



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**TUESDAY  
November 17, 2020**

*This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <https://www.fairfaxcounty.gov/bosclerk/>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 711 (TTY).*

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**22-20**

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**EBE:ebe**

A regular meeting of the Board of Supervisors was called to order at 2:01 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 with Supervisor Penelope A. Gross, Mason District, at 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 Patrick S. Herrity, Springfield District
- Supervisor Rodney L. Lusk, Lee District
- Supervisor Dalia A. Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James R. Walkinshaw, Braddock District

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

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

Chairman McKay stated that consistent with the Governor's announcement last Friday, which among other things, capped in-person gatherings at no more than 25 people, the Board has decided to meet virtually. The ability to do this is permitted under the Board's Emergency Declaration on April 14, 2020, and speakers were made aware of their continued options to provide phone or video testimony.

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 Foust 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, 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. Vice-Chairman Gross 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 October 20, 2020, and/or are statutorily required or necessary to continue operations and the discharge of this Board's lawful purposes, duties, and responsibilities. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

2. **MOMENT OF SILENCE** (2:05 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 all County facilities in honor of the residents who have died from 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:

- Detective Peter Charles, who died in October. He was an employee of the Fire and Rescue Department and had served the County since 1994
- Sergeant Vincent Guidi, who died recently. He was a retired Fire and Rescue Department employee and was the last surviving member of the original 10 Fairfax County paid firefighters hired in 1949 and retired from the County in 1978
- Mr. William B. Tirrell, who died recently. He was a former member of the Herndon Town Council and was a graduate of the United States Naval Academy in Annapolis, Maryland, and served in the United States Coast Guard for over 20 years
- Ms. Joyce A. White, who died recently. Ms. White began her career with the County as a Director of the Teen Center and in 1970, became the Director of the James Lee Community Center. She helped ensure that the African American community had a place to call their own. On July 9, 2011, Chairman Bulova declared it as the “Joyce White Day” in her honor
- Ms. Charlotte Wineland, who died recently at the age of 101. She was the mother of Linda Burns, a long time Lee District Supervisor’s Office staffer. She was active in the Oakton Women’s Club and helped lay the groundwork for the Oakton Library
- Ms. Shirley Robson, who died recently. Ms. Robson was a long-time Hollindale resident and companion of former Mount Vernon Supervisor Gerald W. Hyland. She was passionate about equal rights and greater personal freedoms for women. She wrote and produced a documentary series called “Every Woman, Perspectives of Women in a Male Dominant World ” in 1970s while working for the television channel WUSA 9

- Supervisor Alcorn announced that his mother is celebrating her 90<sup>th</sup> birthday today, and wished her a happy birthday

### **AGENDA ITEMS**

3. **2:00 P.M. – PRESENTATION BY KATE HANLEY, SECRETARY OF THE ELECTORAL BOARD, REGARDING ELECTION YEAR 2020** (2:17 p.m.)

Katherine K. Hanley, Secretary to the Electoral Board, presented statistics regarding the recent United States presidential election and provided an overview of the efforts made by many to ensure a smooth voting process. She noted that the General Assembly recently enacted several changes during their regular session that took effect in July. Some of the changes related to new requirements for drivers' licenses, early voting, absentee ballots, voting by mail, and timeline for implementing the changes before the November elections.

Ms. Hanley noted that:

- Fairfax County had a 79.4 percent voter turnout, with a record turnout for absentee voting. There were 3,827 Election Day Officers, 50 people were responsible for processing online applications and mail-ins. 295 people were responsible for labelling, mailing envelopes, and checking in returned ballots
- There were 243 precincts, out of the 787,214 registered voters, 761,547 were active and 25,667 were inactive. 232,000 people voted by mail and 85,000 were from the drop boxes. 192,398 voted in person at all the 15 locations, and 414,381 were absentee votes. 186,253 voted in person on Election day
- Plans were made to limit the risks from COVID-19 by adhering to social distancing, masks, sneeze guards and other Personal Protection Equipments (PPEs) protocol

Ms. Hanley expressed her appreciation to all those who helped make the election a success. She also thanked the Board for their support.

Discussion ensued, with input from Ms. Hanley, regarding:

- The new laws to improve voter access
- Improving technology and infrastructure to solve issues with space
- Statistics and clarity of information for voters
- Ballots drop boxes and security

- Signage at the polls and curbside voting
- Number of people voting curbside
- Improving education and information for voters
- Increasing the number of absentee/early voting locations

Supervisor Alcorn requested that the addition of satellite locations and the need for additional polling locations be added to the upcoming Legislative Package.

Discussion ensued with input from Ms. Hanley, regarding:

- Uniformity and flexibility of locations
- Aligning satellite location hours of operation with the hours of operation for the Government Center
- Improvement in customer service by addressing citizen concerns

Supervisor Herrity asked unanimous consent that the Board direct staff to provide the number of incorrect congressional ballots that were sent back but not returned/counted. Without objection, it was so ordered.

Discussion continued with input from Ms. Hanley, regarding:

- Identifying the most efficient ways to serve the constituents
- The finances for state and local jurisdictions
- The need for the Virginia Municipal League (VML) to provide support for the election process

4. **2:00 P.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (3:05 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 November 17, 2020.” Chairman McKay seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

**A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE**

Appointment of:

- Ms. Deborah A. Woolen as the Lee District Representative

#### **ADVISORY SOCIAL SERVICES BOARD**

The Board deferred the appointment of the Mount Vernon District Representative.

#### **AFFORDABLE DWELLING UNIT ADVISORY BOARD**

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

#### **AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

#### **ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)**

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

#### **ATHLETIC COUNCIL**

The Board deferred the appointments of the Mason District Alternate and Providence District Alternate Representatives.

#### **BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

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

#### **BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS**

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

#### **BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)**

Reappointment of:

- Mr. Arthur S. Nachman as the Professional #2 Representative
- Ms. M. Yvonne Demory as the Professional #5 Representative

The Board deferred the appointments of the At-Large #1 and #2, and the Professional #4 and #6 Representatives.

#### **CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS**

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

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

**CITIZEN CORPS COUNCIL, FAIRFAX COUNTY**

The Board deferred the appointment of the Dranesville District Representative.

**CIVIL SERVICE COMMISSION**

The Board deferred the appointment of the At-Large #2 and #9 Representatives.

**COMMISSION FOR WOMEN**

Reappointment of:

- Ms. Phylcia L. Woods as the Providence District Representative

Appointment of:

- Ms. Dena Bashri as the Sully District Representative

**COMMISSION ON AGING**

The Board deferred the appointment of the Mason District Representative.

**CONSUMER PROTECTION COMMISSION**

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 ADVISORY COMMISSION**

Reappointment of:

- Mr. Todd R. House as the Dranesville District Representative
- Mr. Brian Schoeneman as the Springfield District Representative

The Board deferred the appointments of the At-Large Chairman's #1, #2, and #3, At-Large Chairman's #4 Land Use, At-Large #11, #12, Braddock, Hunter Mill, Mason, and Mount Vernon District Representatives.

#### **ENGINEERING STANDARDS REVIEW COMMITTEE**

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

#### **FAIRFAX AREA DISABILITY SERVICES BOARD**

Reappointment of:

- Mr. Andrew Magill as the At-Large #2 Business Community Representative

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

#### **HEALTH CARE ADVISORY BOARD**

The Board deferred the appointment of the At-Large Chairman's Representative.

#### **HEALTH SYSTEMS AGENCY BOARD**

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

#### **HISTORY COMMISSION**

Reappointment of:

- Ms. Gretchen Bulova as the At-Large #4 Representative

The Board deferred the appointments of the Citizen #4, Historian #1 and #3 Representatives.

#### **HUMAN RIGHTS COMMISSION**

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

#### **HUMAN SERVICES COUNCIL**



Appointment of:

- Mr. Steven Lam as the Springfield District #2 Representative

The Board deferred the appointment of the Hunter Mill District #1 Representative.

