



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 20, 2020**

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

BOARD MATTER1. **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. Gary Roisum, who died recently. Mr. Roisum was the first manager of Huntley Meadows Park and served for 30 years with the Park Authority. He was a great advocate for the Huntley Meadows Park
- Ms. Mary Thyfault Clark, who died recently. Ms. Clark was a Realtor in the Providence District for 18 years, who welcomed new Fairfax residents. She contributed to the Children's Miracle Network and her community
- Mr. Lester "Les" Zidel, who died recently. Mr. Zidel was very active and enthusiastic about politics and government. He was a lifelong supporter of theatre and music and was a driving force for 40 years, promoting arts in the Town of Herndon. He founded the Elton Street Players, a non-profit organization which is now known as the Next Stop Theatre

AGENDA ITEMS2. **PRESENTATION OF THE VIRGINIA ASSOCIATION OF COUNTIES ACHIEVEMENT (VACo) AWARDS** (2:12 p.m.)

Dean Lynch, Executive Director, VACo, presented the VACo Awards for 2020 to:

- Department of Public Works and Environmental Services, for the My Field Journal Program
- Delegate Vivian Watts, Virginia House of Delegates, for her work on allowing equal taxing authority to Virginia counties

Following a brief discussion with the Board congratulating Delegate Watts, Supervisor Gross announced that Chairman McKay will be the next Chairman of VACo in November, and noted the County's active involvement by present and past Board Members on the VACo Board.

3. **RESOLUTION OF RECOGNITION PRESENTED TO MS. LAURIE DIROCCO, MAYOR OF VIENNA** (2:37 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of a Resolution of Recognition presented to Ms. Laurie DiRocco, Mayor of Vienna, for her years of service. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MS. LISA MERKEL, MAYOR OF HERNDON** (2:48 p.m.)

Jointly with Supervisor Foust, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of a Resolution of Recognition presented to Ms. Lisa Merkel, Mayor of Herndon, for her years of service. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

5. **2:00 P.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (2:58 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 October 20, 2020." Supervisor Foust 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. Mary Frances Tunick as the Mason District Representative

The Board deferred the appointment of the Lee District Representative.

ADVISORY SOCIAL SERVICES BOARD

Appointment of:

- Ms. Julie P. Shepard as the Lee District Representative

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

Appointment of:

- Mr. Marc Fernandes as the Diversity-At-Large Principal Representative

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Appointment of:

- Ms. Julie P. Shepard as the Lee District Representative

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)

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

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 #9 Representative.

COMMISSION FOR WOMEN

Reappointment of:

- Ms. Chelsea H. Smith as the Springfield District Representative

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

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 BOS At-Large #1, #2, and #3 Representatives.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

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

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

Appointment of:

- Mr. Rick Wagner as the At-Large #1 Citizen Representative

- Mr. Roderick Mitchell as the At-Large #3 Citizen Representative

ENGINEERING STANDARDS REVIEW COMMITTEE

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Appointment of:

- Mr. Edward Monroe as the Dranesville District Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Robert C. Carlson as the At-Large #3 Representative

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

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

HUMAN RIGHTS COMMISSION

Appointment of:

- Ms. Abigail Shannon as the At-Large #9 Representative

Reappointment of:

- Mr. Shahid S. Malik as the At-Large #11 Representative

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

HUMAN SERVICES COUNCIL

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

INDUSTRIAL DEVELOPMENT AUTHORITY

Reappointment of:

- Mr. Robert J. Surovell as the At-Large #1 Representative

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

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

Reappointment of:

- Mr. Stella M. Koch as the Fairfax County #2 Representative

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.

REDEVELOPMENT AND HOUSING AUTHORITY

The Board deferred the appointments of the At-Large #1, #2, and the Lee 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

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

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

TENANT LANDLORD COMMISSION

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

TREE COMMISSION

Reappointment of:

- Ms. Monica Billger as the At-Large Chairman's Representative
- Ms. Catherine C. Ledec as the Mount Vernon District Representative

The Board deferred the appointment of the Providence District Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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

YOUNG ADULTS ADVISORY COUNCIL (YAA)

The Board deferred the appointment of the Mason District Representative.

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BOARD MATTER

6. **PROCLAMATION REQUEST FOR KATHLEEN SNYDER, PRESIDENT OF KINGSTOWNE RESIDENTIAL OWNERS CORPORATION** (2:59 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a proclamation, signed by the Chairman and Lee District Supervisor, to be presented outside of the Board room to Kathleen Snyder, who after three decades as President of Kingstowne Residential Owners Corporation has decided to not run again. Without objection, it was so ordered.

7. **LETTER ADVOCATING FOR SECOND STIMULUS PACKAGE** (3:00 p.m.)

Chairman McKay stated that on March 27, 2020, Congress came together with bipartisan support to pass the CARES Act –the first and so far only economic relief package passed during this pandemic. Because of this, Fairfax County received over \$200 million in direct funding to respond to the public health emergency and manage its economic impacts.

As of October 10, 2020, Fairfax County has allocated \$187.5 million for specific programs that are keeping Fairfax families afloat. For example, \$20 million went

to our County nonprofit partners to help support basic needs, including food and rental assistance, and \$58 million went to our Fairfax RISE grant program to support the County's small businesses and nonprofits.

The CARES Act funding has been a necessary tool for helping the members of our community get through the economic damage of the pandemic has caused. Our families, first responders, our front-line workers, and our businesses continue to need the support. Additional federal aid would be crucial in maintaining and hopefully expanding our support efforts.

Therefore, Chairman McKay moved that the Board direct the Government Relations Department to draft a letter to the County's Congressional delegation advocating for its support of a second federally funded stimulus package. Supervisor Foust seconded the motion.

Supervisor Walkinshaw requested that the letter also include a request for support of businesses, especially restaurants. This was accepted.

Supervisor Walkinshaw requested that the letter also include a request for support of businesses, especially restaurants. This was accepted.

Supervisor Lusk requested that hospitality be included in the letter. This was accepted.

Supervisor Alcorn requested that mass transit be included. This was accepted.

Following Chairman McKay clarifying that each request would be included, the question was called on the motion, as amended, and it carried by unanimous vote.

Vice-Chairman Gross returned gavel to Chairman McKay.

8. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(3:07 p.m.)

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

9. **CONVEYANCE OF BOARD-OWNED PROPERTY TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY** (3:08 p.m.)

Supervisor Walkinshaw stated that a priority of this Board is to aggressively address the critical shortage of affordable housing in Fairfax County. We have set a goal of delivering a minimum of 5,000 new affordable housing units within 15 years to help meet the housing needs of residents at all income levels. To achieve this goal, the county must evaluate all its existing assets for potential best uses, including the effective use of county-owned land. Utilizing public/private partnerships through the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), appropriate publicly-owned land can be developed by private

developers to efficiently produce affordable housing units in a cost effective manner through use of low-income housing tax credits.

