



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 25, 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, October 25, 2022, at 9:33 a.m., there were present:

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

Others present during the meeting were Arnold Thomas, Acting 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.

BOARD MATTERS1. **MASKS OPTIONAL** (9:33 a.m.)

Chairman McKay stated that masks are now optional for employees and visitors in County facilities, except for those where health or medical services are being directly provided.

2. **MOMENT OF SILENCE** (9:34 a.m.)

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

- The victims of the St. Louis, Missouri, school shooting yesterday. A physical education teacher and a student were killed, and several others were injured
- T. Eugene Smith, who died recently. He was actively engaged at the community level for many decades, serving on the Fairfax County Planning Commission, the National Capitol Planning Commission, and the Wolf Trap Board
- Longtime County employee, David L. Humphrey, who died recently. He was a Supervising Engineer Inspector in the Site Development and Inspections Division (SDID) of Land Development Services. He served the County with distinction for more than 20 years, leading the inspections team that oversaw development in Tysons, and most recently received an Outstanding Performance award for his efforts in leading the SDID Central Branch Inspections team throughout 2022
- Helen Bahta, who died recently. She was involved in a pedestrian accident and succumbed to her injuries. She was a County school bus attendant for Laurel Hill Elementary School

AGENDA ITEMS3. **RESOLUTION OF RECOGNITION PRESENTED TO THE GLASS RECYCLING NETWORK** (9:41 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to the Glass Recycling Network for its service to the community. The motion was multiply seconded, and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING MONDAY, OCTOBER 24, 2022, AS "POLIO AWARENESS DAY" IN FAIRFAX COUNTY** (9:50 a.m.)

Supervisor Gross moved approval of the Proclamation designating Monday, October 24, 2022 as "*Polio Awareness Day*" in Fairfax County. The motion was multiply seconded, and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS EXECUTIVE DIRECTOR CHUCK BEAN** (10:06 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Chuck Bean, Executive Director, Metropolitan Washington Council of Governments, for his service to the region. Supervisor Lusk and Vice-Chairman Gross jointly seconded the motion, and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

6. **PROCLAMATION DESIGNATING OCTOBER 2022 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:21 a.m.)

Supervisor Walkinshaw moved approval of the Proclamation designating October 2022 as "*Domestic Violence Awareness Month*" in Fairfax County. Supervisor Palchik and Chairman McKay jointly seconded the motion, and it carried by unanimous vote.

EBE:ebe

7. **9:30 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACS)** (10:44 a.m.)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard October 25, 2022." Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Mason District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #2, #3, #4 and #6 Representatives.

ANIMAL SERVICES ADVISORY COMMISSION

Appointment of:

- Ms. Holly Hazard as the Mason District Representative

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Attorney Representative.

ATHLETIC COUNCIL

The Board deferred the appointment of the Mason District Alternate, Springfield District Principal, and Women's Sports Principal Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Braddock, Dranesville, and Springfield District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

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

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

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

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL

Confirmation of:

- Mr. Nahom Sewenet as the Fairfax County #9 (Youth) Representative

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

Reappointment of:

- Ms. Anna Dixon as the At-Large #1 Representative

CHILD CARE ADVISORY COUNCIL

Reappointment of:

- Ms. Wynne Busman as the Mason District Representative

The Board deferred the appointment of the Springfield District Representative.

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

The Board deferred the appointment of the Hunter Mill, Mount Vernon, and Providence District Representatives.

CIVIL SERVICE COMMISSION

Appointment of:

- Ms. LaToya Isaac as the At-Large #8 Representative

COMMISSION FOR WOMEN

Reappointment of:

- Ms. Alyssa N. Batchelor as the At-Large Chairman's Representative
- Ms. Lanita R. Thweatt as the Mount Vernon District Representative
- Ms. Pamela Montesinos as the Sully District Representative

Confirmation of:

- Ms. Alessandra Simmons-Robles as the Student Representative

The Board deferred the appointment of the Lee, Mason, Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") and Transgender Woman Representatives.

COMMISSION ON AGING

The Board deferred the appointment of the Mason and Springfield District Representatives.

COMMUNITY ACTION ADVISORY BOARD

Confirmation of:

- Ms. Ann Macpherson as the AARP Representative
- Mr. Ken McMillion as the Elected - Central Target Area #3 Representative
- Ms. Shari Zamarra as the Faith Communities In Action Representative

CONSUMER PROTECTION COMMISSION

Reappointment of:

- Ms. Jacqueline G. Rosier as the Fairfax County Resident #1 Representative

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointment of Springfield District Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

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

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

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

ENGINEERING STANDARDS REVIEW COMMITTEE

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Sabrina Hsu as the Long Term Care Providers #8 Representative

HEALTH SYSTEMS AGENCY BOARD

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

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #5 and #6 Representatives.

HUMAN SERVICES COUNCIL

Reappointment of:

- Ms. Adwoa Rey as the Mount Vernon District #2 Representative

The Board deferred the appointment of the Braddock District #1, Lee District #2, and Mount Vernon District #1 Representatives.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Mason District Representative.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

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

POLICE CIVILIAN REVIEW PANEL

The Board deferred the appointment of the Seat #3 Representative.

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

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

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

Appointment of:

- Mr. Jeffrey J. Fairfield as the Resident/Owner Route 28 District #3 Representative

TENANT LANDLORD COMMISSION

Appointment of:

- Mr. Kenneth D. Reid as the Citizen Member #1 Representative

The Board deferred the appointment of the Citizen Member #3, Condo Owner, Landlord Member #2, and Tenant Member #1 and #3 Representatives.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Lee District Representative.

TREE COMMISSION

Reappointment of:

- Mr. Kevin Holland as the Mason District Representative

The Board deferred the appointment of the Dranesville and Springfield District Representatives.

