



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
June 9, 2020**

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A regular meeting of the Board of Supervisors was called to order at 2:00 p.m., and was conducted wholly electronically using Fairfax County's videoconferencing system because the COVID-19 pandemic made it unsafe to physically assemble a quorum in one location or to have the public present. The meeting was accessible to the public through live broadcast on Channel 16, live video stream, and live audio. Chairman McKay presided over the meeting and participated from the Government Center, and the following Supervisors participated remotely from their respective District Offices:

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

Supervisor Rodney L. Lusk, Lee District, participated from the Mount Vernon District Office.

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 ANNOUNCEMENTS

1. **ORDERS OF THE DAY** (2:01 p.m.)

Chairman McKay stated that since the meetings continue to be electronic during the COVID-19 pandemic, there are preliminary motions that require Board approval. He stated that because each member of the Board is participating in the meeting from his or her respective Board office, it must be verified that a quorum of Members is participating and that each Member's voice is clear, audible, and at an appropriate volume for all of the other Members. Therefore, Chairman McKay conducted a roll call and asked each Member to confirm that they could hear each other's voices.

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

Chairman McKay moved that the Board certify that the State of Emergency caused by the COVID-19 outbreak makes it unsafe for speakers, staff, applicants, and the public to attend this meeting in person, and that as such, an in-person meeting cannot be implemented safely or practically. As a result, Chairman McKay further moved that the Board conduct this meeting electronically through a dedicated video conference line, and that the public may access this meeting via simultaneous telecast on Channel 16, or video streaming, or hear a live audio feed of the meeting by dialing 703-324-5300, and the public may participate in public hearings by established phone lines, YouTube submissions, or through written testimony. Supervisor Foust seconded the motion and it carried by unanimous vote.

Chairman McKay further moved that the Board certify that all matters on the agenda today concern the emergency, and/or are necessary for continuity in Fairfax County government under the Ordinance adopted by the Board on April 14, 2020, and/or are statutorily required or necessary to continue operations and the discharge of this Board's lawful purposes, duties, and responsibilities. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice Chairman Gross returned the gavel to Chairman McKay.

2. **MOMENT OF SILENCE** (2:04 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 nation and County are going through very trying times, not just because of the pandemic but also because we are mourning the tragic and senseless murder of George Floyd. It is an all too familiar scene, and we grieve with the family of Mr. Floyd and the many who have died in similar acts of unlawful violence. We are also thinking of the victim and his family who, last week, was subject to an unlawful and egregious incident here in Fairfax

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

- Robert Alden, who died recently
- Naomi Brooks, who died recently

3. **ORDERS OF THE DAY** (2:11 p.m.)

Chairman McKay stated that, as with previous meetings, there will be no presentations or Board Matters. Closed Session will be held at the end of the meeting. He noted that Supervisor Lusk and Supervisor Storck will be leaving early to participate in a march in the Mount Vernon District.

4. **OFFICIAL STATEMENT REGARDING RACIAL INJUSTICE
NATIONALLY AND LOCALLY** (2:13 p.m.)

Chairman McKay read the following into the record:

“The senseless murder of George Floyd sparked thousands in our County to stand up against persistent racial inequity in our country. Mr. Floyd’s violent and wrongful death is sadly all too familiar. We are all grieving for the Floyd family, the families of those who have experienced similar pain, and the many who have died in similar acts of violence. Black Lives Matter.

After many years of the topic being swept under the rug nationally, racial injustice is finally at the forefront of the country’s dialogue. Locally, we know Fairfax County still has work to do on this subject. Unfortunately, last week one of our officers violated not only FCPD policy but broke the trust that our community has placed in us to do our job properly. We are thinking of the victim and his family and though we applaud the work and quick action by our Department, we know this is not where the conversation ends.

We recognize that most of our officers' work with compassion and take their charge to protect and serve seriously. We know they join us in our anger at the events witnessed here and across the country and our commitment to strengthen the community's trust. We must all do this together, achieving results must mean we are all committed.

This Board of Supervisors demands transparency and accountability in local government. This is true for all our agencies, including our Police Department.

