



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 8, 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 8, 2022, 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, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James Walkinshaw, Braddock District

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

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.

BOARD MATTERS1. **MASKS OPTIONAL** (9:32 a.m.)

Chairman McKay stated that metrics from the new Center for Disease Control COVID-19 Community Level tool place the County's current level at low. Per the new metrics, the County Executive announced on February 27 that masks will now be optional for employees and visitors in all County facilities, except for those where health or medical services are provided. Still, we know that a layered approach to mitigation is the best way to defeat this virus, so masks are still encouraged but not required.

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

Chairman McKay announced that Supervisor Palchik will be participating in the meeting remotely due to the recent birth of her first child and asked her 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.

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

Chairman McKay stated that:

- It has been almost two weeks since Russia launched a military invasion of Ukraine that has resulted in more than one million Ukrainian refugees fleeing and thousands have been killed. He asked everyone to keep Ukrainian President Zelenskyy and the Ukrainian people in their thoughts and prayers

- The first positive COVID-19 case in the County occurred two years ago yesterday and the combined global COVID deaths recently surpassed 6 million with 1,443 in the County. He reminded everyone that the vaccine has helped greatly but there is still work to do and we are still living with the virus

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

- Dr. Michael Buschmann, who passed away recently. He was a professor at George Mason University and chair of the Bio-Engineering Department; recipient of the prestigious Canada Research Chair: Tier 1 award, the Melville Medal of the American Society of Mechanical Engineers (ASME) and won Article of the Year for the ASME Journal of Biomedical Engineering
- John Donohue, who passed away recently. He was a Sergeant with the Fairfax County Police Department and later served as a Lieutenant with the Little Fork Volunteer Fire Department in Culpeper County
- Paul Anderson, who passed away recently. He was a Great Falls resident who had a distinguished career with NASA; was one of the youngest people to enter the Senior Executive Service; served with the Dranesville community Budget Committee during the recession; and volunteered at Riverbend Park
- Charles Ngeh, who passed away recently. He succumbed to his injuries sustained in a house fire

(NOTE: Later in the meeting, Chairman McKay presented a Board Matter regarding aid for Ukraine. See Clerk's Summary Item #17.)

AGENDA ITEMS

4. **RESOLUTION OF RECOGNITION PRESENTED TO SHIRLEY GINWRIGHT, CHAIR OF THE COMMUNITIES OF TRUST COMMITTEE** (9:43 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Shirley Ginwright, Chair of the Fairfax County Communities of Trust Committee, for her service. The motion was multiply seconded and it carried unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

5. **RESOLUTION IN SUPPORT OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN** (9:57 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and, jointly with Supervisor Smith, Supervisor Alcorn, and Supervisor Palchik, moved approval of the Resolution in Support of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. Vice-Chairman Gross seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

Vice-Chairman Gross returned the gavel to Chairman McKay.

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE REDISTRICTING ADVISORY COMMITTEE (RAC)** (10:12 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the RAC for its contributions. Vice-Chairman Gross and Supervisor Alcorn jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

7. **REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:31 a.m.)

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

- The 2022 General Assembly is moving toward its scheduled adjournment on March 12, 2022. More than 1,000 bills have passed both chambers while nearly 600 bills still await final disposition
- Both County initiatives continue to successfully make their way through the legislative process. They have passed the House and Senate and await consideration by Governor Youngkin:
 1. The Bill which would allow the Fairfax County Park Authority to resell electricity through electric vehicle charging stations
 2. The Bill which would reduce barriers for localities seeking to participate in virtual net metering through the State's Municipal Net Metering Pilot Program
- A key area of focus during the remainder of this session will be the 2022-2024 biennium budget

- The Legislative Committee also received an analysis from staff on how the budgets adopted by the House and Senate affect key County priorities, noting significant differences between the House and Senate budgets that will require substantial issues to be worked through in a short period of time

Supervisor Walkinshaw moved adoption of Legislative Committee Report Number Four. Chairman McKay seconded the motion. Following discussion regarding transportation funding, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

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ADDITIONAL BOARD MATTERS

8. **PROCLAMATION REQUEST DESIGNATING MARCH 25, 2022, AS “GREEK INDEPENDENCE DAY”** (10:40 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross, and jointly with Vice-Chairman Gross and Supervisor Storck, asked unanimous consent that the Board direct staff to prepare a Proclamation designating March 25, 2022, as “*Greek Independence Day*” in the County. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST DESIGNATING APRIL 3-9, 2022, AS “NATIONAL LIBRARY WEEK”** (10:40 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 3-9, 2022, as “*National Library Week*” in the County. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING APRIL 4-10, 2022, AS “PUBLIC HEALTH WEEK”** (10:40 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 4-10, 2022, as “*Public Health Week*” in the County. Without objection, it was so ordered.

11. **PROCLAMATION REQUEST DESIGNATING APRIL 20, 2022, AS “VOLUNTEER APPRECIATION DAY”** (10:40 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 20, 2022, as “*Volunteer Appreciation Day*” in the County, in celebration of all volunteer service. Chairman McKay stated that volunteers give of their time, talents, and treasures to support government agencies, nonprofits and civic groups across the entire County, providing services that help make life better for everyone. Without objection, it was so ordered.

12. **PROCLAMATION REQUEST DESIGNATING APRIL 22, 2022, AS "EARTH AND ARBOR DAY"** (10:40 a.m.)

Jointly with Vice-Chairman Gross and Supervisor Storck, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 22, 2022, as "*Earth and Arbor Day*" in the County. Without objection, it was so ordered.

13. **RESOLUTION OF RECOGNITION REQUEST FOR ALAN FOGG** (10:40 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Alan Fogg for his 23 years of service to the County as he is retiring from the Economic Development Authority. Without objection, it was so ordered.