TRESPASS TOWING ADVISORY BOARD

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

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Commercial or Retail Ownership #3 and the Hunter Mill District #1 Representatives.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen Appointed by BOS #1 and #4 Representatives.

YOUNG ADULTS ADVISORY COMMITTEE

The Board deferred the appointment of the Braddock and Providence District Representatives.

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC)

Confirmation of:

- Ms. Michele Hymer Blitz as the Disability Services Board Representative
- Dr. Gerald Poje as the Human Services Council Representative
- Mr. Richard Kennedy as the Redevelopment and Housing Authority Representative

The Board deferred the appointment of the Mason District Representative.

FAIRFAX COUNTY 250TH COMMISSION

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

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ADDITIONAL BOARD MATTERS

8. **PRINCE WILLIAM COUNTY DIGITAL GATEWAY** (10:45 a.m.)

Chairman McKay stated that the County has as a priority, the protection of the Occoquan Reservoir. The County took significant protective measures in the early 1980s when it established the Watershed Supply Protection Overlay District (WSPOD) in its Zoning Ordinance. It downzoned the majority of the watershed to limit development to residential use on five acre lots and a small number of other compatible non-residential uses and replanned the area consistent with the zoning. The County defended those actions successfully against litigation filed against it and ever since have been extremely judicious in any actions that have come before, related to this environmentally sensitive area of the County.

Prince William County has been working on several planning and zoning issues, which as the County's neighboring jurisdiction, can affect the County in several ways, including the quality of its drinking water from the Occoquan Reservoir, transportation network, and historic and cultural resources. On February 8, 2022, the Board directed staff to monitor the potential impacts on County transportation and water quality due to these possible policy updates.

On February 23, 2022, staff provided the County's interjurisdictional response regarding one of those initiatives – the Prince William Gateway Corridor which proposes to open over 2000 acres of land for data centers.

Staff has now prepared a second inter-jurisdictional response on the “Pathway to 2040” update to the Prince William County Comprehensive Plan, which, if adopted, would be used to help guide future land use decisions in Prince William County.

The submission to adjacent jurisdictions of interjurisdictional memos from staff is a normal process that provides technical analyses from the various County departments and the Board relies on them to do so.

It is important to note that the matters being considered are amendments to the Comprehensive Plan that must be followed by zoning actions before any development can occur. Many of staff's recommendations call for additional study and coordination, and that is a sentiment that has been heard from many individuals and organizations that have contacted the Chairman's office on this issue.

Chairman McKay stated his understanding that the Prince William Board of County Supervisors is intending to take up these very important matters in November. Due to the magnitude of the proposals being considered, while not the Board's usual practice, staff's belief is that it is appropriate for the Board to send a letter to the Prince William Board of County Supervisors endorsing staff's memos and requesting that, prior to any zoning actions, additional study and coordination occur so that the two counties can work together to address issues of mutual concern.

Therefore, jointly with Supervisor Foust and Supervisor Smith, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board endorse the letter, attached to his written Board Matter, to be sent to the Prince William Board of County Supervisors. Supervisor Smith seconded the motion.

Discussion ensued regarding:

- The partial closure of Route 29
- Proposed changes to the Comprehensive Plan and entitlements
- Additional language for the letter
- Analysis of public sewer
- Staff recommendations not included in the letter
- Timing related to the Comprehensive Plan

Supervisor Herrity moved to amend the motion to include language regarding the 2040 Plan Amendments. Supervisor Alcorn seconded the motion.

Discussion ensued, with input from Kelly Atkinson, Planner V, Department of Planning and Development, regarding:

- Prince William County land use plans
- Road alignments and sewer extensions
- The 2040 Plan
- Continued collaborative communication with Prince William County

The question was called on the amendment to the motion and it FAILED by a recorded vote of seven, Supervisor Alcorn, Supervisor Lusk, and Supervisor Herrity voting “AYE.”

Chairman McKay moved to amend his motion to modify the language in the beginning of the letter, pertaining to final road alignments. Supervisor Palchik seconded the motion.

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

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

Vice-Chairman Gross requested that the letter with the amended language be distributed to the Board.

(NOTE: Later in the meeting, Supervisor Herrity presented a Board Matter related to this matter. See Clerk’s Summary Item #23.)

9. **RESOLUTION OF RECOGNITION REQUEST DESIGNATING OCTOBER 24, 2022, AS “DIWALI” IN FAIRFAX COUNTY** (11:25 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition designating October 24, 2022, as “*Diwali*,” (known as the festival of lights) in Fairfax County. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING NOVEMBER 2022 AS “ADOPT A SENIOR PET MONTH” IN FAIRFAX COUNTY** (11:25 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating November 2022 as “*Adopt a Senior Pet Month*” in Fairfax County. Without objection, it was so ordered.

11. **COMMENT ON VIRGINIA DEPARTMENT OF EDUCATION MODEL POLICIES FOR THE TREATMENT OF TRANSGENDER STUDENTS IN FAIRFAX COUNTY** (11:26 a.m.)

Chairman McKay stated that on September 16, 2022, Governor Glenn Youngkin released updated “Model Policies for the Treatment of Transgender Students in Virginia’s Public Schools.” The new policies supersede the 2021 Model Policies. The policy is subject to a 30-day public comment period, which ends on October 26, 2022.

Legal experts note that the Governor’s policies conflict with recent court rulings and the Code of Virginia, including the Virginia Human Rights Act. A 2020 U.S. Supreme Court decision, written by Justice Gorsuch, determined that civil rights law bars discrimination against transgender people and a 2020 U.S. Court of Appeals decision ruled that a transgender student could not be barred from using a boys’ bathroom.

