



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
July 28, 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 28, 2020, at 3:02 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 Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James R. Walkinshaw, Braddock District

Supervisor Dalia A. Palchik, Providence District, participated from the Providence District Office.

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 to the Board of Supervisors; Emily Armstrong, Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks, Department of Clerk Services.

BOARD MATTERS

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

Chairman McKay announced that the Board is again meeting in-person, but still taking the health precautions recommended by the state and Center for Disease Control (CDC), and that he hoped that residents will continue to do to everything to help the fight against COVID-19. He noted the importance of social distancing, washing hands, and wearing a mask.

Chairman McKay announced that Supervisor Alcorn would not be participating in today's meeting as he continues to recuperate at home. He also noted that Supervisor Palchik would be participating remotely from the Providence District Office.

Chairman McKay said that the agenda today includes all the usual components, except for presentations, and the Board would be holding a closed session today following the public hearings.

The Chairman stated that as this is not an electronic meeting, the preliminary motions are not required. The Board will, however, need to make motions to acknowledge Supervisor Palchik's remote participation, which is consistent with the policy the Board adopted in March.

Chairman McKay asked Supervisor Palchik to confirm that she is connected to the meeting remotely, and the Chairman verified that her voice was clear, audible, and at an appropriate volume to be heard by the Board in the meeting room.

Chairman McKay relinquished the Chair to Vice-Chair Gross and stated that pursuant to the Fairfax County Board of Supervisors' Policy for Participation in Meetings by Electronic Communication, and he moved that Supervisor Palchik be permitted to participate remotely in the Board meeting today because it comports with the Board's policy, her voice is clear, audible and at an appropriate volume for this meeting room, and a physical quorum of the Board is present here in the Government Center. Vice-Chairman Gross seconded the motion and it carried by a vote of nine, Supervisor Alcorn absent.

Vice Chairman Gross returned the gavel to Chairman McKay.

2. **MOMENT OF SILENCE** (3:04 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 and prayers 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

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

- Congressman John Lewis, who died on July 17, 2020. He was regarded as a voice for the voiceless and a hero to all, sacrificing much to make the world a better place. The School Board recently renamed Robert E. Lee High School as John R. Lewis High School in the Lee District
- Mr. Robert Bloom, the City of Alexandria's Public Safety Systems Administrator, who died on July 20, 2020. He was regarded as a national leader in public safety communications whose 30-year career in public safety demonstrated a deep commitment to saving lives and serving people
- Ms. Dorothy Norpel, who died recently, and was an At-Large Member of the Fairfax County Park Authority. She was instrumental in obtaining Green Spring Gardens, saving the Pinecrest Golf Course, the development of Friends of Green Spring, Friends of Mason District Park festivals
- Mr. John Germain, who died recently. He was very involved in Marian Homes, a non-profit providing group homes for the intellectually disabled, and most recently served as the Facilities Advisor

(NOTE: Later in the meeting, a moment of silence was done for Dan Sze, who was a member of the Falls Church City Council. See Clerk's Summary Item # 39.)

AGENDA ITEMS

3. 3 P.M. – BOARD APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACS) (3:10 p.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 July 28, 2020." Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

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.

ADVISORY SOCIAL SERVICES BOARD

Appointment of:

- Ms. Marcela Lievano Martinez as the Providence District Representative

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointments of the Builder (Single Family), 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

Appointment of:

- Ms. Carol Allin as the Sully District Representative

The Board deferred the appointment of the Lee District Representative.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Related Professional Group #6 Representative.

ATHLETIC COUNCIL

Reappointment of:

- Mr. Jon K. Samson as the Member-At-Large Alternate Representative
- Ms. Katherine E. Quinn as the Member-At-Large Principal Representative

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointment of:

- Mr. Ken Balbuena as the At-Large Chairman's Representative
- Ms. Emilie F. Miller as the Providence District Representative

Appointment of:

- Mr. Raymond K. Smith as the Braddock District Representative

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

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

Reappointment of:

- Mr. Daren Shumate as the Design Professional #5 Representative

The Board deferred the appointment of the Design Professional #1 Representative.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

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

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

Reappointment of:

- Ms. Jade Harberg as the At-Large Chairman's Representative
- Mr. James Sobecke as the Braddock District Representative

Appointment of:

- Mr. Nathaniel Baldwin as the Providence District Representative

The Board deferred the appointments of the Dranesville, Lee, Mount Vernon, and Sully District Representatives.

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #9 Representative.

COMMISSION FOR WOMEN

The Board deferred the appointment of the Sully District Representative.

COMMISSION ON AGING

The Board deferred the appointment of the Lee, Mason, and Mount Vernon District Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Appointment of:

- Ms. Sandra Chisholm as the Providence District Representative

Confirmation of:

- Ms. Walewska Watkins as the Fairfax Bar Association Representative

CONSUMER PROTECTION COMMISSION

Reappointment of:

- Mr. Michael J. Roark as the Fairfax County Resident #2 Representative

The Board deferred the appointment of the Fairfax County Resident #5 Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

The Board deferred the appointments of the At-Large #1, #2, and #3 Representatives.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

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

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

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

ENGINEERING STANDARDS REVIEW COMMITTEE

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

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Mr. Andrew Scalise as the At-Large #3 Representative
- Ms. Robert Bartolotta as the Providence District Representative

Reappointment of:

- Mr. Willard Kenneth Garnes as the At-Large #4 Representative
- Ms. Jennifer Adeli as the Dranesville District Representative
- Ms. Srilekha Reddy Palle as the Springfield District Representative

(NOTE: Nominations were announced on June 23, 2020.)

HEALTH CARE ADVISORY BOARD

Appointment of:

- Ms. Leeann Alberts as the Braddock District Representative

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

HEALTH SYSTEMS AGENCY BOARD

Reappointment of:

- Ms. Linda Shealey Cook as the Consumer #1 Representative

The Board deferred the appointment of the Consumer #2 Representative.

HISTORY COMMISSION

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.

HUMAN SERVICES COUNCIL

Reappointment of:

- Mr. Martin Machowsky as the At-Large Chairman's Representative
- Mr. Lanita R. Thweatt as the Mount Vernon District #1 Representative
- Mr. William Kogler as the Springfield District #1 Representative

The Board deferred the appointments of the Dranesville District #2 and Hunter Mill District #2 Representatives.

INDUSTRIAL DEVELOPMENT AUTHORITY

The Board deferred the appointment of the At-Large #7 Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Appointment of:

- Ms. Kim S. Farington as the Springfield District Representative

The Board deferred the appointment of the Lee District Representative.

LIBRARY BOARD

The Board deferred the appointment of the Lee District 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, Providence, and Sully District Representatives.

REDEVELOPMENT AND HOUSING AUTHORITY

Reappointment of:

- Ms. Lenore S. Kelly as the Sully District Representative

The Board deferred the appointments of the At-Large #1 and the Lee District Representatives.

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Appointment of:

- Mr. Mike Shindledecker as the Dranesville District Representative

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

ROAD VIEWERS BOARD

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #9 (Youth) Representative.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Landlord Member #2, Tenant Member #1 and #2 Representatives.

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE

The Board deferred the appointment of the Lee District Representative.

TRANSPORTATION ADVISORY COMMISSION

Reappointment of:

- Mr. Kevin Morse as the Braddock District Representative

Appointment of:

- Mr. Jeremy Hancock as the Providence District Representative

The Board deferred the appointments of the Hunter Mill and Lee District Representatives.

TREE COMMISSION

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

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Hank H. Kim as the Citizen appointed by BOS #3 Representative

YOUNG ADULTS ADVISORY COUNCIL (YAAC)

Appointment of:

- Ms. Sarah Bufano as the Braddock District Representative
- Mr. Diego Rodriguez Cabrera as the Mount Vernon District Representative

The Board deferred the appointments of the Dranesville, Lee, and Mason District Representatives, and the George Mason University Representative.

DMS:dms

BOARD MATTERS

4. **REQUEST TO REFER ISSUE OF REAPPORTIONMENT TO BOARD'S LEGISLATIVE COMMITTEE AND PREPARE A TENTATIVE SCHEDULE OF REAPPORTIONMENT ACTIVITIES** (3:11 p.m.)

Chairman McKay stated that federal and state law requires the General Assembly and the governing bodies of localities elected by district to consider the census data in deciding whether their election districts need to be adjusted to ensure the standard of one person, one vote.

The Census, which takes place every 10 years, is currently underway for 2020. As the County continues to navigate this health crisis and the widening public distrust in our nation's institutions, it is our responsibility as a Board to be sure reapportionment ("redistricting") efforts are equitable.