14. **RESOLUTION OF RECOGNITION REQUEST FOR DR. SCOTT BRABRAND** (10:40 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Dr. Scott Brabrand, Superintendent, Fairfax County Public Schools (FCPS), thanking him for his service to FCPS and the community since 2017. Chairman McKay stated that Dr. Brabrand oversaw day-to-day operations of the 11th largest school district in the United States. His contribution to FCPS continues to make the school system one of the best in the nation. Without objection, it was so ordered.

15. **RESOLUTION OF RECOGNITION REQUEST FOR THE LANGLEY HIGH SCHOOL SAXONS CLUB ICE HOCKEY TEAM** (10:42 a.m.)

Jointly with Supervisor Foust, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the Langley High School Saxons Club Ice Hockey Team for winning the Northern Virginia School Hockey League Championship. Without objection, it was so ordered.

16. **COMMERCIAL DRIVER'S LICENSE (CDL) UPDATES** (10:42 a.m.)

Chairman McKay stated that as the Board is aware, hiring and retaining talent with a CDL is a growing challenge not only in the County, but in the nation as well. Understanding the need to address the issue, the Board approved a Board Matter on October 5, 2021, directing staff to prepare recommendations for the purposes of training, attracting, and retaining CDL holders.

In response to that Board Matter, the County Executive authored a memo on February 8, 2022, with a series of recommendations of well thought out initiatives to help. After reviewing the memo, the Board feels it is critical that the County

launch as many of these concepts as quickly as possible to address the specific concern of worker shortages.

Therefore, jointly with Vice-Chairman Gross, Supervisor Alcorn, and Supervisor Lusk, Chairman McKay moved that the Board:

- Endorse the concepts found in the memo attached to his written Board Matter
- Direct the County Executive to use all flexibility necessary to accelerate the methods outlined in the February 8, 2022, memo to recruit and retain employees with CDLs
- Direct staff to update the Board regularly on what is being seen in terms of hiring, recruitment, and retention

Supervisor Lusk seconded the motion.

Discussion ensued with input from Bryan Hill, County Executive, regarding staff's recommendations and future coordination with the Lee District Supervisor's office and the Workforce Development Center in the Lee District.

Supervisor Herrity asked to amend the motion to direct staff to provide the Board with information regarding the recruitment process and the length of time it takes a person in the County to obtain a CDL. This was accepted. The question was called on the motion, as amended, and it carried by unanimous vote.

17. **UKRAINIAN AID** (10:48 a.m.)

(NOTE: Earlier in the meeting, Ukraine was mentioned during the Moment of Silence. See Clerk's Summary Item #3.)

Chairman McKay stated that on February 24, 2022, the world watched in horror as Russian President Vladimir Putin launched a full-scale invasion of Ukraine. In the days following, thousands of lives have been lost, including nearly 500 civilian casualties, and over a million Ukrainians have been displaced.

This is the largest military attack Europe has seen since World War II, and while the world does not know the full impact this invasion will have, the immediate effects on the people of Ukraine are great.

The residents in the County have followed this news closely. The Board has personally spoken to many residents who have asked how the County can leverage its resources and goodwill here at home to provide humanitarian aid to Ukrainian refugees abroad.

Chairman McKay said that, as the Board will recall, the County previously partnered closely with the Northern Virginia Regional Commission (NVRC) to provide humanitarian relief and support to communities in crisis abroad. In response to the growing desire in County residents to help those in need, NVRC has compiled a list of organizations on the ground assisting the residents of Ukraine.

The Board understands that the Office of Public Affairs (OPA) has already begun work to review these resources.

Therefore, jointly with Supervisor Walkinshaw, Chairman McKay moved that the Board direct OPA to work with NVRC to further develop a list of organizations from regional and federal sources, and to promote these resources for County residents searching for ways to aid in relief efforts. Supervisor Walkinshaw seconded the motion.

Following discussion regarding the Board including the information in their district newsletters and aid still being needed in Afghanistan, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

18. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(10:56 a.m.)

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

19. **NO BOARD MATTERS FOR SUPERVISOR WALKINSHAW (BRADDOCK DISTRICT)** (10:56 a.m.)

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

20. **PROCLAMATION REQUEST DESIGNATING APRIL 11-15, 2022, AS "COMMUNITY DEVELOPMENT WEEK"** (10:56 a. m.)

Supervisor Foust stated that “National Community Development Week” provides an opportunity to reflect on the extraordinary value that federal community development funds bring to neighborhoods throughout the County. The Community Development Block Grant and HOME Investment Partnerships Program, funded through the U.S. Department of Housing and Urban Development, provide essential resources to support neighborhood improvements, economic revitalization, affordable housing, and community infrastructure and services to support the most vulnerable neighbors. This year, the County anticipates receiving nearly \$9 million to support a variety of community initiatives.

“National Community Development Week” was established to play a role in the funds a jurisdiction has and to emphasize the importance of these funding programs

as the County works towards achieving its goals of affordable housing preservation and development as well as creating communities of opportunity for all residents.

Therefore, jointly with Chairman McKay and Supervisor Palchik, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 11-15, 2022, as “*Community Development Week*” in the County, to be presented at the Board meeting on April 12, 2022, to representatives of the Redevelopment and Housing Authority, Department of Housing and Community Development, and the Consolidated Community Funding Advisory Committee. Without objection, it was so ordered.

21. **NO BOARD MATTERS FOR SUPERVISOR ALCORN (HUNTER MILL DISTRICT)** (10:58 a.m.)

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

22. **AUTHORIZATION FOR CONCURRENT PROCESSING AND SCHEDULING FOR ELM STREET COMMUNITIES, INC. (LEE DISTRICT)** (10:58 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 the Mount Vernon Gateway and construct a single multi-family building. The proposed development is consistent with the recommendations of the Comprehensive Plan.

The applicant has been working closely with the planning staff and the staff report recommends approval. In addition, the proposal has received a recommendation of approval from the Lee District Land Use Committee. The Proffered Condition Amendment and Rezoning applications are currently scheduled for a hearing before the Planning Commission on March 16, 2022.