The model policies direct local school boards to adopt a slate of new policies for the treatment of transgender students and represent a sharp reversal from the previous policies. They would restrict which bathrooms transgender and nonbinary students can use, force students to participate in events, sports, and activities corresponding to their sex assigned at birth, and hinder the ability of teachers and staff to offer support to students in need. The policies would also sharply restrict parental rights by obviating the right of families and students to choose the name and/or pronoun they would like school officials to use when referring to their child.

The County is a welcoming community where everyone is embraced. The One Fairfax policy ensures consideration of equity in decision-making and ensures that all residents have an equitable opportunity to succeed – regardless of their race, color, sex, nationality, sexual orientation, gender identity, religion, disability, income or where they live.

Therefore, jointly with Supervisor Walkinshaw, Chairman McKay moved that the Board submit the comment, attached to his written Board Matter, regarding the 2022 Model Policies for Virginia Public Schools. Supervisor Walkinshaw seconded the motion.

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

12. **REQUEST FOR INVESTIGATION OF FALSE VOTING INFORMATION FROM VIRGINIA DEPARTMENT OF ELECTIONS** (11:45 a.m.)

Chairman McKay stated that last week, the Virginia Department of Elections sent post cards to voters in the Towns of Herndon, Clifton and Vienna instructing them to vote at an incorrect location in the City of Fairfax for the upcoming

November 8, 2022, elections. This same incorrect mailing was also sent to towns in Prince William County.

The County's Office of Elections fielded many calls from voters confused by this incorrect mailing. It responded rapidly, sending letters to voters in the affected towns, providing them with the correct voting information. Chairman McKay commended the Office of Elections leadership and staff for handling this situation with expedience and professionalism. This was in addition to the proactive steps the Office of Elections had already taken to inform voters of the upcoming elections, including mailing sample ballots to voters.

This mistake by the Virginia Department of Elections cannot go unaddressed.

Therefore, jointly with Supervisor Alcorn, Supervisor Foust, Supervisor Herrity, and Supervisor Walkinshaw, Chairman McKay moved that the Board send the letter, attached to his written Board Matter, to the County's General Assembly delegation asking for a full investigation into the process followed by the Virginia Department of Elections that led to this mailing being sent to thousands of Northern Virginia voters. The cause of this mailing must be publicly addressed so that Virginians understand exactly what happened so that it never happens again. Supervisor Foust seconded the motion.

Supervisor Herrity asked to include language related to disenfranchise and certain ballots not being counted. Vice-Chairman Gross deemed the request out of order, as it pertains to a local jurisdiction.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

13. **NEW STAFF IN THE CHAIRMAN'S OFFICE** (11:53 a.m.)

Chairman McKay introduced Andrea Vasquez and Frances Best, new staff in his office. On behalf of the Board, he warmly welcomed them to the County.

14. **CERTIFICATE OF APPRECIATION REQUEST FOR JV'S RESTAURANT** (11:54 a.m.)

Supervisor Gross stated that JV's Restaurant is a small restaurant and live music venue, located at the intersection of Route 50 and Annandale Road. Founded in October 1947 as the Jefferson Restaurant, it was a small diner in the art deco Jefferson Village Shopping Center. By the late 1950s, the restaurant had become a place for live performances by local artists. It then changed its name to JV's Restaurant in the early 1960s, after the Jefferson Village Shopping Center, and formalized the schedule for live music performances in 1980. JV's is now known as a hotspot for live blues, country, rock and bluegrass music.

Proprietor George Dross's experience as a foreign national prisoner-of-war influenced the mission of the restaurant. The Falls Church News-Press reports that “JV’s has developed a reputation for championing veterans over its 70 years in existence” and “JV’s has been an unofficial stop for the motorcycle group Rolling Thunder’s Ride for Freedom since their first year and a major step towards the restaurant’s reputation as a watering hole for the veteran community.”

In 2004, the Washington Area Music Association presented JV's with the Special Appreciation Award, voted on by participating Washington-region musicians, as their favorite live venue. In January 2015, the restaurant expanded into the adjacent business space, effectively doubling in size. JV’s celebrates its 75th anniversary this year, with four days of musical entertainment from November 10 – 13, 2022.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a Certificate of Appreciation for JV’s Restaurant, in recognition of its 75 years of operation and for its decades of contribution to the musical arts in the County, to be signed by the Chairman and Mason District Supervisor and presented out of the Board Room. Without objection, it was so ordered.

15. **NO BOARD MATTERS FOR SUPERVISOR WALKINSHAW (BRADDOCK DISTRICT)** (11:56 a.m.)

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

16. **CONSENT TO SITE-SPECIFIC PLAN AMENDMENT (SSPA) NOMINATION FOR 13500 DULLES GREENE DRIVE, INNOVATION CENTER TRANSIT STATION AREA (TSA) (DRANESVILLE DISTRICT)** (11:57 a.m.)

Supervisor Foust stated that the Peterson Companies has submitted a SSPA nomination for Tax Map Parcels 16-1 ((1)) 11A and 11B, which would assemble these two parcels for consideration of approximately 500 affordable multifamily dwelling units. Parcel 11A is owned by Peterson Companies, and Parcel 11B is owned by the County. The parcels, both of which are vacant, are located within a 1/4-mile radius of the Innovation Center Metro Station and are surrounded by the Dulles Green apartment community to the north, the Reflection Lake community to the east, and the Dulles Toll Road to the south. Resource Protection Areas are also located on portions of the County-owned parcel, and the nomination proposes to respect these areas.

The parcels are in Land Unit L-4 of the Innovation Center TSA, and the current Comprehensive Plan guidance calls for a commuter parking facility in this area, however, a 2,100-space commuter parking garage has been developed on the south side of the Toll Road.

