



# **CLERK'S BOARD SUMMARY**

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

**TUESDAY  
September 29, 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 29, 2020, at 12:12 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, was absent from the entire meeting.

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors;

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

## **BOARD MATTER**

### 1. **MOMENT OF SILENCE** (12:12 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

Chairman McKay announced that Supervisor Walkinshaw would be absent from the entire meeting due to personal reasons.

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

- Mr. Saba Shami, who died recently. Mr. Shami was a resident of the Lee District and an advocate for the Arab American community. He was an appointee to multiple groups by the Governor and a fierce advocate for peaceful resolutions of conflicts
- Ms. Lilla Richards, Former Dranesville Supervisor, who died recently. She had exceptional institutional knowledge of the County's Zoning Ordinance, loved the libraries, and was instrumental in creating a Teen Center in the Dranesville District
- Ms. Ruth Bader Ginsberg, Associate Justice of the Supreme Court of the United States, who died recently. Ms. Ginsberg was honored with flags flying at half-mast at the Government Center. She was a fearless leader who fought for justice for all

Discussion ensued with Board Members regarding Mr. Shami and Ms. Ginsberg.

**AGENDA ITEMS****2. 12 P.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACS) (12:24 p.m.)**

(APPTS)  
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard September 29, 2020.” Chairman McKay seconded the motion.

Supervisor Foust asked to amend the motion to include the reappointment of Ms. Valerie Inman as the Dranesville District Representative on the Child Care Advisory Council. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Walkinshaw being absent.

The full list of appointments is as follows:

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

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

**ADVISORY SOCIAL SERVICES BOARD**

Reappointment of:

- Mr. David T. S. Jonas as the At-Large Chairman's Representative
- Ms. Amrita Banerjee as the Springfield District Representative
- Ms. Alice Foltz as the Sully District Representative

The Board deferred the appointments of the Lee and Mount Vernon District Representatives.

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

Reappointment of:

- Mr. Kenneth Heyman as the Builder (Single Family) Representative

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

**AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

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

The Board deferred the appointment of the At-Large #1 Representative.

**ANIMAL SERVICES ADVISORY COMMISSION**

Reappointment of:

- Mr. Chester J. Freedenthal as the Lee District Representative

**ARCHITECTURAL REVIEW BOARD**

Reappointment of:

- Ms. Michele C. Aubry as the Archaeologist Representative
- Mr. Christopher Daniel as the Related Professional Group #5 Representative

Appointment of:

- Mr. Michael McReynolds as the Related Professional Group #6 Representative

**ATHLETIC COUNCIL**

Appointment of:

- Ms. Annmarie Swope as the Member-At-Large Alternate Representative
- Ms. Hillary Richardson as the Women's Sports Alternate Representative

The Board deferred the appointments of the Diversity-At-Large Principal and Mason and Providence District Alternate Representatives.

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

Reappointment of:

- Ms. Marie Colturi as the Hunter Mill District Representative

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

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

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

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

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

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

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

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

Appointment of:

- Ms. Alexis Dickerson as the Lee District Representative

The Board deferred the appointment of the Mason District Representative.

**CHILD CARE ADVISORY COUNCIL**

Reappointment of:

- Ms. Monica Jackson as the Braddock District Representative
- Ms. Valerie Inman as the Dranesville District Representative
- Ms. Dawn M. Edwards as the Hunter Mill District Representative
- Ms. Wynne Busman as the Mason District Representative
- Ms. Kerry O'Brien as the Springfield District Representative

**CITIZEN CORPS COUNCIL, FAIRFAX COUNTY**

Reappointment of:

- Ms. Linda J. Waller as the Lee District Representative

Appointment of:

- Mr. Joseph J. Hansen as the Mount Vernon District Representative

- Mr. Richard Cramond as the Sully District Representative

The Board deferred the appointment of the Dranesville District Representative.

**CIVIL SERVICE COMMISSION**

The Board deferred the appointment of the At-Large #9 Representative.

**COMMISSION FOR WOMEN**

Appointment of:

- Ms. Julie K. Waters as the Dranesville District Representative

The Board deferred the appointment of the Sully District Representative.

**COMMISSION ON AGING**

Reappointment of:

- Ms. Sharron Dreyer as the Lee District Representative
- Ms. Diane R. Watson as the Mount Vernon District Representative

The Board deferred the appointment of the Mason District Representative.

**CONSUMER PROTECTION COMMISSION**

The Board deferred the appointment of the Fairfax County Resident #5 Representative.

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I**

The Board deferred the appointments of the At-Large #1, #2 and #3 Representatives.

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II**

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

**ECONOMIC ADVISORY COMMISSION**

Appointment of:

- Ms. Hillary Katherine Zahm as the Providence District Representative

**ECONOMIC DEVELOPMENT AUTHORITY (EDA)**

The Board deferred the appointment of the At-Large #1 Citizen Representative.

**ENGINEERING STANDARDS REVIEW COMMITTEE**

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

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

Confirmation of:

- Ms. Prasi Thapa as the Student Representative

The Board deferred the appointment of the Dranesville District Representative.

**FAIRFAX AREA DISABILITY SERVICES BOARD**

Appointment of:

- Ms. Melandee Jones Canady as the At-Large Chairman's Representative

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

**FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES**

Appointment of:

- Mr. Anthony H. Griffin as the At-Large #2 Representative

The Board deferred the appointment of the At-Large #3 Representative.

**HEALTH CARE ADVISORY BOARD**

Reappointment of:

- Ms. Maia Cecire as the Lee District Representative

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

**HEALTH SYSTEMS AGENCY BOARD**

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

**HISTORY COMMISSION**

Appointment of:

- Ms. Sue Kovach Shuman as the Citizen #8 Representative

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

### **HUMAN RIGHTS COMMISSION**

Reappointment of:

- Ms. Gloria J. Crawford as the At-Large #2 Representative
- Mr. Eduardo Conde as the At-Large #8 Representative
- Ms. Freda Bailey Shipman as the At-Large #12 Representative

The Board deferred the appointments of the At-Large #7, #9, and #11 Representatives.

### **HUMAN SERVICES COUNCIL**

Reappointment of:

- Ms. Fatima Y. Mirza as the Dranesville District #2 Representative
- Mr. Gerald V. Poje as the Hunter Mill District #2 Representative

### **INDUSTRIAL DEVELOPMENT AUTHORITY**

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

### **JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL**

Appointment of:

- Ms. Deborah Woolen as the Lee District Representative

### **LIBRARY BOARD**

Appointment of:

- Mr. Keith Foxx as the Lee District Representative

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

Appointment of:

- Mr. Stephen Levenson as the Lee District Representative



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

#### **REDEVELOPMENT AND HOUSING AUTHORITY**

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

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

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

#### **ROAD VIEWERS BOARD**

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

#### **SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

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

#### **TENANT LANDLORD COMMISSION**

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

#### **TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE**

Appointment of:

- Ms. Dyami Pipkin as the Lee District Representative

Confirmation of:

- Ms. Elizabeth A. Iannetta as the Park Authority Representative

#### **TRANSPORTATION ADVISORY COMMISSION**

Appointment of:

- Ms. Kelley Westenhoff as the Hunter Mill District Representative
- Ms. Alexis Glenn as the Lee District Representative

#### **TREE COMMISSION**

Appointment of:

- Dr. Bret Leslie as the Hunter Mill District Representative

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

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

**YOUNG ADULTS ADVISORY COUNCIL (YAAC)**

Appointment of:

- Ms. Kiana Simpkins as the Dranesville District Representative
- Ms. Ana McCoy as the Lee District Representative

Confirmation of:

- Ms. Natalya Denise Moody as the George Mason University Representative

The Board deferred the appointment of the Mason District Representative.

