



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
APRIL 12, 2022**

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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, April 12, 2022, at 9:32 a.m., there were present:

- Vice-Chairman Penelope A. Gross, Mason District, 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 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; Nathaniel Strathearn, Management Analyst II, Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks, and Bobby Vaught, Administrative Assistant, Department of Clerk Services.

Chairman Jeffrey C. McKay, participated remotely from his home.

Supervisor Dalia A. Palchik, Providence District, participated remotely from her home.

BOARD MATTERS

1. **MASKS OPTIONAL** (9:33 a.m.)

Acting-Chairman Gross stated that masks are now optional for employees and visitors in County facilities, except for those where health or medical services are provided. This is based on the updated CDC metrics that place the County's current COVID-19 Community Transmission Level at low. Still, we know that a layered approach to mitigation is the best way to defeat this virus, so masks are still encouraged.

2. **REMOTE PARTICIPATION OF CHAIRMAN MCKAY AND SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (9:33 a.m.)

Acting-Chairman Gross announced that Chairman Jeff McKay and Supervisor Dalia Palchik will be participating remotely, for medical reasons, in the meeting today and in the budget hearings that start later today and continue on Wednesday, April 13 through Thursday, April 14.

Acting-Chairman Gross asked Chairman McKay and Supervisor Palchik to identify themselves for the record and provide their general location.

Chairman McKay stated that he was participating remotely from his home in the Lee District.

Supervisor Palchik stated that she was participating remotely from her home in the Providence District.

Acting-Chairman Gross relinquished the Chair to Acting Vice-Chairman Smith and moved that the Board:

- Certify for the record that the voices of Chairman McKay and Supervisor Palchik can be heard by all persons assembled in the Government Center
- Confirm that the remote participation of Chairman McKay and Supervisor Palchik in the Board meeting today and in the budget hearings that start today and continue through Thursday, April 14, 2022, fully conforms with Board Policy for participation in meetings by electronic communication

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

Acting Vice-Chairman Smith returned the gavel to Acting-Chairman Gross.

3. **MOMENT OF SILENCE** (9:35 a.m.)

The Board asked everyone to keep in thoughts the family and friends of Gary Reed, who passed away recently. He was a Clifton Lion, acting as a club stalwart, helping with fundraisers and orientations. He was an active member of the Clifton community for many years and a mentor to many in his community.

AGENDA ITEMS

4. **PROCLAMATION DESIGNATING APRIL 11-15, 2022, AS "COMMUNITY DEVELOPMENT WEEK" IN FAIRFAX COUNTY** (9:37 a.m.)

Jointly with Chairman McKay and Supervisor Palchik, Supervisor Foust moved approval of the Proclamation designating April 11-15, 2022, as "*Community Development Week*" in Fairfax County. Supervisor Lusk seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE MCLEAN SYMPHONY AND MAESTRO DINGWALL FLEARY FOR THE SYMPHONY'S 50TH ANNIVERSARY** (9:47 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to the McLean Symphony and Maestro Dingwell Fleary for the symphony's 50th anniversary. The motion was multiply seconded, and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING APRIL 2022, AS "AUTISM AWARENESS MONTH" IN FAIRFAX COUNTY** (9:54 a.m.)

Supervisor Herrity moved approval of the Proclamation designating April 2022, as "*Autism Awareness Month*" in Fairfax County. The motion was multiply seconded, and it carried by unanimous vote.

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ADDITIONAL BOARD MATTERS

7. **RESOLUTION OF RECOGNITION REQUEST FOR MVLE** (10:07 a.m.)

On behalf of Chairman McKay, Supervisor Smith asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for MVLE for its 50th Anniversary in April 2022. Without objection, it was so ordered.

8. **RESOLUTION OF RECOGNITION REQUEST FOR OPPORTUNITIES, ALTERNATIVES, AND RESOURCES (OAR)** (10:07 a.m.)

On behalf of Chairman McKay, Supervisor Smith asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for OAR's 50th Anniversary in April 2022. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST DESIGNATING APRIL 2022 AS "NATIONAL ARAB AMERICAN HERITAGE MONTH"** (10:07 a.m.)

On behalf of Chairman McKay, Supervisor Smith asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 2022 as "*National Arab American Heritage Month*" in the County. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING MAY 2022 AS "ASIAN AMERICAN/PACIFIC ISLANDER HERITAGE MONTH"** (10:07 a.m.)

On behalf of Chairman McKay, Supervisor Smith asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 2022 as "*Asian American/Pacific Islander Heritage Month*" in the County. Without objection, it was so ordered.

11. **PROCLAMATION REQUEST DESIGNATING MAY 2022 AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH"** (10:07 a.m.)

On behalf of Chairman McKay, Supervisor Smith asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 2022 as "*Foster Care and Foster Family Recognition Month*" in the County. Without objection, it was so ordered.

12. **GRANT OPPORTUNITY FOR NONPROFITS** (10:08 a.m.)

On behalf of Chairman McKay, Supervisor Smith stated that as COVID-19 tested all services and resources with unpredictable and dynamic challenges, nonprofit partners stepped up to help the community meet the needs of residents. Simply put, the County's human services response would not have been possible without its significant nonprofit infrastructure.

To help with these efforts, the Board has put in place several grant initiatives including the Nonprofit Sustainability Program which distributed just over \$5.0 million to a total of 149 nonprofits from the Coronavirus Relief Fund. While this funding was not intended to produce direct client outcomes, this investment in the operations and systems of non-profits supported, improved, or continued high-quality service to beneficiaries by strengthening the core capacities of non-profits to carry out their missions. Further, the Board's allowance of administrative costs for several of safety net initiatives, has provided significant additional funding to support its nonprofit organizations.

The County's nonprofit providers remain on the front lines, helping with everything from food insecurity to rental assistance. The Board knows this help comes at a continuing financial cost, and think it is critical this Board does everything it can to accelerate the next round of grant funding for these essential service providers so that they can continue to help the most vulnerable residents.

Therefore, jointly with Supervisor Foust and Supervisor Palchik, and on behalf of Chairman McKay, Supervisor Smith moved that the Board direct staff to:

- Accelerate plans to release the next round of grant opportunities for nonprofits. If possible, depending on timing, funds for this grant program should come from the County's second tranche of funding, the American Rescue Plan Act (ARPA) Fiscal Recovery Fund, at a minimum level exceeding that of the original Nonprofit Sustainability Program
- Forward a not in package document by no later than May 1, 2022, explaining in detail the timing and amounts that will be included in the program, plus the criteria that will be used to make the grants

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

13. **FISCAL YEAR (FY) 2022 PROGRAM FOR THE RICHMOND HIGHWAY BUS RAPID TRANSIT (BRT) PROJECT** (10:10 a.m.)

- (R) On behalf of Chairman McKay, Supervisor Smith stated that on March 22, 2022, the Board authorized the Department of Transportation (DOT) to apply for and accept grant funding from the United States DOT's FY 2022 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program for the Frontier Drive Extension Project and the Sunrise Valley Drive Active Transportation Improvements Project. Based on feedback from Federal sources, it appears that it would also be in the County's interest to submit a third application to the program for the Richmond Highway BRT Project. Although this project was previously submitted unsuccessfully for RAISE and other similar Federal funding programs, staff believes the project may be more competitive for this round of funding.

The Richmond Highway BRT, now known as "The One," will largely operate in new exclusive lanes from the Huntington Metrorail Station to Fort Belvoir. It includes nine new transit stations, facilities for bicycles and pedestrians, and roadway improvements for vehicle travel. The One is one of the County's top transportation priorities.

Additionally, the City of Alexandria has asked if the County would be willing to provide a letter of support for its application for the RAISE program for improvements at the intersection of King Street and North Beauregard Street in the West End of Alexandria, near the Mason District in the County. The improvements

including reconfiguring lanes, removing a right turn slip lane, and upgrading pedestrian facilities and traffic signal equipment. Several bus routes, including Metrobus, use this intersection, making it important to regional multimodal transportation. Further, it will provide improvements that will help facilitate service for the planned West End Transitway and future Route 7 Bus Rapid Transit line that will provide frequent transit service through the corridors.

Therefore, on behalf of Chairman McKay, Supervisor Smith moved that the Board direct staff to submit an application for the FY 2022 program for the Richmond Highway BRT project, as provided in the resolution attached to the Board Matter, and to provide a letter of support for the City of Alexandria's application for improvements at the intersection of King Street and North Beauregard Street. Supervisor Storck seconded the motion and it carried by unanimous vote.

14. **FAIRFAX COUNTY SOLID WASTE AUTHORITY** (10:12 a.m.)

(BAC) On behalf of Chairman McKay, Supervisor Smith stated that, as the Board is aware, the dearth of Commercial Drivers Licensed (CDL) has impacted almost every aspect of County business, not the least of which the Department of Solid Waste. Whether it is the private haulers or the less than ten percent of residents who are serviced by the County, there is a need to identify areas for improvement based on the County's own personal experiences and input from its constituents.

Understanding that the solid waste industry is experiencing these challenges throughout the country, Commonwealth, and County, it is time to bring members of the Solid Waste community together, both public and private industry, to initiate a solutions-based conversation. Not only is this an opportunity to address the CDL shortage, but also a chance to discuss the range of issues solid waste experiences from great to small.

The County used to hold meetings with industry under the auspices of the Solid Waste Authority, but they stopped meeting March 2020 due to participation waning over time. A lot has changed in two years.

Therefore, on behalf of Chairman McKay, Supervisor Smith moved that the Board direct staff to reconvene the Fairfax County Solid Waste Authority and provide a timeline as well as regular updates to the Board regarding the progress of this initiative. Acting Chairman Gross seconded the motion and it carried by unanimous vote.

15. **YOUTH SPORTS BILL OF RIGHTS** (10:14 a.m.)

