



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 22, 2022**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, March 22, 2022, at 9:33 a.m., there were present:

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

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

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

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

Chairman McKay stated that masks will now be optional for employees and visitors in all County facilities, except for those where health or medical services are provided. This is based on the updated Center for Disease Control metric that place the County's current COVID-19 community transmission level at low. Still, we know that a layered approach to mitigation is the best way to defeat the virus, so masks are still encouraged but not required.

2. **REMOTE PARTICIPATION OF SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (9:34 a.m.)

Chairman McKay announced that Supervisor Palchik will be participating in the meeting remotely due to the birth of her first child and asked her to identify herself for the record and provide her general location.

Due to technical audio issues, Supervisor Palchik's voice could not be heard.

Following an inquiry to Elizabeth Teare, County Attorney, regarding the issue, Chairman McKay announced that the Board will proceed with the Moment of Silence and will remotely connect with Supervisor Palchik later in the meeting.

(NOTE: Later in the meeting, Supervisor Palchik joined the meeting remotely. See Clerk's Summary Item #4.)

3. **MOMENT OF SILENCE** (9:36 a.m.)

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

- John "Til" Hazel, Jr., who passed away recently, at the age of 91. His imprint on the County will last forever both as a trailblazer and significant contributor to the title being the "Economic Driver" of the Commonwealth of Virginia, building homes now occupied by one in every ten residents of the County
- Coral Hicks, mother of the Mount Vernon-Lee Chamber of Commerce president, Holly Dougherty. Ms. Hicks, a resident of Utah, was an active member of the Latter Day Saints Church, an election officer, certified midwife and family practitioner
- Pat Charbonneau, who passed away recently. She was a former colleague of Supervisor Storck, who worked many years for Fairfax County Public Schools and was Deputy Clerk to the School Board

- George Robert Rumore, who passed away recently. He was a long-time softball coach at Lake Braddock Secondary School, training and advocating for the girls on the team which led to more than 200 wins. He served in the Vietnam War and after retiring from service, started coaching youth sports and used his military experience to prepare the teams for competition

4. **REMOTE PARTICIPATION OF SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (9:43 a.m.)

(NOTE: Earlier in the meeting, Chairman McKay announced Supervisor Palchik's remote participation. See Clerk's Summary Item #2.)

Chairman McKay asked Supervisor Palchik to identify herself for the record and provide her general location.

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

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

- Certify for the record that Supervisor Palchik's voice can be heard by all persons assembled in the Government Center
- Confirm that Supervisor Palchik's remote participation in the Board meeting today fully conforms with the Board Policy for participation in meetings by electronic communication

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

AGENDA ITEMS

5. **PROCLAMATION DESIGNATING APRIL 2022 AS "CHILD ABUSE PREVENTION MONTH" IN FAIRFAX COUNTY** (9:43 a.m.)

Jointly with Supervisor Palchik, Supervisor Lusk moved approval of the Proclamation designating April 2022 as "*Child Abuse Prevention Month*" in Fairfax County and urges all residents to wear blue on April 1, Virginia's Wear Blue Day, plant a pinwheel garden to show support, and find ways to support families and help all children in the community to be safe. Chairman McKay seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING APRIL 4-10, 2022 AS "PUBLIC HEALTH WEEK" IN FAIRFAX COUNTY** (9:57 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating April 4-10, 2022, as "*Public Health Week*" in Fairfax County and urges all residents to recognize that health is a human right and by working together we create safer, healthier and more resilient neighborhoods and communities. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

7. **9:30 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:09 a.m.)

Supervisor Walkinshaw, Chairman of the Board's Legislative Committee, presented the final report on General Assembly activities, noting the following:

- The regular session of the 2022 General Assembly adjourned on March 12, 2022. Board Members received a copy of the draft final report by email. A final version of the report will be posted on the Board's web page next week.
- Looking at the session by the numbers underscores the volume of bills that were considered this year by the General Assembly and the Board:
 - 3,143 bills and resolutions were introduced
 - 1,841 bills were reviewed by County operational and legal staff
 - The Board took formal positions on 189 bills
- The Board originally opposed or sought to amend 107 bills; at the end of the session, 12 bills remained in that category. Of those 12, one was fixed the final week of the session, and several are House and Senate versions of the same bill, so only nine discrete proposals that the County sought to oppose or amend remain
- The General Assembly did not pass its budget before adjourning. Governor Youngkin will call a special session in the coming weeks to resolve the budget and act on a small number of bills in conference that were also carried over to the special session. One of the outstanding issues that will need to be resolved as part of those discussions is the potential elimination, in whole or in part, of the sales tax on groceries and the fiscal impact of any final proposal on localities

- As the Board has discussed throughout the session, the current sales tax on groceries generates approximately \$60-70 million per year in Fairfax County, with a significant portion being dedicated to K-12 funding. Though the current proposals do seek to backfill that funding, they do not mitigate the projected \$135 million annual reduction in sales taxes directed to transportation
- After the session had concluded Governor Youngkin announced a plan to send emergency legislation temporarily suspending the entire statewide gas tax to the General Assembly for consideration during the special session. The Governor stated that this is in response to the current spike in gas prices, at least in part resulting from the Russian invasion of Ukraine and the ongoing conflict in that region. The bill would impact the state tax of 26.2 cents per gallon for gasoline and 27 cents per gallon for diesel (which is deposited into the Commonwealth Transportation Fund), reducing state transportation revenues by approximately \$473 million. Though the gas tax suspension would be temporary, the Governor's plan would also cap the annual inflation adjustment to the gas tax at two percent per year, potentially creating a permanent reduction in state revenues. This proposal could have a significant impact on state transit operations funding, as well as transit capital and roadway funding. While the Governor indicated that the goal of this plan is to combat high gas prices, there is no guarantee that suspending the state gas tax would have any impact on gas prices, as retailers are not required to pass the reduction on to consumers
- Northern Virginia has not yet been made whole from regional funding diverted to the Washington Metropolitan Area Transit Authority (WMATA) in 2018 – only \$63.5 million of the \$102 million in annual funding has been restored so far. Also, the County recently approved funding to pay the Virginia Department of Transportation (VDOT) for an additional round of mowing on the right of way – unfortunately this is not a one-time occurrence, and if VDOT is unable to adequately fund small ticket items like mowing, it seems difficult to imagine that the Commonwealth is in a position to reduce transportation revenues
- The impact of the session on many County priorities, including K-12 funding, transportation, human services, and public safety, will not be fully determined until the final budget is passed. Staff will continue to work with the County's delegation and update the Board as information becomes available
- Other key measures that passed the General Assembly include the County's legislative initiatives:

- HB 396 (Sullivan), which reduces barriers for localities seeking to participate in virtual net metering through the State’s Municipal Net Metering Pilot Program
- HB 443 (Bulova), which allows the Fairfax County Park Authority to resell electricity through electric vehicle charging stations

Supervisor Walkinshaw recognized the legislative staff and thanked them for their hard work and dedication during the General Assembly session.

Supervisor Walkinshaw moved adoption of 2022 General Assembly Final Legislative Report. Supervisor Alcorn seconded the motion.

Discussion ensued, with input from Claudia Arko, Legislative Director, and Noelle Dominguez, Department of Transportation, regarding:

- Structural underfunding in Northern Virginia
- Transportation, schools and mental health funding
- Exhaust noise legislation and whether it is enforceable
- Speed limit bills not supported for pedestrian and bicycle safety

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

8. **9:30 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACS)** (10:30 a.m.)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard March 22, 2022.” Chairman McKay seconded the motion and it carried by a vote unanimous vote.

The full list of Appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Reappointment of:

- Ms. Deborah A. Woolen as the Lee District Representative

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Lee District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

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

ANIMAL SERVICES ADVISORY COMMISSION

Reappointment of:

- Mr. Chester J. Freedenthal as the Lee District Representative

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

ARCHITECTURAL REVIEW BOARD

Appointment of:

- Ms. Karen Campblin as the Related Professional Group #6 Representative

ATHLETIC COUNCIL

Reappointment of:

- Mr. William E. Bright, III as the Lee District Alternate Representative
- Ms. Katherine E. Quinn as the Member-At-Large Principal Representative

Confirmation of:

- Mr. Roland Taylor as the Town of Herndon Principal Representative

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Dranesville District Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

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

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

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

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL

Appointment of:

- Ms. Caren Anton as the Fairfax County #8 Representative

Reappointment of:

- Ms. Janet E. Bradshaw as the Fairfax County #1 Representative
- Ms. Darlena Ricks as the Fairfax County #3 Representative
- Ms. Kelsey J. Myers as the Fairfax County #5 Representative
- Ms. Kathleen T. Jones as the Fairfax County #6 Representative

The Board deferred the appointment of the Fairfax County #9 (Youth) Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Appointment of:

- Ms. Mary T. Smith as the Mason District Representative

The Board deferred the appointment of the At-Large #2 Representative.