### **INDUSTRIAL DEVELOPMENT AUTHORITY**

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

### **INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)**

Reappointment of:

- Ms. Susan S. Hoffman as the Mason District Representative

Appointment of:

- Mr. Sean Rastatter as the Springfield District Representative

The Board deferred the appointments of the Braddock and Providence District Representatives.

### **OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING**

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

### **PARK AUTHORITY**

Reappointment of:

- Mr. Timothy B. Hackman as the Dranesville District Representative
- Mr. William G. Bouie as the Hunter Mill District Representative

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

### **PLANNING COMMISSION**

Reappointment of:

- Ms. Candice Bennett as the At-Large #1 Chairman's Representative
- Mr. John Ulfelder as the Dranesville District Representative

The Board deferred the appointment of the Providence District Representative.

### **REDEVELOPMENT AND HOUSING AUTHORITY**

Appointment of:

- Mr. Roderick Maribojoc as the At-Large #1 Representative
- Ms. Kristen Robinson as the At-Large #2 Representative

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

### **RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

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

### **ROAD VIEWERS BOARD**

Reappointment of:

- Mr. Paul Davis, Jr. as the At-Large #2 Representative

The Board deferred the appointments of the At-Large #1, #3, #4, and #5 Representatives.

### **SMALL BUSINESS COMMISSION**

Reappointment of:

- Ms. Shalonda Scott-Boyd as the At-Large #2 Representative
- Ms. Gwyn Whittaker as the Hunter Mill District Representative

The Board deferred the appointments of the Braddock, Dranesville, Lee, Mount Vernon, Providence, and Springfield District 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**

Confirmation of:

- Ms. Deborah C. Cohen as the Fairfax Area Disability Services Board Representative

**TREE COMMISSION**

Reappointment of:

- Ms. Laura L. Beaty as the Providence District Representative

**TRESPASS TOWING ADVISORY BOARD**

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

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

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

**WETLANDS BOARD**

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

**YOUNG ADULTS ADVISORY COUNCIL (YAA)**

Appointment of:

- Ms. Najma Mohamud as the Mason District Representative

DMS:dms

5. **PROCLAMATION REQUEST FOR WOMEN IMPACTING PUBLIC POLICY AND THE SMALL BUSINESS SATURDAY COALITION**  
(3:05 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a proclamation to be presented out of the Board Room to Women Impacting Public Policy and the Small

Business Saturday Coalition in recognition of Small Business Saturday, which will be held on November 28, 2020. Without objection, it was so ordered.

6. **PROCLAMATION REQUEST FOR THE OFFICE OF HUMAN RIGHTS AND EQUITY PROGRAMS** (3:05 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a proclamation to be presented out of the Board Room to the Office of Human Rights and Equity Programs in recognition of November as “*Native American Heritage Month.*” Without objection, it was so ordered.

7. **LEGISLATIVE COMMITTEE PRESENTATION ON GENERAL ASSEMBLY BILLS (HB 833/SB 8 AND HB 358/SB 182)** (3:06 p.m.)

Jointly with Supervisor Walkinshaw, Chairman McKay stated that the Board supported two bills in this year’s regular General Assembly session that would permit prevailing wage and project labor agreements on some public works projects. These bills would apply to contractors doing business with the County and include the following:

- HB 833/SB 8 provides the authority to decide whether to require payment of prevailing wage from organizations that contract with the County
- HB 358/SB 182 authorizes the County to require bidders for project labor agreements on public works projects

Both pieces of legislation are effective on May 1, 2021. Ahead of this date, the Board should discuss the potential feasibility of them in the County.

Therefore, jointly with Supervisor Walkinshaw, Chairman McKay moved that the Board direct staff to prepare a presentation on these items to be discussed in a future Legislative Committee meeting, to occur prior to the date the bills become effective. Supervisor Gross seconded the motion.

Following Supervisor Herrity stating that he did not support parts of the General Assembly Bills, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned gavel to Chairman McKay.

8. **FUTURE APPOINTMENTS TO THE CITIZEN ADVISORY COMMITTEE ON REDISTRICTING** (3:08 p.m.)

Chairman McKay stated that the discussion on the census is forthcoming and that each district will be represented during that discussion. He requested that each Board Member begin thinking of who they would like appointed to represent their district on the Citizen Advisory Committee on Redistricting.

9. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**  
(3:10 p.m.)

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

10. **NO BOARD MATTERS FOR SUPERVISOR WALKINSHAW (BRADDOCK DISTRICT)** (3:10 p.m.)

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

11. **MOTION TO WAIVE FEES FOR TURNER FARMHOUSE FOUNDATION (DRANESVILLE DISTRICT)** (3:10 p.m.)

Supervisor Foust stated that on November 1, 2018, Fairfax County, under its Resident Curator Program, entered into a lease with the Turner Farm Foundation for use of the historic house and other buildings, located at Turner Farm Park in Great Falls, Virginia. Ms. Sarah Kirk is the principal of the Turner Farmhouse Foundation, a 501 (c)(3) tax-exempt entity. Ms. Kirk is a long-time resident of Great Falls and an active member of the community. Her application for the Park Authority's Resident Curator program garnered enthusiastic and widespread support and endorsement.

On January 15, 2019, Ms. Kirk moved into the Turner Farmhouse, after she, with financial and in-kind support from citizens and businesses, made significant improvements to the historic house. She also created a pony farm on three acres of the five-acre site. The Turner Farmhouse Foundation is now focusing its efforts on converting the second home on the site, often referred to as the garage. As described in the application for the Resident Curator Program and outlined in a use determination letter from the Department of Planning and Development, Ms. Kirk intends to establish a "retreat center" in the garage. The retreat center would provide accommodations for sleeping, meeting and dining, including a second kitchen, for approximately 20 guests, primarily at-risk teens. Other activities may include workshops and lectures on best practices in farming, tours of the pony farm, and open house opportunities for the public to view the farmhouse. The Turner Farmhouse Foundation might also partner with other organizations, such as the Becky Love Foundation and Comfort Zone Camps, to conduct retreats. The use as described has been determined to be a Public Benefit Association, which is permitted by special exception pursuant to Paragraph 7 of Sect. 9-301 of the Fairfax County Zoning Ordinance.

Supervisor Foust stated that the Turner Farmhouse Foundation had recently submitted its application for a Special Exception and has requested consideration of a waiver of the filing fee of \$16,375. The Resident Curator Program was created as a mechanism to leverage private investment in sites that the County could not otherwise make. Because of the program, the Turner Farmhouse, a beloved landmark of the Great Falls community, has been restored. If the Board approves the Special Exception, the garage will also be restored into a place where at-risk

teenagers could enjoy some respite. As a result, more people will be drawn to the historic site than if there were just a private citizen living in the house.

Supervisor Foust stated that the Turner Farmhouse Foundation proposal will bring benefits to the community and demonstrates good cause for the Board to waive the filing fee.

Therefore, Supervisor Foust moved that the Board direct the staff of the Department of Planning and Development to waive all filing fees for the Special Exception application submitted by the Turner Farmhouse Foundation. This motion should not be construed as a favorable recommendation on the Special Exception application 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 unanimous vote.

12. **COVID-19 AND VACCINATION PLANS** (3:13 p.m.)

Supervisor Alcorn announced that he recently shared with the Board a link to a video by Dr. Ben Schwartz, Director of the Health Department's Division of Epidemiology and Population Health. He also thanked Dr. Schwartz and Dr. Gloria Addo-Ayensu, Director of Health, for their hard work on developing vaccination plans.

13. **NO BOARD MATTERS FOR SUPERVISOR LUSK (LEE DISTRICT)**  
( 3:14 p.m.)

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

14. **ESTABLISHMENT OF A RIVER FARM HISTORIC OVERLAY DISTRICT (HUNTER MILL DISTRICT)** (3:15 p.m.)

