



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
June 8, 2021**

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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, June 8, 2021, at 12:06 p.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter L. Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney L. Lusk, Lee District
- Supervisor Dalia A. Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James R. 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; Emily Armstrong, Ekua Brew-Ewool, and Kecia Kendall, Deputy Clerks, Department of Clerk Services.

BOARD MATTER1. **MOMENT OF SILENCE** (12:07 p.m.)

Chairman McKay stated that:

- COVID-19 is affecting the whole community, from children to small businesses, to those who are ill with the virus. He asked to keep everyone in the County, and around the world, in thoughts and prayers during this difficult time
- The Fairfax County flag continues to fly at half-staff at all County facilities in honor of the residents who have died from COVID-19 and in recognition of the many essential workers who are responding to the pandemic

The Board asked everyone to keep in thoughts the family and friends of the following people who died recently:

- John Warner, former Senator and Navy Secretary
- Milt Peterson, a renowned visionary, philanthropist, and real estate developer
- Sondra Lee Seba Hemenway, Chairman McKay's appointee to the Commission for Women. She played an important role in bringing the Suffragist Memorial to life in Mount Vernon
- Michael Cook, veteran and former employee of the Environmental Protection Agency
- Colonel Edward McDaniel Jr. and Colonel Brenda McDaniel, victims of a double homicide on May 26, 2021
- Paul Kalland, former pilot and victim of a car crash on May 31, 2021
- Sarah Collins, Hunter Mill resident and Herndon High School graduate

AGENDA ITEMS

2. **PROCLAMATION DESIGNATING JUNE 2021 AS “LESBIAN/GAY/BISEXUAL/TRANSGENDER/QUEER OR QUESTIONING (LGBTQ+) PRIDE MONTH” IN FAIRFAX COUNTY** (12:23 p.m.)

Supervisor Foust moved approval of the Proclamation designating June 2021 as “*LGBTQ+ Pride Month*” in Fairfax County, and urges all residents to respect and honor the County’s diverse community and celebrate and build a culture of inclusiveness and acceptance. Chairman McKay and Supervisor Palchik jointly seconded the motion and it carried by unanimous vote.

3. **PROCLAMATION DESIGNATING JUNE 1, 2021, AS “SOLDIERS OF HOWREY FIELD DAY” IN FAIRFAX COUNTY** (12:50 p.m.)

Supervisor Walkinshaw moved approval of the Proclamation designating June 1, 2021, as “*Soldiers of Howrey Field Day*” in Fairfax County, and urges all residents to remember and honor the soldiers and their sacrifice. Chairman McKay and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

DMS:dms

BOARD MATTERS

4. **PROCLAMATION REQUEST DESIGNATING JUNE 19, 2021 AS “JUNETEENTH”** (1:12 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and, jointly with the entire Board, asked unanimous consent that the Board direct staff to prepare a proclamation designating June 19, 2021, as “*Juneteenth*,” to be presented out of the Board Auditorium. Without objection, it was so ordered.

5. **CERTIFICATE OF RECOGNITION REQUEST FOR JENNIFER SICILIANO** (1:12 p.m.)

Chairman McKay stated that on August 11, 2021, Jennifer Siciliano will begin a new appointment with UVA Health, following 14 years with Inova. Among her many accomplishments at Inova, she built a high performing government and community relations team and initiated a system wide strategy for employee engagement in key legislative and regulatory priorities including Medicaid expansion in the Commonwealth.

In addition to her work at Inova, Ms. Siciliano has been a dependable and appreciated partner for the County on many regional and statewide Boards and Commissions. She has served on the Virginia Chamber of Commerce Board as well as its Health Care Industry Council, the Virginia Business Council, the Northern Virginia Technology Council and LEAD Virginia. is a founding

member of the Community Foundation of Northern Virginia's Business Women's Giving Circle. has chaired the Northern Virginia Chamber, served as a member of the Economic Development Commission; and as a member of the Board of Directors for the George Mason Honors College Board. Most recently, Ms. Siciliano was also a member of the Task Force for Equity and Opportunity.

Chairman McKay stated that Ms. Siciliano has been a great friend and resource for him and know many others on this and previous Boards. She has dedicated her career to bettering the community and has no doubt succeeded in those efforts.

Therefore, jointly with the entire Board, Chairman McKay moved that the Board direct staff to prepare a Certificate of Recognition for Jennifer Siciliano, recognizing her years of hard work and thanking her for her service to the County, to be presented at a future Board meeting, when it is appropriate to do so. Supervisor Herrity seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION REQUEST FOR PAM MICHELL**
(1:14 p.m.)

Chairman McKay stated that on October 1, 2021, Pam Michell, the Executive Director of New Hope Housing (NHH), will be retiring from her position. Ms. Michell has been with NHH since November 1990 and has dedicated her career to assisting people in need of housing solutions.

During her tenure, Ms. Michell has grown NHH from a program of three shelters serving roughly 100 people a day to a variety of services that include three year-round shelters, three hypothermia shelters, seven permanent supportive housing programs and a host of support services serving approximately 450 people a day across the region.

Ms. Michell has also been an ever-present force along the Route One Corridor, working to protect the County's most vulnerable residents and connect them with County and nonprofit resources. Particularly during the last year, the work of NHH was critical in keeping all residents safe.