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

Appointment of:

- Mr. Zachary Smith as the At-Large Chairman's Representative

CIVIL SERVICE COMMISSION

Reappointment of:

- Mr. Thomas Garnett, Jr. as the At-Large #6 Representative

The Board deferred the appointment of the At-Large #8 Representative.

COMMISSION FOR WOMEN

Appointment of:

- Ms. Lanita Thweatt as the Mount Vernon District Representative

The Board deferred the appointments of the Springfield and Sully District, and the Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+"), and Transgender Woman Representatives.

COMMUNITY ACTION ADVISORY BOARD

Appointment of:

- Mr. Kevin Hickerson as the Sully District Representative

Confirmation of:

- Mr. Michael Mahrer as the Literacy Council of Northern Virginia Representative
- Ms. Marcia E. McDevitt as the League of Women Voters Representative
- Mr. Morgan Jameson as the Federation of Citizens Associations Representative
- Ms. Maria Isabel Leiva Alfonso as the Elected – North Target Area #3 Representative

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

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Reappointment of:

- Mr. Neil J. Welch, Jr. as the Sully District Representative

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

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

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

ECONOMIC ADVISORY COMMISSION

Appointment of:

- Mr. Steve Lee as the Mason District Representative
- Dr. Shelton Rhoades as the Sully District Representative

ENGINEERING STANDARDS REVIEW COMMITTEE

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Reappointment of:

- Ms. Renee Grebe as the At-Large #1 Representative

The Board deferred the appointment of the Providence District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Reappointment of:

- Ms. Sarah Graham Taylor as the Lee District Representative

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

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD

The Board deferred the appointment of the Lee District Representative.

GMU FAIRFAX CAMPUS ADVISORY BOARD

Appointment of:

- Ms. Ann Sharp as the Braddock District #2 Representative

HEALTH SYSTEMS AGENCY BOARD

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

HUMAN RIGHTS COMMISSION

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

The Board deferred the appointment of the Braddock District Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Reappointment of:

- Ms. Deborah A. Woolen as the Lee District Representative

The Board deferred the appointment of the Mason District Representative.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

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

POLICE CIVILIAN REVIEW PANEL

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

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Jay A. Jupiter as the Citizen At-Large #1 Representative

REDEVELOPMENT AND HOUSING AUTHORITY

Reappointment of:

- Ms. Staci Jones Alexander as the Mason District Representative

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

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

SMALL BUSINESS COMMISSION

The Board deferred the appointment of the Sully District Representative.

TENANT LANDLORD COMMISSION

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

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE

Reappointment of:

- Mr. Kenneth Comer as the At-Large Chairman's Representative
- Mr. Alexander Rough as the Hunter Mill District Representative
- Mr. James Albright as the Mason District Representative

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

TREE COMMISSION

The Board deferred the appointment of the Dranesville District Representative.

TRESPASS TOWING ADVISORY BOARD

Reappointment of:

- Ms. Denver Supinger as the Citizen Alternate Representative

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Confirmation of:

- Mr. Todd Rowley as the Chamber of Commerce Lessees of Non-Residential Space Representative

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

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

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

UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA)

Confirmation of:

- Mr. Shwan Fatah as the Fairfax County Alternate #1 Representative

WETLANDS BOARD

The Board deferred the appointment of the At-Large #2 Representative.

YOUNG ADULTS ADVISORY COMMITTEE

Confirmation of:

- Ms. Casey Judge as the Fairfax County Government Employee Representative

The Board deferred the appointments of the At-Large #2 Chairman's, Dranesville, and Lee District Representatives.

AFFORDABLE HOUSING ADVISORY COUNCIL

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

FAIRFAX COUNTY 250TH COMMISSION

Appointment of:

- Mr. Paul Kohlenberger as the Springfield District Representative

Confirmation of:

- Ms. Cameron Brumett as the Army Historical Foundation Representative
- Mr. Scott Stroh as the Gunston Hall Representative
- Ms. Gretchen Bulova as the History Commission #1 Representative
- Ms. Carole L. Herrick as the History Commission #2 Representative

- Mr. Elliot B. Bell-Krasner as the Human Rights Commission Representative
- Ms. Elizabeth Maurer as the National Museum of the United States Army Representative
- Mr. Patrick Lennon as the Visit Fairfax Representative

HISTORICAL MARKER PROJECT VOTING COMMITTEE

Confirmation of:

- Ms. Michele Audrey Togbe as the Fairfax County Public School Equity Leads #1 Representative
- Ms. Madison Sarai Judd as the Fairfax County Public School Equity Leads #2 Representative
- Ms. Talia-Rose Diorio as the Fairfax County Public School Equity Leads #3 Representative
- Mr. Boisseau Michael Woltz, III as the NAACP Youth Council Representative

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

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BOARD MATTERS

9. **PROCLAMATION REQUEST DESIGNATING MARCH 26, 2022, AS "BANGLADESHI-AMERICANS INDEPENDENCE DAY"** (10:31 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a Proclamation designating March 26, 2022, as "*Bangladeshi-Americans Independence Day*" in the County. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING MARCH 30, 2022, AS "WORLD MS DAY"** (10:31 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating March 30, 2022, as "*World MS Day*" in the County. Without objection, it was so ordered.

11. **RESOLUTION OF RECOGNITION REQUEST FOR ROBERT E. BUCHANAN** (10:31 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Robert E. Buchanan, for being a regional champion for mass transit. Without objection, it was so ordered.

12. **PROCLAMATION REQUEST DESIGNATING APRIL 2, 2022, AS "KOREAN AMERICAN WOMEN'S DAY"** (10:31 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 2, 2022, as "*Korean American Women's Day*" in the County. Without objection, it was so ordered.

13. **PROCLAMATION REQUEST DESIGNATING APRIL 9, 2022, AS "RESTON FOUNDERS DAY"** (10:31 a.m.)

Jointly with Supervisor Alcorn, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 9, 2022, as "*Reston Founders Day*" in the County. Without objection, it was so ordered.

14. **PROCLAMATION REQUEST DESIGNATING MAY 2022 AS "MENTAL HEALTH AWARENESS AND YOUTH AWARENESS MONTH"** (10:31 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 2022 as "*Mental Health Awareness and Youth Awareness Month*" in the County. Without objection, it was so ordered.

15. **PROCLAMATION REQUEST DESIGNATING MAY 2022 AS "TEACHER APPRECIATION MONTH"** (10:31 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 2022 as "*Teacher Appreciation Month*" in the County. Without objection, it was so ordered.

16. **PROCLAMATION REQUEST DESIGNATING MAY 1 – 7, 2022, AS "EARLY CHILDHOOD EDUCATORS WEEK"** (10:31 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 1 – 7, 2022, as "*Early Childhood Educators Week*" in the County. Without objection, it was so ordered.

17. **PROCLAMATION REQUEST DESIGNATING MAY 15 – 21, 2022, AS "NATIONAL POLICE WEEK"** (10:31 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 15 – 21, 2022, as "*National Police Week*" in the County. Without objection, it was so ordered.

18. **PROCLAMATION REQUEST DESIGNATING MAY 15 – 21, 2022, AS “NATIONAL PUBLIC WORKS WEEK”** (10:31 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 15 – 21, 2022, as “*National Public Works Week*” in the County. Without objection, it was so ordered.

19. **PROCLAMATION REQUEST FOR RYAN ZIMMERMAN** (10:31 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation for Ryan Zimmerman following his retirement from the Washington Nationals, celebrating his partnership with the County after playing for 16 seasons in the Major Baseball Leagues. Without objection, it was so ordered.

20. **RESOLUTION OF RECOGNITION REQUEST FOR THE JAMES MADISON HIGH SCHOOL GIRLS BASKETBALL TEAM** (10:31 a.m.)

Jointly with Supervisor Alcorn, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the James Madison High School Girls Basketball Team for winning the Class 6 State Basketball Championship. Without objection, it was so ordered.

21. **RESOLUTION OF RECOGNITION REQUEST FOR THE HAYFIELD HIGH SCHOOL BOYS BASKETBALL TEAM** (10:31 a.m.)

Jointly with Supervisor Lusk, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the Hayfield High School Boys Basketball team for winning the Class 6 State Basketball Championship. Without objection, it was so ordered.

