application PCA/CDPA 2010 PR-021-03, subject to the execution of proffered conditions consistent with those dated June 24, 2020
- Reaffirmation of the modification to Zoning Ordinance Section 2-414B requiring a 75-foot setback of commercial buildings from Interstate 495 to that shown on the CDPA
- Reaffirmation of the waiver of the Countywide Trails Plan requirement for a regional trail alongside Interstate 495 in lieu of the internal sidewalks shown on the CDPA
- Reaffirmation of the waiver of the tree preservation requirements of Part 4 of Section 13-400 of the Zoning Ordinance to allow tree canopy to be provided through new tree plantings
- Special Exception Application SE 2020-PR-002, subject to the proposed development conditions dated June 10, 2020

Chairman McKay 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 absent

(NOTE: On June 24, 2020, the PC approved Final Development Plan Amendment Application FDPA 2010-PR-021-03, subject to the proposed development conditions dated June 23, 2020, and the Board's approval of Proffered Condition Amendment Application PCA/CDPA 2010-PR-021-03.)

34. **4 P.M. – PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON POPES HEAD ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SPRINGFIELD DISTRICT)** (5:33 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 26 and July 3, 2020.

Steve Knudsen, Transportation Planner, Department of Transportation, presented the staff report.

Discussion ensued with Mr. Knudsen concerning the length of the alternate route proposed by staff.

Following the public hearing, Supervisor Herrity moved adoption of the resolution endorsing the following road to be included in the R-TAP for a through truck traffic restriction:

- Popes Head Road between Ox Road (Route 123) and Fairfax County Parkway

Supervisor Herrity requested Virginia Department of Transportation take the steps necessary to have this restriction enacted by the Commonwealth Transportation Board.

Chairman McKay and Supervisor Gross jointly seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

35. **4 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF BRECKNOCK STREET / ROUTE 5443 (SULLY DISTRICT)** (5:39 p.m.)

Supervisor Smith moved to defer the public hearing on a Proposal to Vacate and Abandon a Portion of Brecknock Street / Route 5443 to **September 15, 2020, at 4:30 p.m.** Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Supervisor Smith noted the purpose of the deferral was to allow staff additional time to address the concerns raised by community members.

36. **4 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF HUNTER VILLAGE DR WALKWAY (WENTWORTH TO FLAX) (SPRINGFIELD DISTRICT)** (5:40 p.m.)

(NOTE: On April 14, 2020, the Board deferred the public hearing until July 14, 2020.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 26 and July 3, 2020.

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

Following the public hearing, Supervisor Herrity moved adoption of the resolution authorizing the acquisition of certain land rights necessary for the construction of Project 2G40-088-038, that will construct a walkway on Hunter Village Drive from Wentworth Place to Flax Street, Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

37. **4:30 P.M. – PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE POLICE OFFICERS RETIREMENT SYSTEM (PORS) ORDINANCE**
(5:43 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 26 and July 3, 2020.

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

Chairman McKay noted this amendment originated as a Board Matter in 2018, but State enabling legislation was required prior to the County moving forward.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the proposed amendments to Article 7 of Chapter 3 of the Code of the County of Fairfax, which sets forth the ordinance for the Fairfax County Police Officers Retirement System (PORS). The proposed amendments to the PORS ordinance include adding a third active police officer member to the PORS Board of Trustees and allowing PORS members to purchase membership service credit in the PORS by paying into the PORS membership service credit earned while participating in the Fairfax County Employees' Retirement System (ERS) or the Fairfax County Uniformed Retirement System (URS). These amendments will implement changes to the state enabling legislation for the PORS enacted during the General Assembly's 2020 session. Chairman McKay 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 absent.

38. **4:30 P.M. – PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND THE FAIRFAX COUNTY CODE BY ADOPTING ARTICLE 3 TO CHAPTER 7 RELATING TO ESTABLISHING VOTER SATELLITE OFFICES FOR ABSENTEE IN PERSON VOTING UNDER VIRGINIA CODE SECTION 24.2-701.2** (5:47 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 26 and July 3, 2020.

Katherine Hanley, Secretary, Electoral Board, presented the staff report.

Following the public hearing, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved adoption of the proposed ordinance as recommended by staff, adding Article 3 to Chapter 7 of the Fairfax County Code and establishing voter satellite offices pursuant to Virginia Code Section 24.2-701.2. Vice-Chairman Gross 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 absent.

Discussion ensued with input from Ms. Hanley concerning the limitations in finding new satellite offices due to existing restrictions and the need for assistance from the Park Authority in identifying possible new locations.

Vice-Chairman Gross returned the gavel to Chairman McKay.

39. **4:30 P.M. – PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3, COUNTY EMPLOYEES, ARTICLE 1, PERSONNEL ADMINISTRATION, SECTIONS 3-1-1 AND 3-1-21** (5:53 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 26 and July 3, 2020.

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

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to Chapter 3, County Employees, Article 1, Personnel Administration, Sections 3-1-1 and 3-1-21 of the Code of the County of Fairfax. The proposed amendments are required as a result of SB 868 which was passed by the 2020 session of the General Assembly, signed by the Governor and takes effect July 1, 2020. The proposed amendments will be effective retroactive to July 1, 2020. Chairman McKay and Supervisor Foust jointly 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 absent.

40. **4:30 P.M. – PUBLIC HEARING TO CONSIDER THE ADOPTION OF AMENDMENTS TO CHAPTER 41.1 OF THE FAIRFAX COUNTY CODE RELATING TO ANIMAL CONTROL AND CARE** (5:56 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 26 and July 3, 2020.

Katherine Edwards, Wildlife Management Specialist, Animal Services Division, presented the staff report.

Discussion ensued with input from Karen Diviney, Director, Department of Animal Sheltering, regarding the current euthanasia process.

Discussion ensued with input from Kathleen Prucnal, Animal Protection Police Second Lieutenant, Police Department, regarding the issuance of permits and enforcement of the permit regulations.

Following the public hearing, which included testimony by seven speakers, Supervisor Lusk moved adoption of the proposed amendments to Chapter 41.1 of the Fairfax County Code, governing Animal Control and Care. The proposed amendments to Chapter 41.1 would:

- Allow wildlife rehabilitators, exhibitors and other individuals who have valid permits from the Virginia Department of Game and Inland Fisheries to possess wildlife in the County
- Revise the definition of wild or exotic animal
- Revise rabies control provisions
- Revise provisions related to traveling animal exhibitions
- Remove provisions related to euthanizing wildlife at the County's animal shelter
- Update the animal shelter's fee schedule
- Make other minor revisions to Chapter 41.1

Chairman McKay, Supervisor Gross, and Supervisor Herrity jointly 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 absent.

Discussion ensued with input from Supervisor Gross and Supervisor Herrity regarding the importance of wildlife rehabilitation and the appreciation for those individuals who work at County animal shelters and rehabilitation centers.

ADDITIONAL BOARD MATTER41. **DECREASE IN THE FAIRFAX COUNTY PERCENTAGE OF NEW COVID-19 CASES**

Chairman McKay noted that the Fairfax County Health District, which previously represented twenty-five percent of the positive COVID-19 cases in the Commonwealth of Virginia for two months, has now fallen below to three percent. Chairman McKay thanked the Health Department for their work and citizens of Fairfax County for their efforts in following the guidelines set forth by the Health Department and Center for Disease Control.

42. **BOARD ADJOURNMENT** (6:28 p.m.)

The Board adjourned.