Therefore, jointly with Supervisor Gross, Supervisor Lusk, and Supervisor Storck, Chairman McKay moved that the Board direct staff to prepare a Certificate of Recognition for Pam Michell, recognizing her retirement and thanking her for her work, to be presented at a future Board meeting, when it is appropriate to do so. Supervisor Lusk and Supervisor Storck jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

7. **FIRE DEPARTMENT AWARDS** (1:18 p.m.)

On behalf of the Board, Chairman McKay congratulated the following people for their recent achievements:

- Fire Chief John Butler received the Excellence in Virginia Fire Services Award for the implementation of its Field Available Component Transfusion Response (FACT R) program, which delivers blood via 911 resources to entrapped trauma patients
- Christopher Puzzanghero, Firefighter, was awarded the Virginia Career Firefighter of the Year

8. **CERTIFICATE OF RECOGNITION REQUEST FOR LORRIE KIRST**
(1:20 p.m.)

Supervisor Gross stated that Lorrie Kirst, Assistant Zoning Administrator in the Department of Planning and Development, will be retiring on August 3, 2021, following 32 years of outstanding service to the County. Ms. Kirst has worked on some of the most difficult land use cases and Zoning Ordinance amendments during her tenure. Some of the newest Board members know Ms. Kirst from their service on the Planning Commission.

Early in her career, Ms. Kirst was the staff coordinator for the A & F District applications. She reviewed the first Comprehensive Sign Plan for the Reston Town Center Area and staffed the initial Fairfax Corner application and the Kingstowne Center Round 2 in the early 1990s. In Mason District, she worked on the MarcBart rezoning, now known as Crossroads Center, in Bailey's Crossroads, a very controversial case at the time.

Ms. Kirst worked on all of the major updates to the telecommunications provisions of the Zoning Ordinance and received an Outstanding Performance Award for her efforts. She led the rewrite of the Noise Ordinance and authored the original lighting and glare standards in 2004. She worked closely with Land Development Services on various Public Facilities Manual amendments, as well as subdivision regulations like Lot Validation and Shape Factor provisions for newly created lots. Ms. Kirst truly has had a significant presence in the shaping and development of the County during a time of exponential growth. The County will miss her extensive experience and knowledge.

Therefore, jointly with Supervisor Smith, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for Lorrie Kirst, for her lengthy and tireless efforts on behalf of the County, to be presented at a future Board meeting, when it is appropriate to do so. Without objection, it was so ordered.

9. **MCLEAN COMMUNITY CENTER (MCC) ELECTIONS** (1:26 p.m.)

- (BAC) Supervisor Foust stated that the MCC recently concluded "Open Voting" for five positions on the MCC's Governing Board of Directors, including three adult three-year terms, one youth one-year term for the Langley High School area, and one youth one-year term for the McLean High School area.

Supervisor Foust stated that attached to his written Board Matter, is a copy of the MCC's Elections and Nominations Committee's certification of the results of the election. Pursuant to the Memorandum of Understanding between the Board and the Governing Board of the MCC dated February 8, 1984, the Board, after determining that it is in the public interest to do so, shall appoint those persons receiving the highest number of votes to the MCC Governing Board.

Based on the results of the election, as certified by the MCC's Elections and Nominations Committee, it is in the public interest to appoint those persons receiving the highest number of votes in this election of Governing Board Members. Therefore, Supervisor Foust moved that the following individuals be appointed to the MCC Governing Board:

- Adults, three-year terms: Lisa Mariam, Rasheq Rahman and Shivani Saboo
- Youth, one year term – Langley High School area: Ivy Chen
- Youth, one year term – McLean High School area: Max Blacksten

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

10. **MENTAL HEALTH AWARENESS TRAINING - LOCK AND TALK CAMPAIGN** (1:28 p.m.)

Supervisor Storck stated that recently in the Mount Vernon community, there has been multiple tragedies that have resulted in the loss of lives as a result of gun violence. Coincidentally, two weeks ago, Mount Vernon District Supervisor's staff participated in Mental Health Awareness Training provided by the County. Based on his staff's positive experience, Supervisor Storck encouraged other Board offices to take this training. As part of the training, people will become aware of a County program to provide free gun trigger locks.

The Lock and Talk Campaign started in 2019 through a collaborative initiative between the Community Services Board (CSB) and the Suicide Prevention Alliance of Northern Virginia to provide free locking devices for medications and trigger locks that fit a wide variety of firearms. These items can be picked up from a variety of locations around the County, including the Pennino Building, the Gerry Hyland Center, Merrifield Center, Chantilly Office, Reston Office – Northwest Center and Gartlan Center.

Supervisor Storck stated his belief that this initiative can make a difference and was surprised his office was generally unaware of the program. While this measure would not have changed the outcome of recent tragedies, it highlighted the need for more awareness and prevention in situations where trigger locks may change the outcome.

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

11. **CERTIFICATE OF RECOGNITION REQUEST FOR ONA JUDGE AND THE INSTALLMENT OF HER HISTORIC MARKER AT THE MOUNT VERNON ESTATE (MOUNT VERNON DISTRICT)** (1:29 p.m.)

Supervisor Storck stated that Ona (“Oney”) Judge was born into slavery at Mount Vernon and at a young age became Martha Washington’s personal attendant. After George Washington was elected president in 1789, Ms. Judge was brought to New York City and later to Philadelphia to serve his household. President Washington periodically sent her back to Virginia to skirt a Pennsylvania law that might have granted her freedom based on long-term residency. In 1796, after learning that she was to become a gift for Martha Washington’s granddaughter, Ms. Judge escaped from Philadelphia to New Hampshire. There she married, had three children, taught herself how to read and write, and lived for more than 50 years, having resisted President Washington’s attempts to recover her.