There are tough but much needed conversations ahead. We are committed to listening to the concerns of our community and re-examining our policies. We have adopted One Fairfax to intentionally make decisions under an equity lens, to promote procedures and policies that are forward thinking, and to recognize that our diversity is our strength. Despite that, we know we still have important work to do as a county, state, and country. At this time, we must listen to our community and heal together. We have seen peaceful protests throughout our County that reaffirm our community's desire to always improve and that actions do speak louder than words.

There is no one policy or program we can enact today that will solve every single issue. While we have made major progress to the policies and programs we do have in place, such as the Police Civilian Review Panel and Independent Police Auditor which came from the Ad Hoc Police Practices Review Commission, we know we have more work to do.

As you'll hear in a moment, we will be forming the Chairman's Task Force on Equity and Opportunity to advance racial equity and promote the change necessary for creating a Fairfax County that works for everyone. This group will bring together diverse community stakeholders to help us with our work.

We know this is an issue that requires constant vigilance. With the help of our community we will continue the work of our One Fairfax policy and always strive to ensure true equity among all."

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of this statement into the record. Vice-Chairman Gross seconded the motion.

Discussion ensued and Supervisor Lusk shared the concerns discussed recently in a meeting held in Gum Springs.

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

Chairman McKay noted that as stated previously, we know no one program or policy can address all of the issues of disproportionality. That said, we know and have seen the value of police body-worn cameras. We all know that we

restructured our FY 2021 budget to focus on preserving programs in the wake of the devastating impacts of COVID-19 on our community and economy. Though this impacted Phase 2 of our body-worn camera program, we can assure our community we are committed to examining all potential funding, not just an allocation of new or increased dollars, to begin Phase 2 as part of the budget we just approved.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved the following follow-on motion and asked that the Board direct staff to identify options to fund Phase 2 of the body-worn camera program, as well as develop a timeline and implementation plan for all future phases, and report back to the Board by memo no later than June 30. This work should include an option for Board consideration that would fully fund implementation during FY2021. Supervisor Gross seconded the motion.

Discussion ensued with Board Members expressing their views and support of the motion.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

5. **CREATION OF THE CHAIRMAN'S TASK FORCE ON EQUITY AND OPPORTUNITY** (2:31 p.m.)

Chairman McKay stated that as the County responds to COVID-19 and begins the journey to recovery, we see the convergence of a public health crisis and an economic crisis, and with recent incidents nationally and locally involving law enforcement, are confronted by the realities of injustice and systemic racism. People will and should look to local government for leadership. It has never been more important for us to maximize our resources to meet the immediate and long-term needs of our residents and the businesses that call Fairfax County home. But we must also leverage the insights, experiences, professional networks, and industry and institutional understanding that exists within our community to develop the big ideas and compelling frames that will shape a vision for an equitable future.

With input from the community, the questions our county must honestly answer are:

- What are the systems that have made certain places and populations vulnerable?
- What voices must be lifted to address these issues?
- What actions can be taken to reshape Fairfax County into a place where all can thrive?

Chairman McKay stated that the county has made significant policy and practice changes to support the commitment to One Fairfax, but the current situation is a chance to reflect on the journey, ensuring the community is fully aware of what has been done and has the opportunity to inform the path forward. The Chairman's Taskforce on Equity and Opportunity will explore a range of situations and conditions that contribute to disproportionate trends, facilitate shared responsibility and collective action, build on the strengths of our community, and lift up solutions to make all residents and neighborhoods more resilient. With a focus on understanding the county's past and looking toward the future and using the nine priority areas of the Countywide Strategic Plan as a focus Cultural and Recreational Opportunities, Economic Opportunity, Effective and Efficient Government, Empowerment and Support for Residents Facing Vulnerability, Health and Environment, Housing and Neighborhood Livability, Lifelong Education and Learning, Mobility and Transportation, and Safety and Security, the multi-sector Taskforce will advise the Chairman in various areas of public policy and will represent the voice of various community leaders and subject matter experts to include representatives from the following fields:

- Health
- Law Enforcement
- Education
- Business
- Nonprofit
- Philanthropy
- Civic and Community
- Faith
- Arts, Entertainment and Recreation
- Employee Unions
- Economic Development
- Housing
- Land Use, Transportation and Planning

The work of the Taskforce is intended to advance racial equity and promote the change necessary for creating a Fairfax County that is a great place to live, work, and play for all. The recommendations of the Taskforce will be presented to the Chairman through a preliminary report in December 2020 and final

recommendations will be due by the end of June 2021, though short and long-term strategies may be identified and implemented throughout the process.