Because Parcel 11B is owned by the County, the nominator needs to include confirmation of the Board’s consent to the nomination for it to be considered

18. **PROCLAMATION REQUEST FOR PHYLLIS WALKER FORD**
(12:02 p.m.)

Supervisor Lusk stated that the County has been taking important steps to preserve African American culture. The History Commission assisted in this goal by forming the Fairfax County African American History Inventory Committee to collect, communicate and preserve African American culture and history. When speaking about the commitment to make certain that the contributions and efforts of African American residents in the County, past and present, are recognized, the County must acknowledge Phyllis Walker Ford. Ms. Walker Ford was appointed to the History Commission in February 2009 and was Co-Chair with Mary Lipsey on the American History Inventory Committee. After 13 years of committed service, she recently decided to step down from the History Commission. Ms. Walker Ford has been an outstanding advocate and contributor in preserving accurate information vital to the County's history.

Ms. Walker Ford is also the President of Laurel Grove School Association, the governing body of Laurel Grove School Museum located in Franconia, Virginia. She serves as Vice President of Virginia Africana Associates, a network of museum, history, and preservation professionals. Additionally, she is a member of the Education Committee of The League of Descendants of the Enslaved at Mount Vernon. Her ancestors, Dick and Charity Jasper, were enslaved on Washington's Dogue Run Farm. In May of 2022, she organized a tombstone cleaning project to clean stones at Laurel Grove Baptist Church Cemetery. This project included Mary Lipsey, President of the Fairfax County Cemetery Preservation Association, Inc., who demonstrated the proper cleaning process, and volunteers from National Council of Negro Women. Additionally, Ms. Walker Ford was President of the Franconia Museum from 2004 – 2008 where she still volunteers to this day.

Therefore, in honor of Phyllis Walker Ford's extraordinary contributions to the County's African American history and over 13 years of service on the History Commission, Supervisor Lusk asked unanimous consent that the Board direct staff to prepare a Proclamation to be presented to her at an upcoming Board Meeting. Without objection, it was so ordered.

19. **MOUNT VERNON DISTRICT UPDATES** (12:05 p.m.)

Supervisor Storck provided updates on the recent 7th Annual Tour de Mount Vernon and Lorton Library, Lorton Community Center and Lorton Park ribbon cutting events.

20. **PROCLAMATION REQUEST FOR FAIRFAX SYMPHONY ORCHESTRA (FSO)** (12:10 p.m.)

Supervisor Palchik stated that the FSO celebrates its 65th Anniversary this year and she had the honor of kicking off its 65th Anniversary season as a guest conductor. Through exceptional performances, educational outreach with emphasis on

reaching low-income students, and community activities, FSO inspires and engages a large and diverse audience in the region and beyond.

Since its inception in 1975, FSO has pursued dual passions – to be a leading artistic voice on the concert stage and to take its knowledge, artistry, and commitment to the great art of classical music into the community and to the young people of the County. FSO has been providing education programs in partnership with the Fairfax County Public Schools (FCPS) and is a recipient of the FCPS Community Partner of the Year Award for its outstanding educational partnership with the school system. Under the inspired direction of music director Christopher Zimmerman, FSO maintains its reputation as one of the finest regional orchestras in the country and has been hailed by *The Washington Post* as “a crown jewel of the cultural landscape.”

Therefore, jointly with Chairman McKay, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Proclamation for FSO, in recognition of its 65th anniversary and outstanding work for the arts, to be presented at one of its upcoming concerts. Without objection, it was so ordered.

21. **RENAMING OF THE PROVIDENCE DISTRICT COMMUNITY CENTER**
(12:12 p.m.)

Supervisor Palchik stated that James M. Scott, who served as the Providence District Supervisor for 14 years and then represented the County in the Virginia House of Delegates for 22 years, was a well-loved, skilled, and a dedicated public servant.

During his decades as an elected State and local official, he had a strong record highlighting issues related to affordable housing and civil rights. Representative Gerald E. Connolly, a former Chairman of the Board, called him a “gentle but forceful advocate for all who feel powerless.”

James Martin Scott was born June 11, 1938, in Galax, Virginia, and grew up in Winchester, Virginia. He was a 1960 graduate of the University of North Carolina at Chapel Hill, where he was a student activist. He received a master’s degree in English from University of North Carolina in 1965 and a second master’s degree, in Public Administration, from George Mason University in 1982.

He taught at Edison High School in the County for a year before working for antipoverty and fair-housing organizations in the County.

After his election to the Board in 1971, he introduced measures to protect human rights and to support affordable housing and school-based day-care centers. He was an early proponent of making the Reverend Martin Luther King Jr.’s birthday a holiday.

Mr. Scott, who worked full time as a Fairfax Supervisor, resigned in 1986 to become a community affairs executive with Inova Health Systems. He retired from Inova in 2011.

His service in the General Assembly spanned the 22 years from 1992-2014. While in the General Assembly, he was known for several initiatives, notably the motor voter and the “Stand by Your Ad” bills. The successful motor voter bill of 1995 allows residents to register to vote by mail and at motor vehicle, welfare, employment, and other state offices. The intention of the “Stand by Your Ad” bill was to reduce negative campaign advertising.

He was also a key player in the implementation of a Secretary of Technology position in Virginia as well as helped to establish the School for Conflict Analysis and Resolution at George Mason University.

He passed away in 2017 after battling Alzheimer’s for several years. His wife of 41 years, Nancy, continues as a force in the Providence District and the County. She works tirelessly advocating for services for individuals suffering from dementia and Alzheimer’s, as well as support for their families and caregivers. She is also a frequent visitor to the Providence Community Center.