The Board of Supervisors is the owner of approximately 86.39 acres of land known as Land Bay C of the Government Center Campus, located along Government Center Parkway and described as Tax Map 0561 15 0014. In 2017, the Fairfax County Redevelopment and Housing Authority delivered The Residences at Government Center, an award winning, extremely successful housing development that provided 270 workforce housing units that are affordable to families with a mix of incomes. A similar opportunity exists to redevelop a portion of the excess parking lots at the Government Center with approximately 200 to 250 multi-family units and up to 15,000 square feet of support service use for the future residents. The site is known as Parking Lot G and Parking Lot H, located immediately across Government Center Parkway from the Pennino and Herrity Buildings. This co-location opportunity provides access to bus transit and employment opportunities, is in walking distance of an elementary school, and would be in walking distance of a future Metro station extension of the Orange line from Vienna. Further, there is ready access to recreation and commercial amenities. These are features that contribute to creating an equitable neighborhood living environment for all in our community.

Therefore, Supervisor Walkinshaw moved that the Board direct staff to initiate steps to formally authorize and schedule a public hearing to consider conveyance of the Board-owned Government Center Parking Lots G and H property to the Fairfax County Redevelopment and Housing Authority (FCRHA) for the development of affordable housing, subject to the stipulations that:

- In the event the FCRHA no longer pursues the project, the FCRHA will transfer ownership of the property back to the Board
- The FCRHA will provide the county with access to and use of the site until such time as development activities begin

Chairman McKay and Supervisor Alcorn jointly seconded the motion.

Following discussion with the Board regarding the process and next steps, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting in opposition.

10. **ADMINISTRATIVE VACATION OF FARBER FORGE COURT (DRANESVILLE DISTRICT)** (3:25 p.m.)

Supervisor Foust stated that the 14,303 square foot portion of right of way known as Farber Forge Court, located north of the intersection of Towlston Road and Vernon Drive, was dedicated by Toll Mid-Atlantic LP Company, Inc. pursuant to an approved Subdivision Plan for the Arden at McLean Section 1 (#8667-SD-001-3) on July 3, 2019. The right of way was to serve as a second point of access to the subdivision but during construction of the project, the Virginia Department of

Transportation (“VDOT”) determined that this entrance did not provide adequate continuous vertical sight distance.

Toll Mid-Atlantic investigated alternative access points and was unable to identify a suitable secondary access point. Further, the company concluded that a single entrance onto Towlston Road is adequate to serve the subdivision. Toll Mid-Atlantic included its findings in an application to waive the Farber Forge entrance to VDOT, which VDOT approved on September 28, 2020. The Fairfax County Department of Transportation has reviewed the application and has concluded its concerns including queuing, sight distance, trip generation, and intersection spacing have been addressed following VDOT’s approval of the waiver.

Therefore, because of VDOT’s waiver of secondary entrance requirements for the Arden at McLean subdivision, Supervisor Foust moved that the Board direct staff to proceed with an administrative vacation of Farber Forge Court. The administrative vacation review will include typical review of vacated rights of way by utility companies and select agencies. Supervisor Lusk seconded the motion and it carried by unanimous vote.

11. **RESTON COMMUNITY CENTER (RCC) PREFERENCE POLL** (3:28 p.m.)

Supervisor Alcorn stated that the RCC has completed their annual preference pool election for its Board of Governors.

Therefore, Supervisor Alcorn moved that the Board appoint Vicky Wingert, Bill Keefe, and Bill Penniman to serve on the Reston Community Center’s Board of Governors in time to be seated at the next Board of Governor’s meeting on November 2, 2020. All three candidates are incumbents who actively served the community for several years on the Board of Governors, as well as other organizations. Chairman McKay seconded the motion and it carried by unanimous vote.

12. **NO BOARD MATTERS FOR SUPERVISOR LUSK (LEE DISTRICT)** (3:28 p.m.)

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

13. **RECOGNITION OF OCTOBER AS “NATIONAL PEDESTRIAN SAFETY MONTH”** (3:29 p.m.)

Supervisor Storck stated that the National Highway Safety Traffic Administration (NHSTA) has launched the first National Pedestrian Safety Month with the goal of increasing awareness about pedestrian safety and reminding pedestrians and drivers that staying safe is a shared responsibility.

Nationally, there was a 3% increase in pedestrian fatalities between 2017 and 2018, totaling 6,283 deaths in 2018. This is the highest number of pedestrian deaths since 1990. In Fairfax County, there have been 12 pedestrian fatalities in 2020; 4 of those

deaths have been in the Mount Vernon District, along the Richmond Highway Corridor.

We need to continue our efforts to decrease the number of pedestrian fatalities and increase awareness among pedestrians and drivers. Additionally, we need to be mindful of pedestrians as we develop plans for road improvements such as the Richmond Highway Widening and the BRT project.

According to the NHSTA, as the seasons change and the nights become longer, the risk pedestrians encounter increases significantly. Between September and February, over 30% of pedestrian fatalities occur between 6:00 pm and 8:59 pm.

The NHSTA suggested safety tips for pedestrians are to walk on sidewalks or face traffic; stay alert; use crosswalks; and be visible by wearing bright or reflective clothing. Safety tips for drivers include to always watch for pedestrians; slow down when approaching crosswalks; and follow the speed limit, especially in neighborhoods and school zones.

Therefore, Supervisor Storck asked unanimous consent that the Board recognize October as “*National Pedestrian Safety Month*” in Fairfax County and support the National Highway Safety Traffic Administration (NHSTA initiative). Supervisor Storck further request unanimous consent that the Board direct the Office of Public Affairs to publicize information in recognition of this month and help communicate these safety tips for drivers and pedestrians. Without objection, it was so ordered.

14. **SEMIQUINCENTENNIAL ANNIVERSARY OF THE AMERICAN REVOLUTION, THE REVOLUTIONARY WAR, AND THE INDEPENDENCE OF THE UNITED STATES OF AMERICA** (3:31 p.m.)

Jointly with Chairman McKay, Supervisor Storck stated that during the 2020 Session, the Virginia General Assembly passed, and the Governor signed, legislation to establish the American Revolution 250th Commission within the executive branch of state government. The purpose of the Commission is to commemorate the 250th anniversary of the American Revolution, the Revolutionary War, and the Independence of the United States. On October 9, 2020, Governor Northam released the names of the appointees for Virginia’s American Revolution 250th Commission. The legislation also mandated that George Mason’s Gunston Hall would appoint and establish an Advisory Council composed of non-legislative citizen members.