On behalf of Chairman McKay, Supervisor Smith stated that the last two years have presented the community with an extraordinary set of challenges. However, this period has also given the County the opportunity to reflect on what adds quality to each life. For children, sports were and continue to be a part of what brings them joy. Whether it be learning or honing their skills, socializing and working with

peers, or simply playing their favorite sport, these activities have been a source of enjoyment and refuge for youth.

In the County, guided by its One Fairfax Policy, the Board is committed to ensuring that every aspect of County function and the delivery of services to the community, are both fair and equitable. This, too, applies to children's sports. Supervisor Smith stated that Chairman McKay's office has been engaged with the Department of Neighborhood and Community Services, as well as members of the County's Athletic Council to ensure that the County continues to prioritize the health, well-being, and development of those involved in youth sports while also promoting access and fair play.

Therefore, on behalf of Chairman McKay, Supervisor Smith moved that the Department of Neighborhood and Community Services, in conjunction with the Athletic Council, in alignment with the One Fairfax Policy, review and consider endorsement of the Children's Bill of Rights in Sports, attached to his Board Matter, developed by the Aspen Institute Sports and Society Program, on behalf of the County. In doing so, the County aims to further its commitment to being an equitable community that champions inclusion and opportunity for all. Supervisor Lusk and Supervisor Walkinshaw jointly seconded the motion and it carried by unanimous vote.

16. **NORTHERN VIRGINIA NAMED 2022 'GREAT AMERICAN DEFENSE COMMUNITY'** (10:16 a.m.)

Acting-Chairman Gross stated that Northern Virginia, home to Fort Belvoir, Joint Base Myer-Henderson Hall and Marine Corps Base Quantico, is one of five communities across the country named to the 2022 Class of Great American Defense Communities. The 2022 class also includes West Valley Partners, Arizona, Tullahoma, Tennessee, Antelope Valley, California, and Florida's Space Coast.

The Great American Defense Communities Program was launched by the Association of Defense Communities in 2016 to recognize and celebrate the communities and regions that support military installations for their exceptional commitment to improving the lives of service members, veterans and their families. Communities are chosen through a competitive nomination process based on integration, support and collaboration with installations and community building efforts, such as educational and employment opportunities. This year, the Great American Defense Communities Program has a special focus on how communities are innovating and pioneering new ways to serve service members and their families.

The Community, Military, and Federal Facility Partnership of the Northern Virginia Regional Commission was created to address workforce needs, and the partnership created programs in local high schools, veteran trainings, and education pathways for cyber jobs. In addition, the first regional intergovernmental Support Agreement was implemented between the Army, US Marine Corps, and Northern

Virginia Regional Commission for road maintenance supplies and services. This Partnership provides an ongoing framework to identify requirements and needs amongst the services to better support partnerships in the region.

17. **IMPLEMENTATION OF HOUSE BILL (HB) 957 – TAX RELIEF FOR SURVIVING SPOUSES** (10:19 a.m.)

Supervisor Walkinshaw stated that HB 957, which was recently signed into law, states that a locality may declare real property owned by a surviving spouse of a member of the Armed Forces of the United States who died in the line of duty, a separate class of property for local taxation that may be taxed at a different rate than that imposed on other real property.

As discussed at several Legislative Committee meetings, the Board maintains its longstanding position that, while providing relief to veterans and their spouses is a worthy goal, the Commonwealth should consider providing that relief directly and from its own budget, rather than imposing the cost on localities through mandatory property tax exemptions. It is important to note that property taxes are Virginia localities' primary source of revenue, due to the state's antiquated taxing structure. Such property tax exemptions create significant impacts on local resources, which are used to fund core services such as K-12 education, public safety, human services, the environment, and infrastructure, among others, and increase the burden on homeowners who are not eligible for exemptions.

Furthermore, on October 19, 2021, the Board requested that the General Assembly provide relief to a small group of spouses that were initially granted property tax exemptions in the County, due to confusion surrounding the process. However, the General Assembly chose not to pursue a change to the state Constitution that might have made that possible.

HB 957 nonetheless fulfills the County's request for an option, as opposed to a mandate, to offer real estate tax relief to all surviving spouses in the bill's defined category.

Therefore, jointly with Chairman McKay, Supervisor Walkinshaw moved that the Board refer this legislation to the County Executive to consider the County's options for implementing HB 957. The County Executive should direct the Department of Tax Administration and the Department of Management and Budget to estimate the potential impact to the budget of offering such property tax relief as would be applicable to the set of residents described in HB 957, while fulfilling the County's commitment to provide the core services that residents expect. The calculations should take into consideration the potential number of surviving spouse residents eligible, and the range of options set by the legislation, authorizing the County to establish a new rate greater than zero but which shall not exceed the rate of other real property. Supervisor Storck seconded the motion.

Following discussion regarding the language used in the statute and expediting the review, the question was called on the motion and it carried by unanimous vote.

18. **PROCLAMATION REQUEST DESIGNATING MAY 9 – 15, 2022, AS “NATIONAL SALVATION ARMY WEEK”** (10:28 a.m.)

Supervisor Walkinshaw stated that living in poverty is a constant battle. However, in the County, struggling families know they have the Army (The Salvation Army) on their side. Last year, The Salvation Army served more than 12,000 people in the County. They offer help with food, clothing, rent and utility bills, seasonal support such as summer camps, back-to-school supplies, and toys for children in need during the holidays, and much more.

During National Salvation Army week, the wonderful officers, hardworking staff, and the clients they serve are honored.

Since the 1880s, The Salvation Army has faithfully and consistently worked to help those in need from the community. Every day they are working to assist individuals and families who find themselves in crisis, providing shelter to those experiencing homelessness, feeding the hungry, and much more.

In 1954, the week of November 28 - December 4, was declared by the United States Congress and proclaimed by President Dwight D. Eisenhower to be the first National Salvation Army Week, as a reminder to Americans to give freely of themselves. In his speech, President Eisenhower said: “Among Americans, The Salvation Army has long been a symbol of wholehearted dedication to the cause of human brotherhood. In time of war, the men and women of this organization have brought to those serving their country far from home, friendliness, and warm concern. In the quieter days of peace, their work has been a constant reminder to us all that each of us is neighbor and kin to all Americans. Giving freely of themselves, the men and women of The Salvation Army have won the respect of us all.” National Salvation Army Week is now recognized in the month of May.

Therefore, jointly with Supervisor Smith, Supervisor Walkinshaw asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 9-15, 2022, as “*National Salvation Army Week*” in the County, in recognition and honor for the work and ministry of the Salvation Army in the County and invite the officers and staff at the Fairfax Salvation Army to appear for a presentation and recognition at a location outside the Board Room. Without objection, it was so ordered.

19. **CERTIFICATE OF RECOGNITION REQUEST FOR THE LAKE BRADDOCK SECONDARY SCHOOL’S SCIENCE OLYMPIAD TEAM (BRADDOCK DISTRICT)** (10:29 a.m.)

Supervisor Walkinshaw stated that on March 26, 2022, the Lake Braddock Secondary School's Science Olympiad Team won first place at the Science Olympiad State Tournament which took place in Charlottesville, VA.

Science Olympiad is a school-based program for students from third grade through their senior year in high school. It offers students the opportunity to improve their understanding in science, technology, engineering and mathematics (STEM) and to work together in teams to learn new skills.

Lake Braddock's Science Olympiad Team will now advance to compete at Nationals for the first time ever. Therefore, Supervisor Walkinshaw asked unanimous consent that the Board direct the Office of Public Affairs to prepare a Certificate of Recognition for the Lake Braddock Secondary School's Science Olympiad Team, to be presented to them this spring inside the Board Room. Without objection, it was so ordered.

20. **AUTHORIZATION OF COMPREHENSIVE PLAN AMENDMENT FOR THE RESIDENCES AT GOVERNMENT CENTER II** (10:31 a.m.)

Supervisor Walkinshaw stated that in 2017, the County celebrated the opening of the Residences at Government Center, which dedicated a portion of the County's Government Center campus for 270 units of committed, workforce affordable housing for individuals earning up to 60 percent of the Area Median Income. This development has since served as a model for innovative partnerships between the Fairfax County Redevelopment and Housing Authority (FCRHA) and non-profit and private affordable housing developers by utilizing Low-Income Housing Tax Credits and leveraging county land to build affordable housing at no cost to local taxpayers. The Residences at Government Center project was awarded the 2017 Outstanding Project Innovation Award by the National Council for Public-Private Partnerships.

To further pursue affordable housing opportunities at the Government Center campus, the Board conveyed approximately 4.5 acres of land along Government Center Parkway at the intersection with Post Forest Drive, referred to as Parking Lots G and H of the Government Center campus, to the FCRHA in January 2020. The action set in motion the potential replacement of a portion of the under-utilized surface parking of the Government Center with affordable and workforce housing and community uses near the forthcoming express buses along Interstate-66, local transit service, the new Monument Drive commuter parking facility, retail, and community services.

The FCRHA held a public hearing on March 31, 2022, for an interim agreement with LACM VA, LLC, a subsidiary of Lincoln Avenue Capital, for the development of the 4.5-acre property as the Residences at Government Center II Multi-Family Housing. The project proposes to create approximately 275 affordable multi-family units for low to moderate income individuals, together with surface and structured parking. Action on the interim agreement will take place at

the next meeting of the FCRHA on May 19, 2022, consistent with Public-Private Education Facilities and Infrastructure Act (PPEA) requirements.

Development in this manner would require a Comprehensive Plan Amendment and a Proffer Condition Amendment (PCA), as the Government Center campus is currently planned for office mixed-use up to an intensity of 0.35 Floor Area Ratio (FAR) within Sub-unit B2 of the Fairfax Center Area. This planned intensity does not afford enough development potential for the proposed project. Supervisor Walkinshaw stated his belief that the project is worthy of continued consideration and requests that the Board facilitate the review by authorizing the consideration of a Comprehensive Plan Amendment for the Government Center campus, pending the approval of the interim agreement by the FCRHA.