(R) Storck stated that the American Horticultural Society property is located at 7931 East Boulevard Drive, in Alexandria. The property was listed on the Fairfax County Inventory of Historic Sites as "Wellington/George Washington's River Farm" in 1969.

The land was originally owned by George Washington and the existing dwelling may date as far back as 1790. The property passed through several prominent Fairfax County residents, including the Snowdens and the Mathesons. The American Horticultural Society purchased the property in 1973 for its national headquarters.

The surrounding community has expressed interest in the consideration of the establishment of a Historic Overlay District for River Farm and that it is appropriate for the County to consider this, due to its historic, cultural and potential archaeological significance in Fairfax County. The November 12 memo sent by the

Department of Planning and Development, in response to my October 20, 2020, request for analysis of options related to establishment of a Historic Overlay District (HOD) for River Farm and other options for preservation, staff conclusions showed a HOD as the most sure way for a public entity to preserve the site.

Supervisor Storck clarified that his motion will direct staff to analyze the property for inclusion within the potential River Farm Historic Overlay District. The potential boundary consists of the entirety of the property located at Tax Map Parcel number 102-2 ((01)) 20. Amendments to both the Comprehensive Plan and the Zoning Ordinance map and text would be required to establish a River Farm Historic Overlay District. To expedite the review and analysis of the River Farm Historic Overlay District proposal, this Board item includes both a resolution and a motion. The resolution is required by statute for the Board to initiate amendments to the Zoning Ordinance map and text. The resolution and motion include authorization of:

- Comprehensive Plan Amendments
- Zoning Ordinance Text and map amendments to establish boundaries and regulations for a River Farm HOD

Therefore, Supervisor Storck moved that the Board adopt the November 17, 2020, River Farm Historic Overlay District resolution authorizing proposed amendments to the Comprehensive Plan and the Zoning Ordinance to create a Historic Overlay District for River Farm—a process which will include, but is not limited to, the following:

- Preparing a staff report that will analyze and provide recommendations on the historic, architectural, cultural, and archaeological significance, as well as the boundaries for the potential historic overlay district. This report will be coordinated with all appropriate Boards, Authorities, and Commissions
- Drafting and advertising public hearings on a proposed amendment to the Comprehensive Plan for any map and text changes that may result from this process
- Drafting proposed amendments to the Zoning Ordinance to establish boundaries and regulations for the Historic Overlay District along with appropriate use regulations, if recommended by the report, and advertising those amendment for public hearings before the Planning Commission and the Board of Supervisors

Supervisor Storck further moved that the Board authorize the County Executive or his designee, to act as agent for the County for all matters concerning this matter. The approval of this motion and related resolution does not in any way relieve the participants from compliance with the provisions of all applicable ordinances, regulations or adopted standards, nor does it prejudice in any way

the Board's consideration of the proposed amendments. Chairman McKay and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

15. **BUTTONS IN HONOR OF RUBY BRIDGES** (3:21 p.m.)

Supervisor Palchik thanked the Board for wearing the buttons her office distributed in honor of her being one of the first Black students to integrate public schools after the Supreme Court's landmark ruling in Brown v. Board of Education.

16. **RECOGNIZING JANUARY 2021 AS "NATIONAL HUMAN TRAFFICKING AWARENESS MONTH IN FAIRFAX COUNTY"**  
(3:24 p.m.)

Jointly with Chairman McKay, Supervisor Herrity stated that January 2021 will mark National Human Trafficking Awareness Month. Human traffickers use fear and intimidation to keep trafficking victims silent, which makes raising awareness vitally important to ending this horrific crime. The circumstances created by the pandemic have tragically led to an increase in trafficking across our country and around the world. The Polaris Project saw their Trafficking Hotline call volume increase by over 40 percent within the month after initial stay at home orders were issued. It is critical to continue to educate residents on the signs of trafficking, what to do to protect themselves and those around them, and work to make Fairfax County a nonpermissive environment for all forms of exploitation.

As we educate ourselves and others on human trafficking, we also need to publicly recognize the many forms it can take. In March, he stated that he asked the Board to form an interdepartmental work group to focus on the issue of over 80 illicit massage businesses (IMBs) operating in Fairfax County. These businesses hide in plain sight among legitimate businesses and make up one of the largest and most networked markets in the United States sex trafficking industry. While the pandemic response has delayed that effort until recently, this work group is now meeting and other efforts to stop trafficking in our region have continued.

Over the past year, our law enforcement agencies have arrested multiple traffickers operating in Northern Virginia area. In many of these cases there was a connection to gang activity, specifically MS-13, taking advantage of our most vulnerable. According to the Polaris Project's 2019 data report, the top three risk factors for trafficking vulnerability are substance abuse concerns, runaway homeless youth, and recent migration/relocation. All these factors exacerbated by the pandemic cause our youth to be more vulnerable to gang affiliation and trafficking. In our efforts to raise awareness of human trafficking, we need to continue to crack down on the gangs that prey on our immigrant communities, runaways, and those with drug addictions while providing preventative services especially for our children.



Recognizing Human Trafficking Awareness Month in Fairfax County will reiterate Fairfax County's commitment to preventing human trafficking, and its across-the-board consequences for victims, their families, and the community.

Therefore, jointly with Chairman McKay, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare resolution recognizing January 2021 as "*Human Trafficking Awareness Month*" in Fairfax County in honor of the tireless efforts of staff and County partners who have worked to raise awareness, aid survivors, and bring traffickers to justice, to be presented to Francisco Klockner Gonzalez, the county Gang Prevention Coordinator. Supervisor Herrity stated that the County's gang prevention partners have made gang trafficking of girls a priority issue. Mr. Gonzalez works with Fairfax County Public Schools, the Fairfax County Police Department, Child Protective Services, Northern Virginia Family Service and others to identify girls who are in danger or at risk and find services for them. Mr. Gonzalez has played a significant role in raising awareness in our community through presentations on gang trafficking for school staff and community groups. Without objection, it was so ordered.

17. **LETTER TO GOVERNOR NORTHAM REGARDING UNEMPLOYMENT CLAIMS** (3:27 p.m.)

Supervisor Herrity stated that over the last year, our region has lost a significant number of jobs, especially within our hospitality and service industry. These job losses have put many of our residents through turmoil as they try to care for themselves and their families during a pandemic. When these residents have tried to apply for unemployment, they have been met with a bureaucratic nightmare while waiting for their claim to be approved or simply waiting for a response.

This issue has continued from April through October to the point where Virginia has been ranked among the worst states in the nation for quickly reviewing unemployment claims. Many residents have reached out to my office, as I am sure they have to my colleagues as well, to ask us to advocate for a response from the state. Unfortunately, conditions do not seem to be improving and there is potential for a new round of layoffs as we approach the winter months.

Therefore, Supervisor Herrity moved that the Board direct staff to prepare a letter to Governor Northam outlining the Board's concerns about ongoing unemployment cases affecting Northern Virginia residents. The letter should include our concern about the upcoming winter months and the potential for significant additional job losses that could cause many of our residents to rely on the prompt processing of their unemployment claims. The letter should ask the Governor to direct the resources necessary to more timely address unemployment claims. Supervisor Gross seconded the motion.

Discussion ensued between the Board regarding the following:

- The inadequacy of certain phone lines helping those in need
- Tone and language of the letter
- Including appropriate facts in the letter
- Issues people have when trying to access unemployment benefits
- The amount for unemployment being inadequate
- Include language for vulnerable populations

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

18. **GRATITUDE FOR CAREGIVERS FOR OLDER ADULTS** (3:36 p.m.)

Supervisor Herrity expressed appreciation for the caregivers for older adults in the community.

19. **CONCURRENCE IN FILING FOR STONECROFT LEE, LLC SULLY DISTRICT** (3:38 p.m.)

