



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
July 27, 2021**

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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, July 27, 2021, at 9:35 a.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney Lusk, Lee District
- Supervisor Dalia Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James Walkinshaw, Braddock District

Supervisor Penelope A. Gross, Mason District, participated remotely.

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

BOARD MATTERS1. **REMOTE PARTICIPATION OF SUPERVISOR GROSS (MASON DISTRICT)** (9:35 a.m.)

Chairman McKay announced that Supervisor Gross will be participating in the meeting remotely. Chairman McKay asked Supervisor Gross to confirm that she could hear the meeting clearly and there is a good connection.

Chairman McKay relinquished the Chair to Acting-Chairman Foust and moved that the Board confirm that remote participation in this Board meeting by Supervisor Gross fully conforms with the Fairfax County Board of Supervisors policy for participation in meetings by electronic communication and that the Board certify for the record that Supervisor Gross's voice may be heard by all Members at the primary or central location. Acting Chairman Foust seconded the motion and it carried by unanimous vote.

Acting-Chairman Foust returned the gavel to Chairman McKay.

2. **MOMENT OF SILENCE** (9:37 a.m.)

Chairman McKay reminded everyone that:

- COVID-19 is still out there and is very concerned about the new variants, but glad that almost 76 percent of residents 18 and older in the Fairfax County Health District have received at least their first dose of vaccine. He asked to keep everyone in the County, and around the world, in thoughts and prayers during this difficult time
- Though the Fairfax County flag have been ordered back at full staff, we will honor those residents who have died from COVID-19 and in recognition of the many essential workers who are responding to the pandemic
- This is the last Board Meeting prior to September 11 and this year is the twentieth anniversary of those terrible attacks on the nation and the Board will have its annual event to remember all those lost and all those who fought to keep the country safe
- Board Members received two sad updates from the Police Department, with officers helping to bring closures to the families of two residents who tragically passed (Emily Lu and Michael Delaney). He thanked the first responders for their work, for not giving up, and for finding them and helping the families deal with the tragedy and get closure.

The Board asked everyone to keep in thoughts:

- Supervisor Alcorn and his family following the recent loss of his mother
- Richard “Dick” Dickson, a resident of Clifton, who died recently. He served in the US Marine Corps and infantry and reconnaissance training officer with the first Marine Division; served as the Assistant Commonwealth’s Attorney for Fairfax; after retirement as a lawyer, he co-founded the Thomas Jefferson Heritage Society and was involved in many organizations. His daughter Beth Methfessel, works in the Office of Elections
- The family of Emily Lu, who went missing several weeks ago and her body was recently discovered. Her only daughter, Jennifer Ball, described her mother as very giving and kind person. Ms. Lu lived in the County for more than 30 years and after retirement, she worked at Home Instead Senior Care in Annandale helping elderly clients through the pandemic
- Dr. Douthard Butler, who died recently. He was a beloved member of the Mount Vernon District. He retired from the US Army; was a past president of the Mount Vernon Rotary club; he held various leadership positions in the district; and taught as an adjunct professor at George Mason’s School of Policy, Public and International Affairs
- The family of Michael Delaney, who disappeared from Reston Hospital last year, and his remains were recently discovered. There was such a show community outpouring of support for his family and friends

AGENDA ITEMS

3. **RESOLUTION OF RECOGNITION PRESENTED TO BILLY THOMPSON**
(9:45 a.m.)

Supervisor Palchik moved approval of the Resolution of Recognition presented to Billy Thompson for his years of service as president of the Greater Merrifield Business Association and his contributions to the Merrifield area and the County. Chairman McKay seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO SHARON STARK**
(9:55 a.m.)

Supervisor Walkinshaw moved approval of the Resolution of Recognition presented to Sharon Stark for her years of hard work and service to the County. Chairman McKay and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO JENNIFER SICILIANO** (10:10 a.m.)

Chairman McKay relinquished the Chair to Acting-Chairman Foust and moved approval of the Resolution of Recognition presented to Jennifer Siciliano for her years of hard work and service to the County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Acting-Chairman Foust returned the gavel to Chairman McKay.

6. **9:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS (BACs) AND ADVISORY GROUPS** (10:24 a.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 July 27, 2021.” Supervisor Lusk seconded the motion.

Supervisor Storck asked to amend the motion to appoint:

- Mr. Derrick Robinson as the Mount Vernon District Representative to the Criminal Justice Advisory Board.

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

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Reappointment of:

- Ms. Kerrie Wilson as the Dranesville District Representative
- Ms. Ernestine Heastie as the Providence District Representative

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

ADVISORY SOCIAL SERVICES BOARD

Appointment of:

- Ms. M. Laura Martinez as the Providence District Representative

Confirmation of:

- Ms. Mary Wilcox as the City of Falls Church Representative

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointments of the Builder (Multi-Family), Engineer/Architect/Planner #1 and #2, and the Lending Institution Representatives.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

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

ATHLETIC COUNCIL

Reappointment of:

- Mr. Mark H. O'Meara as the Braddock District Alternate Representative
- Mr. John J. Corley as the Mount Vernon District Alternate Representative

The Board deferred the appointment of the Mason District Alternate Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Appointment of:

- Ms. Abby L. Block as the Mason District Representative

Reappointment of:

- Ms. Emilie F. Miller as the Providence District Representative

The Board deferred the appointment of the Dranesville District Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointments of the Design Professional #1 and Alternate #1 Representatives.

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

Appointment of:

- Ms. Dana Stewart as the At-Large #2 Representative

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CIVIL SERVICE COMMISSION

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

COMMISSION FOR WOMEN

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

COMMUNITY ON AGING

Confirmation of:

- Ms. Martha Cooper as the City of Falls Church Representative

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Confirmation of:

- Ms. Alicia Doe as the Elected - South County Target Area #2 Representative
- Ms. Hari Kurup as the Fairfax County Council of PTAs Representative

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

CONSUMER PROTECTION COMMISSION

Reappointment of:

- Mr. Jason J. Kratovil as the Fairfax County Resident #3 Representative
- Mr. Harold G. Belkowitz as the Fairfax County Resident #8 Representative

- Mr. John Theodore Fee as the Fairfax County Resident #10 Representative

The Board deferred the appointments of the Fairfax County Resident #6, #7, #9, #11, #12, and #13 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Appointment of:

- Mr. Derrick Robinson as the Mount Vernon District Representative

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

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

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

ECONOMIC ADVISORY COMMISSION

The Board deferred the appointment of the Mason District Representative.

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

Appointment of:

- Mr. Joseph Vidulich as the At-Large #8 Representative

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

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #2 and #4 Representatives.

FAIRFAX AREA DISABILITY SERVICES BOARD

Appointment of:

- Ms. Sarah Graham Taylor as the Lee District Representative

The Board deferred the appointment of the Mason District Representative.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Appointment of:

- Ms. Patricia Depew Wirth as the At-Large Chairman's Representative

Confirmation of:

- Mr. Scott Hamilton as the Fairfax County Convention and Visitors Corporation #2 Representative
- Mr. Christopher Shand as the Fairfax County Convention and Visitors Corporation #3 Representative
- Ms. Sarah White as the Fairfax County Convention and Visitors Corporation #8 Representative

The Board deferred the appointments of the Lee District Representative.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Kevin L. North as the At-Large #1 Representative

HEALTH CARE ADVISORY BOARD

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

HEALTH SYSTEMS AGENCY BOARD

Reappointment of:

- Mr. John J. Whyte as the Provider #3 Representative

The Board deferred the appointment of the Consumer #2, #5, and Provider #1 Representatives.

HISTORY COMMISSION

Reappointment of:

- Ms. Carole L. Herrick as the At-Large #1 Representative

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

HUMAN SERVICES COUNCIL

Reappointment of:

- Mr. Jeff Dannick as the Braddock District #1 Representative
- Ms. Alis Wang as the Mason District #2 Representative
- Ms. Tianja D. Grant as the Providence District #2 Representative
- Mr. Jerrold L. Foltz as the Sully District #1 Representative

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the and Sully District Representative.

LIBRARY BOARD

Reappointment of:

- Mr. Brian D. Engler as the Braddock District Representative
- Ms. Sujatha Hampton as the Dranesville District Representative
- Ms. Frances E. Millhouser as the Mason District Representative
- Mr. Gary G. Russell as the Mount Vernon District Representative

The Board deferred the appointment of the Providence District Representative.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

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

POLICE CIVILIAN REVIEW PANEL

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

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Appointment of:

- Mr. Steven J. Coniglio as the Reston Chamber of Commerce lessees on Non-Residential Space Representative

The Board deferred the appointments of the Commercial or Retail Ownership #2 and the Residential Owners and HOA/Civic Association #3 Representatives.

ROAD VIEWERS BOARD

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

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Citizen Member #3 and the Landlord Member #2 Representatives.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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

WATER AUTHORITY

Reappointment of:

- Mr. Frank Begovich as the Lee District Representative

WETLANDS BOARD

The Board deferred the appointment of the Alternate #1 and the Mount Vernon District #3 Representatives.

YOUNG ADULTS ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative.

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC)

Appointment of:

- Mr. RJ Narang as the Dranesville District Representative
- Mr. Joseph Mondoro as the Providence District Representative

- Mr. Michael Perez as the Springfield District Representative

The Board deferred the appointments of the Braddock, Hunter Mill, Lee, Mason, Mount Vernon, and Sully District Representatives.

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BOARD MATTERS

7. **PROCLAMATION REQUEST DESIGNATING AUGUST 3, 2021, AS “NATIONAL NIGHT OUT”** (10:24 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a proclamation designating August 3, 2021, as “*National Night Out*,” be presented to the Police Department. Without objection, it was so ordered.

8. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 2021 AS “KINSHIP CARE MONTH”** (10:24 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a proclamation designating September 2021 as “*Kinship Care Month*,” be presented to the Department of Family Services. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST FOR JOE MONDORO, CHIEF FINANCIAL OFFICER** (10:24 a.m.)

Chairman McKay stated that on September 10, 2021, Joe Mondoro, Chief Financial Officer, will be retiring. Mr. Mondoro began with the County as a Budget Analyst in 1995 and worked his way up to know every in and out of the County’s multi-billion-dollar budget.

In his time with the County, Mr. Mondoro has ensured that the County continues its reputation as a well-run County with triple-A bond ratings and steered the agencies through the lines of business process which helps shape the County’s strategic direction and priorities. During the pandemic, Mr. Mondoro was a necessary voice in the County’s response to the pandemic and was integral in guiding use of federal stimulus dollars.

Chairman McKay stated that he is rarely at a loss for words, but Mr. Mondoro literally does and knows everything about the County. He has far too many accomplishments to list, and he’s certainly been a friend and a calming voice for decades. Chairman McKay stated that the entire Board will miss him.

Therefore, jointly with the entire Board, Chairman McKay asked unanimous consent that the Board recognize Mr. Mondoro for his service, contributions, and accomplishments in his time in Fairfax County Government and direct the Office of Public Affairs prepare a proclamation for presentation at a future Board meeting, when it is appropriate to do so. Without objection, it was so ordered.

10. **COVID-19 VACCINE REQUIREMENT FOR EMPLOYEES** (10:27 a.m.)