In the last County redistricting, the Board established guidelines in advance and an advisory task force composed of citizens. That advisory task force served to engage the community in this important process. The task force's report was then provided to the Board with a range of reapportionment options.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board:

- Refer the issue of reapportionment to the Board's Legislative Committee to monitor State legislation and related developments that will affect the Board's reapportionment and to make recommendations to the Board on state and local reapportionment as appropriate
- Direct staff to prepare a tentative schedule of reapportionment activities and report to the Board at its September 2020 Legislative Committee meeting with the schedule and information about requirements applicable to reapportionment of the County's election districts

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

5. **REQUEST FOR EXPEDITED PROCESSING FOR EYA DEVELOPMENT, LLC (MASON DISTRICT)** (3:13 p.m.)

Supervisor Gross stated that the applicant, EYA Development, LLC, has filed three concurrent applications (PCA/CDPA/FDPA 2016-MA-022) to permit the development of 179 townhomes in lieu of the previously approved multi-family development.

The applicant has a formal public hearing scheduled before the Planning Commission on October 7, 2020, and this case should move forward as soon as possible. The applicant has requested an expedited Board public hearing date.

Therefore, Supervisor Gross moved that the Board direct staff to expedite the scheduling of the Board public hearing for PCA/CDPA 2016-MA-022 to a date certain of October 20, 2020. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed applications 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.

6. **PROCLAMATION REQUEST FOR SUICIDE AWARENESS MONTH** (3:14 p.m.)

Supervisor Walkinshaw stated that on average, one person dies by suicide every seven hours in Virginia. It is the tenth leading cause of all deaths in the United States. Everyone faces challenges in life that can impact their mental health. During

this unprecedented time of the COVID-19 pandemic with increased isolation, stress, and uncertainty, we need to do more to help our families, friends, and communities reduce the risk of suicide.

Each of us can help make a difference in these efforts, starting with outreach, education, and support focused on increasing resiliency. Thousands of people on the front lines in organizations such as PRS CrisisLink, American Foundation for Suicide Prevention (AFSP), and the Fairfax-Falls Church Community Services Board (CSB) continue to offer support, encouragement, and resources in an effort to change the conversation from suicide to suicide prevention, to actions that can promote healing, help, and give hope.

We all must continue to raise awareness of the organizations and resources available in our community. More can and should be done. Working with other organizations making a difference such as The Conner Strong Foundation, Our Minds Matter (formerly Josh Anderson Foundation), Becky Love Foundation, Community of Solutions, Healthy Minds Fairfax, and Eric Monday Foundation will increase our efforts and strengthen our communities.

During the month of September, mental health advocates, prevention organizations, survivors, and community members unite to promote suicide prevention awareness. Join and support us by declaring September as Suicide Awareness Month. In addition, Supervisor Smith and I are co-chairing a BOS team at the American Foundation for Suicide Prevention's annual walk on October 3 in Fairfax City. We are in contact with AFSP regarding the status of this walk and will keep you up to date.

Therefore, jointly with Supervisor Smith, Supervisor Walkinshaw asked unanimous consent that the Board direct staff to prepare a Proclamation commemorating September as *Suicide Awareness Month* in the County, to be presented at the Board meeting on September 15, 2020. Without objection, it was so ordered.

7.

ESTABLISHING THE AFFORDABLE HOUSING PRESERVATION TASK FORCE (3:18 p.m.)

Supervisor Foust stated that as the county grows, older multifamily rental and mobile home communities that provide affordable housing for thousands of households are threatened by demolition and/or redevelopment. These trends are slowly eroding the county's market affordable housing stock and forcing families and individuals out of the communities where they work. Further, existing committed affordable LIHTC, ADU and WDU units and communities are at risk.

In 2016, the Board requested the development of a strategic plan for housing that would reflect the needs of the community, identify ways to meet future demand, and support economic growth. Based on this charge, the Communitywide Housing Strategic Plan (the Plan) was developed. Phase 1 identified 25 specific strategies that could be implemented in the near future to strengthen the production and preservation of affordable and workforce housing. Phase 2, launched in the fall of 2018, outlined

the goals and long-term implementation strategies to build and preserve affordable housing. The development of Phase 2 was guided by the Board appointed members to the Affordable Housing Resources Panel (AHRP) comprised of representatives from the nonprofit, private and public sectors. The AHRP provided recommendations to the Board organized under five strategic categories with Strategy Two focused on the preservation of existing affordable units.

According to research conducted by the Virginia Center for Housing Research at Virginia Tech, as of December 2018, there are approximately 9,500 housing units in Fairfax County that are considered “market affordable,” apartments in rental complexes that are affordable to households earning 60 percent of AMI and below, and which are not subsidized or otherwise subject to rent restrictions. In addition, there is a significant stock of housing in the county’s mobile home parks that provide a critical affordable option for many families. The county’s stock of “market affordable” rental homes faces three critical pressures:

1. Redevelopment of older apartment complexes
2. The renovation and/or “repositioning” of previously affordable properties
3. Household incomes are not able to keep pace with the increases in rent.

The Board adopted a principle of no net loss of market affordable housing units in the county based on AHRP’s recommendation. The way to ensure no net loss is through clear articulation of preservation strategies. Preservation takes many forms including: renovation of existing developments with the addition of affordability restrictions, replacing units on or off-site, buying and holding communities etc. In order to accomplish this aggressive no net loss goal, it is essential to develop a comprehensive Preservation Plan. A Preservation Task Force is critical to ensure effective plan development based on preservation best practices.

Therefore, jointly with Chairman McKay and Supervisor Palchik, Supervisor Foust moved that the Board direct staff to establish the Preservation Task Force to begin as soon as possible. The Task Force membership, which will be coordinated through the Chairman’s office, should reflect the diversity of Fairfax County and include a variety of industry professionals (Planning Commission, FCRHA, lenders, non-profit and for-profit developers, land use attorney, advocates, etc.). The responsibility of the Preservation Task Force should be to provide recommendations to the Board that include:

- Definitions for the types of preservation that can occur in communities
- Typology of properties at risk and characteristics to guide prioritizing properties or neighborhoods in need of action sooner
- A comprehensive set of preservation strategies that includes recommended policies and tools to achieve the county goal of no net loss of affordability.

Jointly with Chairman McKay and Supervisor Palchik, Supervisor Foust further moved that recommendations of the Preservation Task Force be delivered to the Board by no later than the end of the first quarter of calendar year 2021. Supervisor Walkinshaw seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

8. **REQUEST TO WAIVE FEED AND EXPEDITE PROCESSING FOR JILL'S HOUSE, INC. (DRANESVILLE DISTRICT)** (3:24 p.m.)

Supervisor Foust stated that the Virginia Department of Transportation ("VDOT") Route 7 Corridor Improvements Project includes the construction of several stormwater detention ponds. The original site selected by VDOT for one of the stormwater ponds was located entirely on the open space of the Wolf Trap Woods Homes Association and would have negatively impacted a sensitive area and many mature trees.

The adjoining property is owned by Jill's House, a nonprofit organization that provides families raising children with intellectual disabilities with short-term overnight respite care. Following conversations with the Wolf Trap Woods community, Jill's House offered to accommodate a significant portion of the pond on its property. VDOT has agreed to the proposed location and incorporated it into the Route 7 Corridor Improvements Project design plans.

Changes to proffered easements and approved development plans under which Jills House operates will be required and staff is currently working with the applicant to finalize its application materials. The payment of zoning fees for these applications will be required. However, had the applications been filed by VDOT, no fee would be required. Supervisor Foust stated that he believes that the unique circumstance of Jill's House filing these zoning cases to accommodate the VDOT Route 7 Corridor Improvements Project, along with the benefits to the County provided by the Project, demonstrate that there is good cause for the Board to waive filing fees.

Therefore, Supervisor Foust moved that the Board direct the staff of the Department of Planning and Development to waive all filing fees for zoning cases necessary to implement the stormwater pond and amend the conditions of the underlying approvals on Tax Map Parcels 28-2 ((1)) 9A and 28-2 ((1)) 10A.

Additionally, as VDOT has expressed an intent to begin work on the stormwater ponds this fall, Supervisor Foust further moved that the Board direct staff to expeditiously process the concurrent applications. This motion should not be construed as a favorable recommendation on these applications by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the applications. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

9. **NO BOARD MATTERS FOR SUPERVISOR ALCORN (HUNTER MILL DISTRICT)** (3:26 p.m.)

Supervisor Alcorn did not have any Board Matters to present today.

10. **NO BOARD MATTERS FOR SUPERVISOR LUSK (LEE DISTRICT)** (3:26 p.m.)

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

11. **5TH ANNUAL TOUR DE MOUNT VERNON (MOUNT VERNON DISTRICT)** (3:27 p.m.)

Supervisor Storck announce that the 5th Annual Tour de Mount Vernon is approaching. Given the difficulties of the COVID-19 Pandemic, I am hoping a safe, 35-mile community bike ride will be a welcome relief. The ride will take place on October 3, 2020. We are planning to be in the Southern portion of the Mount Vernon District again, beginning and ending at the Workhouse Arts Center. We will ride to see Gunston Hall, Mason Neck State Park, Pohick Bay Regional Park, Occoquan Regional Park, the National Museum of the US Army, and Fort Belvoir for the 2nd year in a row. This event sure has come a long way with the help of our partner, Fairfax Alliance for Better Bicycling. I also want to thank FCDOT and Fairfax County Department of Economic Initiatives for all their support. This event is focused on encouraging community members to explore the many of the treasures of the Mount Vernon District.

