



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 19, 2021**

This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <https://www.fairfaxcounty.gov/boardofsupervisors/board-meeting-summaries>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 711 (TTY).

19-21

BV:bv

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, October 19, 2021, at 9:36 a.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason 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

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, and Bobby Vaught, Administrative Assistant, Department of Clerk Services.

BOARD MATTERS1. **MASKS REQUIRED** (9:44 a.m.)

Chairman McKay stated that, in accordance with CDC guidance, masks are continued to be required for everyone who enters a County facility. Therefore, everyone in the Board Auditorium today must wear a mask at all times, including while speaking or taking photos.

2. **MOMENT OF SILENCE** (9:44 a.m.)

The Board asked everyone to keep in thoughts the family and friends of the following individuals who died recently:

- General Colin Powell, who passed away from Covid complications. He was the youngest and first black chairman of the Joint Chiefs; former Secretary of State; always put country before political party and was well respected. He was a proud resident of Fairfax County.
- Eugene Krizek, who passed away earlier this month (exactly one month after his wife, Addy). In 1985 he founded Christian Relief Services with just a \$10,000 donation and a desire to help people in need. It is now a \$50 million-dollar international philanthropic organization which provides safe and affordable housing, and millions of dollars in food, medical supplies, tools, shelter, training, and educational programs.
- Tom Stanners, father of Sue Robinson who recently retired from the County. He was a Braddock and Mason district resident; served on several Boards, Authorities, and Commissions; was a former Board photographer; World War II Navy Veteran; and spent 43 years working in the Federal Office of Management and Budget.

AGENDA ITEMS3. **PROCLAMATION DESIGNATING OCTOBER 24 AS "POLIO AWARENESS DAY" IN FAIRFAX COUNTY** (9:54 a.m.)

Supervisor Gross moved approval of the Proclamation designating October 24 as "*Polio Awareness Day*" in Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

4. **RESOLUTION RECOGNIZING CORNERSTONE ON ITS 50TH ANNIVERSARY** (10:08 a.m.)

Supervisor Alcorn moved approval of the Resolution to recognize Cornerstones on its 50th Anniversary and for its outstanding contributions to the community.

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

EBE:ebe

5. **9:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS (BACs) AND ADVISORY GROUPS** (10:14 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 October 19, 2021.” Chairman McKay seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

ADVISORY SOCIAL SERVICES BOARD

Appointment of:

- Mr. Joe Koszarek as the Hunter Mill District Representative
- Mr. Raymond McGrath as the Mount Vernon District Representative

The Board deferred the appointment of the Dranesville 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 appointments of the At-Large #1 and #4 Representatives.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Related Professional Group #6 Representative.

ATHLETIC COUNCIL

Reappointment of:

- Ms. Annmarie Swope as the Member-At-Large Alternate Representative

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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 Alternate #1 and Design Professional #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

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CHILD CARE ADVISORY COUNCIL

Reappointment of:

- Ms. Pam Tinker as the Lee District Representative

CIVIL SERVICE COMMISSION

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

COMMISSION FOR WOMEN

Appointment of:

- Ms. Alyssa Batchelor as the At-Large Chairman's Representative
- Ms. Carla Post as the Dranesville District Representative

Reappointment of:

- Ms. Mattie Palmore as the At-Large Minority Representative
- Ms. Helen Cole as the Hunter Mill District Representative

The Board deferred the appointments of the Braddock and Springfield District Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Appointment of:

- Ms. Caroline Hockenberry as the Providence District Representative

Confirmation of:

- Ms. Hawa Hassan as the Elected - Central Target Area #2 Representative

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

CONSUMER PROTECTION COMMISSION

Appointment of:

- Dr. Maurice Springer as the Fairfax County Resident #13 Representative

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

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Appointment of:

- Ms. Victoria Samuels as the At-Large Representative

Reappointment of:

- Ms. Joy Marlene Bryan as the Lee District Representative

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

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

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

ECONOMIC ADVISORY COMMISSION

The Board deferred the appointment of the Mason District Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

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

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large Fairfax County, At-Large #1 Business Community, and Mason District Representatives.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the Lee District Representative.

HEALTH CARE ADVISORY BOARD

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

HEALTH SYSTEMS AGENCY BOARD

Appointment of:

- Ms. Michelle Kimmel as the Consumer #2 Representative

The Board deferred the appointments of the Consumer #5 and Provider #1 Representatives.

HISTORY COMMISSION

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

HUMAN RIGHTS COMMISSION

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

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Mount Vernon District #2 Representative.

INDUSTRIAL DEVELOPMENT AUTHORITY

Reappointment of:

- Ms. Inge Gedo as the At-Large #3 Representative
- Mr. Jonathan Higgins as the At-Large #5 Representative

The Board deferred the appointment of the At-Large #4 Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Appointment of:

- Ms. Alyssa Batchelor as the Dranesville 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 appointments of the Seat #2 and #5 Representatives.

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #2 Representative.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Citizen Member #1 and #3, and the Landlord Member #2 Representatives.

TREE COMMISSION

Reappointment of:

- Ms. Jeanne Kadet as the Braddock District Representative
- Dr. Bret William Leslie as the Hunter Mill District Representative

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

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen appointed by BOS #4 Representative.

WETLANDS BOARD

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

YOUNG ADULTS ADVISORY COUNCIL

Appointment of:

- Ms. Mahnoor Zafar as the Mount Vernon District Representative

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC)

Appointment of:

- Ms. Gwendolyn Minton as the Hunter Mill District Representative
- Mr. Sardar A. Zaman as the Sully District Representative

Confirmation of:

- Mr. Joe Fay as the Alliance for Human Services Representative
- Mr. Eduardo Conde as the Human Rights Commission Representative

- Ms. Marlene W. Blum as the Health Care Advisory Board Representative

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

FAIRFAX COUNTY 250TH COMMISSION

Appointment of:

- Ms. Bobbi Bowman as the At-Large Chairman's Representative
- Ms. Nancy Simmons as the Braddock District Representative
- Ms. Gloria Runyon as the Hunter Mill District Representative
- Mr. Michael Frey as the Sully District Representative

The Board deferred the appointments of the Dranesville, Lee, Mason, Mount Vernon, Providence and Springfield District Representatives.

DMS:dms

BOARD MATTERS

6. **CERTIFICATE OF RECOGNITION REQUEST FOR THE TURNING POINT SUFFRAGIST MEMORIAL ASSOCIATION** (10:16 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for the Turning Point Suffragist Memorial Association in honor of their completion of 13 years of work and to celebrate the memorial's opening. Without objection, it was so ordered.