Chairman McKay stated that in a little less than eight months, the Health Department, along with trusted partners across the community, have vaccinated over 75 percent of people 18 and older against COVID-19. This is a major accomplishment that all should be proud of. In addition, the County has made huge strides in vaccinating the Black and Brown communities that were hardest hit by COVID-19 through equity clinics and one-on-one engagement. The Board knows however, that the work is far from done as the County continues to vaccinate as many people as possible.

The Board knows vaccinations save lives. Significant evidence shows that the vaccine is safe and effective against most COVID-19 hospitalizations and death.

As a local government, the Board serves residents every day in a variety of ways. Many of those are vulnerable residents. The Board continues to advance safety in County buildings as well as in the community.

No one wants to be in this position, but the County is seeing the Delta variant surging in unvaccinated communities across the country. As a County, the Board has to do all it can to protect the community and will continue to work to increase vaccination rates, including that of County employees. The Board must keep in mind that the youngest children remain exposed to COVID-19 because they are unable to be vaccinated. The Board knows how important it will be to fully reopen schools and the economy; its ability to do so is dependent on people getting vaccinated and feeling safe. As a large employer, and one that has successfully and consistently stressed to residents the importance of being vaccinated, the Board must practice what it preaches.

Therefore, as the County Executive finalizes his return to in-person work for employees this fall, Chairman McKay moved that the Board direct the County Executive to:

- Thoroughly explore a COVID-19 vaccine requirement for all County employees. This requirement should include the usual exemptions used by other public and private sector employers such as religious and medical
- As a part of this evaluation, consider a requirement mandating face masks and weekly testing for those employees who do not meet exemptions and continue to refuse the vaccine

Supervisor Foust and Vice-Chairman Gross jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

11. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(10:33 a.m.)

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

12. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 2021 AS “SUICIDE AWARENESS MONTH”** (10:33 a.m.)

Supervisor Walkinshaw stated that the COVID-19 pandemic has brought more attention to the impact of increased isolation, stress, and uncertainty on a person’s mental health. In a recent survey, half of adults said that they are more open to talking about mental health since COVID-19. This is encouraging, and this openness will help bring about positive change in the way all talk about suicide. As the County recovers from the pandemic, more needs to be done to help friends, families, and communities reduce the risk of suicide.

Supervisor Walkinshaw shared the following sobering suicide statistics:

- 47,500+ lives were lost to suicide in 2019, nationally
- Suicide is the ninth leading cause of death in Virginia with an average of 1140 suicides occurring annually
- Second leading cause of death for ages 10-34
- 12 million Americans have had serious thoughts of suicide
- 57.5 percent of communities in Virginia did not have enough mental health providers to serve residents in 2020, according to federal guidelines
- 57.98 percent of all suicides were by firearms
- Locally, there were 112,000+ crisis contacts (online chat, hotline, and texts) in Fiscal Year 2021, taken by PRS CrisisLink, which included over 16,000 from verified County residents

Supervisor Walkinshaw stated that everyone can help make a difference in these efforts, starting with outreach, education, and support focused on increasing resiliency. Organizations such as PRS CrisisLink, American Foundation for Suicide Prevention (AFSP), and the Fairfax-Falls Church Community Services Board (CSB) are on the frontlines working to change the conversation from suicide to suicide prevention. By offering support, encouragement, and resources they help promote healing and give hope.

During the month of September, mental health advocates, prevention organizations, survivors, and community members unite to promote suicide prevention awareness. To raise awareness every year, September is recognized as “*Suicide Awareness Month.*” Supervisor Walkinshaw stated that as part of this effort, he and Supervisor

Smith are leading the County team at the AFSP's annual Out Of The Darkness community walk on October 2, 2021, in Fairfax City. All are invited to join.

Therefore, jointly with Supervisor Smith, Supervisor Walkinshaw moved that the Board direct staff to:

- Prepare a proclamation designating September 2021 as "*Suicide Awareness Month*" in the County, and that PRS CrisisLink, AFSP, the CSB, and other partners in suicide prevention be invited to come before the Board on September 14, 2021, to accept this proclamation
- Publicize both, September as "*Suicide Awareness Month*" and AFSP's Out of the Darkness walk on October 2, 2021

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

13. **GEORGE MASON UNIVERSITY (GMU) MASTER PLANNING PROCESS (BRADDOCK DISTRICT)** (10:36 a.m.)

Supervisor Walkinshaw stated that GMU is a tremendous asset for the County. It is the largest public research university in Virginia, with over 37,000 students. As the Board knows, their main location is the 675-acre Fairfax Campus, located in the Braddock District. GMU provides an economic and cultural vibrancy to the County that only a major institution of higher learning can provide.

In January 2020, GMU began a master planning process to update its current master plan for the university's three primary campuses in Fairfax, Arlington, and Prince William. The current master plan for the Fairfax Campus was adopted in 2002. Quite a lot has changed over the last twenty years, and just as GMU has updated its strategic and academic goals over that time, this planning process is positioned to update the design of the physical structures at the Fairfax Campus and how it relate to the adjacent community and public infrastructure.

The GMU planning process was split into two phases. The Phase One report, published on July 12, 2021, describes the existing conditions on campus and includes projections on GMU's growth. This report provides preliminary recommendations for how the GMU campus layout and physical development may need to change to continue GMU's success into the future. The County is pleased that the Fairfax Campus is proposed to remain as the primary campus.

The Phase Two report, due later this year, will include recommendations for how to accommodate those changes through campus design, including concepts for development of new buildings, changes to the transportation network, and changes to how the campus relates to the surrounding community. These are all critical recommendations that will impact the County for years to come and the Board needs to have a voice in those recommendations.

Jointly with Chairman McKay, Supervisor Walkinshaw thanked Greg Washington, GMU President and Carol Kissal, Senior Vice President, for developing an open and transparent planning process. Supervisor Walkinshaw stated that they appreciate the outreach from Paul Liberty, Vice President for Government and Community Relations, and Traci Kendall, Executive Director of Community and Local Government Relations, to ensure community awareness of this important effort. To date, there have been six community town hall meetings, two presentations to the Fairfax Campus and Community Advisory Board, a community survey which received over 9,400 comments, multiple stakeholder meetings, and the involvement of staff. Supervisor Walkinshaw encouraged his colleagues on the Board and community members to review the materials developed to date, as they are available online for review.

Therefore, jointly with Chairman McKay, Supervisor Walkinshaw moved that the Board direct staff to draft a letter for the Chairman's signature commending GMU on the community-based Master Plan process they have undertaken over the last 18 months and to outline areas of interest to the County as GMU develops their Phase Two Master Plan for the Fairfax Campus. The letter should come before the Board for endorsement no later than September 14, 2021. Chairman McKay seconded the motion and it carried by unanimous vote.

14. **AMERICAN RESCUE PLAN ACT FUNDING FOR COMMUNITY VIOLENCE INTERVENTION PROGRAMS** (10:40 a.m.)

Supervisor Walkinshaw stated that firearms industry data show that nearly 23 million guns were purchased in 2020, an increase of 65 percent compared with 2019. At the same time, the number of homicides in Virginia increased by 23.4 percent and firearms were used in 83 percent of them. The Board enacted an ordinance banning guns from libraries, recreation centers, community centers, and parks, while also advocating for additional legislative efforts such as closing background check loopholes and keeping guns out of the hands of domestic abusers.

Intervention programs are also key to reducing gun violence in the communities. Proven, effective programs have been in practice but due to the decreased human interaction during the pandemic, some of these programs have been cut back. The gap in these services, combined with the effects of the COVID-19 pandemic, may have been contributing factors in the uptick in violence.

Guidance from the Treasury Department on the use of funds in the American Rescue Plan Act (ARPA) indicates that State and Local Fiscal Recovery Funds can support communities working to reduce and respond to increased violence due to the pandemic.

Examples of Community Violence Intervention (CVI) efforts can include:

- Focused deterrence, street outreach, violence interrupters, and hospital-based violence intervention models, complete with wraparound services

such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance

- Capacity-building efforts at CVI programs like funding more intervention workers; increasing their pay; providing training and professional development for intervention workers; and hiring and training workers to administer the programs

The Virginia Community Violence Coalition – a newly formed organization consisting of gun violence prevention organizations, activists, health care professionals, and community-based violence interruption and prevention groups – has turned its focus on building support for these CVI programs which can be so effective. As part of its effort, the Coalition has asked local leaders to join together in requesting that state leadership dedicate ARPA funds towards CVI programs such as those outlined above. The Virginia Community Violence Coalition’s request is consistent with the Board’s public safety positions in the Legislative Program and with its youth and domestic violence prevention positions in the Human Services Issues Paper.

Therefore, jointly with Chairman McKay, Supervisor Walkinshaw moved that the Board authorize the Chairman, on behalf of the County, to sign on to the letter to the General Assembly requesting that ARPA funding be dedicated to CVI programs. Supervisor Walkinshaw thanked Governor Northam, Speaker Filler-Corn, and Senate Majority Leader Saslaw on their historic work on gun violence prevention and appreciate the challenges they face in the upcoming August 2, 2021, Special Session. Chairman McKay seconded the motion, which carried by a vote of nine, Supervisor Palchik being out of the room.

15. **EMERGENCY SUBSTANTIAL RISK ORDER (ESRO) LAW** (10:44 a.m.)

Supervisor Lusk stated that on July 1, 2020, the Commonwealth of Virginia’s ESRO law, commonly referred to as a “red flag law,” went into effect, making Virginia the 19th state to enact such legislation.

Virginia’s ESRO law enables the police to investigate and seek a court order to temporarily remove a gun or guns from individuals who have been determined to be an imminent danger to themselves or others. Such investigations are predicated upon the reporting of a credible concern to the Office of the Commonwealth Attorney, law-enforcement officer, circuit court judge, general district court, juvenile and domestic relations district court, or a magistrate.

The law requires that an independent investigation be conducted by law enforcement which determines that grounds for the petition exist, and that the petition shall expire within 14 days of issuance. Additionally, the law allows for the subject of an order to file an appeal to dissolve the order at any time.

Supervisor Lusk stated that while he, Chairman McKay, and Supervisor Walkinshaw recognize and applaud the actions taken by the legislature to enact this life-saving legislation, they also recognize that public awareness around this

legislation remains low. Therefore, jointly with Chairman McKay and Supervisor Walkinshaw, Supervisor Lusk moved that the Board direct the Office of Public Affairs (OPA) to:

- Undertake a public awareness campaign to educate the residents of Fairfax County about the details of Virginia's ESRO law
- Liaise with the Office of the Commonwealth Attorney, as well as any other appropriate body designated to issue emergency petitions, to ensure that all resources shared by OPA are accurate, clear and accessible
- Report back to the Board on the outcome of the public outreach campaign so that relevant information could potentially be presented at a future Public Safety Committee meeting if deemed appropriate

Supervisor Lusk stated that this motion has been vetted through the Office of Public Affairs, as well as the Office of the Commonwealth Attorney, and has been brought forward without objection. He shared that the relevant *Virginia Code* (19.2-152.13) is attached to his Board Matter. Supervisor Alcorn seconded the motion, which carried by unanimous vote.

16. **OUTREACH FOR OLDER DECKS** (10:48 a.m.)

Supervisor Alcorn stated that he has heard homeowners' concerns about the safety of older decks following press reports about deck collapses in the region and beyond.