The 250th anniversary is a celebration not only of how our country began, but the journey our country has been making over the last 250 years. We believe this should not only be a celebration of our history, but a celebration of our movement toward greater justice and equity, and the journey to fulfill the promise of the Declaration of Independence that all people “are created equal and are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”. A time to commemorate what defines us as a nation and the values

that we hold most dearly. We have come far, but we have more work to do to ensure these values for all Americans.

Fairfax County should be a leader in creating and hosting appropriate events and celebrations, as well as supporting the Commonwealth's efforts to commemorate this 250th or Semiquincentennial anniversary celebration. In Virginia, particularly Fairfax County, has unique attributes to lead this celebration on a national level. From our founding fathers and Revolutionary history, through the decades of struggle for human, civil, educational and environmental rights, our museums honoring those struggles through our present day commitments to One Fairfax and helping each resident and community reach their full potential.

Therefore, jointly with Chairman McKay, Supervisor Storck moved that the Board:

- Appoint a seven person Semiquincentennial workgroup led by Gunston Hall including representatives from Visit Fairfax, Mount Vernon Estate, National Museum of the US Army, George Mason University, Fairfax County History Commission, Fairfax County Human Rights Committee, along with associated County history, equity and human rights staff members
- Charge the work group with providing recommendations by July 2021 to this Board of the preferred approach for organizing and leading county-related efforts for the inclusive observance and celebration. Recommendations to include high level SMART goals related to planning, promotion, types of civic, cultural, historical and educational activities, ways, means, timetables, approaches and accountability.

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

15. **ACCEPTANCE OF JOINT ENVIRONMENTAL TASK FORCE (JET) REPORT** (3:35 p.m.)

Jointly with Supervisor Gross, Supervisor Storck stated that this Board Matter and the JET Report build on previous actions by the Board on October 30, 2018, then chaired by Sharon Bulova and the School Board, then chaired by Karen Corbett Sanders, to establish the Joint Environmental Task Force to accelerate our actions in response to the climate crisis. The JET was charged with working with staff and engaging the community to identify areas for collaboration between the two entities to further overall County efforts in energy efficiency and environmental sustainability, developing implementation strategies and making recommendations to the Boards.

In spring and summer 2019, the JET Executive Committee solicited community members to round out the membership, drafted a mission statement and developed focus areas. In September 2019 the JET held its first full membership meeting. At subsequent meetings, the mission and organizational areas were finalized and approved. From the organizational areas identified, four overarching focus areas

were chosen for priority focus and subcommittees were formed to work with staff to understand existing practices and policies and to draft recommendations. The subcommittees included: energy, transportation, waste management and recycling, and workforce development. On September 2, 2020, the JET adopted the draft report from the subcommittees and recommended the Executive Committee members present them to their respective Boards.

The Report Executive Summary states that the challenges of climate change are growing exponentially and we, as County leaders, need to set a clear and determined agenda to move as swiftly as possible to reduce our greenhouse gas emissions and mitigate the effects of climate change. Today, we not only hear the news and statistics about the environmental challenges across the globe, but we hear regularly from Fairfax County residents that they are concerned and want us to be leaders. We must act now, and the Joint Environmental Task Force (JET) recommendations do just that.

The attached JET Report includes subcommittee sections detailing their recommendations. Below is an executive summary of the JET recommendations for consideration by the Board and the Fairfax County Public Schools (FCPS) Board:

- **Energy:** The Fairfax County Board of Supervisors, the Fairfax County Park Authority, The Fairfax County Regional Housing Authority, and the Fairfax County School Board should commit to being energy carbon neutral by 2040
- **Solid Waste and Recycling:** Fairfax County government and schools should set an aspirational goal to be at zero waste by 2030
- **Workforce:** Fairfax County government and schools should provide additional resources for students and adult learners to know about and pursue “green” career paths
- **Transportation:** Fairfax County Connector bus fleet should be transitioned to electric (or other non-carbon emitting) alternatives by 2030, and the FCPS fleet by 2035. All non-bus fleet vehicles that have electric alternatives should be transitioned by 2025

Recognizing the importance of environmental justice, all County and school initiatives undertaken as a result of these recommendations shall be implemented through the One Fairfax lens with a prioritization on equity.

Therefore, jointly with Supervisor Gross, Supervisor Storck moved that the Board accept the Joint Environmental Task Force Report and direct the County Executive to bring an action plan to the Board’s Environment Committee no later than March 2021 for implementation of the recommendations in the Report. Supervisor Gross seconded the motion.

Supervisor Gross requested that the report be shared with former Chairman, Sharon Bulova. This was accepted.

Following discussion between the Board regarding fiscal impacts and implementation, the question was called on the motion, as amended and it carried by unanimous vote.

16. **ANALYSIS OF RIVER FARM HISTORIC OVERLAY DISTRICT**
(3:53 p.m.)

Jointly with Chairman McKay, Supervisor Storck stated that the River Farm, located on 27.57 acres at 7931 East Boulevard Drive in Mount Vernon, VA, is considered a local institution in the Mount Vernon District that is full of history, heritage, and natural beauty. First built in 1757 and named “Clifton’s Neck”, then acquired in 1760 by George Washington as the northernmost farm of the five farms his family owned, it has gone through many different owners and many different names throughout its history. Of note, in 1971, the owner Mr. Matheson decided to sell his home, and the Soviet Embassy offered to buy the property for use as a retreat for its staff. In the Cold War, many across the world objected to the thought of George Washington’s farm becoming the possession of the Soviet Union. As a result, Congress and the State Department asked Mr. Matheson to withdraw the property from the market.

Among those concerned by the potential sale was Enid Annenberg Haupt, philanthropist, gardener, and on the Board of Directors of the American Horticultural Society (AHS). Through her exceeding generosity, the Society was able to purchase the 27 acres agreeing to keep the property open to the public. In honor of George Washington, one of our nation’s first great gardeners and horticulturists, the property was again named River Farm. In 1973, AHS moved its headquarters from the City of Alexandria to River Farm. First Lady Pat Nixon joined Mrs. Haupt at the dedication of the property and together planted a ceremonial dogwood tree in the garden.

AHS has long sought to make River Farm a living representation of its principles and organizational vision of raising awareness about and fostering sustainable, earth-friendly gardening and horticultural practices. Thus, we were greatly shocked and saddened by the news on September 4, 2020 that the AHS Board of Directors intended to sell the River Farm property.

I have been coordinating and leading our local efforts among federal, state and local elected officials and our federal, regional and county park leaders from the moment the AHS Board shocked us all with their decision. The attached letter expresses our desire to partner with the AHS Board, for them to slow down this process and give us time to come up with solutions that allow River Farm to remain publicly accessible and not be sold to a private developer.

