



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 15, 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, September 15, 2020, at 12:08 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 Ekuia Brew-Ewool, Deputy Clerks, Department of Clerk Services.

BOARD MATTERS1. **ORDERS OF THE DAY** (12:02 p.m.)

Chairman McKay announced that this is the first meeting back in the Board Auditorium since March, but that health precautions recommended by the state, the Center for Disease Control (CDC), and the Fairfax County Health Department are being taken. He noted the importance of social distancing, washing hands, and wearing a mask.

2. **MOMENT OF SILENCE** (12:09 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:

- Former Supervisor Joe Alexander, who served as the Lee District Supervisor for 32 years and was the longest serving Supervisor
- Chet McLaren, who was a member of the Fairfax County Park Authority in his early days, and an active environmentalist who worked to protect, preserve, and expand the County's green space
- Lawrence "Larry" Magni, Director of Facilities and Security Division within the Police Department's Resource Management Bureau, who died from complications due to COVID-19
- The people impacted by the fires along the west coast
- Michael Horwatt, a longtime member of the legal and business community who was an expert on cyber law and internet legislation
- Donald Crump, a local business and community leader in Springfield and Clifton, and owned multiple Shell Gas Stations
- Dave Evans, who was part of Mount Vernon community for more than 30 years, and involved in the Good Shepherd Housing and United Community non-profits
- Marshall Passman, a community activist and the husband of Lois Passman

BOARD MATTERS**3. ONE FAIRFAX POLICY ACKNOWLEDGEMENT FOR BOARDS, AUTHORITIES, AND COMMISSIONS (12:28 p.m.)**

Chairman McKay stated that in 2017 the Board adopted the One Fairfax policy, which committed Fairfax County to consider equity as central to making policies or delivering programs and services. In the policy, equity is defined as: “the commitment to promote fairness and justice in the formation of public policy that results in all residents – regardless of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, disability, socio-economic status or neighborhood of residence or other characteristics – having opportunity to fully participate in the region’s economic vitality, contribute to its readiness for the future, and connect to its assets and resources.”

Although we have already seen the positive impact of the policy on many County decisions, comments made at a recent Library Board of Trustees meeting highlight that we still have a long way to go before we truly become One Fairfax. It is important that we uplift the voices of all County residents and stop the division and “us versus them” mentality that has become far too common nationally.

Though we know this is not something that is achievable overnight, it is through the commitment of One Fairfax by this Board and our community that we continue to progress.

In addition, it is also incumbent upon all our appointees to County Boards, Authorities, and Commissions (BACs), which are public bodies comprised of citizens who play an advisory role in County government, to be aware of and understand our One Fairfax policy.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board direct staff to circulate the One Fairfax policy and a training video to all BAC members for their awareness and review. Chairman McKay further moved that all BAC members sign an acknowledgement form to confirm they have received and reviewed the policy, and that this circulation occur regularly as new appointments are made. A progress report, noted by committee and district, of this work should be shared annually with the Board of Supervisors. Chairman McKay further moved that the Board discuss at a future Legislative Committee meeting the pros and cons of a potential legislative change that would allow the Board more flexibility regarding Board appointments. Supervisor Gross seconded the motion.

Following discussion with the Board regarding comments made at a recent Library Board of Trustees meeting, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting in opposition.

4. COUNTYWIDE POLICY FOR INFORMATION SHARING AND EXPANSION ON ACCEPTABLE IDENTIFICATION (12:51 p.m.)

Chairman McKay stated that earlier this year, Chief Roessler signed a General Order that enhanced the Fairfax County Police Department's longstanding restrictions on involvement in civil immigration cases. It also established clear guidelines for police contact with immigrant communities and prohibited officers from questioning or sharing information about immigration status.

It was no doubt a critical step forward in building community trust and transparency and something that we believe should be codified for all County agencies, as well. We do understand that it is the practice of County agencies to not share personal information; however, there are varying degrees of clarity agency by agency. For example, our Health and Human Services (HHS) agencies have a policy that is front and center on their website and states, "County staff does not ask questions around a person's immigration status, unless you are seeking a type of assistance, such as Medicaid, where there is a legal or regulatory requirement for us to ask about this." Such a countywide policy will help our employees act uniformly.

While there are no known instances of General County Employees voluntarily sharing information about a resident's immigration status, there is fear in our community that it takes place due to the lack of a countywide policy. Such a policy would ensure everyone feels comfortable getting the assistance they need from local government, which is especially important now as we battle a public health pandemic that impacts everyone in the County and protect against inadvertent data sharing.

Therefore, jointly with Supervisor Foust and Supervisor Palchik, Chairman McKay moved that the Board direct staff to begin drafting a countywide policy similar to the existing HHS policy that would ensure information sharing is restricted unless required by federal or state law and require a judicial warrant or valid subpoena for access to personal information about a person, records, or facilities. They further moved that the policy expand the identification documents accepted when a photo ID is required for services, similar to the Police Department's General Order. It was noted that this work should be brought back to the Board in the form of a NIP at the end of the month with a recommendation on the process for implementation. Supervisor Alcorn seconded the motion and it carried by a vote of nine, Supervisor Herrity voting in opposition.

5. **ALLOCATION OF THE COUNTY'S CORONAVIRUS RELIEF FUNDS TO FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS)** (12:57 p.m.)

Chairman McKay stated that one of this Board's greatest priorities is ensuring that our school system maintains its status as one of the best in the nation. We remain steadfast in our support of our teachers and administrators as they work to develop creative solutions to spur active young mind in a virtual environment, and we support parents as they balance the demands of working from home as they also help guide their children.

Just as the County has been impacted financially by the COVID-19 pandemic, so

have our schools. Fairfax County Public Schools (FCPS) has seen increased costs related to providing technical support to students – including computers, cameras, and software – to try to emulate classroom environments in a virtual setting. In planning for a return of students to school buildings, FCPS also anticipates significant costs related to sanitation and cleaning, as well as the installation and distribution of personal protective equipment and barriers. FCPS has developed a financial plan utilizing Coronavirus Aid, Relief, and Economic Security (CARES) Act funds provided directly to the schools, reimbursements through the Federal Emergency Management Agency (FEMA), and funds within existing Schools resources to help meet these needs.

Despite these resources, FCPS has identified unmet needs of \$19.6 million. In a letter dated August 31, 2020 – and included as an attachment in the September CARES Act Stimulus Funding Update memorandum dated September 11 – the School Board has requested the allocation of \$19.6 million in County Coronavirus Relief Funds. As the Board is aware, the County received \$200.2 million in direct assistance as part of the CARES Act, and \$167.9 million has been allocated to helping our residents with housing, utility and food assistance; supporting small businesses and nonprofits; implementing essential public health programs to stop the spread of COVID-19 and help those impacted; and supporting operational needs of the County.

With the full impact of COVID-19 still unknown, I feel it is imperative that we provide the appropriate assistance to Fairfax County Public Schools so that we can ensure that our teachers – and our parents – have the necessary tools to provide an environment for our children to continue to receive the top-notch education to which they are accustomed.

Therefore, Chairman McKay moved that the Board support the staff recommendation, as outlined in the September 11 CARES Act Stimulus Funding Update, to allocate \$19.6 million of the County’s Coronavirus Relief Funds to support FCPS. It is expected that information will be regularly provided regarding how these funds are being utilized, including specific amounts and funding items, through the monthly stimulus updates provided to the Board. Additionally, it is anticipated that FCPS will continue to pursue and evaluate other funding opportunities in order to maximize the use of other resources and will return to the Board if funding needs change. Supervisor Palchik seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

6. **FIRE CHIEF BUTLER EARNS THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS (IAFC) PRESIDENT’S AWARDS OF RECOGNITION**
(1:10 p.m.)

Chairman McKay stated that the Chief of Fairfax County’s Fire and Rescue Department (FCFRD), John S. Butler, was appointed by the Board in 2018 and has been a great leader of our fire and rescue team. He has been a leader in promoting diversity and inclusion in both the FCFRD and the International Association of Fire Chiefs (IAFC). For IAFC specifically, Chief Butler developed Equity and Inclusion Councils and is working to both create diverse

workforces and to help individuals from diverse backgrounds advance in the ranks of leadership. He also helped create open discussions at the national level about race relations. In late August, Chief Butler was the recipient of the IAFC President's Awards of Recognition, for his significant contributions to IAFC.

Therefore, Chairman McKay asked unanimous consent that the Board hereby congratulate Chief Butler on receiving the IAFC President's Awards of Recognition and thank him for his continued service to the County. Without objection, it was so ordered.