3. **12 P.M. – PUBLIC HEARING ON THE COUNTY AND SCHOOLS’ FISCAL YEAR (FY) 2020 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2021 REVISED BUDGET PLAN**  
(12:25 p.m.)

(FPR)

(SAR)

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

Christina Jackson, Director, Department of Management and Budget outlined the FY 2020 *Carryover Review Package*.

Following the public hearing, which included testimony by three speakers, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Carryover package including Supplemental Appropriation Resolution (SAR) AS 21009 and an amendment to the Fiscal Planning Resolution (FPR) AS 21900 for FY 2021 adjustments, as well as Supplemental Appropriation Resolution AS 20258 for FY 2020 year-end adjustments.

Chairman McKay stated that this approval includes the FY 2020 *Carryover Review* package as presented at the Board meeting on July 28, 2020, and the changes included in the FY 2020 Carryover Review Update memorandum dated September 16, 2020, as well as the following adjustments:

1. One-time funding of \$600,000 to support the construction of the Turning Point Suffragist Memorial at Occoquan Regional Park
2. One-time funding of \$60,000 towards the completion of an Architectural and Community Survey for the Gum Springs Historic District
3. One-time funding of \$25,000 to support the Metropolitan Washington Council of Governments Agriculture Task Force's regional efforts regarding local agriculture

In addition, Chairman McKay stated that the recommendation to increase the reserve for the Coronavirus Pandemic in the General Fund is updated to reflect an increase of \$15.19 million. When combined with the \$9.84 million, which is included as part of the FY 2021 Adopted Budget Plan, the one-time funding in the reserve totals \$25.03 million.

Chairman McKay further stated that with these and associated reserve adjustments, the General Fund balance at the FY 2020 Carryover Review is \$0.

Supervisor Foust and Supervisor Lusk jointly seconded the motion.

Discussion ensued with Board Members regarding:

- Funding for the Body Worn Camera Program
- Funding for the Office of Elections to support the Presidential elections
- A provision of staff to support the Coronavirus Aid Relief and Economic Security (the CARES Act)
- Additional staff positions to support the call center due to an increased amount of calls
- Increase capacity of kits for COVID-19 testing
- Public Safety/Police pay not addressed in the package
- Consolidated Services Program (CSP)

The question was called on the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

Vice-Chairman Gross requested that funding for audio support for the Summer Concert series be included in next year's budget consideration.

Vice-Chairman Gross returned the gavel to Chairman McKay.

**DMS:dms****BOARD MATTERS****4. PROCLAMATION REQUESTS FOR THE DAUGHTERS OF THE AMERICAN REVOLUTION AND VOLUNTEERFAIRFAX (12:55 p.m.)**

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare proclamations for:

- The Providence Chapter of the Daughters of the American Revolution commemorating their 130th Anniversary on October 11, 2020, to be presented out of the Board Room
- VolunteerFairfax designating October 24-25, 2020, as “*VolunteerFest 2020*,” to be presented out of the Board Room

Without objection, it was so ordered.

**5. PROCLAMATION REQUEST FOR MAYOR MERKEL, TOWN OF HERNDON (12:56 p.m.)**

Chairman McKay stated that earlier this year, Town of Herndon Mayor Lisa Merkel announced that she would not be seeking re-election for a fifth term in November. Mayor Merkel has had a remarkable tenure of 10 years serving the Town of Herndon. First elected as Vice Mayor in 2010, and serving as Mayor since 2012, the Town of Herndon has truly thrived under her leadership. Notably, she was also the Town’s first elected female Mayor.

Chairman McKay stated that the Board works in close collaboration with the Town of Herndon on a number of initiatives. Our close partnership has been made even stronger through Mayor Merkel’s leadership. Her dedication to Herndon’s residents is clear to see and all of Fairfax County is made greater by her commitment as not only Mayor, but as a genuine and caring neighbor.

Therefore, jointly with Supervisor Foust, Chairman McKay asked unanimous consent that the Board direct the Office of Public Affairs prepare a proclamation honoring Mayor Merkel for her years of service to be presented at a future Board meeting. Without objection, it was so ordered.

**6. REQUEST TO RESCHEDULE THE NOVEMBER 2021 BOARD MEETING DATE (12:57 p.m.)**

Chairman McKay stated that next year’s Virginia Association of Counties Annual Meeting is scheduled for a week later than usual — November 13 to 16, 2021. The Board had approved next year’s meeting calendar that included a Board meeting on November 16, 2021. Because several of the Board will need to attend this annual meeting, we will have to reschedule our Board meeting to earlier in the month.

Therefore, jointly with Supervisor Gross, Chairman McKay moved that the Board reschedule its previously scheduled November 16, 2021, Board meeting to the week earlier, November 9, 2021. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

7. **JOINT WORKING GROUP WITH THE SCHOOL BOARD ON COLLECTIVE BARGAINING** (12:58 p.m.)

Chairman McKay stated that during its regular session earlier this year, the Virginia General Assembly voted to give localities the ability to collectively bargain with some public employees. Governor Northam signed the bill, with an amendment making it effective May 1, 2021. The Board supported this action in our Legislative Package as well.

The Board recognizes that, prior to considering the bill's potential implementation here in Fairfax County, much work needs to be done among County and Schools staff and with our employee groups. To that end, it is critical that we create a mechanism to capture input from stakeholders to guide our next steps.

Therefore, jointly with Supervisor Gross and Supervisor Walkinshaw, Chairman McKay moved that the Board create a joint working group, to include two members of our Board and two members of the School Board, to discuss collective bargaining in Fairfax County. This group will be established by the Chairman's Office, similar to prior working groups, recommendations should be shared by Friday, October 9. Jointly with Supervisor Gross and Supervisor Walkinshaw, Chairman McKay further moved that Supervisor Walkinshaw (as Legislative Chair) and Supervisor Gross (as Personnel Chair) be appointed as this Board's representatives. Recommendations and input collected by this working group should be brought back to a future Personnel Committee no later than the first quarter of 2021. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

8. **REQUEST TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO EMERGENCY ORDINANCE** (1:03 p.m.)