22. **PROCLAMATION REQUEST FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD)** (10:31 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation for the FCPD as it recently received the Virginia Law Enforcement Professional Standards Commission on its seventh re-accreditation, demonstrating its commitment to upholding high standards in strengthening its partnership with the communities it serves and demonstrating ethical and principled policing. Without objection, it was so ordered.

23. **RESOLUTION OF RECOGNITION REQUEST FOR DAVE ANGLIN** (10:31 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Dave Anglin, for his outstanding stormwater project management with the Hayfield Road Pipe Project. Without objection, it was so ordered.

24. **NEW HOUSING GOAL FOR AFFORDABLE HOUSING UNITS**
(10:35 a.m.)

Chairman McKay stated that as the Board set a goal of 5,000 new affordable housing units by 2034, the Board knew that this would be an amount it would set out to exceed. It has always been a “floor,” not a “ceiling,” to meet the County’s identified need of 15,000 net new units of affordable housing, as laid out by the Affordable Housing Resources Panel.

The Board set this goal with the intent to blow it out of the water, and the County is doing just that. With 2,200 new units in the development pipeline right now and many more on the way, in every corner of the County, enormous progress is being made towards that current goal.

With this progress, it is time to re-evaluate the minimum goal of 5,000 units. The Board has always set out to be aspirational in affordable housing work, and it has paid off.

Therefore, jointly with Supervisor Foust, Chairman McKay moved that the Board adopt a new housing goal of 10,000 net new affordable housing units by 2034 and direct staff to evaluate this new goal and identify the resources needed to achieve it. Supervisor Foust and Supervisor Lusk jointly seconded the motion.

Discussion ensued regarding the following:

- Appreciation for staff
- Increasing new units of affordable housing within each District
- The current tax burden on the residents
- Resources needed to achieve this goal
- The benefit of this goal

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

25. **AID PROGRAM FOR REFUGEES FROM UKRAINE** (11:01 a.m.)

Chairman McKay stated that since Russia’s unprovoked and unjustified invasion of Ukraine, more than three million residents have fled their homes.

Chairman McKay stated that the County is one of the most generous and caring communities, and his office has been flooded by requests to help.

To that end, Chairman McKay announced a press conference will be held on March 23, 2022, in the Forum, in conjunction with the Northern Virginia Regional Commission and some other regional colleagues, to launch an aid program to collect new/gently used coats, as well as new blankets, socks, and gloves, for refugees from Ukraine. It is open to everyone and will be held at 10 a.m.

Chairman McKay thanked the Board for agreeing to use their offices as drop-off points for these items. A full list of drop-off sites will be announced on March 23, 2022, when the campaign officially begins. More information can be found at: www.HelpUkraineNova.org.

26. **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) YELLOW LINE SHUTDOWN** (11:04 a. m.)

Chairman McKay stated that WMATA announced the Yellow Line tunnel and bridge crossing the Potomac River will shut down starting September 10, 2022, for up to eight months because of essential safety rehabilitation work.

Clearly, safety must be the highest priority when it comes to the transit system. However, the seemingly endless stream of shutdowns, delays, and missed completion dates is making County commuters increasingly frustrated and hampering Metro's ability to rebound from pandemic ridership numbers. While during the height of COVID, these issues were less impactful due to the robust teleworking taking place, Chairman McKay stated that he is greatly concerned about the impacts of this shutdown, especially as people slowly return to the workplace - something seen in traffic volumes daily.

Everyone is trying to get back to normal and the County is on the fast track to recovery from the pandemic, so a reliable transit is more important than ever.

Therefore, Chairman McKay moved that the Board write a letter to WMATA, urging them to:

- Investigate ways to provide a more robust system of convenient bussing than what has already been proposed
- Provide transit alternatives while this essential route is offline
- Explore other methods, such as fare reductions and parking fare reductions at Yellow Line stations, like the Huntington Station
- Encourage the Virginia Railway Express (VRE) to play a lead role in possibly providing relief in ways like fare incentives for Yellow Line riders
- Conduct a thorough review to see if a tighter timeline can be developed

The Northern Virginia Transportation Commission (NVTC) has already convened a working group and plans to write a similar letter. The County needs all the help it can get. Supervisor Storck seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

27. **VOCATIONAL WELCOME CENTER** (11:07 a.m.)

Chairman McKay announced that he submitted a consideration item of \$1.5 million for a vocational welcome center in the County to:

- Strengthen job training and placement programs
- Engage the Fairfax County Public Schools and local institutions of higher education
- Coordinate improvements to certification and reskilling programs
- Provide these opportunities and more to lower income families

He stated that this project is being done jointly with CASA and the Commonwealth of Virginia, and any County funding is tied to the State approving the \$5 million item currently in its budget for this project.

28. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 2022 AS "FAIRFAX PETS ON WHEELS MONTH"** (11:08 a.m.)

Supervisor Gross stated that this year, Fairfax Pets on Wheels Inc. (FPOW) will celebrate its 35th year of "Helping Lick Loneliness" in the County. FPOW connects pets with people living in nursing homes and assisted living facilities. An all-volunteer program, begun 35 years ago, – donates more than 5,000 hours of pet visitation annually to 14 long term care facilities and three Adult Day Health Care Centers. Petting animals has been medically proven to assist in curtailing the loneliness, depression, and withdrawal often associated with residency in a nursing facility, enabling older adults to recall happier times.

Supervisor Gross asked unanimous consent that the Board direct staff to prepare a Proclamation designating September 2022 as "*Fairfax Pets on Wheels Month*" in the County, to be presented at the Board meeting on September 13, 2022, to applaud this milestone. Without objection, it was so ordered.

29. **NO BOARD MATTERS FOR SUPERVISOR WALKINSHAW (BRADDOCK DISTRICT)** (11:10 a.m.)

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

30. **MCLEAN COMMUNITY CENTER (MCC) ELECTION CANDIDATES**
(11:10 a.m.)

(BAC) Supervisor Foust stated that on March 16, 2022, his office received notice that 12 Dranesville Small District –1A residents, nine adults and three youth, have successfully petitioned to become candidates and have their names placed on the ballots for the MCC Governing Board elections. Three adult positions and two youth positions are open this year.

Supervisor Foust stated that a copy of the MCC’s certification of the candidates dated March 16, 2022, is attached to his written Board Matter. Pursuant to the Memorandum of Understanding (MOU) between the Board and the Governing Board of the MCC, dated February 8, 1984, as revised, notice of all certified candidates is to be presented to the Dranesville District Supervisor and through him or her to the Board at its next regular meeting.

Early voting began on March 16, 2022, and will continue through May 18, 2022. Pursuant to the requirements of the MOU, the results of the election should be reported to the Board at its first meeting following the election. If the Board determines that it is in the public interest to do so, the Board may appoint the three adult candidates and one youth candidate from the McLean High School boundary area and one from the Langley High School boundary area, who receive the highest number of votes to the MCC Governing Board.

Therefore, Supervisor Foust asked unanimous consent that the record reflect receipt by the Board of the list of candidates for the MCC Governing Board election. Without objection, it was so ordered.

31. **RESOLUTION OF RECOGNITION FOR THE MCLEAN SYMPHONY AND MAESTRO DINGWALL FLEARY (DRANESVILLE DISTRICT)**
(11:12 a.m.)

Supervisor Foust stated that this year The McLean Symphony, led by Maestro Dingwall Fleary, will celebrate 50 years of providing concerts in McLean and throughout Northern Virginia. Without a doubt, this is quite an achievement.

In the fall of 1971, the late June and Robert Trayhern, Founders and Directors of the McLean Academy of Musical Arts, approached Conductor Dingwall Fleary about establishing an orchestra in McLean. The primary purpose was to create a local ensemble with which their advanced students could perform. Their combined efforts resulted in the formation of the all-volunteer McLean Chamber Orchestra.

After three successful seasons, it became apparent to the founders that it was time to organize in a way that would enable more support from the community. In 1974, a Governing Board was established for the orchestra, and it gained status as a not-for-profit 501(c)(3) organization.

McLean's first Community Arts Award was given to Mr. Fleary at the end of the 1975-76 season. To better reflect its growth in size and scope, the Board and players dropped "chamber" from the name. In 1986, in response to a change in philosophy from the Board, the players unanimously reorganized under its current name, The McLean Symphony, retaining Maestro Fleary as its conductor.

Since its inception, the orchestra has had a tradition of performing American works with a special emphasis on local, living composers as well as new music from around the world. The orchestra has premiered over 65 new works.

As dedicated music education advocates, Maestro Fleary and symphony members have continuously provided a stage for talented youth soloists and composers. Members have graciously performed at area schools and senior communities.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for The McLean Symphony and Maestro Fleary, to be presented at a future Board meeting, acknowledging their musical contributions to the community. Without objection, it was so ordered.