While the County's permitting process does an excellent job ensuring that new decks are built structurally sound, years of weather and wear and tear may weaken parts of decks, making them less safe. Deck maintenance and management are the responsibility of the homeowner. However, community outreach to homeowners on how to ensure that older decks are structurally sound can help avoid collapses and other safety concerns.

Therefore, Supervisor Alcorn asked unanimous consent that the Board direct Land Development Services and the Office of Public Affairs to develop and disseminate guidance and information for homeowners with older decks on how to ensure they remain safe and structurally sound. Without objection, it was so ordered.

17. **INTRODUCTION OF INTERNS** (10:49 a.m.)

Supervisor Palchik introduced the following interns in her office:

- Manal Khalid
- Matthew Jaquette

On behalf of the Board, she welcomed them to the County.

18. **MODIFICATION OF FINAL DEVELOPMENT PLAN (FDP) FEES FOR “THE BLOCK AT SCOTTS RUN” (PROVIDENCE DISTRICT)** (10:51 a.m.)

Supervisor Palchik stated that Cityline Partners, LLC has proposed a unique placemaking opportunity for Tysons called "The Block at Scotts Run." Cityline proposes establishing an interim activation of an entire city block consisting of 3.5 acres located within the 1/4-mile radius of the McLean Metro Station. The various interim uses would include a quasipublic park, outdoor commercial recreation, retail, and restaurant uses.

The Property is zoned PTC and is part of the larger development known as Scotts Run Station South (Rezoning Application RZ 2011-PR-011). This location has Conceptual Development Plan (CDP) approval for two high-rise buildings with approximately 900,000 square feet of gross floor area. Although Cityline is not currently prepared to submit an FDP for build out of the CDP approved density, they are very interested in establishing interim activation to provide a sense of place to this vacant site, as well as the broader area. The proposed activation could include outdoor movies, Farmer’s Markets, music in the park, small area for miniature golf/putting green, pop-up retail and restaurants, and other outdoor recreation uses and activities.

The filing fee to seek approval of this interim activation is the same as what would be required to establish the almost one million square feet of gross floor area approved.

Since the County’s current fee structure does not make a distinction between these two types of uses, Cityline has asked for a minor modification of the filing fees for the submission of an FDP to accommodate this unique interim activation.

Therefore, Supervisor Palchik moved that the Board direct staff to:

- Modify filing fees for the FDP to establish an interim activation on Tax Map Parcels 30-3 ((28)) A and 30-3 ((1)) 6C, 6B and 6F to \$6,820 + \$435 per acre, which is the fee structure for the amendment of a Final Development Plan Amendment (FDPA)
- Apply the standard FDP fee rate to any future FDPA submission to develop the CDP-approved development plan for the site

This motion should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and adopted standards. Chairman McKay seconded the motion and it carried by unanimous vote.

19. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 2021 AS “HUNGER ACTION MONTH”** (10:54 a.m.)

Supervisor Palchik stated that the County is home to 1.2 million people. According to the Feeding America Impact of Coronavirus on Food Insecurity Projections (published March 29, 2021), the food insecurity rate in the County is at 7.4 percent in 2021, up from 5.8 percent in 2019. That means that about 86,716 people in Fairfax are experiencing food insecurity.

At the start of the COVID-19 pandemic, the County Health, Housing and Human Services System created the Community Provider Coordination Team (CPCT). The CPCT identified five key focal areas to coordinate around to address the urgent needs the pandemic created. Food insecurity was identified as a focal area and the Food Access subcommittee was formed.

The Food Access subcommittee continues to meet and has brought together a diverse group of food providers, comprising 150 individuals representing about 40 organizations, including nonprofits, faith communities and county agencies to address food insecurity in the County. Feeding America has designated September as “*Hunger Action Month*,” a time when people all over America stand against hunger.

Therefore, Supervisor Palchik moved that the Board direct staff to:

- Prepare a proclamation designating September 2021 as “*Hunger Action Month*”
- Advertise the month-long events that residents can participate in and the resources that are available to help end food insecurity in the County

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

20. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2021, AS “HISPANIC HERITAGE MONTH”** (10:59 a.m.)

Supervisor Palchik stated that Hispanic Heritage Month is an annual celebration of the rich history, culture, and diversity of the Latinx and Hispanic communities. The event, which spans from September 15 to October 15, commemorates the contributions and influence of Hispanic American communities to the entire society. September 15 was chosen as the starting point for the commemoration because it is the anniversary of independence of five Hispanic countries: Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, all who declared independence in 1821.

Hispanic Americans represent a vibrant and thriving part of the diverse Nation. During this period, America celebrates these diverse cultures and traditions. The community is very proud of the significant role that its Latinx and Hispanic communities play in the County.

Therefore, jointly with Chairman McKay, Supervisor Palchik moved that the Board direct staff to:

- Proclaim September 15 - October 15, 2021, as “*Hispanic Heritage Month*” in Fairfax County, and urge all residents to join in recognizing the contributions of the Hispanic and Latinx American communities in the County and throughout the United States
- Prepare a proclamation, and invite representatives from CASA, Edu-Futuro, Defensores de la Cuenca, and the Virginia Latino Advisory Board to be presented with the proclamation at the September 14, 2021, Board Meeting

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

21. **REQUEST FOR WAIVER OF FEES FOR PERMITS ASSOCIATED WITH CELEBRATE FAIRFAX INC. EVENTS AT 8508 LEESBURG PIKE (PROVIDENCE DISTRICT)** (11:02 a.m.)

Supervisor Palchik stated that on July 30, 2021, Celebrate Fairfax, Inc. is hosting a kickoff event for its 40th Anniversary Celebration event series. The event is located at the County-owned building at 8508 Leesburg Pike, Vienna VA 22182. Supervisor Palchik stated that she is requesting a waiver of the application fees for additional permits associated with community activation events held by Celebrate Fairfax, Inc. located at 8508 Leesburg Pike, Vienna, VA, through the end of the 2021 calendar year.

Placemaking, local businesses, and community engagement are playing vital roles as the County continues reopening and economic recovery. Local businesses and artists are featured in this event series and the location is uniquely situated to serve the growing residential and business community in this area of Tysons.

Therefore, jointly with Chairman McKay, Supervisor Alcorn, and Supervisor Foust, Supervisor Palchik moved that the Board direct staff to waive the application fee for permits associated with Celebrate Fairfax, Inc. events held at the 8508 Leesburg Pike building, through the end of the 2021 calendar year. Chairman McKay seconded the motion and it carried by unanimous vote.

22. **LETTER REGARDING THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV)** (11:04 a.m.)

Supervisor Herrity stated that the DMV was closed to residents in the County for much of the pandemic and recently reopened with limited services. Appointments are mandatory and unavailable for as far out as two months. The DMV serves essential functions for County residents including issuing licenses, vehicle registration, and license plates. Many have been waiting to obtain or renew driver licenses. Supervisor Herrity stated that he was glad to see the DMV recently expanded road skills test locations, but more is needed.

While issues with the DMV have been around for years, like many things the pandemic exacerbated those issues. Supervisor Herrity stated that he has heard numerous stories from residents in the County who have made appointments in other parts of Virginia, as far as South Hill, to get a timely appointment. Given that DMV services are essential, County residents should not have to wait over a month or be forced to go to another part of Virginia for an appointment. Residents in the County should be able to go to their local DMV, wait a reasonable amount of time, and receive an appropriate level of customer service like they would expect at any private business. Real ID requirements have been extended to May 3, 2023, and many people will want to make appointments to fulfill this requirement as 2022 approaches. Changes must be made to the DMV to accommodate the backlog from the pandemic as well as the influx of residents needing to update their license for Real ID requirements.

Therefore, Supervisor Herrity moved that the Board direct staff to send a letter to Governor Northam asking him to open DMV locations to accept walk-in appointments and address the wait times that Northern Virginia residents are facing. Supervisor Lusk seconded the motion.

Supervisor Walkinshaw clarified that that DMV locations have been open since mid-2020 and DMV Connect services have been available throughout the County.

Therefore, Supervisor Walkinshaw asked to amend the motion to:

- Edit the language regarding the DMV locations being closed
- Send the letter to the DMV Commissioner and request a plan to increase services and reduce wait times be shared with the Board

Supervisor Herrity and Supervisor Lusk accepted the friendly amendment. Supervisor Herrity clarified that the Governor will need to be provide resources for this request.

Discussion ensued regarding:

- Recent personal experiences with the DMV
- Not overstepping by providing the State with operational requests

Following the discussion, Supervisor Gross asked to further amend the motion and request that personal experiences and challenges be added to the letter. Supervisor Herrity and Supervisor Lusk accepted the friendly amendment. The question was called on the motion, as amended, and it carried by unanimous vote.

23. **INTRODUCTION OF INTERN** (11:14 a.m.)

Supervisor Herrity introduced Gabriella Tayco, an intern in his office. On behalf of the Board, he welcomed her to the County.

24. **PUTTING FOR PETS GOLF TOURNAMENT** (11:15 a.m.)

Supervisor Smith stated that as the Board is aware, 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 2020, the Shelter received a total just under 3,000 dogs, cats, small animals, and poultry. Of that number, over 2,000 were adopted and more than 600 were returned to their owners. Despite all the challenges the Shelter faced during the pandemic last year, the 2020 live release rate was an astounding 91.6 percent.

In addition to the outstanding Shelter staff, the Friends of the Fairfax County Animal Shelter, and other volunteers provided over 9,000 in-house hours, and fosters provided over 38,000 hours to the Shelter. The Friends through their efforts provided nearly \$161,000 in Shelter funding. These monies were used for items such as \$26,000 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 Monday, September 27 at Chantilly National Golf and Country Club in Centreville. The shotgun start is 11 a.m. and there will be light breakfast before, and dinner after, the tournament and an auction.

Supervisor Smith stated that if any of her colleagues are golfers and wish to spend time outside on what will hopefully be a beautiful fall day, she would encourage them to sign up.

Therefore, Supervisor Smith asked unanimous consent that the Board direct the Office of Public Affairs publicize the event. Without objection, it was so ordered.

25. **CONCURRENT AND EXPEDITED PROCESSING REQUEST FOR IDI/HUNTINGTON CLUB (MOUNT VERNON DISTRICT)** (11:18 a.m.)

Supervisor Storck stated that the resident owners of the Huntington Club Condominium Association have been working for more than 15 years on a plan to redevelop its condominium to resolve long-term maintenance needs and to take advantage of the property's proximity to the Huntington Metro Station next door. As a result, the Association has been working with its development partner, the IDI Companies, on the required rezoning applications and on strategies to fund the significant infrastructure needed to support the redevelopment. Special legislation was passed so that the HOA could buy out owners with 80 percent approval to pursue redevelopment. In 2017, 87 percent of the Huntington Club Condominium owners approved this project.

The applicant has been working with staff on revisions to the zoning applications to improve the overall design, and we are encouraged by the progress made to date. There are, however, several elements that must fall into place in the coming months if the project is going to meet the late-2022 deadline for termination of the condominium that was established when the condo owners agreed to pursue

redevelopment. In particular, the applicant needs to begin work on its final development plan, even as the Planning Commission and Board consider the underlying zoning applications. To that end, we propose to establish a Board public hearing date for the rezoning due to the time-sensitive nature of the overall project. Supervisor Storck stated that the County also wants the applicant to be able to submit its site plans when they are ready, although obviously at the applicant's risk.