- (A) Chairman McKay stated that as part of the County's multipronged approach to dealing with the COVID-19 pandemic, the Board held a special meeting on May 28 and adopted an uncodified emergency ordinance to provide a method to assure continuity in Fairfax County government by temporarily approving outdoor dining and outdoor fitness and exercise activities subject to certain conditions. This ordinance gave businesses an opportunity to sustain themselves while alleviating the need for individualized approvals that would have strained County resources. Because the emergency ordinance would have automatically expired after 60 days, the Board held a public hearing on July 14 and adopted a replacement ordinance that, unless repealed, will remain in effect until six months after our local state of emergency. As originally adopted, the ordinance allows tents only with all sides open. But with impending cold fall and winter weather,

establishments will need to be able to enclose tents for the comfort of their patrons and staff.

Therefore, Chairman McKay moved that the Board authorize advertisement of a public hearing, to be held on October 20, 2020, to consider amendments to this uncodified ordinance to allow tents to be partially or completely closed. Supervisor Herrity seconded the motion.

Following discussion regarding heating sources and the ordinance amendment, with input from Barbara Byron, Director, Department of Planning and Development, the question was called on the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

9. **2020 VIRGIIA ASSOCIATION OF COUNTIES (VACo) DELEGATION APPOINTMENTS** (1:13 p.m.)

(BAC) Supervisor Gross announced that the Board has received a request from VACo regarding designating a voting delegate and alternate voting delegate to represent the County at the 2020 VACo Annual Business Meeting to be held virtually on November 11, 2020.

Therefore, Supervisor Gross moved that the Board designate Supervisor Gross as the voting delegate and Chairman McKay as the alternate. Supervisor Smith seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

10. **NO BOARD MATTERS FOR SUPERVISOR WALKINSHAW (BRADDOCK DISTRICT)** (1:14 p.m.)

Supervisor Walkinshaw was absent from the meeting.

11. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (1:14 p.m.)

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

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

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

13. **PUBLIC SAFETY COMMUNITY INPUT SESSION** (1:14 p.m.)

Supervisor Lusk announced that there would be a Public Safety Community Input Session held on September 30, 2020 at 6:30 p.m.

14. **COMPREHENSIVE PLAN AMENDMENT AUTHORIZATION FOR 8708 SILVERBROOK ROAD (MOUNT VERNON DISTRICT)** (1:16 p.m.)

Supervisor Storck stated that the property at 8708 Silverbrook Road in Lorton, Tax Map Parcel 98-3((1))3 is located at the corner of Silverbrook Road and South Run Road. Christopher Companies, in partnership with Tetra Corporation, is interested in developing the 1.9-acre property for residential uses in a similar manner to the surrounding Newington Commons community. Through numerous meetings with the Newington Commons HOA leadership, Christopher Companies is considering significant improvements to a nearby Newington Commons playground and the potential for this development to become part of the Newington Commons Homeowner's Association.

The adopted Comprehensive Plan for the property recommends residential use at a density of 2-3 dwelling units per acre, and the proposal seeks up to 5 dwelling units per acre. Christopher has gathered preliminary community support for the residential proposal and is prepared to pursue a rezoning application. The South County Federation has passed a resolution in support of this potential replanning effort, and this amendment provides an opportunity to consider additional residential density on this property, similar to the surrounding area.

Therefore, Supervisor Storck moved that the Board authorize a Comprehensive Plan amendment to consider a planned density of 4-5 dwelling units per acre for 8708 Silverbrook Road (Tax Map Parcel 98-3((1))3), with consideration for recreational opportunities with Newington Commons and other elements that would integrate the new development into the neighboring community. The Plan amendment should be reviewed concurrently with the application to rezone the property once such application is submitted. Supervisor Smith seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

15. **AUDITOR OF THE BOARD'S SEPTEMBER 2020 QUARTERLY REPORT AND COMMITTEE WORK PLAN** (1:18 p.m.)

Supervisor Storck stated that the Board has received the Auditor of the Board's Quarterly Report for September 2020. The report included the following study areas, recommendations, and managements' concurrences.

September 2020 Quarterly Report:

- FCPD Moving Citation Operations Study - Auditor recommends:
  - Staff to initiate a data driven prioritization citation coding training effort and E-Summons application to default to County codes for moving citations
- Unused and Under Used Properties Study - Auditor recommends:
  - Staff centralize tracking of unused and under used parcels to assist the County's stakeholders with identifying parcels for use and realtime perpetual tracking

- Management agreed with all of the recommendations

Therefore, Supervisor Storck moved that the Board adopt the Auditor of the Board's September 2020 Quarterly Report and approve the Audit Committee Work Plan for the upcoming quarter. Supervisor Palchik seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

16. **5th Annual Tour de Mount Vernon** (1:20 p.m.)

Supervisor Storck announced that the 5th Annual Tour de Mount Vernon would be held on October 3, 2020, at the Workhouse Arts Center.

17. **WEXFORD MANOR APARTMENTS RECEIVED NATIONAL RECOGNITION AS A "COMMUNITY OF QUALITY" FROM THE NATIONAL AFFORDABLE HOUSING MANAGEMENT ASSOCIATION** (1:22 p.m.)

Supervisor Palchik stated that since 1974, Wesley Property Management has helped build, sustain, and support inclusive affordable housing communities in the DMV area. The Fairfax County Redevelopment and Housing Authority provided this 74-unit project with nearly \$3 million in Housing Blueprint funding for the acquisition, rehabilitation, and preservation of this project. Together, they were able to establish Wexford Manor Apartments which has received national recognition as a "Community of Quality" from the National Affordable Housing Management Association. The National Affordable Housing Management Association (NAHMA) provides a certification program that recognizes multi-family properties which provide the highest quality affordable housing to lower-income residents while adding value to its larger community.

Through the Communities of Quality National Recognition program, multifamily properties can be certified as having achieved a high standard of excellence in the way they are managed, the services they provide residents, the experience and training of personnel, and other criteria. Wexford Manor Apartments demonstrate a commitment by our County and our Community to ensure that Fairfax County can be an inclusive and affordable county with high quality housing for all its residents.

Therefore, Supervisor Palchik moved that the Board honor Wexford Manor Apartments for their deserved national recognition as a "Community of Quality" from the National Affordable Housing Management Association, and their partnership with the County in the fight for affordable housing in Fairfax. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

18. **FAIRHILL ELEMENTARY SCHOOL AND POPLAR TREE ELEMENTARY SCHOOL NAMED 2020 NATIONAL BLUE RIBBON SCHOOLS** (1:25 p.m.)



Supervisor Palchik stated that the Blue Ribbon Schools Program honors high performing schools and schools making exemplary progress toward closing achievement gaps. Fairhill Elementary was recognized for progress toward closing achievement gaps. Poplar Tree Elementary was recognized for overall achievement.