Supervisor Smith stated that the applicant Stonecroft Lee, LLC has filed a rezoning application to rezone Tax Maps 33-2 ((2)) 10 and 11 (Parcels 10 and 11), and 34-1 ((2)) 11A (Parcel 11A) located to the north of the intersection of Stonecroft Boulevard and Thompson Road from the I-3, WS, and AN Districts to the I-5, WS, and AN District to permit a new storage yard.

The property is surrounded by industrial uses to the south and the Dulles International Airport to the north. Resource Protection Areas (RPA) are located to the west and south of the property. As part of the zoning application, the applicant proposes to incorporate Glorus Road, which is located between Parcels 10 and 11, within the subject property. Glorus Road is proposed to be vacated and abandoned in a separate, but concurrent process to help prevent future encroachments within the adjacent RPA areas. Since the Board of Supervisors owns the Right of Way associated with Glorus Road, the Board must concur with the filing of the application. The applicant understands that this motion will not prejudice the consideration of the application in any way.

Therefore, Supervisor Smith moved that the Board concur with the filing of a rezoning application (currently referenced with a temporary id of RZ 2020-0092) by Stonecroft Lee, LLC, to rezone Right of Way associated with Glorus Road, to the I-5, WS, and AN Districts. Supervisor Smith further moved that the Board authorize the County Executive and/or his designees to act as agent

of the Board in connection with this application. Supervisor Foust seconded the motion and it carried by unanimous vote.

20. **EXPEDITED AND CONCURRENT PROCESSING FOR SHEETZ, INC. (SULLY DISTRICT)** (3:40 p.m.)

Supervisor Smith stated that SHEETZ, INC. (the "Applicant") is currently processing an application identified as Special Exception Application SE 2020-SU-005. The application proposes a Sheetz service station with a quick-service food store and restaurant with drive-through uses facility on approximately 2.7 acres located in the southeastern quadrant of the intersection of McLearen Road and Towerview Road. This will be the first Sheetz location in Fairfax County.

The proposal will improve the site with landscaping, open space, and an attractive building design, and the use will complement and serve the Dulles Suburban Center office and light industrial warehouse neighborhood. The Applicant is eager to pursue construction as soon as possible on the initial development phase and has requested expedited and concurrent processing of the pending application.

Therefore, Supervisor Smith moved that the Board direct staff to expedite the scheduling of the Board of Supervisors public hearing for Special Exception Application SE 2020-SU-005 to March 23, 2021. Supervisor Smith further moved that the Board direct the Director of the Department of Land Development Services to accept for concurrent and simultaneous processing any site plans, architectural drawings, or other drawings as may be necessary in conjunction with the application filed on behalf of the Applicant. This motion should not be construed as a favorable recommendation by the Board of Supervisors and does not relieve the Applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards. Supervisor Foust seconded the motion and it carried by unanimous vote.

21. **ADMINISTRATIVE ITEMS** (3:42 p.m.)

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

Supervisor Alcorn called the Board's attention to Admin 4 – Authorization for the Fairfax County Police Department (FCPD) to Apply for and Accept Grant Funding From the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant and asked how many additional helmets will be purchased. Discussion ensued, with input from Colonel Edwin C. Roessler Jr., Chief of Police, and Major Eli Cory, FCPD, regarding the number of helmets requested.

Supervisor Foust called the Board's attention to Admin 3 – Authorization to Advertise a Public Hearing on the Fiscal Year (FY) 2021 Mid-Year Review to

Amend the Current Appropriation Level in the FY 2021 Revised Budget Plan. Discussion ensued, with input from Christina Jackson, Director, Department of Management and Budget, regarding the possible timing issue for advertising the School Board Budget within the County's proposed Budget.

The question was called on 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 (DRANESVILLE AND MASON 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>
Brooks Place	Mason	Brooks Place
Lucky Estates	Dranesville	Leesburg Pike Service Drive
Lucky Estates	Dranesville	Lucky Estates Drive

**ADMIN 2 – REINSTATEMENT OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

Reinstated the following individual as a Plans Examiner to participate in the Expedited Land Development Review Program, pursuant to the adopted criteria and recommendation of the Advisory Plans Examiner Board (APEB):

- Shane Revell (264)

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE FISCAL YEAR (FY) 2021 MID-YEAR REVIEW TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FY 2021 REVISED BUDGET PLAN**

- (A) (NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item #21.)

Authorized the advertisement of a public hearing to be held before the Board on **January 26, 2021**, to adjust the FY 2021 Mid-Year Review to Amend the Current Appropriation Level in The FY 2021 Revised Budget Plan, which includes the proposed adjustments in appropriation greater than one percent of total expenditures. In addition, the *Code of Virginia* requires that a synopsis of the proposed changes be included in the advertisement.

**ADMIN 4 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

(NOTE: Earlier in the meeting, this item was discussed. See Clerk’s Summary Item #21.)

The Board authorized:

- FCPD to apply for and accept funding if received, from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant in the amount of \$114,017
- The Chairman of the Board, 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 5 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (NCS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF EDUCATION CHILD AND ADULT CARE FOOD PROGRAM AND SUMMER FOOD SERVICE PROGRAM**

The Board authorized the:

- Department of Neighborhood and Community Services to apply for and accept grant funding, if received, from the Virginia Department of Education Child and Adult Care Food Program and the Summer Food Service Program in the amount of \$1,515,270. Funding will be used to provide meals to children participating in the Fairfax County Supporting Return to School (SRS) program and at programs available at five NCS community center locations during the COVID-19 pandemic. No Local Cash Match is required and there are no positions associated with this funding
- 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 A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (HUNTER MILL DISTRICT)**

Endorsed the following installation of “Watch for Children: sign on the following road:

- One “Watch for Children” sign on Pinoak Lane (Hunter Mill District)
- Directed the Fairfax County Department of Transportation (FCDOT) be to schedule the installation of the approved “Watch for Children” sign as soon as possible

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 61 (BUILDING PROVISIONS) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) REGARDING PENALTIES**

Authorized the advertisement of a public hearing to be held before the Board on **December 1, 2020, at 4:00 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions).

22. **A-1 – APPROVAL OF REVISIONS TO PROCEDURAL MEMORANDUM NO. 11-01, EXEMPT SERVICE** (3:48 p.m.)

On motion of Supervisor Gross, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed revisions to Procedural Memorandum No. 11-01, Exempt Service, Appendix 2, retroactive to the date the Personnel Regulations implementing Paid Family Leave, which took effect on October 10, 2020.

23. **A-2 – APPROVAL OF REVISIONS TO CHAPTERS 4 AND 10 OF THE PERSONNEL REGULATIONS TO TEMPORARILY INCREASE THE NUMBER OF HOURS OF COMPENSATORY TIME THAT CAN BE CARRIED OVER AT THE END OF 2020 AND 2021, AND TO CLARIFY WHEN THE 12-MONTH PERIOD COMMENCES FOR THE USE OF PAID FAMILY LEAVE FOR BIRTH AND ADOPTION/FOSTER CARE PLACEMENTS** (3:49 p.m.)

On motion of Supervisor Gross, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed revisions to Chapters 4 (Attachment 1) and 10 (Attachment 2) of the Personnel Regulations. The revisions to Chapter 4 are effective immediately while revisions to Chapter 10 are retroactive to the date Paid Family Leave took effect on October 10, 2020.

24. **A-3 – AUTHORIZATION TO USE ECONOMIC OPPORTUNITY RESERVE (EOR) FOR LOCAL MATCH OF A GOVERNOR’S**

**AGRICULTURE AND FORESTRY INDUSTRIES DEVELOPMENT FUND FACILITY GRANT (HUNTER MILL DISTRICT)** (3:54 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and allocate a portion of the EOR for this purpose and execute the Performance Agreement in substantially in the form of Attachment 1. Supervisor Foust and Chairman McKay jointly seconded the motion.

Discussion ensued, with input from Scott Sizer, P3/Joint-Ventures Policy Coordinator, Department of Economic Initiatives, regarding the funds to be used for supporting small businesses, performance measures, and adding specific metric targets in future proposals.