Given the length of time that the applications have been pending, the applicant is anxious to commence construction. Therefore, the applicant has requested consideration for concurrent processing and the scheduling of a hearing before the Board.

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

- Authorize concurrent and simultaneous processing of a site plan, architectural drawings, and any other drawings as may be necessary in conjunction with Proffered Condition Amendment Application PCA 2004-LE-021 and Rezoning Application RZ 2021-LE-011

- Schedule a hearing for Proffered Condition Amendment Application PCA 2004-LE-021 and Rezoning Application RZ 2021-LE-011 before the Board on April 12, 2022

The Applicant understands that the authorization of concurrent processing and the scheduling of a Board date in no way relieves it of the requirements to comply with all applicable standards of the Zoning Ordinance. In addition, the authorization does not dictate that the pending applications will be approved, nor does it prejudice staff's review. Chairman McKay seconded the motion and it carried by unanimous vote.

23. **FIFTH ANNUAL IDES OF BARK DOG FESTIVAL AT GRIST MILL PARK (MOUNT VERNON DISTRICT)** (11:01 a.m.)

Supervisor Storck stated that on March 27, 2022, the Mount Vernon District and the Park Authority are hosting the annual Ides of Bark Dog Festival from 1-4 p.m. at Grist Mill Park. Participants will receive many treats from local canine businesses, play in the dog park, watch demonstrations by the Police Canine Unit, learn pet care and pet cardiopulmonary resuscitation from pet technicians, and participate in a canine obstacle course. The festival is a really great day with furry, four-legged friends and their humans to meet others and enjoy a day in the park.

This amazing community event could not happen without the incredible support of the Park Authority, Police Department, Fire and Rescue Department, local animal organizations and wonderful vendors.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to advertise and promote the Ides of Bark Dog Festival. Without objection, it was so ordered.

24. **PROCLAMATION REQUEST DESIGNATING MARCH 2022 AS "ALTERNATIVE DISPUTE RESOLUTION (ADR) MONTH"** (11:02 a.m.)

Supervisor Storck stated that ADR refers to several processes and techniques used to manage and resolve conflict. ADR is an alternative to traditional adversarial processes and helps disputing parties reach mutually agreeable outcomes that consider the needs of all involved and minimize cost, while improving communication and morale. ADR services continue to be helpful during the pandemic as stress and isolation have played a part in creating and intensifying conflict.

The County has historically celebrated March as "ADR Month," and each year chooses a leader in this field to receive recognition. This year's recipient is Sally Campbell, who previously served as the Dispute Resolution Services (DRS) Manager in the Department of Judicial Services of the Office of the Executive Secretary for the Supreme Court of Virginia for the past 15 years. In her role with

the Division of DRS, Ms. Campbell oversaw the certification of mediators and mediation training programs in Virginia, as well as enforced the standards of ethics and training guidelines for certified mediators. In addition, Ms. Campbell was instrumental in advocating for the inclusion of mediation programs in local courts across the state of Virginia, particularly the Fairfax County Juvenile and Domestic Relations Court. Furthermore, at the onset of the COVID-19 pandemic, Ms. Campbell was instrumental in endorsing the online dispute resolution platforms that allowed for increased access to justice at such a crucial time. Ms. Campbell's resolute dedication to increasing the accessibility of alternative dispute resolution services statewide has had a lasting impact on how Virginia residents' approach and manage conflict.

Therefore, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation designating March 2022 as "*Alternative Dispute Resolution Month*" in the County, to be signed by the Chairman and the Mount Vernon District Supervisor, to be presented to Ms. Campbell out of the Board Room. Without objection, it was so ordered.

25. **PROCLAMATION REQUEST DESIGNATING MARCH 13-19, 2022, AS "FLOOD AWARENESS WEEK"** (11:05 a.m.)

Supervisor Storck stated that the County wants residents to learn about their flood risk and protect their life and property with flood insurance. Flooding is the most common and costly natural disaster in the United States, but only three percent of Virginians have flood insurance. Only one inch of water in a home can cause more than \$25,000 in damages. Flooding is also becoming more frequent and severe with climate change.

"Flood Awareness Week" is recognized by municipalities nationwide throughout the year. Virginia recognizes "Flood Awareness Week" in March, as the State heads into the typical rainy season. The County wants to recognize March 13-19, 2022, as "Flood Awareness Week" and encourage residents and owners to learn about their flood risk and protect themselves.

The Department of Public Works and Environmental Services (DPWES) responds to service requests and implements projects to mitigate structural flooding. The Northern Virginia Soil and Water Conservation District (NVSWCD) provides onsite technical assistance to property owners to minimize drainage impacts. In extreme flood situations, the County launches multi-departmental emergency response including the Fire and Police Departments, the DPWES, and the Department of Emergency Management and Security (DEMS). The County, per its One Fairfax Policy, strives to ensure equitable outcomes for all, particularly marginalized populations and underserved communities.

Therefore, jointly with Chairman McKay, Supervisor Foust, and Supervisor Gross, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation designating March 13-19, 2022, as "*Flood Awareness Week*" in the

County, to be signed by the Chairman McKay and the Dranesville, Mason, and Mount Vernon District Supervisors, to be presented to DPWES, DEMS, the Police Department, the Fire Department, and NVSWCD, out of the Board Room. Without objection, it was so ordered.

26. **PROCLAMATION REQUEST DESIGNATING APRIL 2022 AS “CHILD ABUSE PREVENTION MONTH”** (11:07 a.m.)

Supervisor Palchik stated that April is a time to recognize the importance of families and communities working together to prevent child abuse. The ongoing pandemic has continued to increase stressors on families, thereby increasing risk factors for child maltreatment. Nationally, in 2020 nearly 3.1 million children were subject to abuse and neglect allegations with Child Protective Services (CPS). In the Commonwealth of Virginia, more than 52,000 children were reported as possible victims of abuse or neglect in State Fiscal Year 2021. In the County, more than 2,600 children were involved in CPS in Fiscal Year 2021.