32. **REQUEST TO PROMOTE APRIL 22 – 30, 2022 AS "DARK SKY WEEK"**
(11:14 a.m.)

Supervisor Alcorn stated that in the United States and Europe, 99 percent of people live under a light-polluted sky. Globally, it is estimated to be one-third of the population. Yet, few are aware of its impact. The damage of artificial light at night goes far beyond blocking the view of the stars and disrupting migratory patterns of wildlife. Its significant impacts on human quality of life warrant far more attention. Scientists link light pollution to global insect decline, the death of millions of migrating birds, increased carbon emissions, and disease.

"International Dark Sky Week" raises awareness of light pollution and provides solutions to protect dark skies while enjoying safe outdoor lighting. "International Dark Sky Week" events will be celebrated across the globe to help raise awareness of the benefits of community friendly lighting and the heritage of dark skies.

The good news for the County is that the Turner Farm Park Observatory is expected to be designated soon as an Urban Night Sky Place by the International Dark Sky Association.

Therefore, jointly with Supervisor Foust, Supervisor Alcorn asked unanimous consent that the Board direct the Office of Public Affairs to work with the Park Authority and other appropriate agencies to promote April 22 - 30, 2022, as "*Dark Sky Week*" in the County, highlighting the importance of community and nature-friendly lighting. Without objection, it was so ordered.

33. **PROFFERS FOR ELM STREET COMMUNITIES, INC. (LEE DISTRICT)**
(11:16 a.m.)

Supervisor Lusk stated that Elm Street Communities, Inc. (the “applicant”) is the contract purchaser of approximately 5.42 acres of land located on the west side of Richmond Highway (Route 1) at its intersection with Buckman Road (Route 836) and zoned to the PDH-30 District. The property is part of a larger land area known as Mount Vernon Gateway that has not been constructed since it was rezoned in 2005. The applicant proposes a rezoning to the PRM District with a concurrent proffered condition amendment to remove the application property from Mount Vernon Gateway and construct a single multi-family building.

On May 18, 2021, the Board consented to the inclusion of a portion of right-of-way previously dedicated and known as Rolling Hills Avenue in the pending applications. This portion of right-of-way is no longer required for roadway purposes and is the subject of a pending vacation/abandonment request.

As part of the rezoning application process, the applicant has submitted proffers. The applications are scheduled for a public hearing before the Board on April 12, 2022.

Therefore, Supervisor Lusk moved that in conjunction with the pending applications, the Board authorize the County Executive and/or his designees to act as agent of the Board in connection with these applications, subject to the execution of an agreement indemnifying the Board as to any proffered conditions associated with the rezoning application. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Foust seconded the motion and it carried by unanimous vote.

34. **PROCLAMATION REQUEST FOR ED BALLARD** (11:18 a.m.)

Supervisor Storck stated that Ed Ballard, Supervising Engineering Inspector of Site Development and Inspections Division, in Land Development Services, retired on March 11, 2022, after 35 years of dedicated service to the County. Mr. Ballard joined the County in 1987 and began his career as a Site Inspector and then eventually served in several progressively more responsible roles. For the last 15 years, he supervised a team of site inspectors providing site inspections for developments in the Mason, Lee, and Mount Vernon Districts.

His tremendous experience coupled with his knowledge of codes and regulations were instrumental in addressing and solving many complicated field situations. Mr. Ballard provided excellent customer service to residents and was highly praised and admired by the Board, as well as his supervisors and colleagues throughout his career. He is an exceptional individual who contributed significantly to the successful implementation and completion of development projects in the County.

Mr. Ballard was a respected supervisor and leader who was invested in and facilitated his staff's growth and advancement. Many of his team members were promoted to different agencies in the County.

Therefore, jointly with Chairman McKay, Supervisor Gross, and Supervisor Lusk, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation for Ed Ballard, to be signed by Chairman McKay, Supervisor Gross, Supervisor Lusk, and himself, in recognition for his outstanding service to the County, to be presented at a future Board Meeting. Without objection, it was so ordered.

35. **CERTIFICATES OF RECOGNITION FOR THE BOARD/SCHOOL BOARD JOINT ENVIRONMENTAL TASKFORCE (JET) MEMBERS**
(11:20 a.m.)

(BAC) Supervisor Storck stated that the JET was formed in April 2019 by the Board and the Fairfax County School Board. The JET's mission is to join the political and administrative capabilities of the county and the school system to proactively address climate change and environmental sustainability. The final meeting of the JET was held in September 2020.

The JET aimed to set and meet aggressive goals in areas of common influence such as workforce development, infrastructure and sustainability of public facilities and transportation, land use planning, communication, and community engagement. The JET provided a forum for collaboration and alignment of institutional policies and practices. The JET organized subcommittees around four specific focus areas: Energy, Transportation, Waste Reduction/Recycling, and Workforce Development.

Members attended many meetings and spent hundreds of hours over two years debating and developing its recommendations. In October 2020, the JET issued a final report with recommendations from each of the four subcommittees. The overarching recommendation from JET members was to set the County and schools goal of being carbon neutral by 2040, further establishing the County as a leader in climate action. County staff has expanded on this goal by creating the Carbon Neutral Counties Declaration and encouraging other jurisdictions to sign on. The JET recommendations have been accepted by both Boards and incorporated into the County's Operational Energy Strategy.

The JET was composed of 13 members from the Board, the School Board, and the community at-large.

Therefore, jointly with Chairman McKay and Supervisor Gross, and Supervisor Storck asked unanimous consent that the Board direct staff to prepare Certificates of Recognition for the JET members in recognition of their service, to be signed by

Chairman McKay, Supervisor Gross, and himself, to the presented to each member at a future Board Meeting. Without objection, it was so ordered.

36. **ADOPTION OF THE AUDITOR OF THE BOARD'S MARCH 2022 QUARTERLY REPORT AND APPROVAL OF THE AUDIT COMMITTEE WORK PLAN FOR THE UPCOMING QUARTER** (11:23 a.m.)

Supervisor Storck stated that the Board received the Auditor of the Board's Quarterly Report for March 2022. The report included the following study areas, recommendations, consideration item, and managements' concurrence:

- Liaise with agencies to interface external systems where appropriate
- Complete interfaces for systems reported in prior study
- Incorporate system update documentation processes for external systems
- Assess duplicative functionalities between external systems and FOCUS
- Obtain and update DIT External Systems Inventory Tracker
- Liaise with agencies to update and/or execute vendor contracts for external systems
- Mortarium on p-card system purchases no longer under consideration. Management to put updates and monitoring processes in place and report back at the September 2022 Audit Committee meeting
- Update guidance for recording miscellaneous transactions including creating new G/L accounts where appropriate
- Pursue avenues to implement alerts in FOCUS requiring completed text and attachments for manual JE transactions
- Update ATB020 and DOF approved monthly reconciliation plans to include reconciling miscellaneous transactions

Therefore, Supervisor Storck moved that the Board adopt the Auditor of the Board's March 2022 Quarterly Report and approve the attached Audit Committee Work Plan for the upcoming quarter. Supervisor Lusk seconded the motion and it carried by unanimous vote.

37. **2022 SOLARIZE FAIRFAX COUNTY CAMPAIGN** (11:26 a.m.)

Supervisor Storck stated that for half a decade the County has joined the Northern Virginia Regional Commission (NVRC) and the nonprofit Local Energy Alliance Program (LEAP) to offer Solarize Fairfax County, a campaign to help make solar panels more affordable and accessible to County residents and businesses. This year, the County will partner once again with NVRC and LEAP to offer Solarize from April 1 - June 30, 2022.

This is an especially important year for the residents and businesses to consider installing solar, for several reasons. At the end of this calendar year, the federal income tax credit for solar installations will drop from 26 percent to 22 percent, which represents a marked decrease. Anyone interested in installing solar will need to have signed a contract and their solar project installed before December 31, 2022, to qualify for the 26 percent tax credit.

Additionally, on a local level, 2022 marks the beginning of implementation of the County's Community-wide Energy and Climate Action Plan (CECAP), in earnest. CECAP includes a goal of achieving carbon neutrality within the community by 2050. Using on-site renewable energy, like solar, can help the County to achieve this goal. Choosing to pursue solar for a home or business is an excellent way to take climate action, right here in the County.

Solarize participants can receive free, no-obligation site assessments of their properties from a pre-qualified vendor. Those who decide to move forward and install solar panels receive bulk discounts on their purchase, financing options, guidance on how to make the most of the federal tax incentive, and more. Additionally, anyone who installs solar in the County is eligible for County solar incentives, which currently include a waiver for the permit application and a five-year solar energy equipment tax exemption.