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

25. **A-4 – APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE FAIRFAX COUNTY BOARD OF SUPERVISORS AND THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) REGARDING IMPLEMENTATION OF THE COUNTY’S MS4 PROGRAM ON FCRHA-OWNED PROPERTY** (3:57 p.m.)

On motion of Supervisor Foust, seconded jointly by Supervisor Gross and Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Memorandum of Understanding (MOU) between the Fairfax County Board of Supervisors and FCRHA. Implementation of a joint MS4 program by the County and FCRHA will improve program efficiency and simplify permit compliance. The MOU defines the roles and responsibilities of each entity for implementation of a joint MS4 program.

26. **A-5 – AUTHORIZATION TO ENTER INTO AN INTERIM AGREEMENT WITH ALPINE-X LLC FOR FAIRFAX PEAK DEVELOPMENT AT I-95 LORTON LANDFILL (MOUNT VERNON DISTRICT)** (3:59 p.m.)

On motion of Supervisor Storck, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to enter into an Interim Agreement with Alpine-X LLC.

27. **A-6 – DESIGNATION OF THE LITTLE RIVER GLEN AND AUTUMN WILLOW SENIOR HOUSING SITES AS REVITALIZATION AREAS (BRADDOCK AND SPRINGFIELD DISTRICTS)** (4:01 p.m.)

(Rs) Supervisor Walkinshaw moved that the Board concur in the recommendation of staff and designate the Little River Glen and Autumn Willow Senior Housing Sites as Revitalization Areas, for the purpose of facilitating Low Income Housing Tax Credits (LIHTC). Chairman McKay seconded the motion.

Supervisor Gross clarified that this designation does not affect any areas of the county that are identified for revitalization in the future but allows for tax credits for senior housing only.

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

**EA:ea**

28. **3:00 P.M. – PUBLIC HEARING TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2021 VIRGINIA GENERAL ASSEMBLY (GA)**  
(4:05 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 October 30 and November 6, 2020.

Supervisor Walkinshaw, Chair of the Board's Legislative Committee, presented a brief synopsis of the proposed Legislative Program, noting the following:

- Language, high-lighted in yellow in the distributed draft program, has been added since the Board's last Legislative Committee meeting on October 27; the new language is in response to direction the Board provided staff at that meeting
- The County was able to remove several long-standing priorities from its program this year as they were achieved during the 2020 session. The state's revenues have continued to fluctuate considerably in recent years and the COVID-19 pandemic has had significant impact on these revenues. This has led the GA to undo much of the positive progress that was included in the budget passed during the 2020 session. The state budget will be a major area of focus in the 2021 session as the GA continues to respond to the pandemic and works on amending its budget for FY2021 and FY2022
- Many of the Board's fundamental priorities remain the same from previous years including:
  - State support for education to fully meet its responsibility to adequately fund K-12 education, including restoration of full funding for Cost of Competing funds
  - The Regional Transportation Priorities



statement encourages the GA to fully restore funding to the Northern Virginia Transportation Authority in an amount equal to what was diverted by the 2018 GA

- The Transition Priority Statement encourages the GA to continue to build upon legislation providing significant transportation revenues passed by the 2013 and 2020 GA's to ensure sufficient funding for transportation use
- The Human Services Issue Paper is again part of the package, which highlights the County's interest in a number of human service programs, and includes three priorities:
  1. State funding and actions to increase availability of affordable housing options
  2. Sustainable state-funding for diversion programs to connect those who come into contact with the criminal justice system for low-level offenses
  3. Increase state-support to address the ongoing substance-use disorder epidemic

Supervisor Walkinshaw noted that the Board had three other items under consideration as initiatives this year, including the following:

- Increase the number of members on the Fairfax County Economic Development Authority Board from seven to nine, which could further diversify participation from the County's business community while maintaining focus on the traditional business base
- Allow ordinances adopted to ensure continuity in government to remain in effect for up to twelve months following a disaster. Current Virginia laws allows such ordinances to remain in place for up to six months. Providing localities with this authority would allow additional time when necessary for residences and business owners to recover from the disaster before returning to normal operations
- Update and modernize the State's funding formula for the Commonwealth's Attorney Offices to reflect the goal of improving the criminal justice system and policing. The current

formula uses an outdated approach focused on felony inditements and sentencing events in Circuit Court, which is antithetical to the goal of increasing diversion programs and utilizing specialty dockets. A new formula would reflect the goal of supporting efforts to create a more equitable criminal justice system and improving outcomes for the entire community

Supervisor Walkinshaw stated that the Board's last Legislative Committee meeting for this year will be on November 24, 2020, at which time it will finalize the State Legislative Program in preparation for Board adoption on December 1, 2020. Federal issues will also be discussed at the meeting.

Following the public hearing, which included testimony by five speakers, Supervisor Walkinshaw announced that the draft budget fact sheet has been distributed to Board and the draft Human Services and Transportation fact sheets will soon be distributed. Supervisor Walkinshaw requested that any feedback on the fact sheets be provided to staff prior to the next Legislative Committee meeting.

Supervisor Walkinshaw stated that on December 8, 2020, the Board will host its annual legislative work session with the County's delegation on the General Assembly.

29. **3:00 P.M. – PUBLIC HEARING TO CONSIDER ADOPTION OF AN UNCODIFIED ORDINANCE TO PROVIDE A METHOD TO ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT DURING THE COVID-19 EMERGENCY, AS AUTHORIZED BY VIRGINIA CODE § 15.2-1413, BY APPROVING TEMPORARY COUNTY-OPERATED HYPOTHERMIA PREVENTION SHELTERS AND AUTHORIZING A STREAMLINED PROCESS FOR APPROVING TEMPORARY USE MODIFICATIONS IN RESPONSE TO THE EMERGENCY, AND TO REPEAL THE EMERGENCY UNCODIFIED ORDINANCE ON THE SAME SUBJECT, WHICH WAS ADOPTED ON OCTOBER 6, 2020, AND IS HEREBY REPLACED BY THIS ORDINANCE** (4:32 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 October 30 and November 6, 2020.

Barbara Byron, Director, Department of Planning and Development, presented the staff report.

Following the public hearing, Supervisor Smith moved that the Board adopt the proposed uncodified ordinance to provide a method to assure continuity in Fairfax County Government during the COVID-19 emergency as authorized by *Virginia Code Sec. 15.2-1413* by approving temporary County operated hypothermia prevention shelters and authorizing a stream-lined process for approving temporary use modifications in response to the emergency, and to repeal the emergency

uncodified ordinance on the same subject which was adopted on October 6, 2020, and is hereby replaced by this ordinance. Supervisor Smith further moved that the ordinance become effective immediately upon adoption. Supervisor Gross and Supervisor Palchik jointly seconded the motion and it carried by a 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.”

30. **3:00 P.M. - DECISION ONLY ON REZONING APPLICATION RZ 2019-HM-011 (SAKTHIVEL CHINNASAMY AND NANDAKUMAR SREENIVASAN) TO REZONE FROM R-1 TO R-3 TO PERMIT RESIDENTIAL DEVELOPMENT WITH A TOTAL DENSITY OF 2.85 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 1.05 ACRES OF LAND (HUNTER MILL DISTRICT)** (4:36 p.m.)

- (A) (NOTE: On September 29, 2020, the Board held the public hearing and deferred decision on this case to a date certain of October 20, 2020. On October 20, 2020, the Board furthered deferred the decision only on this application to November 17, 2020.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 11 and 18, 2020.

This property is located on the north side of Old Courthouse Road, approximately 300 feet east of Irvin Street. Tax Map 28-4 ((1)) 28.

Supervisor Alcorn moved that the Board defer decision on Rezoning Application RZ 2019-HM-011 to **January 26, 2021**, and directed staff to schedule and advertise a new public hearing on that date. Supervisor Foust seconded the motion and it carried by a unanimous vote.