Ms. Judge’s quest for freedom represents a brave moment in history. It is also a rarity that historic records include the accounts of her escape and subsequent life.

In recognition of her bravery, Supervisor Storck announced that he will be hosting the unveiling ceremony for the Ona Judge Historic Marker at Mount Vernon Estate on Juneteenth, June 19, 2021, at 10 a.m. The event will honor Ona Judge, as well as the fifth-graders at Laurel Ridge Elementary School and their teacher Ms. Maura Keaney who wrote nomination letters to Governor Northam as part of the Black History Month Historical Marker Contest to have Ona Judge’s story selected for this commemoration as a Virginia Historic Marker.

Therefore, Supervisor Storck asked unanimous consent that the Board:

- Give special recognition to Ona Judge by supporting the unveiling of her marker on Juneteenth, 2021
- Direct staff to prepare a Certificate of Recognition for the Laurel Ridge students and teacher Ms. Maura Keaney, to be signed by the Chairman and the Mount Vernon District Supervisor, to be presented at the event
- Direct staff to publicize the Juneteenth unveiling ceremony for the Ona Judge Historic Marker at Mount Vernon Estate

Without objection, it was so ordered.

12. **RECOGNITION AND HONOR FOR JAN HARROD** (1:33 p.m.)

Supervisor Palchik stated that last month, Jan Harrod moved out of the Mantua neighborhood in Fairfax to North Carolina for her retirement. Ms. Harrod was the

President of the Mantua Citizens Association (MCA) for two terms and previously served in other MCA positions. She is a talented craftsperson and was a participant in the Mantua Made Market, which is a community fair featuring artists of many different mediums, from photographers to glassmakers and weavers. Ms. Harrod was an active member of the United Methodist Church and put faith into action through volunteer service in varied settings, including at the All God's Children Camp for elementary students with an incarcerated family member. Ms. Harrod volunteered at an area homeless day center and was involved in hunger awareness education; was a Literacy Volunteer at the Kings Park Public Library in 2012 and as an Early Literacy Assistant since 2014; and was one of the 11 employees of the Fairfax County Public Library to receive the 2021 Staff Excellence Award.

Ms. Harrod was a strong advocate for her community. The Mantua neighborhood will miss her greatly and hope that she enjoys her retirement. Therefore, Supervisor Palchik asked unanimous consent that the Board recognize and honor Jan Harrod for her years of service to the Providence District. Without objection, it was so ordered.

13. **CONCURRENT PROCESSING AND SCHEDULING OF A PUBLIC HEARING FOR TRUSTEES OF FAIRFAX CHURCH OF CHRIST'S REZONING AND SPECIAL EXCEPTION AMENDMENT APPLICATIONS (SULLY DISTRICT)** (1:36 p.m.)

Supervisor Smith stated that the Trustees of Fairfax Church of Christ own approximately 7.72 acres located on the east side of Rugby Road, north of its intersection with Lee Jackson Memorial Highway. The property is zoned to the R-1 District, and the applicant proposes a rezoning to the R-2 District concurrent with a special exception amendment. The applications include the addition of land area, the reestablishment of a nursery school with childcare, and the construction of a gymnasium. The first phase of construction is for improvements to the existing church. A later phase proposes the construction of a gymnasium.

The applications are currently being processed by the Department of Planning and Development and are scheduled for a hearing before the Planning Commission on June 30, 2021. The applicant is anxious to begin construction of the first phase of improvements as soon as possible and has asked for concurrent processing and the scheduling of a hearing before the Board prior to the August recess.

Therefore, Supervisor Smith moved that the Board direct staff to concurrently process and schedule a public hearing before the Board prior to the August recess for Rezoning Application RZ 2020-SU-014 and Special Exception Amendment Application SEA 93-Y-036-02. This motion should not be construed as a favorable recommendation on these applications by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of these applications. Chairman McKay seconded the motion and it carried by unanimous vote.

KK:kk

AGENDA ITEMS14. **ADMINISTRATIVE ITEMS** (1:38 p.m.)

Supervisor Gross moved approval of the Administrative Items. 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.”

ADMIN 1 - EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (LEE DISTRICT)

Authorized extension of the review period for the following application:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-L20-3	DPWES Kingstowne Consolidated Facility Tax Map Number. 091-3 ((08)) Parcels 8A and 8B Between Beulah Street, Silverlake Boulevard, and Interparcel Road Alexandria, VA Lee District	November 5, 2021

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTIONS 7-2-7, 7-2-8, AND 7-2-13 RELATING TO ELECTION PRECINCTS AND POLLING PLACES TO ELIMINATE SPLIT PRECINCTS AS REQUIRED BY VIRGINIA CODE SECTION 24.2 307 BY CREATING, ADDING, AND RENAMING PRECINCTS AND ESTABLISHING THEIR POLLING PLACES FOR LANE PRECINCT IN THE LEE DISTRICT; AND BAILEYS PRECINCT, WEYANOKE PRECINCT, AND CAMELOT PRECINCT IN THE MASON DISTRICT

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2021, at 4 p.m.** to consider an ordinance that proposes to amend and readopt *Fairfax County Code* Sections 7-2-7, 7-2-8, and 7-2-13, to adjust the boundaries of Lane, Baileys, Weyanoke, and Camelot precincts by creating, adding, and renaming precincts to conform with the current House of Delegates district boundaries, as is now required by Virginia Code Section 24.2-307.