Therefore, jointly with Chairman McKay and Supervisor Gross, Supervisor Palchik asked unanimous consent that the Board direct staff to begin the process to rename the Providence District Community Center after James M. Scott. Approval of this matter should initiate the process outlined in the Board’s Renaming Policy. Without objection, it was so ordered.

22. **HUNTER MILL DISTRICT UPDATES** (12:21 p.m.)

Supervisor Alcorn provided updates on the recent Let’s Go Expo and the upcoming Reston Comprehensive Plan Study Community Engagement opportunity.

23. **LETTER TO THE PRINCE WILLIAM BOARD OF COUNTY SUPERVISORS ON DIGITAL GATEWAY PLAN AMENDMENT** (12:24 p.m.)

(NOTE: Earlier in the meeting, Chairman McKay presented a Board Matter related to this matter. See Clerk’s Summary Item #8.)

Supervisor Herrity stated that the Prince William Board of County Supervisors is considering Comprehensive Plan Amendment (CPA2021-00004), also known as the PW Digital Gateway, which would allow for data center development on over 2,100 acres of land along Pageland Lane. Supervisor Herrity stated his belief that, while he is reluctant to weigh in on matters of neighboring jurisdiction, this decision could have significant regional consequences, particularly related to the Occoquan Watershed, one of the County’s critical drinking water supply resources. Supervisor Herrity stated his understanding of the economic benefits to

Prince William County of the proposed amendment, but he is concerned that it is rapidly moving forward without completion of a study on the impact to the Occoquan Watershed, a key source of drinking water for the region.

In 2016, Supervisor Herrity asked the Board to reaffirm its commitment to the downzoning of the Occoquan Watershed, a 1982 decision that downzoned approximately 41,000 acres in the Occoquan Basin to a maximum density of one house per five acres and imposed water supply protection controls on approximately 64,500 acres. The reaffirmation motion, jointly proposed with Supervisor Smith, Supervisor Storck, and former Chairman Bulova passed unanimously and promoted long-term resource planning and improved the capabilities of local governance to protect the water quality of the streams. Actions by the Springfield District Supervisor and the Board since the 2016 reaffirmation have continued to demonstrate the County's goal of protecting this important watershed. The Board and Fairfax Water have made critical investments, including conversion of part of the Vulcan quarry, in the Occoquan watershed to provide drinking water for the region well into the future.

The thousands of acres along Pageland Lane heavily influence the quality of the water flowing into the Occoquan Reservoir. The development of data centers in that region could lead to increased levels of salt and sediments in the watershed, which may have impacts on water quality and drinkability of water in the Reservoir. If there is an impact on water quality, it will not just affect Prince William County residents, it will affect all residents of the Northern Virginia region served by Fairfax Water, including 1.5 million residents in Prince William, Loudoun, and Fairfax Counties, Fairfax City and the City of Alexandria. It is crucial for the residents that Prince William County consider the immediate and long-term impacts of this development on the watershed before undertaking the expansion of data centers, power substations, towers, and other support structures that comes with this development.

Fairfax Water, staff, multiple homeowners associations, local businesses, and other Northern Virginia leaders have recognized the need to run the updated and modernized Occoquan Watershed Model. The model was developed as a tool to allow for major basin changes, site impact analysis and the evaluation of various control techniques. The Model is available to Northern Virginia Regional Commission member jurisdictions and is a tool that should be used to evaluate the impact of this proposed amendment on the watershed. Although a water study has been proposed, this study is currently not planned to be completed until after critical land-use decisions have been made. The County believes that the model should be run before the amendment is considered. Accurate simulation of future conditions in the Model is essential to understanding the impacts of land use plans on the Reservoir and its sustainability as a drinking water supply. Fairfax Water has recommended the actions as well.

Therefore, Supervisor Herrity moved that the Board reaffirm its commitment to downzoning the area. Supervisor Storck seconded the motion.

Following discussion regarding the motion, Supervisor Herrity withdrew his motion.

24. **NATIONAL DRUG TAKE BACK DAY** (12:29 p.m.)

Supervisor Herrity announced that the Drug Take Back Day will be held on October 29, 2022, from 10 a.m. – 2 p.m. Disposing of unused or expired prescriptions can help save lives because it reduces addiction or overdose.

25. **2022 LORD AND LADY FAIRFAX HONOREES** (12:30 p.m.)

Supervisor Herrity asked unanimous consent that the Board direct the Clerk for the Board to list, for the record, the following 2022 Lord and Lady Fairfax Honorees in for the Clerk's Summary. Following a brief discussion, without objection, it was ordered.

The 2022 Lord and Lady Fairfax Honorees are as follows:

At-Large

- Mr. Bob Pizzano, Jr.
- Ms. Nelfred Tilly Blanding

Braddock District

- Mr. James F. Hickey
- Ms. Diane Hoffman

Dranesville District

- Mr. Steven Bloom
- Ms. Lisa Merkel

Hunter Mill District

- Mr. Kurt Rose
- Ms. Raba Letteri

Lee District

- Mr. Edward D. Joseph

- Ms. Juana Cruz

Mason District

- Mr. Eduardo Azcarate
- Ms. Penney Azcarate

Mount Vernon District

- Mr. Jeff Gauger
- Ms. Maria Severa Pangelinan

Providence District

- Mr. Rafael L. Marin
- Ms. Robbie Snow

Springfield District

- Mr. Samuel Gray
- Ms. Caroline Sieber

Sully District

- Mr. Sekhar Puli
- Ms. Malini Puli

26.

COMPREHENSIVE PLAN AMENDMENT AUTHORIZATION FOR THE CENTREVILLE AREA AND SUBURBAN CENTER STUDY (SULLY DISTRICT) (12:30 p.m.)