7. **PROCLAMATION REQUEST DESIGNATING OCTOBER AS "DISABILITY EMPLOYMENT AWARENESS MONTH"** (1:11 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to present a proclamation out of the Board Room to the Department of Family Services, Adults & Aging Division, commemorating the month of October "*Disability Employment Awareness Month*." Without objection, it was so ordered.

8. **PROCLAMATION REQUEST DESIGNATING OCTOBER 4-10, 2020 AS "FIRE PREVENTION WEEK"** (1:11 p.m.)

Chairman McKay asked unanimous consent that the Board direct staff to present a proclamation out of the Board Room to the Fairfax County Fire and Rescue Department designating October 4-10, 2020 as "*Fire Prevention Week*." Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman McKay.

9. **PUBLIC SAFETY PERSONNEL'S AID TO HELP FIND MISSING PERSON** (1:11 p.m.)

Supervisor Gross stated that on the morning of Monday, August 24, 2020, a missing person's report was made in the Mount Vernon District for Mr. Jose Rodriguez, an 81-year old resident. The hours dragged by with reports of possible sightings, including a photo by the Huntington Metro Station. On Wednesday, more than 48 hours after the initial missing report, Mr. Rodriguez was found by a good Samaritan in the woods near Van Dorn Street in the Lee District. He was taken to INOVA Fairfax Hospital where he spent a few days before going home to his relieved family, including Rafael Arancibia, his nephew and her longtime Board aide.

Supervisor Gross stated that at a time when law enforcement personnel face renewed scrutiny for the job they swear an oath to do, the search and rescue of Mr. Rodriguez reinforces the value of the investments made in training and technology for public safety personnel. The officers and other personnel were just doing their jobs, but they never gave up, and this story, which could have concluded tragically, has a very happy ending. Supervisor Gross expressed her thanks and appreciation to all involved.

10. **CONCURRENT SITE PLAN PROCESSING FOR EYA DEVELOPMENT (MASON DISTRICT)** (1:14 p.m.)

Supervisor Gross stated that EYA Development, LLC has filed a proffer condition amendment for a site previously approved for multifamily development to permit townhomes on Tx Map Parcel 50-3-((1))-5 and 5A, also known as Graham Park Plaza. This application, PCA/CDPA 2016-MA-022, has been thoroughly reviewed by the community and staff. Therefore, in order to allow this project to move forward as expeditiously as possible before the final Board hearing scheduled on October 20, the Applicant has asked for consideration for concurrent processing of the site plan.

Therefore, Supervisor Gross moved that the Board direct acceptance of concurrent and simultaneous processing any site plans, architectural drawings or other drawings as may be necessary in conjunction with the pending application(s). This motion should not be construed as a favorable recommendation by the Board on the pending application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Palchik seconded the motion and it carried by unanimous vote.

11. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER AS "SICKLE CELL AWARENESS MONTH"** (1:16 p.m.)

Supervisor Walkinshaw stated that sickle cell disease, a group of inherited red blood cell disorders is the most common inherited blood disorder in the U.S. While more common among African Americans, sickle cell disease has many faces and affects people from Hispanic, Mediterranean, Middle Eastern, Indian, Greek, Italian, Saudi Arabian, and Lebanese descent. One in 13 African Americans and approximately one in 100 Hispanic-Americans carry the gene for this disease. Sickle cell disease occurs when a person inherits two abnormal copies of the sickle cell gene, one from each parent. More than 2 million people in the United States carry the sickle cell gene, making it important for people to know their sickle cell status before having children. While the quality of life and life expectancy of people with sickle cell disease has improved, there are serious health issues associated with the disease and National Sickle Cell Awareness Month highlights the importance of continued research, surveillance, health education and outreach to close the survival gap. September is National Sickle Cell Awareness Month, designated by the U.S. Congress to help focus attention on prevention, research and treatment of sickle cell disease.

Therefore, jointly with Supervisor Lusk and Supervisor Palchik, Supervisor Walkinshaw asked unanimous consent that the Board proclaim September 2020 "*National Sickle Cell Awareness Month*" in Fairfax County and ask that staff prepare Proclamation to be read at the September 29, 2020, Board Meeting, and that that Valerie Bey, a Board Member of The Heart of Gold Sickle Cell Foundation of Northern Virginia, Inc. be recognized for her efforts with The Heart of Gold Foundation of Northern Virginia, Inc. at a date and time held certain. Without objection, it was so ordered.

12. **COMPREHENSIVE PLAN AMENDMENT FOR 7700 LEESBURG PIKE (DRANESVILLE DISTRICT)** (1:18 p.m.)

Supervisor Foust stated that the approximately 6.7-acre property located at 7700 Leesburg Pike on the east side of Leesburg Pike between Tysons and the City of Falls Church is currently planned and developed with office use. The building was constructed in 1976 and has served as the location for professional offices and a nursing college. This site is mostly surrounded by single-family residential development to the north and west, with multi-family residential development to the south side of Leesburg Pike, adjacent to Marshall High School. A developer has approached the county and has had preliminary conversations with the community about reimagining the site for residential use. I believe this presents an opportunity to consider a change in use for the property that is complementary and provides a compatible transition to the established residential communities to the north and west of the property.

Therefore, in order to facilitate the potential re-planning effort of this property, Supervisor Foust moved that the Board authorize an amendment to the Comprehensive Plan for Tax Map Parcel Number 39-2 ((1)) 57 to allow for the consideration of residential use at a density of up to 12-16 dwelling units per acre with single-family attached dwellings. The Comprehensive Plan analysis should include, as a priority, consideration for the provision of high-quality open space. The Plan Amendment will be reviewed concurrently with an application to rezone the property, once such amendment is submitted. This motion should not be construed as a favorable recommendation on these applications by the Board, and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the applications. The motion was multiply seconded and it carried by unanimous vote.

13. **APPOINTMENT OF DR. SUJATHA HAMPTON TO SERVE AS THE DRANESVILLE REPRESENTATIVE ON THE LIBRARY BOARD** (1:21 p.m.)

(BAC) Supervisor Foust stated that the Dranesville representative to the Library Board has resigned. As we all know, the Library Board is currently dealing with several important and challenging issues. Dranesville residents should be represented on the Library Board at this critical time. He stated that attached to his Board Matter, is a brief resume for Dranesville resident Sujatha Hampton.

Therefore, Supervisor Foust moved that the Board approve the appointment of Dr. Sujatha Hampton to serve as the Dranesville Representative on the Library Board effective immediately. Supervisor Gross seconded the motion and it carried by unanimous vote.

14. **NO BOARD MATTERS FOR SUPERVISOR ALCORN, HUNTER MILL DISTRICT** (1:22 p.m.)

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

15. **TASK FORCE FOR PREVENTING AND MITIGATING LITTER**
(1:22 p.m.)

Supervisor Lusk stated that litter is an issue that plagues our county's streets, rivers, neighborhoods, and businesses. When trash is misplaced the residents of Fairfax County pay the price—as does our region's wildlife and ecosystems. Businesses are loath to locate and invest in communities that look messy and unkempt. Every year, litter costs our state and local governments millions of dollars in cleanup efforts; and residents find themselves spending thousands of hours cleaning up their own neighborhoods and streams every spring and fall. Supervisor Lusk stated that he is proud of the proactive measures that our county has taken to address litter in our community, yet there is still so much more that needs to be done to address this persistent challenge.

Additionally, the successful implementation of Operation Stream Shield has proven to be exactly the kind of innovative program we need to ensure we are meeting our environmental goals. I applaud our County staff who are diligently working towards ridding our County of this problem—but we need to do more. I receive calls reporting litter and illegal dumping to our office regularly, and the reality is that there is little we can do. Following consultation with the relevant county staff, the time has come to organize our community in order to supplement the prevention and litter control efforts that our county staff are already undertaking.

Therefore, Supervisor Lusk moved that the Board direct the County Executive to assign the Department of Public Works and Environmental Services, in conjunction with the Clean Fairfax Council, to develop a plan to present to the Environment Committee that is focused on prevention and mitigating litter in Fairfax County. The Plan should include information from the relevant county departments, state agencies, nonprofit organizations, community groups, schools, and residents. The Plan should also include a study about the causes of litter in Fairfax County and evaluate the current policies and procedures and investigate neighboring or similar jurisdictions to Fairfax County for proven solutions, such as the plastic bag ordinance. He further moved that they should report back with a comprehensive plan that the Environment Committee can consider. Supervisor Foust seconded the motion.

