



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 6, 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).

20-20

EBE:ebe

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, October 6, 2020, at 2:04 p.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter L. Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney L. Lusk, Lee District
- Supervisor Dalia A. Palchik, Providence District
- Supervisor 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;

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

BOARD MATTERS

1. **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 County facilities in honor of the residents who have died of COVID-19 and in recognition of the many essential workers who are responding to the pandemic

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

- Mr. Willard O. Jasper, who died recently. Mr. Jasper was a member of the Redevelopment and Housing Authority and the Library Board of Trustees. He was active in many community organizations, representing the Lee District and the County. He was a Lee District Poll worker for 25 years. Mr. Jasper was a Vietnam Veteran, served in the United States Army Services Corps, and was a long-serving Deacon and Chaplain. Mr. Jasper was also a founding member of the Psi Alpha Alpha Chapter of the Omega Psi Phi Fraternity Inc
- Mr. Warren “Mac” McConnell, who died recently. He was the husband of the late Elaine McConnell, former Springfield District Supervisor. He was well-loved and respected by the community and recently celebrated his 99th birthday. He served in World War II and Commander in the 1970s. He was in Naval Reserve as an Intelligence Officer and served as Deputy Director of Bureau of Alcohol, Firearms and Explosives. Upon retirement, he and his wife built the Accotink Academy
- Mr. Ernest Berger, who died recently. Mr. Berger served as the Dranesville District Supervisor from 1993 to 1996. As the Dranesville Supervisor, he was known for being dedicated to improving the business environment and community

- Mr. Thomas Simcoe, who died recently. He was a beloved member of the Fire and Rescue Department and a Trustee on the Uniformed Retirement System Board of Trustees. Mr. Simcoe served for 25 years as a firefighter on the Route One Corridor, and after retirement, he continued to advocate for the health and safety of firefighters. He served for over a decade as a member of the Executive Board of Local 2068, advocating for firefighters

Discussion ensued with Board Members regarding Mr. McConnell and Mr. Berger.

DMS:dms

2. **PROCLAMATION REQUEST FOR THE PARK AUTHORITY** (2:20 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 outside of the Board room to the Park Authority, commemorating their 70 years of service on December 6, 2020. Without objection, it was so ordered.

3. **PUBLIC INPUT ON 495 EXPRESS LANES NORTHERN EXTENSION (NEXT) PROJECT** (2:20 p.m.)

Chairman McKay stated that the Board offices have heard from numerous residents who have expressed concerns with how few public meetings have been held to discuss the 495 Express Lanes Northern Extension, or NEXT, project. Recognizing that COVID-19 has made public meetings difficult, there are ample means still available to collect more public input prior to making any decisions about this major project.

Therefore, jointly with Supervisor Alcorn, Supervisor Foust, and Supervisor Palchik, Chairman McKay moved that the Board direct the County's Department of Transportation to draft a letter, to be signed by the Chairman, to VDOT requesting more citizen public information and comment sessions. Further technical input on the project itself will come before our Board at our next meeting. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

4. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (2:26 p.m.)

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

5. **REQUEST TO WAIVE FEES FOR FILING OF REZONING APPLICATION FOR ANNANDALE UNITED METHODIST CHURCH (BRADDOCK DISTRICT)** (2:26 p.m.)

Supervisor Walkinshaw stated that the Annandale United Methodist Church (AUMC) has owned a 1.77-acre property on the west side of Heritage Drive and adjacent to Heritage Mall for over 50 years. The existing building was constructed and originally used solely as a place of worship. However, in more recent years the Church has increasingly utilized the site to provide social services to address significant unmet needs in the surrounding community. Residents in this area currently walk to the Church property to access a food pantry and clothes closet operated by Church volunteers. In response to the COVID-19 pandemic, the Church collaborated with Chef Jose Andres of the World Central Kitchen to coordinate and distribute over 18,000 meals in the Annandale community from this location. Many of these meals were targeted to families who were unable to access free and reduced meals from Fairfax County Public Schools.

AUMC now proposes to formalize this operation and, in addition to the place of worship, create a community resource center that will provide a range of supportive educational and healthcare services, including a robust food distribution program, health and wellness screenings, and even a mobile dental clinic, among other initiatives. They intend to expand existing collaborations with the Fairfax County Health Department, Department of Family Services, and Neighborhood and Community Services; Food for Others, George Mason University, Northern Virginia Community College, Medical Care for Children Partnership Foundation, and other public and charitable organizations.