Fairhill Elementary is represented by a diverse student body that includes speakers of more than 30 languages. Teachers use data led by an instructional coach and administrators to meet the needs of their students. There are programs in a Learning Lab providing individualized reading instruction, a Before School Learning Academy to prepare for the Virginia Standards of Learning tests, and mentoring programs to support students in traditionally underserved groups who are referred by teachers or parents, and sixth graders team up with students in grades K-3.

Poplar Tree Elementary was one of the first schools in Fairfax County Public Schools (FCPS) to participate in the FCPS on program. They have assigned personal devices to all students and engaging instructional staff in professional development to help them bring this technology into the classroom. The result is a shift to a student-centered learning environment. Students have new leadership opportunities and are engaged in developing both creative and critical thinking skills and problem-solving skills.

Therefore, jointly with Supervisor Smith, Supervisor Palchik moved that the Board recognize Fairhill Elementary School and Poplar Tree Elementary School as leaders that implemented programs to widen the circle of opportunity for their students. Supervisor Smith seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

19. **PROVIDENCE DISTRICT ZONING ORDINANCE MODIFICATION PROJECT (ZMOD) MEETING** (1:28 p.m.)

Supervisor Palchik announced that there would be a virtual zMOD meeting on September 30, 2020, at 7:00 p.m.

20. **PROCLAMATION REQUEST FOR “CAREGIVERS AWARENESS MONTH”** (1:28 p.m.)

Supervisor Herrity stated that November is National Family Caregivers Month. Many of our older adults have faced usually difficult times this year because of the pandemic, adding to the care they regularly need. It is important to recognize and honor the dedication and contributions of family caregivers and encourage support and gratitude for all the care they provide, especially during this difficult time. With the older adult population growing in Fairfax County and Virginia as a whole, caregivers are essential for our community and make up one in five persons in Virginia. Family caregivers selflessly care for older adults and adults with disabilities by providing physical and emotional support, as well as financial and medical assistance.

In addition, family caregivers prevent early institutionalization of loved ones, promote aging in place, and provide compassionate care without being paid. The monetary value of family caregiving is over \$11.7 billion in Virginia alone. Given the complexity of the roles and responsibilities of family caregiving, caregivers are at increased risk for adverse effects on their physical, mental, and emotional well-being.

Fairfax County provides support to family caregivers including caregiver webinars, caregiver telephone support calls, caregiver consultations, care management, in-home respite and bathing services, text and email alerts, and an Aging, Disability and Caregiver Resource line. With exacerbated needs and challenges for both older adults and caregivers during the pandemic, these resources are increasingly important.

Therefore, as Chairman of the Older Adults Committee, Supervisor Herrity moved

that the Board designate November 2020 as Caregivers Awareness Month to honor the service and sacrifice of our many dedicated caregivers and have staff prepare a proclamation recognizing Caregivers Awareness Month to be presented before the Board on November 17th or at a forum outside the Board room if presentations have not resumed. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

21. **PROCLAMATION REQUESTS FOR KEITH “WOODY” WEIR AND GENE THOMAS, SPRINGFIELD/SOUTH COUNTY YOUTH CLUB (SYC) VOLUNTEERS** (1:31 p.m.)

Supervisor Herrity stated that the Springfield/South County Youth Club (SYC) is one of the many youth sports leagues we are fortunate to have here in Fairfax County. They have been influential in fostering community, healthy living, and character for our young athletes and depend heavily on dedicated volunteers for everything from administration to coaching. For that reason, it is especially important that we recognize two of SYC’s dedicated volunteers who are retiring this year: Keith “Woody” Weir and Gene Thomas.

Over the years, Keith “Woody” Weir has coached several soccer teams. He served as a Rec Soccer League Director for 12 years and as the SYC Recreational Soccer Commissioner for 5 years. While serving on the Soccer Committee as the Soccer Committee Co-Chairperson from Mar 2009 – June 2014 and during his time as the Recreational Soccer Commissioner, Weir developed, implemented, established, and/or administered a multitude of programs/initiatives, including implementing the SYC Concussion Awareness Program in April 2013. He also developed and administered the SYC Concussion Education & Training Program (CETP) January 2014 for all sports activities in SYC.

Gene Thomas’s SYC volunteerism began when he left the US Army in 1994 and started coaching SYC House Soccer. His involvement coaching led him to join the SYC Board of Directors in 1999. On the board, he served as the Vice President of Activities and Secretary on the Executive Committee. Gene has a

long history of volunteering over the years to include roles as House Soccer League Director, Travel Soccer Coach, REC Soccer Commissioner, Travel Soccer Commissioner, and Co-Chairperson of the SYC Soccer Committee. Thomas has surely impacted many young athletes in our community over his 20+ years of service.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare proclamations with dual signatures that recognize the service of Keith “Woody” Weir and Gene Thomas to our community, to be presented outside the Board Auditorium. Without objection, it was so ordered.

22. **COORDINATION REQUEST FOR THE OFFICE OF ELECTIONS**  
(1:32 p.m.)

Supervisor Herrity asked unanimous consent that the Board request coordination with the Office of Elections to address issues/concerns. Without objection, it was so ordered.

23. **PUTTING FOR PETS GOLF TOURNAMENT (SULLY DISTRICT)**  
(1:45 p.m.)

Supervisor Smith stated that one of the success stories of the County is its Michael Frey Animal Shelter. Not only is the facility the location where a child might pick out their first pet, but also where many of these pets find a new adult companion. In 2019, the Shelter received a total of just under 4,500 dogs, cats, small animals, and poultry. Of that number, over 3,000 were adopted and more than 900 were returned to their owners.

In addition to the outstanding shelter staff, the Friends of the Fairfax County Animal Shelter and other volunteers provided nearly 35,000 hours to the shelter. The Friends, through their efforts, provided nearly \$245,000 in shelter funding and \$57,000 was used for medical treatment of shelter pets.

One of the fundraisers for the Friends Group is the Putting for Pets Golf Tournament. This year’s tournament is October 21, 2020, at Westfields Gold Club in Clifton. The shotgun start is 8:30 a.m. and there will be breakfast before and lunch after the tournament and auction.

Therefore, Supervisor Smith encouraged the Board to participate in the event and asked unanimous consent that the Board direct staff to publicize the event. Without objection, it was so ordered.

**EA:ea**

24. **ADMINISTRATIVE ITEMS** (1:47 p.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay 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 Storck, and Chairman McKay voting “AYE,” Supervisor Walkinshaw being absent.

Supervisor Alcorn commented on Admin 9. He stated that the Reston Community Center property had a larger square footage than what was included in the description of the facility in the staff report. He requested this error be corrected by staff before the public hearing.