7. **CERTIFICATE OF RECOGNITION REQUEST FOR FRANK AND JANE BLECHMAN** (10:16 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for Frank and Jane Blechman, in honor of their outstanding volunteer work for the County and as they move out west. Without objection, it was so ordered.

8. **PRESENTATION REQUEST FOR THE 2021 ENVIRONMENTAL EXCELLENCE AWARDS (EEA)** (10:16 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a presentation for the 2021 EEA, highlighting individuals, organizations, and County

employees for their outstanding dedication and leadership on the environment. Without objection, it was so ordered.

9. **ANALYSIS OF THE WAIVER OF PERMITTING FEES ASSOCIATED WITH THE INSTALLATION OF ELECTRIC VEHICLE (EV) INFRASTRUCTURE** (10:17 a.m.)

Chairman McKay stated that energy usage in the County is changing. As the community works collectively towards its ambitious goals for net zero energy and carbon emissions reductions, County government should be working to reduce barriers to making the switch to environmentally friendly alternatives.

The auto industry has seen a boom in EVs. As they become more populous, the County needs to ensure it has the resources and infrastructure available for its community members. EVs require additional infrastructure built into existing facilities. This can present a major hurdle for residents looking to make a simple switch to a gas-alternative vehicle. Permitting fees can add a financial burden to well-meaning residents and disincentivize the environmentally sustainable actions we are encouraging residents to take.

The Climate Crisis is now – the County does not have time to wait on actions that can improve its carbon emissions and resiliency towards a changing environment.

Therefore, jointly with Supervisor Storck, Chairman McKay moved that the Board direct the Department of Land Development Services to:

- Analyze the waiver of permitting fees associated with the installation of EV infrastructure, including not only commercial properties, but residential as well
- Report to the Board on the feasibility of a waiver of fees no later than February 2022

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

10. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (10:19 a.m.)

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

11. **SURVIVING SPOUSE TAX EXEMPTION** (10:20 a.m.)

Supervisor Walkinshaw stated that in 2014, the voters of Virginia approved a Constitutional Amendment which exempts from taxation, under certain eligibility requirements, the real property of the surviving spouse of a member of the armed

forces of the United States who was killed in action, as defined by the Department of Defense. In accordance with the Code of Virginia, Title 58.1, Chapter 32, Article 2.4, the County began offering this exemption in 2015.

Supervisor Walkinshaw stated that it recently came to his attention that a small group of surviving spouses in the County were, due to confusion regarding the language of the statute, inadvertently approved for the exemption and have been receiving it for several years. Their deceased veteran spouses died while serving in the armed forces, but do not meet the definition of “killed in action.” Some were 9/11 victims and some died while deployed overseas, but were not killed by an enemy in combat. As such, the Department of Tax Administration was informed by the Commonwealth of Virginia that we may no longer grant the exemption to these individuals.

While the Board has correctly expressed its concern with the imposition of mandatory property tax exemptions on local governments, some of which drain significant resources from its budget and negatively impact public safety, education, and human services, this small group of individuals believed they were eligible for the exemption based on the approval of their applications, have received it for several years, and have planned their finances around its continuance. Furthermore, the Commonwealth is currently undertaking a study to examine the fiscal impact of extending this tax exemption to all those “killed in the line of duty.” The results of that study are expected by November 1, 2021.

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

- Refer this matter to the Legislative Committee
- Direct Legislative staff to work with the General Assembly to identify a narrowly crafted solution that will allow the County to continue to offer this property tax exemption to the small group of individuals who have received it while reiterating the Board’s position that any expansion of local tax exemptions should be a local option, rather than a mandate
- Direct staff to prepare a report to the Board:
 - Summarizing the number of potential surviving spouse families eligible for tax exemption for line of duty deaths
 - Identifying the impacts of extending the real estate tax exemption to line of duty deaths

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

12. **COUNCIL TO END DOMESTIC VIOLENCE (CEDV) MEETING**
(10:28 a.m.)

Supervisor Walkinshaw announced that October is “Domestic Violence Awareness Month and the CEDV will meet on October 21, 2021. He stated that the 2021 theme is “Transform the Norm.”

(NOTE: Later in the meeting, Supervisor Palchik referenced Supervisor Walkinshaw’s Board Matter. See Clerk’s Summary Item #23.)

13. **REQUEST FOR EXPEDITED PROCESSING FOR SERVICESOURCE, INC. (HUNTER MILL DISTRICT)** (10:31 a.m.)

Supervisor Alcorn stated that ServiceSource, Inc submitted a Special Exception application to permit an adult day support center located at the Ellmore Farmhouse in Frying Pan Farm Park. ServiceSource has been selected by the Fairfax County Park Authority (FCPA) for the Resident Curator Program to renovate and retrofit the Ellmore Farmhouse in support of adults with disabilities. The Board approved the Resident Curator lease on May 4, 2021.

The Planning Commission public hearing is scheduled for January 26, 2022, for Special Exception Application SE-2021-HM-00014. The applicant has requested an expedited Board public hearing date.

Therefore, Supervisor Alcorn moved that the Board direct staff to expedite the scheduling of the Board public hearing for Special Exception Application SE-2021-HM-00014 to a date certain of February 8, 2022. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the Applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

14. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (10:32 a.m.)

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

15. **REQUEST FOR CONCURRENT PROCESSING AND SCHEDULING OF BOARD PUBLIC HEARING - AMAZON DATA SERVICES INC. (LEE DISTRICT)** (10:32 a.m.)

Supervisor Lusk stated that Amazon Data Services, Inc. owns approximately 23.59 acres located in the northeast quadrant of the intersection of Loisdale Road and Newington Road. The property is zoned to the C-3 District, and the Applicant proposes a rezoning to the I-5 District concurrent with a special exception. The applications include the construction of a secure data center with associated

supporting structures. The property is planned for industrial use, and the surrounding uses are primarily industrial, including railroad tracks to the east and Interstate 95 to the west.

The rezoning and special exception applications are currently being processed by the Department of Planning and Development and are scheduled for a hearing before the Planning Commission on January 19, 2022. Supervisor Lusk stated that the applicant is anxious to establish its use on the property as soon as possible and a request has been submitted for concurrent processing and the scheduling of a hearing before the Board.