We believe we have a once in a lifetime opportunity to preserve a piece of our nation and county history, but first we must collect all the information needed about

the preservation process, timeline, and legal implications to ensure sound long-term decisions.

Therefore, jointly with Chairman McKay, Supervisor Storck moved that Board direct the Department of Planning & Development Heritage Resources Staff to analyze and gather information to create an expedited Historic Overlay District for River Farm. Jointly with Chairman McKay, Supervisor Storck further moved that the Board direct the Heritage Resources staff to assemble and provide all the information and deliver it no later than three weeks from October 20, 2020. County staff has advised the Board that they have already started this process and the deadline is feasible. Supervisor Gross seconded the motion.

Supervisor Alcorn requested that the Board direct staff to research possible alternatives for Board consideration. This was accepted.

Following discussion with the Board regarding this possible precluding development, the question was called on the motion, as amended, and it carried by unanimous vote.

17. **INTRODUCTION OF NEW STAFF FOR THE MOUNT VERNON DISTRICT SUPERVISOR'S OFFICE** (4:02 p.m.)

Supervisor Storck announced that Nicholas Rinehart and Diego Rodriguez Cabrera were new employees to his office.

18. **NO BOARD MATTERS FOR SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (4:05 p.m.)

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

19. **RECOGNITION OF "ADOPTION AWARENESS MONTH"** (4:06 p.m.)

Supervisor Herrity stated that in 2019, over 66,000 children were adopted across the United States, leaving more than 122,200 children waiting for adoption. Today, over 700 foster children in the Commonwealth of Virginia are waiting for adoptive families. Thirty percent of the children waiting in Virginia and 75 percent of children waiting in Fairfax County are over the age of 13. If these youth leave foster care without a permanent connection, they are likely to face challenges with employment, education, and mental health.

During Adoption Awareness Month, we celebrate all the families who have opened their homes to children through adoption. There were 41 children and youth adopted from foster care last year in Fairfax County and there are still children and youth waiting to join an adoptive family and find their permanent connection. There are currently six children in foster care in Fairfax County waiting to find their adoptive families. Every child in Fairfax County, regardless of physical, medical or emotional challenges, age, race, or sexual orientation, needs love, support, security, and a place to call home. The Department of Family Services is committed to

supporting children in foster care waiting for adoption and supporting adoptive families through education, services, and support.

Therefore, Supervisor Herrity asked unanimous consent that the Board declare November 2020 as “*Adoption Awareness Month*” in Fairfax County, and encourage all residents to support the County’s children in any way they are able – whether by opening their hearts and homes through adoption, becoming foster parents, or by supporting adoptive and foster parents in our community. Supervisor Herrity further moved that the Board direct staff to prepare a proclamation declaring November 2020 as “*Adoption Awareness Month*” in Fairfax County, to be presented out of the Board Room. Without objection, it was so ordered.

20. **EXPEDITED PROCESSING FOR ARCLAND PROPERTY COMPANY, LLC** (4:07 p.m.)

Supervisor Herrity stated that the applicant, Arcland Property Company, LLC, has filed two concurrent applications (PCA 74- 2-112-04 and SE 2020-SP-007) to permit the development of a mini-warehousing establishment at a 1.0 FAR.

The applicant has a formal public hearing scheduled before the Planning Commission on November 4, 2020, and this case should move forward as soon as possible. The applicant has requested an expedited Board public hearing date. County staff support this request.

Therefore, Supervisor Herrity moved that the Board direct staff to expedite the scheduling of the Board of Supervisors public hearing for Proffered Condition Amendment Application PCA 74-2-112-04 and Special Exception Application SE 2020-SP-007 to a date certain of December 1, 2020. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/or adopted standards, nor does it prejudice in any way the Board’s consideration of this pending application. The motion was multiply seconded and it carried by unanimous vote.

21. **REQUEST FOR INFORMATION ON THE FUTURE OF CELEBRATE FAIRFAX** (4:08 P.M.)

Supervisor Herrity stated that on October 14, 2020, the County Executive circulated a memo recommending that Celebrate Fairfax Incorporated (CFI) be dissolved. The memo further indicates that no formal action is required by the Board and that any actions relating to tying up the relationship with CFI is largely a logistical and policy decision and unless otherwise directed by the Board, staff will work to dissolve Celebrate Fairfax.

While there have been a phone call or two into my office to reportedly gauge interest in dissolving CFI in favor of creating community events in each magisterial district, I still found it shocking that there would be a recommendation to dissolve it without not just a Board discussion, but a discussion with the Board of Celebrate

Fairfax and the community at large. I spoke to the Executive Director and several Celebrate Fairfax Board members and they were shocked by this memo and its conclusion. I am dumbfounded by the thought we would eliminate a 40-year tradition without being presented with the details, a discussion and engaging our community.

This event started almost four decades ago with the purpose of being the one event that could bring communities from all parts of Fairfax to one celebration. Its success has been noted over the years providing entertainment for families, showcasing our county services, and allowing Fairfax County businesses to give back to the community. Every year this event brings tens of thousands of residents and guests over the three-day festival. It has become an event our residents look forward to on an annual basis. It is also an event that many of our County employees enjoy attending and volunteering for. In addition, every year Celebrate Fairfax provides grants and scholarships to non-profit organizations and students in our community.

This pandemic has wreaked havoc on every facet of everyday life and Celebrate Fairfax was no exception as this year's celebration had to be cancelled. This is further complicated by the fact that Celebrate Fairfax was in the midst of recovering from years of mismanagement under the former President and CEO. The Celebrate Fairfax Board, with representatives from some of our most respected companies and non-profits, is developing a plan to revive the Celebrate Fairfax event with a 40th anniversary celebration next summer provided the pandemic cooperates. Fortunately, some of this year's sponsors have agreed to rollover their sponsorship for the 2021 celebration. Outside of Fairfax County providing some in kind services and rent to this event every year, CFI is self-sufficient and pays for many of the services required to put on an event of this size including police, transportation shuttles and even permitting fees.

As for replacing Celebrate Fairfax with a number of smaller community events in each magisterial district, professional event organizers will tell you that critical mass is important and that reaching the same tens of thousands of residents will be much harder to sustain and much more expensive to accomplish. The zip code analysis from Celebrate Fairfax attendees show they come from all over the county and the region every year. Our existing community events are and have been staples of every magisterial district from the summer concert series, Fall Festivals, Spring Fests, etc. Every year I look forward to attending our community events just as I'm certain other members of this Board do in their respective districts. Celebrate Fairfax is different, and it has achieved what it was originally intended to accomplish and that is provide a single showcase for all of our districts in one location. It is an opportunity for Fairfax County Government to showcase everything it has to offer in one location.

I feel the decision on this 40-year tradition warrants this Board's thorough review, analysis and discussion, a review of Celebrate Fairfax's plans and needs if any, and a chance for the community to weigh in with us.

