



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 12, 2023**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, September 12, 2023, at 9:31 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, Franconia District
- Supervisor Dalia Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storeck, 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 Danya Alattar, Administrative Assistant, Department of Clerk Services.

BOARD MATTER1. **MOMENT OF SILENCE** (9:31 a.m.)

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

- Arthur Nachman, who passed away recently. He was a longtime member on the Board of Equalization, and served as the former President of the Herndon Rotary Club where he was named Citizen of the Year in 2012. His family owns a clothing store in the Town of Herndon and, to honor and recognize the impact the family has on the Town, declared January 14th as Nachman Day
- Janet Carver, who passed away recently. She was a tireless community activist in Virginia and worked for former Mount Vernon District Supervisor Gerald Hyland; held several positions within the Fairfax County Democratic Committee including: Democratic State Central Committee, First Vice-Chair of the 8th Congressional District First Vice-Chair of the 11th Congressional District; and three-time Chair of the Springfield Democratic Committee, in addition to numerous other positions
- The victims of the tragic earthquake which recently occurred in Morocco, killing 2500 people and the death toll sadly continues to rise. The Board thanked the Virginia Task Force 1 Urban Search and Rescue Team for their hard work and dedication, and the first responders for aiding the County to keep the citizens safe
- John Byrne, who passed away recently. He was a Vietnam Veteran; held multiple degrees; built a notable career in the National Park Service working on the Clean Air Act and leaving a lasting impact on iconic parks across the nation; was a global consultant on environmental conservation; a volunteer Committee Chair for the Sierra Club; and a professor at George Mason University. His wife, Linda, worked in the Providence District Supervisors Office for many years and was very involved with the Congressmen and the Democratic Committee
- C. Flint Webb, who passed away recently. He served on the Providence District Council and the Fairfax Federation of Citizens Association. This past year he received the Charles W. Gruber Association Leadership Award from the Air and Waste Management Association; and was awarded the Community Service Award the Providence District Council
- Ken Fang, who passed away recently. He was dedicated to scouting, having won awards participating in the 25th World Scouting Jamboree. He retired from the U.S. Government Accountability Office; had recently been

appointed to the Board of Juvenile Justice by Governor Glenn Younkin; was the Springfield District appointee to the Park Authority Board; and served on numerous other boards, authorities, and commissions. He recently welcomed a Ukrainian refugee family into his home and provided them with shelter and support

- Richard Lafleur, who passed away recently. He dedicated his life to sports, service, and mentorship. He served as the Chairman of the Fairfax County Chamber of Commerce and was a member of the Advisory Board on George Mason University's School of Management and much more
- Egon Weck, who passed away recently. He served as a pilot in the U.S Army Air Corps in World War II and then joined the State Department; was involved in International Public Affairs for several pharmaceutical companies and the Germany Embassy in Washington D.C.; was founder of the Woodrow Wilson Action Group; and was also an avid photographer
- Merle Webster Beach Jr. ,who passed away recently. He was a Braddock District resident who was tragically killed when he lost control of his motorcycle while traveling at a high rate of speed
- John Horejsi, who passed away recently. He was the first in his family to attend and graduate college. He served as the Deputy Director of a large social work staff and administered the federally mandated administration project that successfully launched the National Food Stamp Program. He was also the founder of the Social Action Linking Together (SALT) and worked for years to ensure the government served the needs of those who had few to speak for them

AGENDA ITEMS

2. PROCLAMATION DESIGNATING SEPTEMBER 2023 AS "CHILDHOOD CANCER AWARENESS MONTH" IN FAIRFAX COUNTY
(9:53 a.m.)

Supervisor Lusk moved approval of the Proclamation designating September 2023 as "*Childhood Cancer Awareness Month*" in Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

3. **PROCLAMATION DESIGNATING SEPTEMBER 2023 AS "SUICIDE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:10 a.m.)

Supervisor Walkinshaw moved approval of the Proclamation designating September 2023 as "*Suicide Awareness Month*" in Fairfax County. Chairman McKay and Supervisor Smith jointly seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING SEPTEMBER 17-23, 2023, AS "CONSTITUTION WEEK" IN FAIRFAX COUNTY** (10:27 a.m.)

Supervisor Gross moved approval of the Proclamation designating September 17- 23, 2023, as "*Constitution Week*" in Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING SEPTEMBER 2023 AS "EMERGENCY PREPAREDNESS MONTH" IN FAIRFAX COUNTY** (10:39 a.m.)

Supervisor Lusk moved approval of the Proclamation designating September 2023 as "*Emergency Preparedness Awareness Month*" in Fairfax County. Chairman McKay and Supervisor Palchik jointly seconded the motion and it carried by unanimous vote.

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ADDITIONAL BOARD MATTERS

6. **THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) LAUNCHES NEW ACADEMY CLASS** (10:53 a.m.)

Chairman McKay stated that, last week, Police Chief Kevin Davis welcomed 59 new recruits starting their first day at the FCPD Criminal Justice Academy. Session 85 is one of the largest academy classes in over 10 years, surpassing the previous record-breaking numbers of Session 84.

Chairman McKay stated that diversity is a priority at FCPD, and Session 85 is among the most diverse academy classes in the department's history. In October 2021, FCPD joined over 100 other agencies in signing the 30×30 pledge – aiming to increase the representation of women in police recruit classes to 30 percent by the year 2030. Of the 59 new recruits in this class, 13 (22 percent) are women.

Additionally, the recruits of Session 85 bring valuable education and language fluency skills to the department. Over two-thirds of the recruits (67.8 percent) have earned a higher education degree, and nearly one-third (35.6 percent) are fluent in multiple languages.

This class also consists of 14 recruits (23.7 percent) who have served in the military and 23 recruits (39 percent) who are residents of the County. These measures of diversity, among others, are representative of the great strides FCPD has made in ensuring that the recruits hired by the department are representative of the community they serve.

The FCPD Academy lasts 25 weeks and includes basic instruction in the procedures, techniques, and principles of law enforcement, incident report writing, criminal law, traffic enforcement, and first aid. All officers also receive implicit and generational bias training. This training is designed to help officers build trust and positive relationships within their communities and is a crucial part of how FCPD keeps the County safe.

7. **MAJOR CITIES CHIEFS ASSOCIATION (MCCA) REPORT: FAIRFAX COUNTY REMAINS SAFEST LARGE JURISDICTION IN THE COUNTRY** (10:56 a.m.)

Chairman McKay announced that according to a new MCCA report, the County was once again rated as the safest large jurisdiction in the country. The MCCA's midyear comparison uses data from January 1 - June 30, 2022, and the same period in 2023. With a violent crime rate well below other similarly sized jurisdictions, the County is significantly safer than nearby jurisdictions and across the nation.

8. **RESOLUTION OF RECOGNITION REQUEST FOR CHRISTOPHER FAY** (10:58 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Christopher Fay, in recognition of his 17 years of service to Homestretch, Inc. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST DESIGNATING OCTOBER 2023 AS "DISABILITY EMPLOYMENT MONTH"** (10:58 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating October 2023 as "*Disability Employment Month*" in the County. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING OCTOBER 8 – 14, 2023, AS "FIRE PREVENTION WEEK"** (10:58 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating October 8 – 14, 2023, as "*Fire Prevention Week*" in the County. Without objection, it was so ordered.

11. **RESOLUTION OF RECOGNITION REQUEST FOR DOROTHY KEENAN**
(10:58 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Dorothy Keenan, Founder of GrandInvolve, in recognition of her years of service. Without objection, it was so ordered.

12. **CONGRATULATIONS TO THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) WASTEWATER MANAGEMENT FOR MULTIPLE AWARDS** (10:59 a.m.)

Chairman McKay stated that each year, the Virginia Department of Environmental Quality awards a facility located in Virginia for its Environmental Management System (EMS). DPWES Wastewater Management has the honor of receiving, for the third consecutive three-year cycle, the Extraordinary Environmental Enterprise (E4) Award, for managing a facility that is fully committed to measures for continuous and sustainable environmental progress and community involvement.

Wastewater Management has had quite a year with several distinguished accomplishments and milestones. They were also awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association. This certificate is awarded to state and local governments for going above and beyond the minimum requirements of generally accepted accounting principles by preparing annual comprehensive reports that provide transparency and full disclosure.

Additionally, the Water Environment Federation has recognized Wastewater Management as a “Utility of the Future Today!”, a program that honors Innovative utilities that are engaged in advancing resource efficiency and recovery. The County’s Wastewater Management facility will be among the few facilities that are selected by five organizations such as the Water Research Foundation, the National Association of Clean Water Agencies, the WateReuse Association, the U.S. Water Alliance, and the Water Environment Federation.

Therefore, Chairman McKay recognized and congratulated DPWES Wastewater Management staff and moved that the Board endorse the previously sent letter in honor of these achievements. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross announced that the County was recently awarded the Digital Counties national award and requested that staff include that award also.

13. **LETTER TO SECRETARY MILLER RE: COORDINATION BETWEEN VIRGINIA AND MARYLAND ON PROJECT ACTIVITIES THAT AFFECT THE COUNTY** (11:01 a.m.)

Chairman McKay started that, as the Board is aware, Virginia's I-495 NEXT and Maryland's Managed Lanes projects are critical to reducing congestion in the northern portion of the Beltway. While there have been verbal agreements between the two jurisdictions, a written agreement has yet to be finalized. Because of the impacts that might occur in the County due to the construction of Maryland's project, it is important that the Board and our community understand the parameters of the scope of work, how work will be conducted and the effect that such work may have on the residents.

Therefore, jointly with Supervisor Alcorn and Supervisor Foust, Chairman McKay moved that the Board send the letter, attached to his written Board Matter, to Secretary Miller, requesting the opportunity to review and comment on the elements of the agreement between the State of Maryland and the Commonwealth of Virginia, pertaining to the design and construction of the portions of the Maryland Managed Lanes project that interface with Virginia at least 60 days prior to the agreement's finalization. Supervisor Foust and Supervisor Lusk jointly seconded the motion.

Following discussion regarding conversing and coordinating with public safety and continued access to services, the question was called on the motion and it carried by unanimous vote.

14. **RESOLUTION OF RECOGNITION REQUEST FOR CONSUMER PROTECTION COMMISSION (CPC) CHAIRPERSON JOHN FEE** (11:04 a.m.)

(BAC) Chairman McKay stated that the Board was recently notified that John Fee, Chairperson, CPC, also a retired Army Lieutenant Colonel, will be stepping down. Since 1995, Mr. Fee has been appointed to the CPC and has served as its Chairperson from 2004 - 2023, working cooperatively with directors and staff of the Fairfax County Department of Cable and Consumer Services. He was known as a fair, dedicated leader and tireless worker, committed to protecting County consumers from illegal, fraudulent, or deceptive consumer practices in the marketplace.

During his time as Chairperson, Mr. Fee's accomplishments included advising on and facilitating the consolidation of various municipal water companies; recommending utility, taxicab, and other industries regulations and facilitating expansion of the cable television industry to all County residents. Mr. Fee has worn many hats, and has loved serving his community as Neighborhood Watch Coordinator, President of the Middleridge Civic Association, President of the Braddock District Planning Project, Chairman of the Annandale/Braddock District Council Board Annuity Associations, President of the Fairfax County Federation

of Citizens Associations, Member of the Fairfax County Public Schools School Bond Committee, Citizen Member and Chairperson of the Fairfax County Trespass Towing Advisory Board and has been named Lord Fairfax for the Braddock District in 1991.

The Board, on behalf of all residents of the County, does hereby recognize and thank Mr. Fee for 28 years of service, including 19 years as Chairperson, to the CPC, and his many contributions to the County, and wishes him well in his future endeavors.

Therefore, Chairman McKay asked unanimous consent that the Board direct the Office of Public Affairs to prepare a Resolution of Recognition for Mr. Fee, to be presented inside the Board Room before the end of this year. Without objection, it was so ordered.

15. **APPOINTMENT OF FORMER MAYOR DAVID MEYER TO BE FIRST CHAIRMAN OF CONTINUUM OF CARE (CoC) BOARD** (11:05 a.m.)