Therefore, Supervisor Lusk moved that the Board direct staff to authorize concurrent processing and schedule a Board public hearing for Rezoning Application RZ 2021-LE-015 and Special Exception Application SE 2021-LE-010. The applicant understands that the authorization of concurrent processing and the scheduling of a Board date in no way relieves it of the requirement to comply with all applicable standards of the Zoning Ordinance. In addition, the authorization does not dictate that the pending applications will be approved, nor does it prejudice staff's review. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik was out of the room.

16. **NO BOARD MATTERS FOR SUPERVISOR STORCK (MOUNT VERNON DISTRICT)** (10:34 a.m.)

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

17. **PROCLAMATION REQUEST DESIGNATING NOVEMBER 15, 2021, AS "FAIRFAX COUNTY RECYCLES DAY" IN THE COUNTY AND SOLID WASTE MANAGEMENT PROGRAM'S (SWMP) RECOGNITION** (10:35 a.m.)

Supervisor Herrity stated that "*America Recycles Day*" takes place each year in November and is the only nationally recognized day dedicated to promoting and celebrating recycling in the United States. Nationally, thousands of organizations, including neighboring jurisdictions, hold events to educate people about recycling resources in their community. This year there will be multiple ways for residents to engage in America Recycles Day as the Board encourages everyone to increase recycling at home, at school, in the office and in the community. Similar to last year's very successful webinar on recycling, this year the SWMP will host a Facebook Live event featuring a panel of recycling experts. More details on this event and other in-person events will be publicized soon.

In addition, SWMP will be holding a recycling poster design contest, inviting the public to create a poster that celebrates the three Rs – Reduce, Reuse, and Recycle. The winning design may be used on its website, or possibly even as a wrap on a collection truck. Designs can be made by hand or digitally, but all art should be original. Originals may be drawn on paper that is letter-size or larger (ledger-size,

or 11x17 is best). Digital versions should be high resolution so that it can be enlarged. Entries can be submitted electronically or brought to the SWMP office at the Fairfax County Government Center – 12000 Government Center Pkwy, Suite 458, Fairfax, VA 22035. Entries should be submitted by Monday, November 8, 2021. Questions concerning the contest should be directed to the SWMP Outreach and Engagement Team at 703-324-5230, TTY 711, or by email to recycling@fairfaxcounty.gov.

In celebrating “*Recycles Day*,” the County cannot overlook the leadership and success of its SWMP in promoting environmental sustainability. SWMP recently received a letter and certificate from the Virginia Department of Environmental Quality (DEQ) approving its acceptance as a Virginia Environmental Excellence Program Sustainability Partner (VEEP SP) for calendar year 2022. The DEQ recognizes organizations making environmental sustainability part of its culture through leadership, innovation, and continual improvement. The approval was granted based on several significant environmental achievements the SWMP has made, including its strategic partnership with Prince William and Arlington Counties and the City of Alexandria to recover and recycle glass, and its work with a gas engine plant to generate electricity for sale back to the grid from the I-95 Landfill Complex, which produced enough energy in 2020 to power 1,800 households.

By declaring a “*Recycles Day*” in the County, the Board can build on this success and continue to highlight the benefits of recycling as well as help residents recycle more.

Therefore, jointly with Supervisor Gross and Supervisor Storck, Supervisor Herrity moved that the Board direct staff to:

- Prepare a Proclamation declaring November 15, 2021, as “*Fairfax County Recycles Day*,” in alignment with the national initiative to better promote local efforts to recycle
- Publicize “*Fairfax County Recycles Day*”
- Prepare a proclamation recognizing “*Fairfax County Recycles Day*” and the SWMP’s acceptance as a VEEP SP for calendar year 2022, to be presented to the Director of the Solid Waste Division and members of the recycling team at the November 9, 2021, Board meeting

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

18. **REQUEST TO WAIVE DISPOSAL FEES FOR SANITARY DISTRICT CUSTOMERS DURING THE LABOR SHORTAGE** (10:39 a.m.)

Supervisor Herrity stated that there are not many Sanitary Districts in the Springfield District; however, like many other Board members, his office has

received calls and e-mails from constituents regarding the missed or extremely delayed pickup of yard waste by the County's Department of Solid Waste. The Board discussed this in depth during the public hearings at its October 5, 2021, meeting and because of Supervisor Lusk's Board matter. Supervisor Herrity acknowledged that staff is doing the best that it can, given the labor shortage happening here and elsewhere in the nation. The County is fortunate it has been able to continue to collect recyclables, a service that has been eliminated in other jurisdictions across the country.

Supervisor Herrity stated that since the meeting, a citizen contacted his office with a suggestion worth consideration—waiving disposal fees for Sanitary District customers who opt to bring their refuse and yard waste to the I-95 Landfill and I-66 Transfer Station themselves. This waiver would only be in place until the labor shortage and associated service delays are resolved. A resident could prove their inclusion in a Sanitary District by showing their real estate tax bill or showing on their device that the address shown on their identification is in a district as verified on the map on the County's website, or other means that staff determines are acceptable.

Staff could also determine whether to limit the fee waiver to a certain amount of bags or specific gallon container—generally what would be picked up weekly.

Therefore, Supervisor Herrity moved that the Board direct staff to consider the pros and cons of a program that would waive disposal fees for constituents within the County's Sanitary Districts who opt to bring their own yard waste and/or refuse to the County's transfer station and landfill during this labor shortage and report back to the Board for consideration in a timely manner. Supervisor Gross and Supervisor Lusk jointly seconded the motion.

Discussion ensued and the Board requested additional information regarding the following:

- Resources needed for implementation
- The length of time this is estimated to be in place
- Refund of fees paid for lack of service
- Potential conflicts with private service homes
- Options available due to lack of service
- Potential impact on the I-66 Transfer Station
- Ways to fix the lack of service
- Update on possible improved service

Following further discussion, with input from Bryan Hill, County Executive, who stated that a report regarding the status and possible improvements would be forthcoming, the question was called on the motion and it carried by a vote of nine, Supervisor Smith voting “NAY.”

19. **MID-ATLANTIC POLICE MOTORCYCLE RODEO** (10:51 a.m.)

Supervisor Herrity announced that he recently attended the Mid-Atlantic Police Motorcycle Rodeo, which was held on September 25, 2021.

20. **CERTIFICATE OF RECOGNITION REQUEST FOR ROBERT BIRMINGHAM** (10:53 a.m.)