Last year, more than 320 residents and businesses signed up for Solarize in the County to assess the solar readiness of their properties. Of those sign ups, 64 went on to install solar, collectively standing up more than \$1.6 million of solar technology capable of generating 631 kilowatts of energy. That's nearly 50 percent of the total capacity of the solar arrays installed through Solarize in Northern Virginia in 2021.

In addition to solar panels, the Solarize campaign also offers participants the chance to install battery storage systems at a discount. Installing battery storage along with a solar array is a great way to increase the value of the solar system and provide peace of mind in the case of severe weather or other events that interrupt power supply from utilities.

Solarize allows participants to bundle electric vehicle (EV) charging stations with their solar system purchase, making EV charging technology available at a discount. As EVs are another critically important piece of the carbon-neutrality

puzzle in the County, this is a tremendous opportunity to take steps toward EV ownership and adoption on a larger scale across the County.

Therefore, jointly with Chairman McKay and Supervisor Gross, Supervisor Storck asked unanimous consent that the Board direct the Office of Environmental and Energy Coordination, in partnership with the Office of Public Affairs, to proceed with the promotion of the 2022 Solarize Fairfax County Campaign. Without objection, it was so ordered.

38. **BIRTHDAY CELEBRATION FOR ADA SINGLETARY** (11:33 a.m.)

Supervisor Storck announced that Ada Singletary is the oldest resident that was born and raised in Gum Springs and is turning 102 years old today. He stated that many will be participating in her birthday celebration by driving by her home and honking the horn in their vehicle.

39. **PROCLAMATION REQUEST FOR THE LITERACY COUNCIL OF NORTHERN VIRGINIA (LCNV)** (11:36 a.m.)

Supervisor Palchik stated that LCNV, established in 1962, has a mission to teach adults the basic skills of reading, writing, speaking, and understanding English so they can better access employment and educational opportunities and more fully and equitably participate in the community.

LCNV is proud to have served nearly 60,000 beginning-level English language and literacy adult learners in its 60 years. Its programs are focused on best practices in research-based pedagogy and provide student-centered instruction. This entails assessing each adult, placing him or her at the appropriate level within the learning continuum, gearing instruction to personal learning goals, and addressing special learning needs or disabilities. They also provide an opportunity for many working age and retired County residents to serve as trained volunteer teachers.

One of its recent initiatives is Destination Workforce®. This is a program that delivers language-based workforce training that teaches industry-recognized credential training in addition to the languages skills necessary to obtain, succeed, and advance in many entry-level jobs. With these courses, adults learn critical language and soft skills, while leveraging their employability and marketability. LCNV collaborates with businesses interested in upskilling their employees and committed to addressing barriers for low-wage employees to advance in the workforce. Such partners include Arlington Partnership for Affordable Housing, BF Saul Company Hospitality Group, Capital One, Centreville Immigration Forum, DoubleTree by Hilton McLean Tysons Corner, José Andrés ThinkFoodGroup, and Korean Community Service Center Job Readiness Project.

LCNV says that that literacy is a survival skill. Never has that been truer than this past couple of years, where filling out online vaccination forms, and going to the

doctor, or COVID testing became part of the new normal. Language is integral to our own health and safety.

LCNV will be hosting two in-person events to celebrate its 60th anniversary. First is a breakfast fundraiser, A Taste of Literacy, on March 25, 2022, from 8 a.m. to 9:30 a.m., where a discussion will be held among students, instructors, and partners who have worked together to break down barriers and overcome obstacles. Its Annual Recognition Ceremony will be on the evening of June 21, 2022. More details on the ceremony are forthcoming.

Therefore, jointly with the Board, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Proclamation, recognizing LCNV's contributions to the community, to be presented at its Annual Recognition Ceremony on June 21, 2022. Without objection, it was so ordered.

40. **PARTIAL WAIVER OF SPECIAL PERMIT FEES TEMPORARY ROLLER AND ICE RINK (PROVIDENCE DISTRICT)** (11:40 a.m.)

Supervisor Palchik stated that Edens, the developer and owner of the Mosaic District, accommodated a temporary roller rink in the Mosaic District last year. This outdoor activity was successful in helping to activate Mosaic District, bringing people together despite the COVID-19 restrictions in effect at the time, and providing support for local nonprofits from the fees generated by the activity. Edens did not generate a profit last year and the same outcome is planned for this year.

Edens is interested in bringing back the roller rink in June and an ice rink in October. The extended duration of these uses will trigger the need for a Special Permit for a Temporary Special Event or a Proffered Conditioned Amendment to revise the development plan to add these uses to the property. The fee for a Special Permit for a temporary event would be \$16,375.

Under the uncodified ordinance passed by this Board last summer, hospitality uses are entitled to a 75 percent reduction in zoning fees to assist the industry in its response to the pandemic. Outdoor commercial recreation uses were not included under the uncodified COVID-19 ordinance, however in this instance, the proposed skating rinks are intended to add significant outdoor activities to an existing, established shopping and lifestyle center. Supervisor Palchik stated her belief that they are essentially the same as the hospitality uses defined in Section C of the Uncodified Ordinance and feels that this offers good cause to support a modification of the zoning fees in line with that authorized by the Uncodified Ordinance for other hospitality industry uses.

Therefore, Supervisor Palchik moved that the Board authorize a 75 percent reduction for the Special Permit Fee for the temporary accommodation of a roller and ice rink at the Mosaic District. This motion should not be construed as a favorable recommendation by the Board, nor the Board of Zoning Appeals, on the proposed application and does not relieve the applicant from compliance with the

provisions of all applicable ordinances, regulations and adopted standards. Chairman McKay seconded the motion.

Following discussion, with input from Beth Teare, County Attorney, regarding the Executive Order and allowances provided by the Zoning Ordinance, the question was called on the motion and it carried by unanimous vote.

41. **CERTIFICATES OF RECOGNITION REQUEST FOR THE HIGH SCHOOL STUDENT SHARK TANK TECHNOLOGY CHALLENGE 2021-22** (11:45 a.m.)

Supervisor Herrity stated that the first County High School Student Shark Tank Technology Challenge was held in 2015. The project was launched to help implement a Fairfax 50+ Community Action Plan initiative entitled: Help People Stay in their Homes with Technology. The annual challenge was interrupted by the public health safety concerns brought about by the COVID-19 pandemic.

The student “Shark Tank” technology challenge was restated this school year and students from six different high schools accepted the challenge. Three schools will be represented in the finals. Selected projects will be presented to the Shark Tank judges on April 1, 2022, and winners will be announced on April 14, 2022.

Partners of the high school challenge include Fairfax Area Agency on Aging, Neighborhood and Community Services, George Mason’s Kellar Institute, Fairfax County Public Schools, and INTEGRITYOne Partners. INTEGRITYOne Partners is generously providing the monetary award this year, as they have each year since 2015. Judges for this event are representatives from INTEGRITYOne Partners, the Kellar Institute, Inova and AARP.

Therefore, Supervisor Herrity asked unanimous consent that the Board:

- Reserve May 24, 2022, for a reception to honor the “Shark Tank” technology challenge students and their families
- Direct staff to prepare Certificates of Recognition for the winners and invite them to appear before the Board to receive the certificates, in recognition of their achievements and contributions to the community

Without objection, it was so ordered.

42. **PROCLAMATION REQUEST DESIGNATING MAY 2022 AS “OLDER AMERICANS MONTH”** (11:46 a.m.)

Supervisor Herrity stated that this year, the U.S. Administration for Community Living has chosen the theme “Age My Way” for Older Americans Month. Older adults play vital, positive roles in the communities as family members, friends,

mentors, volunteers, civic leaders, members of the workforce, and more. Just as every person is unique, so too is how they age and how they choose to do it.

The 2022 theme provides an opportunity to celebrate the strength of older adults and the Aging Network in the County, with special emphasis on aging in place so older adults can plan to stay in their homes and live independently in their communities for as long as possible.

May is also Adult Abuse Prevention Month in the Commonwealth. While recognizing the vitality of the County's older adults, the Board also recognizes that vulnerable older adults need protection from abuse, neglect, and exploitation.

The County has many resources for older adults who want to age in place and live here. The County also has many resources available for older adults, caregivers, and individuals with disabilities through the Aging, Disability, and Caregiver Resources Line.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 2022 as "*Older Americans Month*" in the County and invite a representative from the Commission on Aging to receive the Proclamation at the May 10, 2022, Board Meeting. Without objection, it was so ordered.

43. **RESOLUTION OF RECOGNITION REQUEST FOR GREENBRIAR WEST ELEMENTARY SCHOOL (SPRINGFIELD DISTRICT)** (11:47 a.m.)