In addition, Supervisor Storck stated that he wants to encourage staff to work with the applicant to explore adding this site and the adjacent Washington Metropolitan Area Transit Authority (WMATA) site to the areas eligible for the Economic Incentive Program (EIP) established by the Board late last year and make a recommendation to this Board for its consideration. Inclusion of this site in the EIP program, coupled with other financial tools, could help address the substantial infrastructure costs required as part of the redevelopment's first phase.

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

- Expedite processing for Rezoning Application RZ/CDP 2018-MV-005 to establish a Planning Commission public hearing date of October 27, 2021, and a Board public hearing date of November 9, 2021
- Process concurrently the site plans for the development associated with RZ/CDP 2018-MV-005
- Explore inclusion of the area of the Huntington Club site and the adjacent WMATA site in the areas eligible for inclusion in the EIP
- Explore the inclusion of the Huntington Club and WMATA sites into the potential program, including any ordinance amendments necessary to facilitate such inclusion; work with the applicant on the potential establishment of a service district for the application property to help facilitate the redevelopment
- Report back to the Board by September 28, 2021, with its recommendations on these or other appropriate actions

This motion should not be construed as a favorable recommendation by the Board, nor does it relieve the Applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards. Chairman McKay seconded the motion.

Discussion ensued regarding:

- Current issues with the property
- Infrastructure needs

- Special legislation for condominiums

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

26. **SEMIQUINCENTENNIAL ANNIVERSARY OF THE AMERICAN REVOLUTION, THE REVOLUTIONARY WAR, AND THE INDEPENDENCE OF THE UNITED STATES OF AMERICA** (11:33 a.m.)

Supervisor Storck stated that pursuant to a prior Board Matter jointly presented by himself and Chairman McKay in October 2020, the County established a seven person Work Group. It was charged with providing recommendations to the Board for the preferred approach for organizing and leading County-wide efforts for an inclusive observance, celebration, and commemoration of the semiquincentennial anniversary of the American Revolution, the Revolutionary War, and the Independence of the United States of American.

This Work Group, led by Scott Stroh, Executive Director at Gunston Hall, included representatives from Visit Fairfax, George Washington's Mount Vernon, the National Museum of the United States Army, the History Commission, the Fairfax County Human Rights Committee, the City of Fairfax Regional Library, and associated County history, equity, and human rights staff. The Work Group also included representatives from the Department of Planning and Development and from his office.

The Board accepted and approved the Work Group's Report on July 13, 2021, and this subsequent Board Matter seeks to authorize the implementation of associated procedural and administrative next steps.

Therefore, jointly with Chairman McKay, Supervisor Storck moved:

- That the Board direct the County Executive, with support from the Department of Planning and Development, to take the following steps in furtherance of the implementation of recommendations contained in the previously approved Report from the Semiquincentennial Work Group:
 - Transition the existing Work Group and its current membership to a Fairfax County 250th Commission that will remain in existence though June 30, 2027
 - Working with the inaugural members of this Commission, identify and appoint additional members for the purpose of increasing and diversifying the composition of the Commission. With input from the Board, additional members should include, at a minimum, one representative from each magisterial district
 - Working with the Commission, implement the committee structure proposed in the Report

- Working with the Commission, create and convene an Advisory Council to ensure broad and inclusive community awareness and participation. The Commission will advise the Board of its recommendations for the Advisory Council
 - Working with the Commission, develop and present to the Board a business plan and multi-year commemoration budget by December 31, 2021
 - Working with the Commission, create and implement a community based, County-wide survey of residents specific to opportunities and ideas associated with the commemoration by December 31, 2021
 - Working with the Commission, develop and implement a marketing and promotion plan to build awareness and affinity for the commemoration by April 20, 2022. Research the possibility of applying for a grant from the Virginia Tourism Corporation for this purpose as part of their fall 2021 grant cycle and pursue as appropriate
 - Present a semi-annual report of Commission activities to the Board
 - Present monthly financial reports to the County entity, department, or individual designated by the Board
- That a consideration of \$20,000 be included in the Board's Carryover discussion to be provided to Visit Fairfax as the proposed fiscal agent for the Commission efforts. This funding would support the initial work of the Commission. The requested funds will be used to establish a website, develop a marketing plan, produce promotional materials, provide matching dollars to support a Virginia tourism grant and for other administrative costs.

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

27. **PROCLAMATION REQUEST RECOGNIZING OURISMAN
AUTOMOTIVE OF VIRGINIA FOR THEIR 100TH ANNIVERSARY**
(11:37 a.m.)

Supervisor Storck stated that Ourisman's story started in 1921 when Ben Ourisman, a D.C. local and only 18 years old, opened his first car dealership, Ourisman Chevrolet. With hard work and perseverance, Mr. Ourisman created a successful business and went on to open a second store in Anacostia. By the late 1940s, Mr. Ourisman's automobile stores were two of the most successful dealerships in the country. When Mr. Ourisman passed away in 1955, the business leadership was safely in the hands of his son, Mandell Ourisman, who then expanded the organization with two of his sons and his stepson.

Mandell's sons expanded the business into the greater Washington, D.C. metropolitan area. Danny Korengold, started locations in Virginia when he opened Ourisman Chrysler Jeep Dodge Ram in 1978 on Richmond Highway. He has since opened Ourisman Ford Lincoln in 1982, Ourisman Fairfax Toyota in 1989, Ourisman Chantilly Toyota in 2002, Ourisman Chantilly KIA in 2009, and Ourisman Chevrolet Buick GMC in 2010. Three of these dealerships are located on Richmond Highway and a fourth, Ourisman Kia, will open this fall. The Ourisman name may be recognized nationally, but locally Ourisman is known for its commitment to community and community leaders. A life-long resident of the Groveton area, Michael Bennett joined Ourisman in 1983, and is now a Partner and its Chief Financial Officer. He serves on the Board of Directors for Good Shepherd Housing and Family Services and has been involved with the Mount Vernon Lee Chamber of Commerce for over 40 years. Also, under his leadership, the Ourisman dealerships on Richmond Highway employ more than 600 people.

Therefore, jointly with Chairman McKay and Supervisor Lusk, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a proclamation, to be signed by himself, Chairman McKay, and Supervisor Lusk, to be presented at a future date to Ourisman Automotive of Virginia, recognizing them for 100 years of service. Without objection, it was so ordered.

28. **PROCLAMATION REQUEST RECOGNIZING WALT WHITMAN MIDDLE SCHOOL FOR THEIR 60TH ANNIVERSARY** (11:39 a.m.)

Supervisor Storck stated that Walt Whitman Middle School opened on September 5, 1961, with an enrollment of 1,066 students at the site on Old Mount Vernon Road that is now Mount Vernon High School. In 1973, it was decided this location would be better for Mount Vernon High School, so Walt Whitman Middle School traded places with the high school, moving to the Richmond Highway location that is now known as Original Mount Vernon High School. With the closing of Fort Hunt High School and the merger of Stephen Foster and Bryant Intermediate Schools in 1985, Whitman was moved again to its present location on Sherwood Hall Lane.

When it opened, Walt Whitman Middle School was one of the first original eleven intermediate schools opened by Fairfax County Public Schools (FCPS). Intermediate schools were created to ease the transition from elementary school to high school by providing students with a specialized program of study geared to the specific needs of their age group.

Although boundaries and locations have changed over the years, the basic premise that contributes to the success of the school is the commitment to meet the needs of the child in the middle. The school has implemented many innovative programs, practices, and strategies to address the school's changing demographics and students with special needs.

In 2018, Walt Whitman Middle School became FCPS' first Community School. The program's goal is to leverage community resources, combining them with an integrated focus on academics, health and social services, youth and community

development, and community engagement to lead to improved student learning, stronger families, and an overall healthier community.

Therefore, jointly with Chairman McKay and Supervisor Lusk, Supervisor Storck asked unanimous consent that that Board direct staff to prepare a proclamation, to be signed by himself and Chairman McKay, to be presented to Walt Whitman Middle School outside of the Board Room, in recognition of the school's 60th anniversary. Without objection, it was so ordered.

29. **INTRODUCTION OF INTERN** (11:44 a.m.)

Supervisor Foust introduced Manda Xie, an intern in his office. On behalf of the Board, he welcomed her to the County.

30. **INTRODUCTION OF INTERNS** (11:45 a.m.)

Chairman McKay introduced the following interns in his office:

- Yameen Ibrahim
- Anna Philmlee

On behalf of the Board, he welcomed them to the County.

EBE:ebe

AGENDA ITEMS

31. **ADMINISTRATIVE ITEMS** (11:47 a.m.)

Supervisor Gross moved approval of the Administrative Items 1-18. Chairman McKay seconded the motion.

Supervisor Herrity asked to amend the motion to consider Admin 18 separately, and this was accepted.

The question was called on the motion, as amended, to approve Administrative Items 1-17, 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: The Board considered Admin 18 separately. See Clerk's Summary Item #32.)

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 1, PERSONNEL ADMINISTRATION, SECTIONS 3-1-1 AND 3-1-21

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2021, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 1, Personnel Administration, Sections 3-1-1 and 3-1-21. The proposed amendments are required as a result of HB 2161/SB 1410 which was passed by the 2021 special session 1 of the General Assembly, signed by the Governor and took effect July 1, 2021. The proposed amendments will be effective retroactive to July 1, 2021.

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE DISTRICT)

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Crimmins Subdivision	Dranesville	Crimmins Lane
Crimmins Subdivision	Dranesville	Manor Ridge Court

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE AMENDMENT OF CHAPTER 11.1 OF THE COUNTY CODE TO REFLECT AMENDMENTS TO STATE ANTI-DISCRIMINATION AND FAIR HOUSING STATUTES ENACTED DURING THE 2021 SESSION OF THE GENERAL ASSEMBLY TO CHANGE STATUS AS A VETERAN TO MILITARY STATUS AS A PROTECTED CLASS, ADDING A DEFINITION OF MILITARY STATUS TO SECTION 11.1-3-2 (THE FAIRFAX COUNTY FAIR HOUSING ACT), ADDING THE ACCESSIBLE PARKING LANGUAGE FROM HB 1971 TO SECTION 11.1-3-4-2, AND DELETING EXTRANEIOUS LANGUAGE FROM SECTION 11.1-3-18

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2021, at 4 p.m.**, to amend Chapter 11.1 of the County Code to change status as a veteran to military status as a protected class, add a definition of military status to Section 11.1-3-2, add accessible parking language from HB 1971 to Section 11.1-3-4-2, and delete extraneous language from Section 11.1-3-18. The proposed amendments are required as a result of amendments to State Anti-Discrimination and Fair Housing Statutes and HB 1971 which were passed by the 2021 session of the General Assembly, signed by the Governor, and took effect July 1, 2021. The proposed amendments will be effective retroactive to July 1, 2021.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE SLEEPY HOLLOW ROAD WALKWAY (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2021, at 4:30 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Sleepy Hollow Road Walkway - Columbia Pike to Route 7 (Mason District).

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SLIPLINE REPLACEMENT #3 (CELADON LANE) (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2021, at 4:30 p.m.**, regarding the Acquisition of Certain Land Rights Necessary for the Construction of Slipline Replacement #3 (Celadon Lane) (Mason District) in Project WW-000028, Gravity Sewers, Fund 69300, Sewer Construction Improvements.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE COUNTY AND SCHOOLS’ FISCAL YEAR (FY) 2021 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2022 REVISED BUDGET PLAN

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 5, 2021, at 10:30 a.m.** to consider an increase in the FY 2022 appropriation level. The advertisement encompasses both the County and the Schools’ FY 2021 Carryover Reviews.