31. **3:00 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-MA-014 (LORA L. SEEDS) TO PERMIT A WAIVER OF MINIMUM LOT WIDTH REQUIREMENTS, LOCATED ON APPROXIMATELY 1.21 ACRES OF LAND ZONED R-3 (MASON DISTRICT)** (4:37 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 October 30 and November 6, 2020.

The application property is located at 5824 Dawes Avenue, Alexandria, 22311. Tax Map 61-4 ((1)) 149.

Lora Seeds, Applicant, 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.

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

Following a query by Supervisor Gross, Ms. Seeds confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 6, 2020.

Supervisor Gross moved that the Board approve Special Exception Application SE 2019-MA-014, subject to the development conditions dated October 6, 2020. Chairman McKay seconded the motion and it carried by unanimous vote.

32. **3:00 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2018-MA-008 (TRUSTEES OF LINCOLNIA UNITED METHODIST CHURCH AND LUCA’S RAINBOW BILINGUAL PRESCHOOL LLC) TO AMEND SPECIAL EXCEPTION APPLICATION SE 2018-MA-008, PREVIOUSLY APPROVED FOR A PLACE OF WORSHIP WITH A CHILD CARE CENTER, TO ADD LAND AREA AND MODIFY DEVELOPMENT CONDITIONS AND ASSOCIATED MODIFICATIONS TO SITE DESIGN, LOCATED ON APPROXIMATELY 2.85 ACRES OF LAND ZONED R-2 AND HC (MASON DISTRICT)** (4:44 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 October 30 and November 6, 2020.

This property is located at 6323 and 6335 Little River Turnpike, Alexandria, 22312. Tax Map 72-3 ((1)) 60 and 72-4 ((1)) 10.

Flor Brea, Agent, reaffirmed the validity of the affidavit for the record.

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

Ms. Brea 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, Mr. Fountain presented the staff and Planning Commission (PC) recommendations.

Following a query by Supervisor Gross, Ms. Brea confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 22, 2020.

Supervisor Gross moved that the Board:

- Approve Special Exception Amendment Application SEA 2018-MA-008, subject to the proposed development conditions dated September 22, 2020
- Reaffirmation of the waiver of Par. 1 of Sect. 13-202 of the Zoning Ordinance for the interior parking lot landscaping requirement in favor of the existing conditions
- Reaffirmation of the modification of Sect. 13-302 of the Zoning Ordinance for the transitional screening and barrier requirements along the eastern, southern and western boundaries in favor of the existing conditions, as shown on the SEA Plat
- Waiver of Pars. 2 and 3 of Sect. 17-201 of the Zoning Ordinance of the construction requirements for the planned major paved trail and service drive along Little River Turnpike in favor of that shown on the SEA Plat

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

33. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2019-SP-014 (BRIGHTVIEW SENIOR LIVING DEVELOPMENT, LLC) TO REZONE FROM R-1 AND WS TO PDH-4 AND WS TO PERMIT ADDITIONAL LAND AREA FOR AN INDEPENDENT LIVING AND ASSISTED LIVING FACILITY WITH NO INCREASE IN DENSITY OR INTENSITY, LOCATED ON APPROXIMATELY 0.16 ACRES OF LAND**

**AND**

**PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA/CDPA 2017-SP-017 (BRIGHTVIEW SENIOR LIVING DEVELOPMENT, LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR REZONING APPLICATION RZ 2017-SP-017, PREVIOUSLY APPROVED FOR AN INDEPENDENT LIVING AND ASSISTED LIVING FACILITY, TO PERMIT AN INDEPENDENT LIVING AND ASSISTED LIVING FACILITY AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A DENSITY OF 15.16 DWELLING UNITS PER ACRE AND A FLOOR AREA RATIO OF 0.21, LOCATED ON**

**APPROXIMATELY 5.62 ACRES OF LAND ZONED PDH-4 AND WS (SPRINGFIELD DISTRICT)** (4:50 p.m.)

- (O) (NOTE: On April 14, 2020, the Board deferred this public hearing to June 23, 2020. On June 23, 2020, the Board further deferred this public hearing to November 17, 2020.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2020.

This property is located on the south side of Lee Highway approximately 450 feet west of Summit Drive. Tax Map 55-4 ((1)) 36B.

This property is located on the south side of Lee Highway approximately 450 feet west of its intersection with Summit Drive. Tax Map 55-4 ((1)) 31A.

Lori Greenlief, Agent, McGuireWoods LLP, reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Herrity noted this property is the subject of ongoing civil litigation.

Supervisor Herrity clarified that the proposed motion does not indicate a position by the Board in the civil litigation, but acting on this land use case, allows the application to move forward to ensure the applicant's project will not be delayed.

Supervisor Herrity moved that the Board:

- Approve Rezoning Application RZ 2019-SP-014 and its associated Conceptual Development Plan Application CDP 2019-SP-014, subject to proffers dated November 16, 2020
- Approve Proffered Condition Amendment Application PCA 2017-SP-017 and its associated Conceptual Development Plan Amendment Application CDPA 2017-SP-017, subject to proffers dated October 19, 2020

- Modification of Par. 3 of Sect. 13-305 of the Zoning Ordinance to modify the transitional screening planting requirements along the western property line in favor of using the existing vegetation supplemented with the proposed plantings as shown on the CDP/FDP/CDPA/FDPA
- Modification of Par. 3 of Sect. 13-305 of the Zoning Ordinance to modify the placement of the barrier requirement to the periphery of the western property line as shown on the CDP/FDP/CDPA/FDPA
- Reaffirmation of the modification of Par. 3 of Sect. 13-305 of the Zoning Ordinance to modify the transitional screening planting requirements along the northern, southern, and eastern property lines in favor of using the existing vegetation supplemented with the proposed plantings as shown on the CDP/FDP/CDPA/FDPA
- Reaffirmation of the modification of Par. 3 of Sect. 13-305 of the Zoning Ordinance to modify the placement of the barrier requirement to the periphery of the eastern and southern property line as shown on the CDP/FDP/CDPA/FDPA
- Reaffirmation of the waiver of Par. 3 of Sect. 13-305 of the Zoning Ordinance to waive the barrier requirement along the northern property line
- Reaffirmation of the modification of Par. 13 of Section 11-203 of the Zoning Ordinance to modify the loading space requirement for three loading spaces in lieu of that shown on the CDP/FDP/CDPA/FDPA
- Reaffirmation of the modification of Pars. 2 and 3 of Sect. 17-201 of the Zoning Ordinance of the construction requirements for the shared use path and service drive along Lee Highway in lieu of that shown on the CDP/FDP/CDPA/FDPA
- Reaffirmation of the waiver of Par. 3 of Section 17-201 of the Zoning Ordinance to waive the requirement to provide interparcel access to east and west in lieu of the service drive as shown on the CDP/FDP/CDPA/FDPA
- Reaffirmation of the waiver of Par. 2 of Sect. 17-201 of the Zoning to waive the requirement to construct a sidewalk along Lee Highway in lieu of the Shared Use Path as shown on the CDP/FDP/CDPA/FDPA

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

(NOTE: On February 26, 2020, the PC approved Final Development Plan Application FDP 2019-SP-014 and Final Development Plan Amendment

Application FDPA 2017-SP-017, subject to the development conditions dated February 5, 2020.)

34. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2020-SU-006 (CAPE THERESA, LLC) TO REZONE FROM I-3 AND I-5, WS, AND AN TO I-5, WS AND AN TO PERMIT A CONTRACTOR’S OFFICE AND A MATERIALS STORAGE YARD WITH AN OVERALL FLOOR AREA RATIO OF 0.09, LOCATED ON APPROXIMATELY 3.04 ACRES OF LAND (SULLY 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 October 30 and November 6, 2020.

This property is located in the northeast quadrant of Murdock Street (Route 668) and Glorus Road. Tax Map 33-2 ((2)) 15 and 16A.

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

Sharon Williams, 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. Williams presented the staff and Planning Commission (PC) recommendations.