Therefore, Supervisor Herrity moved that the Board direct staff to provide the Board with the following information and any additional information relevant to a discussion on the continuation of Celebrate Fairfax and schedule a joint discussion with the leadership of Celebrate Fairfax in the near future:

- The current MOU between Celebrate Fairfax and Fairfax County as well as an analysis of each parties' commitments and the extent they met over the last ten years (excluding the pandemic year)
- The attendance numbers for the fair for the last ten years by zip code if available
- Any in kind contributions the county made for the last ten years by category
- Estimated fiscal impact to the county in terms of revenues for permits, taxes and fees as a result of the Celebrate Fairfax event
- If possible, the financials for Celebrate Fairfax for the last five years
- The guiding fiscal principals for Celebrate Fairfax
- A presentation of the current Celebrate Fairfax Board's plans for the FY2021 Celebrate Fairfax event including contributions committed to date
- The current fiscal request, if any, from Celebrate Fairfax for assistance from the county

Chairman McKay seconded the motion.

Supervisor Foust requested that the Board direct staff to provide a comprehensive list on how the services are delivered and the people responsible for them. This was accepted.

Chairman McKay requested that a meeting with the County Executive, County Attorney, the Chairman, and other applicable staff occur first. This was accepted.

Supervisor Herrity requested that the information regarding the meeting with the County Executive and Chairman be shared with the Board.

Following a discussion with the Board regarding Visit Fairfax, the question was called on the motion and it carried by unanimous vote.

22. **PROCLAMATION AND PUBLICITY REQUEST FOR FAIRFAX COUNTY RECYCLES DAY** (4:23 p.m.)

Jointly with Supervisor Gross and Supervisor Storck, Supervisor Herrity stated that "America Recycles Day" takes place each year in November and is the only nationally recognized day dedicated to promoting and celebrating recycling in the

United States. Nationally, thousands of organizations, including our neighboring jurisdictions, hold events to educate people about recycling resources in their community. This year the events will be socially distanced, but still encouraging citizens to increase their recycling at home, at school, in the office and in the community. Fairfax County's Employees for Environmental Excellence (FEEE) and the Solid Waste Management Program's (SWMP) Outreach and Education Team are partnering to provide a webinar for employees and residents interested in uncovering the mysteries of how recycling really works. This will be a great opportunity to learn more about the recycling process and opportunities for recycling in Fairfax County. The webinar will be on Monday, November 16, 2020, from 12 -1:30 p.m. and will be open to all residents and County employees. All county employees and residents who attend the webinar will be entered into a drawing to win can win reusable items such as canvas bags, coffee mugs, and straws. More information is provided in the flier attached. In addition to the webinar, there will be two ribbon cuttings for the kick-off of the food scrap drop off program on Monday, November 16th at the I-66 transfer station and on Wednesday, November 18th at the I-95 transfer station. By declaring a "*Fairfax County Recycles Day*," we can further highlight the benefits of recycling and improve recycling behaviors of our citizens.

Therefore, jointly with Supervisor Gross and Supervisor Storck, Supervisor Herrity moved that the Board declare November 15, 2020, as "*Fairfax County Recycles Day*," in alignment with the national initiative to better promote our local efforts to recycle and ask staff to publicize. Jointly with Supervisor Gross and Supervisor Storck, Supervisor Herrity further moved that the Board direct staff to prepare a proclamation to be presented to the Director of the Solid Waste Division and members of the recycling team on November 16, 2020, at the ribbon cutting for the new Food Scrap Drop-Off Program at the I-66 Transfer Station. Chairman McKay seconded the motion and it carried by unanimous vote.

23. **UPDATE ON SIGNS PROHIBITING PANHANDLING** (4:26 p.m.)

Supervisor Herrity asked unanimous consent that the Board direct staff to provide an update on his request for signs to be installed in medians prohibiting panhandling. Without objection, it was so ordered.

24. **EXPEDITED PROCESSING FOR RECOVERY INNOVATIONS INC. D/B/A RI INTERNATIONAL** (4:26 p.m.)

Supervisor Smith stated that the applicant, Recovery Innovations Inc. d/b/a RI International, submitted a Special Exception Application (SE 2020-SU-013) for a medical care facility, located at 14554 Lee Road. The application is filed on approximately 1.85 acres identified as Tax Map Parcel 34-3 ((10)) 12 and is zoned to the I-3 and I-5 Districts and located within the Airport Noise and Water Supply Protection Overlay Districts. The purpose of the application is to renovate the existing building into a medical care facility that would be used as a crisis stabilization center for those in crisis due to mental health or substance abuse.

The applicant has a public hearing scheduled before the Planning Commission on November 12, 2020, and requested the Board of Supervisors public hearing to be scheduled.

Therefore, Supervisor Smith moved that the Board direct the Clerk for the Board of Supervisors to schedule this application for a public hearing before the Board on December 1, 2020. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations\and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Chairman McKay seconded the motion and it carried by unanimous vote.

EA:ea

25. **A-1 – APPROVAL OF THE FINAL DISPOSITION OF THE JOHN QUINCY MARR MONUMENT, TWO DAHLGREN HOWITZERS, AND THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES (VDHR) HISTORICAL MARKER #262 AT THE FAIRFAX COUNTY JUDICIAL COMPLEX (PROVIDENCE DISTRICT)** (4:28 p.m.)

Supervisor Palchik moved that the Board:

- Direct staff to contact the City of Fairfax, the Chief Judge of the Fairfax County Circuit Court and the Virginia Department of Transportation to coordinate the removal of the John Quincy Marr Monument from the Judicial Complex, Tax Map Number 57-4((1)), Parcel 14, and to transport the John Quincy Marr Monument to an appropriate County storage facility
- Give the John Quincy Marr Monument to the Stuart Mosby Historical Society and authorize the County Executive to execute an agreement on behalf of the Board with the Stuart Mosby Historical Society, approved in form by the Office of the County Attorney, that will set forth a transfer process and that will transfer possession and title of the John Quincy Marr Monument to the Stuart Mosby Historical Society
- Direct staff to request that the Stuart Mosby Historical Society acknowledge the donation of the John Quincy Marr Monument by Fairfax County in its installation

Supervisor Alcorn seconded the motion and it carried by a vote of nine, Supervisor Herrity voting in opposition.

Supervisor Walkinshaw clarified that the John Quincy Marr Monument is a monument and not just a marker.

Discussion ensued with the Board regarding the installation and relocation of the John Quincy Marr Monument and the importance of portraying an accurate and contextualized history with monument and historical markers.