Discussion ensued with input from Chairman McKay concerning who will be taking the lead on this effort and how members of the task force will be selected.

AGENDA ITEMS

6. **ADMINISTRATIVE ITEMS** (2:42 p.m.)

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

ADMIN 1- STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, PROVIDENCE, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Kenilworth	Braddock	Caprino Court
Willow Creek Estates Section 3	Providence	Tradewind Court
Willow Creek Estates Section 3	Providence	Tradewind Drive
The Prentiss/Copley Investment Group - Trinity Centre	Sully	Trinity Parkway
The Prentiss/Copley Investment Group - Trinity Centre	Sully	Trinity Place

ADMIN 2– ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION SE 2016-LE-002, PMG MID ATLANTIC, LLC (LEE DISTRICT)

(AT) Approved the request for twenty-four months of additional time to commence construction for Special Exception SE 2016-LE-002 to July 1, 2022, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 3– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE POLICE OFFICERS RETIREMENT SYSTEM ORDINANCE

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 14, 2020, at 4:30 p.m.** on the proposed amendments to Article 7 of Chapter 3 of the Code of the County of Fairfax, which sets forth the ordinance for the Fairfax County Police Officers Retirement System (PORS).

ADMIN 4– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND THE FAIRFAX COUNTY CODE BY ADOPTING ARTICLE 3 TO CHAPTER 7 RELATING TO ESTABLISHING VOTER SATELLITE OFFICES FOR ABSENTEE IN PERSON VOTING UNDER VIRGINIA CODE SECTION 24.2-701.2

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 14, 2020, at 4:30 p.m.** on the proposed amendments to Chapter 7 of the Fairfax County Code by adding a new Article 3 to establish voter satellite offices for absentee in person voting. Virginia Code Section 24.2-701.2, which will become effective on July 1, 2020, and apply to elections beginning with the November 3, 2020, General Election, will require that the Board establish all voter satellite offices in the County by ordinance.

ADMIN 5– APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 20243 FOR THE DEPARTMENT OF FAMILY SERVICES TO ACCEPT GRANT FUNDING FROM VIRGINIA DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES AS A RESULT OF FUNDING MADE AVAILABLE TO ADDRESS THE COVID-19 PANDEMIC FOR PROGRAMS ADMINISTERED AS PART OF THE AREA AGENCY ON AGING

- (SAR)
- Approved SAR AS 20243 for the Department of Family Services (DFS) to accept grant funding from the Virginia Department for Aging and Rehabilitative Services in the amount of \$2,141,122. Funding will be used to support nutrition services including home delivered meals and congregate meals, community based services such as grocery shopping, medication pick-up, family caregiver support, and training associated with the Long-Term Care Ombudsman program, all of which are administered by the Area Agency on Aging. This federal passthrough funding from the state is available as a result of the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The grant period for all of the awards is March 1, 2020 to September 30, 2021. When grant funding expires, the County is under no obligation to continue funding the programs. 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 6– APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MASON DISTRICT)

- (R)
- Endorsed the following traffic calming plan and resolution for Robinwood Lane and Spring Lane consisting of the following:
 - One speed hump on Robinwood Lane (Mason District)
 - One speed hump on Spring Lane (Mason District)
 - Directed the Fairfax County Department of Transportation (FCDOT) to schedule the installation of the approved traffic calming measures as soon as possible.

ADMIN 7– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING A REDUCTION IN THE LATE PAYMENT PENALTY ORDINANCES FOR REAL ESTATE AND PERSONAL PROPERTY TAXES FOR TAX YEAR 2020

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **June 23, 2020, at 3 p.m.** on the proposed amendments to Chapter 4, Taxation and Finance of the Code of the County of Fairfax, Virginia to reduce the Late Payment Penalty for Real Estate and Personal Property Taxes and to eliminate the additional late payment penalty for Personal Property taxes past due more than 30 days for tax year 2020 pursuant to Fairfax County Code § 4-10-1 and § 4-17.1-9. This ordinance is limited to tax year 2020 and is intended to alleviate the negative financial impact stemming from the potential spread of COVID-19. If approved, the ordinance will assist residents and businesses in Fairfax County.