Supervisor Herrity requested that the “There’s a Better Way” program be included for examination in this.

Following discussion between the Board regarding the motion, the question was called on the motion and it carried by unanimous vote.

16. **PROCLAMATION REQUEST DESIGNATING OCTOBER 7, 2020 AS “ENERGY EFFICIENCY DAY”** (1:30 p.m.)

Supervisor Storck stated that Energy Efficiency Day is an opportunity to share the transformative benefits of saving energy. Energy efficiency is the heart of a clean energy future and critical to the Board’s climate action commitments. Energy efficiency continues to be the cheapest, quickest, and cleanest way to meet our energy needs and reduce utility bills for residential, business, and industrial customers. Energy efficiency can also make our homes and workspaces healthier, safer and more comfortable. Smarter energy use reduces the amount of electricity we need to power our lives, which helps avoid power plant emissions that can harm our health, pollute our air and warm our climate. Cutting energy waste saves U.S. consumers billions of dollars on their utility bills every year, up to \$500 per household from appliance efficiency standards alone.

Implementing energy efficiency and other clean energy policies and programs can help boost economic opportunities and job creation while continuing to move toward a sustainable future. More than 2.4 million Americans were working in the energy efficiency sector prior to the pandemic in local, good-paying, clean energy jobs that couldn’t be outsourced and increasing America’s recovery efforts by ramping up our efficiency efforts will sustain and create more of them. Improved energy codes for homes and commercial buildings also can significantly reduce utility costs and create new jobs, and Fairfax County supports increasing the minimum levels of efficiency for new buildings through adoption of a stricter code.

The residents of Fairfax County can continue to contribute to our energy efficiency efforts by learning about and participating in our Communitywide Energy and Climate Action Plan (CECAP). A nationwide network of energy efficiency groups and partners has designated the first Wednesday in October as the fifth national annual Energy Efficiency Day. Together the residents of Fairfax County can continue to contribute to our sustainability efforts by learning more about energy efficiency and practicing smarter energy use in their daily lives. My work on the Joint Environmental Task Force (the JET) has shown that we will need to reduce our energy consumption by at least 50% - even while our energy use grows as the economy grows – just to meet the Commonwealth’s carbon-free goal by 2045.

Therefore, jointly with Supervisor Gross, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a proclamation, to be signed by the Mount Vernon and Mason Districts, designating October 7, 2020, as “*Energy Efficiency Day*” in Fairfax County. They further moved that the Board direct the Office of Public Affairs to register the County as a participant in Energy Efficiency Day 2020 on the official website <https://energyefficiencyday.org/>, where information can be found to publicize energy efficiency tips and information in recognition of this day. Without objection, it was so ordered.

17. **SPECIAL LORTON AREA STUDY** (1:34 p.m.)

Supervisor Storck stated that the Lorton area of Fairfax County has evolved from much of its industrial and institutional past into a diverse community with many distinctive assets such as the historic Workhouse Arts Center, extensive parkland

at both the county's Laurel Hill Park and NOVA Park's Occoquan Regional Park, access to the Occoquan River, and the regional and national access provided by the Amtrak and VRE stations. These existing cultural, natural, recreational and transportation assets, combined with recent developments such as Liberty at Lorton and the new Lorton Community Center contribute to the reputation of Lorton as a unique place.

To be truly successful, the Lorton area and its assets need to be considered comprehensively. We have the opportunity to develop a new vision for Lorton, which should be evaluated with placemaking and connectivity goals in mind, especially as they relate to bicyclists and pedestrians, and within the backdrop of the larger context of the cultural and recreational systems to define a "there, there" and strengthen the places where community members can meet their neighbors, businesses can thrive, and everyone who lives, works, and visits Lorton can share in the benefits of these resources.

As a part of developing a structure for that new vision, the connections, both physical and thematic, between that new vision and the potential for new indoor and outdoor recreational opportunities on industrial sites, and the potential for re-imagining the Workhouse, the I95 landfill area, and other county owned land should be considered. While the intention is not to re-plan areas that are 1) established, 2) developing under recently developed master plans, and/or 3) expected to be master planned in the future; it is critical to understand how the entirety of Lorton can be planned in a cohesive manner.

The Lorton community, with representatives from the South Fairfax Chamber of Commerce, the South County Federation, and other community leaders and HOA representatives, began a visioning process in 2012. To support their efforts, I created the Lorton Visioning 2040 task force which has worked together with county staff since 2018 to share its vision and goals for future development of the Lorton area. The task force has guided the Lorton Visioning process, defined priorities and goals for the Lorton community, and provided recommendations to the Mount Vernon District office and Fairfax County staff on strategies to accomplish these goals. A community survey was undertaken in the summer of 2019, followed by a community open house in October 2019 to better understand the interests, needs and vision of Lorton residents. The task force, with assistance from County staff, has developed key themes to be addressed from the survey and the open house, drafted a set of visioning principles, and refined the study area within Lorton. The visioning principles work to better define the community identity, support commerce in the area, and maintain a high quality of life. At this point, the group is ready to formally work with staff to determine the best approach to incorporate these principles into the Comprehensive Plan and to identify and evaluate changes to the Comprehensive Plan regarding land uses, densities, transportation conditions, parks, recreational areas, environmental corridors, and other supporting infrastructure and public facilities.

Therefore, Supervisor Storck moved that the Board authorize a special study for the Lorton Area and direct staff to prepare a Comprehensive Plan amendment that reflects the community's future vision. As part of the study, new or improved

placemaking and connectivity opportunities should be considered in the context of the immediate area's many unique historic, cultural, natural, recreational and transportation assets to ensure that we take a comprehensive look at additional ways to embrace and link to these distinct places. Specific focus should be placed on the Lorton Road area east of Silverbrook Road including the Lorton Town Center, and the Route 1 corridor from Fort Belvoir to the Occoquan River. The work should also establish a context for future potential land use changes, including linkages with those areas, that could help strengthen a distinct identity for Lorton and that would examine ways for existing and potential future assets to complement one another to build community identity and an improved sense of place. The work should be managed by the Department of Planning and Development with engagement of other departments, such as Fairfax County Department of Transportation, the Department of Housing and Community Development, and the Park Authority, among others. Due to the nature of the request, it is envisioned that the effort may be furthered by hiring consultants to support planning, community engagement, and transportation analysis. As such, I further move that the Board direct the Department of Management and Budget to identify funds sufficient to support this effort, as needed. Chairman McKay seconded the motion.

Following discussion regarding the motion and its implications, with input from Barbara Byron, Director, Department of Planning and Zoning, Supervisor Storck withdrew his motion.

18. **ADDITIONAL FUNDING TOWARDS THE COMPLETION OF ARCHITECTURAL AND COMMUNITY SURVEY FOR GUM SPRINGS HISTORIC DISTRICT** (1:58 p.m.)

Supervisor Storck stated that throughout almost 200 years of history and existence, the Gum Springs community tells the story of the oldest free sustained African American community in Fairfax County. Although the history of Gum Springs is recognized by the county, no comprehensive cultural resource survey has been conducted for this area. In 2018, during the adoption process of the Embark Richmond Highway Comprehensive Plan Amendment, the Gum Springs Community was identified as an important historic and cultural community needing further study.

In June 2020, County Heritage Resources staff, working with the Gum Springs Historical Society, applied for and received a Certified Local Government (CLG) grant in the amount of \$10,800. This money, including a non-federal share of \$16,700 (\$27,500 total), is intended to prepare and complete a National Register of Historic Places Nomination Form for the Pride of Fairfax Lodge #298 (former Odd Fellows meeting hall), located at 7809 Fordson Road, Alexandria.

While Heritage Resources staff used the grant process to initially launch this study, through conversations with my office, we mutually recognized that a fully-funded study is needed to adequately address community and county concerns about the history and preservation of Gum Springs. The existing grant funds are insufficient to accomplish that objective. The requested carryover funds would

enable a complete historical review where buildings and sites that contribute to the historic themes of the area will be identified and analyzed, contributing factors for the significant historical themes of the community will be determined, and oral histories will be created by working with Gum Springs community groups. This will allow us to partner with the Gum Springs community and residents to create a recommended management plan that could clearly define, preserve, and celebrate this historic area.

Therefore jointly with Chairman McKay, Supervisor Storck moved that the Board add a consideration item of \$60,000 as part of fourth quarter carryover to be allocated to the Fairfax County Department of Planning and Development to further fund the cultural resource survey, a complete historical context of Gum Springs, and to develop a management plan with recommendations. Chairman McKay seconded the motion and it carried by unanimous vote.