Supervisor Herrity stated that Greenbriar West Elementary School will soon be celebrating its 50th Anniversary. Opening to students on March 27, 1972, it had an enrollment of 615 students. With the increase in housing developments in Fairfax during the mid-late 1960s, the original Greenbriar Elementary School on Point Pleasant Drive had been suffering from overcrowding, requiring construction of an additional elementary school in the Greenbriar subdivision. The developer of Greenbriar, Levitt and Sons, donated the land for the project and the School Board in 1970 awarded a contract to construct a new school on Poplar Tree Road at the cost of approximately \$1.2 million. This construction cost was much higher than that of other schools in the County at that time because it required special soundproofing due to its location in the Dulles Airport flight paths. While the school was under construction in 1971, the existing Greenbriar Elementary School was renamed Greenbriar East, and this school was officially named Greenbriar West.

The 50th Anniversary of the school is an exciting milestone for Greenbriar, where longtime County residents continue to welcome young families and bright students in a uniquely intergenerational community.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition, recognizing Greenbriar West Elementary

School's 50th Anniversary and for its contributions to the surrounding community, to be presented outside the Board Room at the Greenbriar West Elementary Anniversary celebration on March 26, 2022. Without objection, it was so ordered.

44. **CONSIDERATION OF ECONOMIC OPPORTUNITY RESERVE GRANT FOR PATRIOT PARK NORTH (SPRINGFIELD DISTRICT)** (11:49 a.m.)

Supervisor Herrity stated that Patriot Park North will be the first sports tourism complex in the County upon its completion later this year. As previously discussed by this Board, investment in this complex is an avenue to diversify the County's revenue through sports tourism, which has proven to be a recession-proof industry. To be a successful sports tourism facility, Patriot Park North requires the amenities outlined in the memo from the Park Authority. Without these amenities, the facility will not be able to attract tournaments. Investing in these amenities will ensure that the facility can open to tournaments without delay and contribute to the overall revenue to the County as well as local businesses, the full extent of which can be identified by Visit Fairfax.

Therefore, Supervisor Herrity moved that the Board direct staff prepare an Initial Project Evaluation to review these critical amenities at Patriot Park North under the guidelines adopted for the Economic Opportunity Reserve. The review should evaluate a \$669,000 contribution to this project and the impacts such an investment would make in furthering the County's goals in areas of strategic importance. In accordance with the established process, no additional investment from the Economic Opportunity Reserve will be made to the Patriot Park North project unless and until the Board has approved the use of the funds for that purpose. Chairman McKay seconded the motion and it carried by unanimous vote.

45. **CHANTILLY HIGH SCHOOL'S TEEN JOB FAIR** (11:52 a.m.)

Supervisor Herrity thanked the attendees and employers for attending the recent job fair at Chantilly High School. He stated that a job fair, to be held at West Springfield High School, has yet to be rescheduled.

46. **PROCLAMATION REQUEST DESIGNATING MAY 2022 AS "BUILDING SAFETY MONTH"** (11:52 a.m.)

Supervisor Smith stated that staff from Land Development Services (LDS), the Department of Code Compliance and the Fire and Rescue Department enforce the Virginia Uniform Statewide Building Code and Statewide Fire Prevention Code to ensure life safety requirements are incorporated into the design, construction and maintenance of the buildings and structures in the County. The County celebrates Building Safety Month each year to raise awareness of the importance of complying with these codes to provide safe buildings and infrastructure that serve the community every day.

Although 2021 proved to be a challenging year due to the continuing pandemic, staff was able to overcome many obstacles and continue to facilitate safe and sustainable buildings in the County. The County's dedicated staff has implemented virtual inspections, electronic permitting and plan review, and online meetings to support the building industry to ensure buildings are safe.

Therefore, Supervisor Smith asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 2022 as "*Building Safety Month*" in the County, to be presented outside the Board Room to the Building Safety Month Planning Committee members, along with William Hicks, Director, LDS, and Jay Riat, Building Official/Building Division Director, LDS. Without objection, it was so ordered.

47. **REQUEST FOR CONCURRENT SITE PLAN PROCESSING FOR K. HOVNANIAN AT GALLERY PARK AT WESTFIELDS LLC (SULLY DISTRICT)** (11:54 a.m.)

Supervisor Smith stated that K. Hovnanian at Gallery Park at Westfields, LLC has filed a Rezoning, Final Development Plan and Proffer Condition Amendment, RZ/FDP 2021-SU-017 and PCA 78-S-063-12, for a site previously approved for office use, to permit two-over-two style townhouses on Tax Map Reference 043-2 ((2)) 0029G3.

A formal public hearing is scheduled before the Planning Commission on April 20, 2022. To facilitate review of the Final Development Plan Amendment application, the applicant has requested authorization to process concurrent site and building plans for the project in advance of the public hearing.

Therefore, Supervisor Smith moved that the Board direct the Director of the Department of Land Development Services to accept for concurrent and simultaneous review a site plan, architectural drawings, building permits and other materials as may be necessary in conjunction with the pending application. This motion should not be construed as a favorable recommendation by the Board on the pending application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Chairman McKay seconded the motion.

Following discussion regarding location in noise contours, the question was called on the motion and it carried by unanimous vote.

48. **VALE SCHOOLHOUSE** (11:56 a.m.)

Supervisor Smith announced that Stan Proffitt, the last remaining pupil of Vale Schoolhouse, recently visited the school with his three great-grandchildren.

KK:kk**AGENDA ITEMS**49. **ADMINISTRATIVE ITEMS** (11:57 a.m.)

Supervisor Gross moved approval of the Administrative Items 1-8. Supervisor Lusk seconded the motion.

Supervisor Alcorn called the Board's attention to Admin 6 – Authorization for the Department of Transportation (DOT) to Apply for and Accept Grant Funding from the United States Department of Transportation's (USDOT) Fiscal Year 2022 Rebuilding American Infrastructure with Sustainability and Equity Discretionary Grant Program (Dranesville, Hunter Mill, and Lee Districts) and asked unanimous consent that the Board direct staff to explore opportunities for additional federal funding for the Sunrise Valley Drive Active Transportation Improvements Project. Without objection, it was so ordered.

Discussion ensued, with input from Tom Biesiadny, Director, DOT, regarding the request, and Board's input for transportation projects which require vast amounts of funding.

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."

ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (MOUNT VERNON DISTRICT)

Authorized the extension of review period for the following Public Facility 2232 Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-2022-MV-00001	Furnace Associates Inc. Overlook Ridge Park Tax Map Number 113-1 ((1)) 5, 113-1 ((1)) 7, 113-3 ((1)) 2 and 113-3 ((1)) 4 10001 Furnace Road Lorton, VA Mount Vernon District	June 11, 2022

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY A DEED OF EASEMENT FOR FIBER OPTIC LINES AT THE CRIMINAL JUSTICE ACADEMY (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 12, 2022, at 2:30 p.m.**, regarding granting of a non-exclusive easement to MetroDuct Systems VA LLC to install a fiber optic line at the Criminal Justice Academy.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2022 REVISED BUDGET PLAN

- (A) Authorized the advertisement of public hearings to be held before the Board on **April 12, 2022, at 4 p.m., April 13, 2022, at 3 p.m., and April 14, 2022, at 3 p.m.**, to consider adjusting the FY 2022 appropriation level. The advertisement encompasses both the County and the Schools' FY 2022 Third Quarter Reviews. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Board action to amend the current appropriation level.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE DE-CREATION/RE-CREATION OF A SMALL AND LOCAL SANITARY DISTRICT FOR THE REMOVAL OF VACUUM LEAF COLLECTION SERVICES (MOUNT VERNON DISTRICT)

- (A) (R) Adopted a Resolution authorizing the advertisement of a public hearing to be held before the Board on **May 10, 2022, 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 1 Within Mount Vernon District (Waynewood Area)	De-Create/ Re-Create	Remove Vacuum Leaf	Approve

ADMIN 5 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) - BRADDOCK ROAD (SULLY DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Braddock Road, between Westfields Boulevard/Stone Road and Kimanna Drive (Sully District)

- Directed staff to request the Virginia Department of Transportation schedule the installation of the approved measures as soon as possible

ADMIN 6 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S (USDOT) FISCAL YEAR 2022 REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY DISCRETIONARY GRANT PROGRAM (DRANESVILLE, HUNTER MILL, AND LEE DISTRICTS)

(R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 32.)