**ADMIN 1– ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 78-L-074-06, HILLTOP SAND AND GRAVEL COMPANY, INC. (LEE DISTRICT)**

(AT) Approved the request for twenty-four months of additional time to commence construction for Special Exception Amendment Application SEA 78-L-074-06, to July 1, 2022, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

**ADMIN 2– ADDITIONAL TIME TO OBTAIN A NON-RESIDENTIAL USE PERMIT (NON-RUP) FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-M-093-02, 7231 ARLINGTON BOULEVARD, LLC (MASON DISTRICT)**

(AT) Approved the request for twelve months of additional time to obtain a Non-RUP for Special Exception Amendment Application SEA 82-M-093-02, to August 6, 2021, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

**ADMIN 3 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (DRANESVILLE 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-D20-2	Milestone Communications Tax Map No. 19-3 ((1)) 20 1315 Beulah Road Vienna, VA Dranesville District	December 14, 2020

**ADMIN 4– ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION SE 2003-HM-014, PRENTISS PROPERTIES ACQUISITION PARTNERS, L.P. (DRANESVILLE DISTRICT)**

(AT) Approved the request for thirty months of additional time to commence construction for Special Exception Application SE 2003-HM-014, to

January 1, 2023, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

**ADMIN 5– ADDITIONAL TIME TO OBTAIN A NON-RESIDENTIAL USE PERMIT (NON-RUP) FOR SPECIAL EXCEPTION APPLICATION SE 2013-PR-021, TRUSTEES OF BRUEN CHAPEL UNITED METHODIST CHURCH AND MONTESSORI SCHOOL OF CEDAR LANE, INC. (PROVIDENCE DISTRICT)**

- (AT) Approved the request for eighteen months of additional time to obtain a Non-RUP for Special Exception Application SE 2013-PR-021, to, 2021, pursuant January 1, 2022, to the provisions of Sect. 9-015 of the Zoning Ordinance.

**ADMIN 6– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND A LEASE OF COUNTY-OWNED PROPERTY AT 4600-A WEST OX ROAD AND 6140 ROLLING ROAD WITH COXCOM, LLC (SPRINGFIELD DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2020, at 3:30 p.m.** to amend a lease with CoxCom, LLC regarding antenna towers on County-owned property located at 4600-A West Ox Road and 6140 Rolling Road for the provision of telecommunications services for public use.

**ADMIN 7– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND A LEASE OF COUNTY-OWNED PROPERTY AT 2610 RESTON PARKWAY WITH COXCOM, LLC (HUNTER MILL DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2020, at 3:30 p.m.** to amend a lease with CoxCom, LLC regarding antenna towers on County-owned property located at 2610 Reston Parkway for the provision of telecommunications services for public use.

**ADMIN 8 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

Designated the following individual, identified with a registration number, as a Plans Examiner:

- Marco Brent Restivo (342)

**ADMIN 9– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND TO LEASE COUNTY-OWNED PROPERTIES FOR THE PURPOSE OF INSTALLING SOLAR FACILITIES (BRADDOCK, HUNTER MILL, MASON, MOUNT VERNON, PROVIDENCE AND SPRINGFIELD DISTRICTS)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2020, at 3:30 p.m.** to lease County-owned property to Sigora Solar for the installation, operation and maintenance of solar photovoltaic panels for the purpose of on-site electric generation at the Herrity Building at 12055 Government Center Parkway, Pennino Building at 12011 Government Center Parkway, North County Government Center at 1801 Cameron Glen Drive, Reston Community Center at 2310 Colts Neck Road, Springfield Warehouse at 6800 Industrial Road, Lab Building at the Noman M. Cole Pollution Control Plant at 9399 Richmond Highway, Providence Community Center at 3001 Vaden Drive, and I-66 Transfer Station, Worker’s Facility Building and Truck Wash Building at 4500 West Ox Road.

**ADMIN 10– APPROVAL OF A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MOUNT VERNON DISTRICT)**

- Authorized the installation of “Watch for Children” sign on the following road:
  - One “Watch for Children” sign on Evening Lane (Mount Vernon District)
- Directed Fairfax County Department of Transportation (FCDOT) to schedule the installation of the approved “Watch for Children” sign as soon as possible

**ADMIN 11– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE ESTABLISHING THE SCOTTS RUN RESIDENTIAL PERMIT PARKING DISTRICT, DISTRICT 48 (DRANESVILLE 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 a proposed amendment to Appendix G of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Scotts Run Residential Permit Parking District (RPPD), District 48.

25. **A-1 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE A WATER QUALITY CREDIT AGREEMENT BETWEEN THE CITY OF FAIRFAX AND FAIRFAX COUNTY** (1:49 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff to authorize the County Executive to execute an agreement between the City of Fairfax (City) and Fairfax County (County) for the use of the City’s pro-rata share of the available nutrient credits at the County’s Noman M. Cole Jr. Pollution Control Plant (Plant) for compliance with the City’s Municipal Separate Storm Sewer System (MS4) permit. Supervisor Lusk seconded the motion and it carried by a vote of eight, Supervisor Herrity being out of the room and Supervisor Walkinshaw being absent.

26. **A-2 – APPROVAL OF A RESOLUTION TO AUTHORIZE THE EXTENSION OF TIME TO ISSUE GENERAL OBLIGATION BONDS**  
(1:50 p.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and approve a resolution requesting the Circuit Court order a two-year extension of the period for issuance of County bonds authorized on November 6, 2012, from eight years to ten years. Supervisor Alcorn and Supervisor Lusk jointly seconded the motion and it carried by a vote of eight, Supervisor Herrity being out of the room and Supervisor Walkinshaw being absent.

27. **A-3 – APPROVAL OF INTERGOVERNMENTAL COLLABORATION AGREEMENT WITH THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS AND OTHER LOCAL JURISDICTIONS IN THE DC-VA-MD REGION TO COLLABORATE ON A REGIONAL ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING** (1:50 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the Intergovernmental Collaboration Agreement for the 2021-2025 Metropolitan Washington Regional Analysis of Impediments to Fair Housing (ICA), with the Metropolitan Washington Council of Governments (COG) and other local jurisdictions in the Washington, D.C. – Virginia – Maryland region. The other jurisdictions are the District of Columbia, Arlington County, Loudoun County, Prince William County, the City of Alexandria, and Montgomery County (MD). The Fairfax County Redevelopment and Housing Authority will also be a party to the document, as will the District of Columbia Housing Authority, Alexandria Housing and Redevelopment Authority, Housing Opportunities Commission (Montgomery County), and Rockville Housing Enterprises (MD). Supervisor Palchik seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

28. **A-4 – APPROVAL OF A PROJECT AGREEMENT BETWEEN THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND FAIRFAX COUNTY TO PROVIDE FUNDING FOR SUPPLEMENTAL BUS SERVICE OPERATIONS AND COMMUNITY OUTREACH PROVIDED TO MITIGATE IMPACTS RESULTING FROM THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (“WMATA”) SHUTDOWN OF THE ORANGE AND SILVER LINES WEST OF THE BALLSTON METRORAIL STATION STARTING ON MAY 23, 2020 (BRADDOCK, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (1:51 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 a Project Agreement with DRPT to reimburse a portion of the County’s costs incurred as a result of providing customer service and fare card loading services to Fairfax County residents at Vienna and Dunn Loring Metrorail Station entrances between

May 23, 2020, through September 7, 2020. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

29. **A-5 – APPROVAL AND AUTHORIZATION TO EXECUTE A PROJECT ADMINISTRATION AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR INTERSECTION IMPROVEMENTS AT FOX MILL ROAD AND PINECREST ROAD (HUNTER MILL DISTRICT)** (1:52 p.m.)