(BAC)
(APPT) Chairman McKay stated that former City of Fairfax Mayor, David Meyer, has agreed to serve as the first Chairman of the CoC Board. The CoC Board plays a significant role in planning, coordinating, and reviewing the effectiveness of a wide range of services aimed at preventing and ending homelessness in the community.

Mayor Meyer was elected Mayor of the City of Fairfax in 2017, after serving for five terms on the Fairfax City Council. He led the City of Fairfax through challenges like the pandemic; growth and economic development; and achievements like the City's AAA bond rating—one of only four cities in Virginia with that rating. Mayor Meyer was always a good partner for the County and will ably Chair the CoC Board in its first term.

Therefore, Chairman McKay moved that the Board appoint David Meyer to serve as Chairman of the CoC. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

16. **REQUEST TO RENAME THE BAILEY'S COMMUNITY CENTER (MASON DISTRICT)** (11:09 a.m.)

Supervisor Gross stated that the Springdale community in Bailey's Crossroads had its beginnings as home to freedmen following the Civil War, and has nurtured hundreds, perhaps thousands, of families in the last century-and-a-half. As with many traditional Black communities, the residents erected a church and built a small elementary school to educate their children, but the neighborhood received few local services – no paved roads, no sidewalks, no public drinking water or wastewater infrastructure.

A 1937 aerial view shows a sandlot baseball field, and the same field is visible in a 1953 aerial view. About the same time as that second aerial, the community advocated for a community center to serve children and adults who otherwise were denied access to public playgrounds, sports fields and gymnasiums, and add a modern gathering space for community events. According to County tax records, the Lillian Carey Elementary School and the Bailey's Community Center were constructed in 1956 on land owned by Minnie Peyton. The school now is the location for the Higher Horizons Head Start Program, and the Bailey's Community Center has been serving Springdale residents and the broader community ever since.

There is a growing desire in the community to re-name the community center to honor Minnie Peyton and reflect its historic roots, but more research needs to be done, and it may be appropriate for the History Commission to assist in verifying available documentation in pursuit of a name change. Therefore, Supervisor Gross asked unanimous consent that the Board direct the History Commission to assist in this effort and report to the Board by the summer of 2024. Without objection, it was so ordered.

17. **DESIGNATION REQUEST FOR THE EILEEN GARNETT CIVIC SPACE (MASON DISTRICT)** (11:10 a.m.)

- (R) Supervisor Gross stated that work is underway to create a wonderful new public space in Annandale as an urban park with demonstration gardens, a topographic playground, walking paths, and spaces for quiet contemplation on what was once a small playing field of the Annandale Elementary School, which was built in 1928. What currently is called the "Annandale Civic Space" is the result of some well-attended community planning meetings, an interactive charette at the fire station next door, and some summertime programming activities for youth, both pre-and-post pandemic. The ribbon-cutting for the new space is scheduled for the morning of October 21, 2023.

The working name for the is project, Annandale Civic Space. But, as a new facility, it needs a permanent name that reflects the unique community nature of the project, and would commemorate a friend of Annandale who, quite literally, gave her life to the revitalization of downtown Annandale. Supervisor Gross stated that the Board may recall the horrible accident in May 2022, when a car went out of control and struck several people who were standing in a parking lot, reviewing potential sidewalk and transportation upgrades with the Virginia Department of Transportation (VDOT) and County staff. Several people were badly injured and, sadly, Mason District resident Eileen Garnett died of her injuries. As a founder of the Annandale Central Business District Revitalization Committee in 1984, Ms. Garnett had participated in dozens of similar in-person reviews over the years with County and VDOT staff, and brought a passionate force to revitalization, whether building design, signage, streetlights and landscaping, or trash removal. Supervisor Gross stated that she remembers discussing the civic space proposal with Ms. Garnett at the fire station charette; having her approval and concurrence

was important to everyone working on the project, and that was not always easy – she had very high standards, and she did not hide them!

Therefore, in honor of Ms. Garnett’s long devotion to the Annandale community, Supervisor Gross moved that the:

- Annandale Civic Space be designated officially as the Eileen Garnett Civic Space, and that appropriate notifications be included in the County’s announcement of the ribbon-cutting in November [*sic*]
- Board adopt the Resolution (attached to her written Board Matter) that designates the space as such

Chairman McKay seconded the motion. Following a brief discussion regarding the motion, Supervisor Gross clarified that the ribbon-cutting will be October 21, 2023. Following further discussion regarding the involvement of the History Commission and the Board’s Naming Policy, the question was called on the motion and it carried by unanimous vote.

18. **REQUEST TO RENAME FIRE STATION 28 (MASON DISTRICT)**
(11:14 a.m.)

- (R) Supervisor Gross stated that Fire Station 28, located in the Seven Corners area, is being rebuilt into a new modern fire station with appropriate facilities for male and female firefighters and rescue personnel, and an apparatus bay that can house the larger fire and rescue vehicles in service today. Station 28 fire officers and firefighters have requested that, since the station is being reconstructed, the time is appropriate to change the name of the station too, to reflect a bit of history that pre-dates Seven Corners, and officially name the station as “Fort Buffalo.”

Fort Buffalo was one of multiple forts built early in the Civil War known as the “Washington, D.C. Fort Ring.” In 1861, the 21st New York Infantry built the fort and named it for their hometown of Buffalo. The location was chosen due to its proximity to major roads and, according to the Fire Officers, it allowed for quick movement from the intersections, just as people experience today. There are several references to Buffalo in the Seven Corners area, including the Fort Buffalo voting precinct, the Buffalo Hill subdivision, and Buffalo Ridge Road. In 2000, the Virginia Department of Historic Resources installed State Historical Marker T-49 on the southern portion of the fire station grounds, identifying the history and location of Fort Buffalo.

Today, the personnel of Fire Station 28 carry on the responsibility for protection of residents and the area that began 160 years ago with the establishment of Fort Buffalo. It is appropriate to recognize the sacrifices made by people from another State to protect the County so long ago. Therefore, Supervisor Gross moved that the Board accept the recommendation from the Fire Station 28 personnel and

approve the renaming of Fire Station 28 to “Fairfax County Fire and Rescue Station 428 – Fort Buffalo,” and adopt the Resolution. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being out of the room.

19. **THOMAS JEFFERSON HIGH SCHOOL FOR SCIENCE AND TECHNOLOGY (TJHSST) STUDENTS SEARCH FOR CIVILITY (MASON DISTRICT)** (11:16 a.m.)

Supervisor Gross stated that the August 29, 2023, *Washington Post* op-ed column was written by Eli Tillemann, who just began his senior year at TJHSST. Eli is President of both the Young Democrats Club and the Teenage Republicans Club at TJHSST, and student members of both clubs have come together to create a new approach and new dialogue to give students the skills to tackle controversial problems constructively. He points out that students are not prepared to debate constructively, and that young people want to learn how to disagree more calmly, honestly, and effectively. Supervisor Gross expressed her hope that approach would apply to finding agreement as well as disagreement,

In his op-ed, a copy of which is attached to her written Board Matter, Eli notes that “factional squabbling doesn’t work.” He goes on to say “we should be able to respect opposing opinions and listen to them with the goal of generating better solutions—instead of simply fighting over who gets to mandate their preferred policies. This is not just civility for civility’s sake. The best outcomes in policy, business and life usually emerge from a competition of ideas and a compromise on solutions.”

Supervisor Gross stated that as she read the op-ed, she was reminded of a passage in the *Book of Isaiah*, “a little child will lead them.” Perhaps not so little now, students at TJHSST have recognized that constructive, respectful disagreement is vital to a functioning democracy, and that approach deserves to be recognized and replicated across the community and society.

20. **PUBLICITY AND PROCLAMATION REQUEST DESIGNATING OCTOBER 2023 AS “DOMESTIC VIOLENCE AWARENESS MONTH”** (11:18 a.m.)

Supervisor Walkinshaw stated that October 2023 will mark “Domestic Violence Awareness Month.” In Fiscal Year (FY) 2023, 45 percent of homicides in the County were domestic-related, a nine percent increase from the previous year. Also, in FY 2023, the Fairfax County Police Department responded to 3,738 domestic violence calls, a 15 percent increase from FY 2022. There were 253 arrest charges due to strangulation, a 51 percent increase from FY 2022, and annual calls to the 24-7 hotline increased 25 percent from FY 2021 to FY 2023. These and other measures indicate the need to work together –government and community, to end domestic violence. Prevention is key to significantly reducing interpersonal violence and creating safer communities in the County.

Many of the issues that affected victims and their families through the pandemic continue, including but not limited to economic strain on families, lack of affordable housing and adequate mental health services, and especially support for those for whom English is not their first language. These issues continue to impact people of color disproportionately, immigrant communities, people with existing health needs or chronic conditions, and people in the LGBTQIA+ community. Additionally, long waitlists and wait times to access support continue and create additional barriers for many. Agencies and organizations across the County continue to adapt their work to meet the evolving needs of those impacted by domestic violence. While community agencies rise to meet these challenges, they struggle to maintain funding and enough qualified staff to deliver quality services. Staff across the coordinated community response report exhaustion and burnout as they work to keep services operational.

Recognizing Domestic Violence Awareness Month in the County will provide an excellent opportunity to honor service providers and increase public awareness of interpersonal violence, including domestic violence and its impacts on victims and survivors, their families, and the community. In recognition of Domestic Violence Awareness Month, County residents are encouraged to wear purple on Purple Out Day, October 6, 2023, to show support for domestic violence survivors and their families.

Therefore, jointly with Chairman McKay and Supervisor Palchik, Supervisor Walkinshaw asked unanimous consent that the Board direct staff to:

- Prepare a Proclamation designating October 2023 as “*Domestic Violence Awareness Month*” in the County
- Publicize October 2023 as “*Domestic Violence Awareness Month*” in the County

Without objection, it was so ordered.

21. **BRADDOCK DISTRICT UPDATES** (11:22 a.m.)

Supervisor Walkinshaw provided updates on the following:

- A recent potentially dangerous barricade situation ended peacefully after six hours of negotiations. He expressed appreciation to the Police Department and its various teams for deescalating the situation
- The Lake Accotink Task Force held a meeting last night at the Government Center hearing from its new consultant who will be exploring additional possibilities and solutions for the Task Force to consider. He thanked staff for helping to livestream the meetings. The consultants anticipate having its findings completed and

available in time for the December 5 Board Meeting, and the Board's December 12 Environmental Committee meeting

- The Burke Centre Conservancy held a very successful Burke Centre Festival on September 10, 2023. He thanked everyone who attended, and expressed a special thanks to Sherrif Kincaid for the additional support her team provided
- Braddock District's first annual Climate Action Conference will be held on September 30, 2023, 8:30 a.m. – 12:30 p.m., at Lake Braddock Secondary School. He invited the community to attend

22. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (11:27 a.m.)

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

23. **ENFORCEMENT AND A RENEWED INTERAGENCY PUBLIC SAFETY CAMPAIGN REQUESTS RELATED TO ILLEGAL FIREWORKS** (11:27 a.m.)

Supervisor Lusk stated that the celebration of the nation's independence is an American tradition like no other. With the County's proximity to the Capitol, the residents are lucky to have so many safe and incredible ways to celebrate. Unfortunately, far too many cases of unsafe and illegal fireworks displays are seen that put residents in danger. Supervisor Lusk stated that his office has received, over the years, several concerns about these illegally purchased fireworks, and he is sure other Board Members have too.

Although the noise of these fireworks is of substantial concern, the biggest concerns with fireworks are serious injuries and the fire hazards they pose. Just on July 4, 2023, County firefighters responded to up to 12 fires, almost all of which were certainly related to fireworks. In this year's Independence Day holiday season, there has been approximately \$1.5 million dollars in damages during 32 incidents started by fireworks. Deputy Fire Chief, John Walser, said this July 4th had "the most significant number of incidents of any in the time I have been in the Fire Marshal's office." On the police side, between July 1 – 4, 2022, there were 60 calls for service related to fireworks displays for the Franconia District station alone. This is a serious issue of concern for County residents, and it puts a strain on the County's public safety resources.

Supervisor Lusk stated that he learned that the *Fairfax County Code* designates only the Office of the Fire Marshal as the enforcement agency for any codes relating to fireworks. This means that when an officer responds to a call for service for illegal fireworks, they have no jurisdiction per the County Code to cite those responsible with illegal fireworks, with a violation. They can only seek voluntary compliance.