Supervisor Smith stated that the Centreville area is located at the crossroads of major regional transportation corridors, including Route 28, Route 29, Interstate 66, and the planned extension of Metrorail into western Fairfax County. While the area is currently planned and developed with a wide range of uses, the existing Plan language has not been comprehensively reviewed and updated in over 25 years. It is important for the County to engage the community and review the Plan guidance for this activity center given changes to Centreville and the County over the past two decades.

Therefore, Supervisor Smith moved that the Board:

- Authorize consideration of a planning study and Comprehensive Plan Amendment for the Centreville area and Suburban Center. The study should advance inclusive community engagement recommendations. Based on study findings, new Plan priorities and redevelopment opportunities may be identified as potential changes to the Comprehensive Plan. As with other planning studies, consultant services are used in support of special land use studies. Department of Planning and Development has funds for consultant services in support of the study
- Direct the County Executive to include \$300,000 as a consideration item in the next quarterly budget review to fund the transportation analysis associated with the planning study

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

BV:bv

AGENDA ITEMS

27. **ADMINISTRATIVE ITEMS** (12:33 p.m.)

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

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE DISTRICT)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Bull Neck	Dranesville	Dower Lane
Meadows at Great Falls	Dranesville	Branton Lane

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON CHAPTER 62 OF THE CODE OF THE COUNTY OF FAIRFAX, PROPOSED AMENDMENTS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2022, at 4:30 p.m.**, to consider a proposed amendment to the Code of the County of Fairfax, Chapter 62 (Fire Protection).

ADMIN 3 – 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 (Permanent Station) Tax Map Number 58-4 ((1)) 62 8914 Little River Turnpike Fairfax, VA 22031 Mason District	July 31, 2023
2232-2022-MA-00003	Department of Public Works and Environmental Services West Annandale Fire Station 23 (Temporary Station) Tax Map Number 59-3 ((1)) 7 8724 Little River Turnpike Fairfax, VA 22031 Mason District	July 31, 2023

ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 23093 FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (DBHDS) SUPPORTING THE MENTAL HEALTH DOCKET PROGRAM

- (SAR) Approved SAR AS 23093 for the CSB to accept grant funding from the DBHDS in the amount of \$125,207 to support the Mental Health Docket Program. This funding will be used to enhance identification, diversion, and connection of persons with mental illness or co-occurring substance abuse disorders at the earliest possible point of contact with the criminal justice system. No local cash match is required.

28. **A-1 – APPROVAL OF A LETTER OF SUPPORT FOR LOUDOUN COUNTY’S GRANT APPLICATION FOR THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) TRANSIT RIDERSHIP INCENTIVE PROGRAM (TRIP)** (12:33 p.m.)

On motion of Supervisor Alcorn, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the letter (Attachment 1 of the Board Agenda Item), to be signed by the Chairman of the Board, supporting the Loudoun County grant application for the DRPT’s TRIP to serve Silver Line Phase Two Metrorail stations in Ashburn, Loudoun Gateway, and Washington Dulles International Airport.

29. **A-2 – APPROVAL OF THE FAIRFAX COUNTY’S DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL UPDATE FOR THE FEDERAL TRANSIT ADMINISTRATION (FTA)** (12:34 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and approve the County’s DBE Goal Update, in support of the Richmond Highway Bus Rapid Transit Project. Chairman McKay and Supervisor Lusk jointly seconded the motion. Following a brief discussion regarding the project, the question was called on the motion and it carried by unanimous vote.

30. **A-3 – APPROVAL OF ADDITIONAL FUNDING FOR PHASE 2 OF THE DULLES CORRIDOR METRORAIL PROJECT (DRANESVILLE AND HUNTER MILL DISTRICTS)** (12:35 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and approve up to an additional \$40.25 million in funding authority for Phase 2 of the Dulles Corridor Metrorail Project. Funding for this request is proposed from the reallocation of project reserves in Fund 40010, County and Regional Transportation Projects. Chairman McKay and Supervisor Lusk jointly seconded the motion. Following discussion regarding fare evasion, the question was called on the motion and it carried by unanimous vote.

31. **C-1 – ADOPTION OF A RESOLUTION DISSOLVING THE HISTORICAL MARKER PROJECT VOTING COMMITTEE** (12:40 p.m.)

- (R) The Board next considered an item contained in the Board Agenda regarding adoption of a resolution dissolving the Historical Marker Project Voting Committee

Supervisor Palchik stated that the Committee has fulfilled its duty and will be formally recognized by the Board at a later date.

Therefore, Supervisor Palchik moved that the Board adopt a resolution dissolving the Historical Marker Project Voting Committee and that the Department of Neighborhood and Community Services (DNCS) take the steps necessary to fully

dissolve the Historical Marker Project Voting Committee including the retention of all records of the Historical Marker Project Voting Committee, as required by Virginia law. The motion was multiply seconded.

Following discussion, with input from Ramona Carroll, Program Manager, DNCS, regarding historical markers for other ethnicities, the question was called on the motion and it carried by unanimous vote.