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

- Consider a Comprehensive Plan Amendment to increase the planned intensity up to 0.40 FAR on the Government Center campus, Tax Map Parcels 56-1 ((15)) 14A and 14B, in support of affordable and workforce housing and related uses. This Plan Amendment should also consider editorial modifications to the Plan to separate the recommendations for the campus, located in Sub-unit B2, and other sub-units within Fairfax Center, including Sub-units I3 and F, which have historically been linked because of property ownership. The Plan Amendment should be contingent on the approval of the interim agreement and reviewed concurrently with the zoning application for the property. The amendment also should be coordinated with any parallel planning efforts for this area, such as the ongoing Fairfax Center Area Phase III study
- Concurrently process the site and building plans with the PCA. This motion should not be construed as a favorable recommendation on these applications by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the applications.

Supervisor Lusk, Supervisor Smith, and Supervisor Storck jointly seconded the motion.

Discussion ensued, input from Barbara Byron, Director, Department of Planning and Development, regarding expediting the process for the PCA so it stays on track,

Supervisor Walkinshaw asked to amend his motion to direct staff to authorize concurrent and expedited processing of the site and building plans with the PCA. This was accepted. The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

21. **NEW WELLNESS CENTER FOR OLDER ADULTS** (10:42 a.m.)

Supervisor Walkinshaw announced that a new wellness center for older adults would be opening in the Braddock District and that the ribbon cutting ceremony is scheduled for May 19, 2022.

22. **MEMORIAL FOR MARY READ** (10:43 a.m.)

Supervisor Walkinshaw announced that the previously installed memorial for Mary Read, a former Virginia Tech University student who was killed in the shooting that occurred on April 16, 2007, is in the process of being relocated in the Canterbury Woods community. He stated that the previous location experienced often flooding and the memorial is being moved to the top of the hill and the rededication ceremony for the memorial will be held on April 16, 2022, at 1 p.m.

23. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (10:45 a.m.)

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

24. **TRANSFER OF BOARD-OWNED PROPERTY TO FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) FOR BOWMAN TOWNE COURT DEVELOPMENT** (10:45 a.m.)

Supervisor Alcorn stated that increasing the supply of affordable housing throughout the County is a high priority. Just last month the Board voted to increase the strategic goal of exceeding 10,000 affordable housing units by 2034, and he set a goal for Hunter Mill District of 1,000 units by the end of 2027. The County and FCRHA recently accepted for consideration an unsolicited proposal and advertised for competing proposals under the provisions of the Virginia Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), as amended, to develop affordable housing and a regional library. The project identified as Bowman Towne Court is located at the intersection of Bowman Towne Drive and Towne Center Parkway. The potential project aims to redevelop an existing 2.89-acre property owned by the FCRHA. It also includes approximately 1.6-acres of the adjacent 8.44-acre Board-owned Reston Police Station parking lot with replacement of existing affordable units and additional multifamily affordable housing, a new Reston Regional Library, and associated parking.

While the public participation elements of the Virginia PPEA process leave much to be desired, this project will still be subject to public review through all required land use approvals. Leveraging publicly owned land through public-private partnership development can efficiently produce affordable housing units in a cost-effective manner through use of Low-Income Housing Tax Credits.

Therefore, Supervisor Alcorn moved that the Board direct staff to initiate steps to formally authorize and schedule a public hearing to consider conveyance of approximately 1.6 acres of the Reston District Police Station site located at Tax Map Parcel 0171-01-0014B to the FCRHA. This will be for the development of affordable housing with appropriate replacement of secure parking spaces dedicated to police use and subject to the stipulation that in the event the FCRHA no longer pursues the project, it will transfer ownership of the property back to the Board. This motion should not be construed as a favorable recommendation by the Board on the future land use application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards, nor does it prejudice in any way the Board's consideration of a future application. Supervisor Foust seconded the motion and it carried by unanimous vote.

25. **PROCLAMATION REQUEST DESIGNATING JUNE 2022 AS "FATHERHOOD AWARENESS MONTH"** (10:49 a.m.)

Supervisor Alcorn stated that Father's Day is June 19, 2022. Research demonstrates that even from birth, children who have an involved father are more likely to be emotionally secure and, as they grow older, have better social connections. Research further reveals that an active and nurturing style of fathering is associated with better verbal skills and intellectual functioning in children.

With fathers actively engaged, children are less vulnerable to the risks of childhood poverty, mental illness, juvenile delinquency, youth sexual activity, teenage pregnancy, substance abuse and failure to complete high school.

Led by the Department of Family Services, several County agencies and partners collaborate on helping fathers gain parenting and co-parenting skills, increase educational attainment, and work toward economic self-sufficiency, family health and well-being.

The County's private and public sectors are joining together to raise public awareness of the importance of fatherhood and the impact of a father's engagement with his children and family. It is important to celebrate those supportive roles that fathers have for their children.

Therefore, Supervisor Alcorn moved that the Board direct staff to prepare a Proclamation designating June 2022 as "*Fatherhood Awareness Month*" in the County, to be presented to the Department of Family Services at a June Board meeting. Acting-Chairman Gross seconded the motion and it carried by unanimous vote.

26. **REVIEW OF CURRENT OPERATIONAL PERFORMANCE OF COUNTY AND NONPROFIT SERVICE PROVIDERS IN PREVENTING AND ENDING HOMELESSNESS** (10:50 a.m.)

Supervisor Alcorn stated that on March 31, 2008, the Board adopted a plan to end homelessness in the Fairfax-Falls Church community. The 10 year plan was developed by a large, diverse committee of community stakeholders. It committed to the goal that by the end of 2018 every person who is homeless or at risk of being homeless would be able to access appropriate affordable housing and the services needed to keep them in their homes.

The community partnership achieved a 46 percent reduction in the number of people experiencing homelessness, as measured by the annual Point in Time count. This 10 year coordinated and creative effort by public and private organizations implemented the strategies identified in the original plan: prevent homelessness whenever possible; increase and preserve affordable housing; deliver integrated social services; and sustain a community partnership that ensures shared accountability.

As the pandemic enters its third year, it is clear COVID-19 has changed the situation as many community members experienced serious health crises or lost their jobs. Additionally, County government and nonprofit providers continue to be challenged in retaining and recruiting professionally trained social workers to meet the rising demand for housing and services during a time of unprecedented need. The time is right to evaluate program performance and how the county might double down on a commitment to prevent and end homelessness post-pandemic.

Therefore, Supervisor Alcorn moved that the Board direct the Office to Prevent and End Homelessness in the Department of Housing and Community Development (HCD):

- Review current operational performance of County and nonprofit service providers in preventing and ending homelessness
- Lead an effort to update the County's homelessness strategies in collaboration with the Continuum of Care committee of the Affordable Housing Advisory Council
- Present its findings at an upcoming 2022 Housing Committee meeting, along with suggestions for improvements and the necessary funding to assure that local homeless assistance programs are not only effectively ending homelessness, but that they are providing safe and caring environments for County residents in housing crisis

Supervisor Foust and Supervisor Lusk jointly seconded the motion. Following discussion, regarding including other available programs in the list to be examined for applicability, the question was called on the motion and it carried by unanimous vote.

(BAC) Supervisor Alcorn announced that a new task force, comprised of homeowners and condominium owners, is being created to discuss possible redevelopment options in that area.

28. **UPDATE ON THE SPOT BLIGHT ABATEMENT PLAN FOR 6012 PIKE BRANCH DRIVE (LEE DISTRICT)** (10:55 a.m.)

Supervisor Lusk stated that on June 8, 2021, the Board approved the Spot Blight Abatement Ordinance for the property located at 6012 Pike Branch Drive located within Lee District. On September 8, 2021, a Spot Blight Abatement Plan was submitted, and an amended version of this Plan was accepted by the County. On March 26, 2022, all conditions set out in the approved Blight Abatement Plan were satisfied. All the required permits were obtained, and final inspections were completed and approved, and the blight case is resolved.

It was a time-intensive process that involved many staff, and he thanked them for the many hours spent on this case and recognized them for their work. Supervisor Lusk acknowledged Rachel Flynn, Deputy County Executive, for her efforts and leadership in coordinating this abatement plan. As a result of all their efforts, and the support of the Board, the residence was placed on the path to restoration without destruction or seizure of a beautiful home. That is a remarkable and important achievement. Supervisor Lusk thanked the neighbors surrounding the residence who had for years advocated for the restoration. The Board appreciates their patience and dedication to this issue.

With that said, Supervisor Lusk stated that he has no motion associated with this but thought it was important to report to the Board on this success, and to express his hope that the Board will use the lessons learned from this experience going forward when considering future blight abatement plans.

29. **FEE WAIVER FOR THE ALEXANDRIA ASIAN AMERICAN LIONS CLUB 2022 FLEA MARKETS (LEE DISTRICT)** (10:58 a.m.)

Supervisor Lusk stated that this item seeks Board approval of a request to waive the application fees associated with the flea markets conducted by the Alexandria Asian American Lions Club. The Alexandria Asian American Lions Club has collaborated with the Springfield-Franconia Host Lions Club in operating the flea markets for the past 13 years. As all net proceeds generated from the flea markets are returned to the community through the work of the Lions Club, the Board has approved this waiver annually since 1994. The Alexandria Asian American Lions Club reached out to express its gratitude to the Board for approving these fee waivers in previous years and to respectfully request that the Board support their application for 2022.

The flea markets take place at the Backlick Road Virginia Railway Express Station parking lot twice a month on Saturdays from April through November. The

Alexandria Asian American Lions Club donates all net proceeds from the flea markets to supporting organizations such as Koinonia, ECHO, Second Story, Juvenile Diabetes Association, Foundation Fighting Blindness, the Virginia Lions Eye Institute Foundation and local food banks. The Club also covers the costs of eye exams and glasses for people in need.