Under the County's Zoning Ordinance, this operation would be considered a public benefit association. However, given the unique split commercial and residential zoning of the property, such a use is not permitted on the residential portion of the lot, which encompasses nearly half of the building.

Therefore, a rezoning is necessary to rezone the property from the current split C-5 and R-20 Districts to entirely C-5, which will allow the public benefit use to legally operate and expand the valuable work and services it provides to the community. No modifications to the building or significant site development is proposed. The Church will re-stripe the existing travel aisle and parking spaces in accordance with recommendations from the Fairfax County Fire Marshal.

Staff has been working with the Church for many months to prepare the rezoning application, which will soon be submitted to the Department of Planning and Development. To assist in this endeavor, the Church has requested that the Board grant a waiver of all fees associated with the filing of the rezoning application. The public benefits provided by AUMC have adequately demonstrated that there is good cause for the Board to grant the request for a waiver of the filing fees associated with their rezoning application.

Therefore, in accordance with Zoning Ordinance Section 18-106, and jointly with Supervisor Gross, Supervisor Walkinshaw moved that the Board direct the staff of

the Department of Planning and Development to waive all fees associated with the filing of the rezoning application for Annandale United Methodist Church. This motion should not be construed as a favorable recommendation by the Board on any application and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, and/or adopted standards, nor does it in any way prejudice the substantive review of any application. Chairman McKay and Supervisor Gross jointly seconded the motion.

Following discussion regarding the Board's authority to waive Zoning Ordinance fees, with input from Beth Teare, County Attorney, the question was called on the motion and it carried by unanimous vote.

6. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (2:33 p.m.)

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

7. **BOARD'S IT COMMITTEE DISCUSSION REGARDING ONLINE PAYMENT SYSTEM ISSUES** (2:33 p.m.)

Supervisor Alcorn announced that the Committee would be discussing at a future meeting the online payment system issues that arose when people were trying to pay their personal property tax.

8. **NO BOARD MATTERS FOR SUPERVISOR LUSK (LEE DISTRICT)** (2:34 p.m.)

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

9. **5TH ANNUAL TOUR DE MOUNT VERNON** (2:34 p.m.)

Supervisor Storck announced that the recent 5th Annual Tour de Mount Vernon brought many people out to participate and he thanked staff for attending the event.

10. **VIRGINIA LIBRARY ASSOCIATION (VLA) AWARDS MIRIAM SMOLEN 2020 TRUSTEE LIBRARY AWARD** (2:37 p.m.)

Supervisor Palchik announced that Miriam Smolen was chosen by the Virginia Library Association (VLA) for the 2020 Library Trustee Award. Ms. Smolen has served on the Fairfax County Library Board of Trustees since 2014, where she served as Vice Chair in 2017 and as Chair from 2018 through 2020. She continues to serve on the Board as the Providence District Representative.

Ms. Smolen believes that our libraries are a foundation of our public life and therefore, wants to support this jewel of a public resource. She is most proud of

the work the Board of Trustees has done in advocating for more library resources for the whole community. During her tenure as chair, the library received support from the Board of Supervisors to expand and standardize library hours. This advocacy is one of her most important contribution.

Ms. Smolen was selected for her invaluable contributions to the Fairfax County Library, her colleagues on the board, and the greater community. She has worked diligently building relationships and bridging divides to accomplish her present and future goals of expanding both ongoing funding for the Fairfax County Public Library system and community access to library services by increasing branch hours. During these challenging times for library funding and support, her past work will provide a strong foundation for budget planning when it is time to request funding for the library system in future fiscal years.

Therefore, Supervisor Palchik asked unanimous consent that the Board recognize Miriam Smolen for her outstanding service and for receiving the 2020 Library Trustee Award from the Virginia Library Association. Without objection, it was so ordered.

11. **HISPANIC HERITAGE MONTH** (2:39 p.m.)

Supervisor Palchik announced that this month is Hispanic Heritage Month and she stated that she looks forward to being able to celebrate in-person in the near future.

12. **THOMAS JEFFERSON HIGH SCHOOL FOR SCIENCE AND TECHNOLOGY (TJHSST) ADMISSIONS PROCESS** (2:50 p.m.)

Supervisor Herrity stated that Fairfax County Public Schools have recently proposed moving toward a lottery system for our top performing school, Thomas Jefferson High School for Science and Technology (TJHSST). This is an economic development issue as well as a school issue. Schools are the number one reason businesses choose to locate in Fairfax County and TJHSST is a primary reason our schools are recognized as the best in the nation. Our Fairfax County Economic Development Authority specifically acknowledges TJHSST on their webpage for why businesses should consider Fairfax County's high academic standards an asset and locate here. Top businesses know that their top-tier workforces look for businesses surrounded by exceptional public schools.