The lives of children can be positively changed and even saved by active and aware community members making a critically important decision to ask more questions and offer help. Through research, the County knows that adverse childhood experiences like child abuse result in long-term health impacts. Fortunately, the trauma of child abuse and neglect is preventable.

Every child deserves to grow up in a safe, nurturing, and stable environment. The County is dedicated to the safety of children and providing the appropriate supports to parents to keep families healthy.

Therefore, jointly with Supervisor Lusk, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 2022 as “*Child Abuse Prevention Month*” in the County, to be presented to the Department of Family Services at its meeting on March 22, 2022. Without objection, it was so ordered.

27. **RESOLUTION OF RECOGNITION REQUEST FOR THE ROBINSON HIGH SCHOOL WRESTLING TEAM AND CERTIFICATES OF RECOGNITION FOR STATE CHAMPION WRESTLERS (BRADDOCK, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (11:10 a.m.)

Supervisor Herrity announced that the Robinson High School Rams Wrestling team captured the High School League Division 6A State Wrestling Championship and many students also captured individual state championship crowns.

Therefore, jointly with Supervisor Storck and Supervisor Walkinshaw, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare:

- A Resolution of Recognition, to be presented at a future Board Meeting, for the Robinson High School Rams Wrestling Team as Virginia High School League Division 6A Wrestling State Champions
- Certificates of Recognition for the following High School State Champion Wrestlers:
 - Robinson High School – Cooper Rudolph, Liam Gordon, Joshua Pence, Sammy Gerard, and Tristan Corbin
 - Centreville High School – Mac Cafurello
 - Lake Braddock High School – Korlan Tran
 - West Springfield High School – Sean Coughlin
 - South County High School – Brian Gordon

Without objection, it was so ordered.

28. **NAMING FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) HANGAR**
(11:11 a.m.)

Supervisor Herrity stated that the Board recently had the honor of recognizing the retirement of longtime public servant, David Rohrer, former Police Chief and Deputy County Executive. He dedicated 41 years to the County starting his career as a patrol officer in FCPD in December of 1980. His first assignment was at the McLean District Station until his selection to join the TAC Team as an Operator in 1985. He was promoted to sergeant in 1987 and worked as a Patrol Supervisor at the Fair Oaks Station until transferring back to the McLean Station in 1988. His previous expertise as an Operator led to his return to the TAC Team as a Supervisor in 1989. He continued to move up the ranks with a promotion to Second Lieutenant in 1990 and subsequently to Lieutenant in 1994. In 1997, Chief Rohrer was promoted to Captain and assigned to the Fair Oaks Station as the Commander. In 1999, Chief Rohrer was promoted to Major and served as a Staff Duty Officer overseeing patrol operations. In 2002, Chief Rohrer was promoted to Lieutenant Colonel serving as the Deputy Chief of Operations and Investigations.

Chief Rohrer spent 32 years with the FCPD, moving up the ranks to his appointment of Chief in 2004. During Chief Rohrer's tenure as Police Chief, crime in the County dropped approximately 15 percent despite the growth of population that occurred during the same time frame. He helped modernize the Police Department by converting the agency from traditional paper reports to a digital record management system. Chief Rohrer also compassionately led the agency through several tragedies to include the loss of three of its officers, one during a training exercise, where he responded with new protocols to ensure better oversight and a culture of safety. In 2012, Chief Rohrer stepped down from Police Chief to serve as the

Deputy County Executive of Public Safety until his recent retirement in January of 2022. He was selected for this role after a nationwide search and oversaw the FCPD, Fire and Rescue Department, Department of Public Safety Communications, Office of Emergency Management, Animal Shelter, and the McConnell Public Safety and Transportation Operations Center.

Chief Rohrer's service has impacted every part of the County, especially the Police Department. Prompted by Chief Rohrer's legacy of service and impact on the FCPD, Chief Davis has requested that the Board name the FCPD Helicopter Hangar located off West Ox Road after former Chief Rohrer.

Therefore, jointly with Chairman McKay, Supervisor Alcorn, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, and Supervisor Walkinshaw, Supervisor Herrity moved that the Board direct:

- Staff to begin the process to name the FCPD Helicopter Hangar after Chief David Rohrer. Approval of this matter is subject to the approval of, and compliance with, the Board's Renaming Policy
- The History Commission review this request, per the Board's Renaming Policy, and follow the outlined process for renaming a facility

Chairman McKay and Supervisor Lusk jointly seconded the motion.

Following discussion regarding the timing of the naming process and concerns regarding the naming qualifications, the question was called on the motion and it carried by unanimous vote.

29. **POSSIBLE INCREASE IN POLICE COMPENSATION** (11:19 a.m.)

Supervisor Herrity stated that recruitment and retention are critical challenges facing the Police Department, as well as others across the nation. While many factors have contributed to this challenge, including the national climate, competitive compensation is a key factor that remains unaddressed in the County. Resignation in County police force in 2021 was more than double what it was in either 2017, 2018 or 2019.

In his most recent State of the Union address, President Biden specifically called out the need for jurisdictions to increase funding for the police and stated, "the answer is not to defund the police but to fund the police." In Virginia, Senate Democrats have supported almost \$100 million more in funding for law enforcement than the House. Surrounding jurisdictions have also invested more in law enforcement compensation to address retention and recruitment and many of the younger officers are leaving for other jurisdictions. The County's pension plan remains superior to surrounding jurisdictions and is successfully retaining some of

the officers until retirement but is unsuccessful in attracting new recruits or encouraging officers to stay past retirement eligibility.

For at least the last three years, this Board has talked about the issues with police compensation. The compensation increases in the current package are a step in the right direction but more needs to be done to stay competitive and attract and retain the best officers. Due to staffing shortages, many of the programs that have taken the department from good to great have been eliminated, officers are stretched thin and increasingly held over, which can cause performance issues and burnout. The Board must act in this budget to address this critical personnel and public safety issue.