Supervisor Palchik further moved that the Board:

- Direct staff to contact the City of Fairfax, the Chief Judge of the Fairfax County Circuit Court and the Virginia Department of Transportation to coordinate the removal of the two Dahlgren Howitzers from the Judicial Complex, Tax Map Number 57-4((1)), Parcel 14, and to transport the two Dahlgren Howitzers to an appropriate County storage facility
- Give the two Dahlgren Howitzers to the National Park Service for placement at the Manassas National Battlefield Park and authorize the County Executive to enter into an agreement with the National Park Service, approved in form by the Office of the County Attorney, that will set forth a transfer process and that will transfer possession and title of the two Dahlgren Howitzers to the National Park Service
- Direct staff to request that the Manassas National Battlefield Park place one or both of the howitzers in the Fairfax County Historic Overlay District of Bull Run Stone Ridge if the National Park Services determines it is historically accurate and interpretively appropriate to do so
- Direct staff to request that the Manassas National Battlefield Park acknowledge the donation of the howitzers by Fairfax County in their installation

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

Supervisor Palchik further moved that the Board:

- Return the Virginia Department of Historic Resources Historical Marker #262, located at the Judicial Complex, Tax Map Number 57-4((1)), Parcel 14, to the Commonwealth of Virginia in coordination with the Virginia Department of Historic Resources
- Authorize the County Executive to, if necessary, execute an agreement on behalf of the Board with the Commonwealth, approved in form by the Office of the County Attorney, that will set forth a transfer process and that will transfer possession of Marker #262 to the State.
- Direct staff to contact the Virginia Department of Historic Resources, the City of Fairfax, the Chief Judge of the Fairfax County Circuit Court and the Virginia Department of Transportation, if necessary, to coordinate the removal the Virginia Department of Historic Resources Historical Marker #262 from the Judicial Complex

Supervisor Alcorn seconded the motion and it carried by a vote of nine, Supervisor Herrity voting in opposition.

26. **A-2 – APPROVAL OF FAIRFAX CONNECTOR’S JANUARY 4, 2021, SERVICE CHANGES (LEE AND SPRINGFIELD DISTRICTS)** (4:43 p.m.)

Supervisor Lusk moved that the Board concur in the recommendation of staff and approve the Fairfax Connector’s January 4, 2021, service change proposals as outlined in the Board Package. Chairman McKay and Supervisor Foust jointly seconded the motion and it carried by a unanimous vote.

27. **A-3 – APPROVAL OF A RESOLUTION TO AUTHORIZE THE EXTENSION OF TIME TO ISSUE GENERAL OBLIGATION BONDS FOR PUBLIC SAFETY FACILITIES** (4:44 p.m.)

(R) Supervisor Lusk moved that the Board concur in the recommendation of staff and approve a resolution requesting the Circuit Court to order a two-year extension of the period for issuance of County bonds for public safety facilities, authorized on November 6, 2012, from eight years to ten years. Chairman McKay and Supervisor Gross jointly seconded the motion and it carried by a unanimous vote.

28. **3:30 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)** (4:46 p.m.)

(NOTE: On September 29, 2020, the Board held the public hearing on this application and deferred the decision to October 20, 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 Rd., approx. 300 ft. east of Irvin St. Tax Map 28-4 ((1)) 28.

Supervisor Alcorn moved that the Board defer decision-only for Rezoning Application RZ 2019-HM-011 to **November 17, 2020 at 3:00 p.m.** Supervisor Palchik seconded the motion and it carried by a vote of nine, Supervisor Lusk being out of the room.

29. **3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA/CDPA 2016-MA-022 (EYA DEVELOPMENT LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR REZONING**

APPLICATION RZ 2016-MA-022, PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT, TO PERMIT 177 SINGLE FAMILY ATTACHED UNITS AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR AREA RATIO OF 0.60, LOCATED ON APPROXIMATELY 18.16 ACRES OF LAND ZONED PDC (MASON DISTRICT) (4:47 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 2 and 9, 2020.

The application property is located on the south side of Arlington Blvd. and west side of Graham Rd. Tax Map 50-3 ((1)) 5 and 5A.

David Gill, Agent, Wire Gill LLP, 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.

Mr. Gill 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 and Evan Goldman, Agent, Executive Vice-President, Acquisitions and Development, EYA Development LLC, proceeded to present their case.

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

Supervisor Gross moved:

- Approval of Proffered Condition Amendment Application PCA 2016-MA-022 and the associated Conceptual Development Plan CDPA 2016-MA-022, subject to the proffers dated October 14, 2020
- Reaffirmation of a modification of Sect. 6-206.5 of the Zoning Ordinance to allow other secondary uses in Planned Development Commercial to exceed 50% of the principal gross floor area proposed
- Reaffirmation of the waiver of a Comprehensive Plan trails requirement for a major paved trail along Graham Road
- Waiver of the barrier requirement and modification of the transitional screening requirements in favor of that shown on the CDPA/FDPA

- Waiver of Sect. 6-207.2 of the Zoning Ordinance requiring a 200-foot privacy yard to be located on each single family attached lot

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 October 14, 2020, the PC approved Final Development Plan Amendment Application FDPA 2016-MA-022, subject to the development conditions dated September 22, 2020, and subject to the Board’s approval of Proffered Condition Amendment Application PCA 2016-MA-022.)

30. **3:30 P.M. – PUBLIC HEARING TO CONSIDER ADOPTION OF AMENDMENTS TO AN UNCODIFIED ORDINANCE TO PROVIDE A METHOD TO ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY BY TEMPORARILY APPROVING OUTDOOR DINING AND OUTDOOR FITNESS AND EXERCISE ACTIVITIES SUBJECT TO CERTAIN CONDITIONS, THEREBY SUSPENDING ANY REQUIREMENT FOR INDIVIDUALIZED APPROVALS OF SUCH ACTIVITIES** (5:03 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 9 and 16, 2020.

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

Supervisor Alcorn asked if there was ever a situation where a tent with a heater would not require a fire permit.

Ms. Byron explained this could occur if the heater is located outside the tent.

John Walser, Battalion Chief, Fire Prevention, Fire and Rescue Department, further explained the safety requirements for heaters vary based on the manufacturer, and the provision in this proposed ordinance, which requires a fire permit for most situations, allows staff the opportunity to assess compliance with both the proposed ordinance amendments and manufacturer requirements to ensure safety.

Supervisor Alcorn asked what the functional difference was between an enclosed tent and indoor dining.

Chairman McKay explained that the tents allow restaurants to increase their square footage, and thus their capacity while maintaining social distancing measures.

Pieter Sheehan, Director, Environmental Health, Health Department, noted the enclosed tent area would not be differentiated from the inside area.

Supervisor Gross asked how the requirements would be enforced, especially those related to the Fire Code.