- Authorized DOT to apply for and accept grant funding, if received, from the USDOT in the amount of \$42,475,000, including \$8,495,000 in local cash match, for the Frontier Drive Extension, and Sunrise Valley Drive Active Transportation Improvements projects. No positions will be created through this grant program
- Authorized the Chairman of the Board, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County
- Adopted the Project Endorsement Resolution in substantial form of Attachment One of the Board Agenda

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 22217 FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT GRANT FUNDING AND AUTHORIZATION TO EXECUTE A GRANT PROJECT AGREEMENT WITH THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) FOR THE CONNECTED AUTONOMOUS VEHICLE (CAV) DEMONSTRATION PROJECT (PROVIDENCE DISTRICT)

- (SAR) (R)
- Approved SAR AS 22217 for DOT to accept funding from DRPT in the amount of \$260,000, including \$52,000 in local cash match, for the CAV demonstration project. Funding will be used to continue the operation of the Relay shuttle service through the end of December 2022. No new positions are associated with this grant project agreement
 - Adopted the Resolution authorizing the Director of DOT to enter into grant agreement 71122-01 with DRPT, on behalf of the County

ADMIN 8 – APPROVAL OF A RESOLUTION TO ALLOW MIDWEST MEDICAL TRANSPORT COMPANY, LLC, OPERATING AS MMT AMBULANCE, TO OPERATE A PRIVATE EMERGENCY MEDICAL SERVICES (EMS) AGENCY WITHIN FAIRFAX COUNTY

- (R) Adopted the Resolution allowing MMT Ambulance to operate as an EMS Agency for the purposes of providing interfacility transport services within the County.

50. **A-1 – APPROVAL OF AN UNMANNED AIRCRAFT SYSTEMS (UAS) PROGRAM AUTHORIZATION REQUEST FOR FAIRFAX COUNTY TELEVISION CHANNEL 16** (12:03 p.m.)

On motion of Supervisor Alcorn, multiply seconded, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Fairfax County Television Channel 16's UAS Program authorization request.

51. **A-2 – APPROVAL OF A RESOLUTION CONSENTING TO THE VIRGINIA RAILWAY EXPRESS (VRE) ISSUANCE OF BONDS FOR CAPITAL EXPENSES** (12:04 p.m.)

- (R) Supervisor Alcorn moved that the Board concur in the recommendation of staff and approve VRE's request for jurisdictional consent to proceed with the proposed public bond issuance supported exclusively by dedicated VRE revenue and without local jurisdictional funding, by adopting the Resolution, substantially in the form of Attachment One of the Board Agenda Item. The motion was multiply seconded.

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

52. **A-3 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT AUTHORITY HEALTH CARE REVENUE REFUNDING BONDS (INOVA HEALTH SYSTEM PROJECT) SERIES 2022** (12:06 p.m.)

- (R) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board approve the issuance of the Bonds by adopting the Resolution that is set forth as Attachment One in the Board Agenda Item. Supervisor Lusk seconded the motion.

Following an inquiry to Elizabeth Teare, County Attorney, regarding her chairing the meeting due to her need to recuse herself, Vice-Chairman Gross relinquished the Chair to Acting-Chairman Smith.

Supervisor Gross stated that the Board appointed her to represent the County on the Inova Board of Trustees. She will be abstaining from the vote on Action Item 3 and will not participate in any discussions the Board may have on this item. The County Attorney advised her that she could vote on this item because Inova is a non-profit

and she is not paid for her services on the Board of Trustees. However, Supervisor Gross decided to voluntarily recuse herself from this matter out of an abundance of caution.

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

Acting-Chairman Smith returned the gavel to Chairman McKay.

53. **A-4 – APPROVAL OF 2022 RATE ADJUSTMENTS TO FAIRFAX CENTER, CENTREVILLE, TYSONS, TYSONSWIDE, TYSONS GRID OF STREETS, AND RESTON ROAD FUNDS (BRADDOCK, DRANESVILLE, HUNTER MILL, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (12:08 p.m.)

On motion of Supervisor Alcorn, seconded by Supervisor Smith, and carried by unanimous vote, the Board approved the rate schedule, Attachment One of the Board Agenda Item, including a 7.5 percent adjustment of the existing contribution rates in all fund areas with the new rate effective April 1, 2022.

54. **A-5 – AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC) TO DEVELOP A STRATEGIC FRAMEWORK FOR FAIRFAX COUNTY AND NVTC TO GUIDE IMPLEMENTATION OF ROUTE 7 BUS RAPID TRANSIT (DRANESVILLE, PROVIDENCE, AND MASON DISTRICTS)** (12:09 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and authorize the Director of DOT to enter into an agreement (Attachment I of the Board Agenda Item) with NVTC. Supervisor Foust and Chairman McKay jointly seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, DOT, regarding:

- Express routes
- Cost of bus pull-off areas
- Requirement regarding busses passing one another

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

55. **C-1 – APPROVAL OF BYLAWS RESTATING THE PURPOSE AND MEMBERSHIP OF THE CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL (CHCCAC)** (12:16 p.m.)

The Board next considered an item contained in the Board Agenda regarding proposed revised Bylaws for the CHCCAC:

Supervisor Alcorn moved that the Board adopt the CHCCAC revised bylaws. Chairman McKay seconded the motion and it carried by unanimous vote.

DMS:dms

56. **RECESS/CLOSED SESSION** (12:17 p.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code Section 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code Section 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code Section 2.2-3711(A) (7).
 - 1. *Macy's Retail Holdings, Inc., et al. v. Fairfax County and Board of Supervisors of Fairfax County*, Case No. CL 2019-0012598; *Macy's Retail Holdings, Inc., et al. v. Fairfax County and Board of Supervisors of Fairfax County*, Case No. CL 2019-0012599 (Fx. Co. Cir. Ct.) (Springfield District)
 - 2. *Lester Ordany Corado Ipina v. Fairfax County Police Department*; Case No. CL-2021 0017756 (Fx. Co. Cir. Ct.)
 - 3. *Courtney Graves, Esq., Pro Se v. Greystar GP II, LLC, Nicole Loren Zamba Campero, and Fairfax County Police Department Animal Services Division*, Case No. CL 2021-0015385 (Fx. Co. Cir. Ct.)

4. *Lisah Smith v. Tina Spurlock*, Case No. GV22-001235 (Fx. Co. Gen. Dist. Ct.)
5. *Paulina Arias v. Michael Filius*, Case No. GV22-002497 (Fx. Co. Gen. Dist. Ct.)
6. *ZAAKI Restaurant and Café LLC v. State Building Code Technical Review Board, County of Fairfax, Virginia, and Jay Riat, Building Official*, Record No. 0318 21 4 (Va. Ct. App.) (Mason District)
7. *In re: May 1, 2019, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Nagla A. Abdelhalim v. Board of Supervisors of the County of Fairfax, Virginia*, Case No. CL-2019-0007529 (Fx. Co. Cir. Ct.) (Providence District)
8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Stephen Patrick Macmanus*, Case No. GV22-001127 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
9. *Jay Riat, Building Official for Fairfax County, Virginia v. Phillip C. Williams, Sr., and Gaynita L. Williams*, Case No. GV22-002557 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fernando A. Ovalle*, Case No. CL-2018-0015808 (Fx. Co. Cir. Ct.) (Lee District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. James W. Adams and Doris C. Adams*, Case No. CL-2021-0017536 (Fx. Co. Cir. Ct.) (Lee District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2022-001105 (Fx. Co. Cir. Ct.) (Lee District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Chao Qui Wu, Cui May Nie and Crespo Construction, LLC*, Case No. GV22-017982 (Fx. Co. Gen. Dist. Ct.) (Lee District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. ALR Properties, LP, and Kamayan Fiesta Filipino Asian*

- American Cuisine, LLC*, Case No. GV22-002850 (Fx. Co. Gen. Dist. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kurt W. Kruger*, Case No. CL-2021-0008712 (Fx. Co. Cir. Ct.) (Mason District)
 16. *Jay Riat, Building Official for Fairfax County, Virginia v. Debrekidussan Abune Aregawi and Abune Teklehaimonat Ethiopian Orthodox Tewahdo Church*, Case No. CL-2022-0002546 (Fx. Co. Cir. Ct.) (Mason District)
 17. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Tewodage Mulugeta*, Case No. CL-2021-0007589 (Fx. Co. Cir. Ct.) (Mason District)
 18. *Jay Riat, Building Official for Fairfax County, Virginia v. Miguel A. Giron*, Case No. GV22-000461 (Fx. Co. Gen. Dist. Ct.) (Mason District)
 19. *Jay Riat, Building Official for Fairfax County, Virginia v. Osmin H. Rodriguez*, Case No. GV21-000460 (Fx. Co. Gen. Dist. Ct.) (Mason District)
 20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bill H. Waller*, Case No. CL-2020-0008130 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 21. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. N. Rose Atwood*, Case No. CL-2021-0015483 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 22. *Jay Riat, Building Official for Fairfax County, Virginia v. Carlos A. Carcamo Cabrera and Maria A. Castro*, Case No. CL-2022-0002545 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 23. *Jay Riat, Building Official for Fairfax County, Virginia v. Rana Parveen*, Case No. GV22-000462 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
 24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. V 3 of Virginia, LLC*, Case No. GV22-002556 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