As the Board may be aware, this is the third Board Matter that has been brought before the Board regarding fee waivers for 2022 flea markets. Due to the COVID-19 pandemic, the Lions Clubs have not required individual fee waivers to be passed by the Board since 2019, although they did submit separate requests in previous years. In communications, the Alexandria Asian American Lions Club has expressed its wish to coordinate with the Springfield Global Lions Club and the Springfield-Franconia Host Lions Club to submit a joint fee waiver request to the Board beginning next year.

Therefore, jointly with Acting Chairman Gross, Supervisor Lusk moved that the Board waive the application fees for permits associated with the Alexandria Asian American Lions Club 2022 flea markets. Acting Chairman Gross seconded the motion and it carried by unanimous vote.

30. **PROCLAMATION REQUEST FOR THE MOUNT VERNON TRAIL 50TH ANNIVERSARY (MOUNT VERNON DISTRICT)** (11:01 a.m.)

Supervisor Storck stated that on April 15, 1972, the first 4.5-mile stretch of the Mount Vernon Trail opened to the public. The gravel path ran from Belle Haven in Alexandria to the Memorial Bridge in Arlington and was the brainchild of two Alexandria women, Ellen Pickering and Barbara Lynch. In 1971, the two gathered over 700 petition signatures to create a trail alongside the George Washington Memorial Parkway. The National Park Service was sympathetic to the plea and agreed to provide the right-of-way, gravel, and tools if Ms. Pickering and Ms. Lynch could provide volunteers to do the work. Ms. Pickering and Ms. Lynch organized 40 volunteers, and every Saturday, that winter, they spread gravel. In total, 400 recruits spread 4,200 tons of gravel, contributing 5,300 hours of labor to start the trail that would become a vital recreational and transportation corridor in the region. Today, the Mount Vernon Trail is an 18.5-mile anchor in the region's trail network with approximately one million annual users. It is part of the East Coast Greenway, the Potomac Heritage National Scenic Trail, as well as the Arlington Loop.

The Friends of the Mount Vernon Trail are celebrating the 50th Anniversary of the first segment of the trail on April 16, 2022, from 10 a.m. to 1 p.m. along the trail at Daingerfield Island in Alexandria. The event will include activities for all ages and exhibitors will include the Friends of Dyke Marsh, George Washington Memorial Parkway (GWMP), Capital Bikeshare, BikeArlington, Go Alex, East Coast Greenway, Rosslyn Business Improvement District, and the Friends of the Mount Vernon Trail.

The event will also include a ceremony, recognizing the volunteers, community organizations and governments who have made the Mount Vernon Trail a vibrant transportation and recreation corridor. Supervisor Storck stated that he looks forward to joining GWMP Superintendent Charles Cuvelier, the Friends of the Mount Vernon Trail President Judd Isbell, Arlington County Board Chair Katie Cristol, Alexandria City Councilmember Sarah Bagley as speakers at the event.

The creation of the Mount Vernon Trail exemplifies how determined community members can help foster partnerships with government and the private sector to create a community asset that benefits all.

Therefore, jointly with Chairman McKay, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation, to be signed by himself and Chairman McKay, to be presented to the Friends of the Mount Vernon Trail in honor of its 50 years of service to the community, to be presented on April 16, 2022. Without objection, it was so ordered.

31. **4TH ANNUAL ENVIRONMENT EXPO: GET OUTDOORS! LEARN AND DO! (MOUNT VERNON DISTRICT)** (11:03 a.m.)

Supervisor Storck announced that the Mount Vernon District will host its 4th Annual Environment Expo: Get Outdoors! Learn and Do! on April 23, 2022, from 10 a.m. – 2 p.m. at Fort Hunt Park. Supervisor Storck stated that he is excited to partner with the National Park Service, Clean Fairfax and many County agencies again this year. This free family-friendly festival will feature activities and exhibitors sharing information about climate action, environmental challenges that the County faces and solutions to make the County, and the world at large, a healthier, more sustainable place.

Attendees will be treated to workshops, live music, reptile and owl demonstrations, nature walks, giveaways, solar cooking, robot demonstrations, and more. New this year, Billy B, the Natural Science Song and Dance Guy, will be entertaining and educating simultaneously and is guaranteed to please and have kids and parents dancing along. To learn more about the event, information can be found at: www.fairfaxcounty.gov/mountvernon.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to advertise the Environment Expo. Without objection, it was so ordered.

32. **CONCURRENT PROCESSING REQUEST FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA-88-V-064-05 (ORIGINAL MOUNT VERNON HIGH SCHOOL) (OMVHS) (MOUNT VERNON DISTRICT)** (11:06 a.m.)

Supervisor Storck stated that the OMVHS is located at 8333 Richmond Highway, Tax Map Number 101-4 ((1)) Parcel 5A and 101-4 ((7)) Parcel 1 and owned by the

Board. The OMVHS facility is identified on the Fairfax County Inventory of Historic Sites and listed on the National Register of Historic Places and the Virginia Historic Landmarks.

The applicant, the Department of Public Works and Environmental Services, submitted a Special Exception Amendment for the OMVHS facility to allow for Alternative Use of Historic Buildings and the public hearings are scheduled before the Planning Commission on June 29, 2022, and the Board at a date to be determined in July 2022. The applicant has requested authorization to process concurrent site and building plans and permits to allow this project to move forward expeditiously.

The OMVHS project includes the renovation and adaptive reuse of the existing historic OMVHS facility and associated site improvements. The ultimate vision for OMVHS is to create a “Human Development Center” directly located on the Richmond Highway Corridor.

This community hub will provide much needed amenities along the Richmond Highway corridor. The proposed programs and uses include early childhood education, a gymnasium, teen and senior center, non-profits with programs focused on education, career and workforce development, financial literacy, education, culinary incubation, visual and performing arts, a commercial kitchen for education and food for purchase, and flexible community use spaces. The building is being designed to provide flexibility and accommodate the programming needs of the community.

Therefore, Supervisor Storck moved that the Board direct the Director of the Department of Land Development Services to accept concurrent and simultaneous review of a site plan, architectural drawings, building permits and/or other plans and permits as may be necessary to implement the improvements proposed with this Special Exception Amendment application. This motion should not in any way be construed as a favorable recommendation on any application or plan by the Board, and do not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards, and in no way prejudice the substantive review of the applications and/or plans. Acting-Chairman Gross seconded the motion and it carried by unanimous vote.

33. **SPECIAL PERMIT FEE WAIVER FOR SIMPLE CHANGES
THERAPEUTIC RIDING CENTER (MOUNT VERNON DISTRICT)**
(11:08 a.m.)

Supervisor Storck stated that Simple Changes, a non-profit therapeutic horseback riding center, has been in operation in the Mason Neck area of Lorton since 2005, and has been serving hundreds of individuals with special needs from all over the County and the Northern Virginia Region. The organization provides adaptive riding lessons and hippotherapy sessions to more than 60 individuals with physical and cognitive challenges each week. In addition, they also provide equine assisted

activities to seniors with dementia, brain injury survivors, veterans suffering from post-traumatic stress disorder, and at-risk youth.

Simple Changes had been operating on a special recreation permit from the Bureau of Land Management at the Meadowood Recreation Area until September 2020. Since then, they purchased Bayview Farm LLC, a nearby equestrian facility at 10800 Belmont Boulevard, and have been operating at this location.

The five-acre equestrian facility they purchased was originally constructed in the late 1990s and operated as a horse boarding and lesson facility. However, staff recently notified Simple Changes that its operation is in violation of the Zoning Ordinance, as the former owner was operating the facility as a riding and boarding stable without an approved special permit.

To bring its operation into compliance, Simple Changes is required to pursue a special permit. In addition to the costs incurred by the nonprofit for hiring professional services to pursue the special permit, the special permit application fee is \$8,180.

Given that Simple Changes was not aware that the former stables were operating without a special permit and that it would have to incur additional costs, the unique services it provides to some of the most vulnerable residents, and its status as a nonprofit, there is good cause to grant the request for a waiver of the application filing fee.

Therefore, Supervisor Storck moved that the Board direct the Department of Planning and Development Zoning Evaluation Division to waive the special permit application fee for a riding and boarding stable for Simple Changes, located at 10800 Belmont Boulevard, Lorton. This motion should not be construed as a favorable recommendation on any application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Acting-Chairman Gross seconded the motion and it carried by unanimous vote.

34. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2018-PR-014 (UNITED REAL ESTATE LLC) (PROVIDENCE DISTRICT) (11:11 a.m.)**

Supervisor Palchik announced her intent to defer, later in the meeting at the appropriate time, the public hearing on Special Exception Application SE 2018-PR-014 (United Real Estate LLC).

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #56.)

35. **FISCAL YEAR (FY) 2023 CONSIDERATION ITEM - ADJUSTMENT TO MACHINERY AND TOOLS (M&T) TAX** (11:12 a.m.)

Supervisor Palchik stated that, as discussed by the Board and previously identified in Budget Guidance, the County continues to focus on creative economic development opportunities. The Board and staff have discussed small-scale production and how County policies, practices, and taxing structures could be adjusted to encourage new businesses, as well as promote the expansion of current ones. As an example, the tax rate on M&T, owned by the County's businesses, is higher than in several surrounding jurisdictions and includes a less aggressive depreciation schedule. The Board recently received a Budget Q&A providing the rates in several local jurisdictions.

Currently, the M&T tax rate in the County is \$4.57 per \$100 of assessed value. It is assessed at 80 percent of the original cost for the first year of ownership and 10 percent less each succeeding year, until it reaches a floor of 20 percent in the seventh year. Virginia Code Section 58.1-3507 permits local governing bodies to carve out the M&T as a separate class of personal property tax. Localities can adopt a lower tax rate and a more favorable depreciation schedule. The County does not currently have a separate tax rate or depreciation schedule for M&T tax as Prince William County and Loudoun County do. It should also be noted that there have been no changes to depreciation schedules since FY 2004, when the schedule depreciating computer equipment was last adjusted.