This is a problem, as it stifles the ability to prevent and end illegal fireworks displays. The Office of the Fire Marshal does all they can, but ultimately, they do not have the staff necessary to provide the services needed on or around major holidays. They are unable to respond to the large number of calls for service and also provide on-site safety oversight of permitted fireworks displays.

After consultation with the County Attorney, they have determined that the County already has the necessary legislative authority to change the Code to allow police officers to enforce the regulations on the possession and use of illegal fireworks. This is an important change for the Board to consider so public safety staff can be given the resources and authority they need to protect residents from the dangers of illegal fireworks. Additionally, a renewed fireworks safety campaign should be coordinated and planned to discuss the dangers of fireworks, the applicable laws and regulations, and how to properly store and handle fireworks. If the Board is in approval, it would be ideal to have this ordinance change and public safety campaign implemented by Independence Day of next year.

Therefore, having consulted with the Police Department and the Fire and Rescue Department, Supervisor Lusk moved that the Board direct the County Executive to assign the appropriate staff to:

- Develop a presentation that includes draft language for an ordinance change that allows police officers to enforce the sections of the County Code related to fireworks for the Board to consider at a future Safety and Security meeting before the end of the first quarter of next year
- Coordinate and prepare a renewed interagency public safety campaign on the rules and safety of fireworks

Chairman McKay seconded the motion. Discussion ensued regarding:

- Fireworks and its sounds can be triggering for many
- Examining the education and waste piece
- Awareness within the community
- Current enforcement and voluntary compliance
- Fireworks becoming missiles when ignited

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

24. **ECONOMIC OPPORTUNITY RESERVE (EOR) NOMINATION FOR INVESTOR-ENTREPRENEUR FORUM PROGRAM** (11:36 a.m.)

Supervisor Lusk stated that in response to opportunities and challenges in the local startup ecosystem, including the lack of inadequate early-stage capital in the region; ecosystem changes due to Covid 19; and increasing inequity for start-ups, the Board brought forth Board Matters in October 2022 and May 2023 regarding the reconstitution of events similar to the former Grubstake convenings.

In response to those Board Matters, and at the direction of the County Executive, staff from the Department of Economic Initiatives (DEI) conducted research and stakeholder interviews to develop a briefing paper study in advance of the February 14, 2023, Economic Advisory Commission (EAC) meeting. At the EAC meeting, staff organized a discussion with regional innovation and investment experts and leaders. The recommendation from the study, stakeholder interviews, and the EAC meeting discussion was to establish regular entrepreneur and investor forums to build relationships and collaboration, connect capital, educate founders, and to showcase existing programs.

George Mason University (GMU) is very interested in developing and managing the proposed forums. The GMU Innovation and Economic Development team is already engaged in this topic and received GoVirginia funding for Accelerate, an annual investor conference which brings local and national investors to the region each fall to catalyze investment in the region.

GMU anticipates quarterly forums would integrate key aspects of the former Grubstake events including curated pitch opportunities for startups, relationship building among the entrepreneur and investor communities, and, ultimately, deal making.

Therefore, jointly with Chairman McKay, Supervisor Alcorn, Supervisor Foust, and Supervisor Herrity, Supervisor Lusk moved that the Board direct the County Executive or his designee(s):

- To work with GMU to develop a program scope for a regional Entrepreneur-Investor Forum Program, with a projected cost not to exceed a total of \$450,000 for a three-year pilot program that seeks financial support from neighboring jurisdictions in the region and establishes a pathway to sustainability following the three-year pilot
- To prepare an Initial Project Evaluation of a potential investment to pilot such a program under the guidelines adopted for the Economic Opportunity Reserve Fund for review by the Economic Initiatives Committee on September 19, 2023

- That no investment from the Economic Opportunity Reserve Fund will be made until the Board has approved the use of the funds for that purpose

Supervisor Foust seconded the motion. Following discussion regarding funding sources and GMU's role, the question was called on the motion and it carried by unanimous vote.

25. **REQUEST TO EXPEDITE PROCESSES AND CREATE A STRATEGY AND TIMELINE ASSOCIATED WITH CRITICAL COUNTY FACILITIES IN RESTON TOWN CENTER NORTH (RTCN) (HUNTER MILL DISTRICT)** (11:46 a.m.)

Supervisor Walkinshaw stated that he serves on the INOVA Quality Committee and the INOVA Fairfax Quality and Reliability Committee. Therefore, he recused himself from this Board Matter and left the room.

Supervisor Gross stated that she serves on the INOVA Health System Board of Trustees. Therefore, she recused herself from this Board Matter and left the room.

Supervisor Alcorn stated that the amendment to the Comprehensive Plan for Reston, scheduled for public hearing this afternoon, contains revised land use and density recommendations for RTCN. A Community Task Force, led by former Chairman Kate Hanley, is reviewing the proposed public uses on the RTCN site and is expected to make its recommendations this fall. Therefore, it is time for the County to move forward on the required development plans for the site and on the real estate exchange agreement with INOVA.

One of the most critical public facilities in the RTCN is the replacement for the outdated Embry Rucker Shelter which was built in partnership with the community in 1986. The existing outdated 10,500 square foot emergency shelter, which houses both families and single adults, is planned to be upgraded. It will also be enlarged with a new facility that is planned to include medical beds, day-use services for training and workforce development and permanent supportive housing units in direct support of the County's One Fairfax Policy. The other critically needed public facility in RTCN is the replacement of the Reston Regional Library. As recently noted by the County Executive, this library has numerous critical systems that are nearing the end of their operational lives, and the timing for the replacement of this popular County facility is also becoming critical.

Therefore, jointly with Chairman McKay, Supervisor Alcorn moved that the Board direct:

- The County Executive to move forward on an expedited basis on the real estate exchange agreement with INOVA and the associated zoning actions, and on the design, entitlements and construction of the new Embry Rucker Shelter and Supportive Housing project and

the Reston Regional Library consistent with size and scope of those public facilities presented by staff to the RTCN Task Force

- Staff to provide to the Board, by the end of 2023, its strategy and timeline for such actions, including coordination with the County's Health and Human Services System and the public outreach and engagement plan

Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Gross and Supervisor Walkinshaw being recused.

26. **REQUEST BY THE FAIRFAX COUNTY SCHOOL BOARD TO AUTHORIZE CONCURRENT AND EXPEDITED PROCESSING OF THE SITE PLAN FOR NEIL A. ARMSTRONG ELEMENTARY SCHOOL (HUNTER MILL DISTRICT)** (11:49 a.m.)

Supervisor Alcorn stated that the Fairfax County School Board seeks approval of a Planned Residential Community (PRC) Plan to permit several building additions and site improvements as part of the major renovation planned at Neil A. Armstrong Elementary School. The school property is identified as Tax Map 11-3-((01))-12 and consists of approximately 14 acres. The property is zoned to the PRC District pursuant to Rezoning Application RZ 80-C/D-111, which was approved by the Board on October 26, 1981.

The school was constructed in 1985 and is located along Fairfax County Parkway and north of Lake Newport Road. The existing school consists of a one and two-story building with an existing gross floor area of approximately 80,000 square feet. The School Board is proposing to renovate the interior of the school with new building systems and finishes along with three new building additions. The proposed building additions will result in the addition of approximately 107,000 square feet.

Due to the need to complete these improvements consistent with the Capital Improvement Plan schedule, the School Board has also requested authorization to process and expedite the site plan for this project concurrently with the pending PRC application.

Therefore, to accommodate the schedule for these critical improvements for Neil A. Armstrong Elementary School, Supervisor Alcorn moved that the Board consent to and authorize the filing of the site plan by the School Board on the Property and direct Land Development Services to accept the associated site plan for processing concurrently and expeditiously with the application Rezoning Plan Applications and Amendments RZ/PA 2023-HM-00012. 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 application in any way. Supervisor Palchik seconded the motion and it carried by a vote of nine, Supervisor Smith being out of the room.

27. **PROCLAMATION REQUEST DESIGNATING OCTOBER 2023 AS “CYBERSECURITY MONTH” AND PUBLICITY REQUEST FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY’S (DIT) ANNUAL SECURITY AWARENESS DAY** (11:51 a.m.)

Supervisor Alcorn stated that the security of cyberspace remains a significant concern. He summarized his written Board Matter, which reads: Events that could potentially lead to data loss and/or interruption of County services could occur in many ways. For example, a simple misconfiguration of a system containing sensitive resident records could be exposed to the internet; a system could be exploited due to software or code vulnerabilities after a user clicks on a phishing email or browses to a compromised website; or a smartphone could be lost.

Rarely does a month go by without another major company or government agency disclosing a breach of their corporate systems. Cyberattacks will continue to increase as hackers continue exploiting weakness and finding ways to breach even the most sophisticated state-of-art defenses. Care and attention must be taken to safeguard financial, telecommunication, healthcare, emergency response, and other essential infrastructures that are increasingly remote and dependent on information technology systems.

The County has made significant investments in technology to provide effective services to residents. A significant part of these investments includes supporting the critical technology infrastructure to conduct business efficiently and effectively while minimizing risk to the County’s data and information technology assets. The threat from security breaches is real, and the County must continue to take the proper precautions to protect its infrastructure and citizen data.

Therefore, Supervisor Alcorn moved that the Board:

- Proclaim October 2023 as “*Cybersecurity Month*” in the County and direct staff to invite the appropriate individuals to appear before the Board on October 10, 2023, to be presented with the Proclamation
- Direct the Office of Public Affairs to promote the Proclamation and the DIT’s Annual Security Awareness Day event for County employees, to be held on October 13, 2023. This event will provide staff opportunities to hear from industry experts on many things that can be done in securing access to personal data, as well as the data they have access to at work

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

28. **PROCESS FOR THE WORKFORCE, INNOVATION, SKILLS HUB (WISH) CENTER DEVELOPMENT** (11:52 a.m.)

Supervisor Alcorn stated that, beginning with the conceptual Board Matter he co-sponsored with Supervisor Lusk on February 11, 2020, the WISH Center in the Franconia District has gone from initial concept to social startup to now a successful connector of community members seeking critical job skills with employers seeking skilled workers. More than 50 individuals are already employed in higher paying jobs as a direct result of the WISH Center, and several dozen more are in the training pipeline. The WISH Center is one of the more visible outcomes of the One Fairfax Policy and nearly all the individuals trained are from traditionally marginalized communities. It also now has more than 24 private sector partners, including Amazon Web Services, Dominion Energy, INOVA, and several trade labor organizations based in the DC Metro region.

As the WISH Center thrives and provides critical job training services in the Route 1 corridor, it is not lost on many Board Members that it is also a very localized service for the community it has targeted to serve. Supervisor Alcorn stated that, as he has heard from private sector and nonprofit leaders in the Hunter Mill District, the WISH Center is a model worthy of replication in other parts of the County, where there is a critical mass of community members in need of, and interested in, acquiring additional skills provided by such a Center. What would be most helpful to those interested in establishing similar services in their parts of the County, is a staff review and evaluation of the process undertaken to develop the WISH Center and recommendations for how the process for creating this or similar novel public-private partnerships could be optimized going forward.

Therefore, Supervisor Alcorn asked unanimous consent that the Board direct staff to evaluate the processes used to create the WISH Center and report to the Board by the end of the year on what has worked well and what might work better the next time for developing such a job training facility. Without objection, it was so ordered.

(NOTE: Later in the meeting, Supervisor Herrity presented a Board Matter on the WISH Center. See Clerk's Summary Item #42.)

29. **RECOGNITION AND PUBLICITY REQUEST FOR THE 2023 FAIRFAX COUNTY ENVIRONMENTAL EXCELLENCE AWARDS** (11:55 a.m.)

Supervisor Storck stated that each year, the Fairfax County Environmental Excellence Awards honor individual residents, organizations or businesses, and County employees who advance or support the County's environmental goals and policies. The honorees dedicate personal time and expertise beyond their normal civic, fiscal or professional responsibilities and they consistently demonstrate leadership as role models for others.

In 2023, six awardees were named by the Environmental Quality Advisory Council on behalf of the Board. Together, these honorees have devoted countless hours to the improvement of the natural environment in the County through public advocacy, volunteerism, the implementation of programs and sustainability strategies, and mentorship.