Supervisor Smith moved that the Board approve Rezoning Application RZ 2020 SU-006 subject to the proffers dated October 27, 2020. Supervisor Foust seconded the motion and it carried by a 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.”

35. **3:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA 86-W-001-13/CDPA 86-W-001-04 (BOARD OF SUPERVISORS OF FAIRFAX COUNTY) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR REZONING APPLICATION RZ 86-W001, PREVIOUSLY APPROVED FOR GOVERNMENTAL CENTER, OFFICE, COMMERCIAL, AND RESIDENTIAL, TO PERMIT A PUBLIC FACILITY AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR**



**AREA RATIO OF 0.078, LOCATED ON APPROXIMATELY 0.99 ACRES OF LAND ZONED PDC**

**AND**

**PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA 87-S-039-07/CDPA 87-S-039-02 (BOARD OF SUPERVISORS OF FAIRFAX COUNTY) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR REZONING APPLICATION RZ 87-S039, PREVIOUSLY APPROVED FOR A MIXED-USE DEVELOPMENT, TO PERMIT A PUBLIC FACILITY AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR AREA RATIO OF 0.078, LOCATED ON APPROXIMATELY 2.83 ACRES OF LAND ZONED PDC (BRADDOCK DISTRICT) (5:04 p.m.)**

- (O) (NOTE: On September 29, 2020, the Board deferred this public hearing to November 17, 2020)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2020.

This property is located on the south side of Random Hills Road and north side of Monument Drive. Tax Map 56-1 ((15)) 4.

This property is located on the south side of Random Hills Road, west side of Government Center Parkway and north side of Monument Drive. Tax Map 56-1 ((1)) 47C.

Ipek Aktuglu, Project Coordinator, Capital Facilities, Department of Public Works and Environmental Services (DPWES), reaffirmed the validity of the affidavit for the record.

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

Ms. Aktuglu 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, Mr. Fountain presented the staff and Planning Commission (PC) recommendations.

Supervisor Walkinshaw asked if this facility would be the first County parking garage to achieve Parksmart Certification.

Ms. Aktuglu stated that was correct.

Supervisor Walkinshaw asked if this would be the first parking garage in the County with a solar panel roof and/or with infrastructure designated to charge electric vehicles.

Katayoon Shaya, Branch Chief, Capital Facilities, Department of Public Works and Environmental Services, clarified that there were other garages in the County with infrastructure to charge electric vehicles, currently under construction.

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

Supervisor Walkinshaw moved that the Board:

- Approve Proffered Condition Amendment Application PCA 86-W-001-13 and the associated Conceptual Development Plan Amendment Application CDPA 86-W-001-04, subject to the proffers dated October 29, 2020
- Approve Proffered Condition Amendment Application PCA 87-S-039-07 and the associated Conceptual Development Plan Amendment Application CDPA 87-S-039-02, subject to the proffers dated October 29, 2020
- Modification of Section 2-505 of the Zoning Ordinance to the sight distance requirements to allow certain structures, as shown on the CDPA/FDPA
- Modification of Section 2-506-1A of the Zoning Ordinance to allow an accessory structure on a building roof to occupy an area greater than 25 percent of the total roof area as shown on the CDPA/FDPA
- Modification of Section 2-506-2 of the Zoning Ordinance to allow a parapet wall, cornice or similar projections to exceed three feet above the roof of the building as shown on the CDPA/FDPA
- Modification of Section 13-203 of the Zoning Ordinance to modify the 10-foot peripheral parking lot landscaping requirement, in favor of that depicted on the CDPA/FDPA

Chairman McKay seconded the motion and it carried by a 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 November 4, 2020, the PC approved Final Development Plan Amendment Application FDPA 86-W-001-08, subject to the proposed development conditions sated August 28, 2020, and subject to the Board’s approval of Proffered Condition Amendment Application PCA 86-W-001-13.)

(NOTE: On November 4, 2020, the PC approved Final Development Plan Amendment Application FDPA 87-S-039-11, subject to the development conditions dated August 28, 2020, and subject to the Board's approval of Proffered Condition Amendment Application PCA 87-S-039-07.)

(NOTE: On November 4, 2020, the PC found that the transit center proposed under 2232-B19-9 satisfies the criteria of location, character, and extent, as specified in Sect. 15.2-2232 of the *Code of Virginia*, as amended, and therefore, is substantially in accord with the Comprehensive Plan.)

36. **3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-08 (STANLEY MARTIN COMPANIES, LLC) TO AMEND THE PROFFERS FOR REZONING APPLICATION RZ 78-S-063, PREVIOUSLY APPROVED FOR OFFICE, TO DELETE 12.04 ACRES TO BE INCLUDED IN CONCURRENT REZONING APPLICATION RZ 2019-SU-005, LOCATED ON APPROXIMATELY 12.04 ACRES OF LAND ZONED I-3, WS AND AN (SULLY DISTRICT)**

**AND**

**PUBLIC HEARING ON REZONING APPLICATION RZ 2019-SU-005 (STANLEY MARTIN COMPANIES, LLC) TO REZONE FROM I3, WS, AND AN TO PDH-16, WS, AND AN TO PERMIT RESIDENTIAL DEVELOPMENT WITH AN OVERALL DENSITY OF 11.13 DWELLING UNITS PER ACRE, INCLUDING BONUS DENSITY FOR THE PROVISION OF AFFORDABLE DWELLING UNITS, AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 12.04 ACRES OF LAND (SULLY DISTRICT)**  
(5:15 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 October 30 and November 6, 2020.

This property is located on the east side of Westfields Boulevard and north side of Newbrook Drive. Tax Map 44-1 ((8)) 5 and 6.

Andrew Painter, Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the validity of the affidavit for the record.

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

Mr. Painter 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 nine speakers, Ms. Quinn presented the staff and Planning Commission (PC) recommendations.

Supervisor Alcorn asked if staff were currently working on an update to the Comprehensive Plan to address airport noise as well as updating noise contours.

Joseph Gorney, Planner, Zoning Evaluation Division, Department of Planning and Development, confirmed that staff were currently working on an update to the Comprehensive Plan as authorized by the Board on July 28, 2020, which includes uses between the adopted 60-65 day-night average sound level noise contours associated with nearby airport locations. Mr. Gorney further clarified that staff were not currently working on updating the noise contours.

Supervisor Lusk asked how many of the proposed units would have rooftop decks.

Mr. Painter stated that rooftop decks were an option but not mandatory.

Discussion ensued by the Board regarding the external and internal noise concerns and the frequency of flights that would use the flight path located above the property location.

Supervisor Smith moved that the Board:

- Approve Proffered Condition Amendment Application PCA 78-S-063-08
- Approve Rezoning Application RZ 2019-SU-005 and its associated Conceptual Development Plan, subject to proffers dated November 6, 2020
- Modification of Par. 2 of Sect. 6-107 of the Zoning Ordinance to modify the minimum 200 square foot privacy yard for the rear loaded single-family attached dwellings in lieu of community open space, as shown on the CDP/FDP
- Waiver of Par. 5 of Sect. 11-203 of the Zoning Ordinance to omit loading space requirements for the multi-family units, which are proposed to resemble single-family attached structures
- Modification of Par. 2 of Sect. 11-302 of the Zoning Ordinance to permit private streets in the proposed development to exceed the maximum 600-foot length limitation, as shown on the CDP/FDP

- Waiver of the transitional screening requirements between multi-family and single family attached uses, as set forth in Sect. 13-300 of the Fairfax County Zoning Ordinance
- Waiver of Par. 2 of Sect. 17-201 of the Zoning Ordinance, requiring a major paved trail per the Comprehensive Plan Trails Plan Map in favor of the existing trails as shown on the CDP/FDP

Supervisor Foust seconded the motion.