Consistent with the longer-term focus on economic development opportunities as the County emerges from the pandemic, a Consideration Item for FY 2023 is proposed to adjust the M&T tax. The proposal is designed to provide an incentive for the type of small-scale production that is so important to economic vitality, the Made in Fairfax brand, and to community building, which small-scale producers such as breweries engender. While a very small portion of the County's overall tax base, the adjustment to these tax schedules to better align and compete with the largest surrounding jurisdictions can play a vital role in helping to support and to keep these local and vibrant businesses here in the County.

Therefore, jointly with Chairman McKay, Supervisor Smith, Supervisor Storck, and Supervisor Walkinshaw, Supervisor Palchik proposed that the Board change the M&T rate from \$4.57 per \$100 of assessed value to \$2.00 per \$100 of assessed value. It is also requested that the Director of Tax Administration review the depreciation schedule to potentially assess at 50 percent of the original cost for the first year of ownership and 10 percent less each succeeding year, until it reaches a floor of 10 percent in the fifth year. The reduction of the County's M&T rate to \$2.00 per \$100 of assessed value and implementation of the revised depreciation schedule as outlined above would result in a revenue reduction of approximately \$1 million. This relatively modest impact on County revenues can be accommodated within the balance available to the Board as the FY 2023 budget is considered.

36. **PROCLAMATION REQUEST DESIGNATING MAY 2022 AS “MENTAL HEALTH AWARENESS MONTH”** (11:16 a.m.)

Supervisor Palchik stated that the COVID-19 pandemic has caused disruptions to work, education, cancellations of extracurricular activities, lost family income, health concerns and long-term illnesses, and deaths of loved ones. These factors have created traumas and stressors impacting many adults, youth, and children. In the U.S., 17 percent of the youth experience a mental health disorder, one in five adults experience mental illness, and one in 20 adults experience serious mental illness that interferes with or limits major life activities. May is a time to understand mental health, recognize signs and symptoms, and obtain professional help.

The Fairfax-Falls Church Community Services Board (CSB) was established to provide community health services for individuals with mental health issues and to promote awareness of positive mental health, well-being, and development for all citizens in the County. In Fiscal Year 2021, over 6,300 residents were served by CSB Emergency Services. Overall, residents received more than 6,600 crisis intervention and related services, including over 1,300 mobile crisis services in the community.

Therefore, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 2022 as “*Mental Health Awareness and Youth Awareness Month*” in the County, to be presented to the CSB outside of the Board Room. Without objection, it was so ordered.

37. **CONCURRENT AND EXPEDITED PROCESSING OF THE SITE PLAN FOR MOSAIC ELEMENTARY SCHOOL (PROVIDENCE DISTRICT)** (11:18 a.m.)

Supervisor Palchik stated that the Fairfax County School Board has filed Rezoning Application RZ 2021-PR-00030 to accommodate certain building additions and site improvements to Mosaic Elementary School (formerly Mosby Woods Elementary). The school property is identified as Fairfax County Tax Map 48-3-((1))-16 and consists of approximately 10 acres. The property is zoned to the R-2 District (residential, two dwelling units per acre). The Applicant is proposing to rezone the property to the R-3 District (Residential, three dwelling units per acre) to accommodate building additions.

The school was constructed in 1964 and is located along Five Oaks Road (Route 701), approximately 1,248 feet from Blake Lane (Route 655). Currently, there are four modular classrooms located on the property. The School Board is proposing to renovate the school with new building systems and finishes along with building additions to replace the modular classrooms. The maximum floor area ratio for public uses in the requested R-3 District is three-tenths, which will accommodate the school additions.

Due to the need to complete these improvements consistent with the Capital Improvement Program (CIP) schedule, the School Board has requested authorization to process and expedite the site plan for this project concurrently with the pending rezoning application. The School Board has indicated that the rezoning is in conformance with the Comprehensive Plan and applicable provisions of the Zoning Ordinance. The schools, their representatives, and her office have been in communication with the surrounding community regarding this proposal. With the recent acceptance of the rezoning application, anticipated outreach will continue, to ensure community participation.

Therefore, to accommodate the schedule for these critical improvements to Mosaic Elementary School, Supervisor Palchik moved that the Board consent to and authorize the filing of the site plan by the School Board on this property and direct Land Development Services to accept the associated site plan for processing concurrently and expeditiously with Rezoning Application RZ 2021-PR-00030. This motion does not relieve the School Board from complying with all regulations, ordinances, or adopted standards, and will not prejudice the Board's consideration of the rezoning application in any way. Acting-Chairman Gross seconded the motion and it carried by unanimous vote.

38. **PROCLAMATION REQUEST DESIGNATING APRIL 30, 2022, AS “DRUG TAKE BACK DAY”** (11:21 a.m.)

Supervisor Herrity stated that the unfortunate reality is that despite continued efforts, the opioid crisis is still a growing problem and one that has been exacerbated by the pandemic. Opioids are still the number one cause of unnatural death in the County. Overdoses and deaths occur in all age groups, among men and women, and in all areas of the county. Addiction is continually happening to good students, parents, and even star athletes.

The work of the Fairfax County Opioid and Substance Use Task Force and the Fairfax County-Falls Church Community Services Board has been instrumental in providing resources and training to combat this crisis in the community. Their work and the work of first responders administering Narcan to overdose victims is saving lives. While overdoses in the County have increased, it is critically important to continue efforts of getting unused medicines, especially opioids, out of medicine cabinets to prevent accidental or illicit use.

Resident can deposit unused medicines at drug disposal boxes found at over 12 different pharmacies as well as all eight Police Stations. More safe disposal sites can be found at www.dea.gov/takebackday.

On April 30, 2022, from 10 a.m. – 2 p.m., the Police Department in conjunction with the Drug Enforcement Administration, will give the public another opportunity to prevent pill abuse and theft by ridding their homes of potentially dangerous expired, unused and unwanted prescription drugs. Anyone may bring their pills for disposal to the Police Stations. They may not accept liquids, needles

or sharps, so please only bring pills or patches. The service is free and anonymous. No questions asked.

Therefore, Supervisor Herrity moved that the Board declare April 30, 2022, as “*Drug Take Back Day*” in the County and direct the Office of Public Affairs to continue to work with the Police Department to advertise the upcoming National Drug Take Back Day. Without objection, it was so ordered.

39. **CONCURRENT SITE PLAN PROCESSING FOR FAIR LAKES DEV, LLC (SPRINGFIELD DISTRICT)** (11:22 a.m.)

Supervisor Herrity stated that Fair Lakes Dev, LLC submitted Final Development Plan Amendment Application FDPA 82-P-069-13 to permit the development of a proposed restaurant with a drive-through within the Fair Lakes Shopping Center on approximately 0.96 acres identified as Tax Map Parcel 55-1-((14))-06. The property is located along Fair Lakes Boulevard approximately 790 feet south of the intersection of Fair Lakes Parkway (Route 7700) and Fair Lakes Boulevard (Route 7735). The property is zoned to the Planned Development Commercial District and Water Supply Overlay District and is subject to proffers approved with Proffered Condition Amendment Application PCA 82-P-069-6.

The property was previously occupied with a drive-in bank but was destroyed as the result of a fire in May 2018. The existing condition of the property now consists of pavement with existing mature vegetation located along Fair Lakes Boulevard with street trees aligned along the entrance road into the shopping center. The restaurant will be located generally within the footprint of the former drive-in bank and will consist of a gross floor area of approximately 2,265 square feet with approximately 42 seats.

Due to the need to expeditiously complete the development of the property, the applicant has also requested authorization to process and expedite the site plan for this project concurrently with the Rezoning Application. The application is in conformance with the Comprehensive Plan and applicable provisions of the Zoning Ordinance.

Therefore, Supervisor Herrity moved that the Board direct Land Development Services to accept the associated site plan for processing concurrently and expeditiously with Final Development Plan Amendment Application FDPA 82-P-069-13. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and will not prejudice the consideration of the Final Development Plan Amendment Application in any way. Supervisor Lusk seconded the motion and it carried by unanimous vote.

40. **NEW STAFF MEMBER IN THE SPRINGFIELD DISTRICT SUPERVISOR'S OFFICE** (11:24 a.m.)

Supervisor Herrity introduced Marena Monterrosa Chaves, a new staff member in his office. On behalf of the Board, he welcomed her to the County.

41. **RECENT ARREST IN THE MURDER OF NELSON ALEXANDER, SR.** (11:26 a.m.)

Supervisor Herrity congratulated the Police Department for their hard work in identifying and arresting the people responsible for the death of Nelson Alexander, Sr.

42. **WINE WHISKERS AND WAGS (& BEER!)** (11:28 a.m.)

Supervisor Smith stated that after a two-year hiatus the Wine, Whiskers and Wags (& Beer!) fundraising event for the Friends of the Fairfax County Animal Shelter is back. COVID-19 has impacted all in many ways and one was the suspension of this fundraising event. The event will take place on May 15, 2022, from 1 p.m.- 6 p.m. at The Farm Brewery at Broad Run, 16015 John Marshall Highway, Broad Run.

This will be a family and pet friendly event in an outside covered pavilion with an outside picnic area as well. Tickets for the event are \$55 in advance and \$65 at the door. The ticket purchase includes: one glass of wine, wine slushy, beer, or cider; heavy hors d'oeuvres; one raffle ticket; swag bag with wine tumbler and other goodies; and an online silent auction.