DMS:dms

32. **RECESS/CLOSED SESSION** (12:45 p.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code 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. *Tallas Bianca Robinson v. Kate Abigail Perry*, Case No. GV22-014274 (Fx. Co. Gen. Dist. Ct.)
 2. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Esio C. Vieira and Luz V. Minaya*, Case No. CL-2022-0009594 (Fx. Co. Cir. Ct.) (Braddock District)
 3. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Mark Steven Moratzka and Pamela J. Moratzka*, Case No. GV22-01884 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 4. *Jay Riat, Building Official for Fairfax County, Virginia v. Arsalan Anwar and Aqeel A. Khan*, Case No. GV22-009807 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kevin T. Nguyen and Tina P. Huynh*, Case No. GV22-013110 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
6. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory S. Souders*, Case No. GV22-014558 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
7. *Jay Riat, Building Official for Fairfax County, Virginia v. Ahdi Farshad and Sima Taheri*, Case No. GV22-006636 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bryce A. Schwarzmann*, Case No. CL-2012-0006422 (Fx. Co. Cir. Ct.) (Hunter Mill District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Salena Azaad*, Case No. CL-2021-0007584 (Fx. Co. Cir. Ct.) (Hunter Mill District)
10. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Gabriel E. Ortiz*, Case No. GV22-011831 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
11. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Michael W. Wittmann and Christopher E. Wittmann*, Case No.-pending (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sandy Ying-Tang Cheng and Yuk Yee Cheng*, Case No. CL-2022-0013232 (Fx. Co. Cir. Ct.) (Lee District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sedaka A. Tomasto Tomateo, Juliana N. Lopez Mallqui, and Jose L. Lopez La Rosa*, Case No. CL-2022-0013231 (Fx. Co. Cir. Ct.) (Lee District)
14. *Jay Riat, Building Official for Fairfax County Virginia v. Ubedullah Mohammadullah*, Case No. GV22-006946 (Fx. Co. Gen. Dist. Ct.) (Lee District)
15. *Jay Riat, Building Official for Fairfax County Virginia v. Julio C. Moreno and Lelfia D. Flores Blanco, aka, Lelfia Yanira Blanco*, Case No. GV22-014714 (Fx. Co. Gen. Dist. Ct.) (Lee District)

16. *Jay Riat, Building Official for Fairfax County Virginia v. Honeida A. Manzano Cueva and Maria D. Cueva*, Case No. GV22-015099 (Fx. Co. Gen. Dist. Ct.) (Lee District)
17. *Jay Riat, Building Official for Fairfax County Virginia v. 5238 Navaho Drive*, Case No. CL-2022-0013381 (Fx. Co. Cir. Ct.) (Mason District)
18. *Jay Riat, Building Official for Fairfax County Virginia v. Kevin Gonzalez and Antoinette Marie Gonzalez*, Case No. GV22-006147 (Fx. Co. Gen. Dist. Ct.) (Mason District)
19. *Jay Riat, Building Official for Fairfax County Virginia v. Lam T. Tran and Lynn Cheong*, Case No. GV22-011832 (Fx. Co. Gen. Dist. Ct.) (Mason District)
20. *Jay Riat, Building Official for Fairfax County Virginia v. William K. Cameron, Jr.*, Case No. GV22-009655 (Fx. Co. Gen. Dist. Ct.) (Mason District)
21. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Rosewood Management & Consulting Services, LLC*, Case No. GV22-013916 (Fx. Co. Gen. Dist. Ct.) (Mason District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hien Thi Hoang and An Troung Nguyen*, Case No. GV22-014020 (Fx. Co. Gen. Dist. Ct.) (Mason District)
23. *Jay Riat, Building Official for Fairfax County Virginia v. Danezza Quintero and Alberto Medina*, Case No. GV22-014560 (Fx. Co. Gen. Dist. Ct.) (Mason District)
24. *Jay Riat, Building Official for Fairfax County Virginia v. Baileys I, LLC*, Case No. GV22-014686 (Fx. Co. Gen. Dist. Ct.) (Mason District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Josette K. Moore*, Case No. GV22-015098 (Fx. Co. Gen. Dist. Ct.) (Mason District)
26. *Jay Riat, Building Official for Fairfax County Virginia v. Thumrong Duangrat and Banjonglak Duangrat*, Case No. GV22-015105 (Fx. Co. Gen. Dist. Ct.) (Mason District)

27. *Jay Riat, Building Official for Fairfax County Virginia v. Mia Mozino*, Case No. GV22-015104 (Fx. Co. Gen. Dist. Ct.) (Mason District)
28. *Jay Riat, Building Official for Fairfax County Virginia v. Sleepy Hollow Bath and Racquet Club, Inc.*, Case No. GV22-015106 (Fx. Co. Gen. Dist. Ct.) (Mason District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. 9140 Sama Group, LLC*, Case No. CL-2022-0010631 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Jay Riat, Building Official for Fairfax County Virginia v. Dennis L. Fry and Donna S. Fry*, Case No. GV22-011176 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
31. *Jay Riat, Building Official for Fairfax County Virginia v. JCR Lorton Station Investors, LLC and Lasani Food, Inc.*, Case No. GV22-013801 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
32. *Jay Riat, Building Official for Fairfax County Virginia v. Kings Crossing Shops LLC*, Case No. GV22-014684 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. MSSS, LLC*, Case No. GV22-015058 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
34. *Jay Riat, Building Official for Fairfax County Virginia v. Gust Monis, Diane Monis, Grow24, LLC and American Cigar & Tobacco, Inc.*, Case No. GV22-015057 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
35. *Jay Riat, Building Official for Fairfax County Virginia v. Ariel Ward and Paul Bruce Ward II*, Case No. GV22-01886 (Fx. Co. Gen. Dist. Ct.) (Providence District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Deng Mang*, Case No. GV22-014715 (Fx. Co. Gen. Dist. Ct.) (Providence District)
37. *Jay Riat, Building Official for Fairfax County Virginia v. Maritza Perez Gonzalez and Mariela Barboza*, Case No. GV22-000447 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
38. *Jay Riat, Building Official for Fairfax County Virginia v. Umit Demirci and Selma Demirci*, Case No. GV22-014683 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

39. *Jay Riat, Building Official for Fairfax County Virginia v. Alejandro Bilbao LaVieja Ruiz and Nataly Mautino Taborgs*, Case No. GV22-014685 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
40. *Jay Riat, Building Official for Fairfax County Virginia v. Maysa K. Moulhem*, Case No. GV22-015396 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
41. *Jay Riat, Building Official for Fairfax County Virginia v. Gail Harris*, Case No. GV22-005090 (Fx. Co. Gen. Dist. Ct.) (Sully District)
42. *Jay Riat, Building Official for Fairfax County Virginia v. Belikiz Mamut and Dilshat Muhammet*, Case No. GV22-008243 (Fx. Co. Gen. Dist. Ct.) (Sully District)
43. *Board of Supervisors of Fairfax County, Virginia v. ISTOPCONNECT LLC*, Case No. GV22-008242 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(7) and (8), briefings regarding the following:
 - Legal considerations associated with local regulation of panhandling activity
 - Virginia Code Section 15.2-852

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

At 3:50 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

33. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:50 p.m.)