When it comes to attracting businesses, only the 'best' location wins, there is no benefit for mediocre. Keeping TJHSST the best is not just a school issue; it is an economic development issue. Many of our businesses serve as partners to FCPS in supporting Booster programs, the PTA, fundraisers, internship opportunities, and more that enhance the educational experience of our students.

The move to a lottery would be a considerable detriment to our students and our ability to attract businesses, perhaps not immediately, but certainly in the long run. Currently FCPS has over 300 business partners in 198 schools or centers. The FCPS website shows in the last ten years, Business & Community Partnerships has helped secure over ten million dollars in donations of money and valued goods through partnerships and direct donations, not including the value of volunteer hours contributed by partners and mentors. Undeniably, FCPS and the County as a whole have a common interest in continuing to attract businesses here to stay.

The decision on admissions is entirely up to the School Board. However, with such a significant potential economic impact to our County, it is the Board's responsibility to share our concerns on this issue that has garnered national attention.

Supervisor Herrity moved that the Board direct staff to prepare a letter on behalf of the Board:

- Asking our colleagues on the FCPS School Board to consider an alternative to the proposed lottery admissions process for TJHSST that maintains the academic rigor it is known for
- Include the Board's concerns about the potential decline in TJHSST's national ranking due to the proposed admissions change and how that would negatively affect our County's competitiveness in attracting prospective businesses
- Include a suggestion for the School Board to maintain the rigor of the TJHSST's merit based admissions process and address deficiencies in student demographics or enrollment in TJHSST in other ways, such as in our elementary and middle schools, so all students are better prepared for TJHSST's rigorous standards and admissions process should they choose to pursue it

This motion died for lack of a second.

13. **REQUEST FOR INFORMATION ON THE ROUTE 28 WIDENING PROJECT** (2:50 p.m.)

Supervisor Herrity moved that the Board direct the County's Department of Transportation to draft a letter, to be signed by the Chairman, to VDOT requesting more citizen public information and comment sessions on the Route 28 Widening Project. Chairman McKay seconded the motion.

Discussion ensued with Board Members regarding the following:

- Need for Board and community input
- Notices for adjacent property owners
- The current status of the project and past meetings

Following the discussion, Supervisor Herrity withdrew his motion.

Chairman McKay, Supervisor Gross, and Supervisor Herrity jointly requested staff provide the Board with a chronological timeline of the project and opportunities for community input.

14. **VOTING OPPORTUNITIES FOR THE COMMUNITY** (2:54 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to publicize the voting opportunities and ways to vote for the community, including satellite polling locations, curbside voting and being able to vote in-person at the Government Center on October 10, 2020, from 9 a.m. to 5 p.m.

Supervisor Palchik requested that the same information be provided to all Board offices. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman McKay.

15. **FAIRFAX OUT OF THE DARKNESS WALK** (2:56 p.m.)

Supervisor Smith announced that participated in the event, as part of Suicide Awareness Month, last weekend and that this year, the event was held entirely virtual.

AGENDA ITEMS

16. **ADMINISTRATIVE ITEMS** (3:00 p.m.)

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

ADMIN 1- ADDITIONAL TIME TO OBTAIN A NON-RESIDENTIAL USE PERMIT (NON-RUP) FOR SPECIAL EXCEPTION APPLICATION SE 2006-SU-024, WOLSELEY INVESTMENTS, INC. (SULLY DISTRICT)

Approved the request for thirty months of additional time to obtain a Non-RUP for Special Exception Application SE 2006-SU-024, to January 1, 2023, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (LEE AND SPRINGFIELD DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-L20-3	Department of Public Works and Environmental Services Tax Map Nos. 19-3((8)) A and B Between Beulah Street, Silverlake Boulevard, and Interparcel Road Alexandria, VA Lee District	July 5, 2021
2232-S20-4	Milestone Communications and Verizon Wireless Tax Map No. 87-4((1)) 1A 7200 Ox Road Fairfax Station, VA Springfield District	January 9, 2021

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2013-LE-014, MOHAMMAD HAJIMOHAMMAD, TRUSTEE, AND FLORA HAJIMOHAMMAD, TRUSTEE OF THE HAJIMOHAMMAD REVOCABLE TRUST (LEE DISTRICT)

(AT) Approved the request for eighteen months additional time for Special Exception Application SE 2013-LE-014, to January 1, 2022, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 76-C-152-04, EXXON MOBIL CORPORATION (HUNTER MILL DISTRICT)