(R) Supervisor Alcorn moved that the Board concur in the recommendation of staff and approve a resolution authorizing the Director of the Fairfax County Department of Transportation (FCDOT) to execute a Project Administration Agreement (PAA), substantially in the form of Attachment 2, for the implementation of improvements at the intersection of Fox Mill Road and Pinecrest Road. Supervisor Lusk and Supervisor Gross jointly seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

30. **A-6 – APPROVAL OF A RESOLUTION FOR THE MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY REVENUE REFUNDING BONDS SERIES 2020A AND REVENUE REFUNDING BONDS TAXABLE SERIES 2020A-T (PROVIDENCE DISTRICT)** (1:53 p.m.)

(Rs) Supervisor Palchik moved that the Board concur in the recommendation of staff and approve a resolution (Attachment 1) approving the issuance of Mosaic District Community Development Authority (CDA) Revenue Refunding Bonds Series 2020A and Revenue Refunding Bonds Taxable Series 2020A-T. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

Supervisor Palchik stated the refunding opportunity the Board just approved was another element in supporting the success for Mosaic. Mosaic is part of Greater Merrifield, including the entire corridor from Dunn Loring to INOVA, which has also seen positive changes as Mosaic has succeeded, but significant opportunities to develop are still present. She further stated it was her intent that the future proffers for Greater Merrifield would be focused on the needs of the growing community, which would include park and open space, which are currently lacking.

Supervisor Palchik moved the following follow-on motion:

- Once the refunding is complete and all results known, the CDA, at its meeting in March of 2021, discuss a potential recommendation to the Board regarding use of a portion of the flexibility made available as a result of the redefinition of the Mosaic surplus fund which is accompanying the refunding. If it were to move forward this funding would be used as a one-time contribution to supplement these proffers. Any recommendation would require Board approval as part of an upcoming quarterly review



Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Foust abstained and Supervisor Walkinshaw being absent.

31. **A-7 – APPROVAL OF FAIRFAX COUNTY’S TITLE VI PROGRAM FOR THE FEDERAL TRANSIT ADMINISTRATION (FTA)** (2:00 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and approve the Fairfax County Title VI Program for FY 2021 – FY 2023 substantially in the form of Attachment 1. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

32. **C-1 – APPROVAL OF THE PROPOSED BYLAWS FOR THE FAIRFAX COUNTY HUMAN RIGHTS COMMISSION** (2:01 p.m.)

(BAC) The Board next considered an item contained in the Board Agenda regarding approval of the Bylaws for the Human Rights Commission.

Supervisor Gross asked if the Human Rights Commission previously had bylaws. Kenneth Saunders, Director, Office of Human Rights and Equity Programs, explained that the Human Rights Commission has bylaws, which were adopted a few years ago. He stated that this minor change allows for a panel if there is no quorum present to handle time-sensitive matters.

Supervisor Gross moved that the Board approve the Bylaws for the Human Rights Commission. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

33. **I-1 – CONTRACT AWARD – WASTEWATER UTILITY MANAGEMENT PLAN, REQUEST FOR PROPOSAL (RFP) 200003016** (2:03 p.m.)

The Board next considered an item contained in the Board Agenda related to the Wastewater Utility Management Plan. The Department of Procurement and Material Management (DPMM) issued a formal Request for Proposal (RFP200003016) to establish a 5-year term contract to develop a Wastewater Utility Management Plan requested by the Department of Public Works and Environmental Services to include the following but not limited to: Strategic Planning for System and Operation, System Capacity and Flow Routing Review and Sustainability Planning, System Condition Analysis and Risk Based Capital Improvement Planning Development, Scenario Selection, Optimization, and Recommendations, Final Report and Dynamic Utility management Platform, and General Services.

The RFP was publicly advertised in accordance with the requirements of Fairfax County Purchasing Resolution. The County received five (5) responsive proposals. The Selection Advisory Committee (SAC), appointed by the Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the evaluation of the proposals, the SAC negotiated with one offeror and recommended a contract be awarded to Black and Veatch.

34. **I-2 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2021**  
(2:03 p.m.)

The Board next considered an item contained in the Board Agenda related to the proposed calendar year 2021 Holiday Schedule for Fairfax County Government. Traditionally, County employees are authorized 11.5 holidays in each calendar year, and every fourth year when Inauguration Day falls Monday through Friday, there are 12.5 holidays. Additionally, because January 1, 2022, falls on a Saturday, the 2022 New Year's Day holiday will be observed on December 31, 2021, which would give County employees 13.5 holidays in calendar year 2021.

During calendar year 2020, there were several initiatives to update our holiday schedule. Therefore, the proposed schedule recognizes an additional holiday, Juneteenth, celebrated on June 19 to commemorate the end slavery in the United States. Additionally, the proposed schedule includes Election Day as an annual holiday. To partially offset these additional holidays, the Columbus Day holiday was removed. With these changes, there are 14.5 holidays in calendar year 2021. For comparison, the proposed holiday schedule for 2021 lists the holidays for Federal Government, the Commonwealth of Virginia, and the Fairfax County Public Schools. State employees, the Sheriff's Office and the Courts observe the Commonwealth of Virginia designated holidays.

35. **RECESS** (2:05 p.m.)

The Board recessed.

**KK:kk**

The recessed meeting was called to order at 3:32 p.m. with all Members being present, except Supervisor Walkinshaw, and with Chairman McKay presiding.

36. **3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-W-001-13/CDPA 86-W-001-04 (BOARD OF SUPERVISORS OF FAIRFAX COUNTY) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR REZONING APPLICATION RZ 86-W-001, PREVIOUSLY APPROVED FOR GOVERNMENTAL CENTER, OFFICE, COMMERCIAL, AND RESIDENTIAL, TO PERMIT A PUBLIC FACILITY AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR AREA RATIO OF 0.078, LOCATED ON APPROXIMATELY 0.99 ACRES OF LAND ZONED PDC**

**(AND)**

**PUBLIC HEARING ON PROFERRED CONDITION AMENDMENT APPLICATION PCA 87-S-039-07/CDPA 87-S-039-02 (BOARD OF SUPERVISORS OF FAIRFAX COUNTY) TO AMEND THE PROFFERS**

**AND CONCEPTUAL DEVELOPMENT PLAN FOR REZONING APPLICATION RZ 87-S-039, PREVIOUSLY APPROVED FOR A MIXED-USE DEVELOPMENT, TO PERMIT A PUBLIC FACILITY AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR AREA RATIO OF 0.078, LOCATED ON APPROXIMATELY 2.83 ACRES OF LAND ZONED PDC (BRADDOCK DISTRICT)** (3:33 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved to defer the public hearing on Proffered Condition Amendment Application PCA 86-W-001-13/CDPA 86-W-001-04 and Proffered Condition Amendment Application PCA 87-S-039-07/CDPA 87-S-039-02 to **November 17, 2020, at 3:30 p.m.** Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

37. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2018-PR-010 (JRS@TYSONS, LLC) TO REZONE FROM C-5, SC AND HC TO PTC, SC AND HC TO PERMIT MIXED-USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 6.28, WHICH INCLUDES BONUS DENSITY FOR WORKFORCE HOUSING, AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 1.1 ACRES OF LAND (PROVIDENCE DISTRICT)** (3:35 p.m.)