ADMIN 3 – APPROVAL OF TRAFFIC CALMING MEASURE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (SPRINGFIELD DISTRICT)

- (R)
- Adopted the Resolution endorsing traffic calming measures consisting of one speed hump on Sandstone Way (Springfield District)
 - Directed the Department of Transportation staff to schedule the installation of the approved traffic calming measure as soon as possible

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE CONTINUATION OF THE FAIRFAX COUNTY PARK AUTHORITY FOR A PERIOD OF 30 YEARS, UNTIL OCTOBER 28, 2051

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **July 13, 2021, at 4 p.m.** to consider an ordinance amendment to continue the existence of the Fairfax County Park Authority until October 28, 2051.

ADMIN 5 - AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (DBHDS) TO SUPPORT EXPANSION OF THE CRISIS INTERVENTION TEAM (CIT) ASSESSMENT SITE PROGRAM

- Authorized the CSB to apply for and accept funding, if received, from the DBHDS to Support Expansion of the CIT Assessment Site Program. Funding in the amount of \$624,000 will be used to establish a 23-hour crisis stabilization unit with four beds. This funding will support five full time exempt new grant positions. No local cash match is required
- Authorized the Chairman of the Board, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (DBHDS) FOR FORENSIC DISCHARGE PLANNING

- Authorized the CSB to apply for and accept funding, if received, from the DBHDS for Forensic Discharge Planning. Funding in the amount of \$300,000 will be used to enhance forensic discharge

planning services for individuals with serious mental illness at the Fairfax Detention Center. This funding will support two full time exempt new grant positions. No local cash match is required

- Authorized the Chairman of the Board, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 21304 FOR THE HEALTH DEPARTMENT TO ACCEPT GRANT FUNDING FROM VIRGINIA DEPARTMENT OF HEALTH FOR COVID-19 RESPONSE ACTIVITIES

(SAR)

- Approved SAR AS 21304 authorizing the Health Department to accept funding from the Virginia Department of Health in the amount of \$3,674,745 for COVID-19 response activities. There are no positions associated with this funding and no local cash match is required
- Approved the execution of the Memorandum of Understanding between the Virginia Department of Health and the County

15.

A-1 – AUTHORIZATION TO EXECUTE MADE IN FAIRFAX (MiF) LICENSING AGREEMENTS AND TRADEMARK REGISTRATION (1:38 p.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and:

- Authorize the Director of the Department of Planning and Development to execute licensing agreements consistent with that contained in Attachment 2 of the Board Agenda Item, to allow limited use of the MiF logo in the marketing of products produced by local small-scale businesses
- Authorize the County to pursue trademark registration for the MiF logo with the Commonwealth of Virginia to expand the enforcement mechanisms for and geographic range of trademark protection
- Delegate signature authority of such license agreements to the Director of the Department of Planning and Development

Supervisor Lusk and Chairman McKay jointly seconded the motion. Discussion ensued with input from Martin Desjardins, Assistant County Attorney, regarding trademark registration at the Federal level.

Chairman McKay relinquished the Chair to Vice Chairman Gross and asked unanimous consent that the Board direct the County Attorney to provide more detail on the requirements for Federal Registration, to include a time frame and the financial cost. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman McKay.

Following further discussion regarding the trademark and a marketing plan, the question was called on the motion and it carried by unanimous vote.

16. **A-2 – AUTHORIZATION OF FALL 2021 SCHOOL BOND REFERENDUM** (1:49 p.m.)

- (R) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and adopt the Resolution, contained in Attachment 2 of the Board Agenda Item, directing the County Attorney to petition the Circuit Court to order a school bond referendum on November 2, 2021. Supervisor Alcorn and Supervisor Palchik jointly seconded the motion.

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

17. **A-3 – APPROVAL OF AN AMENDED AGREEMENT BETWEEN THE TOWN OF HERNDON (TOWN) AND FAIRFAX COUNTY (COUNTY) TO DESIGN AND CONSTRUCT THE SUGARLAND RUN (SOUTH) SU9207-A STREAM RESTORATION PROJECT (DRANESVILLE DISTRICT)** (1:53 p.m.)

On motion of Supervisor Foust, jointly seconded by Supervisor Gross and Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved and authorized the County Executive or his designee to sign the amended agreement with the Town to provide funding for the design and construction of the Sugarland Run (South) SU9207-A Stream Restoration Project, which is in the Town and the Sugarland Run watershed.

18. **A-4 – APPROVAL OF AND AUTHORIZATION TO EXECUTE A CAPITAL FUNDING AGREEMENT (CFA) WITH THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY FOR FISCAL YEAR FY 2022 – FY 2027** (1:54 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and:

- Approve, in substantial form, as contained in Attachment 1 of the Board Agenda Item, a six-year CFA which establishes how jurisdictional contributions are calculated and assigned
- Authorize the County Executive or his designee to sign the CFA for FY 2022 - FY 2027

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

19. **A-5 – BOARD APPROVAL OF A SCHEDULE FOR THE 2021 REDISTRICTING AND REAPPORTIONMENT OF THE BOARD OF SUPERVISORS ELECTION DISTRICTS** (1:55 p.m.)