Supervisor Smith stated that the Board is aware of the wonderful work the Animal Shelter staff perform on a daily basis and the support the Friends contributes to that success. In 2021, the Friends provided funding for:

- Medical Care for 26 pets totaling \$26,311
- Dental Care for 27 pets totaling \$20,776
- Spay and Neuter Community Cats for 649 cats totaling \$46,425

Therefore, Supervisor Smith encouraged the Board to come out and spend the afternoon in support of the Friends of the Fairfax County Animal Shelter and asked unanimous consent that the Board direct the Office of Public Affairs to publicize the event. Without objection, it was so ordered.

BV:bv

AGENDA ITEMS

43. **ADMINISTRATIVE ITEMS** (11:30 a.m.)

Supervisor Smith moved approval of the Administrative Items. Acting-Chairman Gross seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Chairman McKay and Acting-Chairman Gross voting “AYE.”

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND AND READOPT THE LARGE AREA COMMUNITY PARKING DISTRICTS (CPDs) TO REFLECT 2021 REDISTRICTING OF ELECTION/ MAGISTERIAL DISTRICTS (LEE, MASON, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 10, 2022, at 4 p.m.**, to consider adoption of proposed amendments to the Fairfax County Code to amend and readopt the large area Lee, Mason, Mount Vernon, and Springfield CPDs to reflect the new 2021 election/magisterial district boundaries.

ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATIONS (MASON DISTRICT)

Authorized the extension of review period for the following Public Facility 2232 Review Applications to the dates noted:

| <u>Application Number</u> | <u>Description</u> | <u>New Date</u> |
|---------------------------|---|-----------------|
| 2232-2022-MA-00002 | Department of Public Works and Environmental Services West Annandale Fire Station 23 (temporary station) Tax Map Number 059-3 ((1)) 7 8724 Little River Turnpike Fairfax, VA Mason District | July 25, 2022 |
| 2232-2022-MA-00003 | Department of Public Works and Environmental Services West Annandale Fire Station 23 (permanent station) Tax Map Number 058-4 ((1)) 62 8914 Little River Turnpike Fairfax, VA Mason District | July 25, 2022 |

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON PORTIONS OF QUANDER ROAD / ROUTE 630 (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 24, 2022, at 3:30 p.m.**, regarding a proposal to vacate and abandon portions of Quander Road/Route 630.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENT TO THE FAIRFAX COUNTY UNIFORMED RETIREMENT SYSTEM (URS) ORDINANCE

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 10, 2022, at 4 p.m.**, regarding the proposed amendment to the URS ordinance for the purpose of adding persistent burn injuries to the list of severe service-connected disabilities enumerated in the ordinance. The URS Board of Trustees has reviewed and supports the proposed amendment.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF ROLLING HILLS AVENUE / ROUTE 1201 (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 24, 2022, at 3:30 p.m.**, regarding a proposal to vacate and abandon a portion of Rolling Hills Avenue/Route 1201.

ADMIN 6 – APPROVAL OF A SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COMMUNITY BUSINESS PARTNERSHIP (CBP) AND THE BOARD OF SUPERVISORS TO ADMINISTER THE FAIRFAX COUNTY SMALL BUSINESS COVID-19 RECOVERY MICROLOAN FUND

Approved the Second Amendment to the MOU to allow CBP to establish a loan loss reserve fund with a portion of the Small Business Revolving Loan funds, as stated in Attachment 1 of the Board Agenda Item.

ADMIN 7 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S (USDOT) FEDERAL HIGHWAY ADMINISTRATION VIRGINIA FEDERAL LANDS ACCESS PROGRAM FOR FISCAL YEARS 2023-2026 GRANT FUNDING (MOUNT VERNON DISTRICT)

- (R)
- Adopted the Resolution authorizing DOT to apply for and accept grant funding, if received, from the USDOT in the amount of \$6,236,000 from Virginia Federal Lands Access Program

- 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

44. **A-1 – CONSIDERATION OF APPROVAL OF THE ECONOMIC INCENTIVE PROGRAM APPLICATION OF ELM STREET COMMUNITIES, INC. (LEE DISTRICT)** (11:31 a.m.)

Supervisor Lusk moved to defer action regarding this item until later in the meeting, after the public hearing on RZ 2021-LE-011/PCA 2004-LE-021 (Elm Street Communities, Inc.) scheduled for 3 p.m. Acting-Chairman Gross 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 #58.)

45. **A-2 – APPROVAL OF A PARKING REDUCTION FOR FALLS CHURCH HIGH SCHOOL RENOVATION (MASON DISTRICT)** (11:32 a.m.)

Acting-Chairman Gross relinquished the Chair to Acting Vice-Chairman Smith and moved that the Board concur in the recommendation of staff and approve a parking reduction for the renovation of Falls Church High School, 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 #19538-PKS-001-2, subject to the conditions outlined in Attachment One of the Board Agenda Item. The motion was multiply seconded and carried by unanimous vote.

Acting Vice-Chairman Smith returned the gavel to Acting-Chairman Gross.

46. **A-3 – APPROVAL OF A PROJECT ADMINISTRATION AGREEMENT (PAA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE IMPLEMENTATION OF PEDESTRIAN IMPROVEMENTS FOR THE ROUTE 29 BRIDGE OVER CUB RUN PROJECT (SULLY DISTRICT)** (11:32 a.m.)

- (R) Supervisor Smith moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the Director of the Department of Transportation to execute a PAA with VDOT, for the funding of improvements at the Route 29 Bridge over Cub Run project. This agreement secures full funding for the project. Supervisor Lusk seconded the motion.

Following discussion, with input from Tom Biesiadny, Director, Department of Transportation, regarding the progress of the project, the question was called on the motion and it carried by unanimous vote.

47. **A-4 – APPROVAL OF RESOLUTION OF SUPPORT FOR MODIFICATIONS OF THE LIMITED ACCESS LINE ALONG INTERSTATE 495 (DRANESVILLE DISTRICT)** (11:34 a.m.)

- (R) Acting-Chairman Gross relinquished the Chair to Acting Vice-Chairman Smith and moved that the Board concur in the recommendation of staff and adopt the Resolution supporting the limited access line adjustment on Interstate 495 between Lewinsville Road and north of the George Washington Memorial Parkway. Supervisor Lusk seconded the motion.

Following discussion regarding the limited access line, the question was called on the motion and it carried by a vote of nine, Supervisor Foust voting “NAY.”

Acting Vice-Chairman Smith returned the gavel to Acting-Chairman Gross.

48. **A-5 – ADOPTION OF AN EMERGENCY UNCODIFIED ORDINANCE TO PROVIDE FOR A PER-TRIP TAXICAB FUEL SURCHARGE OF ONE DOLLAR** (11:35 a.m.)

- (O) Supervisor Alcorn moved that the Board concur in the recommendation of staff and adopted an Emergency Uncodified Ordinance providing for a \$1.00 per-trip taxicab fuel surcharge to be enforced for no more than 60 days in accordance with Virginia Code Section 15.2-1427. Supervisor Lusk seconded the motion.

Discussion ensued, with input from Rebecca Makely, Acting Director, Department of Cable and Consumer Services, regarding the fuel surcharge.

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

DMS:dms

49. **RECESS/CLOSED SESSION** (11:39 a.m.)

Supervisor Smith 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 Section 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 Section 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 Section 2.2-3711(A) (7).
1. *Eric McArthur and Jenny McArthur, proceeding on their own behalf and on behalf of their minor child, M.M. v. Scott Braband, Superintendent of Fairfax County Public Schools; Stella Pekarsky, Chair of the Fairfax County School Board; and Dr. Gloria Addo-Ayensu, Director of the Fairfax County Health Department, Case No. 1:21-cv-01435 (E.D.Va.)*
 2. *Peter Massaro v. Fairfax County Police Department and Fairfax County, Case No. 1:20-cv-00929 (E.D. Va.)*
 3. *Pamela Sledge v. Fairfax County, Fairfax County Police Department, Officers Richard Castilon, Michael Scatchard, Michael Comer, Evan Poisson, Michael Rowe, Cassandra Zamora, Marina Anwar, and Stephen Cicinato, Case No. 1:22-cv-15 (E.D.Va.)*
 4. *Abrar Omeish v. Sheriff Stacey Ann Kincaid, Officer J. Patrick, and David M. Rohrer, Case No. 1:21-cv-35 (E.D. Va.)*
 5. *Cassie C. Crisano v. Office of the Fire Marshal, Fairfax County Fire & Rescue Department, Chief Daniel V. Gray, and Investigator Terrance L. Fayson, Case No. CL-2021-14915 (Fx. Co. Cir. Ct.)*
 6. *Kimberly LaFave, et al. v. County of Fairfax et al., Case No. CL-2021-0001569 (Fx. Co. Cir. Ct.)*
 7. *Ying Shi v. Fairfax County Department of Tax Administration, Case No. CL-2021- 0013320 (Fx. Co. Cir. Ct.) (Dranesville District)*
 8. *Board of Supervisors of Fairfax County, Virginia, ex rel. Fairfax County Human Rights Commission v. Passco Parker DST, Bozzuto Management Company and Christine Barrett, Case No. CL-2022- 0002982 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
 9. *Jay Riat, Building Official for Fairfax County, Virginia v. Deck Dream, LLC d/b/a Virginia Deck Builders, Case*

- No. GV21-016559 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
10. *Jay Riat, Building Official for Fairfax County, Virginia v. Horacio H. Zamora and Olga H. Zamora*, Case No. GV22-001707 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mark Steven Moratzka and Pamela Moratzka*, Case No. GV22-001884 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robert Sexton*, Case No. GV22-002252 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 13. *Jay Riat, Building Official for Fairfax County, Virginia v. Kurt Adam Janssen*, Case No. GV22-002249 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 14. *Jay Riat, Building Official for Fairfax County, Virginia v. Walter J. Nockett, Laura J. Nockett and N & C Contractors, Inc.*, Case No. GV22-003154 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ben Thomas*, Case No. CL-2020-0008874 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. 300 Beverly Road, LLC*, Case No. CL-2021-0005289 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 17. *Jay Riat, Building Official for Fairfax County, Virginia v. Lejlifer Sinani and Brunilda Bajraktari*, Case No. GV21-010613 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
 18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Purple Sage Association*, Case No. GV21-013716 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

19. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Juan Hernandez ad Thelma H. Ayala*, Case No. GV21-019312 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
20. *Jay Riat, Building Official for Fairfax County, Virginia v. Mai Huong Thi Quach and Tien Nan Wang*, Case No. GV22-003480 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
21. *Jay Riat, Building Official for Fairfax County, Virginia v. Vincent Briggs and Amy Briggs, Trustees*, Case No. GV22-003448 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Somsre Gaston*, Case No. CL-2021-0017044 (Fx. Co. Cir. Ct.) (Lee District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Wilfredo A. Gomez and Samuel Hernandez*, Case No. GV22-003154 (Fx. Co. Gen. Dist. Ct.) (Lee District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Andrew Hogan and Elizabeth Liberman*, Case No. GV22-001633 (Fx. Co. Gen. Dist. Ct.) (Lee District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v. Azmat Khan*, Case No. GV22-001604 (Fx. Co. Gen. Dist. Ct.) (Lee District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. Rafael Hernandez Damian*, Case No. GV22-003835 (Fx. Co. Gen. Dist. Ct.) (Lee District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Dmitriy O. Minin*, Case No. GV22-003836 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Jay Riat, Building Official for Fairfax County, Virginia v. Masoud Hashemi*, Case No. GV22-003839 (Fx. Co. Gen. Dist. Ct.) (Lee District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mieu Lien Phung Living Trust, et al.*, Case No. CL-2021-0014458 (Fx. Co. Cir. Ct.) (Mason District)

30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Naoko Morgan*, Case No. CL-2021-0001602 (Fx. Co. Cir. Ct.) (Mason District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Frances F. Kelly*, Case No. CL-2022-0003435 (Fx. Co. Cir. Ct.) (Mason District)
32. *Jay Riat, Building Official for Fairfax County, Virginia v. Elias Gutierrez and Blanca Gutierrez*, Case No. GV21-011169 (Fx. Co. Gen. Dist. Ct.) (Mason District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vernice Wood*, Case No. GV22-003153 (Fx. Co. Gen. Dist. Ct.) (Mason District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mann Realty Inc., and 495 Shipping, Inc.*, Case No. CL-2010-0005205 (Fx. Co. Cir. Ct.) (Mount Vernon District)
35. *Jay Riat, Building Official for Fairfax County, Virginia v. Forest Glen Joint Venture LLP*, Case No. CL-2022-0003621 (Fx. Co. Cir. Ct.) (Mount Vernon District)
36. *Jay Riat, Building Official for Fairfax County, Virginia v. PS Business Parks LP*, Case No. GV22-003222 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. LZ Rentals, LLC*, Case No. CL-2021-0012482 (Fx. Co. Cir. Ct.) (Providence District)
38. *Jay Riat, Building Official for Fairfax County, Virginia v. Suffies, LLC*, Case No. GV21-007726 (Fx. Co. Gen. Dist. Ct.) (Providence District)
39. *Jay Riat, Building Official for Fairfax County, Virginia v. Lisa Kuniyoshi Sullivan*, Case No. GV22-003391 (Fx. Co. Gen. Dist. Ct.) (Providence District)
40. *Jay Riat, Building Official for Fairfax County, Virginia v. Zeb Hijab*, Case No. GV21-015286 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
41. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Devinder Jaity*, Case No.

GV21-020175 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

42. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Asrat Betew Lule*, Case No. CL-2021-0011872 (Fx. Co. Cir. Ct.) (Sully District)

43. *Jay Riat, Building Official for Fairfax County, Virginia v. Building Official v. Parke Long Business Center, LLC*, Case No. GV22-002247 (Fx. Co. Gen. Dist. Ct.) (Sully District)

44. *Jay Riat, Building Official for Fairfax County, Virginia v. Nicole M. Alfandre*, Case No. GV22-004084 (Fx. Co. Gen. Dist. Ct.) (Sully District)

45. *Jay Riat, Building Official for Fairfax County, Virginia v. Susan J. Price*, Case No. GV22-004152 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), legal analysis regarding the national opioid litigation and *Fairfax County v. Purdue Pharma, et al.*, Fairfax County Circuit Court Case No. CL-2019-6025
- As permitted by Virginia Code Sections 2.2-3711(A)(1), (7), and (8), legal analysis regarding *Lamonta Gladney v. Tyler Timberlake*, Case No. 1:21-cv-00287 (U.S. District Court for the Eastern District of Virginia), associated personnel matter, and related notice of claim filed by Brandon Shapiro with the County on December 3, 2020

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

At 2:27 p.m., the Board reconvened in the Board Auditorium with all Members being present, except Chairman McKay and Supervisor Palchik, who both were participating remotely, and with Acting-Chairman Gross presiding.

ACTIONS FROM CLOSED SESSION

50. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:27 p.m.)

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

ADDITIONAL BOARD MATTER

51. **CONTINUED REMOTE PARTICIPATION OF CHAIRMAN MCKAY AND SUPERVISOR PALCHIK (PROVIDENCE DISTRICT) (2:28 p.m.)**

Acting-Chairman Gross ensured that Chairman McKay and Supervisor Palchik were able to hear the Board and that the Board was able to hear them.

ADDITIONAL ACTION FROM CLOSED SESSION

52. **AUTHORIZED SETTLEMENT IN LAMONTA GLADNEY V. TYLER RYAN TIMBERLAKE (2:28 p.m.)**

Supervisor Foust moved that the Board authorize the settlement in *Lamonta Gladney v. Tyler Ryan Timberlake*; Civil Action No. 1:21-cv-00287 (E.D. Va.), according to the terms and conditions outlined by the County Attorney in Closed Session. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Herrity voting "NAY."

NS:ns

AGENDA ITEMS

53. **2:30 P.M. – PUBLIC HEARING TO CONVEY A DEED OF EASEMENT FOR FIBER OPTIC LINES AT THE CRIMINAL JUSTICE ACADEMY (SULLY DISTRICT) (2:30 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 March 25 and April 1, 2022.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Smith moved that the Board authorize staff to prepare and execute all documentation necessary to convey a fiber optic line easement on Board-owned property at the Criminal Justice Academy, which is located at 14601 Lee Road and identified as Tax Map Parcel Number 0441-01-0001D to MetroDuct Systems VA LLC, for the consideration

outlined in the Staff Report. Supervisor Foust seconded the motion and it carried by unanimous vote.

54. **2:30 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2021-I-1B FIRST CHRISTIAN CHURCH, LOCATED AT 6165 LEESBURG PIKE, SOUTH OF THE SEVEN CORNERS COMMUNITY BUSINESS CENTER (MASON DISTRICT) (2:33 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 March 25 and April 1, 2022.

Michael Burton, Planner III, Monitoring and Plan Development Branch, Department of Planning and Development, presented the staff report.

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

Discussion ensued, with input from Mr. Burton, regarding stormwater management.

Following the public hearing, which included testimony by 13 speakers, Acting-Chairman Gross read an email she received in support of the Plan Amendment and submitted it for the record.

Mr. Burton presented the staff and Planning Commission recommendations.

Acting-Chairman Gross relinquished the Chair to Acting Vice-Chairman Smith and, following comments, moved that the Board adopt the Planning Commission recommendation for Plan Amendment 2021-I-1B, as found in the Planning Commission action summary dated March 23, 2022. In addition to the existing First Christian Church, the amendment would add an option for **up to** 113 affordable multi-family, age-restricted, residential units and up to 5,000 square feet of ancillary office use to the plan guidance for the subject property.

Supervisor Alcorn seconded the motion. Discussion ensued, regarding partnering with the faith community, transportation and pedestrian concerns, and storm water management. The question was called on the motion and it carried by unanimous vote.

Acting Vice-Chairman Smith returned the gavel to Acting-Chairman Gross.

55. **2:30 P.M. – PUBLIC HEARING ON PCA/CDPA 2000-SU-012 (BUCKLEY DEVELOPMENT, LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2000-SU-012, PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT, TO PERMIT MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A**

DENSITY OF 2.94 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 2.04 ACRES OF LAND ZONED PDH-4 AND WS (SPRINGFIELD DISTRICT) (3:53 p.m.)

- (O) A Certificate of Publication was filed from the editor of the Washington Times showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 25 and April 1, 2022.

The application property is located on the north side of Lee Highway and west side of Fairfax County Parkway. Tax Map 55-4 ((17)) 11 and 12.

John Manganello, the applicant, reaffirmed the validity of the affidavit dated September 3, 2020, for the record.

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

Mr. Manganello 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. Williams presented the staff and Planning Commission recommendations.

Supervisor Herrity moved that the Board approve:

- Proffered Condition Amendment Application PCA 2000-SU-012 and the associated Conceptual Development Plan Amendment Application CDPA 2000-SU-012, subject to the proffers dated March 17, 2022
- Modification of the major paved trail requirement in favor of the existing trail and right-of-way dedication as shown on the Conceptual Development Plan Amendment / Final Development Plan Amendment, and as proffered

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

(NOTE: On February 23, 2022, the Planning Commission approved Final Development Plan Amendment Application FDPA 2000-SU-012, subject to the proposed development conditions dated February 8, 2022, and subject to the Board’s approval of the concurrent PCA application.)

56. **2:30 P.M. – PUBLIC HEARING ON SE 2018-PR-014 (UNITED REAL ESTATE LLC) TO PERMIT USES IN FLOODPLAIN, LOCATED ON APPROXIMATELY 20,437 SQUARE FEET OF LAND ZONED R-4 (PROVIDENCE DISTRICT)** (4:00 p.m.)