We are offering two routes this year, so that riders of all levels are welcome. Additional information and the registration portal can be found by visiting the Mount Vernon District webpage.

Therefore, Supervisor Storck asked unanimous consent that the Board direct staff to advertise the 2020 Tour de Mount Vernon. Without objection, it was so ordered.

12. **PROCLAMATION REQUEST FOR WOMEN'S SUFFRAGE MONTH** (3:28 p.m.)

Supervisor Storck stated that on July 2, 2020, the U.S. Senate passed a bipartisan resolution designating this August as *National Women's Suffrage Month*, as America celebrates the 100th anniversary of the ratification of the 19th Amendment, which granted American women the right to vote.

As we prepare for the 100th anniversary of women's right to vote on August 26, 2020, we want to shine the spotlight on the importance of women's suffrage and the Equal Rights Amendment (ERA). Women were not included in the Constitution until the 19th Amendment and the ratification of the 19th Amendment led to the largest single one-day increase of potential voters in the history of the United States.

When it comes to women's fight for equality, much of this history resides right here in Fairfax County. Our schoolbooks rarely mention that the suffragist movement lasted 72 years or include the story of the scores of suffragists who were imprisoned at Lorton in 1917 for picketing the White House and demanding the right to vote. These women were arrested, tried, convicted and imprisoned for terms up to seven months. They were force-fed, locked in solitary confinement and brutalized. When word leaked out about this unconscionable treatment, President Wilson was forced to ask Congress to consider a Constitutional Amendment.

Twenty-five million women entered the Constitution and secured the right to vote with a stroke of the pen. Absent this fight for citizenship, women would not have been able to advance in education, employment, wealth, civil rights, business ownership and even parental rights! Still there is much work to be done in these areas to improve the lives of women. Suffrage was a full-fledged political reform effort that took five generations of activism and commitment to achieve. The movement had its own philosophers, generals, organizers, foot soldiers, and writers – just as Virginia's modern campaign to ratify the Equal Rights Amendment has done today.

Sadly, though women were written into the Constitution with the right to vote finally in 1920, they still do not have full equality under the law. The Equal Rights Amendment (ERA) gives women and men full equality under the law. This year, Virginia's General Assembly finally passed this important legislation, becoming the 38th and final state needed to ratify the ERA. We are grateful for the efforts of all the grassroots volunteers of VAratifyERA, Virginia's nonpartisan, statewide campaign whose singular mission was to put our Commonwealth on the right side of history and see the ERA over the finish line. Unfortunately, many experts and advocates acknowledge legal uncertainty as to whether the amendment will be ratified. The Turning Point Suffragist Memorial Association has broken ground on a memorial to women with 19 education stations in Occoquan Regional Park.

The memorial was set to be dedicated on the centennial anniversary of the certification of the 19th Amendment, August 26th, 2020. Unfortunately, COVID-19 and other impediments have delayed construction, and this will not happen. This location is part of the historic DC prison grounds where scores of suffragists aged 19 to 73 were illegally imprisoned. It is here that a critical part of women's history will finally be illuminated so that we can continue to educate, inspire and empower present and future generations to remain vigilant in the quest for liberty, freedom and equality.

In recognition of the 100th anniversary of the certification of the 19th Amendment, I will be hosting a socially-distanced, masks required, community celebration of the Year of the Woman on August 26, 2020. More details to follow. The Workhouse Arts Center, which also had to postpone the Grand Opening of the Lucy Burns Museum in May due to COVID is also planning several recognitions, including a Girl Scout Gold Award project about the suffrage story directly from the Lucy Burns Museum. Organized by Emma Skog, an event called "100 Years Later: How Women Got the Right to Vote" will be for Scouts of all ages. Due to the COVID-19 pandemic activities

will be entirely online and scouts who complete the project will receive a specially designed patch. More details are available on the Workhouse website.

Therefore, jointly with Chairman McKay, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a proclamation, to be signed by the Chairman and Mount Vernon District Supervisor, designating August *Women's Suffrage Month* in Fairfax County. Jointly with Chairman McKay, Supervisor Storck further asked unanimous consent that the Board direct staff to publicize information in recognition of this month and the August 26 celebration. Without objection, it was so ordered.

Supervisor Gross moved a friendly amendment to include the signatures from all Board Members. This was accepted.

13.

AUTHORIZATION TO PROVIDE LETTER OF SUPPORT FOR VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) APPLICATION TO THE FEDERAL RAILROAD ADMINISTRATION STATE OF GOOD REPAIR PROGRAM FOR NEWINGTON ROAD RAIL BRIDGE (ATTACHMENT 1) (MOUNT VERNON DISTRICT) (3:35 p.m.)

Supervisor Storck stated that DRPT has been working on additional rail tracks on the CSX rail line as part of a larger effort to improve mobility along the I-95/I-395 Corridor, which has been known as Atlantic Gateway. Part of this effort includes expanding rail capacity on certain bridges in Fairfax County, including the rail bridge at Newington Road.

In 2016, the Board sent a letter to then-Secretary Aubrey L. Layne, Jr. with comments on the Atlantic Gateway project (Attachment 2 of his written Board Matter). The letter included language stating that the Board believed the current rail bridge over Newington Road must be addressed. Original plans called for a new bridge to be provided for the new track, but that the existing rail bridge would remain. The letter noted concerns, since the bridge clearance would be more than two feet less than the Virginia Department of Transportation (VDOT) standard criterion of 16.5 feet. Further, the existing bridge has deteriorated and was in need of replacement. Lastly, Newington is only a one-lane underpass. For these reasons, the letter asserted the Board's belief that project should replace the current bridge or, at the very least, include efforts to lower the roadway to improve clearance issues.

DRPT and VDOT have worked with the County on these and other issues related to Atlantic Gateway and intend to apply for Federal Railroad Administration (FRA) State of Good Repair Program funding for the Newington Road project, which will address the County's noted concerns. The project consists of full replacement of the existing two-track span as well as construction of a new two-track span to the east. This will bring the horizontal clearances of the roadway undercrossing up to modern VDOT standards and accommodate a future third passenger track. The Commonwealth has requested a letter of support from the County for this application.

Therefore, jointly with Chairman McKay and Supervisor Lusk, Supervisor Storck moved that the Board approve the letter, attached to his written Board Matter, to the United States Secretary of Transportation noting support of the Newington Road Bridge Project Application for (FRA) State of Good Repair funding. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

14. **FAIRFAX GREEN INITIATIVES #2 (FGI #2)** (3:38 p.m.)

Supervisor Storck stated that on February 5, 2019, at a regularly scheduled meeting, the Board unanimously adopted his Fairfax Green Initiatives (FGI) Joint Board Matter with Chairman McKay and Supervisor Foust. The FGI took a decisive step forward to take action to mitigate climate change impacts on our community. Many of those actions have been initiated, with some even complete. FGI #2 is a follow-on motion based on our individual discussions over the last few months and discussion at last week's Environment Committee meeting. It proposes additional targets and actions the County can take to advance critical environmental issues even more quickly.

Therefore, Supervisor Storck moved that the Board support the following actions to accelerate Board consideration and action:

1. Direct DPWES to:

- Research and report to the Environment Committee on the options for expanding our existing internal County compost pilot to the community as part of our trash/recycling services or drop off locations. Options to be considered could include partnering with Arlington or Prince William, like with our purple bins – placing “green” compost bins beside purple bins; collections at Farmers Markets, FCPS locations, libraries and community centers; collecting, selling and/or giving away compost materials at the I-95 Landfill Complex & I-66 Transfer Station. In addition, work with other County agencies to provide community education on backyard composting at community centers, libraries and RECenters

2. Direct County Executive to:

- Update the vehicle purchasing policy to accelerate purchases of County electric vehicles for the fleet of eligible sedans and expand the County's charging infrastructure to support additional electric vehicles. 100% of eligible vehicles scheduled for purchase in FY 2021 shall be replaced with electric vehicles and the infrastructure needed can be supported in FY 2021
- Direct staff to return to the Board with a schedule to accelerate the replacement of vehicles and infrastructure to support these

vehicles, with the associated investment required, before the end of calendar year 2020 to inform the FY 2022 Budget

- Direct Office of Environmental and Energy Coordination (OEEC) to find immediate solutions to charging infrastructure, such as upgrading existing electrical outlets in County garages to accommodate plug in EV's, and to adapt purchasing practices to new goal
3. Direct County Attorney to report to the Environment Committee on whether the County can provide incentives for consumer EV purchases, vehicles and charging stations, or similar kinds of energy reduction or efficiency investments; or what legislative changes might be necessary to do so.
 4. Direct the OEEC to provide a plan to the Environment Committee for consideration to implement a 5-cent plastic bag fee in 2021, as now allowed by law.
 5. Direct the Facilities Management Department to assess and report to the Environment Committee costs and process to phase out all existing hydrofluorocarbon (HFC) refrigerators, refrigerant cases and air conditioners from all County facilities and equipment purchases as soon as practical but no later than 2030, including ensuring proper disposal and recovery of gasses and materials. Where comparably performing non-HFC products are available, effective in 2021, all new purchases would not contain HFC.
 6. Refer to the Land Use Policy Committee for consideration:
 - Requiring energy use disclosures on residential home sales. Direct County Attorney to provide legal review for considerations
 - Directing Department of Planning and Development to evaluate and report to the Land Use Policy Committee on further strengthening the County's Comprehensive Plan policy regarding provisions for EV ready or EV infrastructure during the rezoning process in private parking facilities
 - Directing Department of Planning and Development and the County Attorney to provide a report analyzing requirements and impediments for new commercial construction and incentives for new residential construction to incorporate community solar and/or geothermal systems in project planning
 - Directing Department of Planning and Development to provide a report for ways to encourage and incentivize developers and builders in the County to adopt or accelerate residential and commercial green building practices. For example, create a green building profile that

builders and developers can receive a rating on their green building practices.