ADMIN 8– STREET INTO THE SECONDARY SYSTEM (BRADDOCK DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Avenshire Subdivision	Braddock	Delsignore Drive

7. **A-1 – APPROVAL OF TEMPORARY SUSPENSION OF THE APPLICATION OF SECTIONS OF CHAPTER 12 OF THE PERSONNEL REGULATIONS TO PERMIT A MORATORIUM ON FORMAL, WRITTEN PERFORMANCE EVALUATIONS FOR NON-PUBLIC SAFETY AND NON-PROBATIONARY EMPLOYEES FOR THE EVALUATION PERIOD ENDING JUNE 30, 2020** (2:42 p.m.)

On motion by Supervisor Gross, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the temporary suspension of pertinent sections in Chapter 12 as it relates to the annual performance evaluation process for the June 30, 2020, for non-probationary Merit employees.

8. **A-2 – APPROVAL OF A PARKING REDUCTION FOR ONE UNIVERSITY (BRADDOCK DISTRICT)** (2:44 p.m.)

This item was withdrawn.

9. **A-3 – AUTHORIZATION FOR AMENDMENT TO THE PURCHASE AND SALE AGREEMENT FOR THE SALE OF THE WEST DRIVE PROPERTY TO THE CITY OF FAIRFAX** (2:45 p.m.)

- (R) On motion by Supervisor Walkinshaw, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a resolution authorizing the proposed Amendment for the sale of the West Drive Property to the City of Fairfax.

10. **A-4 – APPROVAL OF A RESOLUTION TO EXTEND THE CABLE FRANCHISE TERM OF COMCAST OF VIRGINIA, LLC** (2:46 p.m.)

- (R) On motion by Supervisor Alcorn, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to enter into an agreement with Comcast extending the term of Comcast's cable franchise without change in the terms and conditions of the franchise.

11. **A-5 – APPROVAL OF AND AUTHORIZATION TO EXECUTE A STANDARD PROJECT AGREEMENT WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) FOR THE IMPLEMENTATION OF ROUTE 28 WIDENING FROM ROUTE 29 TO PRINCE WILLIAM COUNTY LINE (SULLY AND SPRINGFIELD DISTRICTS)** (2:47 p.m.)

- (R) On motion by Supervisor Herrity, seconded by Supervisor Smith, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a resolution, substantially in the form of Attachment 1, authorizing the Director of FCDOT to execute a SPA with NVTA, substantially in the form of Attachment 2, for \$16 million in NVTA FY2018-2023 SYP funding to support the Route 28 Widening Project.

12. **A-6 – APPROVAL OF AND AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FOR THE FIRST AMENDMENT TO THE WMATA FISCAL YEAR 2020 CAPITAL FUNDING AGREEMENT (CFA)** (2:47 p.m.)

On motion by Supervisor Alcorn, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved, in substantially the form of Attachment 1, the First Amendment to the 2020 CFA which extends the terms of the previous FY 2010 CFA including amendments (Attachment 2) through FY 2021
- Authorized the County Executive or his designee to sign a First Amendment to the WMATA FY 2020 CFA

13. **A-7 – ACTION ON ELECTION RESULTS AND APPOINTMENT TO THE MCLEAN COMMUNITY CENTER GOVERNING BOARD (DRANESVILLE DISTRICT)** (2:48 p.m.)

(BAC) On motion by Supervisor Foust, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and appointed of the following residents of Small District #1A to the McLean Community Center Governing Board, having received the highest number of votes as certified by the League of Women Voters of the Fairfax Area:

- Adults, three-year terms: Bill Glikbarg; Melanie Sletten; Barbara Zamora-Appel
- Youth, one-year term- Langley High School Boundary Area: Ivy Chen
- Youth, one-year term- McLean High School Boundary Area: Tyler Jensen

14. **A-8 – APPROVAL OF NAME CHANGES FOR THE WEST FALLS CHURCH UVA/VT AND TYSONS CORNER METRORAIL STATIONS (DRANESVILLE AND PROVIDENCE DISTRICTS)** (2:50 p.m.)

On motion by Supervisor Foust, seconded by Supervisor Palchik, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the proposed West Falls Church VT and Tysons Metrorail Station names
- Authorized the Director of the Department of Transportation to forward the recommended station names to the Washington Metropolitan Area Transportation Authority (WMATA)

15. **BOARD RECESS** (2:51 p.m.)