(AT) Approved the request for twenty-four months additional time to commence Construction for Special Exception Amendment Application SEA76-C-152-04, to July 1, 2022, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 5 –ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2015-SU-018, CHANTILLY AUTO CARE CENTER, LLC (SULLY DISTRICT)

- (AT) Approved the request for twelve months of additional time to commence construction for Special Exception Application SE 2015-SU-018, to July 1, 2021, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 6 –ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2013-LE-005, FRANCONIA SQUARE, LLC (LEE DISTRICT)

- (AT) Approved the request for eighteen months of additional time to commence construction for Special Exception Application SE 2013-LE-005, to January 1, 2022, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

17. **A-1 – ADOPTION OF A RESOLUTION DESIGNATING THE SPRINGFIELD COMMUNITY BUSINESS CENTER (CBC) COMMUTER PARKING GARAGE AS A REVENUE SHARING PROJECT (LEE DISTRICT)** (3:01 p.m.)

- (R) Supervisor Lusk moved that the Board concur in the recommendation of staff and adopt a resolution designating the Springfield CBC Commuter Parking Garage as a Revenue Sharing project, as required by the Commonwealth Transportation Board, and transferring available revenue sharing funds to this project. Chairman McKay seconded the motion and it carried by unanimous vote.

18. **A-2 – APPROVAL OF FAIRFAX COUNTY’S COMMENTS ON THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY’S (WMATA) PROPOSED FISCAL YEAR (FY) 2021 BUDGET AMENDMENTS AND SERVICE REDUCTIONS** (3:03 p.m.)

Supervisor Alcorn moved that the Board approve the letter on WMATA’s proposed FY 2021 budget amendments and related service reductions for FY 2021, as contained in Attachment 1 of the Board’s Agenda Item. Supervisor Lusk seconded the motion.

Following discussion with Board members regarding the timeline for the Silver Line Phase 2 opening and proposed service reductions related to FY 2021, Supervisor Foust asked to amend to motion to include additional language in the letter regarding funding for the project. This was accepted.

Following discussion with Board members regarding concerns for bus transportation projects and the need to review with Metro the proposed routes and

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

19. **A-3 – ADOPTION OF AN UNCODIFIED EMERGENCY 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** (3:12 p.m.)

- (O) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board adopt an ordinance approving temporary County-operated hypothermia prevention shelters and authorizes a streamlined process for approving temporary use modifications in response to the emergency. Supervisor Alcorn seconded the motion.

Discussion ensued with Board Members regarding possible options for informing the neighboring communities of safety protocols and the process for setting up temporary shelters to ensure hypothermia locations are in place for the winter.

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.”

Vice-Chairman Gross returned the gavel to Chairman McKay.

20. **BOARD RECESS** (3:17 p.m.)

At 3:17 p.m. Chairman McKay announced that the Board would recess briefly and reconvene at 3:30 p.m. for the public hearings.

At 3:37 p.m. the Board reconvened with all Members being present, and with Chairman McKay presiding.

EA:ea

21. **3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-PR-039-03 (DUNN LORING DEVELOPMENT COMPANY LLC) TO AMEND THE PROFFERS PREVIOUSLY APPROVED WITH REZONING APPLICATION RZ 2005-PR-039, AS AMENDED BY PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-PR-039 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-PR-039-02,**

LOCATED ON APPROXIMATELY 14.06 ACRES OF LAND ZONED PRM (PROVIDENCE DISTRICT) (3:37 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 September 18 and 25, 2020.

This property is located on the north side of Prosperity Avenue, west side of Gallows Road, and south side of I-66. Tax Map 49-1 ((1)) 27C (pt.) and 27L (pt.), 49-1 ((32)) 1, 2, 3, 4 and 5.

Amanda Williams, Agent, Cooley LLP, reaffirmed the validity of the affidavit for the record.

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

Ms. Williams 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. Suder presented the staff and Planning Commission (PC) recommendations.

Supervisor Palchik moved approval of:

- Proffer Condition Amendment Application PCA 2005-PR-039-03, subject to the execution of proffered conditions consistent with those dated September 17, 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.”

22. **3:30 P.M. – PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH THE IDYLWOOD COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT) (3:45 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 September 18 and 25, 2020.

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

Following the public hearing, Supervisor Palchik moved adoption of the amendment to Appendix M of the *Fairfax County Code*, to establish the Idylwood CPD. 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.”