Leslie Johnson, Zoning Administrator, Department of Planning and Development, explained that staff is examining a way to monitor violations, which may occur, but that most restaurants are complying with the requirements set forth by the County.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board adopt the proposed amendments to 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 Sec. 15.2-1413* by temporarily approving outdoor dining and outdoor fitness and exercise activities, subject to certain conditions, thereby temporarily suspending the need for individualized approvals for such activities Chairman McKay further moved that the ordinance amendment become effective immediately upon adoption. The motion was multiply seconded 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."

Vice-Chairman Gross returned the gavel to Chairman McKay.

31. **3:30 – PUBLIC HEARING TO AMEND A LEASE OF COUNTY-OWNED PROPERTY AT 4600-A WEST OX ROAD AND 6140 ROLLING ROAD WITH COXCOM LLC (SPRINGFIELD DISTRICT)** (5:22 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 2 and 9, 2020.

Mike Lambert, Assistant Director, Real Estate Services, Facilities Management Division, presented the staff report.

Following the public hearing, Supervisor Herrity moved that the Board authorize staff to prepare and execute all documents necessary to amend the leases of County-owned properties at 4600-A West Ox Road and 6140 Rolling Road with CoxCom LLC. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

32. **3:30 P.M. – PUBLIC HEARING TO AMEND A LEASE OF COUNTY-OWNED PROPERTY AT 2610 RESTON PARKWAY WITH COXCOM LLC (HUNTER MILL DISTRICT)** (5:26 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 2 and 9, 2020.

Mike Lambert, Assistant Director, Real Estate Services, Facilities Management Division, presented the staff report.

Following the public hearing, Supervisor Alcorn moved that the Board authorize staff to prepare and execute all documentation necessary to amend the lease of County-owned property at 2610 Reston Parkway with CoxCom LLC. Chairman McKay seconded the motion and it carried by a unanimous vote.

33. **3:30 P.M. - PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTIES FOR THE PURPOSE OF INSTALLING SOLAR FACILITIES (BRADDOCK, HUNTER MILL, MASON, MOUNT VERNON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)** (5:28 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 2 and 9, 2020.

Kathleen Daley, Environmental Specialist, Office of Environmental and Energy Coordination, presented the staff report.

Supervisor Storck asked how much County capital dollars are involved with these projects.

Kambiz Agazi, Director, Office of Environmental and Energy Coordination, explained that no county dollars are associated with the design, permitting, or construction of these facilities, as these facilities are wholly owned, operated, and maintained by Sigora Solar, and the purpose of these facilities is to produce electricity which will be sold to the County.

Supervisor Storck asked how much greenhouse gas emissions would be reduced as a result of these solar facilities.

Mr. Agazi stated that staff would have an estimate once there is an official permitted design for the solar facilities.

Supervisor Lusk asked what the cost savings would be for the delivery of utilities with the implemented use of these facilities.

Mr. Agazi stated staff does not currently have a specific dollar amount, but that specific values would be available once the solar facilities have been designed.

Following the public hearing which included testimony by one speaker, Supervisor Storck moved that the Board authorize staff to lease County-owned property at 12055 Government Center Parkway, 12011 Government Center Parkway, 1801

Cameron Glen Drive, 2310 Colts Neck Road, 6800 Industrial Road, 9399 Richmond Highway, 3001 Vaden Drive, and 4500 West Ox Road to Sigora Solar. Chairman McKay and Supervisor Gross jointly seconded the motion and it carried by a unanimous vote.

KK:kk

34. **4 P.M. – PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING THE “PFM FLEXIBILITY PROJECT,” A FAIRFAX FIRST INITIATIVE TO IMPROVE THE SPEED, CONSISTENCY AND PREDICTABILITY OF THE COUNTY’S LAND DEVELOPMENT REVIEW PROCESS** (5:40 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 2 and 9, 2020.

Don Lacquement, Engineer IV, Site Code Research and Development, Land Development Services, presented the staff report.

Discussion ensued with input from Don Lacquement, Engineer IV, Land Development Services; Craig Carinci, Director, Stormwater Management; Ellie Coddling, Division Director, LDS/SW Compliance, Land Development Services; Behzad Amir Faryar, Senior Engineer III, Land Development Services, and Bill Hicks, Director, Land Development Services, regarding the following:

- Removal of the regional stormwater facilities
- Moving away from requirements for sidewalks on large lots
- Integrated plan for pedestrians, bicyclists, and other non-motorized vehicles
- Impact of sump pump failure

Following the public hearing, Supervisor Smith moved that the Board adopt the proposed amendments to the PFM, as contained in the Staff Report dated July 28, 2020, with the exception of proposed section 8-0301.1(I), related to tot lot surfaces. Supervisor Foust seconded the motion and it carried by unanimous vote.

35. **4 P.M. - PUBLIC HEARING FOR THE ENLARGEMENT AND DE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (MASON DISTRICT)** (6:03 p.m.)

(Rs) 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 2 and 9, 2020.

Lainie Shifflett, Management Analyst II, Solid Waste Management Program, Solid Waste Management, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the resolutions approving changes to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the creation of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
Mason District (Falls Gate Area)	De-Create	Refuse, Recycling, & Vacuum Leaf
Small District 4 Within Mason District (6467 Overlook Drive)	Enlarge	Refuse, Recycling & Vacuum Leaf

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

36. **4 P.M. - PUBLIC HEARING FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (PROVIDENCE DISTRICT)**
(6:05 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 2 and 9, 2020.

Lainie Shifflett, Management Analyst II, Solid Waste Management Program, Solid Waste Management, presented the staff report.

Following the public hearing, Supervisor Palchik moved adoption of the resolutions approving changes to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the creation of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
Small District 8 Within Providence District (2421 Williams Avenue)	Enlarge	Refuse, Recycling, & Vacuum Leaf

Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Smith being out of the room.

37. **4 P.M. - PUBLIC HEARING FOR THE DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (LEE DISTRICT)** (6:07 p.m.)

(Rs) 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 2 and 9, 2020.

Lainie Shifflett, Management Analyst II, Solid Waste Management Program, Solid Waste Management, presented the staff report.

Following the public hearing, Supervisor Lusk moved adoption of the resolutions approving changes to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the creation of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
Local District 1-B Within Lee District (5403 Hopark Drive)	De-Create/ Re-Create	Refuse, Recycling, & Adding Vacuum Leaf
Local District 1-B Within Lee District (5402 Hopark Drive)	De-Create/ Re-Create	Refuse, Recycling, & Adding Vacuum Leaf

Chairman McKay seconded the motion and it carried by a vote of seven, Supervisor Herrity, Supervisor Smith, and Supervisor Storck being out of the room.

38. **4 P.M. - PUBLIC HEARING FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR VACUUM LEAF COLLECTION SERVICES (DRANESVILLE DISTRICT)** (6:09 p.m.)