ADMIN 7 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS (OJP), BUREAU OF JUSTICE ASSISTANCE (BJA) FOR A FISCAL YEAR (FY) 2021 JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM GRANT

- Authorized the CSB to apply for and accept funding, if received, from the Department of Justice, OJP, BJA in the amount of \$550,000. Funding will support one full-time exempt new grant position to serve individuals with mental illness or co-occurring substance use disorders who are part of the Supervised Release Non-Compliance Docket as well as contracted mental health skill-building services in the community. The grant period is October 1, 2021, to September 30, 2024. There is a 20 percent local match requirement in years one and two and 40 percent local match requirement in year three which will be met with in-kind resources.

- Authorized the Chairman of the Board, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 22006 FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (DNCS) TO ACCEPT ONE-TIME FUNDING IN RESPONSE TO THE COVID-19 PANDEMIC FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ASSOCIATED WITH THE HEAD START, EARLY HEAD START, AND EARLY HEAD START CHILD CARE PARTNERSHIP GRANTS

- (SAR)
- Approved SAR AS 22006 for the DNCS to accept one-time funding in the amount of \$1,069,193 from the U.S. Department of Health and Human Services Administration for Children and Families, Office of Head Start under the American Rescue Plan Act and the Coronavirus Response and Relief Supplemental Appropriations Act funding opportunities. The DNCS will use the funds to carry out activities under the Head Start Act to prevent, prepare for, and respond to COVID-19. There are no positions associated with this funding and no local cash match is required.
 - Authorized the DNCS to request an 11-month no-cost extension for the remaining funds in the program year 2021 Head Start and Early Head Start program under the five-year project period ending June 30, 2021.
 - Authorized the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (MASON DISTRICT)

- (A) (R) Adopted a resolution authorizing the advertisement of a public hearing to be held before the Board on **October 5, 2021, at 3:30 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's 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 2 Within Mason District (Pleasant Ridge Area)	Enlarge	Refuse, Recycling, and Vacuum Leaf	Approve

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING COLLECTION SERVICE (BRADDOCK DISTRICT)

- (A) (R) Adopted a resolution authorizing the advertisement of a public hearing to be held before the Board on **October 5, 2021, at 3:30 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’s 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 3 Within Braddock District (Canterbury Woods Area)	Create	Refuse and Recycling	Approve

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (LEE DISTRICT)

- (A) (R) Adopted a resolution authorizing the advertisement of a public hearing to be held before the Board on **October 5, 2021, at 3:30 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’s 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-F Within Lee District (Grayson Street Area)	Create	Refuse, Recycling, and Vacuum Leaf	Approve

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION AND ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING COLLECTION SERVICES (DRANESVILLE DISTRICT)

- (A) (Rs) Adopted resolutions authorizing the advertisement of a public hearing to be held before the Board on **October 5, 2021, at 3:30 p.m.**, to consider the following changes to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board’s adopted criteria for the creation of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 9 Within Dranesville District (Haycock Road Area)	Enlarge	Refuse and Recycling	Approve
Local District 1-A1 Within Dranesville District (Potomac Hills Area)	Create	Refuse and Recycling	Approve
Local District 1-G Within Dranesville District (McLean Manor Area)	Create	Refuse and Recycling	Approve
Local District 1-A1 Within Dranesville District (McLean Manor Area)	Enlarge	Refuse and Recycling	Approve

**ADMIN 13 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 22011 FOR THE DEPARTMENT OF FAMILY SERVICES TO ACCEPT
GRANT FUNDING FROM THE VIRGINIA COMMUNITY COLLEGE
SYSTEM (VCCS) FOR THE RETURN TO EARN GRANT PROGRAM TO
HELP VIRGINIANS TRANSITION BACK TO WORK**

- (SAR)
- Approved SAR AS 22011 for the Department of Family Services to accept funding from the VCCS in the amount of \$626,372 for the Return to Earn Grant Program to help Virginian’s transition back to work. There are no positions associated with this funding and no local cash match is required. The grant period is from June 1, 2021, to December 31, 2021. When grant funding expires, the County is under no obligation to continue funding the program.
 - Approved the execution of the award between the VCCS and the County.

**ADMIN 14 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART
OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM
(RTAP) (SPRINGFIELD DISTRICT)**

- (R)
- Adopted a resolution endorsing the following traffic calming measures for Golden Ball Tavern Court (Springfield District):
 - Six speed tables
 - One speed hump
 - Directed staff of the Department of Transportation to schedule installation of the approved measures as soon as possible

ADMIN 15 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (DRANESVILLE DISTRICT)

- (R)
- Adopted a resolution endorsing the following traffic calming measures for Bellview Road and Kimberwicke Road:
 - Three speed humps on Bellview Road (Dranesville District)
 - Removal of one speed table on Bellview Road (Dranesville District)
 - Two speed humps on Kimberwicke Road (Dranesville District)
 - Edgeline striping on Kimberwicke Road at Old Dominion Drive (Dranesville District)
 - Directed staff to schedule the installation of the approved measures as soon as possible

ADMIN 16 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 22025 FOR THE HEALTH DEPARTMENT TO ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) FOR THE STRONGER PARTNERSHIP, STRONGER COMMUNITY: USING HEALTH LITERACY TO INCREASE RESILIENCE

- (SAR)
- Approved SAR AS 22025 for the Health Department to accept grant funding in the amount of \$3,875,000 from the DHHS for The Stronger Partnership, Stronger Community: Using Health Literacy to Increase Resilience. There are no grant positions associated with this funding and no local cash match is required. The grant period is from July 1, 2021, to June 6, 2023.
 - Authorized the Chairman, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

ADMIN 17 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 22010 TO ACCEPT GRANT FUNDING AND AUTHORIZATION TO EXECUTE A GRANT PROJECT CONTRACT WITH THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) FOR THE PURCHASE OF ELECTRIC TRANSIT BUSES AND CHARGING STATIONS

(SAR)
(R)

- Approved Supplemental Appropriation Resolution AS 22010 for the Department of Transportation (DOT) to accept grant funding from DEQ in the amount of \$2,997,784 for the purchase of four electric transit buses and the purchase and installation of three charging stations at the West Ox Bus Garage.
- Endorsed the Total Project Estimate of \$4,192,045, including a local cash match of \$1,194,261, to be funded through a combination of the grant award in Fund 50000, Federal-State Grant Fund, and local funding in Fund 40000, County Transit Systems. The grant period is from July 1, 2021, to June 30, 2023.
- Adopted a resolution authorizing the Director of the Department of Transportation, on behalf of the County, to execute the Clean Air Communities Program Grant Project Contract with DEQ.

32.

ADMIN 18 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA – CHAPTER 4 (TAXATION AND FINANCE) TO ADD A NEW ARTICLE 30 TO ESTABLISH A DISPOSABLE PLASTIC BAG TAX (11:48 a.m.)

(A)

(NOTE: Earlier in the meeting, the Board voted to consider this item separately. See page #27.)

Supervisor Gross moved that the Board authorize the advertisement of a public hearing to be held before the Board on **September 14, 2021, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to add a new Article 30, to establish a disposable plastic bag tax. The motion was multiply seconded.

Discussion ensued, regarding:

- The impact it will have on taxpayers and business
- The issue of litter and finding ways to appropriately dispose it
- Recycling of plastic bags, limited use/need
- Glass recycling versus plastic bag recycling

The question was called on the motion and it carried by a recorded vote of nine, Supervisor Herrity voting “NAY.”

33. **A-1 – APPROVAL OF A PLAIN LANGUAGE EXPLANATION FOR THE 2021 BOND REFERENDUM FOR IMPROVEMENTS TO PUBLIC SCHOOLS** (11:56 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and:

- Approve the plan language explanatory statement for the school bond referendum planned to be held in conjunction with the November general election
- Authorize staff to translate it, post it online, and print sufficient copies to make it available at County absentee voting sites and polling places

Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

34. **A-2 – APPROVAL OF HEAD START/EARLY HEAD START POLICY COUNCIL BYLAWS AND SELF-ASSESSMENT REPORT** (11:56 a.m.)

On motion of Supervisor Palchik, multiply seconded, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Head Start/Early Head Start Policy Council Bylaws and Self-Assessment Report.

35. **A-3 – AUTHORIZATION OF ECONOMIC OPPORTUNITY RESERVE (EOR) FUNDING TO THE TYSONS PARTNERSHIP FOR COMMUNITY ACTIVATION AND BRANDING (PROVIDENCE AND HUNTER MILL DISTRICTS)** (11:57 a.m.)

On motion of Supervisor Palchik, seconded by Supervisor Alcorn, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized allocation \$250,000 from the EOR to the Tysons Partnership to support implementation of community activation, branding initiatives and organizational development.

36. **A-4 – APPROVAL OF A REVISED FINANCING PLAN FOR DREDGING LAKE ACCOTINK (BRADDOCK DISTRICT)** (11:58 a.m.)

Supervisor Walkinshaw moved that the Board concur in the recommendation of staff and approve staff’s pursuance of an additional loan relating to the recommended strategy and financing plan for the dredging of Lake Accotink through the Virginia Resources Authority’s Virginia Clean Water Revolving Loan Fund. Chairman McKay and Supervisor Lusk jointly seconded the motion.

Discussion ensued, with input from Joe LaHait, County Debt Manager, Department of Management and Budget, and Craig Carinci, Deputy Director, Department of Public Works and Environmental Services, regarding:

- Reviewing the financing plan and the options available
- Application for additional funds for the project
- Ability to pursue a loan with the State
- Timeline and ultimate costs estimate for the project
- Determination of maintenance schedule and frequency of dredging
- Fiscal impacts on stormwater management fund

Supervisor Walkinshaw stated that two public meetings are scheduled on Thursdays, July 29, 2021, and August 5, 2021, to discuss the options with the community.

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

37. **A-5 – APPROVAL OF A PROJECT FUNDING AGREEMENT FOR THE CSX RAILROAD AT ROUTE 1 BRIDGE IMPROVEMENT PROJECT (MOUNT VERNON DISTRICT)** (12:06 p.m.)

- (R) Supervisor Storck moved that the Board concur in the recommendation of staff and approve a resolution authorizing the Director of DOT to execute a Project Funding Agreement with the Virginia Department of Transportation and the Virginia Passenger Rail Authority, for the funding of improvements at CSX Route 1 (Richmond Highway) underpass project. Chairman McKay seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, regarding timeline and next steps for implementation of the project.

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

38. **A-6 – ADOPTION OF A RESOLUTION OF SUPPORT FOR AN ADJUSTMENT OF THE LIMITED ACCESS LINE ADJACENT TO EASTBOUND ROUTE 66 AND 6702 HALLWOOD AVENUE (ROUTE 7542) (DRANESVILLE DISTRICT)** (12:12 p.m.)

- (R) On motion of Supervisor Foust, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a resolution supporting the limited access line adjustment at Interstate 66 and 6702 Hallwood Avenue.