19. **RECOGNIZING THE SERVICE OF FORMER PARKS PLANNING AND DEVELOPMENT DIVISION DIRECTOR, DAVID BOWDEN** (2:01 p.m.)

Supervisor Herrity stated that the County's parks and recreational facilities are some of the defining gems of Fairfax County and hundreds of those would not be where they are today without David Bowden. Retiring this past August, Bowden served the residents of Fairfax County for more than 23 years through the Fairfax County Park Authority. For the past 13 years, Bowden served as Director of the Park Authority's Planning and Development Division. He took a short break from the Park Authority in the middle of his career to go serve with military men and women, but he has always been an advocate for wellness and sports.

Throughout his career with the Park Authority, Bowden built a reputation for delivering projects on time and within budget, shepherding the use of taxpayer and private contributions of over \$300 million dollars for the development of park facilities. He spearheaded many successful partnerships on behalf of the County to develop projects like the Bryce Harper Baseball Field Complex, Chessie's Big Back Yard Family Recreation Area, Observatory Park, and many synthetic turf fields enjoyed by our youth sports leagues. In addition, Bowden has been an active and influential member of the Sports Tourism Task Force. He has brought a wealth of knowledge and passion to the task force as it has looked to strategically attract sports tourism opportunities to Fairfax County.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a resolution recognizing Mr. Bowden's many years of service to our residents and highlighting his legacy of promoting wellness through the development of exceptional facilities in Fairfax County to be presented outside of the Boardroom. Without objection, it was so ordered.

Supervisor Foust requested that the Board be made aware of that date for recognition of Mr. Bowden.

20. **AMENDMENTS TO THE EMERGENCY ORDINANCE FOR BUSINESSES** (2:04 p.m.)

Supervisor Herrity asked unanimous consent that the Board direct staff look at ways and possibilities for amending the existing ordinance to help business remain open while keeping the residents safe and healthy. He further requested unanimous consent that the Board direct staff to present their findings to the Board for consideration. Without objection, it was so ordered.

21. **WALKING WEDNESDAYS** (2:06 p.m.)

Supervisor Palchik stated that this year, in the midst of the pandemic and school closures, Walking Wednesdays will be a county wide community program designed to promote community values of physical and mental health. FCPS Safe Routes to School is pairing with Fairfax County Park Authority's Move Your Way campaign and Healthy Strides. Engaging in physical activity is often easier for people when they can join with others. Even though we will be social distancing we can walk together apart. This program encourages Walking Champions in each neighborhood to help get out the word and engage their neighbors to participate. Each community could find creative ways to encourage and promote safe walking, biking, and outdoor exercise before school or work.

The first Walking Wednesday will take place on October 7, 2020 which is also Walk to School Day. Even though we will not be walking to schools this fall, community members and families are encouraged to walk in their neighborhoods and register as a family, school or neighborhood. Supervisors Palchik and Storck will also be participating and promoting in their districts, and encourage our colleagues to join as well!

Therefore, jointly with Supervisor Storck, Supervisor Palchik asked unanimous consent, that the Board direct the Office of Public Affairs to publicize the Walking Wednesdays program in collaboration with FCPS and the Park Authority's Move Your Way campaign. Without objection, it was so ordered.

22. **TOWN HALL ANNOUNCEMENT (UNA CHARLA CON NUESTRA COMUNIDAD)** (2:08 p.m.)

Supervisor Palchik announced that she would be holding a holding a Town Hall tomorrow from 7-8:30 p.m.

23. **EXPEDITED SCHEDULING FOR STANLEY MARTIN COMPANIES, LLC (SULLY DISTRICT)** (2:08 p.m.)

Supervisor Smith stated that Stanley Martin LLC has concurrently filed PCA 78-S-063-08 and RZ 2019-SU-005 to rezone the subject property from the PDH-16 District to permit development of 134 residential dwelling units at the northwest quadrant of the intersection of Westfields Boulevard and Newbrook Drive in Chantilly.

In order to accommodate the request for the application to be heard concurrent prior to the last Board meeting date in 2020, Supervisor Smith moved that the

Board direct staff to expedite the public hearings for PCA 78-S-063-08 and RZ 2019-SU-005, located at Tax Map Parcels 44-1 ((8)) 5 and 6, to a date of November 17, 2020. This motion should not be construed as a favorable recommendation by the Board on the pending application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Chairman McKay seconded the motion and it carried by unanimous vote.

24. **2020 ZONING ORDINANCE AMENDMENT WORK PROGRAM**
(2:11 p.m.)

Supervisor Smith moved that the Board endorse the 2020 Zoning Ordinance Amendment Work Program for fiscal years 2021 and 2022 as presented in the Memorandum to the Board dated July 15, 2020, including a revision to the timing for item 4.B from Second Tier to TBD, and the repositioning of item 5. Country Inn to Priority 2. Supervisor Smith further moved to direct staff to return to the Board next year for a status update and any needed re-prioritization of items. The 2020 Work Program will be posted on the Department of Planning and Development's webpage last week, will be presented in upcoming meetings, and will also be circulated by Listserv announcement. Chairman McKay seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

25. **ADMINISTRATIVE ITEMS** (2:14 p.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Alcorn being absent.

ADMIN 1- EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (MASON DISTRICT)

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-M20-1	Department of Planning and Development, Community Revitalization Section Annandale Civic Space Tax Map No. 71-1 ((4)) 109A1 7200 Columbia Pike Annandale, VA Mason District	June 20, 2021

ADMIN 2– ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION SE 2009-PR-021, JSH ENTERPRISES, LLC (PROVIDENCE DISTRICT)

- (AT) Approved the request for twenty-four months of additional time to commence construction for Special Exception Application SE 2009-PR-021, to July 1, 2022, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 3– ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION SE 2010-MA-001, RADLEY MANAGEMENT, LLC AND RADLEY AUTOMOBILES, INCORPORATED (MASON DISTRICT)

- (AT) Approved the request for thirty-six months of additional time to commence construction for Special Exception Application SE 2010-MA-001, to July 1, 2023, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 4– ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION SE 2008-MA-008, RADLEY AUTOMOBILES, INCORPORATED (MASON DISTRICT)

- (AT) Approved the request for thirty-six months of additional time to commence construction for Special Exception Application SE 2008-MA-008, to July 1, 2023, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 5– ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION SE 2008-LE-027, TRUSTEES, SPRINGFIELD MASONIC LODGE 217, A.G. AND A.M. (LEE DISTRICT)

- (AT) Approved the request for twelve months of additional time to commence construction for Special Exception Application SE 2008-LE-027, to July 1, 2021, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 6– ADDITIONAL TIME TO OBTAIN A NON-RESIDENTIAL USE PERMIT (NON-RUP) FOR SE 2014-PR-018, BEYER I LIMITED LIABILITY COMPANY (PROVIDENCE DISTRICT)

- (AT) Approved the request for twelve months of additional time to obtain a Non-RUP for Special Exception Application SE 2014-PR-018, to July 1, 2021, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

ADMIN 7– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER 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)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2020, at 4:30 p.m.** to consider amendments to *The Code of the County of Fairfax*, Chapter 30, Article 3. The amendments will add requirements for additional out of state criminal background checks and sex offender registry searches for any adult who has lived in another state in the preceding five years.

ADMIN 8– APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MASON DISTRICT)

- (R)
- Endorsed the following traffic calming plan and resolution for Lakewood Drive and Columbia Pike Service Road consisting of the following:
 - One speed hump on Lakewood Drive (Mason District)
 - Two speed humps on Columbia Pike Service Road (Mason District)
 - Directed the Fairfax County Department of Transportation (FCDOT) to schedule the installation of the approved traffic calming measures as soon as possible.

ADMIN 9– AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED AMENDMENT TO CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) RE: ENFORCEMENT

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2020, at 4:00 p.m.** on a proposed amendment to Chapter 104 (Erosion and Sedimentation Control) of *The Code of the County of Fairfax, Virginia* (County Code) that addresses monitoring, inspections, stop work orders, penalties, injunctions, and other legal actions related to enforcement of the ordinance. The amendments are necessary to align the ordinance with our current process for issuing violations and the Virginia Erosion and Sediment Control Law and to add provisions for civil penalties.

ADMIN 10– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF WHITE SPRUCE WAY (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2020, at 4:30 p.m.** to consider the vacation and abandonment of a portion of White Spruce Way.