7. Direct County Executive to report to the Environment Committee:

- The feasibility of creating an Energy Efficiency Funding Pool (EEFP) pilot. Consider potential Public Private Partnerships (PPP), existing non-profit housing partnerships and other energy efficiency focused organizations to provide a competitive grant process for funding local entities to provide workforce energy efficiency and weatherization (green jobs) training opportunities while upgrading the energy efficiency on eligible low-income and seniors homes
- The feasibility of creating a Fairfax Green Bank.

8. Direct County Executive and County Attorney to report to the Board on the feasibility and legality of providing guidance to Fairfax County retirement fund managers to increase support for non-greenhouse gas emitting energy investments, local green business investments and decreasing those in fossil fuels.

Chairman McKay seconded the motion.

Discussion ensued, with input from Joseph Mondoro, Chief Financial Officer, regarding the short and long-term impacts on electric vehicle purchases.

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

15. **RECOGNIZING ALLISON RICHTER** (3:50 p.m.)

Supervisor Palchik stated that it is with mixed reaction that we have received the news that Allison Richter, the VDOT Northern Virginia's Director of Transportation & Land Use for Fairfax and Arlington Counties, has been promoted and will soon be leaving our area. While we are happy for Ms. Richter, we are saddened to learn of her departure and the leave-taking of her skills and talents.

Allison Richter has worked with VDOT since the fall of 2002 in a variety of capacities. She spent six years in VDOT Northern Virginia Maintenance, as Budget Manager and then Infrastructure Manager, before moving on to the VDOT Fredericksburg District. Before coming to transportation, Ms. Richter worked in the banking industry.

At countless meetings with our employees and community, Ms. Richter's constant smile, positive demeanor and knowledge of all things VDOT have served to inform residents and employees, empowering us to work more effectively with the Commonwealth on projects large and small. We are grateful for Ms. Richter's patience

and fast answers to many questions and for her proactive approach to help resolve issues and concerns from our community.

Therefore, jointly with Chairman McKay, Supervisor Palchik asked unanimous consent that the Board applaud Ms. Richter's professionalism and achievements, we recognize Allison Richter for her outstanding work and service in Fairfax County, and we wish her well. Without objection, it was so ordered.

16.

CONTINUED COVID-19 RESPONSE PLAN FOR OLDER ADULTS
(3:52 p.m.)

Supervisor Herrity stated that the pandemic has hit our older adult community particularly hard. Case rates and fatality rates among older adults are the highest. Through June about 75 percent of COVID deaths in Fairfax County were from long term care facilities that serve our older adults. Because of the pandemic many of the volunteer and other activities older adults participate in have been closed or severely cut back. Many of our older adults are living in isolation due to COVID restrictions and fear of the disease. It is likely that the impact will continue for some time.

Since the beginning of the pandemic, county staff, the Fairfax Area Agency on Aging, and the Fairfax Area Commission on Aging have worked tirelessly to serve the exacerbated needs of the many vulnerable older adults in our community. They have set up meal and prescription delivery services, delivered over 12,000 meals per week, distributed over 5,300 shelf stable meals for emergencies, provided more than 500 gift cards for clients and family caregivers, and set up virtual social engagement activities, caregiver webinars, and even a virtual chronic disease self-management class.

Many of the initiatives of the 50+ Community Action Plan have become important tools in serving our older adults including:

- 50+ Community Ambassadors – located within our communities, these ambassadors have been key for sharing resources with those that need them and keeping lines of communication open
- Silver Shield – focusing on preventing older adults from falling prey to COVID scams
- GrandInvolve – shifting to a virtual tutor mode to keep the program and support for our at-risk youth as school activities are reduced
- Neighbor to Neighbor – the 12 active villages in place in the County are working with the Health Department and county staff to communicate information and meet community needs
- NV Rides – providing critical rides to seniors but needs new drivers as many volunteers were in the vulnerable older adult population

He stated that the Board approved plan was to spend this year primarily developing the SHAPE the Future of Aging Plan that would follow-up on the initiatives of the community-driven 50+ Community Action Plan. However, the pandemic has required resources to shift toward the greatest needs of our older adults. While the plan could continue to be developed with virtual community input, the COA, AAA, county staff, Supervisor Walkinshaw and I believe our time would be better spent developing a short term plan that addresses the nearer term challenges of our older adults relating to the pandemic.

The COVID-19 Response Plan for Older Adults (working title) should support older adult needs for the near future as we expect the pandemic will continue to drastically affect daily life for anywhere from six to 18 months and beyond. This plan will prioritize the key needs we have identified for older adults during the pandemic, specifically resources focused on mental health, reducing isolation through connectivity, technology access and training, IT support and others. It is anticipated that working with the Fairfax Area Agency on Aging, the Fairfax Area Commission on Aging and county staff we would schedule at least two focus groups to get community input on concerns and approaches to address them. These focus groups will include our 50+ Community Ambassadors, village coordinators, the Health Department as well as medical and mental health professionals from Inova and focus on achievable, actionable and affordable initiatives to address the concerns of our older adult community as a result of the pandemic.

Therefore, jointly with Supervisor Walkinshaw, Supervisor Herrity, as Chairman of the Older Adults Committee, moved that the Board place the SHAPE the Future of Aging Plan on hold as the Board continues dealing with the specific needs of our older adults during this pandemic. Jointly with Supervisor Walkinshaw, Supervisor Herrity further moved that the Board direct staff to work with the Fairfax Area Agency on Aging and the Fairfax Area Commission on Aging to develop a COVID-19 Response Plan for Older Adults to be brought back to the Board for discussion and approval. Supervisor Walkinshaw seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

17.

REQUEST FOR CONCURRENT PROCESSING AND SCHEDULING FOR CAPE THERESA, LLC (SULLY DISTRICT) (3:52 p.m.)

Supervisor Smith stated that Cape Theresa LLC Is the owner of approximately three acres located in Sully District in the northeast quadrant of Murdock Street and Glorurs Road. The property is currently zoned to the I-3 and I-5 districts, and the Applicant proposes a rezoning to the I-5 district to permit the establishment of a landscaping business.

The Applicant proposes to construct a contractor's office and install a materials storage yard on the property. The surrounding area includes industrial uses including a VDOT vehicle storage lot and a construction materials yard. The property is planned for industrial use. A rezoning is currently being processed by the Department of Planning

and Development and the application is scheduled for a hearing before the Planning Commission on November 12, 2020.

The Applicant has submitted a request for concurrent processing and the scheduling of a hearing before the Board prior to the end of the year. Therefore, Supervisor Smith moved that the Board direct staff to accept for concurrent and simultaneous processing, a site plan, building plans, and any other drawings as may be required in conjunction with the improvements proposed with Rezoning Application RZ 2020-SU-006. Supervisor Smith further moved that the Board direct staff to schedule a hearing date before the Board for Rezoning Application RZ 2020-SU-006 to a date certain of November 17, 2020. The authorization of concurrent processing in no way relieves the Applicant of the requirement to comply with all applicable standards of the Zoning Ordinance. In addition, the authorization does not dictate that the pending application will be approved, nor does it prejudice staff's review. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

18. **AUTHORIZATION OF A COMPREHENSIVE PLAN AMENDMENT TO UPDATE COUNTY POLICIES REGARDING AIRPORT NOISE** (4:04 p.m.)

Supervisor Smith stated that at the Board's Land Use Policy Committee meeting on July 21, 2020, information was presented regarding airport noise associated with the Washington Dulles International Airport. This information was responsive to the Board's direction to staff following the adoption of Plan Amendment 2018-III-DS1 (Land Unit J of the Dulles Suburban Center) on May 7, 2019 in which the Board directed staff to present to the Board possible next steps related to noise related to Dulles.