Supervisor Palchik announced that after more than 30 years of service with the Juvenile Justice System in the County, Robert Birmingham, Director of Court Services, Juvenile and Domestic Relations District Court, will be retiring on November 12, 2021.

Mr. Birmingham began his career in juvenile justice in 1986 as a Childcare Specialist in the County Juvenile Detention Center. He has worked in both community-based residential programs and as a field probation officer.

During his tenure, Mr. Birmingham held management positions with probation services, served as the County’s first Gang Prevention Coordinator, and since 2009, has served as the Court Service Unit Director of the Commonwealth of Virginia’s largest Court Service Unit.

Mr. Birmingham has led the 300+ person unit through significant transformation in practices, to include the re-design of juvenile intake services, the implementation of assessment tools at major decision points within the system, enhanced diversion alternatives, and deployment of evidence-based interventions, along with a focus on reducing racial and ethnic disparities and family engagement.

Mr. Birmingham has also played an essential role in the Countywide Diversion First initiative, as a Member and Facilitator of the Leadership Group. Mr. Birmingham has been dedicated in providing services that build on individual and family strengths to improve outcomes while remaining focused on public safety and promoting equitable and effective justice.

Mr. Birmingham’s leadership, guidance, and systemic approach have impacted the lives of many County residents and families. He is a true collaborator and has brought both compassion and wit to every endeavor; has served the County with a deep sense of purpose; and is admired and respected by many. He will be greatly missed, but his legacy will leave the County in a better place.

Therefore, jointly with Chairman McKay, Supervisor Palchik asked unanimous consent that the Board direct the Office of Public Affairs to prepare a Certificate of Recognition for Mr. Bermingham, thanking him for his service and determination to make a positive difference in the County, to be presented outside the Board Room. Without objection, it was so ordered.

21. **PROCLAMATION REQUEST FOR FIRST BAPTIST CHURCH OF MERRIFIELD (PROVIDENCE DISTRICT)** (10:56 a.m.)

Supervisor Palchik stated that on September 18, 2021, First Baptist Church celebrated its 151st homecoming anniversary celebration weekend, marking 151 years of providing spiritual leadership, generous community outreach, and opportunities for joyful worship in the Baptist tradition to residents of the County, and to mark the next step in the church's current and future capital improvements.

The history of First Baptist began in 1871, when the Church members, together with other churches, met in a log cabin between Graham Road and Seven Corners. In 1891, First Baptist Church of Merrifield found its permanent home when a plot of land in Merrifield was purchased by Church Trustees John E. Coates, Joshua Ball, and Joshua Pearson for the sum of five dollars.

The first church structure was built with lumber transported by horse drawn wagons from the Alexandria docks. Before it was completed, the structure was destroyed by a severe storm. In an extraordinary display of perseverance, the community was able to rebuild the Church in just three additional years.

First Baptist Church of Merrifield is characterized by its impressive leadership and passionate ministry. During the 32-year tenure of Pastor Charles Parker, the Church added a youth department; established a college scholarship fund; added deacons, deaconesses, and completed a new church building. In 1983, Pastor Lenwood Graham, Sr., led First Baptist Church of Merrifield through a period of expansion as the church increased its membership, became more active in foreign and domestic missionary work, and established the Merrifield Child Development Center.

Today, First Baptist Church of Merrifield is led by the Reverend Dr. Paul A. Sheppard, offering worship services every Sunday and Bible study classes and other ministries during the week. Rev. Sheppard is rooted in the Merrifield community, with his grandfather having been part of the first class of Luther Jackson High School.

Reverend Sheppard has continued to position First Baptist Church of Merrifield as a vital part of the community, partnering with surrounding neighbors both before and during COVID-19. The Church has partnered with the Greater Merrifield Business Association and the Merrifield community to hold festivals, free food, gift card giveaways, and seminars on anxiety and grief, among other outreach efforts. First Baptist is a valued and longtime beacon of the Merrifield community.

Therefore, jointly with Chairman McKay, Supervisor Palchik asked unanimous consent that the Board direct the Office of Public Affairs to prepare a proclamation for First Baptist Church of Merrifield's 151st anniversary, in recognition and honor of its faith-based leadership, and to share the Board's appreciation for its continued contributions to the greater Merrifield and County communities, to be presented outside the Board Room. Without objection, it was so ordered.

22. **PLANT NOVA TREES** (11:01 a.m.)

Supervisor Palchik stated that Plant NOVA Trees is a new and focused drive by the Plant NOVA Natives campaign to increase the native tree canopy in Northern Virginia. This initiative launched in September 2021, will continue through the Fall of 2026, and is supported by the Northern Virginia Regional Commission.

“A native tree is one that evolved within a given local ecosystem and therefore participates fully in its intricate plant/animal/fungal interactions.” With the growth in the region, the Board has also witnessed the decline of the local tree canopy. Expanding and replanting the tree canopy in developed areas has many benefits, including reducing the urban heat island effect, improving water quality, and making the land more hospitable to wildlife by providing food and shelter.

There are numerous ways that the Board can help get the word out about native trees and the importance of planting them, and Supervisor Palchik stated that she hopes the County can embrace this campaign as its own.

If the County is to meet its stormwater and climate goals, everyone needs to work together on this as on other issues. The campaign's success rests on the action of the millions of individuals who make up the Northern Virginia community. Additional information can be accessed directly at: www.PlantNOVATrees.org.

Therefore, jointly with Supervisor Gross and Supervisor Storck, Supervisor Palchik moved that the Board direct the Office of Public Affairs to:

- Help support the outreach efforts of the Plant NOVA Trees campaign
- Develop a communications strategy to include social media, the sharing of Plant NOVA Trees information and content, and encourage all residents to consider participating by planting native trees

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

23. **OCTOBER IS “DOMESTIC VIOLENCE AWARENESS MONTH”**
(11:04 a.m.)

NOTE: Earlier in the meeting, Supervisor Walkinshaw shared a similar Board Matter. See Clerk's Summary Item #12.)

Supervisor Palchik stated that 2021 theme for Domestic Violence Awareness Month is “Transform the Norm” and aims to raise awareness about domestic and sexual violence.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to help raise awareness and share what resources are available for the community. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman McKay.

24. **SOUTHGATE COMMUNITY CENTER RENAMED (HUNTER MILL DISTRICT)** (11:06 a.m.)

Supervisor Alcorn announced that the unveiling ceremony for the renamed Southgate Community Center, in honor of former Supervisor Catherine Hudgins, was held on October 16, 2021. He thanked the Board and staff for attending the event.