Supervisor Walkinshaw moved that the Board concur in the recommendation of staff and approve the proposed schedule for the 2021 redistricting and reapportionment of the Board's election districts. Supervisor Gross seconded the motion. Following a brief discussion, the question was called on the motion and it carried by unanimous vote.

20. **A-6 - AUTHORIZATION TO ESTABLISH THE PIVOT BUSINESS RECOVERY GRANT PROGRAM** (1:58 p.m.)

Supervisor Foust moved to defer consideration of Action Item 6 until after the 3:30 p.m. Public Hearing to Amend the Current Appropriation Level in the FY 2021 Revised Budget Plan. Chairman McKay seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item # 34)

21. **C-1 – APPROVAL OF AMENDMENTS TO THE FAIRFAX COUNTY HUMAN SERVICES COUNCIL'S BYLAWS** (1:59 p.m.)

(R)
(BAC)

Supervisor Palchik moved approval of the updated Resolution and amendments to the bylaws for the Fairfax County's Human Services Council. Supervisor Lusk seconded the motion and it carried by unanimous vote.

22. **C-2 – APPROVAL OF THE PROPOSED AMENDED BYLAWS FOR THE TRANSPORTATION ADVISORY COMMISSION (TAC)** (2 p.m.)

(BAC)

Supervisor Alcorn moved approval of the amendments to the bylaws for the TAC. Supervisor Palchik and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

23. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2020-LE-013 (LEE AUTOMOTIVE, L.C.) TO REZONE FROM C-6 TO I-5 TO PERMIT INDUSTRIAL USES WITH AN OVERALL FLOOR AREA RATIO OF 0.29, LOCATED ON APPROXIMATELY 4.39 ACRES OF LAND (LEE DISTRICT)** (2:01 p.m.)

Supervisor Lusk announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Rezoning Application RZ 2020-LE-013.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item # 35.)

24. **INTENT TO DEFER THE JUNE 22, 2021, 3:30 P.M. PUBLIC HEARING ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC-C-020-02 (TALL OAKS AT RESTON, L.C.) TO APPROVE A PRC PLAN ASSOCIATED WITH RZ-C-020 TO PERMIT ADDITIONAL PARKING FOR AN EXISTING ASSISTED LIVING FACILITY, LOCATED ON APPROXIMATELY 2.45 ACRES OF LAND ZONED PRC (HUNTER MILL DISTRICT)** (2:02 p.m.)

Supervisor Alcorn announced his intent to defer the public hearing currently scheduled for June 22, 2021, at 3:30 p.m. on Planned Residential Community Application PRC-C-020-02, until **July 13, 2021, at 3:30 p.m.**

25. **INTENT TO DEFER THE JUNE 22, 2021, 3:30 P.M. PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-C-119-08, DEVELOPMENT PLAN AMENDMENT APPLICATION DPA 86-C-119-04, AND PLANNED RESIDENTIAL COMMUNITY AMENDMENT APPLICATION PRCA 86-C-119-02 (BOSTON PROPERTIES LIMITED PARTNERSHIP) (HUNTER MILL DISTRICT)** (2:02 p.m.)

Supervisor Alcorn announced his intent to defer the public hearing currently scheduled for June 22, 2021 at 3:30 p.m. on Proffered Condition Amendment Application PCA 86-C-119-08, Development Plan Amendment Application DPA 86-C-119-04 and Planned Residential Community Amendment Application PRCA 86-C-119-02, until **July 13, 2021, at 3:30 p.m.**

26. **INTENT TO DEFER THE PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING AGRITOURISM AND RELATED CHANGES** (2:03 p.m.)

Supervisor Smith announced her intent to defer, later in the meeting at the appropriate time, the public hearing on a Proposed Zoning Ordinance Amendment Regarding Agritourism and Related Changes.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item # 38.)

27. **INTENT TO DEFER THE PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 2506 FLEMING STREET, ALEXANDRIA, VA 22306 (MOUNT VERNON DISTRICT)** (2:03 p.m.)

Supervisor Storck announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Spot Blight Abatement Ordinance for 2506 Fleming Street, Alexandria, VA 22306.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item # 40.)

AGENDA ITEM

28. **RECESS/CLOSED SESSION** (2:04 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 attached agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 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 § 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 § 2.2-3711(A) (7).
1. *James M. Moore v. Fairfax County Government*, Jurisdiction Claim No. VA02000000475 (Va. Workers' Comp. Comm.)
 2. *Bruce & Tanya and Associates, Inc. v. Board of Supervisors of Fairfax County, Virginia; Fairfax County, Virginia; Jack Weyant, Director of the Department of Code Compliance; Virginia Department of Transportation; and Stephen Brich, Commissioner of Highways for the Commonwealth of Virginia*, Case Nos. 19-1151 and 19-1153 (Fourth Cir.) (Braddock, Lee, Mount Vernon, and Springfield Districts)
 3. *Tyson's West Retail, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case Nos. CL-2020-0017476, CL-2020-0017477, and CL-2020-0017478 (Fx. Co. Cir. Ct.) (Hunter Mill District)