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

NS:ns

AGENDA ITEMS

34. **3:30 P.M. – PUBLIC HEARING ON SEA 85-C-010-02 (RESTON COMMERCE, LLC) TO AMEND SE 85-C-010 PREVIOUSLY APPROVED FOR A FAST FOOD RESTAURANT WITH DRIVE THROUGH TO REPLACE THE EXISTING BUILDING WITH A NEW FAST FOOD RESTAURANT WITH DRIVE THROUGH AND AMEND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 0.87 ACRES OF LAND (HUNTER MILL DISTRICT) (3:52 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 7 and October 14, 2022.

The application property is located at 11257 Roger Bacon Drive, Reston, 20190. Tax Map 17-4 ((15)) (5) 4.

Matthew Roberts, Agent, Hirschler Fleisher, P.C., reaffirmed the validity of the affidavit dated February 9, 2022, for the record.

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD), formally introduced Damaris Martinez, Planner, DPD.

Ms. Martinez gave a presentation depicting the application and site location.

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

Discussion ensued, with input from Mr. Roberts, regarding electric vehicle charging at the proposed property and the frequency of drive through transactions.

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

Following a query by Supervisor Alcorn, Mr. Roberts confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 14, 2022.

Supervisor Alcorn moved that the Board approve:

- Special Exception Amendment Application SEA 85-C-010-02, subject to the development conditions dated September 14, 2022

- Waiver of Subsection 6101.3 of the Zoning Ordinance requiring one loading space

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

35. **3:30 P.M. – PUBLIC HEARING ON SEA 83-A-026 (CAPITAL SERVICES, INC., DBA RAVENSWORTH SHELL) TO AMEND SE 83-A-026 PREVIOUSLY APPROVED FOR A VEHICLE FUELING STATION WITH LIGHT VEHICLE REPAIR AND MAINTENANCE TO PERMIT A VEHICLE FUELING STATION WITH CONVENIENCE RETAIL STORE AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS AND A WAIVER OF MINIMUM LOT AREA, LOCATED ON APPROXIMATELY 0.91 ACRES OF LAND (BRADDOCK DISTRICT) (4:08 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 7 and October 14, 2022.

The application property is located on the southwest quadrant of the intersection of Braddock Road and Port Royal Road. Tax Map 70-4 ((10)) 12 (pt.).

David Gill, Agent, Wire Gill LLP, reaffirmed the validity of the affidavit dated October 10, 2022, for the record.

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD), formally introduced Kevin McMahan, Planner, DPD.

Mr. McMahan, gave a presentation depicting the application and site location.

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

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

Following a query by Supervisor Walkinshaw, Mr. Gill confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 21, 2022.

Supervisor Walkinshaw moved that the Board approve:

- Special Exception Amendment Application SEA 83-A-026, subject to the development conditions dated October 21, 2022

- Waiver of the minimum required lot area to that shown on the SEA plat

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

36. **4 P.M. – PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE HERNDON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 26 (DRANESVILLE DISTRICT)**
(4:17 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 7 and October 14, 2022.

Henri Stein McCartney, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by three speakers, Ms. McCartney presented the staff recommendation.

Following comments, Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Herndon RPPD, District 26.

Chairman McKay and Supervisor Lusk jointly seconded the motion. Following a brief discussion regarding additional correspondence in support of the ordinance, the question was called on the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

37. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (4:31 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of October 7 and October 14, 2022.

Chairman McKay announced the rules associated with public comment: The Board will hear public comment on any issue, except issues under litigation; issues that have been scheduled for public hearing before the Board; personnel matters and/or comments regarding specific individuals. Speakers must register in advance, and each speaker is given three minutes for his or her remarks. A maximum of ten speakers may address the Board during any public comment period and speakers may address the Board once during a six-month period.

Public comment was held and included the following individuals:

- Sam Logan – Regarding wastewater management concerns
- Gregory Lyon – Regarding Newington Road improvements and multi-modal transportation
- Bill Wright – Regarding threats to the Occoquan Reservoir
- Roger Yackel – Regarding Occoquan Reservoir drinking water risks
- Jill Meixell – Regarding McNaughton Field and Woodlawn Little League

With regard to the issues raised by Ms. Meixell, Supervisor Storck stated that the Park Authority is committed to addressing the field maintenance issues with partial financial support by the Woodlawn Little League community. The renovated fields should be ready by the 2024 season.

- Rebecca Williams – Regarding Lake Sequoia water runoff management issues
- Tewodros Demessie – Regarding Fairfax County Police Department conduct

ADDITIONAL BOARD MATTER

38. **WASHINGTON METRORAIL SAFETY COMMISSION REINSTATES 7000-SERIES TRAINS** (4:59 p.m.)

Supervisor Alcorn announced that the Washington Metrorail Safety Commission has approved the reinstatement of all 7000-series trains which will tentatively allow the Silver Line extension to open by the Thanksgiving holiday.

39. **BOARD ADJOURNMENT** (5 p.m.)

At 5 p.m., the Board adjourned.