KK:kk

AGENDA ITEMS

25. **ADMINISTRATIVE ITEMS** (11:07 a.m.)

Supervisor Gross moved approval of the Administrative Items. 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.”

ADMIN 1 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – REDD ROAD AND REDDFIELD DRIVE (DRANESVILLE DISTRICT)

- Authorized the installation of “Watch for Children” signs on the following roads in the Dranesville District:
 - One sign on Redd Road
 - One sign on Reddfield Drive
- Directed staff of the Department of Transportation to schedule the installation of the approved “Watch for Children” signs as soon as possible

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF OLD COURTHOUSE ROAD - BESLEY ROAD REALIGNMENT (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 9, 2021, at 4:30 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project 5G25-059-007, Old Courthouse Road – Besley Road Realignment, Fund 30050, Transportation Improvements.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF WIEHLE AVENUE AT W&OD TRAIL (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 9, 2021, at 4 p.m.**, regarding the acquisition of certain land rights necessary for the construction of the Wiehle Avenue at W&OD Trail project, Grant 1400102-2013 in Fund 50000, Federal-State Grants, and is a part of the Reston Metrorail Access Improvements Program.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHAPTER 4, ARTICLE 23 OF THE FAIRFAX COUNTY CODE

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 9, 2021, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 23, to clarify filing deadlines and allow for the electronic filing of applications and supporting documents to the Fairfax County Board of Equalization.

ADMIN 5 – APPROVAL OF A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – WALL STREET (HUNTER MILL DISTRICT)

- Authorized the installation of a “Watch for Children” sign on Wall Street (Hunter Mill District)
- Directed staff of the Department of Transportation to schedule the installation of the approved “Watch for Children” sign as soon as possible

ADMIN 6 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – MOUNT VERNON BOULEVARD (MOUNT VERNON DISTRICT)

- (R)
- Adopted a Resolution endorsing traffic calming measures consisting of three speed humps on Mount Vernon Boulevard (Mount Vernon District)
 - Directed staff of the Department of Transportation to schedule installation of the approved traffic calming measures as soon as possible

ADMIN 7 – AUTHORIZATION FOR THE CERTIFICATION OF CONSISTENCY WITH THE CONSOLIDATED PLAN AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN ORDER TO APPLY FOR CONTINUUM OF CARE PROGRAM FUNDING

- Certified that all projects included in the HUD Continuum of Care Program application are consistent with the Consolidated Plan
- Authorized the County Executive to sign the “Certification of Consistency with the Consolidated Plan” form which is required by HUD when submitting the Continuum of Care Program application

ADMIN 8 – AUTHORIZATION TO ADVERTISE ALTERNATIVE PLANS SUBMITTED TO THE BOARD BY THE 2021 REDISTRICTING ADVISORY COMMITTEE AND THE PUBLIC TO REDISTRICT AND REAPPORTION THE ELECTION DISTRICTS OF THE BOARD OF SUPERVISORS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 9, 2021, at 3 p.m.**, to consider 64 alternative plans prepared by the 2021 Redistricting Advisory Committee and members of the public.

26. **A-1 – APPROVAL OF A PARKING REDUCTION FOR THE COMMONWEALTH CENTRE MULTIFAMILY DEVELOPMENT (SULLY DISTRICT)** (11:10 a.m.)

Supervisor Smith moved to defer action regarding this item, until later in the meeting following the 3:30 p.m. public hearing on PCA 2006-SU-025-05/CDPA 2006-SU-025-03 Toll Mid-Atlantic LP Company, Inc. and JLB Realty LLC. Supervisor Palchik seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting action was taken regarding this item. See Clerk’s Summary Item #37.)

27. **A-2 – APPROVAL OF A RESIDENTIAL PARKING REDUCTION FOR THE GOLF COURSE OVERLOOK MULTIFAMILY DEVELOPMENT (HUNTER MILL DISTRICT)** (11:10 a.m.)

On motion of Supervisor Alcorn, seconded by Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and approve a parking reduction for Golf Course Overlook multifamily residential development pursuant to Paragraph 6.B.(1) (a) of Section 6100 of the Zoning Ordinance based on the site's location in a Transit Station Area as demonstrated in the parking study #7112- PKS-002, subject to the conditions outlined in Attachment One of the Board Agenda Item.

28. **A-3 – APPROVAL OF THE ISSUANCE OF A SOLICITATION FOR POLICE-DIRECTED TOWING SERVICES** (11:11 a.m.)

On motion of Supervisor Lusk, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the issuance of a Request for Proposal by the County Purchasing Agent in substantially the same form as Attachment II of the Board Agenda Item and culminating with the award of contracts for each designated towing zone.

29. **A-4 – AUTHORIZATION TO EXECUTE A PROJECT ADMINISTRATION AGREEMENT (PAA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE HUNTER MILL BRIDGE REPLACEMENT PROJECT (HUNTER MILL DISTRICT)** (11:12 a.m.)

(R) On motion of Supervisor Alcorn, seconded by Supervisor Palchik, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a resolution authorizing the Director of the Department of Transportation to execute a PAA with VDOT, substantially in the form of Attachment Two of the Board Agenda Item, for the implementation of improvements at the Hunter Mill Road Bridge replacement project.

30. **I-1 – FAIRFAX COUNTY COMMUNITY FLOOD PREPAREDNESS FUND (CFPF) RESILIENCE PLAN** (11:13 a.m.)

The Board next considered an item contained in the Board Agenda, announcing that staff of the Stormwater Planning Division, Department of Public Works and Environmental Services, will submit the County's CFPF Resilience Plan to the Virginia Department of Conservation and Recreation for approval.