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

This property is located on the north side of Watson Street approx. 130 feet west of International Drive. Tax Map 29-4 ((2)) 21, 21A and 22.

John C. McGranahan, Jr., Partner, Hunton Andrews Kurth LLP, reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Palchik moved approval of:

- Rezoning Application RZ 2018-PR-010 and the associated Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated August 25, 2020
- Waiver of Par. 1 of Sect. 6-506 of the Zoning Ordinance to permit a minimum district size of less than 10 acres for a PTC zoned parcel
- Modification of Sect. 11-201 and Sect. 11-203 of the Zoning Ordinance to reduce the five required loading spaces to the two as shown on the CDP

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

38. **PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-L-020-27/CDPA 84-L-020-08 (KINGSTOWNE PARCEL O LP) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 84-L-020, PREVIOUSLY APPROVED FOR MIXED-USE DEVELOPMENT, TO PERMIT RESIDENTIAL DEVELOPMENT AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A DENSITY OF 46 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 7.15 ACRES OF LAND ZONED PDC AND NR (LEE DISTRICT) (3:57 p.m.)**

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

This property is located on the south side of Kingstowne Boulevard, east side of Kingstowne and north side of Kings Centre Drive. Tax Map 91-2 ((1)) 32F.

Antonio J. Calabrese, Partner, DLA Piper LLP, reaffirmed the validity of the affidavit for the record.

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

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

Discussion ensued with input from Mr. Calabrese regarding the design of the transformers and how they will be integrated into the new neighborhood.

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

Supervisor Lusk moved approval of:

- Proffered Condition Amendment Application PCA 84-L-020-27 and the associated Conceptual Development Plan, CDPA-84-L-020-08 subject to the execution of proffered conditions consistent with those dated August 12, 2020
- Modification to the use limitations of Par. 5 of Sect. 6-206 of the Zoning Ordinance to exceed the 50 percent maximum amount of dwellings as a secondary use relative to the gross floor area of all principal uses in the development
- Modification of transitional screening requirements, in accordance with Par. 1 of Sect. 13-305 of the Zoning Ordinance
- A parking reduction request, 6105-PKS-011-02, pursuant to Par. 5.D. of Sect. 11-102 of the Zoning Ordinance based on the proximity of a mass transit facility, and subject to the conditions found in Appendix 10 of the Staff Report dated October 30, 2019

Chairman McKay 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 Storck, and Chairman McKay voting “AYE,” Supervisor Walkinshaw being absent.

(NOTE: On July 29, 2020, the PC approved Final Development Plan Amendment Application FDPA 84-L-020-02-16, subject to the Final Development Plan conditions dated July 16, 2020.)

39. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2019-HM-011 (SAKTHIVEL CHINNASAMY AND NANDAKUMAR SREENIVASAN) TO REZONE FROM R-1 TO R-3 TO PERMIT RESIDENTIAL DEVELOPMENT WITH A TOTAL DENSITY OF 2.85 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 1.05 ACRES OF LAND (HUNTER MILL DISTRICT)** (4:16 p.m.)

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

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

Keith Martin, Managing Partner, The Law Office of Keith C. Martin, reaffirmed the validity of the affidavit for the record.

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

Mr. Martin 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 six speakers, Mr. Onyebuchi presented the staff and Planning Commission (PC) recommendations.

Supervisor Alcorn stated that the applicant is seeking to rezone 8910 Old Courthouse Road from the R-1 District to the R-3 District. As the Board has heard from staff, the adjacent properties are zoned to the R-1 and R-3 Districts, and the Comprehensive Plan recommends a density of 2-3 Dwelling Units/Acre if the application conforms to the Residential Development Criteria. Supervisor Alcorn stated that based on testimony heard, the staff reports, and other evidence for the record, the application falls short of conforming to many of those criteria. For example:

1. In order to meet County requirements while developing three 3900-square-foot homes on a one-acre parcel, the proposed development suffers from a poor-quality layout and design.
2. With proposed access from different streets, the dwellings are not oriented appropriately to each other or to neighboring developments.
3. The two houses, that would be accessed off Palm Springs Drive, would not fit into the fabric of the community because they would be two to three times bigger than the dwellings on that street. This would not serve to enhance stability in the Tysons Green neighborhood.

Supervisor Alcorn stated that for these and other reasons, the R-2 District is more appropriate for this property. It is also in accord with the Plan's density recommendations. R-2 is more compatible with adjacent properties, particularly as a transitional density. This one-acre site would be exceptionally small for an R-3 District and the applicant has worked very diligently with staff and Commissioner Carter to try to make that work. Developing the site as proposed however, would result in lots that are not cohesive with each other.

For these reasons, Supervisor Alcorn stated that he does not support the application; instead, proposed that the Board rezone the property to the R-2 District.

Therefore, Supervisor Alcorn moved that the Board deny Rezoning Application RZ 2019-HM-011, and further moved that the Board, on its own motion, rezone the application property to the R-2 District without proffers. Supervisor Lusk seconded the motion.

Discussion ensued with Board Members expressing their views/concerns regarding the Board making a motion to rezone the Applicant's property without following the typical County process.

Chairman McKay asked unanimous consent that the Board direct staff to prepare an analysis of the R-2 District without proffers so it can be compared with the R-3 District with proffers. Without objection, it was so ordered.

Following discussion regarding the motion, Supervisor Alcorn moved a substitute motion to defer decision-only on Rezoning Application RZ 2019-HM-011 to **October 20, 2020**. Supervisor Lusk seconded the motion.

The question was called on 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 Storck, and Chairman McKay voting "AYE," Supervisor Walkinshaw being absent.

40.