ADMIN 11– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH THE

IDYLWOOD COMMUNITY PARKING DISTRICT (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 6, 2020, at 3:30 p.m.** to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Idylwood Community Parking District (CPD).

ADMIN 12- AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO EXTEND PARKING RESTRICTIONS ON SULLYFIELD CIRCLE (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 6, 2020, at 3:30 p.m.** to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to extend parking restrictions on Sullyfield Circle in the Sully District.

ADMIN 13- AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR INTERIM AGREEMENT WITH ALPINE-X LLC FOR FAIRFAX PEAK DEVELOPMENT AT I-95 LORTON LANDFILL (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 6, 2020, at 3:30 p.m.** for an Interim Agreement between the Board and Alpine-X LLC regarding the potential indoor ski facility and related development on the I-95 Lorton landfill, Fairfax County Tax Map 113-1 ((1)), Parcel 14 (the Site).

ADMIN 14- AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT AND DE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (MASON DISTRICT)

- (A)(Rs) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2020, at 4:00 p.m.** to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisors' adopted criteria for the creation of Small or Local Sanitary Districts.

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

Leaf

ADMIN 15– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (PROVIDENCE DISTRICT)

- (A)(R) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2020, at 4:00 p.m.** to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisors' adopted criteria for the creation of Small or Local Sanitary Districts.

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

ADMIN 16– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR VACUUM LEAF COLLECTION SERVICES (DRANESVILLE DISTRICT)

- (A)(Rs) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2020, at 4:00 p.m.** to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisors' adopted criteria for the creation of Small or Local Sanitary Districts.

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

Local District 1-A1 Within Dranesville District (Birchwood Area)	Enlarge	Refuse & Recycling	Approve
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ADMIN 17– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (LEE DISTRICT)

(A)(Rs) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2020, at 4:00 p.m.** to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisors’ adopted criteria for the creation of Small or Local Sanitary Districts.

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

EA:ea

26. **A-1 – APPROVAL OF A RESOLUTION TO EXTEND THE CABLE FRANCHISE TERM OF VERIZON VIRGINIA** (2:15 p.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a resolution authorizing the County Executive to execute an agreement extending the term of Verizon’s cable franchise through March 31, 2021, without a change in the terms and conditions of the franchise. Supervisor Foust seconded the motion and it carried by unanimous vote.

27. **A-2 – APPROVAL OF REVISIONS TO CHAPTERS 1, 5, 7, AND 16 OF THE PERSONNEL REGULATIONS DUE TO LEGISLATION PASSED BY THE 2020 SESSION OF THE VIRGINIA GENERAL ASSEMBLY** (2:15 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the proposed revisions to Chapters 1, 5, 7, and 16 of the Personnel Regulations, to ensure compliance with Va. Code § 15.2-1500.1 which took effect July 1, 2020. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

28. **A-3 – PRESENTATION OF THE DELINQUENT TAX LIST FOR TAX YEAR 2019 (FY 2020)** (2:16 p.m.)

Supervisor Gross moved that the Board concur in the recommendations of staff as follows:

- Staff continue to pursue the collection of delinquent taxes found in Attachment A and continue collection of non-tax delinquencies
- The Board remove certain small uncollectable overdue accounts listed in Attachments B and C pursuant to Virginia Code § 58.1-3921

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

29. **A-4 – APPROVAL OF THE FY 2019 AND FY 2020 COMMUNITY SERVICES PERFORMANCE CONTRACT AMENDMENT AND EXTENSION AGREEMENT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD AND THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES** (2:18 p.m.)

Supervisor Palchik moved that the Board concur in the recommendation of staff and approve the FY 2019 and FY 2020 Community Services Performance Contract Amendment and Extension Agreement between the Virginia Department of Behavioral Health and Developmental Services and the associated acceptance of FY 2021 funds. Supervisor Gross seconded the motion and it carried by unanimous vote.

30. **A-5 – APPROVAL OF USE OF TYSONS GRID OF STREETS ROAD FUND REVENUE FOR CENTER STREET LAND ACQUISITION PURCHASE IN TYSONS (PROVIDENCE DISTRICT)** (2:19 p.m.)

Supervisor Palchik moved that the Board concur in the recommendation of staff to use up to \$2,790,000 in Tysons Grid of Streets Road Fund revenues for acquisition of a perpetual street easement and a temporary construction easement for Center Street in Tysons. Chairman McKay, Supervisor Lusk, and Supervisor Alcorn multiply seconded the motion and it carried by unanimous vote.

31. **A-6 – A APPROVAL OF A RESOLUTION ENDORSING THE MASON NECK TRAIL PROJECT FOR SUBMISSION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION'S FEDERAL HIGHWAY ADMINISTRATION VIRGINIA FEDERAL LANDS ACCESS PROGRAM (FLAP) FOR FISCAL YEARS 2020-2022 GRANT FUNDING (MOUNT VERNON DISTRICT)** (2:20 p.m.)

(R) Supervisor Storck moved that the Board concur in the recommendation of staff and authorize the Department of Transportation (FCDOT) to apply for funding in the amount of \$586,393, including \$117,279 in Local Cash Match and to adopt

the project endorsement resolution (substantially in the form of Attachment1). Chairman McKay seconded the motion and it carried by unanimous vote.

32. **A-7 – APPROVAL OF PROJECT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND FAIRFAX COUNTY FOR FISCAL YEAR (FY) 2021 TRANSIT OPERATING ASSISTANCE GRANT FUNDS** (2:22 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and authorize the Director of the Department of Transportation to sign the Project Agreement between DRPT and Fairfax County, in substantial form of Attachment 1, for FY 2021 transit operating assistance. The motion was multiply seconded and it carried by unanimous vote.

33. **A-8 – APPROVAL OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION'S MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICIES FOR THE FAIRFAX CONNECTOR** (2:22 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and approve the proposed Major Service Change, Disparate Impact, and Disproportionate Burden Policies for the Fairfax Connector (Attachments 1 & 2), as part of the Department of Transportation's forthcoming Title VI Plan triennial update. The motion was multiply seconded and it carried by unanimous vote.

34. **A-9 – APPROVAL OF A REQUEST FOR A NAME CHANGE FOR THE MCLEAN METRORAIL STATION (PROVIDENCE DISTRICT)** (2:23 p.m.)

Supervisor Palchik moved that the Board concur in the recommendation of staff and approve the proposed McLean-Capital One Hall Station name and authorize the Chairman of the Board or his designee to forward the recommended station name to the Washington Metropolitan Area Transportation Authority (WMATA) (Attachment 1). Chairman McKay and Supervisor Lusk jointly seconded the motion.

Discussion ensued between the Board concerning the benefits of the proposed name change for promoting Capital One Hall and the process for future name change.

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

35. **A-10 – ADOPTION OF AN UPDATED SUSTAINABLE DEVELOPMENT POLICY FOR COUNTY CAPITAL FACILITIES PROJECTS** (2:28 p.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and adopt the updated Sustainable Development Policy (Attachment 1) that will be applicable to County capital facilities projects. Supervisor Gross and Supervisor Walkinshaw jointly seconded the motion.

Supervisor Foust discussed the exception which was included for projects that are unable to meet the lead achievement goals. He questioned who has the authority to grant the exceptions and how are they recorded.

Carey Needham, Director, Capital Facilities, Department of Public Works and Environmental Services, shared examples of what would qualify certain projects for an exception.

There was additional discussion with input from Mr. Needham regarding the grandfather clause and how this impacts the implementation of the new policy.

Chairman McKay requested staff provide the Board with a list of projects that are subject to the grandfather clause and any currently underway that would benefit from the exception. He also requested that any needed exceptions be coordinated with the Board offices for where the capital facility is located.

Discussion ensued with input from Mr. Needham concerning the process of identifying existing buildings as priority candidates for systems recommissioning and the implementation steps. Mr. Needham noted that the analytics of the process would occur internally and the process for recommissioning and reoptimizing the buildings would occur from external partners.

The question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

36. **A-11 – AUTHORIZATION TO ADD FUNDING TO THE FAIRFAX RISE: COVID-19 SMALL BUSINESS AND NONPROFIT RELIEF GRANT PROGRAM** (2:39 p.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and approve the expenditure of up to \$12,000,000 to expand the Fairfax RISE: COVID-19 Small Business and Non-Profit Relief Grant Program (Grant Program) for businesses and non-profits affected by the COVID-19 pandemic. It is anticipated that this additional funding would allow for all remaining qualified businesses who applied for RISE grants to receive funding. If less than the full \$12,000,000 are required, the remaining funds will be reallocated to meet other needs utilizing the Coronavirus Relief Funds. Chairman McKay seconded the motion.