25. *Jay Riat, Building Official for Fairfax County, Virginia v. Charles Randall Gentry*, Case No. GV22-002475 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. Lilian G. Maldonado and Salvador Zelaya*, Case No. GV22-002476 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nagla A. Abdelhalim*, Case No. CL-2019-0009486 (Fx. Co. Cir. Ct.) (Providence District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. JIN Realty LLC, Mayberry Street Terminal, LLC, Ransell Road Terminal, LLC, and Tysons Service Corporation of Virginia*, Case No. CL-2020-0014699 (Fx. Co. Cir. Ct.) (Providence District)
29. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose Roberto Marquez, Jr.*, Case No. GV22-002473 (Fx. Co. Gen. Dist. Ct.) (Providence District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v. Thomas E. Carmel and Deborah M. Carmel*, Case No. GV22-002853 (Fx. Co. Gen. Dist. Ct.) (Providence District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Danielle Gilbert*, Case No. GV22-002846 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
32. *Jay Riat, Building Official for Fairfax County, Virginia v. Walney Business Center, LLC*, Case No. GV22-002373 (Fx. Co. Gen. Dist. Ct.) (Sully District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v. Mario Amaro*, Case No. GV22-002474 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), legal analysis regarding the national opioid litigation and *Fairfax County v. Purdue Pharma, et al.*, Fairfax County Circuit Court Case No. CL-2019-6025
- As permitted by Virginia Code Section 2.2-3711(A)(3), consideration of the potential acquisition of real property in the Providence District for a public purpose where open discussion

would adversely affect the County's bargaining position or negotiating strategy

- As permitted by Virginia Code Section 2.2-3711(A)(19), discussion and consideration of a memorandum of understanding between the County and the FBI to protect regional and national security interests

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

At 3:47 p.m., the Board reconvened in the Board Auditorium with all Members being present, except Supervisor Palchik, who was participating remotely, and with Chairman McKay presiding.

ADDITIONAL BOARD MATTER

57. **CONTINUED REMOTE PARTICIPATION OF SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (3:47 p.m.)

Chairman McKay ensured that Supervisor Palchik was able to hear the Board and that the Board was able to hear her.

ACTIONS FROM CLOSED SESSION

58. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:47 p.m.)

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

59. **APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FEDERAL BUREAU OF INVESTIGATION (FBI)** (3:47 p.m.)

Supervisor Lusk moved that the Board authorize the Chief of Police to enter into a MOU with the FBI on behalf of the Fairfax County Police Department regarding the Counterintelligence Task Force. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

NS:ns

AGENDA ITEMS

60. **3:30 P.M. – DECISION ONLY ON PROPOSED PLAN AMENDMENT 2021-00006, 2806 POPKINS LANE, LOCATED ON POPKINS LANE, WEST OF BRYANT TOWN COURT (MOUNT VERNON DISTRICT)**
(3:49 p.m.)

(NOTE: On July 27, 2021, the Board held a public hearing regarding this item and deferred decision until October 19, 2021. On October 19, 2021, the Board deferred decision until March 22, 2022.)

Supervisor Storck moved to indefinitely defer decision on Plan Amendment 2021-00006, to allow the community to develop further. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being out of the room.

61. **3:30 P.M. – DECISION ONLY TO CONSIDER AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA (COUNTY CODE), CHAPTER 119 (GRASS OR LAWN AREA) TO ESTABLISH REGULATIONS ON RUNNING BAMBOO AND TO ADD A NEW ARTICLE 4 TO ESTABLISH CIVIL PENALTIES** (3:52 p.m.)

- (O) (NOTE: On February 22, 2022, the Board held a public hearing regarding this item and deferred decision until March 22, 2022.)

Jack Weyant, Director, Department of Code Compliance (DCC), presented the staff recommendation.

Discussion ensued, with input from Mr. Weyant, Sarah Silverman, Assistant County Attorney, regarding:

- Jurisdictions that have adopted similar ordinances
- An informational flyer that would provide options to contain running bamboo
- Fines – structure, amounts, fiscal impacts and financial implications
- Defining the bamboo owner
- Enforcement to contain and prevent further spreading of running bamboo
- Mowing options versus barriers and trenching

- The timeline to correct the violation and contain the spread
- Process for enforcement on County owned property
- Compliance efforts
- The implementation date

Supervisor Stork moved that the Board adopt the proposed amendments to Chapter 119 of the Fairfax County Code to establish regulations on running bamboo, to add a new Article 4 to establish civil penalties, and make other editorial revisions to Chapter 119 for clarity, all as set out in the public hearing draft of the amendments included in Attachment Two to the Board's Agenda Item for March 22, 2022, related to Chapter 119, with such amendment taking effect on January 1, 2023. Supervisor Alcorn seconded the motion.

Discussion ensued, with input from Ms. Silverman, regarding the effective date.

Discussion continued, regarding the fine, the sale of running bamboo, enforcement, and outreach efforts to educate the public.

Following further discussion, with input from Ms. Silverman, regarding the fine, Supervisor Foust moved to amend the motion to revise Section 119-4-2, Subsection D, to read: **"....a total of \$2,000 in a 12-month period,"** instead of a total of \$3,000 in a 12-month period. The motion was multiply seconded.

Discussion ensued, with input from Ms. Silverman and Mr. Weyant, regarding the fine's threshold allowed by State Code, and the disclosure of any outstanding fines to a future purchaser when a home is being sold.

Supervisor Walkinshaw requested that staff report within six months to a year on any issues and whether the fine needs to be increased.

The question was called on the amendment to the motion and it carried by a vote of nine, Supervisor Gross voting "NAY."

Supervisor Storck, noting that the Board's Environmental Committee meeting is scheduled for May 17, 2022, asked unanimous consent that the Board direct staff to prepare an education campaign brochure as a Not in Package (NIP) Item for the Board to review prior to that meeting. Without objection, it was so ordered.

Supervisor Storck restated the main motion, as amended, that the Board adopt the proposed amendments to Chapter 119 of the Fairfax County Code to establish regulations on running bamboo, to add a new Article 4 to establish civil penalties, including a maximum of \$2,000, and make other editorial revisions to Chapter 119 for clarity, all as set out in the public hearing draft of the amendments included in Attachment Two to the Board's Agenda Item for March 22, 2022, related

to Chapter 119, with such amendment taking effect on January 1, 2023. Supervisor Alcorn 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.”

Supervisor Storck stated that the issue of running bamboo will be added to the Board’s Environmental Committee meeting agenda annually.

62. **3:30 P.M. – PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH THE MARLBORO ESTATES COMMUNITY PARKING DISTRICT (CPD) (DRANESVILLE DISTRICT)**
(4:56 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 4 and March 11, 2022.

Charisse Padilla, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Ms. Padilla presented the staff recommendation.

Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Marlboro Estates CPD, in accordance with current CPD restrictions. The district establishment includes the following streets:

- Deer Drive (Route 2059), from Poppy Drive to Blue Star Drive
- Poppy Drive (Route 2662), from Great Falls Street to Deer Drive

Supervisor Lusk seconded the motion and it carried by a 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.”

63. **4 P.M. – PUBLIC HEARING ON THE DRAFT PROPOSED ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2023** (4:59 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 4 and March 11, 2022.

Laura Lazo, Associate Director, Grants Management, Department of Housing and Community Development, presented the staff report.

Following the public hearing, Supervisor Foust moved approval of the County Executive's recommendations that the Board forward comments received on the draft Annual Action Plan to the Consolidated Community Funding Advisory Committee (CCFAC) for its consideration before the CCFAC makes its final recommendation to the Board for action on May 10, 2022. Chairman McKay and Supervisor Lusk jointly seconded the motion.

Following a brief discussion regarding an item in the draft Action Plan concerning housing issues, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

64. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:04 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of March 4 and March 11, 2022.

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

Public comment was held and included the following individuals:

- Bianca Moskaitis – Regarding Zoning Over Commercial Property Abandonment
- Video testimony by Jess Glaser – Regarding the Mental Health Crisis Unit

65. **BOARD ADJOURNMENT** (5:10 p.m.)

At 5:10 p.m., the Board adjourned.