Chairman McKay announced that the Board would be in recess until 3:00 p.m., at which time the Public Hearings would be heard.

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The recessed meeting was called to order at 3:00 p.m. with all Members being present and with Chairman McKay presiding.

16. **3 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-D-007-02 (MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE; FAIRFAX COUNTY SCHOOL BOARD) TO AMEND THE PROFFERS FOR REZONING APPLICATION RZ 89-D-007, PREVIOUSLY APPROVED FOR PUBLIC USES TO PERMIT A TELECOMMUNICATIONS FACILITY AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.24, LOCATED ON APPROXIMATELY 40.68 ACRES OF LAND ZONED R-3**

(AND)

PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-DR-012 (MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE; FAIRFAX COUNTY SCHOOL BOARD) TO PERMIT A TELECOMMUNICATIONS FACILITY, LOCATED ON APPROXIMATELY 40.68 ACRES OF LAND ZONED R-3 (DRANESVILLE DISTRICT) (3:00 p.m.)

Supervisor Foust moved to defer the public hearing on Proffered Condition Amendment Application PCA 89-D-007-02 and Special Exception Application SE 2019-DR-012 until **September 15, 2020, at 3:30 p.m.** Chairman McKay seconded the motion and it carried by unanimous vote.

17. **3 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2019-PR-017 (TAMARES 7950 OWNER LLC) TO REZONE FROM C-3 TO PDC TO PERMIT AN OFFICE AND RESTAURANT DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 1.07 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 16.74 ACRES OF LAND**

(AND)

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-D-005-011 (TAMARES 7950 OWNER LLC) TO AMEND THE PROFFERS FOR REZONING APPLICATION RZ 88-D-005, PREVIOUSLY APPROVED FOR AN OFFICE, TO DELETE 16.74 ACRES TO BE INCLUDED IN CONCURRENT RZ 2019-PR-017, LOCATED ON APPROXIMATELY 16.74 ACRES OF LAND ZONED C-3

(AND)

PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-P-040-04 (TAMARES 7950 OWNER LLC) TO AMEND SPECIAL EXCEPTION APPLICATION SE 94-P-040, PREVIOUSLY APPROVED FOR AN INCREASE IN BUILDING HEIGHT, WAIVER OF SIGN REGULATIONS, A ROOF TOP HELISTOP AND GROUND MOUNTED COMMUNICATIONS FACILITIES, TO

PERMIT DELETION FROM LAND AREA AND DEVELOPMENT CONDITIONS AND ASSOCIATED MODIFICATIONS TO SITE DESIGNS, LOCATED ON APPROXIMATELY 16.74 ACRES OF LAND ZONED C-3 (PROVIDENCE DISTRICT) (3:02 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 22 and 29, 2020.

This property is located on the N. side of Jones Branch Drive, approximately 130 ft. east of its intersection with Westbranch Drive. Tax Map 29-2 ((15)) C1.

This property is located on the north side of Jones Branch Drive approximately 130 ft. east of its intersection with Westbranch Drive. Tax Map 29-2 ((15)) C1.

This property is located at 7950 Jones Branch Drive, McLean, 22102. Tax Map 29-2 ((15)) C1.

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

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

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

Discussion ensued, with input from Mr. Adams regarding the current vacancy and occupied rates, and additional uses for the location.

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

Following comments, Supervisor Palchik moved approval of:

- Proffered Condition Amendment Application PCA 88-D-005-011
- Rezoning Application RZ 2019-PR-017, subject to the executed proffered conditions consistent with those dated March 26, 2020
- Special Exception Amendment Application SEA 94-P-040-04
- Modification of Par. 1B of Sect. 2-414 of the Zoning Ordinance to permit existing structures to be located 65 feet from the Dulles Airport Access Road

- Modification of the transitional screening and barrier requirements set forth in Sect. 13-300 of the Zoning Ordinance to that shown on the CDP/FDP
- Waiver of the major regional trail system required along the Dulles Airport Access Road to that shown on the CDP/FDP, pursuant to Par. 2 of Sect. 17-201 of the Zoning Ordinance

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

(NOTE: On May 6, 2020, the PC approved Final Development Plan Application FDP 2019-PR-017, subject to the development conditions dated April 21, 2020, and subject to the Board of Supervisors’ approval of RZ 2019-PR-017. The Planning Commission also approved CSP 2019-PR-017, subject to the development conditions dated May 4, 2020, and subject to the Board of Supervisors’ approval of RZ 2019-PR-017.)