DMS:dms31. **RECESS/CLOSED SESSION** (11:21 a.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2 3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 1. *United States of America v. County of Fairfax, Virginia, Fairfax County Park Authority, Fairfax-Falls Church Community Services Board, Fairfax County Office of the Sheriff*, Case No. 78-862-A (U.S. Dist. Ct. E.D. Va.)
 2. *Lamonta Gladney v. Tyler Tyan Timberlake*, Case No. 1:21-cv-287 (E.D. Va.)
 3. *Jonathan L. Kaminski v. Fairfax County, Virginia, and William E. Hauda, II, M.D.*, Case No. CL-2019-0016952 (Fx. Co. Cir. Ct.)
 4. *Ebony Lashay Smith, A/K/A Ebony Manns-Smith v. Fairfax County Department of Family Services*; Record No. 0268-21-4 (Va. Ct. App.)
 5. *Hannah Lee v. Lauren Yeung and Fairfax County*, Case No. GV21-003698 (Fx. Co. Gen. Dist. Ct.); *Hee Yun Lee v. Lauren Yeung and Fairfax County*, Case No. GV21-003699 (Fx. Co. Gen. Dist. Ct.)
 6. *Jay Riat, Building Official for Fairfax County, Virginia v. Oanh Kim Tran and Cong Thanh Ngo*, Case No. GV21-009780 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kathy A. Hale*, Case No. CL-2021-0012701 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vinson Hall, LLC*, Case No. GV21-012919 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Uzair Siddiqui and Rubina Siddiqui*, Case No. CL-2021-0006475 (Fx. Co. Cir. Ct.) (Hunter Mill District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Norman Edward Lekang and Shirley O. Lekang*, Case No. CL-2021-0011374 (Fx. Co. Cir. Ct.) (Lee District)
11. *Jay Riat, Building Code Official for Fairfax County, Virginia v. Carlton W. Powell*, Case No. GV21-007215 (Fx. Co. Gen. Dist. Ct.) (Lee District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Anna Sara Lutz*, Case No. GV21-013461 (Fx. Co. Gen. Dist. Ct.) (Lee District)
13. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Arcino Suyo*, Case No. GV21-013533 (Fx. Co. Gen. Dist. Ct.) (Lee District)
14. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Diep T. Do and Quang M. Do*, Case No. GV21-013532 (Fx. Co. Gen. Dist. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kurt W. Kruger*, Case No. CL 2021-0008712 (Fx. Co. Cir. Ct.) (Mason District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Salvador Gutarra Juarez and Aurora Mariela Gutarra*, Case No. GV21-013402 (Fx. Co. Gen. Dist. Ct.) (Mason District)
17. *Jay Riat, Building Official for Fairfax County, Virginia v. BDC Gunston, LLC*, Case No. GV21-012956 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
18. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Springfield Nine LLC and Asian Imports-MD, LLC*, Case No. GV21-013404 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

19. *Hiba Aziz, Building Official for Fairfax County, Virginia v. V-NBC LLC*, Case No. GV21-013453 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Giovanni Castaneda*, Case No. GV21-014917 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
21. *Jay Riat, Building Official for Fairfax County, Virginia v. 8505 Richmond, LLC*, Case No. GV21-015144 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
22. *Jay Riat, Building Code Official v. Carlos A. Carcamo Cabrera and Maria A. Castro*, Case No. GV21-15926 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
23. *Jay Riat, Building Code Official v. Lilian G. Maldonado and Salvador Zelaya*, Case No. GV21-15335 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
24. *Jay Riat, Building Code Official v. Charles Randall Gentry*, Case No. GV21- 15337 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy V. Marshall*, Case No. CL-2020-0008131 (Fx. Co. Cir. Ct.) (Providence District)
26. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. Adolfo Parina Sandi*, Case No. CL-2021-0007932 (Fx. Co. Cir. Ct.) (Providence District)
27. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Michael R. Nader and Taryn K. Nader*, Case No. GV21-013773 (Fx. Co. Gen. Dist. Ct.) (Providence District)
28. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Emad L. Elias, Essam I. Gouda, and Nermine Elias*, Case No. CL-2021- 0013000 (Fx. Co. Cir. Ct.) (Springfield District)
29. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Jennifer Souders Mayer, Gregory S. Souders, and Mildred K. Souders*, Case No. CL-2021- 0013670 (Fx. Co. Cir. Ct.) (Springfield District)

30. *Jay Riat, Building Official for Fairfax County, Virginia v. Christie Lynn Kellogg*, Case No. GV21-009777 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Yung Chi Yung*, Case No. GV21-13401 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
32. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Vicki Adams*, Case No. GV21-0014916 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v. Bianca Renee O'Hare and Brandon Michael O'Hare*, Case No. GV21-013462 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lois Foley, William F. Foley, David L. Foley, and G&C Fleet Service, LLC*, Case No. CL-2019-0016449 (Fx. Co. Cir. Ct.) (Sully District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. William M. O'Rourke and Dorothy J. Z. O'Rourke*, Case No. CL-2021-0013479 (Fx. Co. Cir. Ct.) (Sully District)
36. *Board of Supervisors of Fairfax County v. International Business Associates, Inc., d/b/a Partners Real Estate*, Case No. GV21-15298 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(7) and (8), legal analysis regarding the following:
 1. Potential litigation against Harmony Place LC under Chapter 13 of Title 55.1 of the Virginia Code

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

At 3:44 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION**32. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION (3:44 p.m.)**

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

33. AUTHORIZATION OF HARMONY PLACE LAWSUIT (3:45 p.m.)

Supervisor Lusk moved that the Board authorize the County Attorney to file suit if necessary, regarding the property located at 8108 Richmond Highway, Alexandria, Virginia 22306 (Tax Map No. 101 2((6)) parcel 25) ("Harmony Place") – on the terms and conditions discussed with the County Attorney in Closed Session. Chairman McKay seconded the motion and it carried by unanimous vote.

EBE:ebe

AGENDA ITEMS**34. 3:30 P.M. – PUBLIC HEARING ON AR 2004-SP-001-02 (MARK A. AND LISA K. KOSTERS, TRUSTEES, MARVIN H. KOSTERS AND BONNIE M. KOSTERS, TRUSTEES) TO PERMIT RENEWAL OF A PREVIOUSLY APPROVED AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON APPROXIMATELY 20.3 ACRES OF LAND ZONED R-C AND WS (SPRINGFIELD DISTRICT) (3:46 p.m.)**

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 1 and October 8, 2021.

The application property is located at 13120 Cedar Ridge Drive and 13121 Fox Shadow Lane, Clifton, Virginia, 20124. Tax Map 75-1 ((8)) 6Z and 75-1 ((10)) 7Z, 8Z and 9Z.

Kelly Atkinson, Branch Chief, Environment and Development Review Branch, Department of Planning and Development, presented the staff report.

Following a query by Supervisor Herrity, Mr. Mark Kosters confirmed, for the record, that the applicant agreed with the proposed development conditions dated September 7, 2021.

Following the public hearing, which included testimony by one speaker, Ms. Atkinson presented the staff and Planning Commission recommendations.