Therefore, Supervisor Herrity requested that a budget consideration item of \$20 million in the Fiscal Year 2023 budget be added to provide for a 10 percent salary increase for Police Officers at the rank of Second Lieutenant and below, including Animal Protection Police Officers. Supervisor Herrity stated that he would be presenting possible cost reductions to offset this amount in the near future. Discussion ensued regarding pay scales and including School Crossing Guards in this request.

30. **UPCOMING TEEN JOB FAIRS** (11:25 a.m.)

Supervisor Herrity announced that a teen job fair will be held on:

- March 12, 2022, from 1 – 3 p.m. at West Springfield High School
- March 19, 2022, from 11 a.m. – 1 p.m. at Chantilly High School

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to publicize the events. Without objection, it was so ordered.

31. **NO BOARD MATTERS FOR SUPERVISOR SMITH (SULLY DISTRICT)**
(11:26 a.m.)

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

EBE:ebe

AGENDA ITEMS

32. **ADMINISTRATIVE ITEMS** (11:26 a.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay seconded the motion.

Chairman McKay called the Board's attention to Admin 7 – Authorization to Advertise Publication of the Fiscal Year (FY) 2023 Budget and Required Tax

Rates, the FY 2023 Effective Tax Rate Increase, and the Advertised Capital Improvement Program (CIP) for FYs 2023-2027 (With Future FYs to 2032) and asked to consider this item separately. This was accepted.

The question was called on the motion to approve the Administrative Items, with the exception of Admin 7, 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 (SPRINGFIELD DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Reserve at Hampton Springs	Springfield	Crouch Drive
		Cruz Court

ADMIN 2 – APPROVAL OF A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – FOX DEN LANE (SULLY DISTRICT)

- Authorized the installation of one “Watch for Children” sign on Fox Den Lane (Sully District)
- Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible

ADMIN 3 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – FOX MILL ROAD (HUNTER MILL DISTRICT)

- Authorized the installation of two “Watch for Children” signs on Fox Mill Road (Hunter Mill District)
- Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT SECTION 67.1-10-2 OF THE FAIRFAX COUNTY CODE RELATING TO SEWER AVAILABILITY CHARGES (INCLUDING THE FIXTURE UNIT RATE),

SERVICE CHARGES, BASE CHARGES, AND HAULED WASTEWATER CHARGES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 12, 2022, at 3 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Section 67.1-10-2, relating to Sewer Availability Charges (including the Fixture Unit Rate), Service Charge, Base Charges, and Hauled Wastewater Charges.

ADMIN 5 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (DNCS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) ASSOCIATED WITH THE EARLY HEAD START CHILD CARE PARTNERSHIP AND EXPANSION GRANT

- Authorized the DNCS to apply for and accept grant funding, if received, from the DHHS in the amount of \$1,101,893, including \$197,070 in local cash match. Funding will support the continuation of Early Head Start Child Care Partnership and Expansion services to 56 infants and toddlers and their families. It will also support 11 full time exempt existing grant positions. No new grant positions are being requested with this funding
- 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 6 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (DNCS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) ASSOCIATED WITH THE HEAD START AND EARLY HEAD START GRANT

- Authorized the DNCS to apply for and accept grant funding, if received, from the DHHS in the amount of \$10,190,837, including \$1,275,077 in local cash match. Funding will support the continuation of Head Start and Early Head Start services to 658 children and their families. It will also continue to support 52/45.6 full time exempt existing grant positions. No new grant positions are being requested with this funding
- 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 7 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2023 BUDGET AND REQUIRED TAX RATES, THE FY 2023 EFFECTIVE TAX RATE INCREASE, AND THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYs 2023-2027 (WITH FUTURE FYs TO 2032)

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page 15.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #33.)

ADMIN 8 – AUTHORIZATION FOR THE DEPARTMENT OF ECONOMIC INITIATIVES (DEI) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA TOURISM CORPORATION FOR THE AMERICAN RESCUE PLAN ACT TOURISM RECOVERY PROGRAM

- Authorized DEI to apply for and accept grant funding, if received, from the Virginia Tourism Corporation in the amount of \$4,170,000. Funding will be used by Visit Fairfax to develop new and expanded marketing efforts to promote and increase tourism in the County. No local cash match is required, and no positions are being requested
- 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
- Authorized Visit Fairfax to be a secondary contact for the purpose of submitting expenditure receipts consistent with the grant requirements

33. **ADMIN 7 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2023 BUDGET AND REQUIRED TAX RATES, THE FY 2023 EFFECTIVE TAX RATE INCREASE, AND THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYs 2023-2027 (WITH FUTURE FYs TO 2032)** (11:27 a.m.)

(A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See Clerk's Summary Item #32.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize advertisement of the publication of the FY 2023 advertised Budget, the effects of tax rate increase, the advertised CIP, and required tax rates as outlined in Administrative Item 7. This includes the advertisement of the Real Estate Tax rate of \$1.14 per \$100 of assessed value, which reflects no change from

the current Real Estate tax rate and is consistent with the County Executive's proposed budget. Supervisor Alcorn seconded the motion.

Chairman McKay clarified that the advertising is a ceiling and not the actual tax rate, which allows for flexibility before adoption of the budget.

Discussion ensued, with input from Christina Jackson, Chief Financial Officer, regarding:

- Possibility of changing the tax rate after advertisement
- Uncertainty of the economy and other factors
- Increased assessments on property taxes
- Revenue diversification
- Tax Deferral Program
- Compensation issues

Discussion continued with Board Members expressing their views and support/non-support of the motion.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

34. **A-1 – APPROVAL OF A RESOLUTION TO EXTEND THE CABLE FRANCHISE TERM OF VERIZON VIRGINIA LLC** (11:35 a.m.)