Supervisor Palchik moved to defer the public hearing on Special Exception Application SE 2018-PR-014 until **May 10, 2022, at 4:30 p.m.** Acting-Chairman Gross seconded the motion and it carried by unanimous vote.

EBE:ebe

57. **3 P.M. – PUBLIC HEARING ON RZ 2021-SU-016 (STONECROFT LEE, LLC) TO REZONE FROM I-3, WS AND AN TO I-5, WS AND AN TO PERMIT STORAGE YARD AND/OR NEW VEHICLE STORAGE, LOCATED ON APPROXIMATELY 8.08 ACRES OF LAND (SULLY DISTRICT)** (4:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the Washington Times showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 25 and April 1, 2022.

The application property is located on the south side of Adkins Road, east side of Barney Road, west side of Stonecroft Boulevard, Tax Map 33-2 ((2)) 10 and 11; 34-1 ((2)) 11A; and a portion of Glorus Road, which was recently vacated and abandoned by the Board.

Gifford R. Hampshire, Blankingship and Keith, P.C., reaffirmed the validity of the affidavit dated January 20, 2022, for the record.

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

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

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

Supervisor Smith moved that the Board approve Rezoning Application RZ 2021-SU-016, subject to the proffers dated February 24, 2022. Acting-Chairman Gross seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Chairman McKay, and Acting-Chairman Gross voting “AYE,” Supervisor Foust being out of the room.

58. **A-1 – CONSIDERATION OF APPROVAL OF THE ECONOMIC INCENTIVE PROGRAM APPLICATION OF ELM STREET COMMUNITIES, INC. (LEE DISTRICT)** (4:11 p.m.)

(NOTE: Earlier in the meeting the Board deferred action regarding this item. See Clerk's Summary Item #34.)

Supervisor Lusk moved that the Board concur in the recommendation of staff and approve the application by Elm Street Communities, Inc. submitted in conjunction with RZ 2021-LE-011/PCA 2004-LE-021 (Elm Street Communities, Inc.) for eligibility in the Economic Incentive Program. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smith being out of the room.

59. **3 P.M. – PUBLIC HEARING ON RZ 2021-LE-011 (ELM STREET COMMUNITIES, INC.) TO REZONE FROM PDH-30 AND HC TO PRM AND HC TO PERMIT MULTIFAMILY RESIDENTIAL DEVELOPMENT AT A FLOOR AREA RATIO OF 1.69 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 5.42 ACRES OF LAND (LEE DISTRICT)**

(AND)

PUBLIC HEARING ON PCA 2004-LE-021 (ELM STREET COMMUNITIES, INC.) TO AMEND THE PROFFERS FOR RZ 2004-LE-021, PREVIOUSLY APPROVED FOR A MIXED-USE DEVELOPMENT TO INCLUDE SINGLE-FAMILY ATTACHED AND MULTIFAMILY RESIDENTIAL DWELLING UNITS AND UP TO 80,000 SQUARE FEET OF NONRESIDENTIAL USES, TO PERMIT DELETION OF LAND AREA, LOCATED ON APPROXIMATELY 5.42 ACRES OF LAND ZONED PDH-30 AND HC (LEE DISTRICT)
(4:12 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 March 25 and April 1, 2022.

The application property is located along Rolling Hills Avenue, south side of Buckman Road, and west of Richmond Highway, Tax Map 101-2 ((5)) (2) 10-15; 101-2 ((5)) (3) 1, 2A and 13 and a portion of Rolling Hills Avenue right-of-way to be abandoned/vacated. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Rolling Hills Avenue to proceed.)

Lynne Strobel, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavits dated March 25, 2022, for the record.

Supervisor Lusk disclosed that he received a campaign contribution in excess of \$100 from:

- James L. Perry, Elm Street Communities, Inc.
- David D. Flanagan, Elm Street Communities, Inc.
- Cherokee Management Services LLC, which is not a party to this application

Chairman McKay disclosed that he received a campaign contribution in excess of \$100 from:

- Cherokee Management Services LLC, which is not a party to this application, but is on the affidavit

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

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

- James L. Perry, Elm Street Communities, Inc.
- David D. Flanagan, Elm Street Communities, Inc.

A brief discussion ensued, with input from Elizabeth Teare, County Attorney, regarding financial disclosures.

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, Mr. Fountain presented the staff and Planning Commission recommendations.

Following comments, Supervisor Lusk moved that the Board approve:

- Proffered Condition Amendment Application PCA 2004-LE-021
- Rezoning Application RZ 2021-LE-011, subject to the proffers dated April 11, 2022
- Waivers and modifications contained in the handout distributed, dated April 12, 2022, which will be made part of the record, and are as follows:

- Modification of the Zoning Ordinance to reduce the number of loading spaces from the required five spaces to one space, as shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP)
- Modification of transitional screening and a waiver of the barrier requirement along the southern property boundary, as depicted on the CDP/FDP
- Waiver of the service drive requirement along Richmond Highway

Supervisor Storck seconded the motion. Following discussion, regarding redevelopment, revitalization, and the cost of underground utilities, the question was called on the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Chairman McKay, and Acting-Chairman Gross voting “AYE,” Supervisor Alcorn being out of the room.

(NOTE: On March 23, 2022, the Planning Commission approved Final Development Plan Application FDP 2021-LE-011, subject to the proposed development conditions dated February 23, 2022.)

60. **3 P.M. – PUBLIC HEARING ON THE FISCAL YEAR 2023 EFFECTIVE TAX RATE INCREASE** (4:43 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 March 25 and April 1, 2022.

Albena Assenova, Department of Management and Budget, presented the staff report.

Following the public hearing, which included testimony by 10 speakers, Ms. Assenova presented the staff recommendations.

Supervisor Smith moved that the Board close the public hearing and leave the record open for testimony until April 26, 2022, as part of the Budget Mark-up process. That will permit persons who wish to testify to do so during the public hearing on the FY 2023 Advertised Budget Plan, Capital Improvement Program (CIP), and FY 2022 Third Quarter Review by testifying, as described on the Department of Clerk Services page on the Fairfax County website, or by providing written testimony after the close of the public hearings. Acting-Chairman Gross seconded the motion and it carried by unanimous vote.

61. **3 P.M. – PUBLIC HEARING ON PROPOSED AMENDMENTS TO SECTION 67.1-10-2 OF THE FAIRFAX COUNTY CODE RELATING TO SEWER AVAILABILITY CHARGES (INCLUDING THE FIXTURE UNIT RATE), SERVICE CHARGES, BASE CHARGES, AND HAULED WASTEWATER CHARGES** (5:24 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 March 25 and April 1, 2022.

Eleanor Ku Coddling, Deputy Director, Stormwater and Wastewater Management Division, Department of Public Works and Environmental Services (DPWES), and Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES, presented the staff report.

Discussion ensued, with input from Mr. Mohsenin, regarding the increases and how low the County's charges are compared to neighboring jurisdictions and the availability fees are applicable to new additional building at the time of connection to the system.

Following the public hearing, Mr. Mohsenin presented the staff recommendation.

Supervisor Smith moved that the Board close the public hearing and defer action on the FY 2023 charges until April 26, 2022, as part of the Budget Mark-up process followed by adoption of the Sewer Ordinance Amendment on May 10, 2022. Acting-Chairman Gross seconded the motion and it carried by unanimous vote.

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62. **4 P.M. – PH ON THE COUNTY EXECUTIVE'S PROPOSED FISCAL YEAR (FY) 2023 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYS 2023-2027 (WITH FUTURE FYS TO 2032) AND THE CURRENT APPROPRIATION IN THE FY 2022 REVISED BUDGET PLAN** (5:32 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 March 25 and April 1, 2022.

Acting-Chairman Gross announced that this is the first of three nights of public hearings on the FY 2023 Advertised Budget Plan, the Advertised Capital Improvement Program (CIP) for FY 2023-2027 and the FY 2022 Third Quarter Review. During this public hearing, testimony will also be accepted on the FY 2023 Effective Tax Rate.

Acting-Chairman Gross announced that the public hearing would begin with a presentation by the School Board and called upon Stella Pekarsky, Chairman, Fairfax County School Board.

Prior to Chairman Pekarsky's presentation, Acting-Chairman Gross recognized the following members of the School Board who were present in the Board Auditorium:

- Elaine Tholen, Dranesville District
- Karen Corbett Sanders, Mount Vernon District
- Dr. Scott Brabrand, Fairfax County Public Schools (FCPS) Superintendent

Chairman Pekarsky recognized her colleagues, some of whom were present in the Board Auditorium:

- Rachna Sizemore Heizer, Vice-Chair and Member At-Large
- Ricardy Anderson, Mason District
- Laura Jane Cohen, Springfield District
- Karen Corbett Sanders, Mount Vernon District
- Tamara Derenak Kaufax, Lee District
- Karl Frisch, Providence District
- Melanie Meren, Hunter Mill District
- Megan McLaughlin, Braddock District
- Elaine Tholen, Dranesville District
- Abrar Omeish, Member At-Large
- Karen Keys-Gamarra, Member At-Large

Chairman Pekarsky delivered the school's annual presentation.

Acting-Chairman Gross thanked the School Board for its presentation and encouraged her colleagues to submit any questions regarding the school budget as a Budget Q&A.

A brief discussion ensued, with input from Chairman Pekarsky, regarding a response to previously submitted Q&As.

The Board heard testimony from 68 speakers.

63. **BOARD RECESS** (9:43 p.m.)

Acting-Chairman Gross announced that the Board would recess until 3 p.m. on April 13, 2022, at which time the budget public hearings will continue regarding the:

- County Executive's Proposed Fiscal Year (FY) 2023 Advertised Budget Plan
- Capital Improvement Program for FYs 2023-2027 (with future FYs to 2032)
- Current Appropriation Level in the FY 2022 Revised Budget Plan