Supervisor Storck recognized the six winners of the 2023 Fairfax County Environmental Excellence Awards. The County Employee category included the following winners:

- Hugh Whitehead, an Urban Forester with the Urban Forest Management Division. In 2016, Mr. Whitehead initiated a tree planting program in partnership with Fairfax County Public Schools. Since 2016, a total of 494 trees have been planted at 21 different kindergarten - grade 12 schools, including seven Title 1 schools. This program not only supports the Board's Sustainability Initiatives, reforestation goals, and recommendations from the Joint Environmental Task Force, but furthers educational opportunities throughout the County. Mr. Whitehead will leave a legacy for the County as he plans to retire at the end of 2023
- Joe Gorney, a Planner with the Department of Planning and Development (DPD), Environment and Development Review Branch. Mr. Gorney works collaboratively with other County agencies on a diverse range of environmental review topics, working to create a sustainable future for residents and employees. He was the staff lead for the Environmental Plan guidance update for the Reston planning study, designating Reston as a "biophilic" community. His enthusiasm to better the community is further evidenced by his countless volunteer hours and encouraging others to do the same, while also supporting the annual DPD holiday auction each year to raise money for County non-profits with a sustainable landscaping plan
- Craig Carinci, Director of the Department of Public Works and Environmental Services, Stormwater Planning Division. Mr. Carinci provides excellence in leadership through monitoring and improving stream health. During his tenure as Director, the County has restored over 100,000 linear feet of streams, facilitated by his open-minded leadership and business acumen that fearlessly encourages his team to push forward on initiatives and collaborate with partners to achieve cost savings

The Individual Resident category included the following winner:

- Mei Torrey, a rising senior at Langley High School and environmental advocate. Miss Torrey promotes and actively seeks

opportunities to increase awareness of, and take action on, local sustainability issues. She is the club-elected President of Saxons Go Green, a school-affiliated environmental club at Langley High School. She has also organized fundraisers and collaborated with Clean Fairfax to design reusable bags and distribute them to local grocery stores, retailers and low-income areas throughout the County to reduce plastic waste. Miss Torrey further fuels her passion with in-depth research about human habits, health and social change – providing her with even more ideas about how to make a positive impact in the community

The organization and business category winners are:

- The Zero Waste Store, and the efforts of Mala Persaud. While the Zero Waste Store provides products to reduce plastic waste, the store's owner, Ms. Persaud, goes above and beyond to educate residents through the Zero Waste Store's website and community events. There is always a good turnout whenever Ms. Persaud co-hosts a "Recycling: Ask Me Anything" event with the Fairfax County Solid Waste Division. Her passion, kindness and helpfulness provides the encouragement for individuals to take action in reducing use of plastics
- Montebello Condominium Unit Owners Association Grounds Committee. This committee features 14 members who research and recommend actions to preserve, maintain and enhance the grounds of this community. Members put in many hours each year to develop and advocate for projects, identify and address threats to the grounds, introduce new approaches, undertake citizen science projects, host resident engagement programs, communicate through newsletters and materials, and much more. Their impact benefits the residents, the neighborhood and the County

Supervisor Storck shared that the County is very fortunate to have these leaders working in the community. Their efforts ensure that County residents and visitors can continue to enjoy a healthy, safe, vibrant, and beautiful natural environment for years to come.

Therefore, jointly with Chairman McKay and Supervisor Gross, Supervisor Storck asked unanimous consent that the Board direct the Office of Environmental and Energy Coordination to recognize and publicize the winners. Without objection, it was so ordered.

30. **PUBLICITY AND PROCLAMATION REQUEST DESIGNATING OCTOBER 4, 2023, AS “ENERGY EFFICIENCY DAY”** (11:59 a.m.)

Supervisor Storck stated that “Energy Efficiency Day” is a celebration of the many benefits of taking action to save energy, including lower costs, healthier homes and more climate-ready communities.

Energy efficiency is the cheapest, quickest way to meet energy needs, cut utility bills and reduce pollution. Cutting energy waste saves U.S. households billions of dollars on their utility bills every year, up to \$500 per household just from appliance efficiency standards alone.

Smarter energy use reduces the amount of electricity needed to power our homes, which helps curb greenhouse gas emissions that can harm our health, pollute the air and disrupt the climate. For counties that are trying to get to carbon neutrality, energy efficiency can help achieve the emissions reduction goals in the County’s Community-wide Energy and Climate Action Plan.

Energy efficiency is also an economic engine, supporting millions of jobs nationwide. By increasing efficiency measures through clean energy policies and programs, the County can help to sustain those jobs and create new opportunities for employment.

Everyone can continue to contribute to sustainability by learning more about energy efficiency and practicing smarter energy use in our daily lives.

Therefore, jointly with Chairman McKay and Supervisor Gross, Supervisor Storck moved that the Board direct:

- Staff to prepare a Proclamation, to be signed by Chairman McKay, the Mason District Supervisor, and the Mount Vernon District Supervisor, designating October 4, 2023, as “*Energy Efficiency Day*” in the County
- The Office of Environmental and Energy Coordination register the County as a participant in Energy Efficiency Day 2023 on the official website <https://energyefficiencyday.org/>, where information can be found to publicize energy efficiency tips in recognition of this day

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

31. **PUBLICITY REQUEST FOR THE 2023 TOUR DE MOUNT VERNON** (12:01 p.m.)

Supervisor Storck stated that it is that time of the year again – the 8th Annual Tour de Mount Vernon Community Bike Ride will be held on October 21, 2023.

This year the participants will be riding in the northern portion of the Mount Vernon District, beginning and ending at George Washington's Mount Vernon. Again this year, there will be a 24-mile short ride and a 40-mile long ride, so riders of all levels are welcome. This year's ride will be super exciting and scenic as riders will ride on the closed George Washington Memorial Parkway, with beautiful views of the Potomac River. Riders will roll past Fort Hunt Park, Dyke Marsh, River Farm, Historic Hollin Hills and Gum Springs, Woodlawn and Pope-Leighey House, National Museum of the United States Army, ride through Fort Belvoir and return on the Mount Vernon Memorial Highway Trail. This event continues to grow with the help of partner, FABB - Fairfax Alliance for Better Bicycling. A key focus of the ride is to encourage community members and visitors to explore the many treasures and hidden gems of Potomac Banks: Explore Fairfax South. After the ride, riders and volunteers will gather for comradery, music, yard games and La Prima's Famous Sweet Potato Chili. Additional information and the registration portal can be found by visiting the Mount Vernon District webpage.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to publicize the 2023 Tour de Mount Vernon. Without objection, it was so ordered.

A brief discussion ensued regarding the event.

32. **FAIRFAX FIESTA (PROVIDENCE DISTRICT)** (12:04 p.m.)

Supervisor Palchik announced that Fairfax Fiesta will be held on September 23, 2023, 12 noon – 5 p.m., at the PARC at Tysons and invited the community to attend.

33. **RESOLUTION OF RECOGNITION REQUEST FOR THE FRIENDS OF THE FAIRFAX ANIMAL SHELTER AND THE FAIRFAX COUNTY ANIMAL SHELTER (SPRINGFIELD DISTRICT)** (12:05 p.m.)

Supervisor Herrity summarized his written Board Matter, which reads: In the early fall of 2005, Karen Diviney, then Shelter Director in the Animal Services Division of the Fairfax County Police Department, proposed the idea of creating a nonprofit organization to raise funds to help pets in need of emergency medical care in the Fairfax County Animal Shelter. After less than a year of work and planning, Friends of the Fairfax Animal Shelter received its approved tax-exempt 501(c)(3) nonprofit status in May 2006 and held its first fundraiser named Cinco de Meow. Since then, Friends of the Fairfax Animal Shelter has been the fundraising partner for the shelter, raising \$650,000 last year alone and almost \$5 million dollars since its creation.

The Fairfax County Animal Shelter takes in stray pets in need, owner-surrendered companion animals, and animals who have been seized or taken into custody by the Animal Protection Police. They accept all companion animals from Fairfax County who need care, regardless of health, age, temperament, or history, while Friends of

the Fairfax Animal Shelter covers all costs related to dental, blood work, physical therapy, and surgeries to help these pets be more easily adopted by families. However, its work is not limited to serving only animals that are housed in the shelter. Each month, the Friends provide spay/neuter and vaccinations for approximately 40 community cats, which helps with the reduction of the population of cats in the neighborhoods throughout the County, serving over 400 community cats yearly.

Friends of the Fairfax Animal Shelter provides funds for those critical services that the shelter's budget cannot meet. All cats, dogs, and rabbits that are housed at the shelter are included in the parasite prevention program, but the shelter also houses a myriad of animals, including chickens, goats, horses, llamas, pigs, etc. and to better serve these animals' important needs, Friends of the Fairfax Animal Shelter replaced the old chicken coops with a new building that can now house chickens as well as other outside animals temporarily. In partnership with the Shelter, the Friends helped with the recent campaign "Clear the Shelters" Pet Adoption Event, which resulted in the adoption of 100 animals, and for the first time, completely emptied the shelter kennels.

Therefore, jointly with Chairman McKay, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the Friends of the Fairfax Animal Shelter and Fairfax County Animal Shelter for the recent historic number of adoptions as well as for its ongoing service to the community, to be presented at the October 11 [*sic*], 2023, Board Meeting. Without objection, it was so ordered.

A brief discussion ensued regarding the recent adoption event.

34. **PUBLICITY AND PROCLAMATION REQUEST DESIGNATING OCTOBER 28, 2023, AS "DRUG TAKE BACK DAY"** (12:07 p.m.)

Supervisor Herrity summarized his written Board Matter, which reads: 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 our 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 the efforts of getting unused medicines, especially opioids, out of medicine cabinets to prevent accidental or illicit use.

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

On October 28, 2023, 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 County 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 asked unanimous consent that the Board direct the Office of Public Affairs to:

- Prepare a Proclamation designating October 28, 2023, as “*Drug Take Back Day*” in the County
- Continue working with the Fairfax County Police Department to advertise the upcoming “National Drug Take Back Day”

Without objection, it was so ordered.

35. **COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM REVISION
REQUEST TO INCLUDE AUTHORIZATION LANGUAGE FOR THE
FAIR LAKES STUDY (SPRINGFIELD DISTRICT)** (12:08 p.m.)

Supervisor Herrity stated that the 2023 Comprehensive Plan Amendment Work Program, adopted by the Board in April, included consideration of a Plan amendment for Sub-unit E1 of the Fairfax Center Area Suburban Center, which comprises the majority of Fair Lakes, as a Tier 1 item. The intent of the authorization was to review and potentially update the planned land use mix for the overall Fair Lakes area, including consideration of specific Site-Specific Plan Amendment (SSPA) nominations. Since the adoption of the Work Program, rezoning applications have been accepted for review for two of the SSPA nomination sites, both of which present opportunities to review potential additional multifamily housing in the area.

In discussions with staff, it has become evident that a full study of the Fair Lakes area, including visioning, land use, and transportation studies, will need to take place on a different timeline. Additionally, some of the key questions that the broader study will need to consider, such as the future of office parks in the County more broadly, will be looked at through the ongoing Policy Plan work. Given this, staff has developed a phased strategy of first consolidating the Fair Lakes redevelopment option guidance and facilitating review of these two redevelopment proposals, as well as providing the groundwork for the next phase of a larger study of Fair Lakes.

Therefore, Supervisor Herrity moved that the Comprehensive Plan Amendment Work Program be revised to include the following authorization language for the Fair Lakes Study (PA 2023-III-1FC): **“Consideration of a Plan amendment for Sub-unit E1 of the Fairfax Center Suburban Center. Phase I, land use and density/intensity changes for Tax Map Parcels 45-4 ((11)) A2 and 55-2 ((01)) 009A [sic] and editorial revisions (Tier 1); and Phase II, visioning and evaluation of a revised Comprehensive Plan for Fair Lakes (Tier 2).”** 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 Palchik seconded the motion. Following a brief discussion regarding the motion, Supervisor Herrity moved to amend his motion to clarify that the Tax Map Parcel is **55-2 ((01)) 0009A**. This was accepted. The question was called on the motion, as amended, and it carried by unanimous vote.