4. *Abrar Omeish v. Sheriff Stacey Ann Kincaid, Officer J. Patrick, and David M. Rohrer*, Case No. 1:21-cv-35 (E.D. Va.)
5. *Samira Koussa v. Edwin C. Roessler Jr., and John Doe Officers*, Case No. CL2020-0010604 (Fx. Co. Cir. Ct.)
6. *Barry McCabe v. Fairfax County, Fairfax County Animal Shelter, Fairfax County Board of Supervisors, David Rohrer, Ed Roessler, Anthony Matos, Barbara Hutcherson, Amanda Novotny, and John Doe(s)*, Record Nos. 201283, 201134 (Va. Sup. Ct.)
7. *Cassie C. Crisano v. Fairfax County Fire Marshal, Terrance L. Fayston*, Case No. CL-2019-0012165 (Fx. Co. Cir. Ct.)
8. *County of Fairfax, Virginia, ex rel. Joseph A. Glean v. Fairfax County Board of Supervisors*, Case No. CL-2021-0002883 (Fx. Co. Cir. Ct.)
9. *Mercury County Mutual Insurance Co. a/s/o Glenn Hamby v. Fairfax County, Virginia*, Case No. CL-2020-0016253 (Fx. Co. Cir. Ct.)
10. *Allstate Insurance Company a/s/o Adam Kamran v. Fairfax County Police Dept. and Todd Owens*, Case No. GV21-004713 (Fx. Co. Gen. Dist. Ct.)
11. *Rodger E. Perkins v. Fairfax County Police Dept.*, Case No. GV21-005011 (Fx. Co. Gen. Dist. Ct.)
12. *Hannah Lee v. Lauren Yeung and Fairfax County*, Case No. GV21-003698 (Fx. Co. Gen. Dist. Ct.); *Hee Yun Lee v. Lauren Yeung and Fairfax County*, Case No. GV21-003699 (Fx. Co. Gen. Dist. Ct.)
13. *Abigaille Laxa, by GEICO (subrogee) v. Christin R. Dougherty*, Case No. GV20-003298 (Loudoun Co. Gen. Dist. Ct.)
14. *Amanda Freeman, by GEICO General Insurance Co., subrogee v. Morgan Russell Walker*, Case No. CL-2020-0011547 (Fx. Co. Cir. Ct.)
15. *Majahid Osman, by GEICO (subrogee) v. Morgan Russell Walker*, Case No. GV20-004237 (Fx. Co. Gen. Dist. Ct.)
16. *Great Falls Crossing Community Association, Inc. v. Alan Mandelblat, Board of Supervisors of Fairfax County, Fairfax County Department of Housing and Community Development, Capital One Bank, Great Seneca Financial Corporation, Unifund CCR Partners, Fairfax Oral and Maxillofacial Surgery, PC, and Cavalry Investments, LLC*, Case No. CL-2021-0004351 (Fx. Co. Cir. Ct.) (Hunter Mill District)

17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Milton R. Ruiz and Alicia R. Ruiz*, Case No. CL-2021-0001075 (Fx. Co. Cir. Ct.) (Braddock District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edgardo Rodriguez and Izumi E. Guzman*, Case No. GV21-006105 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
19. *Hiba Aziz, Acting Building Official for Fairfax County, Virginia v. Tuyen Quang Huynh and Minh Nha Thanh Nguyen*, Case No. GV21-005600 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
20. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Alberto Gonzalo Acha*, Case No. GV21-007671(Fx. Co. Gen. Dist. Ct.) (Braddock District)
21. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Masoud Hashemi*, Case No. GV21-007672 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
22. *Dulles Professional Center Condominium Unit Owners Association, Spectrum Innovative Properties, LLC, McWhorter, LLC, and Mulpuri Properties, LLC v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, Virginia, Stanley Martin Companies, LLC, and JLB Dulles Tech, LLC*, Case No. CL-2018-0011870 (Fx. Co. Cir. Ct.) (Dranesville District)
23. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Izzet Burak Temel*, Case No. GV21-005601 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
24. *Hiba Aziz, Building Official for Fairfax County, Virginia v. William D. Giery and Ruthanne M. Giery*, Case No. GV21-007167 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
25. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Rafael Hernandez Damian*, Case No. GV21-007216 (Fx. Co. Gen. Dist. Ct.) (Lee District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mustafa Amin*, Case No. CL-2020-0015136 (Fx. Co. Cir. Ct.) (Mason District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bismillah, LLC*, Case No. CL-2021-0001484 (Fx. Co. Cir. Ct.) (Mason District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ferdous Hakim and Saliea Hakim*, Case No. CL-2021-0003251 (Fx. Co. Cir. Ct.) (Mason District)

29. *Brian F. Foley, Building Code Official for Fairfax County, Virginia v. Md Kamruzzaman and Moriom Khan*, Case No. GV21-004431 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
30. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Armstrong, Green and Embrey, Inc.*, Case No. GV21-005230 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
31. *Brian Foley, Building Official for Fairfax County, Virginia v. Charbel C. Markhoul and Rita A. Douaihy*, Case No. GV21-005232 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
32. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Jeffrey S. Chown*, Case No. GV21-007842 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
33. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Simple Changes Farm LLC*, Case No. GV21-7843 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahesh B. Patel and Ushaben M. Patel*, Case No. CL-2021-0003401 (Fx. Co. Cir. Ct.) (Providence District)
36. *In Re: March 23, 2021 Hearing of the Board of Supervisors of Fairfax County, Virginia, Samuel Ham v. HHP Holdings, LLC and Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2021-0006069 (Fx. Co. Cir. Ct.) (Springfield District)
37. *In Re: Sidney Harris, Appeal No. 20-02, From the State Building Code Technical Review Board County of Fairfax, Virginia and Hiba Aziz, Building Official for Fairfax County, Virginia v. State Building Code Technical Review Board and Sidney Harris*, Case No. CL 2021-0007643 (Fairfax County Circuit Court) (Springfield District)
38. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Asrat Betew Lulu*, Case Nos. GV21-005576 and GV21-005577 (Fx. Co. Gen. Dist. Ct.) (Sully District)
39. *Hiba Aziz, Acting, Building Official for Fairfax County, Virginia v. Tajinder K. Sharma and Barjinder Kumar*, Case No. GV21-005603 (Fx. Co. Gen. Dist. Ct.) (Sully District)