- (R) On motion of Supervisor Walkinshaw, seconded by Supervisor Lusk, and carried by a vote of nine, Supervisor Herrity being out of the room, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the County Executive to enter into an agreement with Verizon extending the term of Verizon's cable franchise without change in the terms and conditions of the franchise.

35. **A-2 – APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) AUTHORIZING FAIRFAX COUNTY TO BILL AND COLLECT REAL ESTATE TAXES FOR THE TOWN OF HERNDON** (11:36 a.m.)

On motion of Supervisor Foust, jointly seconded by Chairman McKay and Supervisor Lusk, and carried by a vote of nine, Supervisor Herrity being out of the room, the Board concurred in the recommendation of staff and authorized the Director of the Department of Tax Administration to sign a MOU, on behalf of the Board, which will permit the County to bill and collect Real Estate Taxes for the

Town of Herndon if it also executes the MOU and adopts local ordinance amendments consistent with the terms of the proposed MOU.

36. **A-3 – APPROVAL OF THE CALENDAR YEAR 2022 FOREST PEST MANAGEMENT PROGRAM** (11:36 a.m.)

On motion of Supervisor Storck, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and directed staff to take the actions outlined in the Board Agenda Item concerning Fairfax County's Calendar Year 2022 Forest Pest Management Program. Per County Code of the County of Fairfax, Fairfax County Special Service District for the Control of Infestations of Insects that May Carry a Disease that is Dangerous to Humans, Gypsy Moths, Cankerworms and Certain Identified Pests.

37. **A-4 – APPROVAL OF THE DISEASE CARRYING INSECTS PROGRAM** (11:37 a.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and direct staff to take the actions, as outlined in the Board Agenda Item, concerning Fairfax County's Disease Carrying Insects Program. This action covers all Disease Carrying Insects Program activities carried out through June 30, 2023. Supervisor Gross seconded the motion.

Discussion ensued, with input from Joshua Smith, Fight the Bite Program, Health Department, regarding the impact of bite diseases on children and how staff can work with the school system to provide education materials and information to the schools.

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

DMS:dms

38. **RECESS/CLOSED SESSION** (11:40 a.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code 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. *Jonate Williams v. Fairfax County*, Case No. 1:21-cv-00598 (E.D.Va.)
 2. *Peter Massaro v. Fairfax County Police Department and Fairfax County*, Case No. 1:20-cv-00929 (E.D. Va.)
 3. *Jonathan L. Kaminski v. Fairfax County, Virginia, and William E. Hauda, II, M.D.*, Case No. CL-2019-0016952 (Fx. Co. Cir. Ct.)
 4. *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)
 5. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mark Steven Moratzka and Pamela J. Moratzka*, Case No. GV22-001884 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robert Sexton*, Case No. GV22-002252 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Masoud Aboughaddareh and Golnaz Aboughaddareh*, Case No. CL-2022-0001785 (Fx. Co. Cir. Ct.) (Dranesville District)
 8. *Jay Riat, Building Official for Fairfax County, Virginia v. Kurt Adam Janssen*, Case No. GV22-002249 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 9. *Jay Riat, Building Official for Fairfax County, Virginia v. Chuanhao Jin and Yanguang Jin*, Case No. CL-2022-

0001856 (Fx. Co. Cir. Ct.) (Hunter Mill District)

10. *Jay Riat, Building Official for Fairfax County, Virginia v. Kwangsoon Kim and Jeong Won Kim*, Case No. GV22-015897 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
11. *Jay Riat, Building Official for Fairfax County, Virginia v. Anna Sara Lutz*, Case No. CL-2022-0001573 (Fx. Co. Cir. Ct.) (Lee District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Carlton Wayne Powell*, Case No. CL-2022-0001858 (Fx. Co. Cir. Ct.) (Lee District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Diep T. do and Quang M. Do*, Case No. GV22-002246 (Fx. Co. Gen. Dist. Ct.) (Lee District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Dataguru, LLC*, Case No. GV22-001129 (Fx. Co. Gen. Dist. Ct.) (Lee District)
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Karem Vanessa Ibanez Padilla*, Case No. GV22-001885 (Fx. Co. Gen. Dist. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hien Phong Dong*, Case No. CL-2022-0001397 (Fx. Co. Cir. Ct.) (Mason District)
17. *Jay Riat, Building Official for Fairfax County, Virginia v. Salvador Gutarra Juarez and Aurora Mariela Gutarra*, Case No. CL-2022-0001863 (Fx. Co. Cir. Ct.) (Mason District)
18. *Jay Riat, Building Official for Fairfax County, Virginia v. Markham Management, LLC and Hanshin Inc., d/b/a Hanshin Pocha*, Case No. GV22-001887 (Fx. Co. Gen. Dist. Ct.) (Mason District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brett Holleman*, Case No. CL-2022-0009992 (Fx. Co. Cir. Ct.) (Providence District)

20. *Jay Riat, Building Official for Fairfax County, Virginia v. Ariel Ward and Paul Bruce Ward II*, Case No. GV21-001886 (Fx. Co. Gen. Dist. Ct.) (Providence District)
21. *Jay Riat, Building Official for Fairfax County, Virginia v. Giles Group LLC*, Case No. GV22-002001 (Fx. Co. Gen. Dist. Ct.) (Providence District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. William M. O'Rourke and Dorothy J. Z. O'Rourke*, Case No. CL-2021-0013479 (Fx. Co. Cir. Ct.) (Sully District)
23. *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)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Parke Long Business Center, LLC*, Case No. GV22-002247 (Fx. Co. Gen. Dist. Ct.) (Sully District)

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

At 4:03 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

39. **CONTINUED REMOTE PARTICIPATION OF SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (4:03 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

40. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:03 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.”