Supervisor Herrity moved approval of Agricultural Renewal Application AR 2004-SP-001-02, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Kosters Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 7, 2021. Supervisor Lusk seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

35. **3:30 P.M. – PUBLIC HEARING ON RZ 2020-PR-008 (WESTPARK CORPORATE CENTER, LLC) TO REZONE FROM C-4, HC AND SC TO PDC, HC AND SC TO PERMIT OFFICE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 2.49 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 4.41 ACRES OF LAND (PROVIDENCE DISTRICT)**

AND

PUBLIC HEARING ON RZ 2020-PR-009 (TMG 8400 WESTPARK DRIVE, LP) TO REZONE FROM C-4, SC AND HC TO PTC, SC AND HC TO PERMIT MIXED USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF UP TO 2.71, INCLUDING BONUS DENSITY FOR THE PROVISION OF AFFORDABLE HOUSING, LOCATED ON APPROXIMATELY 9.37 ACRES OF LAND (PROVIDENCE DISTRICT)

(3:51 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearings was duly advertised in that newspaper in the issues of October 1 and October 8, 2021.

The Rezoning Application RZ 2020-PR-008 property is located on the north side of Leesburg Pike and west side of Westpark Drive. Tax Map 29-3 ((1)) 66A3, 66A4.

The Rezoning Application RZ 2020-PR-009 property is located on the south side of Greensboro Drive and west side of Westpark Drive. Tax Map 29-3 ((1)) 63B, 66B1 and 66B3.

Ms. Elizabeth Baker, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the following affidavits for the record:

- Rezoning Application RZ 2020-PR-009 dated September 8, 2021

- Rezoning Application RZ 2020-PR-008 dated September 9, 2021

For the record, Tracey Strunk, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), addressed an issue that had been raised regarding Katie Quinn's involvement with these applications.

Katie Quinn, Planner, ZED, DPD, gave a presentation depicting the application and site location.

Ms. Baker 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.

Discussion ensued, with input from Ms. Quinn, Ms. Baker and Ms. Strunk, regarding:

- Plane field requirements
- Outreach efforts to the community
- Pedestrian circulation and accessibility
- Tysons community circuit
- The athletic field contribution

Supervisor Palchik announced her intent to defer decision regarding this item until the next Board meeting on November 9, 2021, while keeping the record open. With regard to Ms. Strunk's earlier statement, she noted that although it was done with integrity and care, no decision is done independently, even when it comes to the Board.

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

Following comments, Supervisor Palchik moved to defer decision on Rezoning Applications RZ 2020-PR-008 and RZ 2020-PR-009 until **November 9, 2021, at 3:30 p.m.**, with the record remaining open for written comments. Supervisor Alcorn seconded the motion and it carried by unanimous vote.

Supervisor Gross, Chair of the Personnel Committee, reiterated that County employees are charged with carrying out their duties with due diligence, impartiality, and following the Comprehensive Plan and Zoning Ordinance.

36. **3:30 P.M. – PUBLIC HEARING ON PCA 2006-SU-025-05/CDPA 2006-SU-025-03 (TOLL MID-ATLANTIC LP COMPANY, INC AND JLB REALTY LLC TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2006-SU-025, TO PERMIT A MULTIFAMILY RESIDENTIAL DEVELOPMENT AT 0.54 FLOOR AREA RATIO, INCLUSIVE OF BONUS DENSITY, AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN, LOCATED ON APPROXIMATELY 21.7 ACRES OF LAND ZONED PDC AND WS (SULLY DISTRICT) (4:31 p.m.)**

- (O) (NOTE: On September 14, 2021, the Board deferred this public hearing until October 19, 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 October 1 and October 8, 2021.

The application property is located on the east side of Sully Road, north side of Westfields Boulevard and west side of Newbrook Drive, Tax Map 44-1 ((1)) 6C and 6H3.

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

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

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

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

Supervisor Smith moved:

- Approval of Proffered Condition Amendment Application PCA 2006-SU-025-05 and Conceptual Development Plan Amendment Application CDPA 2006-SU-025-03, subject to the proffers dated October 4, 2021.
- Modification to permit the gross floor area (GFA) of dwellings as a secondary use to exceed 50 percent of the GFA of the principal use in the development
- Modification to permit driveway parking in front of garage access for triplex multi-family buildings (i.e. tandem parking)

- Modification to allow a parapet wall, cornice or similar projection to exceed the established height limit by more than three feet as shown on the Conceptual Development Plan Amendment (CDPA)/Final Development Plan Amendment (FDPA)
- Waiver of loading space requirement for Triplexes in favor of the proposed garage parking shown on the CDPA/FDPA
- Waiver of loading space requirement for five loading spaces for the multifamily building, to allow one indoor loading space in the garage
- Modification of interior parking lot landscaping on roof top of the of the multifamily building in favor of what is shown on the CDPA/FDPA

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

(NOTE: On July 28, 2021, the Planning Commission approved Final Development Plan Amendment Application FDPA 2006-SU-025-05, subject to the proposed development conditions dated June 29, 2021, as contained in Appendix Two of the Staff Report.)

37. **A-1 – APPROVAL OF A PARKING REDUCTION FOR THE COMMONWEALTH CENTRE MULTIFAMILY DEVELOPMENT (SULLY DISTRICT)** (4:49 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk’s Summary Item #26.)

Supervisor Smith moved approval of an overall 12.5 percent reduction, 71 fewer spaces of the required parking for the Commonwealth center development, mid-rise multifamily building, pursuant to Paragraph 6.G. of Section 6100 of the Zoning Ordinance based on the unique characteristics of the use as demonstrated in the parking study #6178-PKS-006, subject to the conditions outlined in Attachment One of the Board Agenda Item. Supervisor Lusk seconded the motion and it carried by unanimous vote.

38. **3:30 P.M. – PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE INTERIM AGREEMENT WITH ALPINE-X INC. FOR FAIRFAX PEAK DEVELOPMENT AT I-95 LORTON LANDFILL (MOUNT VERNON DISTRICT) (4:50 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 8 and October 15, 2021.

Scott Sizer, Catalytic Development Manager, Department of Economic Initiatives, presented the staff report.

Discussion ensued, with input from Mr. Sizer, regarding:

- Alpine-X's fee structure and liability
- Anticipated timeline for the Interim agreement
- Commonwealth and County regulatory review and oversight
- Public/Private partnerships
- Environmental impacts and analysis – energy use, costs, determination and carbon neutral impacts

Following the public hearing, which included testimony by two speakers, discussion ensued, with input from Speaker #2, John Emery, CEO, Alpine-X, Inc. regarding access/inclusion and carbonation.