(Rs) 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 2 and 9, 2020.

Lainie Shifflett, Management Analyst II, Solid Waste Management Program, Solid Waste Management, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Foust moved adoption of the resolutions approving changes to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the creation of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
Small District 7 Within Dranesville District (Boxwood and Beacon Area)	Enlarge	Refuse, Recycling, & Vacuum Leaf
Small District 11 Within Dranesville District (Cliff Edge Drive Area)	Enlarge	Refuse & Recycling
Small District 13 Within Dranesville District (El Nido Area)	Enlarge	Refuse & Recycling
Local District 1-Y Within Dranesville District (Churchill Area)	Enlarge	Refuse & Recycling
Local District 1-A1 Within Dranesville District (Birchwood Area)	Enlarge	Refuse & Recycling

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

39. **4:30 P.M. - PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE ESTABLISHING THE SCOTTS RUN RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 48 (DRANESVILLE DISTRICT)** (6:22 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 2 and 9, 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 Foust moved that the Board adopt an amendment (Attachment I) to Appendix G, of the Fairfax County Code, to expand the Scotts Run RPPD, District 48. Supervisor Lusk seconded the motion.

Discussion ensued with input from Supervisor Foust regarding the following:

- Parking issues on Georgetown Pike
- Signage at the entrance of the Preserve addressing issues with parking

- Safe pedestrian paths between the parking lot and the Preserve

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.”

40. **4:30 P.M. - PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA — CHAPTER 30 (MINIMUM PRIVATE SCHOOL AND CHILD CARE FACILITY STANDARDS), ARTICLE 3 (HOME CHILD CARE FACILITIES)**
(6:45 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 October 2 and 9, 2020.

Jene Moore, Childcare Program Admin II, Department of Neighborhood and Community Services (NCS), presented the staff report.

Following the public hearing, Supervisor Palchik moved that the Board adopt the proposed amendments to Chapter 30, Article 3, of the Fairfax County Code.

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn being out of the room.

41. **4:30 P.M. - PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF WHITE SPRUCE WAY (MOUNT VERNON DISTRICT)** (6:49 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 October 9, 2020.

Jeffrey Edmondson, Transportation Planner III, Transportation Planning Division, Fairfax County Department of Transportation (FCDOT), presented the staff report.

Following the public hearing, Supervisor Storck moved that the Board adopt the order (Attachment IV) for abandonment and ordinance (Attachment V) for vacation of the subject right-of-way.

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.”

42. **4:30 P.M. PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:53 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 2 and October 9, 2020.

Public comment was held and included testimony from the following individuals:

- Corazon Sandoval Foley, Rally to support diversity in Fairfax Boards and Commission
- Ed Huebner, Support for the police
- John Roderique, Support for the police
- Rubi Colchao, Support for the police
- Travis Stolz, Support for the police
- Diana Yabar, Support for the police
- Kat Kehoe, Saving and planting mature trees in Fairfax County to combat climate change
- Kathleen Leggette, Route 28 Bypass

AGENDA ITEMS

43. **RECESS/CLOSED SESSION** (7:24 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. *Peter Massaro v. Fairfax County Police Department*, Court No. 1:20-cv-00929 (E.D. Va.)
2. *Ruth Taye v. Fairfax County Public Schools & Fairfax County Police Department*; Case No. CL-2020-0013857 (Fx. Co. Cir. Ct.) / Case No. 1:20-cv-01158 (E.D. Va.)
3. *In re: March 11, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Anders Larsen Trust, Jason Hein, and Matthew Desch v Virginia Health Operations, LLC, d/b/a Newport Academy, Monroe RE, LLC, and Board of Supervisors of Fairfax County, Virginia; Victor T. Tsou and Janet C. Tsou v. Monroe RE, LLC, Virginia Health Operations, LLC, d/b/a Newport Academy, and Board of Supervisors of Fairfax County, Virginia*, Case Nos. CL2020-0005490 and CL-2020-0005521 (Fx. Co. Cir. Ct.) (Dranesville District)
4. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laura Winfield Berkebile and Julia Berkebile Fazio*, Case No. CL-2020-0013578 (Fx. Co. Cir. Ct.) (Dranesville District)
5. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mishal H. Al-Thani*, Case No. CL-2018-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bijun Chen and Hongbing Song*, Case No. CL-2020-0014698 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *Qiaoe Chen and Guangzhong Chen v. Board of Supervisors of Fairfax County*, Case No. CL-2020-0012240 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. 1521 Dranesville, LLC* Case No. CL-2020-0008120 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Ben Thomas*, Case No. CL-2020-0008874 (Fx. Co. Cir. Ct.) (Hunter Mill District)
10. *Leslie B. Johnson, Zoning Administrator v. Yen Anh Bui and Thi A Doan*, Case No. CL- 2020-0013871 (Fx. Co. Cir. Ct.) (Mason)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Iftikhar Khan*, Case No. CL-2019-0003971 (Fx. Co. Cir. Ct.) (Mason District)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Julio C. Paredes*, Case No. CL-2020-0004236 (Fx. Co. Cir. Ct.) (Mason District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahlon C. Hawker*, Case No. CL-2019-0015198 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Le Restaurant, Inc., and Anh Ngoc Le*, Case No. CL-2020-0011750 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abid A. Awan*, Case No. CL-2020-0008403 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. JJN Realty, LLC, Envirogrow Lawn & Landscaping, Inc., Mayberry Street Terminal, LLC, Ransell Road Terminal, LLC, and Tysons Service Corporation of Virginia*, Case No. CL-2020-0014699 (Fx. Co. Cir. Ct.) (Providence District)
17. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy V. Marshall*, Case No. CL-2020-0008131 (Fx. Co. Cir. Ct.) (Providence District)

And in addition:

1. As permitted by Virginia Code Sections 2.2-3711 (A)(7) and (8), legal briefing regarding:
 - (i) *Capital Investment Advisors, Inc. v. Fairfax County Human Rights Commission*, Fairfax County Circuit Court Case No. CL-2020-0006566;
 - (ii) Claim filed by attorney, Stephen D. Charnoff., on August 31, 2020, regarding a Fire and Rescue Department employee's benefits
2. As permitted by Virginia Code Section 2.2-3711(A)(3), potential acquisition of real property in the Providence District for public improvements.

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

At 8:11 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

44. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (8:11 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."

45. **MOTION TO DENY CLAIM FILED BY STEPHEN D. CHARNOFF** (8:12 p.m.)

Supervisor Gross moved that the Board deny the August 31, 2020, claim filed by attorney, Stephen D. Charnoff, on behalf of Fire and Rescue Department Captain Philip Jenkins. Supervisor Alcorn and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

46. **BOARD ADJOURNMENT** (8:12 p.m.)

The Board adjourned.