36. **PROCLAMATION REQUEST DESIGNATING NOVEMBER 1, 2023, AS “GOVERNMENT CONTRACTING DAY”** (12:11 p.m.)

Supervisor Herrity summarized his written Board Matter, which reads: The County has one of the most dynamic and vibrant local economies in the world. A main driver of this economic success is the presence of a large number of successful government contracting firms that are either headquartered here or have a large presence in the County.

Some of the larger contracting firms with headquarters in the County are, General Dynamics, Leidos, Northrop Grumman, Booz Allen Hamilton, Perspecta, Science Applications International Corporation, and ManTech International. In addition to these larger companies, there are numerous small and mid-size firms that provide essential services to the Federal Government while also providing jobs for County residents and boosting the tax base needed to fund County services.

To honor these companies, the Greater Washington Government Contractor Award will be held on November 1, 2023. This is the region’s premier event honoring the best of the government contracting industry and it is presented by the Northern Virginia Chamber of Commerce and the Professional Services Council.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Proclamation designating November 1, 2023, as *“Government Contracting Day”* in the County, to be presented at the awards dinner on November 1, 2023. Without objection, it was so ordered.

37. **PROCLAMATION REQUEST FOR THE KOREAN CENTRAL PRESBYTERIAN CHURCH (KCPC)** (12:12 p.m.)

Supervisor Herrity summarized his written Board Matter, which reads: On November 4, 1973, Reverend Myung Ho Yoon formed the KCPC congregation along with 20 Korean American families in a private home in Centreville. Since that time, they not only have moved to a larger campus and grew to a membership of 10,000, but they have also positively impacted the County and surrounding area for the better half of a century through outreach and fundraising initiatives.

KCPC has been recognized by the Commonwealth and the Republic of Korea, and many may be familiar with the Korean Central Senior Center, which offers meals, educational, and volunteer opportunities for seniors. Church leaders from KCPC have also offered opening prayers before Congress as well as the General Assembly and have hosted prayer meetings in support of significant community events, like with the power outages back in July.

Most notably, KCPC's support and contributions during the pandemic as a community partner were nothing short of exceptional. They formed the KCPC Cares fund, which raised over \$200,000 to relieve hardships for families and businesses through grocery supplies, financial and rental support, and other necessities. They aided many families, churches, and local businesses in these difficult times, maintaining their mission of generous outreach to help the world.

Therefore, jointly with Chairman McKay and Supervisor Smith, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Proclamation recognizing KCPC's 50 years of existence and service to the County, to be presented outside the Board Room. Without objection, it was so ordered.

A brief discussion ensued regarding coordinating the date and time of the event, so that Board Members wishing to participate can do so.

38. **PROCLAMATION REQUEST FOR THE KORUS FESTIVAL** (12:14 p.m.)

Supervisor Herrity summarized his written Board Matter, which reads: From October 13 – 15, 2023, the Korean American Association of Greater Washington (KAAGW) will host their annual KORUS Festival, celebrating the bonds between the Republic of Korea and the United States. The festival is now in its 20th year, featuring multiple vendors, performers, sponsors, and draws in thousands of people throughout the region each year to celebrate Korean American culture and history. It also highlights the incredible work of the KAAGW as the oldest umbrella association representing over 250,000 Korean Americans, providing educational programs, small business support and service opportunities in the community.

In the spirit of the festival and its two decades of existence, this year's theme for the event recognizes the 70th anniversary of the armistice that formally ended the Korean War in 1953, as well as the servicemembers and victims engaged in the

conflict. This agreement led to the creation of the demilitarized buffer zone and the withdrawal of military forces, forming North and South Korea. This was orchestrated under the Eisenhower administration to end a violent conflict that resulted in at least 2.5 million lives lost.

Therefore, jointly with Chairman McKay and Supervisor Gross, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Proclamation recognizing the KORUS Festival's 20 years of celebration and this year's theme focused on the 70th armistice anniversary that brought an end to the Korean War, to be presented at the festival. Without objection, it was so ordered.

A brief discussion ensued regarding coordinating the date and time of the event, so that Board Members wishing to participate can do so.

39. **INFORMATIONAL UPDATE: REGIONAL PANHANDLING TOWN HALL RECAP** (12:15 p.m.)

Supervisor Herrity stated that on August 17, 2023, he cosponsored a regional town hall with Prince William County Supervisor Jeanine Lawson. During the town hall, 1885 people participated by watching on Channel 16 and Facebook. From 7 - 8:30 p.m., the Channel 16 call line took more calls than they have for any other town hall. Supervisor Herrity stated that due to the significant volume of participation and feedback, he wanted to share an update with the Board and for the public.

Supervisor Herrity stated that Supervisor Lawson and he were grateful to have Major Greg Ahlemann with the Loudoun County Sheriff's Office with them on the panel to talk about Loudoun County's ordinance prohibiting the exchange of objects in their roadways and medians. This ordinance has been successful in addressing the public safety issues around panhandling, while not infringing on the First Amendment right to panhandle in other parts of the County. To date, this year, while they have given warnings, they have had no citations for panhandling. The ordinance has successfully deterred people from giving to panhandlers and panhandling in intersections. Major Ahlemann shared during the town hall that the ordinance has withstood legal challenge, similar to other successful ordinances around the country.

Additionally, Supervisor Herrity shared his appreciation to have Fairfax County's Department of Public Works and Environmental Services Director Chris Herrington on the panel to share about the success of a work program he proposed in 2017 that helps people experiencing homelessness, Operation Stream Shield.

During the town hall, the participants heard from many residents; some comments that stood out include:

- One resident, who volunteers at a food bank, had thousands of dollars of damage to his car because of an aggressive panhandler and wants something more done
- One woman shared that she regularly talks to panhandlers, always referring to them to County services
- Another resident was concerned about response to aggressive panhandling on private property, a common situation in shopping centers

Supervisor Herrity stated that before, during, and after the town hall, his office received significant feedback on social media as well as via email and phone. Given the significant concern surrounding panhandling, he is continuing to look into ordinances around the country that have been successfully implemented and will be bringing this issue back to the Board at its next meeting.

40.

CONSIDERATION ITEM: REQUEST TO REALLOCATE CARRYOVER FUNDING TO ADDRESS SMALL-SCALE CAPITAL PROJECTS IN EACH SUPERVISORY DISTRICT TO THE PARKS OPERATIONAL BUDGET FOR ESSENTIAL TREE REMOVAL AND PARK MAINTENANCE (12:18 p.m.)

Supervisor Herrity stated that the County parks are among the most utilized public amenities and some of the County's greatest treasures. Residents notice when they begin to deteriorate or are not maintained. Supervisor Herrity stated that his office has received many complaints from residents regarding overflowing and/or removed trashcans, overgrown grass, amenities out of service and deteriorating conditions.

Based on discussions with Parks management there are a number of reasons for the decline in maintenance. These include an increase in the number of facilities without a corresponding increase in park maintenance budget, difficulties staffing open positions, and positions held open to fund critical tree removal needs. Parks have also been dealing with increasing emergency tree removal requirements that have surpassed the allotted \$500,000 proposed carryover budget increase from the Board by over \$2.4 million already this year. This is for emergency tree removal, not preventative tree removal which would be an even greater operational challenge.

Supervisor Herrity stated that last year he allocated \$150,000 from his district's discretionary funds to make long overdue improvements at Burke Lake Park. Earlier this year during the budget process, he proposed a consideration item for the Board to increase Park maintenance funding by \$5 million. That motion failed. Parks and park maintenance should be a priority.

The Park Authority Board is reviewing the need for increased maintenance, as well as the County Executive's directive to find options to reduce their budget by seven percent. These items will be discussed as a part of the budget process. However, Supervisor Herrity stated his belief that the Board should address some of the one-time needs during Carryover.

Therefore, Supervisor Herrity asked that the Board reallocate the proposed \$1.0 million of carryover funding to address small-scale capital projects in each Supervisory District to the Parks operational budget for essential tree removal and park maintenance for Board consideration.

A brief discussion ensued regarding this consideration item.

41. **LEE CHAPEL ROAD UPDATE (SPRINGFIELD DISTRICT)** (12:21 p.m.)

Supervisor Herrity stated that his office, along with Chairman McKay, Supervisor Storck, and others, will be hosting a virtual Lee Chapel Road Town Hall Meeting on September 13, 2023, at 7 p.m. He invited the community to attend and participate in the virtual event.

42. **PROCUREMENT AND THE WORKFORCE, INNOVATION, SKILLS HUB (WISH) CENTER** (12:21 p.m.)

(NOTE: Earlier in the meeting, Supervisor Alcorn presented a Board Matter on the WISH Center. See Clerk's Summary Item #28.)

Supervisor Herrity stated that he has been very supportive of the concept of the WISH Center in Franconia District and has supported WISH when it came before the Board on both its concept and its goals.

The idea of strengthening the workforce through training in communities and bettering the lives of residents is a no brainer and one that is supported.

Supervisor Herrity stated that, unfortunately, he has been made aware of, along with other Board Members, that the Request for Proposals process was severely flawed.

Supervisor Herrity stated that while he has not yet completely reviewed the results of a Freedom of Information Act (FOIA) request that he made available last Thursday, he is aware of the apparently inappropriate involvement of a Board office in the procurement decision of this multi-million-dollar County contract involving Federal, State and County funds and several violations of the County's procurement policies that were in place at the time.

As an elected County official who has been made aware of a potential procurement violation, in addition to it being the right thing to do, Supervisor Herrity stated that

his attorney has advised him that it is his fiduciary responsibility to bring this before the Board and ask that it be fully reviewed.

Therefore, Supervisor Herrity moved that the Board direct the County Attorney, in coordination with Internal Audit and the Purchasing Agent, review the unredacted FOIA regarding contract #4400010973 and recommend actions that should be taken by the County and/or the Board as a result of the review and have the matter placed on the agenda in executive session at the next Board meeting for discussion.

Supervisor Herrity distributed a copy of his written Board Matter around the dais and restated his motion that the Board direct the County Attorney, in coordination with Internal Audit and the Purchasing Agent, review the unredacted FOIA regarding contract #4400010973 and recommend actions that should be taken by the County and/or the Board as a result of the review and have the matter placed on the agenda in executive session at the next Board meeting for discussion. Chairman McKay and Supervisor Smith jointly seconded the motion.

Following a discussion regarding the motion and procurement process, Supervisor Alcorn moved to table the motion. Supervisor Foust seconded the motion.

Discussion ensued, with input from Elizabeth Teare, County Attorney, regarding the effect of tabling the motion and the need for the review to go through the appropriate process and/or channels.

Further discussion ensued, with Board Members expressing their views and/or concerns regarding the motion.

Supervisor Alcorn and Supervisor Herrity withdrew their motions, with the understanding that Chairman McKay will work with the County Attorney to ensure that a review of the particular contract is done and brought before the Board for discussion at a future Closed Session meeting.

43. **NO BOARD MATTERS FOR SUPERVISOR SMITH (SULLY DISTRICT)** (12:49 p.m.)

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

EBE:ebe

44. **ADMINISTRATIVE ITEMS** (12:50 p.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay and Supervisor Palchik jointly 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 – BURNT PINE ESTATES (MASON DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Burnt Pine Estates	Mason	Burnt Pine Court

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM – PARK POINTE (SPRINGFIELD DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Park Pointe	Springfield	Swope Court

ADMIN 3 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION - DELIA DRIVE (FRANCONIA DISTRICT)

- Authorized the installation of one “Watch for Children” sign on Delia Drive (Franconia District) _
- Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible

ADMIN 4 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – HELENA DRIVE AND PROVIDENCE STREET (PROVIDENCE DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on the following roads in the Providence District:
 - Helena Drive from Idylwood Road to its terminus
 - Providence Street from Helena Drive to its terminus
 - Directed staff to request the Virginia Department of Transportation schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible

ADMIN 5 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – DANA AVENUE (FRANCONIA DISTRICT)

- (R)
- Adopted the Resolution endorsing a traffic calming plan for Dana Avenue (Franconia District) consisting of three speed humps
 - Directed staff to schedule installation of the approved traffic calming measures as soon as possible

ADMIN 6 – APPROVAL OF TRAFFIC CALMING MEASURES AND CUT-THROUGH RESTRICTIONS, AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – MILLER HEIGHTS ROAD AND MILLER ROAD (PROVIDENCE DISTRICT)

- (R)
- Adopted the Resolution endorsing the following traffic calming measures in the Providence District:
 - One raised plantable median island on Miller Heights Road
 - One raised plantable median island on Miller Road
 - Three speed tables on Miller Heights Road
 - One speed hump on Miller Heights Road
 - Change three existing speed humps to speed tables on Miller Heights Road
 - Directed staff to schedule installation of the approved traffic calming measures as soon as possible

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY IDENTIFIED AS TAX MAP NUMBER 0504 01 0050B TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (MASON DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **October 10, 2023, at 4 p.m.**, regarding the conveyance of Board-owned property identified as Tax Map Number 0504 01 0050B to the FCRHA.