Discussion continued, with input from Mr. Sizer, regarding the economic impact assessment review timeline.

Following comments, Supervisor Storck stated that under the County's adopted guidelines and procedures for the Public-Private Education Facilities and Infrastructure Act, the Board must wait a minimum of 30-days after a public hearing before entering into an interim agreement.

Therefore, Supervisor Storck moved that the Board direct the County Executive to return with an Action Item for review by the Board on the proposed Amendments to the Interim Agreement with Alpine-X, LLC on December 7, 2021. Chairman McKay and Supervisor Herrity jointly seconded the motion.

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

39. **3:30 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE PORTIONS OF 7TH PLACE AND UNNAMED RIGHT OF WAY (DRANESVILLE DISTRICT)** (5:30 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 September 17 and September 24, 2021.

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

Following the public hearing, which included testimony by three speakers, Mr. Edmondson addressed concerns raised by a speaker regarding stormwater and presented the staff recommendation.

Supervisor Foust moved to defer decision until **November 9, 2021, at 4:30 p.m.** with the record remaining open for written comment. Chairman McKay seconded the motion and it carried by unanimous vote.

40. **4 P.M. – DECISION ONLY ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF BURKE ROAD REALIGNMENT – APLOMADO DRIVE TO PARAKEET DRIVE (SPRINGFIELD DISTRICT)** (5:46 p.m.)

(NOTE: On April 13, 2021, the Board deferred the public hearing on this item until May 18, 2021. On May 18, 2021, the Board deferred the public hearing on this item until June 8, 2021. On June 8, 2021, the Board held a public hearing regarding this item, approved acquisition of one parcel, and deferred decision on the three remaining parcels until October 19, 2021.)

Supervisor Herrity moved to indefinitely defer decision on the acquisition of certain land rights on two parcels owned by Darrell C. and Carol A. Marshall, Trustees known as Fairfax County Tax Map Parcels 078-4-01-0016 and 078-4-01-0018 and the parcel owned by Ronald A. and Leta DeAngelis, known as Fairfax County Tax Map Parcel 078-4-01-0017-C. Supervisor Lusk seconded the motion and it carried by unanimous vote.

41. **4 P.M. – DECISION ONLY ON PROPOSED PLAN AMENDMENT 2021-00006, 2806 POPKINS LANE, LOCATED ON POPKINS LANE, WEST OF BRYANT TOWN COURT (MOUNT VERNON DISTRICT)** (5:47 p.m.)

(NOTE: On July 27, 2021, the Board held a public hearing regarding this item and deferred decision until October 19, 2021.)

Supervisor Storck moved to defer decision on Plan Amendment 2021-00006 until March 22, 2022, to allow the property owner to conduct additional outreach with Memorial Heights and other nearby communities as they relate to the proposed

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

42. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2020-00025, FAIRFAX CENTER SUB-UNIT J3 (PART), LOCATED AT THE NORTHWEST QUADRANT OF ROUTE 29 AND WAPLES MILL ROAD (BRADDOCK DISTRICT)** (5:48 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 1 and October 8, 2021.

Michael Lynskey, Policy and Plan Development Branch, Department of Planning and Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Walkinshaw moved approval of Plan Amendment 2020-00025, as recommended by the Planning Commission, and reflected in its verbatim dated September 22, 2021. Supervisor Alcorn seconded the motion and it carried by a vote of eight, Supervisor Palchik and Supervisor Storck being out of the room.

43. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2020-II-M1, LOCATED AT 7700 LEESBURG PIKE, ON THE NORTH SIDE OF LEESBURG PIKE ACROSS FROM GEORGE C. MARSHALL HIGH SCHOOL (DRANESVILLE DISTRICT)** (6 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 1 and October 8, 2021.

Stephen Waller, Policy and Plan Development Branch, Department of Planning and Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Waller presented the staff and Planning Commission recommendations.

Following comments, Supervisor Foust moved approval of Plan Amendment 2020-II-M1, as recommended by the Planning Commission. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

44. **ORDERS OF THE DAY** (6:06 p.m.)

Due to the lateness of the hour, Chairman McKay announced that the Board will proceed with Public Comment.

45. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:07 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 October 1 and October 8, 2021.

Public comment was held and included the following individuals:

- Traci Voelke – Regarding a tax waiver for active-duty military deaths
- Edith Smith – Regarding tax relief for surviving spouse of active-duty military
- Hoonmee Yi – Regarding unlicensed and undocumented massage therapists

Following the testimony of Ms. Yi, Chairman McKay stated that an update will be provided to her and Board Members.

- Yasin Wade – Regarding Virginia military widows tax waiver
- Paul Rothstein – Regarding the West Falls Church Active Transportation Plan

46. **4 P.M. – DECISION ONLY ON AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, COUNTY EMPLOYEES, BY ADDING ARTICLE 10, COLLECTIVE BARGAINING, SECTIONS 3-10-1 THROUGH 3-10-18** (6:26 p.m.)

(O) (NOTE: On October 5, 2021, the Board held a public hearing regarding this item and deferred decision until October 19, 2021.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board adopt the Collective Bargaining Ordinance dated October 19, 2021, and accept all of the redlined edits and clarifications, amending Chapter 3 of the Code of the County of Fairfax, Virginia, by adding Article 10, Collective Bargaining, Sections 3-10-1 through 3-10-18. The October 19, 2021, Collective Bargaining Ordinance is Attachment Two of the Board Item and appears on pages 336 through 361. Vice-Chairman Gross seconded the motion.

Discussion ensued, with input from Cynthia Hudson, Counsel, Sanders Anderson, and Elizabeth Teare, County Attorney, regarding:

- Reasons for including supervisors with entry level staff in all the bargaining units

- Exclusion of Unions with less than 300 members
- Edits made giving the County exclusive rights and the pros and cons of the additional strikethroughs made in the draft
- Arbitration rights and responsibilities – funding issues and commitments

Following further discussion, with Board Members expressing their views and support/non-support of the motion, the question was called on the motion and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity voting “NAY.”

Vice-Chairman Gross returned the gavel to Chairman McKay.

47. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN**

(NOTE: Earlier in the meeting, public comment was held. See Clerk’s Summary Item #45.)

48. **BOARD ADJOURNMENT** (7:45 p.m.)

At 7:45 p.m. the Board adjourned.