Discussion ensued with input from Bryan Hill, County Executive, and the Board regarding the following:

- The development and expansion of funding for this grant program
- The impact of this program on local businesses that are not able to participate
- Appreciation for staff, community business partners, and federal support

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

37. **I-1 – CONSOLIDATED PLAN CERTIFICATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) MOVING TO WORK PLAN FOR FISCAL YEAR 2021** (2:49 p.m.)

The Board next considered an item contained in the Board Agenda, presenting the Consolidated Plan Certification for the Fairfax County Redevelopment and Housing Authority Moving to Work Plan for Fiscal Year 2021, which includes the County Executive signing the Certification of Consistency with the Consolidated Plan and providing it to the FCRHA for inclusion in the Moving to Work Plan for Fiscal Year 2021 to be submitted to the U.S. Department of Housing and Urban Development (HUD).

38. **3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-D-007-02 (MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE; FAIRFAX COUNTY SCHOOL BOARD) TO AMEND THE PROFFERS FOR RZ 89-D-007, PREVIOUSLY APPROVED FOR PUBLIC USES TO PERMIT A TELECOMMUNICATIONS FACILITY AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.24, LOCATED ON APPROXIMATELY 40.68 ACRES OF LAND ZONED R-3**

(AND)

PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-DR-012 (MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE; FAIRFAX COUNTY SCHOOL BOARD) TO PERMIT A TELECOMMUNICATIONS FACILITY, LOCATED ON APPROXIMATELY 40.68 ACRES OF LAND ZONED R-3 (DRANESVILLE DISTRICT) (3:36 p.m.)

(NOTE: The Board deferred this public hearing at the February 25, 2020, meeting until March 10, 2020, at 3:30 p.m. On March 10, 2020, the Board deferred this public hearing until March 24, 2020, at 4:30 p.m. On March 24, 2020, the Board further deferred this public hearing to May 5, 2020, at 3:30 p.m. On May 5, 2020, the Board deferred this public hearing to June 9, 2020, at 3:00 p.m. On June 9, 2020, the Board deferred this public hearing to September 15, 2020, at 3:30 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 28 and September 4, 2020.

This property is located on the north side of Bennett Street and east side of Dranesville Road. Tax Map 10-2 ((1)) 6A.

This property is located at 700 Bennett Street, Herndon, 20170. Tax Map 10-2 ((1)) 6A.

Tracy Themak, Agent, Donohue & Stearns, PLC, reaffirmed the validity of the affidavit for the record.

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

- Milestone Tower Limited Partnership IV

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

- Karl Frisch

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

Ms. Themak 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.

Supervisor Alcorn asked how much square footage would be reduced for existing uses. Ms. Themak stated that the pole would take 1,181 square feet, but would be placed in an area that would minimize any negative impact. Supervisor Foust clarified that 300 square feet would be needed for the project.

Chairman McKay noted that for applications, in which Fairfax County Public Schools are a joint applicant, the Board expects a representative to be available during the hearing of this item.

Following the public hearing, which included testimony by three speakers, Ms. Themak provided responses to concerns raised during the public hearing. She shared examples of poles where there were not any safety issues, and explained that the proposed location would be the least obtrusive to the surrounding community.

Mr. Timberlake presented the staff and Planning Commission (PC) recommendations.

Discussion ensued with input from Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development, and Christopher Harold, Agent, Milestone Tower Limited Partnership IV, regarding:

- The height of the fence for the enclosure
- The possibility of using the existing light poles for the cellular equipment instead of constructing a new tower

- Whether the area for the proposed tower is currently used for sports events
- The School Board's approval of the application

Following a query by Supervisor Foust, Ms. Themak confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 8, 2020.

Supervisor Foust moved approval of:

- Proffered Condition Amendment Application PCA 89-D-007-02, subject to the executed Proffers dated June 15, 2020
- Special Exception Application SE 2019-DR-012, subject to the development conditions dated June 8, 2020
- Reaffirmation of the modification of the transitional screening requirements along all property boundaries in favor of that shown on the Generalized Development Plan (GDP)
- Reaffirmation of the modification of the barrier requirements along the northern, eastern, and western, boundaries in favor of the fencing shown on the GDP, and wavier of the barrier requirement along the southern boundary

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

39. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-PR-006 (MOHAMED ELRAFAEI D/B/A MINT CAFE) TO PERMIT A RESTAURANT, LOCATED ON APPROXIMATELY 25,287 SQUARE FEET OF LAND ZONED C-2 AND HC (PROVIDENCE DISTRICT) (4:23 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 August 28 and September 4, 2020.

This property is located at 7787 Leesburg Pike, Falls Church, 22043. Tax Map 39-2 ((1)) 42.

Mr. Mohamed Elrafaei, Applicant, reaffirmed the validity of the affidavit for the record.

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

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

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

Following a query by Supervisor Palchik, Mr. Elrafaei confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 8, 2020.

Supervisor Palchik moved approval of:

- Special Exception Application SE 2020-PR-006, subject to the development conditions dated July 8, 2020
- Modification of Sects. 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements to that shown on the SE Plat

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

40. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2019-HM-016 (CHRISTOPHER LAND, LLC) TO REZONE FROM R-1 TO PDH-2 TO PERMIT DEVELOPMENT OF UP TO 26 SINGLE FAMILY DETACHED UNITS WITH AN OVERALL DENSITY OF 1.97 DWELLING UNITS PER ACRE AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 13.2 ACRES OF LAND (HUNTER MILL DISTRICT)**
(4:31 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 August 28 and September 4, 2020.

This property is located at the terminus of Floris Lane approx. 800 feet south of West Ox Road and 1,300 feet east of Centreville Rd. Tax Map 25-1 ((4)) 8B, 9A and 14C.

John Regan, Agent, Christopher Companies, LLC, reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Alcorn moved approval of:

- Rezoning Application RZ 2019-HM-016, subject to the execution of proffered conditions consistent with those dated June 30, 2020
- Waiver of Par. 2 of Sect. 11-302 of the Zoning Ordinance to exceed the maximum length of 600 feet for the private street serving the eastern portion of the property

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

(NOTE: On July 8, 2020, the PC approved Final Development Plan Application FDP 2019-HM-016, subject to the Final Development Plan conditions dated June 15, 2020.)

41. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-Y-006-02 (PM PLUS, LLC) TO AMEND SPECIAL EXCEPTION APPLICATION SE 93-Y-006, PREVIOUSLY APPROVED FOR A SERVICE STATION, QUICK SERVICE FOOD STORE AND VEHICLE LIGHT SERVICE ESTABLISHMENT, TO PERMIT MODIFICATIONS TO THE DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 1.41 ACRES OF LAND ZONED C-8, WS AND HC (SULLY DISTRICT)**
(4:47 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 August 28 and September 4, 2020.

This property is located at 13612 and 13616 Lee Highway and 13603 and 13607 Johnson Avenue, Centreville, 20120. Tax Map 54-4 ((6)) 21A, 22A, 29 and 30.

Ms. Roxana Albert, Agent, reaffirmed the validity of the affidavit for the record.

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

Ms. Albert had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

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

Following a query by Supervisor Smith, Ms. Albert confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 8, 2020.

Supervisor Smith moved approval of:

- Special Exception Amendment Application SEA 93-Y-006-02, subject to the development conditions dated June 8, 2020
- Reaffirmation of a modification of transitional screening requirements along the eastern lot line of the property in favor of that shown on the SEA Plat
- Reaffirmation of a waiver of barrier requirements along the eastern lot line of the property in favor of that shown on the SEA Plat

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

42. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2019-DR-013 (MARGARET F. AHBE, TRUSTEE) TO REZONE FROM R-1 TO PDH-2 TO PERMIT RESIDENTIAL DEVELOPMENT WITH AN OVERALL DENSITY OF 1.75 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 1.72 ACRES OF LAND (DRANESVILLE DISTRICT) (4:53 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 August 28 and September 4, 2020.

This property is located d on the south side of Jarrett Valley Drive and west side of Leesburg Pike. Tax Map 29-1 ((1)) 10.

Aaron Frank, Land Planner, Womble Bond Dickinson LLP, reaffirmed the validity of the affidavit for the record.