39. **A-7 – ENDORSEMENT OF ROUTE 7 BUS RAPID TRANSIT (BRT) PREFERRED ALIGNMENT AND AUTHORIZATION OF A PLAN AMENDMENT TO THE COMPREHENSIVE PLAN (DRANESVILLE AND PROVIDENCE DISTRICTS)** (12:13 p.m.)

On motion of Supervisor Palchik, seconded by Supervisor Foust, and carried by a recorded vote of nine, with Supervisor Herrity abstaining, the Board concurred in the recommendation of staff and:

- Endorsed the preferred alternative of the Route 7 BRT project between the West Falls Church Metrorail Station and the Spring Hill Metrorail Station (via International Drive)
- Authorized an amendment to the Comprehensive Plan to include recommendations of the preferred alignment and associated potential stations of the Route 7 BRT Study. The plan amendment will consider:
 - Defining the two additional lanes (or the possibility of certain repurposed turn lanes) along Route 7 recommended in the current Comprehensive Plan (from I-66 to International Drive) for exclusive use by median-running BRT
 - Repurposing two existing lanes along International Drive (from Route 7 to Lincoln Circle) for exclusive median-running BRT
 - Defining the BRT route from West Falls Church Station to Tysons along Route 7 (from I-66) to Spring Hill Metrorail Station (via International Drive)
 - Potential station locations along this segment of the BRT route

40. **A-8 – APPROVAL OF THE FISCAL YEAR (FY) 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) AND THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (VDBHDS)** (12:15 p.m.)

On motion of Supervisor Palchik, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the CSB FY 2022 and FY 2023 Community Services Performance Contract with the VDBHDS and the associated acceptance of FY 2022 funds.

41. **A-9 – ENDORSEMENT OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SIX-YEAR SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FYS) 2022 THROUGH 2027** (12:16 p.m.)

(R) On motion of Supervisor Alcorn, multiply seconded, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a resolution:

- Endorsing approval of the Secondary Six-Year Plan for FYs 2022 - 2027
- Authorizing the Director of the Department of Transportation to execute the approved Secondary Six-Year Plan for FYs 2022 - 2027

42. **A-10 – ENDORSEMENT OF THE RECOMMENDATIONS PROPOSED AS PART OF THE FAIRFAX COUNTY AND FRANCONIA-SPRINGFIELD PARKWAYS ALTERNATIVES ANALYSIS AND LONG-TERM PLANNING STUDY AND AUTHORIZATION OF A COMPREHENSIVE PLAN AMENDMENT TO INCORPORATE THOSE RECOMMENDATIONS INTO THE TRANSPORTATION PLAN MAP AND AREA TRANSPORTATION PLAN MAPS AND TEXT (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)** (12:16 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and:

- Endorse the recommendations proposed as part of the Fairfax County and Franconia-Springfield Parkways Alternatives Analysis and Long-Term Planning Study
- Authorize a Comprehensive Plan amendment to incorporate the recommendations. The Plan Amendment will consider potential changes to the Transportation Plan Map and associated Area Transportation Plan maps and possible text clarifications.

The motion was multiply seconded.

Supervisor Alcorn noted that the interchange for Sunrise Valley and Fairfax County Parkway is currently in the Comprehensive Plan and is also under discussion by the Comprehensive Plan Task Force for Reston, and County staff is looking at minimizing the impact on adjoining neighborhood.

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

43. **A-11 – APPROVAL OF PROPOSED FAIRFAX CONNECTOR FARES TO MATCH RECENTLY APPROVED WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FARE CHANGES** (12:19 p.m.)

Supervisor Alcorn, moved that the Board concur in the recommendation of staff and:

- Approve the following fare changes for Fairfax Connector, beginning in September 2021:
 - Rail to Bus Transfer Discount – The current discount is \$0.50; the proposed discount is \$2.00
- Consistent with County bus fare policies, authorized Fairfax Connector to honor the other fare changes that will be enacted by WMATA, e.g., the reduced 7-Day Regional Bus Pass, the 7-Day Regional Bus Pass for Seniors, and the Bus to Rail Transfer Discount.

Chairman McKay seconded the motion. Discussion ensued, regarding transfers Rail to Bus, impact on the budget and ways to use the program to incentivize and encourage ridership. The question was called on the motion and it carried by unanimous vote.

44. **A-12 – AUTHORIZATION TO ESTABLISH THE ACTIVE AND THRIVING COMMUNITY GRANTS PROGRAM** (12:22 p.m.)

Supervisor Foust moved that Board concur in the recommendation of staff and:

- Authorize establishment of the Active and Thriving Community Grants Program that responds to the negative economic impacts of the COVID-19 public health emergency on small businesses and non-profits
- Approve the expenditure of \$10 million of federal American Rescue Plan Act Fiscal Recovery Funds
- Authorize the County Executive to administer the Active and Thriving Community Grants Program to meet program objectives

Chairman McKay and Supervisor Lusk jointly seconded the motion.

Discussion ensued, with input from Sarah Allen, Deputy Director, Neighborhood and Community Services, regarding the timeline of the program launch and outreach plan to inform the community of the program. The Office of Public Affairs will help publicize and share a brochure in different languages to reach a wide variety of communities.

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

45. **A-13 – APPROVAL OF A RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION (DO) TO APPLY FOR FUNDING, AND ENDORSING PROJECTS BEING SUBMITTED FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION’S (VDOT) FISCAL YEAR (FY) 2023-2024 TRANSPORTATION ALTERNATIVES SET-ASIDE FUNDING PROGRAM (LEE, MOUNT VERNON, AND PROVIDENCE DISTRICTS)** (12:27 p.m.)

(R) On motion of Supervisor Alcorn, jointly seconded by Chairman McKay and Supervisor Storck, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Authorized the DOT to apply for funding from the VDOT FY 2023 – 2024 Transportations Alternatives Set-Aside Programs in the amount of \$3.2 million, including \$800,000 in local cash match (available in other transportation funding sources) for the following projects:
 - Vienna Metro Bike Connection Improvement
 - Mason Neck Trail (Pohick Bay Park Entrance to Route One)
 - Shrevewood Elementary School Safe Roue to School
 - Bush Hill Elementary School Safe Route to School
- Adopted the project endorsement resolution

46. **A-14 – APPROVAL OF AN ADDITION TO ACTION ITEM NUMBER 17, ESTABLISHMENT OF A POLICE CIVILIAN REVIEW PANEL, APPROVED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON DECEMBER 6, 2016, AND RELATED BYLAWS AMENDMENT** (12:29 p.m.)

Supervisor Lusk moved that the Board concur in the recommendation of staff and:

- Authorize the appointment of an Executive Director for the Police Civilian Review Panel
- Approve the proposed revisions to the Police Civilian Review Panel bylaws

Chairman McKay seconded the motion. Following a brief discussion regarding the item, the question was called on the motion and it carried by a recorded vote on nine, with Supervisor Herrity voting “NAY.”

47. **A-15 – ENDORSEMENT OF PRELIMINARY DESIGN PLANS (30 PERCENT COMPLETE) FOR THE RICHMOND HIGHWAY BUS RAPID TRANSIT (BRT) PROJECT FROM THE HUNTINGTON METRORAIL STATION TO FORT BELVOIR (LEE AND MOUNT VERNON DISTRICTS)** (12:31 p.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and:

- Endorse the preliminary design plans for the typical BRT cross-section indicated in Attachment 1 for the Richmond Highway Bus Rapid Transit project administered by the Department of Transportation (DOT) as generally presented at the June 30, 2021, preliminary design meeting and as shown on the DOT project website
- Authorize the Director of DOT to transmit the Board's endorsement to the Virginia Department of Transportation (VDOT) with the following exceptions:
 - a. In conjunction with VDOT, continue to evaluate if the proposed extra turn lanes (above and beyond the typical BRT section) at the following locations are necessary:
 - Shields Avenue/North and South Highway/Fuhrman Lane
 - Southgate Drive
 - Beacon Hill Road
 - Memorial Street
 - Arlington Drive
 - Boswell Avenue
 - Sherwood Hall Lane
 - Ladson Lane
 - Buckman Road/Mt. Vernon Highway
 - Sacramento Drive/Cooper Road
 - Jeff Todd Way/Mt. Vernon Memorial Highway

Direct staff to return to the Richmond Highway BRT Executive Committee with additional information regarding the above listed intersections and obtain their approval before finalizing the BRT design.

- b. Continue to work with Dominion Power and Woodlawn Plantation to minimize impacts to the plantation property.
- c. Incorporate the design refinements under evaluation for Boswell Avenue as presented on the June 30, 2021, virtual meeting.
- d. Continue to work with VDOT on the corridor-wide speed study to evaluate lowering of the speed on Richmond Highway from 45 miles per hour (mph) to 35 mph. Lowering the speed limit may impact certain design issues, including the need for Federally mandated sound walls.
- e. Recognizing that community organizations are opposed to any Federally mandated sound walls, if noise mitigation measures are required, such as sound walls, and supported by the affected property owners and residents, staff will continue to work on the design details of the sound walls to minimize the aesthetic impacts of the walls.

Chairman McKay seconded the motion.

Discussion ensued regarding the project, reduction of speed limit, underground utilities, and impacts on minimizing right of way acquisition.

The question was called on the motion and it carried by a vote of nine, with Supervisor Herrity abstaining.

48. **C-1 – APPROVAL OF BYLAWS AND RESOLUTION RESTATING THE PURPOSES AND MEMBERSHIP OF THE RESTON TRANSPORTATION SERVICE DISTRICT (RTSD) ADVISORY BOARD** (12:42 p.m.)

(R)
(BACs)

The Board next considered an item contained in the Board Agenda regarding the RTSD Advisory Board bylaws and resolution restating the purposes and membership.

Supervisor Alcorn moved that the Board:

- Approve the bylaws of the RTSD Advisory Board
- Adopt the resolution restating the purposes and membership of the RTSD Advisory Board

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

49. **C-2 – APPROVAL OF BYLAWS AND RESOLUTION RESTATING THE PURPOSES AND MEMBERSHIP OF THE TYSONS TRANSPORTATION SERVICE DISTRICT (TTSD) ADVISORY BOARD** (12:42 p.m.)

(R)
(BACs)

The Board next considered an item contained in the Board Agenda regarding the TTSD Advisory Board bylaws and resolution restating the purposes and membership.

Supervisor Alcorn moved that the Board:

- Approve the bylaws of the TTSD Advisory Board
- Adopt the resolution restating the purposes and membership of the TTSD Advisory Board

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

DMS:dms

50. **RECESS/CLOSED SESSION** (12:43 p.m.)

Supervisor Walkinshaw 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. *David Berry, Carol A. Hawn, Helen H. Webb, and Adrienne A. Whyte v. Board of Supervisors of Fairfax County*, Case No. CL-2021-0003366 (Fx. Co. Cir. Ct.) (Countywide)
 2. *Barry McCabe v. Fairfax County, Fairfax County Animal Shelter, Fairfax County Board of Supervisors, David Rohrer, Ed Roessler, Anthony Matos, Barbara Hutcherson, Amanda Novotny, and John Doe(s)*, Record Nos. 201283, 201134 (Va. Sup. Ct.)