23. **3:30 P.M. – PUBLIC HEARING TO CONSIDER EXTENDING PARKING RESTRICTIONS ON SULLYFIELD CIRCLE (SULLY DISTRICT)**
(3:48 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 September 18 and 25, 2020.

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

Following the public hearing, which included testimony by two speakers, Supervisor Smith moved adoption of the proposed amendment to Appendix R of the *Code of the County of Fairfax*, prohibiting commercial vehicles, recreational vehicles and trailers as defined, respectively, in *Fairfax County Code* §§ 82-5-7, 82-5B-1, and 82-1-2(a)(50) from parking on portions of Sullyfield Circle from 9:00 p.m. to 6:00 a.m., seven days per week. 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.”

24. **3:30 P.M. – PUBLIC HEARING TO CONSIDER ENTERING INTO AN INTERIM AGREEMENT WITH ALPINE-X LLC FOR FAIRFAX PEAK DEVELOPMENT AT I-95 LORTON LANDFILL (MOUNT VERNON DISTRICT)** (3:56 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 18 and 25, 2020.

Scott Sizer, P3/Joint-Venture Policy Coordinator, Department of Economic Initiatives, presented the staff report.

Following the public hearing, which included testimony by four speakers, Supervisor Alcorn asked if there would be an opportunity to add conditions during the negotiation process that are not currently referenced in this interim agreement.

Mr. Sizer stated there would be an opportunity for the Board to add additional conditions.

Supervisor Alcorn noted that for his support of this agreement, climate neutrality would need to be addressed.

Chairman McKay noted that the Board assumed solar panels would be installed at this facility.

Supervisor Palchik noted the importance of community access for all to this facility.

Supervisor Storck stated that under the County's adopted guidelines and procedures for Public-Private Education Facilities and Infrastructure Act of 2002, the Board is required to wait a minimum of thirty days after the public hearing before entering into an interim agreement.

Supervisor Storck moved the Board direct staff to present the proposed interim agreement with Alpine-X LLC, at the November 17, 2020, Board Meeting. The motion was multiply seconded.

Discussion ensued with the Board regarding the following:

- The climate impact of this facility
- The need for significant onsite energy generation
- The economic and social benefits of this facility
- Community support of this project

Supervisor Lusk requested staff provide the Board with their responses to the comments and concerns raised by the speakers during the public hearing.

Additional discussion ensued with the Board regarding wide-spread community access and previous Board considerations for usage of this space.

The question was called on the motion, as amended, 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."

25. **RECESS/CLOSED SESSION** (4:41 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. *Mathieu Ghirardo v. Jarryd Blackford*, Case No. GV20-011457 (Fx. Co. Gen. Dist. Ct.)
 2. *Randy Pope v. Carl J. Pumphrey and Fairfax County*, Case No. GV20-005877 (Fx. Co. Gen. Dist. Ct.)
 3. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thien Tho Ngoc Nguyen and Kim-Uyen Mai Pham*, Case No. CL-2020-0014216 (Fx. Co. Cir. Ct.) (Braddock District)
 4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Catherine Suk Young An and Soo Min Jung* GV-20-011622 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 5. *Christopher Farrell v. Fairfax County Board of Supervisors and Virginia Department of Transportation*, Case No. CL-2020-0000569 (Fx. Co. Cir. Ct.) (Mason District)
 6. *Leslie B. Johnson, Zoning Administrator v. Kaylan A. Baban and Brandon Jordan*, Case No. GV 20-13419 (Fx. Co. Gen. Dist. Ct.) (Mason)
 7. *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)

8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Potomac Crossroads, LLC*, Case No. CL-2020-0012959 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael A. Ficco and Pamela G. Ficco*, Case No. GV20-013327 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mark Allen Smith*; Case Number GV19-042699 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

And in addition:

- As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), legal briefing regarding *Biscayne Contractors, Inc. v. Fairfax County Board of Supervisors*, Fairfax County Circuit Court Case No. CL-2018-0014893

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

At 5:04 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

26. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (5:04 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 Palchik 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."

27. **SETTLEMENT AGREEMENT WITH BISCAYNE CONTRACTORS, INC.** (5:05 p.m.)

Supervisor Foust moved that the Board approve the settlement agreement with *Biscayne Contractors, Inc.*, Fairfax County Circuit Court Case Number CL-2018-0014893, on the terms and conditions outlined by the County Attorney in Closed Session. Supervisor Storck seconded the motion and it carried by unanimous vote.

28. **BOARD ADJOURNMENT** (5:06 p.m.)

The Board adjourned.