40. *Board of Supervisors of Fairfax County v. Mr. Bubbles Power Washing Services, LLC*, Case No. GV21-005128 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Board of Supervisors of Fairfax County v. RE/MAX Allegiance*, Case No. GV21- 7841 (Fx. Co. Gen. Dist. Ct.) (Providence District)

And in addition:

1. As permitted by Virginia Code Sections 2.2- 3711(A)(7) and (8), legal analysis regarding the following:
 - i. Board of Supervisors, ex rel. Fairfax County Human Rights Commission v. Quantum Real Estate Management, Fairfax County Circuit Court Case No. CL-2020-14364.
 - ii. Potential appeal from the May 26, 2021, decision of the Board of Zoning Appeals regarding property located at 8616 McHenry Street.
 - iii. Monetary claims submitted to the County by Filsan Duale and four children associated with a motor vehicle accident on December 27, 2017, at Frying Pan and Centreville Roads.

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

At 4:22 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

29. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:22 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements by virtue of Virginia Code Section (§) 2.2-3711, and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor 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.”

30. **MOTION AUTHORIZING THE SETTLEMENT OF WORKERS’ COMPENSATION CLAIM FILED BY JAMES M. MOORE, JURISDICTION CLAIM NO. VA 02000000475** (4:22 p.m.)

Supervisor Gross moved that the Board authorize a settlement of a pending claim filed by James M. Moore with the Virginia Workers' Compensation Commission, Jurisdiction Claim No. VA 02000000475, on the terms and conditions discussed with the County Attorney in Closed Session. Chairman McKay seconded the motion and it carried by unanimous vote.

31. **MOTION AUTHORIZING THE SETTLEMENT OF BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA EX REL. FAIRFAX COUNTY HUMAN RIGHTS COMMISSION V. QUANTUM REAL ESTATE MANAGEMENT, LLC, ET AL., CASE NO. CL 2020-14364** (4:23 p.m.)

Supervisor Gross moved that the Board authorize a settlement of a pending case in the Fairfax County Circuit Court — Board of Supervisors of Fairfax County, Virginia ex rel. Fairfax County Human Rights Commission v. Quantum Real Estate Management, LLC, et al., Case No. CL 2020-14364, on the terms and conditions discussed with the County Attorney in Closed Session. Chairman McKay seconded the motion and it carried by unanimous vote.

32. **MOTION AUTHORIZING AN APPEAL OF THE BOARD OF ZONING APPEALS' MAY 26, 2021, DECISION** (4:24 p.m.)

Supervisor Palchik moved that the Board authorize the County Attorney to file a Petition for Writ of Certiorari in the Fairfax County Circuit Court challenging the Board of Zoning Appeals' May 26, 2021, decision regarding Appeal Application A 2020-PR-030 and A 2020-PR-031 on the grounds discussed with the County Attorney in Closed Session. Supervisor Smith seconded the motion and it carried by unanimous vote.

EA:ea

AGENDA ITEMS

33. **3:30 P.M. - PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FY 2021 REVISED BUDGET PLAN** (4:26 p.m.)

(SAR) 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 May 21 and 28, 2021.

Christina Jackson, Director, Department of Management and Budget, presented the staff report.

Following the public hearing, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of Supplemental Appropriation Resolution AS 21318 to adjust the *FY 2021 Revised Budget Plan* to reflect Coronavirus State and Local Fiscal Recovery Funds received through the

American Rescue Plan. Vice-Chairman Gross 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."

Vice-Chairman Gross returned the gavel to Chairman McKay.

34. **A-6 - AUTHORIZATION TO ESTABLISH THE PIVOT BUSINESS RECOVERY GRANT PROGRAM** (4:29 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action regarding this item until later in the meeting. See Clerk's Summary Item # 20.)

Supervisor Foust moved that the Board concur in the recommendation of staff and:

- Establish the PIVOT Business Recovery Grant Program (PIVOT Program) that responds to the negative economic impacts of the COVID-19 public health emergency on small businesses and non-profits
- Approve the expenditure of \$25,000,000 of Federal American Rescue Plan Act Fiscal Recovery Funds
- Authorize the County Executive to administer the PIVOT Program to meet program objectives.

Chairman McKay, Supervisor Lusk, and Supervisor Herrity jointly seconded the motion.

Discussion ensued, with input from the Board, regarding:

- The intents and purposes of the PIVOT Program
- Federal funding
- Communication of the PIVOT Program to all County business owners

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

35. **3:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2020-LE-013 (LEE AUTOMOTIVE, L.C.) TO REZONE FROM C-6 TO I-5 TO PERMIT INDUSTRIAL USES WITH AN OVERALL FLOOR AREA RATIO OF 0.29, LOCATED ON APPROXIMATELY 4.39 ACRES OF LAND (LEE DISTRICT)** (4:48 p.m.)