18. **3 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-SU-004 (HAFT/EQUITIES-SULLY PLAZA LIMITED PARTNERSHIP) TO PERMIT A DRIVE-IN FINANCIAL INSTITUTION IN A HIGHWAY CORRIDOR OVERLAY DISTRICT, LOCATED ON APPROXIMATELY 13,788 SQUARE FEET OF LAND ZONED C-8, WS AND HC (SULLY DISTRICT) (3:27 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 22 and 29, 2020.

This property is located at 13900 Lee Jackson Memorial Highway, Chantilly, 20151. Tax Map 34-4 ((1)) 16C (pt.).

Ms. Sheri Akin, McGuire Woods LLP, reaffirmed the validity of the affidavit for the record.

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

Ms. Akin 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. Strunk presented the staff and Planning Commission recommendations.

Ms. Akin confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated April 22, 2020.

Supervisor Smith moved:

- Approval of Special Exception Application SE 2020-SU-004, subject to the proposed development conditions dated April 22, 2020
- Waiver of the minimum lot size (lot area and width) requirements listed in Section 4-806 of the Zoning Ordinance

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

19. **3 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2006-HM-017-02 (CENTREVILLE ROAD LC) TO AMEND SPECIAL EXCEPTION APPLICATION SE 2006-HM-017, PREVIOUSLY APPROVED FOR A CHILD CARE CENTER, TO PERMIT DELETION OF LAND AREA AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 2.61 ACRES OF LAND ZONED R-1 (HUNTER MILL DISTRICT)** (3:38 p.m.)

Supervisor Alcorn moved to defer the public hearing on Special Exception Amendment Application SEA 2006-HM-017-02, until **June 23, 2020, at 4 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

20. **3:30 P.M. – PUBLIC HEARING ON AGRICULTURAL AND FORESTAL APPLICATION AF 2019-DR-004 (MANE MANOR LLC AND NORMANDY FARM LLC) TO PERMIT THE CREATION OF AN AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON 31.54 ACRES OF LAND ZONED R-E (DRANESVILLE DISTRICT)** (3:39 p.m.)

(NOTE: On March 24, 2020, the Board deferred the public hearing until April 14, 2020, at 2:00 p.m. On April 14, 2020, the Board further deferred this public hearing to June 9, 2020 at 3:30 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 22 and 29, 2020.

This property is located generally surrounding 9640 Georgetown Pike, and at the terminus of Rossmore Court, Great Falls. Tax Map 13-1 ((1)) 39B, 40, 50B, 50C; 13-1 ((6)) E; 8-3 ((1)) 41A and 41B.

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

Mr. Andrew Painter, Walsh, Colucci, Lubeley & Walsh, PC, representative for the applicant, provided brief remarks regarding the application.

Discussion ensued with input from Ms. Alster regarding the requirements for equestrian uses on the property.

Following the public hearing, which included testimony by one speaker, Ms. Alster presented the staff and Planning Commission recommendations.

Supervisor Foust moved approval of Agricultural and Forestal Application AF 2019-DR-004 to amend Appendix F of the Fairfax County Code to establish the Normandy Farm and Mane Manor Local Agricultural and Forestal District, subject to the proposed ordinance provisions dated March 4, 2020. Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

At 3:57 p.m., Supervisor Lusk and Supervisor Storck left the meeting to attend a march in the Mount Vernon District.

21. **3:30 P.M. – PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 14005 VERNON STREET TO STC THREE, LLC (SULLY DISTRICT)** (3:57 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 22 and 29, 2020.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Smith moved to authorize staff to prepare and execute all documentation necessary to lease County-owned property at Chantilly Fire Station with an address of 14005 Vernon Street and identified by Tax Map 0344060062 to STC THREE, LLC. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Lusk and Supervisor Stork being absent from the meeting.