Discussion ensued by the Board regarding:

- The current noise level at the site, for nearby properties, and current uses near the site
- The accuracy of the noise contours map

Barbara Byron, Director, Department of Planning and Development stated that Johnson Aviation was hired to study the noise contours and analyze the study completed by the Metropolitan Washington Airports Authority (MWAA). Ms. Byron further stated that Johnson Aviation had reported that there were no issues with the methodology used by MWAA, but there were concerns with the assumptions regarding the methodology because it is unprecedented to estimate into future years, which the MWAA study did.

Further discussion ensued by the Board regarding:

- The change in noise contours during the evening
- MWAA's estimates for increased cargo flights
- Testimony received by the Board
- The impact this development would have on Dulles International Airport
- The need to update the 2019 noise contours
- Whether the potential owners would be informed prior to purchase about the noise issues
- The limitations imposed by Federal laws
- The current development needs for the Sully District
- Whether the application was in conformance with the Comprehensive Plan

The question was called on the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Gross, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn, Supervisor Lusk, and Supervisor Herrity voting “NAY.”

(NOTE: On October 7, 2020, the PC approved Final Development Plan Application FDP 2019-SU-005, subject to the development conditions dated September 2, 2020.)

37. **4 P.M. - PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2019-III-FC1, FAIR OAKS MALL, LOCATED NORTHWEST OF THE INTERSTATE 66 AND U.S. ROUTE 50 INTERCHANGE (SPRINGFIELD DISTRICT)** (6:55 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 October 30 and November 6, 2020.

Michael Lynskey, Planner, Department of Planning and Development, presented the staff report.

Following the public hearing, which included testimony by two speakers, Mr. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Herrity moved the Board adopt the staff recommendation presented on pages 17 to 29 of the staff report for PA 2019-III-FC1, dated August 26, 2020. Chairman McKay seconded the motion.

Supervisor Palchik asked whether this project would be included in the Active Fairfax Plan in the future.

Mr. Lynskey confirmed this project would be included in the updated Master Plan, which would then be used for the Active Fairfax Plan, but that the specifics of the proposed project may change before it's finalized.

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

38. **4 P.M. - PUBLIC HEARING ON A PROPOSED AMENDMENT TO CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) RE: ENFORCEMENT** (7:17 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 October 30 and November 6, 2020.

John Friedman, Engineer, Department of Land Development Services, presented the staff report.

Following the public hearing, Supervisor Storck moved adoption of the proposed amendment to the Erosion and Sedimentation Control Ordinance. Supervisor Smith and Supervisor Gross jointly seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

39. **RECESS/CLOSED SESSION** (7:21 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. *Fairfax County Police Department and Colonel Edwin C. Roessler Jr., v. Harrison Neal, Record No. 191129; Harrison Neal v. Fairfax County Police Department and Colonel Edwin C. Roessler Jr., Record No. 191127 (Va. Sup. Ct.)*
  2. *Mateusz Fijalkowski v. M. Wheeler, S. Adcock, S. Blakely, R. Bronte-Tinkew, C. Clark, J. Grande, R. Jakowicz, L. Labarca, L. McNaught, W. Mulhern, M. Zesk, Sean Brooks, and American Pool, Inc., Appeal No. None Assigned (U.S. Sup. Ct.)*
  3. *Richard Miller v. Douglas A. Comfort, Amanda Skowronski, and Jason Friedman, Case No. 1:19-cv-1252 (E.D.Va.)*
  4. *Viola Laird v. County of Fairfax, Virginia, Appeal No. 18-2511 (U.S. Ct. of App. for the Fourth Cir.)*

5. *Vienna Metro LLC, V Metro LLC, Metro W LLC, V Metro W LLC, and CRC Property Management LLC v. Fairfax County, Virginia and Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2020-0016206 (Fx. Co. Cir. Ct.) (Providence District)
6. *Daniella Bizzoco v. Fairfax County Department of Animal Sheltering*, Case No. CL-2020-0016791 (Fx. Co. Cir. Ct.)
7. *John Michael Wolfe v. Patrick R. Wooley, et al.*; Case No. 1:20CV116 (U.S. Dist. Ct. for E.D. Va.)
8. *April Michelle Marshall, a.k.a. April Norwood v. Alicia A. Adkins, #4259*; Case No. CL-2019-0008593 (Fx. Co. Cir. Ct.)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael Meredith and Erika Meredith*, Case No. GV20-006957 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory S. Souders*, Case No. GV19-041522 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brookhaven LLC*, Case No. GV19-026167 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ester F. Lopes*, Case No. CL 2020-0008878 (Dranesville District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahshid Hassan Pourzai and Mina Dadkhah*, Case No. GV20-015965 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Norman J. Fry and Laura A. Fry*, Case No. CL-2020-0011752 (Fx. Co. Cir. Ct.) (Hunter Mill District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Darioush David Movafagh and Lili Movafagh*, Case No. CL-2020-0008594 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard M. Cole*, Case No. GV20-014557-00 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)



17. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2019-0000700 (Fx. Co. Cir. Ct.) (Lee District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marsha G. Savage*, Case No. CL-2010-0013693 (Fx. Co. Cir. Ct.) (Lee District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sarra Semere and Helen Semere-Kifle*, Case No. CL-2020-0015796 (Fx. Co. Cir. Ct.) (Lee District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Colin Loughlin Wilkshire and Tien Tong Pongvichit*, Case No. CL-2020- 0015649 (Fx. Co. Cir. Ct.) (Lee District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Md Bashed Molla and Lima Akter*, Case No. CL-2020-0011753 (Fx. Co. Cir. Ct.) (Mason District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Abderrahmane Hidara, Lalla Kantour and Yamina Aanzaoui*, Case No. CL-2020- 0014881 (Fx. Co. Cir. Ct.) (Mason District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ha Thi Truoc*, Case No. CL-2020-0013745 (Fx. Co. Cir. Ct.) (Mason District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nicole Yi and Michelle Min Hi Yi*, Case No. CL-2020-0015648 (Fx. Co. Cir. Ct.) (Mason District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ivett Alejandra Leyva and Brian Holm-Hansen*, Case No. GV20-013325 (Fx. Co. Gen. Dist. Ct.) (Mason District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wardeh S. Rabadi*, Case No. GV19-026166 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mac Arthur Weston*, Case Nos. GV20-015626 and GV20-015640 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

28. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Samuel A. Velasquez*, Case No. CL-2019-0002543 (Fx. Co. Cir. Ct.) (Sully District)
29. *Board of Supervisors of Fairfax County v. Mason District Little League, Inc.*, Case No. GV20-015639 (Fx. Co. Gen. Dist. Ct.) (Mason District)
30. *Board of Supervisors of Fairfax County v. Capitol Steps Production, Inc.*, Case No. GV20-015763 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

And in addition:

1. As permitted by Virginia Code § Sections 2.2-3711(A)(7) and (8), legal briefing regarding *Fairfax County Board of Supervisors v. Purdue Pharma, L.P., et al.* Fairfax County Circuit Court Case No. CL-2019-6025, and *Fairfax County v. Johnson & Johnson, et al.*, Case No. 1:20-op-45078 in the U.S. District Court for the Northern District of Ohio.
2. As permitted by Virginia Code § Section 2.2-3711(A)(1), discussion and consideration regarding the appointment of a Deputy County Executive.

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

At 7:55 p.m., the Board reconvened their electronic meeting with all Members being present, and with Chairman McKay presiding.

#### **ACTIONS FROM CLOSED SESSION**

40. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (7:55 p.m.)

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

41. **MOTION TO APPOINT CHRISTOPHER LEONARD AS DEPUTY COUNTY EXECUTIVE** (7:56 p.m.)

Supervisor Gross moved that the Board appoint Christopher Leonard to the position of Deputy County Executive, to the Office of the County Executive, Grade E-14, with a starting salary of \$214,000 annually, effective January 2, 2021. Chairman McKay seconded the motion and it carried by unanimous vote.

42. **BOARD ADJOURNMENT** (7:59 p.m.)

The Board adjourned.