Supervisor Gross disclosed that Mr. Frank had previously been employed in her office as a Land-Use Aide.

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

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

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

Supervisor Foust moved approval of:

- Rezoning Application RZ 2019-DR-013, subject to the executed proffers dated July 22, 2020
- Waiver of the minimum district size
- Modification of the 200-foot setback from the Dulles Airport Access Road (DAAR) to permit a single-family detached dwelling to be up to 101 feet away from the DAAR as depicted on the CDP/FDP
- Modification to allow an increase in height of a noise barrier from 8 feet to 10 feet

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

(NOTE: On July 22, 2020, the PC approved Final Development Plan Application FDP 2019-DR-013, subject to the proposed development conditions dated July 7, 2020.)

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43. **4 P.M. – PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON BULL RUN POST OFFICE ROAD (SULLY DISTRICT)** (5:01 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 August 28 and September 4, 2020.

Steven K. Knudsen, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by four speakers, discussion ensued, with input from Mr. Knudsen, regarding the process and requirements for installing the signs.

Mr. Knudsen presented the staff recommendations.

Supervisor Smith moved adoption of the Resolution endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a Through Truck Traffic Restriction:

- Bull Run Post Office Road between Route 29 (Lee Highway) in Fairfax County and Braddock Road in Loudoun County

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

44. **4 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE A PORTION OF WESTBRANCH DRIVE / ROUTE 5457 (PROVIDENCE DISTRICT)** (5:21 p.m.)

(R) (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 August 7 and 14, 2020.

Jeffrey Edmondson, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Mr. Edmondson presented the staff recommendations.

Supervisor Palchik stated that the applicant, Walsh, Colucci, Lubeley & Walsh, is requesting that a portion of Westbranch Drive be vacated to facilitate the installation of a dry utility duct bank, which will meet the requirements of the Final Development Plan for the property at Tax Map 0294-07-001A, and as required for the overall Tysons infrastructure system.

Supervisor Palchik said that the Westbranch Drive was originally conveyed to the Board by virtue of deed and plat recorded in Deed Book 4040 at Page 333, among the land records of Fairfax County, Virginia. County requirements specify that that applications on property owned by a party other than the applicant require the endorsement of the property owner before such an application can be heard. Because the County owns this land, the applicant is requesting Board concurrence in the filing of the application.

Therefore, Supervisor Palchik moved adoption the ordinance of vacation of the subject right-of-way, which is located at the northeast side of the intersection of Maitland Street and Westbranch Drive. 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. **4 P.M. – PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH AN ECONOMIC INCENTIVE PROGRAM (DRANESVILLE, LEE, MASON, MOUNT VERNON AND PROVIDENCE DISTRICTS)** (5:26 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 28 and September 4, 2020.

Elizabeth Hagg, Director, Community Revitalization Section, Department of Planning and Development, presented the staff report.

Following the public hearing, which included testimony by five speakers, Ms. Haag presented the staff recommendations.

Supervisor Foust stated that the proposed ordinance to establish an Economic Incentive Program (EIP) would provide a significant financial incentive to encourage the private sector to purchase, assemble, revitalize, and redevelop real property for economic development purposes. Those areas included in this program would benefit substantially from this incentive, which will help them to overcome the market challenges, aging of buildings, and outmoded aspects of land development. This program can be a catalyst for overcoming the limitations that have prevented those areas from realizing their full, envisioned potential.

Therefore, Supervisor Foust moved that the Board adopt the Ordinance to establish an Economic Incentive Program (EIP), with the following effective dates for the EIP Areas:

- Baileys Crossroads/Seven Corners EIP Area: July 1, 2022
- McLean, Richmond Highway, and Springfield EIP Areas: July 1, 2024
- Annandale and Lincolnia EIP Areas: January 1, 2025

Supervisor Foust further moved that the Board direct staff to prepare the forms and procedures for the administration of the program consistent with the adopted ordinance.

Supervisor Lusk, Supervisor Storck, and Chairman McKay jointly seconded the motion.

Following discussion by Board Members regarding the benefits and opportunities of Economic Revitalization Program, 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."

Supervisor Foust stated that a letter was received by the Board from the President of the National Association of Industrial Office Properties (NAIOP), the Northern Virginia Chapter, which expressed their support for the Economic Incentive

Program and expressed their desire for specified changes in the State authorizing legislation. The President asked the Board to direct the Legislative Office to work with the General Assembly on possible legislative changes.

Therefore, Supervisor Foust moved that the NAIOP's request be forwarded to the Board's Legislative Committee for consideration and inclusion in the County's 2021 Legislative Program. The motion was multiply seconded.

Following discussion regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn being out of the room.

46. **4 P.M. – DECISION ONLY ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-052-09/CDPA-C-052-02 (KIW SKYLINE 1, LLC, KIW SKYLINE 2, LLC AND KIW SKYLINE 3, LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR REZONING APPLICATION RZ-C-052, PREVIOUSLY APPROVED FOR OFFICE USE, TO PERMIT THE REPURPOSING OF OFFICE BUILDINGS TO ACCOMMODATE LIVE/WORK UNITS AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A 2.98 FLOOR AREA RATIO, LOCATED ON APPROXIMATELY 6.45 ACRES OF LAND ZONED PDC, CRD, SC AND HC (MASON DISTRICT) (5:57 p.m.)**

(NOTE: On July 28, 2020, the Board held the public hearing on this application and deferred the decision-only to September 15, 2020.)

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

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

Discussion ensued, with input from Elizabeth Teare, County Attorney, who confirmed that Supervisor Gross did not have to restate her disclosure for the application.

Supervisor Gross moved approval of:

- Proffered Condition Amendment Application PCA-C-052-09 and the associated Conceptual Development Plan, CDPA-C-052-02, subject to the execution of proffered conditions consistent with those dated July 23, 2020
- Modification of Sect. 6-206.5 of the Zoning Ordinance to allow other secondary uses in PDC to exceed 50% of the principal gross floor area proposed

- Modification of Sect. 11-102 of the Zoning Ordinance to permit a parking reduction in favor of that shown on the CDPA/FDPA
- Waiver of Sect. 11-302 of the Zoning Ordinance to allow private streets in excess of 600 feet in length as shown on the CDPA/FDPA
- Waiver of Sect. 11-303 of the Zoning Ordinance to allow private streets and garage aisles less than 24 feet in width as depicted on the CDPA/FDPA
- Modification of Sect. 13-300 of the Zoning Ordinance for transitional screening and barriers within the site and along adjacent property lines in favor of the existing conditions
- Waiver of Par. 1 of Sect. 13-202 of the Zoning Ordinance for interior parking lot landscaping in favor of the existing conditions
- Waiver of Par. 1 & 2 of Sect. 13-203 of the Zoning Ordinance for peripheral landscaping of above grade parking structures in favor of maintaining the existing conditions
- Modification of Par. 2 of Sect. 17-201 of the Zoning Ordinance requiring the construction of trails and walkways in accordance with the general location provided in the Comprehensive Plan in favor of the existing conditions
- Modification of Par. 4 of Sect. 17-201 of the Zoning Ordinance requiring further dedication and construction (or widening) of existing roads beyond that indicated

Supervisor Gross further moved that the Board direct the Director of Urban and Forestry Management Division (UFMD) to modify Zoning Section 13-401 and the applicable Fairfax County Public Facilities Manual Section 12-300 as it relates to tree preservation in Section 12-0308 and the 10-year Tree Canopy requirements contained in Section 12-0310 in favor of the commitments described on the CDPA/FDPA to retain and count the existing trees onsite and provide supplemental landscaping.

In support of this motion, Supervisor Gross noted that the outcome here is a significant increase in landscaping relative to the existing condition. Supervisor Gross further clarified that the motion is intended to allow the Applicant to receive the benefit of its to preserve the healthy and high quality existing trees that exist on the site, but don't strictly qualify for credit to the tree preservation and 10-year tree canopy requirements based on unavoidable constraints regarding the soil depth that is available on the top of a parking garage. Making the best use of the existing vegetation clearly meets the intent of our tree canopy requirements and similarly making strategic use of existing resources is the essence of the benefits of effective building repositioning.