EA:ea

22. **3:30 P.M. – PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 3721 STONECROFT BOULEVARD TO STC THREE, LLC (SULLY DISTRICT)** (4:00 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 22 and 29, 2020.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Smith moved to authorize staff to prepare and execute all documentation necessary to lease County-owned property at the Fairfax County Police Department Driver Trainer Facility with an address of 3721 Stonecroft Boulevard and identified by Tax Map 0341010005 to STC THREE, LLC. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Lusk and Supervisor Storck being absent from the meeting.

23. **3:30 P.M. – PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 7936 TELEGRAPH ROAD TO STC THREE, LLC (LEE DISTRICT)** (4:04 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 22 and 29, 2020.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Alcorn moved to authorize staff to prepare and execute all documentation necessary to lease County-owned property at 7936 Telegraph Road to STC THREE, LLC. Supervisor Palchik seconded the motion and it carried by a vote of eight, Supervisor Lusk and Supervisor Storck being absent from the meeting.

24. **3:30 P.M. – PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 7801 MARITIME LANE TO STC THREE, LLC (SPRINGFIELD DISTRICT)** (4:08 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 22 and 29, 2020.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Herrity moved to authorize staff to prepare and execute all documentation necessary to lease County-owned property at Pope Head Fire Station with an address of 7801 Maritime Lane and identified by Tax Map 0972010003 to STC THREE, LLC. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Lusk and Supervisor Storck being absent from the meeting.

25. **4 P.M. – PUBLIC HEARING ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82, MOTOR VEHICLES AND TRAFFIC** (4:11 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 May 22 and 29, 2020.

Peter Flynn, Assistant Director, Planning and Research Bureau, Police Department, presented the staff report.

Following the public hearing, Supervisor Alcorn moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Palchik, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Lusk and Supervisor Storck being absent from the meeting.

26. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2018-CW-2CP, NATURAL LANDSCAPING AT COUNTY FACILITIES**
(4:13 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 22 and 29, 2020.

Joseph Gorney, Senior Environmental Planner, Department of Planning and Development, presented the staff report.

In response to questions from the Board, staff explained the County’s experience with sourcing and using native plants.

Chairman McKay noted his understanding regarding native planting in private communities being unenforceable, but that the Board hoped to lead by example with this Plan Amendment which aims to promote additional planting of native plants.

Supervisor Gross clarified that previous efforts to promote native planting had restrictions specifying the permitted plants for land use applications, since requiring native planting was unenforceable. She also commented that native plant nurseries require several years to obtain enough plant stock for people to privately plant.

Supervisor Palchik requested additional information regarding the ability to enforce and promote programs related to native planting within private communities, including nurseries, and the selling of native plants.

Following the public hearing, which included testimony by eight speakers, Chairman McKay commented that although the County has pursued Natural Landscaping for years, and continued to do so, as noted in the staff report, this plan amendment would help formalize the Board’s expectations for the natural landscaping of public facilities. This plan amendment recognizes that each site has a role to play in the creation of a healthy environment for both people and wildlife; it celebrates local flora and fauna; and it helps create diverse and resilient sites, ones that are better able to handle disturbance. Overall, it

encourages intentionally designed spaces that meet the County's needs while accommodating other species, in addition to meeting several environmental objectives. Chairman McKay further noted he was looking forward to seeing natural landscaping at County facilities being integrated into new projects and retrofits. He noted that Supervisor Alcorn previously requested to add text to the plan amendment to better address opportunities regarding coordination of County infrastructure projects. Those changes were emailed to the Board and the following motion reflects his suggested changes.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board adopt the Planning Commission recommendation for Plan Amendment 2018-CW-2CP, as contained in the staff report dated April 8, 2020, and as amended by the attachment dated June 9, 2020, to add an objective and related policies to the Public Facilities element of the Policy Plan so that public facilities and sites would be designed, retrofitted, and maintained in an environmentally-sensitive manner with a focus on natural landscaping; and to add a definition for Natural Landscaping to the Glossary of the Comprehensive Plan. Supervisor Alcorn seconded the motion.

Supervisor Herrity commented on the need for balance between recreation and entertainment and natural spaces.

The question was called on the motion and it carried by a vote of eight, Supervisor Lusk and Supervisor Storck being absent from the meeting.

Vice Chairman Gross returned the gavel to Chairman McKay.