During the July 21, 2020, meeting, the Board received information from aviation consultant Nick Johnson as well as from staff. Both Mr. Johnson and staff recommended that the Board consider a policy change to allow residential uses between the 60 and 65 DNL aircraft noise contour. These recommendations are consistent with land use policies of most jurisdictions with international airports. Further, these recommendations bring the Comprehensive Plan into alignment with the Zoning Ordinance.

Therefore, Supervisor Smith moved that the Board authorize consideration of a Comprehensive Plan amendment for the relevant Policy Plan and Area Plan sections of the Plan to allow residential uses between the 60 and 65 DNL airport noise contour with commitments to noise mitigation measures, notification requirements and construction techniques for any such uses. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

EBE:ebe

AGENDA ITEMS

19. **ADMINISTRATIVE ITEMS** (4:06 p.m.)

Chairman McKay stated that Administrative Items Admin 3 and Admin 9 will be considered separately.

Supervisor Herrity asked to consider Admin 11 separately.

Supervisor Gross moved approval of the Administrative Items 1-2, 4-8, and 10. Supervisor Foust seconded the motion.

The question was called on the motion to approve Administrative Items, with the exception of Admin 3, Admin 9, and Admin 11, 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 A PUBLIC HEARING TO AMEND CHAPTER 11 OF THE COUNTY CODE TO REFLECT AMENDMENTS TO STATE ANTI-DISCRIMINATION AND FAIR HOUSING STATUTES ENACTED DURING THE 2020 SESSION OF THE GENERAL ASSEMBLY TO ADD SEXUAL ORIENTATION, GENDER IDENTITY, STATUS AS A VETERAN, AND, REGARDING FAIR HOUSING, SOURCE OF FUNDS AS PROTECTED CLASSES; TO REVISE CHAPTER 11, ARTICLE 1 OF THE COUNTY CODE (HUMAN RIGHTS ORDINANCE) TO CONFORM TO FEDERAL AND STATE LAW COUNTERPARTS; TO AMEND CHAPTER 11, ARTICLE 2 OF THE COUNTY CODE (FAIRFAX COUNTY FAIR HOUSING ACT) TO CONFORM TO STATE LAW BY ADDING ADDITIONAL PROVISIONS REGARDING REASONABLE ACCOMMODATIONS AND BY CLARIFYING THE SCOPE OF CERTAIN EXEMPTIONS; AND TO RECODIFY CHAPTER 11 AS CHAPTER 11.1 TO IMPROVE STRUCTURE AND CLARITY, AND TO REMOVE OBSOLETE AND DUPLICATIVE PROVISIONS

(A) Authorized the advertisement of a public hearing to be held before the Board on **September 15, 2020, at 4:00 p.m.** to consider the following:

- Amending Chapter 11 of the County Code to reflect amendments to state antidiscrimination and fair housing statutes enacted during the 2020 Session of the General Assembly to add sexual orientation, gender identity, status as a veteran, and, regarding fair housing, source of funds as protected classes
- Revising the Human Rights Ordinance to conform to federal and state law counterparts

- Amending the Fairfax County Fair Housing Act to conform to state law by adding additional provisions regarding reasonable accommodations and by clarifying the scope of certain exemptions
- Re-codifying Chapter 11 as Chapter 11.1 to improve structure and clarity, and to remove obsolete and duplicative provisions. Proposed amendments shall be effective retroactive to July 1, 2020

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2015-HM-013, SINGH PROPERTIES II, LLC (HUNTER MILL DISTRICT)

- (AT) Approved the request for twenty-four months of additional time to commence construction for Special Exception Application SE 2015-HM-013, to July 1, 2022, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE COUNTY AND SCHOOLS’ FY 2020 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2021 REVISED BUDGET PLAN

- (A) (NOTE: Later in the meeting, action was taken regarding this item. See Clerk’s Summary Item #20.)

ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING THE “PFM FLEXIBILITY PROJECT,” A FAIRFAX FIRST INITIATIVE TO IMPROVE THE SPEED, CONSISTENCY AND PREDICTABILITY OF THE COUNTY’S LAND DEVELOPMENT REVIEW PROCESS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2020, at 4:00 p.m.** to consider the proposed amendments to the PFM regarding the “PFM Flexibility Project,” a Fairfax First Initiative to improve the speed, consistency and predictability of the County’s land development review process.

ADMIN 5 – APPROVAL OF ESCROW AGREEMENT BETWEEN FAIRFAX COUNTY AND SUBSIDIARIES OF CITYLINE PARTNERS, LLC FOR PROFFERED FUNDS FOR DESIGN AND CONSTRUCTION OF SCOTTS RUN FIRE STATION (PROVIDENCE DISTRICT)

Approved the County Executive to sign the Escrow Agreement (Fire Station) with two Cityline Partners, LLC (Cityline) subsidiaries, pursuant to proffers for Cityline’s Scotts Run development, for receipt and administration of funds for the design and construction of the Scotts Run Fire Station.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON AND CONVEY A PORTION OF A FRONTAGE ROAD (FR 953) (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 15, 2020, at 4:30 p.m.** to consider a proposal to abandon and convey a portion of an unnamed frontage road (FR 953).

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION AS 21013 FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AS A RESULT OF ADDITIONAL FUNDING MADE AVAILABLE THROUGH THE EMERGENCY SOLUTIONS GRANTS TO ADDRESS THE COVID-19 PANDEMIC AS PART OF THE CARES ACT

- (SAR)
- Approved SAR AS 21013 for the Department of Housing and Community Development to accept a second allocation of Emergency Solutions Grants funding in the amount of \$6,581,782. This funding is available as a result of the Coronavirus Aid, Relief, and Economic Security (CARES) Act signed by the President on March 27, 2020 and distributed to entities receiving Emergency Solutions Grants funding. The planned uses of the Emergency Solutions Grants funding were incorporated into the Department of Housing and Community Development (HCD) Fairfax County's Citizen Participation Plan and Fairfax County's Consolidated Plan One-Year Action Plan for FY 2020 and approved by the Board of Supervisors on May 12, 2020. The grant period for the supplemental Emergency Solutions Grants ends September 30, 2022. When grant funding expires, the County is under no obligation to continue funding the program. 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 A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON BULL RUN POST OFFICE ROAD (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 15, 2020, at 4:00 p.m.** to consider endorsing Bull Run Post Office Road between Route 29 (Lee Highway) and Braddock Road (Attachment II) to be included

in the Residential Traffic Administration Program (RTAP) for a Through Truck Traffic Restriction.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH AN ECONOMIC INCENTIVE PROGRAM (DRANESVILLE, HUNTER MILL, LEE, MASON AND MOUNT VERNON DISTRICTS)

(A) (NOTE: Later in the meeting, action was taken regarding this item. See Clerk’s Summary Item #21.)

ADMIN 10 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES TO APPLY FOR AND ACCEPT SUPPLEMENTAL COVID-19 (CARES ACT) GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ASSOCIATED WITH THE HEAD START, EARLY HEAD START, AND EARLY HEAD START CHILD CARE PARTNERSHIP AND EXPANSION GRANTS

- Authorized the Department of Neighborhood and Community Services to apply for and accept grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of \$627,468. Funding is specifically being provided to support technology, mental health services, and personal protective equipment (PPE) supplies for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. Grant funding currently supports 64/56.58 FTE grant positions. No new grant positions are being requested with this funding
- Authorize 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 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AMENDMENTS TO CHAPTER 6 OF THE FAIRFAX COUNTY CODE RELATING TO WEAPONS

(A) (NOTE: Later in the meeting, action was taken regarding this item. See Clerk’s Summary Item #22.)

20. **ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE COUNTY AND SCHOOLS’ FY 2020 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2021 REVISED BUDGET PLAN (4:07 p.m.)**

- (A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See page #19.)

Chairman McKay said that because the Board has yet to determine the start time for the Board Meeting on September 29, 2020, and because the Board Package listed a time of 10:30 a.m., he has worked with the Department of Management and Budget and the County Attorney for the following motion.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the advertisement of a public hearing to be held before the Board on **September 29, 2020, at a time to be determined by the Clerk for the Board** to consider an increase to the FY 2021 appropriation level. The advertisement encompasses both the County and the Schools' FY 2020 Carryover Reviews. Section 15.2 – 2507 of the Code of Virginia requires that a public hearing be held prior to Board Action. Vice-Chairman Gross seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

21. **ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH AN ECONOMIC INCENTIVE PROGRAM (DRANESVILLE, HUNTER MILL, LEE, MASON AND MOUNT VERNON DISTRICTS)** (4:08 p.m.)

- (A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See Clerk's Summary Item #19.)

Supervisor Foust stated that to prevent confusion regarding the abatement period, the intent is to set the tax rate amount to reflect the value of the property prior to redevelopments.