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

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

47. **4 P.M. – PUBLIC HEARING TO CONSIDER AMENDMENT OF CHAPTER 11 OF THE COUNTY CODE TO REFLECT AMENDMENTS TO STATE ANTI-DISCRIMINATION AND FAIR HOUSING STATUTES ENACTED DURING THE 2020 SESSION OF THE GENERAL ASSEMBLY TO ADD SEXUAL ORIENTATION, GENDER IDENTITY, STATUS AS A VETERAN, AND, REGARDING FAIR HOUSING, SOURCE OF FUNDS AS PROTECTED CLASSES; REVISION OF THE CHAPTER 11, ARTICLE 1 OF THE COUNTY CODE (HUMAN RIGHTS ORDINANCE) TO CONFORM TO FEDERAL AND STATE LAW COUNTERPARTS; AMENDMENT OF CHAPTER 11, ARTICLE 2 OF THE COUNTY CODE (FAIRFAX COUNTY FAIR HOUSING ACT) TO CONFORM TO STATE LAW BY ADDING ADDITIONAL PROVISIONS REGARDING REASONABLE ACCOMMODATIONS AND BY CLARIFYING THE SCOPE OF CERTAIN EXEMPTIONS; AND RECODIFICATION OF CHAPTER 11 AND CHAPTER 11.1 TO IMPROVE STRUCTURE AND CLARITY, AND TO REMOVE OBSOLETE AND DUPLICATIVE PROVISIONS** (6:04 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 August 28 and September 4, 2020.

Kenneth Saunders, Director, Office of Human Rights and Equity Programs, presented the staff report.

Following the public hearing, Supervisor Foust moved to:

- Amend Chapter 11 of the County Code to reflect amendments to state anti-discrimination and fair housing statutes enacted during the 2020 Session of the General Assembly, which added sexual orientation, gender identity, status as a veteran, and regarding fair housing, source of funds as protected classes
- Revise the Human Rights Ordinance to conform to federal and state law regulations

- Amend the Fairfax County Fair Housing Act to conform to state law by adding additional provisions regarding reasonable accommodations and by clarifying the scope of certain exemptions
- Recodify Chapter 11 as Chapter 11.1 to improve structure and clarity, and to remove obsolete and duplicative provisions

Chairman McKay and Supervisor Gross jointly seconded the motion.

Following discussion by Board Members regarding the authority to prohibit discrimination and the proposed amendments, 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.”

48. **4:30 P.M. – PUBLIC HEARING ON A PROPOSAL TO ABANDON AND CONVEY A PORTION OF A FRONTAGE ROAD (FR 953) (DRANESVILLE DISTRICT)** (6:13 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 August 7 and 14, 2020.

Jeffrey Edmondson, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Foust moved adoption of the order (Attachment III) for abandonment and a resolution (Attachment VII) for the abandonment and conveyance of a portion of an unnamed Frontage Road (FR 953). Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

49. **4:30 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF BRECKNOCK STREET / ROUTE 5443 (SULLY DISTRICT)** (6:21 p.m.)

(NOTE: On July 14, 2020, the Board deferred the public hearing to September 15, 2020, at 4:30 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 August 7 and 14, 2020.

Jeffrey Edmondson, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Mr. Edmondson presented the staff recommendations. Supervisor Smith moved adoption of the order (Attachment

III) for abandonment, ordinance (Attachment IV) for vacation, and resolution (Attachment IX) for a portion of Brecknock Street / Route 5443. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

50. **4:30 P.M. – PUBLIC HEARING TO CONSIDER THE REMOVAL, RELOCATION, CONTEXTUALIZATION, OR COVERING OF PUBLICLY-OWNED CIVIL WAR RELATED MONUMENTS OR MEMORIALS AT THE FAIRFAX COUNTY JUDICIAL COMPLEX (PROVIDENCE DISTRICT)** (6:26 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 August 14 and September 4, 2020.

Denice Dressel, Senior Heritage Resources Planner, Department of Planning and Development (DPD), presented the staff report.

Discussion ensued with input from Daniel Robinson, Assistant County Attorney, regarding whether there is a restriction on geographic limitation or requirements detailing where the monuments can be relocated to.

Following the public hearing, which included testimony by 24 speakers, discussion ensued, with input from Ms. Dressel, regarding whether the City of Fairfax was given an opportunity to be part of the discussion.

Following comments, Supervisor Palchik moved that the Board:

- Vote to remove the VDHR historical marker #262 located at the Judicial Complex, Tax Map Number 57-4((1)) parcel 14
- Direct staff to work with staff from the Virginia Department of Historic Resources (VDHR) to determine whether it wants the marker returned for relocation and placement. If it does not, then staff should offer the marker, for a period of 30 days, to appropriate museums, historical societies, governments, or military battlefields for relocation and placement
- Direct staff to return to this body on October 20, 2020, to advise the Board whether the Virginia Department of Historic Resources (VDHR) has requested the return of the marker and, if not, whether any other museum, historical society, government, or military battlefield has requested the marker for relocation and placement, after which the Board should vote to determine the final disposition of the VDHR historical marker #262

Supervisor Alcorn seconded the motion.

Following discussion regarding the removal of the marker, the question was called on the motion and it carried by a recorded vote of nine, Supervisor Herrity voting “NAY.”

Jointly with Supervisor Alcorn, Supervisor Palchik moved that the Board work with the Fairfax County History Commission Marker Committee, Northern Virginia Department of Historic Resources (NVDHR), to obtain information on the process for preparing one or more markers to more fully describe the historic context of the actions at the Fairfax Courthouse, including those that occurred at the Battle of the Fairfax Courthouse, and additional periods of history. Topics could include the reconstruction era, voting at the courthouse, and the experiences of the African American community. Supervisor Alcorn seconded the motion and it carried by a recorded vote of nine, Supervisor Herrity voting “NAY.”

Supervisor Palchik further moved that the Board:

- Remove the granite obelisk commemorating the death of John Quincy Marr located at the Judicial Complex, Tax Map Number 57-4((1)) parcel 14
- Direct staff to offer the monument, for a period of 30 days, to appropriate museums, historical societies, governments, or military battlefields for relocation and placement
- Direct staff to return to the Board on October 20, 2020, to advise the Board if any museum, historical society, government, or military battlefield has requested the John Quincy Marr Monument for relocation and placement, after which the Board should vote to determine the final disposition of the John Quincy Marr Monument

Supervisor Alcorn and Supervisor Lusk jointly seconded the motion and it carried by a recorded vote of nine, Supervisor Herrity voting “NAY.”

Supervisor Palchik further moved that the Board:

- Remove the two Dahlgren Howitzers located at the Judicial Complex, Tax Map Number 57-4((1)) parcel 14
- Direct staff to offer the monument, for a period of 30 days, to appropriate museums, historical societies, governments, or military battlefields for relocation and placement
- Direct staff to return to the Board on October 20, 2020, to advise the Board if any museum, historical society, government or military battlefield has requested the two Dahlgren Howitzers for relocation and placement, after which the Board should vote to determine the final disposition of the Howitzers

Supervisor Alcorn and Supervisor Lusk jointly seconded the motion and it carried by a recorded vote of nine, Supervisor Herrity voting “NAY.”

51. **4:30 P.M. – PUBLIC HEARING TO CONSIDER THE ADOPTION OF AMENDMENTS TO CHAPTER 6 OF THE FAIRFAX COUNTY CODE RELATING TO WEAPONS** (8:23 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 August 28 and September 4, 2020.

David M. Rohrer, Deputy County Executive, presented the staff report.

Discussion ensued with input from Mr. Rohrer, John Burton, Assistant County Attorney, and Dalton Becker, Captain, Police Department, regarding:

- Exceptions and impacts on hunting and how to address the concerns
- Impacts on hunters that launch from the parks and surrounding jurisdictions and how to address those situations
- Permit process for concealed weapons
- Signage at the parks located at the entrances and facilities
- Cost implication, fiscal impacts, and availability of resources to protect the community

Following the public hearing, which included testimony by 84 speakers, Mr. Rohrer presented staff recommendations.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved to adopt the updated amendments to Chapter 6 of the *Fairfax County Code*, governing Weapons dated September 11, 2020, including all of the material in brackets, which was distributed to Board Members last week and published on the County’s website as Attachment 3 of the Board Agenda Item. Supervisor Alcorn and Supervisor Walkinshaw jointly seconded the motion.

Following comments, Supervisor Herrity moved to amend the draft Ordinance and insert “...includes individual possessing a concealed handgun permit that is valid in the Commonwealth of Virginia...” into paragraph “C”. The motion died for lack of a second.

Discussion ensued, with input from Mr. Burton, regarding exercising the Board’s authority, protection at county facilities, permit processes, and potential loopholes.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

52. **BOARD ADJOURNMENT** (2:15 a.m.)

The Board adjourned.