DMS:dms

27. **RECESS/CLOSED SESSION** (5:05 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. *Biscayne Contractors, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2018-0014893 (Fx. Co. Cir. Ct.)
2. Claim of Duffield Hauling, Inc., to the Board of Supervisors and Potential County Claims Against Duffield Hauling, Inc., and Shoosmith Landfill
3. *Justin Reed v. Fairfax County*, Case No.1:18-cv-1454 (E.D. Va.)
4. *Patricia Tomasello and Martin McMahon v. Jamie Greenzweig, Hasina Lewis, and Michael T. Reilly*, Civil Action No. 19-cv-00384 (U.S. Dist. Ct. for the District of Columbia)
5. *Barry McCabe v. Fairfax County, Fairfax County Animal Shelter, Fairfax County Board of Supervisors, David Rohrer, Ed Roessler, Anthony Matos, Barbara Hutcherson, Amanda Novotny, and John Doe(s)*, Case No. CL-2019-0008951 (Fx. Co. Cir. Ct.)
6. *Andrew Cooper, Rebecca Cooper, Blake Ratcliff, Sara Ratcliff, Cecilia Gonzalez, Cindy Reese, Donald Walker, Debra Walker, Carmen Giselle Huamani Ober, Amjad Arnous, John A. McEwan, Mary Lou McEwan, Kevin Holley, Laura Quirk Niswander, Lori Marsengill, Gary Marsengill, Margaret Wiegenstein, Melinda Norton, Nagla Abdelhalim, Nhung Nina Luong, Quan Nguyen, Robert Ross, Helen Ross, Sanjeev Anand, Anju Anand, Sarah Teagle, Sofia Zapata, Svetla Borisova, Nickolas Ploutis, Melinda Galey, Travis Galey, and Victoria Spellman v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2018-0012818 (Fx. Co. Cir. Ct.)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael Meredith and Erika Meredith*, Case No. GV20-006957 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
8. *In re: March 11, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Anders Larsen Trust, Jason Hein, and Matthew Desch v. Virginia Health Operations, LLC, d/b/a Newport Academy, Monroe RE, LLC, and Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2020-0005490 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *In re: March 11, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Victor T. Tsou and Janet C. Tsou v. Monroe RE, LLC, Virginia Health Operations, LLC, d/b/a Newport Academy, and Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2020-0005521 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Salena Azaad and Zalena Kahn-Ramprashad*, Case No. GV20-006959 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

11. *Board of Supervisors of Fairfax County v. Casey Margenau Fine Homes & Estates, LLC*, Case No. GV20-006960 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
12. *Board of Supervisors of Fairfax County v. CityScape Metro Group, Inc.*, Case No. GV20-006958 (Fx. Co. Gen. Dist. Ct.) (Dranesville and Hunter Mill Districts)

And in addition:

- As permitted by Virginia Code Sections 2.2-3711(A)(1) and (8), legal analysis and personnel related discussion of actions taken by specific public officials, appointees, or employees in connection with a call for service in the Mount Vernon District

Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Lusk and Supervisor Storck being absent.

At 7:24 p.m., the Board reconvened in the electronic meeting with all Members except Supervisor Lusk and Supervisor Storck, being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

28. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (7:24 p.m.)

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

29. **MOTION DENYING THE CLAIM OF DUFFIELD HAULING, INC.** (7:25 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board deny and disallow Duffield Hauling, Inc.’s January 21, 2020, claim and authorize staff and the Office of the County Attorney to engage in settlement negotiations of its claims against Duffield and Shoosmith Brothers, Inc., and bring legal action against Duffield and Shoosmith as necessary, all according to the terms and conditions outlined by the County Attorney in Closed Session. Supervisor Alcorn seconded the motion and it carried by a vote of eight, Supervisor Lusk and Supervisor Storck being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

30. **MOTION AUTHORIZING LIMITED SETTLEMENT AUTHORITY
BISCAYNE CONTRACTORS, INC. V. BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA** (7:26 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize and direct the County Attorney to pursue settlement in the matter of *Biscayne Contractors, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2018-0014893 and, if appropriate, enter into a settlement agreement, in accordance with the terms and conditions outlined by the County Attorney in Closed Session. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Lusk and Supervisor Storck being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

31. **BOARD ADJOURNMENT** (7:27 p.m.)

The Board adjourned.