Therefore, Supervisor Foust moved that the Board authorize the advertisement of a public hearing to be held before the Board on **September 15, 2020, at 4:00 p.m.** to consider amending Chapter 4, Taxation and Finance, of the *Code of the County of Fairfax, Virginia* (Code) to establish a new Article 29 – Incentives to Encourage Economic Growth to establish an Economic Incentive Program (EIP) that will apply to certain areas of the county, and that the Board direct staff to modify the advertisement to ensure that if the Board chooses to abate the entire appreciation in value to allow flexibility from the day the original estimated value was assessed. Chairman McKay seconded the motion.

Discussion ensued, with input from Corinne N. Lockett, Senior Assistant County Attorney, regarding the enabling legislation which allows the Board to decide on the criteria, which will expand the scope for the Board.

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

A brief discussion ensued with the Board regarding the need to review the current enabling legislation to allow for a ten-year abatement to be discussed.

22. **ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AMENDMENTS TO CHAPTER 6 OF THE FAIRFAX COUNTY CODE RELATING TO WEAPONS** (4:16 p.m.)

(A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See Clerk’s Summary Item #19.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the advertisement of a public hearing to be held before the Board on **September 15, 2020, at 4:30 p.m.** to consider amendments to Chapter 6 of the *Fairfax County Code*, governing Weapons. The proposed amendments to Chapter 6 will prohibit the possession, carrying and transportation of firearms, ammunition, or components or combination thereof in County buildings, parks, recreation and community centers and at permitted events and areas adjacent to permitted events, as more fully described in the Background section below. Supervisor Foust seconded the motion.

Supervisor Herrity asked staff to provide the Board with any independent research studies, showing that banning guns in public places improves public safety.

Supervisor Palchik asked staff to include information on what the neighboring jurisdictions are doing on this issue.

Following a brief discussion regarding the motion and the requests from staff, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Herrity voting “NAY,” Supervisor Alcorn being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

EA:ea

23. **A-1 – APPROVAL OF A PLAIN LANGUAGE EXPLANATION FOR THE 2020 BOND REFERENDA FOR TRANSPORTATION, PARKS AND PARK FACILITIES, LIBRARIES, AND COMMUNITY HEALTH AND HUMAN SERVICES FACILITIES** (4:22 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and approve the plain language explanations for each of the four referenda and authorize staff to translate them, post them online, and make them available at all County polling places and early voting sites. Vice-Chairman Gross seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

(NOTE: Later in the meeting, a subsequent motion was made on this item. See Clerk's Summary Item #35.)

24. **A-2 – APPROVAL OF HEAD START TRANSPORTATION WAIVER REQUEST FOR THE CONTINUATION OF FAIRFAX COUNTY PUBLIC SCHOOLS 2020-2021 TRANSPORTATION SERVICES** (4:23 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the Head Start Transportation Waiver Request for the Continuation of Fairfax County Public Schools 2020-2021 Transportation Services for Head Start children. The motion was multiply seconded and it carried by a vote of nine, Supervisor Alcorn being absent.

Supervisor Gross stated that the program provides an opportunity for students to get to school, jobs, and recreation programs. She further commented on the success of the program for students at Justice High School.

25. **A-3 – APPROVAL OF HEAD START/EARLY HEAD START POLICY COUNCIL BYLAWS, SELF-ASSESSMENT REPORT AND MEMORANDUM OF UNDERSTANDING BETWEEN POLICY COUNCIL AND BOARD OF SUPERVISORS** (4:24 p.m.)

(BAC) Supervisor Palchik moved that the Board concur in the recommendation of staff and approve the Head Start/Early Head Start Policy Council Bylaws, Self-Assessment Report and Memorandum of Understanding between Policy Council and Board of Supervisors. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

26. **A-4 –APPROVAL OF CHANGES TO THE FAIRFAX COUNTY PURCHASING RESOLUTION** (4:26 p.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and approve the changes to the Fairfax County Purchasing Resolution, to become effective on July 28, 2020. The motion was multiply seconded and it carried by a vote of nine, Supervisor Alcorn being absent.

27. **A-5 –AUTHORIZATION TO: 1) APPROVE ISSUANCE BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) OF TAX-EXEMPT BONDS IN AN AMOUNT NOT TO EXCEED \$22,500,000; AND 2) FOR FCRHA TO SUBMIT AN APPLICATION TO VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR TAX-EXEMPT BOND ALLOCATION FOR OVATION AT ARROWBROOK APARTMENTS (DRANESVILLE DISTRICT)** (4:26 p.m.)

(R) Supervisor Foust moved that the Board concur in the recommendation of staff and:

- Approve FCRHA 's issuance of private activity tax-exempt bonds in an amount not to exceed \$22.5 million for the construction and development of Ovation at Arrowbrook Apartments
- Authorize the FCRHA to submit an application to VADHCD for tax-exempt bond allocation for Ovation at Arrowbrook Apartments, as part of the overall financing for the construction and development of the Project

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

28. **A-6 – APPROVAL OF A BOARD OF SUPERVISORS' DRAFT REGULAR MEETING SCHEDULE FOR CALENDAR YEAR 2021** (4:27 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the draft regular meeting schedule for January through December, 2021. Supervisor Smith seconded the motion.

Supervisor Gross and Supervisor Foust discussed not scheduling Board meetings on any Tuesday following a Monday holiday, but allowing Committee Meetings to be scheduled on Tuesdays following a holiday.

Chairman McKay noted that unlike Board meeting dates, which require officially published meeting dates for the purpose of advertising, the committee meeting dates are not required to be published prior to them occurring. He further noted there is flexibility to change committee meeting dates even though specific dates are included in the draft since they do not carry the same statutory and legal requirements as Board Meeting dates.

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

29. **A-7 – APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN FAIRFAX COUNTY AND FAIRFAX COUNTY PUBLIC SCHOOLS FOR THE FREE STUDENT BUS PASS PROGRAM** (4:33 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and:

- Approve the Memorandum of Agreement, in substantial form of Attachment I
- Authorize the Director of Department of Transportation (FCDOT) to sign the Memorandum of Agreement on behalf of Fairfax County

Supervisor Gross seconded the motion.

Chairman McKay commented on the benefits of this program for the students, and thanked County and School staff for their work and support of this program.

Supervisor Palchik noted that several Fairfax County Public Schools are not on the Fairfax County bus lines, so the Board is currently not able to further expand this program.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

30. **A-8 – APPROVAL OF MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE CENTRAL INTELLIGENCE AGENCY (CIA) AND FAIRFAX COUNTY TO PROVIDE FAIRFAX CONNECTOR BUS SERVICE TO THE AGENCY’S FACILITY IN LANGLEY, VIRGINIA (DRANESVILLE DISTRICT)** (4:36 p.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and:

- Approve the MOA between the CIA and Fairfax County, in substantial form of Attachment I
- Authorize the Director of the Fairfax County Department of Transportation (FCDOT), to execute the finalized agreement on behalf of the County

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

31. **A-9 – ENDORSEMENT OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) REVISED TRAFFIC CALMING GENERAL OPERATING PROCEDURES** (4:37 p.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and endorse the Residential Traffic Administration Program (RTAP) revised Traffic Calming General Operating Procedures (Attachments I and II). Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

32. **A-10 – APPROVAL OF FAIRFAX CONNECTOR AUGUST 29, 2020, SERVICE CHANGES (DRANESVILLE, LEE, MOUNT VERNON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)** (4:38 p.m.)

Supervisor Smith moved that the Board concur in the recommendation of staff and approve the Fairfax Connector August 29, 2020, service change proposals, as outlined in the Board Package. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

33. **A-11 – APPROVAL OF A RESOLUTION ENDORSING PROJECTS BEING SUBMITTED FOR STATE FUNDING THROUGH THE COMMONWEALTH TRANSPORTATION BOARD'S FY2022-2027 SMART SCALE PROGRAM**
(4:38 p.m.)

(R) Supervisor Smith moved that the Board concur in the recommendation of staff and approve a resolution (Attachment 1) endorsing Fairfax County and the City of Falls Church projects for consideration in the Commonwealth Transportation Board's (CTB) FY2022–FY2027 Smart Scale Program. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

34. **A-12 – APPROVAL OF THE MASTER AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND FAIRFAX COUNTY FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS** (4:39 p.m.)

Supervisor Smith moved that the Board concur in the recommendation of staff and authorize the Director of the Department of Transportation to sign the Master Agreement between DRPT and Fairfax County, in substantial form of Attachment 1. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

35. **A-1 – APPROVAL OF A PLAIN LANGUAGE EXPLANATION FOR THE 2020 BOND REFERENDA FOR TRANSPORTATION, PARKS AND PARK FACILITIES, LIBRARIES, AND COMMUNITY HEALTH AND HUMAN SERVICES FACILITIES** (4:40 p.m.)

(NOTE: Earlier in the meeting, a motion was made on this item. See Clerk's Summary Item #23.)