ADMIN 8 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING OUTDOOR LIGHTING AROUND TURNER FARM OBSERVATORY (DRANESVILLE DISTRICT)

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on October 18 at 7:30 p.m., and before the Board on **November 21, 2023, at 3:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112.1 (Zoning Ordinance), regarding outdoor lighting around Turner Farm Observatory.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTION OF THE PROPOSED AFFORDABLE HOUSING PRESERVATION ADMINISTRATIVE POLICY GUIDELINES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 26, 2023, at 4 p.m.**, to consider adoption of the proposed Affordable Housing Preservation Administrative Policy Guidelines.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO SECTION 65-6-6 OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA RELATING TO PUBLIC SANITARY SEWER AVAILABILITY

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 26, 2023, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Section 65-6-6, relating to public sanitary sewer availability for conformance with the County’s Statement of Policy Regarding Sewage Disposal.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION OF HOLMES RUN AREA SANITARY DISTRICT FOR REFUSE/RECYCLING COLLECTION SERVICES (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 24, 2023, at 4 p.m.**, to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board’s adopted criteria for the creation of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1B Within Mason District (Holmes Run Area)	Create	Refuse and Recycling	Deny

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT OF DUNN LORING AREA 1 SANITARY DISTRICT FOR REFUSE/RECYCLING COLLECTION SERVICES (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 24, 2023, at 4 p.m.**, to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board’s adopted criteria for the creation of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Small District 11 Within Providence District (Dunn Loring Area 1)	Enlarge	Refuse and Recycling	Approve

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT OF SPRINGFIELD PARK AREA 1 SANITARY DISTRICT FOR REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (FRANCONIA DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 24, 2023, at 4 p.m.**, to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board’s adopted criteria for the creation of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1B Within Franconia District (Springfield Park Area 1)	Enlarge	Refuse, Recycling, and Vacuum Leaf	Approve

ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT OF STONE HAVEN AREA SANITARY DISTRICT FOR REFUSE/RECYCLING COLLECTION SERVICES (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 24, 2023, at 4 p.m.**, to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board’s adopted criteria for the creation of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Small District 3 Within Braddock District (Stone Haven Area)	Enlarge	Refuse and Recycling	Approve

ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATIONS OF ELMWOOD ESTATES AREA 1, REDDFIELD AREA 1, SWINKS MILL AREA 1 AND ENLARGEMENTS OF CHESTERBOOK ESTATES AREA 2, LEWINSVILLE HEIGHTS AREA 1, MCLEAN MANOR AREA 3, RIVER OAKS AREA 1 AND RIVER OAKS AREA 2 SANITARY DISTRICTS FOR REFUSE/RECYCLING COLLECTION SERVICES (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 24, 2023, at 4 p.m.**, to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the creation of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1A2 Within Dranesville District Elmwood Estates Area 1	Create	Refuse and Recycling	Approve
DTA Local District 1B Within Dranesville District (Reddfield Area 1)	Create	Refuse and Recycling	Approve
DTA Local District 1A1 Within Dranesville District (Swinks Mill Area 1)	Create	Refuse and Recycling	Approve
DTA Local District 1A1 Within Dranesville District (Chesterbrook Estates Area 2)	Enlarge	Refuse and Recycling	Approve
DTA Local District 4 Within Dranesville District (Lewinsville Heights Area 1)	Enlarge	Refuse and Recycling	Approve
DTA Local District 1A1 Within Dranesville District (McLean Manor Area 3)	Enlarge	Refuse and Recycling	Approve
DTA Local District 6	Enlarge	Refuse and	Approve

Within Dranesville District
(River Oaks Area 1)

Recycling

DTA Local District 6
Within Dranesville District
(River Oaks Area 2)

Enlarge

Refuse and
Recycling

Approve

ADMIN 16 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 24061 FOR THE HEALTH DEPARTMENT TO ACCEPT FUNDING FROM THE VIRGINIA DEPARTMENT OF HEALTH (VDH) FOR ANTIMICROBIAL STEWARDSHIP FOR LONG-TERM CARE FACILITIES

(SAR)

- Approved SAR AS 24061 in the amount of \$612,500 from VDH to support a program strengthening antimicrobial stewardship among participating Fairfax County skilled nursing facilities. There are no grant positions associated with this funding and no local cash match is required
- Approved the execution of the Subrecipient Agreement between VDH and the County

ADMIN 17 – AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL (DPWES) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF DEFENSE (DOD) READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION (REPI) PROGRAM FOR THE POHICK STREAM STABILIZATION PROJECT

- Authorized the DPWES to apply for and accept grant funding, if received, from the DOD REPI Program in the amount of \$510,000, including \$255,000 in local cash match, for the Pohick Stream Stabilization Project. No new positions are associated with this grant
- Authorized the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 18 – AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS (DPSC) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM) FOR THE FISCAL YEAR (FY) 2024 PUBLIC SAFETY ANSWERING POINT (PSAP) STAFFING RECOGNITION GRANT PROGRAM

- Authorized the DPSC to apply for and accept grant funding, if received, from the VDEM, FY 2024 PSAP Staffing Recognition Grant Program in the amount of \$527,500. Funding will enable the County to recognize 9-1-1 dispatcher/telecommunicator employees, as well as any PSAP employees who are certified and actively work on the 9-1-1 operations floor. No new positions will be created, and no local cash match is required
- 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

45. **A-1 – APPROVAL OF THE RECIPROCAL AGREEMENT BETWEEN THE TOWN OF VIENNA AND THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) ORGANIZED CRIME AND NARCOTICS (OCN) DIVISION** (12:50 p.m.)

On motion of Supervisor Lusk, seconded jointly by Chairman McKay and Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the Reciprocal Agreement Between the Town of Vienna and the FCPD.

46. **A-2 – PRESENTATION OF THE DELINQUENT TAX LIST FOR TAX YEAR 2022 (FISCAL YEAR 2023)** (12:51 p.m.)

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

- Direct staff to continue to pursue the collection of delinquent taxes found in Attachment A of the Board Agenda Item and continue the collection of non-tax delinquencies
- Remove certain small uncollectable overdue accounts listed in Attachments B and C of the Board Agenda Item, pursuant to Virginia Code Section 58.1-3921

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

47. **A-3 – RESOLUTION TO SUPPORT THE ABANDONMENT OF PORTIONS OF ACORN RIDGE ROAD (ROUTE 6556) AND THE ABANDONMENT AND ADDITION OF PORTIONS OF BURNING BUSH DRIVE (ROUTE 7200) (SULLY DISTRICT)** (12:52 p.m.)

(R) On motion of Supervisor Smith, jointly seconded by Chairman McKay and Supervisor Palchik, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the resolution supporting the abandonment of portions of Acorn Ridge Road and the abandonment and addition of portions of Burning Bush Drive.

48. **A-4 – ENDORSEMENT OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY SIX-YEAR PROGRAM (SSYP) FOR FISCAL YEARS (FY) 2024 – 2029** (12:52 p.m.)

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

- Endorsed the VDOT SSYP for FY 2024 - 2029 as outlined in Attachment 1 of the Board Agenda Item
- Adopted the resolution required by VDOT

49. **A-5 – APPROVAL OF A RESOLUTION TO AUTHORIZE THE EXTENSION OF TIME TO ISSUE GENERAL OBLIGATION BONDS FOR PUBLIC SAFETY FACILITIES** (12:52 p.m.)

(R) On motion of Supervisor Lusk, jointly seconded by Chairman McKay and Supervisor Palchik, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the resolution requesting the Circuit Court to order a two-year extension of the period for issuance of County bonds for public safety facilities authorized on November 3, 2015, from eight years to ten years.

50. **I-1 – ENDORSEMENT OF VOLUME II DISTRICT DESIGN GUIDELINES FOR THE MCLEAN COMMUNITY BUSINESS CENTER (CBC) (DRANESVILLE DISTRICT)** (12:53 p.m.)

The Board next considered an item contained in the Board Agenda regarding endorsement of Volume II District Design Guidelines for the McLean CBC.

Staff will use the Volume II District Design Guidelines for the McLean CBC in its review of development applications and will provide them to interested parties as a resource for addressing the Comprehensive Plan's urban design guidance and streetscape standards in this area.

A brief discussion ensued regarding a letter of support received from the McLean Citizens Association.

NS:ns

51. **RECESS/CLOSED SESSION** (12:55 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, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as consultation with legal counsel regarding specific legal matters listed below requiring the provision of legal advice by such counsel, all as permitted by Virginia Code Section 2.2-3711(A) (7) and (8).
 1. *Wesley Shifflett v. Bryan J. Hill*, Case No. CL-2023 0008048 (Fx. Co. Cir. Ct.)
 2. *Wesley Shifflett v. Bryan J. Hill and Fairfax County, Virginia*, Case No. (pending) (Va. Ct. App.)
 3. *Tyson's Corner Hotel Plaza LLC v. Fairfax County*, Case No. CL-2021-0017755 (Fx. Co. Cir. Ct.) (Providence District)
 4. *Pomeroy Investments, Inc., and The Pomeroy Companies (Inc.) v. Fairfax County and Board of Supervisors of Fairfax County*, Case No. CL-2022-0010184 (Fx. Co. Cir. Ct.) (Dranesville District)
 5. *AM Worldgate Owner LLC v. Board of Supervisors of Fairfax County, Virginia, et. al*, Case Nos. CL-2023-0010812 and CL-2023-0010813 (Fx. Co. Cir. Ct.) (Dranesville District)

6. *AM Worldgate Owner LLC v. Board of Supervisors of Fairfax County, Virginia, et. al*, Case Nos. CL-2023-0010787 and CL-2023-0010803 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *Mohamad Idlibi v. West Springfield Police Station*, Case No. 1:23-cv-920 (E.D. Va.)
8. *Abrar Omeish v. Sheriff Stacey Ann Kincaid, Officer J. Patrick, and David M. Rohrer*, Case No. 1:21-cv-35 (E.D. Va.)
9. *In the Matter of a Petition Filed by Joseph Glean and Petitioners, Seeking an Audit of Certain Sewer Fund Accounts*, Case No. CL-2019-0013070 (Fx. Co. Cir. Ct.)
10. *Claudette Gama-Salazar v. Katharine M. Follot Layton*, Case No. GV23-000660 (Fx. Co. Gen. Dist. Ct.)
11. *Alma Catin v. Jason Abitz and Fairfax County*, Case No. GV23-05800 (Fx. Co. Gen. Dist. Ct.)
12. *Marcus Burke, by Government Employees Insurance Company, subrogee v. Harold Wolf*, Case No. GV23-010863 (Fx. Co. Gen. Dist. Ct.)
13. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. Adolfo Parina Sandi*, Case No. CL-2021-0007932 (Fx. Co. Cir. Ct.) (Providence District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Jong Hun An*, Case No. CL-2022-0004318 (Fx. Co. Cir. Ct.) (Braddock District)
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Jennet Mofor*, Case No. GV23-009477 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Irene Castillo*, Case No. CL-2022-0015404 (Fx. Co. Cir. Ct.) (Franconia District)
17. *Jay Riat, Building Official for Fairfax County, Virginia v. Honeida A. Manzano Cueva and Maria D. Cueva*,

Case No. CL-2023-0004612 (Fx. Co. Cir. Ct.)
(Franconia District)