3. *Lamonta Gladney v. Tyler Tyan Timberlake*, Case No. 1:21-cv-287 (E.D. Va.)
4. *Hua Xu aka Eileen Hua Xu Weithers v. The County of Fairfax, Virginia*, Case No. CL-2021-0001014 (Fx. Co. Cir. Ct.)
5. *County of Fairfax, Virginia, ex rel. Joseph A. Glean v. Fairfax County Board of Supervisors*, Case No. CL-2021-0004227 (Fx. Co. Cir. Ct.)
6. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Victor Silva and Rocio Sarmiento*, Case No. GV21-008320 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
7. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Huu D. Tran and Nhanh T. Le*, Case No. GV21-10214 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
8. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Ahmad Mojarrad and Amaneh Mojarrad*, Case No. GV21-010215 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
9. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Izzet Burak Temel*, Case No. GV21-005601 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
10. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Lejlifer Sinani and Brunilda Bajraktari*, Case No. GV21-010613 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Alwadi, LLC*, Case No. CL-2019-0017284 (Fx. Co. Cir. Ct.) (Lee District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2019-0000700 (Fx. Co. Cir. Ct.) (Lee District)
13. *Hiba Aziz, Building Official for Fairfax County, Virginia v. NV Flagging, Inc., f/k/a NV Flagging, LLC*, Case No. GV21-010612 (Fx. Co. Gen. Dist. Ct.) (Lee District)

14. *Brian F. Foley, Building Official for Fairfax County, Virginia v. Rosa E. Coreas*, Case No. GV21-005234 (Fx. Co. Gen. Dist. Ct.) (Mason District)
15. *Brian F. Foley, Building Official for Fairfax County, Virginia v. Douglas E. Larios and Alexandria J. Larios*, Case No. GV21-005238 (Fx. Co. Gen. Dist. Ct.) (Mason District)
16. *Brian F. Foley, Building Official for Fairfax County, Virginia v. 3SELS Properties, LLC*, Case No. GV21-005233 (Fx. Co. Gen. Dist. Ct.) (Mason District)
17. *Elizabeth Perry, Fairfax County Property Maintenance Code Official v. Jeffrey D. Holt*, Case No. CL-2019-0017203 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas 2817 LLC*, Case No. CL-2021-0009574 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *In Re: May 26, 2021, Decision of the Board of Zoning Appeals of Fairfax County, Virginia*, Case No. CL-2021-0009367 (Fx. Co. Cir. Ct.) (Providence District)
20. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Lisa Kuniyoshi Sullivan*, Case No. GV21-010213 (Fx. Co. Gen. Dist. Ct.) (Providence District)
21. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Nezar A. Arabi and Jalilah H. Asaad*, Case No. GV21-010216 (Fx. Co. Gen. Dist. Ct.) (Providence District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thomas E. Carmel and Deborah M. Carmel*, Case No. GV21-010614 (Fx. Co. Gen. Dist. Ct.) (Providence District)
23. *Hiba Aziz, Building Official for Fairfax County, Virginia v. William A. Taylor and Elisa Taylor*, Case No. GV21-10212 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
24. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. Loren W. Hershey and Birgit Hershey*, Case No. CL-2019-0016688 (Fx. Co. Cir. Ct.) (Sully District)

25. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Arash Saffari Ashtiani and Nahal Moussavi*, Case No. GV21-005602 (Fx. Co. Gen. Dist. Ct.) (Sully District)
26. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Tajinder K. Sharma and Barjinder Kumar*, Case No. GV21-005603 (Fx. Co. Gen. Dist. Ct.) (Sully District)
27. *Board of Supervisors of Fairfax County v. MilitaryByOwner Advertising, Inc.*, Case No. GV21-004943 (Fx. Co. Gen. Dist. Ct.) (Braddock, Mount Vernon, Hunter Mill, Providence Districts)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(7) and (8), legal analysis regarding the following:
 1. *Jeffrey V. Reynolds and Mark J. Lane v. Board of Supervisors*, Circuit Court Case No. CL-2020-0018282, and *Leslie B. Johnson v. Custom Stonescaping, LLC, et al.*, Circuit Court Case No. CL-2021-0002840
 2. *Elon Wilson v. Fairfax County, et al.*, Case No. 1:21-CV-800 in the U.S. District Court for the Eastern District of Virginia at Alexandria
 3. *Fairfax County v. Purdue Pharma, et al.*, Fairfax County Circuit Court Case No. CL-2019-6025, and Draft Memorandum of Understanding with Virginia Attorney General
 4. Voluntary Boundary Adjustment Agreement with the City of Falls Church and the West Falls Church Economic Development Project
- As permitted by Virginia Code Section 2.2-3711(A)(1) and (7), personnel and legal discussion regarding Sheriff's salary, appointment of an exempt employee, and retirement board authority

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

ADDITIONAL BOARD MATTERS

51. **INTENT TO DEFER 3:30 P.M. – DECISION ONLY ON A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING HISTORIC OVERLAY DISTRICTS – STATE CODE REVISIONS** (12:46 p.m.)

Supervisor Storck announced his intent, later in the meeting at the appropriate time, to defer the decision only on a proposed Zoning Ordinance amendment regarding Historic Overlay Districts – State Code revisions.

(Note: Later in the meeting, the decision only was formally deferred. See Clerk's Summary Item #63.)

At 3:45 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

52. **REMOTE PARTICIPATION OF SUPERVISOR GROSS (MASON DISTRICT)** (3:45 p.m.)

Chairman McKay reiterated that Supervisor Gross was attending the meeting remotely and asked her to restate her name to ensure her voice could be adequately heard.

ACTIONS FROM CLOSED SESSION

53. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:45 p.m.)

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

54. **MOTION AUTHORIZING APPEAL OF THE CIRCUIT COURT'S JULY 16, 2021, DECISION RELATED TO IN RE: OCTOBER 21, 2020, DECISION ON THE BOARD OF ZONING APPEALS (BZA)** (3:47 p.m.)

Supervisor Palchik moved that the Board authorize the County Attorney to file a Petition for Appeal in the Supreme Court of Virginia challenging the Circuit Court's July 16, 2021, decision to overturn the BZA decision dated October 21, 2020, on the grounds discussed with the County Attorney in Closed Session. Chairman McKay seconded the motion and it carried by unanimous vote.

55. **MOTION APPROVING A RESOLUTION FOR THE VIRGINIA ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING** (3:47 p.m.)

(R) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board adopt the following resolution dated July 27, 2021:

“WHEREAS, the Board of Supervisors of Fairfax County, Virginia (“the County”), through its elected representatives and counsel, and the Commonwealth of Virginia, through the Office of the Attorney General, are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities;

WHEREAS, the County and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for same;

WHEREAS, in order to advance their common interests, the County and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of such litigation recoveries;

WHEREAS, the County’s outside opioid litigation counsel has recommended that the County approve the proposed memorandum of understanding; and

WHEREAS, the County Attorney has reviewed the available information about the proposed memorandum of understanding and concurs with the recommendation of outside counsel;

NOW THEREFORE, BE IT RESOLVED by the County, assembled on this day at which a quorum is present, that the County hereby authorizes and approves, or confirms authorization and approval, of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding attached hereto and incorporated herein by reference thereto as Exhibit “A”, and directs the County Executive to execute and enter into such Memorandum of Understanding on behalf of the County.”

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

56. **MOTION REGARDING POTENTIAL RESOLUTION OF THE PROPOSED WEST FALLS CHURCH ECONOMIC DEVELOPMENT AREA EXPANSION** (3:50 p.m.)

Supervisor Foust stated that on June 22, 2021, the Board authorized the County Attorney to send a letter to the Falls Church City Attorney voicing County staff’s concerns over the City’s proposed expansion of the economic development area at

West Falls Church and noting that such expansion would appear to run afoul of the 2013 Voluntary Boundary Adjustment Agreement (VBAA) between the County and the City. On July 13, 2021, the Board also authorized the County Attorney to negotiate an agreement with the Falls Church City Attorney that would establish, among other things, a firm acreage limit on the land area that can be used for non-school purposes under the terms of the VBAA.

In an effort to resolve this matter amicably with the City of Falls Church, the County has revised the draft agreement to limit its scope to the specific economic development project currently before the City Council – that is, the pending Special Exception Entitlement Amendment and Special Exception Site Plan applications- or potential future iterations of that project (“the Economic Development Project”).

Therefore, Supervisor Foust moved that the Board:

- Authorize and direct the County Attorney to negotiate an agreement with the City Attorney that addresses the Economic Development Project specifically, including terms providing that the proposed one-third-acre expansion complies with the limits in the VBAA and recognizing no further expansion of land area is permitted for the Economic Development Project
- Direct the County Executive to sign the agreement if negotiations are successful and after that agreement is approved as to form by the County Attorney

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

57. **MOTION TO ADJUST THE FAIRFAX COUNTY SHERIFF’S SALARY**
(3:53 p.m.)

As required by Virginia Code Section 15.2-1609.2(F), Supervisor Gross moved that the Board adjust the Fairfax County Sheriff’s annual salary to \$210,139.40, effective Pay Period 15. Supervisor Foust seconded the motion and it carried by unanimous vote.

58. **MOTION TO APPOINT A CHIEF FINANCIAL OFFICER** (3:53 p.m.)

Supervisor Gross moved the appointment of Christina Jackson to the position of Chief Financial Officer, Grade E-14, with a starting salary of \$210,000, effective September 13, 2021. Chairman McKay, Supervisor Alcorn, Supervisor Lusk, and Supervisor Palchik jointly seconded the motion and it carried by unanimous vote.

KK:kk

AGENDA ITEMS

59. **3:30 P.M. – PUBLIC HEARING ON SE 2020-DR-022 (TURNER FARMHOUSE FOUNDATION) TO PERMIT A PUBLIC BENEFIT ASSOCIATION AND MODIFICATION OF THE FRONT YARD SETBACK FOR THE EXISTING FARMHOUSE, LOCATED ON APPROXIMATELY 4.95 ACRES OF LAND ZONED R-1 (DRANESVILLE DISTRICT)** (3:56 p.m.)

(NOTE: On June 22, 2021, the Board deferred this public hearing until July 27, 2021.)

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 9 and July 16, 2021.

The application property is located at 10609 Georgetown Pike, Great Falls, 22066, Tax Map 12-1 ((1)) 24D (pt.).

John McGranahan, Jr. 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.

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, which included testimony by two speakers, Ms. Strunk presented the staff and Planning Commission recommendations.

Following a query by Supervisor Foust, Mr. McGranahan confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 13, 2021.

Supervisor Foust moved:

- Approval of Special Exception Application SE 2020-DR-022, subject to the development conditions dated July 13, 2021
- Waiver of the transitional screening and barrier requirements along the northern lot line

The motion was multiply seconded, and it carried by a vote of nine, Supervisor Palchik being out of the room.

60. **3:30 P.M. – PUBLIC HEARING ON SE 2021-DR-004 (FALLS CHURCH PROPCO LLC) TO PERMIT A CHANGE IN OWNERSHIP FOR AN EXISTING MEDICAL CARE FACILITY, LOCATED ON APPROXIMATELY 7.67 ACRES OF LAND ZONED R-1 AND R-4 (DRANESVILLE DISTRICT)** (4:15 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 July 9 and July 16, 2021.

The application property is located at 2100 Powhatan Street, Falls Church, 22043, Tax Map 41-1 ((1)) 62B.

Kathryn R. Taylor, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavit for the record.

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

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

Following the public hearing, Mr. Rowlette presented the staff and Planning Commission recommendations.

Following a query by Supervisor Foust, Ms. Taylor confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 6, 2021.