Elizabeth Teare, County Attorney, asked the Board to clarify the approval motion for Action Item #1 because staff heard the Board use the term "Fiscal Year 2020" which should not have been included in the motion.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and approve the plain language explanations for each of the four referenda and authorize staff to translate them, post them online, and make them available at all County polling places and early voting sites. Supervisor Smith and Supervisor Lusk jointly seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

KK:kk

36. **3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-052-09/CDPA-C-052-02 (KIW SKYLINE 1, LLC, KIW SKYLINE 2, LLC AND KIW SKYLINE 3, LLC) TO**

AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR REZONING APPLICATION RZ-C-052, PREVIOUSLY APPROVED FOR OFFICE USE, TO PERMIT THE REPURPOSING OF OFFICE BUILDINGS TO ACCOMMODATE LIVE/WORK UNITS AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A 2.98 FLOOR AREA RATIO, LOCATED ON APPROXIMATELY 6.45 ACRES OF LAND ZONED PDC, CRD, SC AND HC (MASON DISTRICT) (4:41 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 July 10 and 17, 2020.

This property is located on the east side of Seminary Road, south of Leesburg Pike and north of South George Mason Drive. Tax Map 62-3 ((1)) 30, 33, 35, 35A and 45.

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

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

- 5600 Columbia Owner LLC

Supervisor Gross noted that while 5600 Columbia Owner LLC is not a party to this application, Robert M. Seldin is the sole shareholder of 5600 Columbia Owner LLC and is an Agent for the Applicant listed under Par. 1(a).

Sharon Williams, 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.

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

Supervisor Gross stated that as the Board is considering adoption of an Economic Incentive Program (EIP) in September, the Skyline Project is an excellent candidate for acceptance into the EIP, but timing is important. Supervisor Gross noted that she wants to preserve the opportunity for this project to participate when that ordinance is adopted.

Therefore, Supervisor Gross moved that the Board defer decision-only for Proffered Condition Amendment Application PCA-C-052-09 and the associated Conceptual Development Plan Amendment Application CDPA-C-052-02 until

September 15, 2020. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

(NOTE: On July 22, 2020, the PC approved Final Development Plan Amendment Application FDPA-C-052-15, subject to the development conditions dated July 13, 2020, and subject to the Board of Supervisors' approval of Proffered Condition Amendment Application PCA-C-052-09.)

37. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2019-MA-018 (CHRISTOPHER LAND, LLC) TO REZONE FROM R-4, C-3, CRD, SC AND HC TO PDH-12, CRD, SC AND HC TO PERMIT 43 SINGLE-FAMILY ATTACHED RESIDENTIAL UNITS WITH AN OVERALL DENSITY OF 11.1 DWELLING UNITS PER ACRE AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 3.88 ACRES OF LAND (MASON DISTRICT) (4:59 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 July 10 and 17, 2020.

This property is located approximately 600 feet west of Ravensworth Road and 650 feet south of Little River Turnpike, north and south sides of McWhorter Place, west side of Markham Street and portions of McWhorter Place/Markham Street to be vacated and/or abandoned. Tax Map 71-1 ((1)) 28 (pt.), 29, 31, 32, 33, 36, 37, 38A and 41 and McWhorter Place/Markham Street public rights-of-way to be vacated and/or abandoned. Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for McWhorter Place/Markham Street to proceed under Sect. 15.2-2272 (2) of the *Code of Virginia*.

E. John Regan, Jr., Christopher Land, LLC, reaffirmed the validity of the affidavit for the record.

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

- E. John Regan, Jr.
- Christopher Management, Inc.

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

- Clark L. Massie
- Christopher Management, Inc.

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

Mr. Regan, Jr. 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 the testimony of one speaker, Mr. Fountain presented the staff and Planning Commission (PC) recommendations.

Supervisor Gross moved approval of:

- Rezoning Application RZ 2019-MA-018 and the associated Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated July 20, 2020
- Modification of Sect. 6-107(2) of the Zoning Ordinance to waive the 200 square foot minimum privacy yard requirement for all rear load single-family attached dwellings in favor of that shown on the CDP/FDP
- Modification of Sect. 11-302 of the Zoning Ordinance to allow private streets to be in excess of 600 feet in favor of the private streets shown on the CDP/FDP
- Modification of Sect. 13-303 and 13-304 of the Zoning Ordinance to the transitional screening yard and barrier requirements along the western property line as shown on the CDP/FDP

Supervisor Lusk 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 July 22, 2020, the PC approved Final Development Plan Application FDP 2019-MA-018, subject to the development conditions dated June 30, 2020, and subject to the Board of Supervisors' approval of Rezoning Application RZ 2019-MA-018.)

38.

3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2011-PR-011-03 (CITYLINE PARTNERS LLC) TO AMEND THE PROFFERS AND CONDITIONS FOR RZ 2011-PR-011, PREVIOUSLY APPROVED FOR MIXED-USE DEVELOPMENT TO PERMIT MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 8.04, LOCATED ON APPROXIMATELY 1.33 ACRES OF LAND ZONED PTC AND HC (PROVIDENCE DISTRICT) (5:18 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 July 10 and 17, 2020.

This property is located on the north side of Chain Bridge Road and west side of South Dartford Drive. Tax Map 30-3 ((46)) 2 (pt.).

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 Palchik moved approval of:

- Proffered Condition Amendment Application PCA 2011-PR-011-03, subject to the execution of proffered conditions consistent with those dated May 8, 2020
- Reaffirmation of the modification of all trails and bike trails in favor of the streetscape and on-road bike land system shown on the Plans and as proffered
- Reaffirmation of the modification of Sect. 7-0802.2 of the Public Facilities Manual (PFM) to allow for the projection of structural columns into parking stalls (no more than 4 percent of the stall area)
- Reaffirmation of the modification of Sect. 12-0601.18 of the PRM to permit the reduction of the minimum planter opening area for trees used to satisfy the tree cover requirement, in favor of that shown on the Plans and as proffered
- Reaffirmation of the modification of the Zoning Ordinance and PFM for required tree preservation target and ten percent canopy coverage on individual lots/land bays to allow for tree preservation to be calculated on the overall Conceptual Development Plan (CDP) development area

- Reaffirmation of the modification of the Zoning Ordinance to allow for a parapet wall, cornice, or similar projection to exceed the height limit established by more than three feet as may be indicated on the Final Development Plan (FDP) to screen mechanical equipment
- Reaffirmation of the modification of the maximum fence height requirements from 7 feet to 14 feet around accessory uses/structures located within the rear yard for those areas of fencing associated with any proposed sports courts and urban plaza areas, as indicated on the CDP, or as may be indicated on the FDP
- Reaffirmation of the modification of Par. 4 of Sect. 11-202 of the Zoning Ordinance requiring a minimum distance of 40 feet of loading space in proximity to drive aisles, to that shown on the CDP, and when shown on an approved FDP
- Reaffirmation of the modification of Sect. 12-0515.6B of the PFM to allow for trees located above any proposed percolation trench or bio-retention areas to count towards county tree cover requirements
- Reaffirmation of the modification of the 10-year tree canopy requirements in favor of that shown on the Plans and as proffered
- Reaffirmation of the modification of Par. 7 of Sect. 17-201 of the Zoning Ordinance to permit the applicant to establish parking control, signs, and parking meters along private streets within and adjacent to the development in coordination with FCDOT

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 absent.

(NOTE: On July 8, 2020, the PC approved Final Development Plan Amendment Application FDPA 2011-PR-011-04, subject to the proposed development conditions dated June 24, 2020.)

39.

3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA/CDPA 2000-MV-046 (AVENTON HOLDINGS I, LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2000-MV-046, PREVIOUSLY APPROVED FOR UP TO 650 DWELLING UNITS AND 250,000 SQUARE FEET OF OFFICE AND RETAIL, TO PERMIT UP TO 379 DWELLING UNITS AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A DENSITY OF 94.4 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 4.01 ACRES OF LAND ZONED PRM (MOUNT VERNON DISTRICT) (5:26 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 10 and 17, 2020.

This property is located on the north side of Huntington Park Drive, approx. 300 feet east of its intersection with North Kings Highway. Tax Map 83-3 ((38)) C and 83-3 ((1)) 88G.

Mark M. Viani, Bean, Kinney & Korman, P.C., reaffirmed the validity of the affidavit for the record.

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

Mr. Viani 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 four speakers, Ms. Suder presented the staff and Planning Commission (PC) recommendations.

Discussion ensued with Supervisor Storck asking if there were any alternatives to the location of the shuttle access for the Montebello Shuttle. Mr. Viani stated that a range of alternative alignments were reviewed, and it was determined that this location would be the most environmentally responsible solution. It would not interfere with the ballfields or the usable area and allowed for a critical mass of new plantings, removal of invasive species and a significant expansion of the natural area of the park.