KK:kk

AGENDA ITEMS

41. **4 P.M. – PUBLIC HEARING ON SE 2021-HM-009 (FEDERAL REALTY OP, LP, FORMERLY KNOWN AS FEDERAL REALTY INVESTMENT TRUST) TO PERMIT A FREESTANDING RESTAURANT WITH DRIVE-THROUGH IN THE HIGHWAY CORRIDOR AND SIGN CONTROL OVERLAY DISTRICTS, LOCATED ON APPROXIMATELY 1.38 ACRES OF LAND ZONED C-7 (HUNTER MILL DISTRICT)** (4:05 p.m.)

(NOTE: On February 22, 2022, the Board deferred this public hearing until March 8, 2022.)

The application property is located at 8365 and 8371 Leesburg Pike, Vienna, 22180. Tax Map 29-3 ((1)) 36C2 (pt.) and 36D (pt.).

Michael D. Van Atta, Agent, McGuire Woods LLP, reaffirmed the validity of the affidavit dated February 24, 2022, for the record.

Alexis Robinson, Planner, 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. Robinson presented the staff and Planning Commission recommendations.

Following a query by Supervisor Alcorn, Mr. Van Atta confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated January 10, 2022.

Supervisor Alcorn moved that the Board approve:

- Special Exception Application SE 2021-HM-009, subject to the development conditions dated January 10, 2022

- Modification of Subsection 2103.7.B(B) of the Zoning Ordinance on the 40-foot required front yard setback in the C-7 District to that shown in the SE Plat

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

42. **4 P.M. – PUBLIC HEARING ON PCA/CDPA 2017-SU-011 (DD SOUTH PARKING LC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR PART OF RZ 2017-SU-011, PREVIOUSLY APPROVED FOR OFFICE, TO MODIFY PROFFERS AND SITE DESIGN WITH A FLOOR AREA RATIO OF 1.25 TO PERMIT A SUPPORT BUILDING, LOCATED ON APPROXIMATELY 11.92 ACRES OF LAND ZONED PDC, HD AND WS - (SULLY DISTRICT)** (4:13 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 February 18 and February 25, 2022.

The application property is located east of Sully Road, west of Centreville Road, and south of Air and Space Museum Parkway. Tax Map 34-2 ((1)) 2C2 (pt.), 2D2 (pt.) and 2E1 (pt.).

John C. McGranahan, Jr., Agent, Hunton Andrews Kurth, LLP, reaffirmed the validity of the affidavit dated February 23, 2022, for the record.

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

Mr. McGranahan, Jr., 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. McGranahan, regarding the preservation of the existing cemetery on the property.

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

Supervisor Smith moved that the Board approve:

- Proffered Condition Amendment Application PCA 2017-SU-011 and the associated Conceptual Development Plan Amendment, subject to the proffers dated February 3, 2022
- Waivers and modifications contained in the handout dated March 8, 2022, which will be made part of the record, and are as follows:

- Reaffirmation of a modification of the Zoning Ordinance to permit an increase in fence height to a maximum height of nine feet around the perimeter of the property to provide security for the proposed tenant
- Reaffirmation of a modification of the Zoning Ordinance to permit the transitional screening as shown on the previously approved CDP/FDP to satisfy the requirements along the eastern boundary and a portion of the southern boundary
- Reaffirmation of a modification of the Zoning Ordinance to permit the barriers as shown on the previously approved CDP/FDP to satisfy the requirements along the southern property line and a portion of the eastern and western property lines
- Reaffirmation of a waiver of the Countywide Trails Plan recommendation for a major paved trail along the south side of the abandoned Barnsfield Road
- Reaffirmation of a modification of the Zoning Ordinance in favor of the nine-foot security fencing to be located around the perimeter of the property as shown on the previously approved CDP/FDP
- Modification of the Zoning Ordinance and waiver of the PFM to permit the interior parking lot landscaping as shown on the CDPA/FDPA

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.”

(NOTE: On January 26, 2022, the Planning Commission approved Final Development Plan Amendment Application FDPA 2017-SU-011, subject to the proposed development conditions dated January 11, 2022.)

43. **4 P.M. – PUBLIC HEARING ON RZ 2021-BR-009 (SEKAS HOMES, LTD.) TO REZONE FROM R-1 AND WS TO R-2 (CLUSTER) AND WS TO PERMIT SINGLE-FAMILY DETACHED DWELLING UNITS AT A DENSITY OF 1.69 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 6.51 ACRES OF LAND (BRADDOCK DISTRICT)**
(4:21 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 February 18 and February 25, 2022.

The application property is located on the west side of McKenzie Avenue approximately 840 feet south of Lee Highway. Tax Map 56-4 ((1)) 1, 2, 3 and 4.

Lori R. Greenlief, Agent, McGuire Woods LLP, reaffirmed the validity of the affidavit dated February 23, 2022, for the record.

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

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

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

Supervisor Walkinshaw moved that the Board approve Rezoning Application RZ 2021-BR-009, subject to the proffers dated February 25, 2022. 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."

44. **4 P.M. – PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTIONS 7-2-4 THROUGH 7-2-13 IN RESPONSE TO THE 2021 DECENNIAL REDISTRICTING, TO ADJUST CERTAIN ELECTION PRECINCT BOUNDARIES, CREATE NEW ELECTION PRECINCTS, AND ESTABLISH POLLING PLACES FOR THOSE NEW PRECINCTS IN THE BRADDOCK, HUNTER MILL, DRANESVILLE, LEE, MASON, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS; CONSOLIDATE THE DANBURY AND KINGS PARK PRECINCTS IN THE BRADDOCK DISTRICT; AND RELOCATE THE POLLING PLACES FOR THE CHESTERBROOK PRECINCT IN THE DRANESVILLE DISTRICT AND THE ARMY PRECINCT IN THE MOUNT VERNON DISTRICT** (4:32 p.m.)

- (O) (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 February 25 and March 4, 2022.

Katherine K. Hanley, Secretary, Fairfax County Electoral Board, presented the staff report.

Discussion ensued with Board Members expressing their views on the proposed changes.