Supervisor Foust moved:

- Approval of Special Exception Application SE 2021-DR-004, subject to the development conditions dated July 6, 2021
- Modification of Additional Standard #5 for medical care facilities
- Modification of the transitional screening requirements along all property lines in favor of the landscaping shown on the Conceptual Landscape Plan attached to the development conditions contained in Appendix 1 of the Staff Report
- Waiver of the barrier requirements along all property lines

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

61. **3:30 P.M. – PUBLIC HEARING ON SEA 93-Y-036-02 (TRUSTEES OF FAIRFAX CHURCH OF CHRIST) TO AMEND SE 93-Y-036 PREVIOUSLY APPROVED FOR A PLACE OF WORSHIP AND A NURSERY SCHOOL WITH CHILD CARE, TO PERMIT AN INCREASE IN ENROLLMENT FROM 60 UP TO 200 AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 7.72 ACRES OF LAND ZONED R-2, WS AND HC (SULLY DISTRICT)**

AND

PUBLIC HEARING ON RZ 2020-SU-014 (TRUSTEES OF FAIRFAX CHURCH OF CHRIST) TO REZONE FROM R-1, WS AND HC TO R-2, WS AND HC TO PERMIT A PLACE OF WORSHIP WITH NURSERY SCHOOL WITH CHILD CARE WITH AN OVERALL FLOOR AREA RATIO (FAR) OF 0.18, LOCATED ON APPROXIMATELY 7.72 ACRES OF LAND (SULLY DISTRICT) (4:22 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 9 and July 16, 2021.

The Special Exception Amendment Application SEA 93-Y-036-02 property is located at 3901 and 3919 Rugby Road, Fairfax, 22033, Tax Map 45-2 ((2)) 31 and 32A.

The Rezoning Application RZ 2020-SU-014 property is located on the east side of Rugby Road and south side of Fairfax County Parkway, Tax Map 45-2 ((2)) 31 and 32A.

Lynne J. Strobel, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavits for the record.

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

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

Following the public hearing, which included testimony by three speakers, Ms. Estes presented the staff and Planning Commission recommendations.

Following a query by Supervisor Smith, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 27, 2021.

Supervisor Smith moved:

- Approval of Rezoning Application RZ 2020-SU-014, subject to the proffers dated June 29, 2021
- Approval of Special Exception Amendment Application SEA 93-Y-036-02, subject to the development conditions dated July 27, 2021
- Modification of transitional screening requirements along the western, eastern, and southern boundaries of the subject property and a waiver of the barrier requirements along all property lines in favor of landscaping shown on the GDP/SEA Plat
- Modification of the requirement for a designated bicycle lane on Rugby Road consistent with existing conditions
- Modification of current sight distance requirements for an existing left turn to remain at the northern site entrance which was designed and approved with a site plan under prior Virginia Department of Transportation standards

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

62. **3:30 P.M. – PUBLIC HEARING ON AGRICULTURAL AND FORESTAL APPLICATION AF 2021-SP-001 (REBECCA CRUMP) TO PERMIT THE CREATION OF AN AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON APPROXIMATELY 22.01 ACRES OF LAND ZONED R-C AND WS (SPRINGFIELD DISTRICT) (4:47 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 9 and July 16, 2021.

The application property is located at 12000 Henderson Road, Clifton, 20124, Tax Map 95-3((1)) 2, 2A, and 2B.

Ellen Alster, Planner, Department of Planning Development, presented the staff report.

Rebecca Crump, the applicant, gave a presentation.

Following the public hearing, Ms. Alster presented the staff and Planning Commission recommendations.

Supervisor Herrity moved approval of Agricultural and Forestal Application AF 2021-SP-001 and adoption of the proposed amendments to the Code of the County

of Fairfax, Appendix F, establishing the Crump Local Agricultural and Forestal District, subject to the Ordinance provisions dated June 1, 2021. The second to the motion was inaudible and it carried by a vote of eight, Supervisor Alcorn, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Acting-Chairman Foust voting “AYE,” Supervisor Palchik and Chairman McKay being out of the room.

63. **3:30 P.M. – DECISION ONLY ON A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING HISTORIC OVERLAY DISTRICTS – STATE CODE REVISIONS** (4:54 p.m.)

(NOTE: On June 22, 2021, the Board held a public hearing regarding this item and deferred decision until July 27, 2021.)

Supervisor Storck moved to defer decision on the proposed Zoning Ordinance Amendment Regarding Historic Overlay Districts – State Code Revisions, until **September 14, 2021**, with the record remaining open for written comments. Supervisor Lusk seconded the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Acting-Chairman Foust voting “AYE,” Supervisor Palchik and Chairman McKay being out of the room.

64. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2021-00007, 2550 HUNTINGTON AVENUE, LOCATED ON HUNTINGTON AVENUE, WEST OF METROVIEW PARKWAY (MOUNT VERNON DISTRICT)** (4:55 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 July 9 and July 16, 2021.

Aaron Klibaner, Planner II, Planning Division, Department of Planning and Development, presented the staff report.

Katherine Ward, Mount Vernon District Site-Specific Plan Amendment Task Force, presented the Task Force recommendations.

Lynne J. Strobel, Nominator representative, Walsh, Colucci, Lubeley and Walsh, P.C., gave a PowerPoint slide presentation.

Following the public hearing, Mr. Klibaner presented the staff and Planning Commission recommendations.

Discussion ensued with input from Mr. Klibaner and Meghan Van Dam, Branch Chief, Planning Division, Department of Planning and Development defining the language “to the maximum extent feasible.”

Supervisor Storck moved that the Board adopt the Planning Commission recommendation for Plan Amendment 2021-00007, Tax Map Parcels 83-1 ((1)) 34D, 34E and 34F, as shown in the Planning Commission handout which is provided as a weblink in the Board Item. The amendment adds guidance for residential development to exceed one-half the total development if conditions related to first and, to the maximum extent feasible, second floor community-serving uses, flexibility for the inclusion of universal design in the residential units, and provision of urban parks and recreational spaces are met. Supervisor Lusk seconded the motion and it carried by a vote of eight, Supervisor Palchik and Supervisor Alcorn being out of the room.

65. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2021-00006, 2806 POPKINS LANE, LOCATED ON POPKINS LANE, WEST OF BRYANT TOWN COURT (MOUNT VERNON DISTRICT)** (5:25 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 July 9 and July 16, 2021.

Graham Owen, Planner III, Planning Division, Department of Planning and Development presented the staff report.

Katherine Ward, Mount Vernon District Site-Specific Plan Amendment Task Force, presented the Task Force recommendations.

Sheri Akin, Nominator representative, McGuireWoods LLP, gave a PowerPoint slide presentation.

Following the public hearing, Mr. Owen presented the staff and Planning Commission recommendations.

Supervisor Storck moved to defer decision on the proposed Plan Amendment 2021-00006, 2806 Popkins Lane, until **October 19, 2021**, with the record remaining open for written comments. Supervisor Lusk seconded the motion and it carried by a vote of eight, Supervisor Palchik and Supervisor Alcorn being out of the room.

66. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2021-00009, 4312 AND 4316 RAVENSWORTH ROAD, SOUTH OF LITTLE RIVER TURNPIKE, WEST OF RAVENSWORTH ROAD (MASON DISTRICT)** (5:47 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 July 9 and July 16, 2021.

Bryan Botello, Planner II, Planning Division, Department of Planning and Development, presented the staff report.

Martin Machowsky, Chairman, Mason District Site-Specific Plan Amendment Task Force, presented the Task Force recommendations.

Mark M. Viani, Nominator representative, Bean, Kinney and Korman, P.C., gave a PowerPoint slide presentation.

Following the public hearing, Mr. Botello presented the staff and Planning Commission recommendations.

Supervisor Gross moved to adopt the Planning Commission recommendation for Plan Amendment 2021-00009, as shown on page 19 of the Staff Report dated June 2, 2021. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Palchik and Supervisor Alcorn being out of the room.

67. **4 P.M. – PUBLIC HEARING TO CONSIDER ADOPTION OF AMENDMENTS TO AN UNCODIFIED ORDINANCE TO PROVIDE A METHOD TO ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY AND ITS AFTERMATH BY TEMPORARILY APPROVING OUTDOOR DINING AND OUTDOOR FITNESS AND EXERCISE ACTIVITIES SUBJECT TO CERTAIN CONDITIONS, THEREBY SUSPENDING ANY REQUIREMENT FOR INDIVIDUALIZED APPROVALS OF SUCH ACTIVITIES** (6:02 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 July 9 and July 16, 2021.

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved:

- To adopt the proposed amendments to an uncodified ordinance to provide a method to assure continuity in Fairfax County government during the COVID-19 emergency and its aftermath by temporarily approving outdoor dining and outdoor fitness and exercise activities subject to certain conditions, thereby, temporarily suspending the need for individualized approvals for such activities.
- That the ordinance amendments become effective immediately upon adoption.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

68. **4 P.M. – PUBLIC HEARING TO CONSIDER ADOPTION OF AN AMENDMENTS TO AN UNCODIFIED ORDINANCE TO PROVIDE A METHOD TO ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT DURING THE COVID-19 EMERGENCY AND ITS AFTERMATH, AS AUTHORIZED BY VIRGINIA CODE SECTION 15.2-1413, BY APPROVING TEMPORARY COUNTY-OPERATED HYPOTHERMIA PREVENTION SHELTERS, AUTHORIZING A STREAMLINED PROCESS FOR APPROVING TEMPORARY MODIFICATIONS TO ACTIVITIES, USES, AND STRUCTURES IN RESPONSE TO THE EMERGENCY AND ITS IMPACTS, AND REDUCING CERTAIN ZONING AND DEVELOPMENT FEES** (6:09 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 July 9 and July 16, 2021.

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, with input from William Hicks, Director, Land Development Services, regarding building and site plan fees.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the County Executive to work with staff to adjust fees and permit data without incurring additional costs to the County. Without objection, it was so ordered.

Following the public hearing, Chairman McKay moved that:

- The Board adopt the proposed amendments, attached to the Board Item as Attachment 2, to amend an uncodified ordinance to provide a method to assure continuity in Fairfax County government during the COVID-19 emergency and its aftermath as authorized by Virginia Code Section 15.2-1413 by approving temporary county-operated hypothermia prevention shelters, authorizing a streamlined process for approving temporary modifications to activities, uses, and structures in response to the emergency and its impact and reducing certain zoning development fees.
- This Ordinance amendment become effective immediately upon adoption.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

69. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:18 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 July 9 and July 16, 2021.

Public comment was held and included the following individuals:

- Brendan Brown, regarding the School Board
- Joan Lowy, regarding gas-powered leaf blowers
- Jennifer Koutsouftkis, regarding Anti-Semitism in Fairfax County
- Holly Depaul, regarding Public Schools
- Rebecca Oser, regarding Schools re-opening
- Mary Thies, regarding Tax Administration as it related to issues of covert domestic financial abuse
- Mary Alice, regarding engagement of Fairfax residents
- Jisun Bae, regarding forced organ harvesting in China
- Tiny Tang, regarding forced organ harvesting in China
- Kery Nunez, regarding warning residents about risks of travel to communist China for organ transplant

70. **BOARD ADJOURNMENT** (6:56 p.m.)

At 6:56 p.m. the Board adjourned.