Supervisor Storck moved approval of:

- Proffered Condition Amendment Application PCA 2000-MV-046 and the associated Conceptual Development Plan Amendment, subject to the execution of proffered conditions consistent with those dated July 14, 2020
- Modification of Sects. 11-201 and 11-203 of the Zoning Ordinance to reduce the number of loading spaces from the required 4 to up to 2, as shown on the CDPA/FDPA
- Waiver of Sect. 13-203 of the Zoning Ordinance requiring peripheral landscaping adjacent to the above grade parking garage
- Modification of Par. 4 of Sect. 13-305 of the Zoning Ordinance to allow the “Type 1” Transitional Screening yard requirement to be reduced by 2/3 and to allow a solid masonry wall adjacent to a single-family detached dwelling

- Waiver of Par. 3.B of Sect. 17-201 of the Zoning Ordinance requiring an interparcel connection to the eastern parcels
- Reaffirmation of the waiver of Par. 2 of Sect. 11-302 of the Zoning Ordinance to permit a private street to exceed a maximum 600 feet in length

Supervisor 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.

(NOTE: On July 15, 2020, the PC approved Final Development Plan Amendment Application FDPA 2000-MV-046, subject to the proposed Final Development Plan conditions dated June 23, 2020.)

40.

4 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2019-SU-021 (BLUE KNOB INVESTORS, LLC) TO REZONE FROM I-3, WS, AN AND HC TO C-8, WS, AN AND HC TO PERMIT A VEHICLE SALES, RENTAL, AND ANCILLARY SERVICE ESTABLISHMENT WITH AN OVERALL FLOOR AREA RATIO OF 0.17, AND TO I-5, WS, AN, AND HC TO PERMIT A VEHICLE MAJOR SERVICE, VEHICLE LIGHT SERVICE, AND NEW VEHICLE STORAGE ESTABLISHMENT WITH AN OVERALL FLOOR AREA RATIO OF 0.07, LOCATED ON APPROXIMATELY 12.06 ACRES OF LAND

(AND)

PUBLIC HEARING ON SE 2019-SU-022 (BLUE KNOB INVESTORS, LLC) TO PERMIT A VEHICLE SALES, RENTAL, AND ANCILLARY SERVICE ESTABLISHMENT AND VEHICLE LIGHT SERVICE ESTABLISHMENT, LOCATED ON APPROXIMATELY 12.06 ACRES OF LAND ZONED C-8, I-5, WS, AN AND HC (SULLY DISTRICT) (6:19 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 July 10 and 17, 2020.

This property is located on the south side of Lee Jackson Memorial Highway, approximately 1,200 feet west of its intersection with Stonecroft Boulevard. Tax Map 33-2 ((1)) 6 (pt.).

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

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

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

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

Supervisor Smith moved approval of:

- Rezoning Application RZ 2019-SU-021, subject to the execution of proffered conditions consistent with those dated June 19, 2020
- Special Exception Application SE 2019-SU-022, subject to the proposed development conditions dated June 15, 2020
- Modification of Sect. 13-303 of the Zoning Ordinance for transitional screening requirements along the eastern property line of the I-5 zoning district, in favor of the landscaping required by the development conditions
- Waiver of Sect. 13-304 of the Zoning Ordinance for barrier requirements along the eastern property line of the I-5 zoning district
- Modification of Sect. 13-203 Part 1 of the Zoning Ordinance for peripheral parking lot landscaping for the eastern and western property lines, in favor of the existing and proposed vegetation shown on the GDP/SE Plat
- Modification of Sect. 17-201 Part 2A of the Zoning Ordinance for the construction of a service drive adjacent to any primary highway, to permit inter-parcel access to satisfy the requirement

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.

41.

4 P.M. – PUBLIC HEARING ON THE USE OF EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED PATRICK HENRY PLACE (MASON DISTRICT) (6:28 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 July 10 and 17, 2020.

Dennis Holder, Branch Chief, Department of Public Works and Environmental Services (DPWES), Building Design and Construction Division, presented the staff report.

Following the public hearing, Supervisor Gross moved that the Board approve the initiation of eminent domain proceedings necessary for the construction of the Patrick Henry Place Permanent Supportive Housing located at 3080 Patrick Henry Drive, including all easements shown in the Board Item for the public hearing dated July 28, 2020, and adopt the attached Resolution, incorporating Attachments C and D from the Board Item. Supervisor Foust and Chairman McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

ADDITIONAL BOARD MATTER

42. **MOMENT OF SILENCE** (6:36 p.m.)

Supervisor Gross asked everyone to keep in thoughts the family of Dan Sze, who died recently. Mr. Sze was active in regional organizations and was an alternate to the regional commissioner. He was active on the Chesapeake Bay Committee and also chaired the Climate Energy and Environment Policy Committee as well as served on the Falls Church City Council.

AGENDA ITEMS

43. **4 P.M. – PUBLIC COMMENT ON ISSUES OF CONCERN** (6:37 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of July 10 and 17, 2020.

Public comment was held and included the following individuals:

- Bonnie Burkhardt, Law Enforcement Fourth Amendment issues and the budget for such activities
- Brenda Tillett, Support of law enforcement
- Fredy Burgos, Support of law enforcement
- Farah Devlin, Racism and Fairfax County permit office related to Black Lives Matter
- Shamaal Sheppard, Police budget

- Spencer Pilcher, Paving and police incidents
- Latoya Edwards, Public safety
- Brad Carruthers, Police morale and its effect on public safety
- Matthew Capuano-Rizzo, Budget priorities and police spending

44.

CLOSED SESSION (7:12 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. *Anna Elena Gordon, by GEICO, subrogee v. Kevin Lee Keyes*, Case No. GV20-001213 (Fx. Co. Gen. Dist. Ct.)
 2. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lecia A. Reeve*, Case No. CL-2020-0008873 (Fx. Co. Cir. Ct.) (Dranesville District)
 3. *Leslie B. Johnson, Fairfax County Zoning Administrator v. FSI Properties, LLC*, Case No. CL-2019-0011149 (Fx. Co. Cir. Ct.) (Dranesville District)
 4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kathy A. Hale*, Case No. GV20-004394 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 5. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Ben Thomas*, Case No. CL-2020-0008874 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. The Malkeet K. Sidhu Revocable Trust, by and through its Trustees Malkeet K. Sidhu*,

Baltej Singh Sidhu, and Sundeep Singh Sidhu, Case No. CL-2019-0017572 (Fx. Co. Cir. Ct.) (Lee District)

7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. King Homes, Inc., and Terrace Townhomes of Annandale*, Case No. CL-2020-0008407 (Fx. Co. Cir. Ct.) (Mason District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Aaron Samson, Mary Samson, and Zaaki Restaurant and Cafe LLC*, Case No. CL-2020-0009420 (Fx. Co. Cir. Ct.) (Mason District)
9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. LZ Investments, LLC*, Case No. GV20-004253 (Fx. Co. Gen. Dist. Ct.) (Mason District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John N. Withrow*, Case No. CL-2019-0014360 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kathleen E. Sprague and Timothy F. Showalter*; Case No. GV19-026357 (Fx. Co. Gen. Dist. Ct.) (Providence District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Maeen Al-Huraibi*, Case No. CL-2020-0008402 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mark Anthony Shiflette*, Case Nos. GV20-005273 and GV20-005274 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
14. *Elizabeth Perry, Property Maintenance Code Official v. Mehrnoosh Shirazi Linke*, Case No. GV 20-000878 (Fx. Co. Gen. Dist. Ct.) (Sully District)
15. *Board of Supervisors of Fairfax County v. Casey Margenau Fine Homes & Estates, LLC*, Case No. GV20-06960 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

And in addition:

- As permitted by Virginia Code Sections 2.2- 3711(A)(1) and (8), legal analysis and discussion of a proposed appointment to the Fairfax County Board of Zoning Appeals

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

At 7:49 p.m., the Board reconvened the meeting with all Members being present, except Supervisor Alcorn, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

45. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (7:49 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storeck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Alcorn being absent.

46. **MOTION REGARDING PENDING BOARD OF ZONING APPEALS (BZA) APPOINTMENT** (7:49 p.m.)

Chairman McKay stated that the Fairfax County Circuit Court sent a communication yesterday to the County Attorney, forwarding the application of only one candidate for potential appointment to an open seat on the Board of Zoning Appeals. The established process for BZA appointments, as summarized in letters from the Court dated June 20, 2005, and May 6, 2019, calls for "two or three qualified candidates" to be presented to the Board of Supervisors "for its concurrence in accordance with Virginia Code Section 15.2-2308(A)," and there is no indication that only one application was received for this position. Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board decline concurrence at this time, in the proposed appointment to the Board of Zoning Appeals, subject to the understanding that upon receipt of several additional applications of qualified candidates for the Board's consideration, the Board will revisit this matter. The motion was multiply seconded by Supervisor Lusk, Supervisor Foust, and Supervisor Smith and it carried by a vote of nine, Supervisor Alcorn being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

47. **BOARD ADJOURNMENT** (7:52 p.m.)

The Board adjourned.