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

Supervisor Walkinshaw moved approval of the County Executive's recommendations, as set forth in staff's March 8, 2022, Board Item, to amend and readopt Fairfax County Code Sections 7-2-4 through 7-2-13, and to adjust certain precinct boundaries, consolidate certain precincts, relocate certain precincts, create new precincts, and establish polling places for those new precincts throughout the County in response to the 2021 decennial redistricting, as set forth in the ordinance appearing at Attachment 5 of the public hearing item now before the Board.

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

Supervisor Walkinshaw further moved approval of the County Executive's recommendations to adopt the resolution appearing at Attachment 6 of the public hearing item now before the Board, authorizing the Office of Elections to apply to the State Board of Elections for waivers to administer the Pioneer and Garfield precincts in the Lee District and the Penderbrook and Burke Number 2 precincts in the Springfield District as split precincts. Supervisor Lusk seconded the motion. Following a brief discussion thanking staff, with input from Ms. Hanley, the question was called on the motion and it carried by unanimous vote.

45. **4 P.M. – PUBLIC HEARING ON REPURPOSING DEVELOPER CONTRIBUTIONS TO FAIRFAX COUNTY FOR TRANSPORTATION PROJECTS** (4:58 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 February 4 and February 25, 2022.

(NOTE: On January 25, 2022, the Board deferred this public hearing until March 8, 2022.)

Mei Fang, Transportation Planner II, Funding Section, Department of Transportation (DOT), presented the staff report.

Following the public hearing, Ray Johnson, Chief, Funding Section, DOT, presented the staff recommendation.

Supervisor Alcorn moved approval of the Resolution as contained in the Board Package to move these proffered funds. The motion was multiply seconded.

Discussion ensued, with input from Tom Biesiadny, Director, DOT, regarding the universe of the proffers and the estimated funding required by District.

Supervisor Walkinshaw suggested that, moving forward, the affected Districts be listed on the agenda so that it is clearly identified for those who may be impacted.

Following further discussion, with input from Mr. Biesiadny, regarding proffered funds, the question was called on the motion and it carried by unanimous vote.

46. **4 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF ROUTE 28 WIDENING (PWC LINE TO ROUTE 29) (SULLY DISTRICT)** (5:06 p.m.)

- (R) 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 February 18 and February 25, 2022.

Mohammed Najeeb, Senior Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

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

Supervisor Smith moved that the Board approve the acquisition of those certain land rights necessary for the construction of the Route 28 Widening (Prince William County Line to Route 29) project in accordance with the Resolution included in the Board Package as Attachment B. Chairman McKay seconded the motion and it carried by unanimous vote.

47. **4 P.M. – PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT, PROPOSED COMPREHENSIVE PLAN AMENDMENT (PA 2018-IV-MV4), AND REZONING APPLICATION (RZ 2021-MV-00017) TO ESTABLISH THE HOLLIN HILLS HISTORIC OVERLAY DISTRICT (HOD) (MOUNT VERNON DISTRICT)** (5:11 p.m.)

- (Os) 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 February 18 and February 25, 2022.

Laura B. Arseneau, Branch Chief, Heritage Resources and Plan Development, Department of Planning and Development (DPD), presented the staff report.

Following the public hearing, which included testimony by five speakers, Ms. Arseneau presented the staff recommendation.

Discussion ensued with input from Ms. Arseneau and Lily Yegazu, Planner IV, Zoning Administration Division, DPD, regarding the:

- Inclusion of non-contributing public parks
- Exclusion of the Hollin Meadows Swim Club
- Civic Association Design Review Committee design guidelines
- Structure height limitations and fencing
- HOD work groups
- Requirements for the installation of solar panels

Supervisor Storck moved that the Board adopt the Hollin Hills Historic Overlay District (“the Hollin Hills HOD”), to include approval of the following:

Zoning Administration Division, DPD, regarding the:

- Approve establishment of the Hollin Hills HOD to include 492 properties within Tax Maps 93-1, 93-3, 93-4, and 102-1 in the Mount Vernon District, as shown on the map in Attachment 10 of the Study Report, dated February 2, 2022
- Adopt the proposed Zoning Ordinance text amendment, which establishes regulations for structures and property located within the Hollin Hills HOD based on the defining historic features of the properties within the district
- Determine under Zoning Ordinance subsection 3101.3.A that the proposed Hollin Hills HOD embodies the distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction
- Declare under Zoning Ordinance subsection 3101.3.D that the buildings, structures, or sites to be preserved are of historical, architectural, archaeological, or cultural significance worthy of protection against destruction and encroachment
- Identify the 454 properties listed in the Study Report as contributing to the proposed Hollin Hills HOD and the 38 properties listed in the Study Report as non-contributing to the proposed Hollin Hills HOD

- Adopt the Comprehensive Plan Amendment PA 2018-IV-MV4, which proposes to update Plan language and figures to identify the proposed Hollin Hills HOD
- Adopt the rezoning application to include the proposed Hollin Hills HOD boundary, as proposed in Rezoning Application RZ 2021-MV-00017

Supervisor Storck further moved that the Board approve the proposed Zoning Ordinance amendment text language, the proposed Comprehensive Plan amendment, and the rezoning application with the effective date of 12:01 a.m. on the day following adoption and the following be grandfathered from the amendment:

- Applications for building permits, site plan, and any site-related plan (grading, conservation plans or house location plats) submitted and accepted for review before the effective date, would not be subject to ARB review pursuant to the provisions of Section 3101 provided such plans or plats are:
 - (a) Approved within 12 months of the return of the initial submission to the applicant or agent
 - (b) The plan or plat remains valid
 - (c) Building permits for the structures shown on the approved plan or plat are issued within six months of approval
 - (d) The structures and uses are constructed in accordance with such building permits

Supervisor Alcorn seconded the motion. Following discussion regarding the motion and thanking staff and others involved in the process, the question was called on the motion and it carried by unanimous vote.

48. **BOARD ADJOURNMENT** (6:02 p.m.)

At 6:02 p.m. the Board adjourned.