18. *Jay Riat, Building Official for Fairfax County, Virginia v. Demetria N. Elosiebo*, Case No. CL-2023-0009661 (Fx. Co. Cir. Ct.) (Franconia District)
19. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Robert James Toney*, Case No. GV23-009206 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yi Yang and Xiaohui Wang*, Case No. CL-2022-0015556 (Fx. Co. Cir. Ct.) (Hunter Mill District)
21. *Jay Riat, Building Official for Fairfax County, Virginia v. Kyung Nim Kong Revocable Trust U/A dated December 10, 2021*, Case No. GV23-012545 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
22. *Jay Riat, Building Official for Fairfax County, Virginia v. Reston Brewing Company, LLC c/o Melissa Romano*, Case No. GV23-015344 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Rosa E. Coreas.*, Case No. CL-2022-0004588 (Fx. Co. Cir. Ct.) (Mason District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Robert P. Beck*, Case No. CL-2023-0005409 (Fx. Co. Cir. Ct.) (Mason District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v. Hien Phong Dang*, Case No. CL-2023-0009668 (Fx. Co. Cir. Ct.) (Mason District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. Kevin Gonzalez and Antoinette Marie Gonzalez*, Case No. GV23-005110 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Ashraf Khalid Mustafa Alshajrawi*, Case No. GV23-005187 (Fx. Co. Gen. Dist. Ct.) (Mason District)

28. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose Ernesto Pinto Sejas, Martha Cecilia Morales, and Juan Carlos Morales Escobar*, Case No. GV23- 008515 (Fx. Co. Gen. Dist. Ct.) (Mason District)
29. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Susan L. Taylor*, Case No. GV23-015345 (Fx. Co. Gen. Dist. Ct.) (Mason District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Hausenfleck and Susan Brassfield-Hausenfleck*, Case No. CL-2019- 0014369 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Armstrong Green and Embrey, Inc.*, Case No. CL-2022-0004793 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Jay Riat, Building Official for Fairfax County, Virginia v. Viraj David*, Case No. CL- 2023-0009667 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v. Nhien-Phuong Khoi Lu*, Case No. GV23-011444 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
34. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. George K. Combs*, Case No. GV23-011975 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
35. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Gregg Riddiford*, Case No. CL-2013-015905 (Fx. Co. Cir. Ct.) (Providence District)
36. *Jay Riat, Building Official for Fairfax County, Virginia v. Andreas M. Brandt*, Case No. GV23-006553 (Fx. Co. Gen. Dist. Ct.) (Providence District)
37. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Nicholas A.*

Nikzad and Pamela L. Nikzad, Case No.
CL-2022-0001864 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(7) and (8), legal briefings regarding the following: *LaFave v. County of Fairfax*, Fairfax County Circuit Court Case Number CL-2021-1569; *Brookfield Washington, LLC v. County of Fairfax*, Fairfax County Circuit Court Case Number CL-2022-8210; and the national opioid and insulin pricing multi-district litigation
- As permitted by Virginia Code Section 2.2-3711(A)(8), legal analysis regarding panhandling regulations
- As permitted by Virginia Code Section 2.2-3711(A)(1) and (8), briefing regarding Retirement Board authority and Board of Zoning Appeals appointments

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

At 3:35 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

52. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:35 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, by virtue of Virginia Code Section 2.2-3711, 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 Palchik 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.”

53. **AUTHORIZATION TO RETAIN OUTSIDE COUNSEL AND FILING OF LAWSUIT IN MULTI-DISTRICT INSULIN PRICING LITIGATION** (3:36 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the County Attorney and County Executive to enter into a retainer agreement and retain outside counsel to file a lawsuit on behalf of the

Board and the County in the Insulin Pricing Multi-District Litigation, Case Number 2:23-md-3080, which is pending in the U.S. District Court for the District of New Jersey, as outlined by the County Attorney in Closed Session. Supervisor Lusk and Supervisor Palchik jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

54. **REJECTION OF SETTLEMENT OFFER WITH BROOKFIELD WASHINGTON, L.L.C.** (3:37 p.m.)

Supervisor Alcorn moved that the Board reject the settlement offer in *Brookfield Washington, L.L.C. v. County of Fairfax, et al.*, Case Number CL-2022-8210, as outlined by the County Attorney in Closed Session. Supervisor Lusk seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

55. **OPTIONS FOR INDIVIDUALS TO PROVIDE TESTIMONY FOR PUBLIC HEARINGS** (3:38 p.m.)

Chairman McKay stated that individuals have the following options to provide testimony during public hearings:

- Testify before the Board in person
- Provide testimony by telephone (Live)
- Provide testimony by YouTube video

At the designated point in the public hearing, speakers will be called from the Speakers List and they may come forward, or their video will be shown, or they will be connected by telephone. There will then be an opportunity for anyone else who would like to speak regarding the application. If they are present in the Board Auditorium, they may come forward to the podium or call in on a number that will be provided on the screen. Speakers testifying via video must have signed up and submitted their video no later than 9 a.m. on the day prior to the public hearing. For all testimony speakers are given three minutes to speak as an individual. If they are the spokesperson for a group they are given five minutes.

AGENDA ITEMS

56. **3:30 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT (PA) 2021-II-V1, PAN AM SHOPPING CENTER, LOCATED AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF ROUTE 29 AND NUTLEY STREET (PROVIDENCE DISTRICT) (3:38 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 August 29 and September 5, 2023.

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

Following the public hearing, which included testimony by five speakers, Mr. Klibaner presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. Klibaner and Tom Burke, Transportation Planning Division, Department of Transportation, regarding parking, bike lane connectivity, and preservation of the adjacent Thompson Family Cemetery.

Following comments, Supervisor Palchik moved approval of Plan Amendment Application PA 2021-II-V1, as recommended by the Planning Commission, and included as Attachment One of the Board Agenda Item. Supervisor Lusk seconded the motion and it carried by unanimous vote.

57. **3:30 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT (PA) 2020-III-UP1, RESTON AREA COMPREHENSIVE PLAN (HUNTER MILL DISTRICT) (4:20 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 August 29 and September 5, 2023.

St. Clair Williams, Planner III, Urban Centers Section, Department of Planning and Development (DPD), presented the staff report.

Discussion ensued, with input from Tracy Strunk, Director, DPD, and Chris Caperton, Deputy Director, DPD, regarding:

- Explanation of changes from the September 1, 2023, Comprehensive Plan markup document
- Interpretation of language used in the Comprehensive Plan and possible disruption of County services

- Leadership in Energy and Environmental Design (LEED) Silver Certification
- Enhanced locational appeal

Following the public hearing, which included testimony by four speakers, Mr. Williams presented the staff and Planning Commission recommendations.

Following lengthy comments, Supervisor Alcorn moved approval of Plan Amendment Application PA 2020-III-UP1, with the modified language as shown in the proposed Reston Comprehensive Plan Mark-up, dated September 1, 2023, with the modifications in the handout dated September 12, 2023. Chairman McKay and Supervisor Lusk jointly seconded the motion.

Discussion ensued, with Board Members expressing their views/concerns and support/non-support of the motion. The question was called on the motion and it carried by a vote of nine, Supervisor Herrity abstaining.

Supervisor Alcorn moved that:

- The Board concur with the Planning Commission follow-on motions to:
 - Develop and implement design standards for improved pedestrian and bicycle access to Metrorail stations, new or improved lighting for pedestrian and bicycle facilities, design for on-street parking, prioritizing streets in areas designated for Transit Oriented Development
 - Monitor residential/non-residential applications during the Site-Specific Plan Amendment (SSPA) process, focusing on keeping the jobs/housing balance, and avoid prioritization of residential over non-residential
- Representatives of the Fairfax County Park Authority and Reston Community Center meet with representatives of the Reston Association and Reston Town Center Association to develop a high-level strategy for the long-term maintenance and upkeep of community-level facilities across Reston, a strategy that is fair and equitable and that ensures that future residents and commercial property owners support the community infrastructure that is used by all who live, work, and play in Reston

- During the design of any Sunrise Valley Drive/Fairfax County Parkway interchange, that staff work to reduce the long-term impacts on the Polo Fields neighborhood and implement a context sensitive design that minimizes the need to acquire residential property. In the near term, staff should host a public meeting on the design of the Sunrise Valley Drive cycle track to explore how that project can improve the safety of pedestrians, bicyclists, drivers, and homeowners along that stretch of road, and coordinate with the Virginia Department of Transportation and the Fairfax County Police Department on improvements for pedestrian safety and reducing vehicle speeds along Sunrise Valley
- The Department of Transportation review options for improving pedestrian and bicycle safety across and along Reston Parkway from the Dulles Toll Road to Sunrise Valley Drive. There should be a specific safety focus of the informal pedestrian crossing of Reston Parkway in the vicinity of Hopper Street where retail and the Reston Town Center Metrorail station create desirable destinations for walkers and bikers
- Staff continue the Reston Data Visualization web pages to facilitate monitoring the balance of new development and critical infrastructure like transportation to support the monitoring requested by the Planning Commission

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

Supervisor Alcorn thanked the Planning Commission, the Reston Comprehensive Plan Task Force, Board and County staff, and citizens for input throughout the Comprehensive Plan Study.

58. **3:30 P.M. – PUBLIC HEARING ON RZ 2022-LE-00024 (6235 BRANDON AVENUE, LLC) TO REZONE FROM C-6, SC, HC, AND CRD DISTRICTS TO PDC, SC, HC, AND CRD DISTRICTS TO PERMIT A HOTEL AND SELF-STORAGE FACILITY WITH AN OVERALL DENSITY OF 1.35 FLOOR AREA RATIO (FAR), AND APPROVAL OF THE CONCEPTUAL AND FINAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 4.34 ACRES OF LAND (ASSOCIATED WITH PA 2021-IV-FS1) (FRANCONIA DISTRICT) (5:17 p.m.)**

At the applicant's request, Supervisor Lusk moved to defer the public hearing on RZ 2022-LE-00024 (6235 Brandon Avenue, LLC) until **September 26, 2023, at 3:30 p.m.** Chairman McKay and Supervisor Gross jointly seconded the motion and it carried by a vote of eight, Supervisor Foust and Supervisor Smith being out of the room.

59. **3:30 P.M. – PUBLIC HEARING ON RZ 2022-HM-00023 (CALIBER DEVELOPMENTS, L.C.) TO REZONE FROM R-1 TO R-3 TO PERMIT THREE NEW SINGLE-FAMILY DETACHED DWELLINGS WITH A TOTAL DENSITY OF 2.63 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 1.14 ACRES OF LAND (HUNTER MILL DISTRICT) (5:18 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 August 29 and September 5, 2023.

The application property is located on the west side of Creek Crossing Road and south side of Ridge Lane. Tax Map 28-4 ((4)) 1.

Michael Van Atta, Agent, McGuire Woods LLP, reaffirmed the validity of the affidavit dated August 22, 2023, for the record.

Mary Ann Tsai, Branch Chief, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Van Atta 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. Tsai presented the staff and Planning Commission recommendations.

Following comments, Supervisor Alcorn moved that the Board approve Rezoning Application RZ 2022-HM-00023, subject to the proffers dated June 23, 2023. Chairman McKay and Supervisor Palchik jointly seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Lusk being out of the room.

60. **3:30 P.M. – PUBLIC HEARING ON PCA/CDPA 2016-HM-035-02 (RZPA 2022-HM-00085) (COMSTOCK RESTON STATION HOLDINGS, LC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN (CDPA), FOR RZ 2016-HM-035, PREVIOUSLY APPROVED FOR A MIXED USE DEVELOPMENT, TO PERMIT MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A 4.44 FLOOR AREA RATIO INCLUSIVE OF BONUS DENSITY, LOCATED ON APPROXIMATELY 7.64 ACRES OF LAND (HUNTER MILL DISTRICT)**

AND

PUBLIC HEARING ON PCA 2009-HM-019-03 (RZPA 2022-HM-00084) (COMSTOCK RESTON STATION HOLDINGS, LC) TO AMEND THE PROFFERS FOR RZ 2009-HM-019, PREVIOUSLY APPROVED FOR A MIXED USE DEVELOPMENT WITH A GROSS FLOOR AREA AT A 3.01 FLOOR AREA RATIO INCLUSIVE OF BONUS DENSITY, LOCATED ON APPROXIMATELY 9.91 ACRES OF LAND (HUNTER MILL DISTRICT) (5:23 p.m.)

(Os) 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 August 29 and September 5, 2023.