**4 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2019-SU-010 (K. HOVNANIAN AT THE BOULEVARDS AT WESTFIELDS, LLC) TO REZONE FROM I-4, I-3 AND WS TO PDH-16 AND WS TO PERMIT MIXED RESIDENTIAL USE WITH AN OVERALL DENSITY OF 15.26 DWELLING UNITS PER ACRE AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 21.62 ACRES OF LAND**

**(AND)**

**PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-10 (K. HOVNANIAN AT THE BOULEVARDS AT WESTFIELDS, LLC) TO AMEND THE PROFFERS FOR REZONING APPLICATION RZ 78-S-063, PREVIOUSLY APPROVED FOR OFFICE, TO PERMIT MIXED RESIDENTIAL USE AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.62, LOCATED ON APPROXIMATELY 8.28 ACRES OF LAND ZONED I-3 AND WS**

**(AND)**

**PUBLIC HEARING ON PROFFERED CONDITION APPLICATION PCA 81-S-076 (K. HOVNANIAN AT THE BOULEVARDS AT WESTFIELDS, LLC) TO AMEND THE PROFFERS FOR REZONING APPLICATION RZ 81-S-076, PREVIOUSLY APPROVED FOR OFFICE, TO PERMIT MIXED RESIDENTIAL USE AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.62, LOCATED ON APPROXIMATELY 13.34 ACRES OF LAND ZONED I-4 AND WS (SULLY DISTRICT) (5:01 p.m.)**

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

This property is located on the east side of Sully Road, west side of Park Meadow Drive and north side of Poplar Tree Road. Tax Map 44-3 ((6)) 8B1 and 8C.

This property is located on the east side of Sully Road, west side of Park Meadow Drive and north side of Poplar Tree Road. Tax Map 44-3 ((6)) 8B1 (pt.) and 8C (pt.).

This property is located on the east side of Sully Road, west side of Park Meadow Drive and north side of Poplar Tree Road. Tax Map 44-3 ((6)) 8B1 (pt.) and 8C (pt.)

David R. Gill, Partner, Wire Gill, LLP, reaffirmed the validity of the affidavit for the record.

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

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

Following the public hearing, which included testimony by four speakers, Ms. Atkinson presented the staff and Planning Commission (PC) recommendations.

Discussion ensued regarding the property location in relation to noise contours. Ms. Atkinson stated that according to the Metropolitan Washington Airports Authority (MWAA) study, the property would be part of the 60-65 noise contours.

Supervisor Smith moved approval of:

- Proffered Condition Amendment Application PCA 78-S-063-10
- Proffered Condition Amendment Application PCA 81-S-076
- Rezoning Application RZ 2019-SU-010 and its associated CDP, subject to the execution of proffered conditions consistent with those dated September 3, 2020
- Waiver of the 600-foot maximum length requirement for private streets per Par. 2 of Sect. 11-302 of the Zoning Ordinance



- Waiver and modification of Par. 5 of Sect. 11-203 of the Zoning Ordinance to permit a waiver and modification of the loading space requirement
- Modification of Par. 1 of Sect. 13-303 of the Zoning Ordinance to modify internal transitional screening yard requirements with the PDH District
- Directing the Director of Land Development Services to modify Sect. 11-303 of the Zoning Ordinance to modify the travelway width

Supervisor Foust seconded the motion.

Further discussion ensued with the Board regarding the need to work with MWAA to update the noise contours.

The question was called on the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, and Chairman McKay voting “AYE,” Supervisor Herry abstaining and Supervisor Walkinshaw being absent.

(NOTE: On July 29, 2020, the PC approved Final Development Plan Application FDP 2019-SU-010, subject to the Final Development Plan conditions dated June 30, 2020.)

41. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:34 p.m.)

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

Public comment was held and included the following individuals:

- Matt Truong, Support of law enforcement
- Steven M. Knotts, Support of law enforcement
- Gary Aiken, School Board and school safety
- Robert Stephens, Support of police
- Vinson Palathingal, Support of police

- Sean Rastatter, Against reallocating funds from police
- Dr. Srileka Palle, Fully funding the police
- Ronald Quasebarth, Resource Officers
- Jim Ruland, School safety
- Mary Tanzer, Support of law enforcement

42. **RECESS/CLOSED SESSION** (6:12 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2 3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *Megan Field v. Fairfax County, Virginia*, EEOC Charge No.: 570-2019-00143, *Laura Elliott v. Fairfax County, Virginia*, EEOC Charge No.: 570-2019-00291, *Cheri Zosh v. Fairfax County, Virginia*, EEOC Charge No.: 570-2018-02250, *Kathleen Stanley v. Fairfax County, Virginia*, EEOC Charge No.: 570-2018-02249
2. *United States of America v. County of Fairfax, Virginia, Fairfax County Park Authority, Fairfax-Falls Church Community Services Board, Fairfax County Office of the Sheriff*, Case No. 78-862-A (U.S. Dist. Ct. E.D. Va.)
3. *Violeta Peith v. Commonwealth of Virginia, Department of Game and Inland Fisheries, Fairfax County Park Authority, Fairfax County, and Andrew Shaker*, Case No. CL-2019-0011752 (Fx. Co. Cir. Ct.)
4. *Capital Investment Advisors, Inc. v. Fairfax County Human Rights Commission* Case No. CL-2020-0006566 (Fx. Co. Cir. Ct.)

5. *Sabrina A. Carter v. Fairfax County Department of Family Services*; Record No. 1525-19-4 (Va. Ct. App.)
6. *Leslie B. Johnson, Zoning Administrator v. Tiffany Taylor*, Case No. GV 20-102250 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laura Winfield Berkebile and Julia Berkebile Fazio*, Case No. CL-2020-0013578 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sunil Chacko and Tomoko Fujimoto*, Case No. GV20-013295 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wiehle Reston East Ventures, LLC*, Case No. GV20-012762-00 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Vincent Carter*, Case No. CL-2020-0011167 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Charles Randall Gentry*, Case No. CL-2020-0011166 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahlon C. Hawker*, Case No. CL-2019-0015198 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brett Holleman*, Case No. CL-2020-0009992 (Fx. Co. Cir. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)

And in addition:

- As permitted by Virginia Code Sections 2.2- 3711(A)(7) and (8), legal briefing regarding appeal of the determination concerning transportation fund proffers associated with RZ 2010-PR-022
- As permitted by Virginia Code Sections 2.2- 3711(A)(1)(7) and (8), legal analysis of a September 9, 2020 claim of

Victor Glasberg regarding the alleged actions of several police department personnel

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Walkinshaw being absent.

At 8:01 p.m., the Board reconvened in the Board Auditorium with all Members being present, except Supervisor Walkinshaw, and with Chairman McKay presiding.

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

43. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (8:02 p.m.)

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

44. **MOTION TO REJECT THE SETTLEMENT OF THE APPEAL OF THE DETERMINATION REGARDING THE TRANSPORTATION FUND PROFFERS ACCEPTED IN CONJUNCTION WITH REZONING APPLICATION RZ 2010-PR-022** (8:02 p.m.)

Supervisor Palchik moved that the Board authorize the County Attorney to reject the settlement proposal made concerning the appeal of the determination regarding transportation fund proffers accepted in conjunction with RZ 2010-PR-022. The motion was seconded by Supervisor Alcorn and it carried by a vote of nine, Supervisor Walkinshaw being absent.

45. **BOARD ADJOURNMENT** (8:03 p.m.)

The Board adjourned.