The Proffered Condition Amendment Application PCA/CDPA 2016-HM-035-02 property is located on the south side of Sunset Hills Road, west side of Wiehle Avenue and north side of Reston Station Boulevard. Tax Map 17-4 ((1)) 20A.

The Proffered Condition Amendment Application PCA 2009-HM-019-03 property is located on the south side of Sunset Hills Road, west side of Wiehle Avenue and north side of the Dulles Airport Access Road. Tax Map 17-4 ((24)) 3 and 17-4 ((1)) 17E, 17L1, 17L2, 17L3, 17L4, 17L5, 17L6, 17L7.

Jill Parks, Agent, Hunton Andrews Kurth, LLP, reaffirmed the validity of the affidavit dated August 25, 2023, for the record.

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

- Christopher D. Clemente
- Comstock Partners LC
- Dwight C. Schar
- John Harrison

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

- 11465 SH I, LC

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

- Christopher D. Clemente
- John Harrison

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

- 11465 SH I, LC
- Comstock Development Services
- CP Real Estate Services

Mary Ann Tsai, Branch Chief, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Parks 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.

Having been out of the room when earlier disclosures were made, Supervisor Lusk disclosed that he received a campaign contribution in excess of \$100 from:

- John Harrison

Following the public hearing, which included testimony by two speakers, Ms. Parks presented rebuttal.

Ms. Tsai presented the staff and Planning Commission recommendations.

Following comments, Supervisor Alcorn moved that the Board approve:

- Proffered Condition Amendment Application
PCA 2009-HM-019-03, subject to the proffers dated June 21, 2023
- Proffered Condition Amendment Application
PCA 2016-HM-035-02, subject to the proffers dated July 11, 2023
- Conceptual Development Plan Amendment Application
CDPA 2016-HM-035-02
- Waivers and modifications contained in the handout distributed, dated June 28, 2023, which will be made part of the record, and are as follows:
 - Modification of modification of subsection 2105.4(C)1(a)1 to permit the gross floor area of residential uses to exceed 50 percent of the gross

floor area of principal uses (office) in the PDC District for PCA/CDPA/FDPA 2016-HM-035-02

- Reaffirmation of a modification of subsection 5100.2.D.4.c of the Zoning Ordinance on the Use Limitations on Corner Lots to permit the proposed buildings, landscaping, and sign locations within sight triangles formed by streets along the corner lot as shown on the CDPA/FDPA and as proffered
- Reaffirmation of a modification of subsection 5108.6 of the Zoning Ordinance for the transitional screening and barrier requirements in favor of the landscaping shown on the CDPA/FDPA
- Reaffirmation of a modification of subsection 6101 of the Zoning Ordinance for the loading space requirement in favor of the loading spaces depicted on the CDPA/FDPA
- Reaffirmation of a modification of subsection 8100.7.E (4) of the Zoning Ordinance for the widening of Sunset Hills Road in favor of that shown on the CDPA/FDPA and in the proffers
- Reaffirmation of a modification of Public Facility Manual Standards 0310.4E(5) to permit a reduction of the minimum eight-foot planting width requirement as shown on the CDPA/FDPA and as proffered
- Reaffirmation of a waiver of the 75-foot setback requirement for non-residential uses abutting principal arterial highways as required by subsection 5100.2.D(8)(a) of the Zoning Ordinance
- Reaffirmation of a modification of subsection 6101 of the Zoning Ordinance for the loading space requirement in favor of the loading spaces depicted on CDPA/FDPA 2009-HM-019
- Reaffirmation of a modification of subsection 5108.6 of the Zoning Ordinance for the transitional screening and barrier requirements in favor of the landscaping shown on the CDPA/FDPA 2009-HM-019

- Reaffirmation of a modification of subsection 8100.7.E(4) of the Zoning Ordinance for the widening of Sunset Hills Road in favor of that shown on CDPA/FDPA 2009-HM-019 and in the proffers

Supervisor Palchik seconded the motion. Following a brief discussion, 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.”

(NOTE: On June 28, 2023, the Planning Commission approved Final Development Plan Amendment Application FDPA 2016-HM-035-02, subject to the development conditions dated June 13, 2023.)

KK:kk

61. **4 P.M. – PUBLIC HEARING ON SE 2023-MV-00006 (ASHLEY E. HEINEMAN AND GAVIN A. DAWSON) TO PERMIT USES IN A FLOODPLAIN, LOCATED ON APPROXIMATELY 7,000 SQUARE FEET OF LAND (MOUNT VERNON DISTRICT) (ASSOCIATED WITH VC 2022-MV-00006) (5:52 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 August 29 and September 5, 2023.

The application property is located at 6417 14th Street, Alexandria, 22307. Tax Map 83-4 ((2)) (26) 15.

Steven A. Larsen, Larsen Design/Build Associates, LLC, reaffirmed the validity of the affidavit dated June 7, 2023, for the record.

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

Mr. Larsen 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. Isaiah, regarding the second story addition.

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

Discussion continued, with input from Mr. Isaiah, regarding the development conditions.

Following a query by Supervisor Storck, Mr. Larsen confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated August 22, 2023.

Following comments, Supervisor Storck moved that the Board approve Special Exception Application SE 2023-MV-00006, subject to the development conditions dated August 22, 2023. Supervisor Palchik and Chairman McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Alcorn being out of the room.

62. **4 P.M. – PUBLIC HEARING ON SE 2021-MV-00032 (KARLYN M. DAVIS, D/B/A KARLYN’S LITTLE BLESSINGS) TO PERMIT A HOME DAY CARE FACILITY, LOCATED ON APPROXIMATELY 22,120 SQUARE FEET OF LAND (MOUNT VERNON DISTRICT)**
(6:03 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 August 29 and September 5, 2023.

The application property is located at 8850 Creekside Way, Springfield, 22153. Tax Map 97-4 ((4)) 651.

Karlyn M. Davis, Owner, reaffirmed the validity of the affidavit dated March 7, 2023, for the record.

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

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

Discussion ensued, with input from Mr. Rowlette and Ms. Davis, regarding the above-ground swimming pool on the property.

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

Discussion continued, with input from Mr. Rowlette, regarding the correct date of the development conditions.

Following a query by Supervisor Storck, Ms. Davis confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated August 22, 2023.

Supervisor Storck moved that the Board approve Special Exception Application SE 2021-MV-00032, subject to the development conditions dated August 22, 2023. The motion was multiply seconded and it carried by a vote of nine, Supervisor Alcorn being out of the room.

63. **4 P.M. – PUBLIC HEARING ON SE 2022-SP-00036 (NORTHERN VIRGINIA ELECTRIC COOPERATIVE [NOVEC]) TO PERMIT A NEW 95 FOOT TALL TRANSMISSION POLE WITH ATTACHED FACILITIES WITHIN THE EXISTING NOVEC'S MOORE ELECTRIC SUBSTATION, LOCATED ON APPROXIMATELY 34,848 SQUARE FEET OF LAND (SPRINGFIELD DISTRICT)** (6:11 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 August 29 and September 5, 2023.

The application property is located at 12465a Henderson Road, Clifton, 20124. Tax Map 85-2 ((1)) 59.

James R. Meizanis, Blankingship and Keith, P.C., reaffirmed the validity of the affidavit dated July 5, 2023, for the record.

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

Mr. Meizanis 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. Martinez presented the staff and Planning Commission recommendations.

Following a query by Supervisor Herrity, Mr. Meizanis confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 13, 2023.

Supervisor Herrity moved that the Board approve:

- Special Exception Application SE 2022-SP-00036, subject to the development conditions dated July 13, 2023
- A modification of the transitional screening and waiver of barrier requirements to that shown on the SE Plat

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

64. **4 P.M. – PUBLIC HEARING ON A PROPOSED AMENDMENT TO APPENDIX O OF THE FAIRFAX COUNTY CODE TO CREATE A LOCAL STORMWATER MANAGEMENT ASSISTANCE FUND AND ENTER INTO AN AGREEMENT WITH NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT FOR FUND ADMINISTRATION**
(6:17 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 September 1 and September 8, 2023.

Eleanor Codding, Deputy Director, Stormwater and Wastewater Divisions, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Codding presented the staff recommendation.

Discussion ensued, with input from Ms. Codding, regarding common interest communities.

Supervisor Storck moved approval of the amendments to the Fairfax County Code, Appendix O, related to the Local Stormwater Management Assistance Fund as set forth in the staff memo dated September 28, 2022, and that the proposed amendments become effective at 12:01 a.m. on September 13, 2023. The motion was multiply seconded. Following a brief discussion regarding the motion, 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.”

65. **4 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF MERRIFIELD CAPACITY SANITARY SEWER UPGRADE (PROVIDENCE DISTRICT)**
(6:30 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 1 and September 8, 2023.

Jocelyn Campbell, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued, with input from Ms. Campbell, regarding the total number of fully acquired parcels to date.

Following the public hearing, which included testimony by one speaker, Ms. Campbell presented the staff recommendation.

Discussion ensued, with input from Franklin Roberts, Project Coordinator, DPWES, regarding the impact if there was a two-week delay in the construction.

Discussion continued, with input from Ms. Campbell; Dennis Cate, Director, Land Acquisition Division, DPWES; Randall Greehan, Assistant County Attorney; Ali Nemati, Jacobs Engineering Group, and Mr. Roberts, regarding:

- The timeline of when the original proposal letter was sent to the landowner and the final response
- Ensuring the current negotiations are not related to future land use but the temporary, as well as permanent, easement for the sewer system
- The impacts of delaying the project
- The temporary construction easement
- The impact of moving forward and what that means for the approximate timeline and continued negotiations with the remaining landowner
- The expected timeline for beginning construction on this project
- The timeline of negotiations with the landowner
- The landowner's alternative proposal and why it is not possible

Following comments, Supervisor Palchik moved approval of the acquisition of those certain land rights necessary for construction of the Merrifield Capacity Sewer Upgrade Project, in accordance with the resolution included in the Board Package as Attachment B. Supervisor Foust and Supervisor Lusk jointly seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Storck voting "Nay."

66. **4:30 P.M. – PUBLIC HEARING ON SE 2022-MV-00033 (NIGHAT IQBAL, D/B/A LORTON FAMILY CHILDCARE) TO PERMIT A HOME DAY CARE FACILITY, LOCATED ON APPROXIMATELY 3,400 SQUARE FEET OF LAND (MOUNT VERNON DISTRICT)** (7:05 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 August 29 and September 5, 2023.

The application property is located at 9914 East Hill Drive, Lorton, 22079. Tax Map 113-2 ((8)) 43.

Nighat Iqbal, the applicant, reaffirmed the validity of the affidavit dated January 6, 2023, for the record.

Catherine Lewis, Branch Chief, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

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

Following a query by Supervisor Storck, Ms. Iqbal confirmed, for the record, that she was in agreement with the proposed development conditions dated July 11, 2023.

Supervisor Storck moved that the Board approve Special Exception Application SE 2022-MV-00033, subject to the development conditions dated July 11, 2023. Supervisor Herrity seconded the motion and it carried by unanimous vote.

67. **4:30 P.M. – PUBLIC HEARING ON SE 2022-BR-00042 (TIFFANY D. SANTANA) TO PERMIT A CONGREGATE LIVING FACILITY, LOCATED ON APPROXIMATELY 12,133 SQUARE FEET OF LAND (BRADDOCK DISTRICT)** (7:10 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 August 29 and September 5, 2023.

The application property is located at 5252 Pumphrey Drive, Fairfax, 22032. Tax Map 68-4 ((9)) 1543.

Lynne J. Strobel, Walsh, Colucci, Lubeley and Walsh, P.C, reaffirmed the validity of the affidavit dated August 2, 2023, for the record.

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

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

Following the public hearing, which included testimony by two speakers, Mr. Krasner presented the staff and Planning Commission recommendations.

Following comments and a query by Supervisor Walkinshaw, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 12, 2023.

Supervisor Walkinshaw moved that the Board approve:

- Special Exception Application SE 2022-BR-00042, subject to the development conditions dated September 12, 2023
- A modification of the transitional screening and barrier requirements along all boundaries of the property in favor of that shown on the SE Plat

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

68. **BOARD ADJOURNMENT** (7:24 p.m.)

At 7:24 the Board adjourned.