Supervisor Lusk moved to defer the public hearing on Rezoning Application RZ 2020-LE-013 to **June 22, 2021, at 3:30 p.m.** Supervisor Alcorn seconded the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

36. **3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-D-030-09 (THE MADEIRA SCHOOL, INC.) TO AMEND SPECIAL EXCEPTION APPLICATION SE 83-D-030, PREVIOUSLY APPROVED FOR A PRIVATE SCHOOL OF GENERAL EDUCATION, TO PERMIT MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 376.16 ACRES OF LAND ZONED R-E (DRANESVILLE DISTRICT) (4:49 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 May 21 and 28, 2021.

This property is located at 8328 Georgetown Pike, McLean, 22102. Tax Map 20-1 ((1)) 14 and 20-2 ((1)) 1.

David Houston, Agent, Bean, Kinney & Korman, P.C., reaffirmed the validity of the affidavit for the record.

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

Mr. Houston 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. Quinn presented the staff and Planning Commission recommendations.

Following a query by Supervisor Foust, Mr. Houston confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated May 25, 2021.

Supervisor Foust moved:

- Approval of Special Exception Amendment Application SEA 83-D-030-09, subject to the proposed development conditions dated May 25, 2021
- Reaffirmation of a modification of the transitional screening and barrier requirements along all boundaries to that shown on the SEA Plat

- Reaffirmation of the modification of the trail requirements along Georgetown Pike
- Reaffirmation of the waiver of the trail requirement along the Potomac River

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

37. **3:30 P.M. - PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF BURKE ROAD REALIGNMENT – APLOMADO DRIVE TO PARAKEET DRIVE (SPRINGFIELD DISTRICT)** (5:01 p.m.)

(R) (NOTE: On April 13, 2021, the Board deferred this public hearing to May 18, 2021. On May 18, 2021, the Board deferred this public hearing to June 8, 2021, at 3:30 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 30, 2021 and May 7, 2021.

Beth Shubert, Branch Chief, Land Acquisitions Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by five speakers, Tom Biesiadny, Director, Department of Transportation, responded to speaker comments.

Supervisor Herrity moved that the Board:

- Defer the decision on the acquisition of certain land rights on two parcels owned by Darrell C. and Carol A. Marshall, Trustees, known as Fairfax County Tax Map Parcels 078-4-01-0016 and 078-4-01-0018 and the parcel owned by Ronald A. and Leta DeAngelis, known as Fairfax County Tax Map Parcel 078-4-01-0017-C until **October 19, 2021, at 4 p.m.**
- Approve the acquisition of those certain land rights on the parcel owned by Heritage Square North Homeowners Association, known as Fairfax County Tax Map Parcel 078-4-18-0000-A, in accordance with the Resolution included in the Board package as Attachment B

Chairman McKay seconded the motion. Discussion ensued, with input from Ms. Shubert, concerning existing trails near the proposed location for this project.

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.”

EBE:ebe

38. **4 P.M. – PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING AGRITOURISM AND RELATED CHANGES** (5:35 p.m.)

Supervisor Smith moved to defer the public hearing on the proposed Zoning Ordinance Amendment regarding Agritourism and Related Changes until **June 22, 2021, at 4:30 p.m.** Supervisor Palchik seconded the motion and it carried by unanimous vote.

39. **4 P.M. – PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 1045 BELLVIEW ROAD, MCLEAN, VA 22102 (DRANESVILLE DISTRICT)** (5:36 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 May 21 and May 28, 2021.

Victoria Fitzgerald, Code Compliance Investigator, Department of Code Compliance, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross asked staff, in the future, to pixelate grotesque photos and be more judicious in how they are presented to individuals who may be viewing the meeting.

Supervisor Foust moved:

- Adoption of the Ordinance declaring 1045 Bellview Road blighted, constituting a nuisance
- Approval of the blight abatement plan for 1045 Bellview Road

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

40. **4 P.M. – PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 2506 FLEMING STREET, ALEXANDRIA, VA 22306 (MOUNT VERNON DISTRICT)** (5:49 p.m.)

Supervisor Storck moved to defer the public hearing on Spot blight abatement Ordinance for 2506 Fleming Street until **July 13, 2021, at 4 p.m.** Chairman McKay seconded the motion and it carried by unanimous vote.

41. **4 P.M. – PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 3110 COVINGTON STREET, FAIRFAX, VA 22031 (PROVIDENCE DISTRICT)** (5:50 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 May 21 and May 28, 2021.

Victoria Fitzgerald, Code Compliance Investigator, Department of Code Compliance, presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from Jack Weyant, Director, Department of Code Compliance, regarding the efforts made by staff to work with the property owner to abate the blighted conditions, status of delinquent taxes, and the process to resolve the issues.

Supervisor Palchik moved:

- Adoption of the Ordinance declaring 3110 Covington Street blighted, constituting a nuisance
- Approval of the blight abatement plan for 3110 Covington Street

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

42. **4 P.M. – PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6012 PIKE BRANCH DRIVE, ALEXANDRIA, VA 22310 (LEE DISTRICT)** (6:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 21 and May 28, 2021.

Victoria Fitzgerald, Code Compliance Investigator, Department of Code Compliance, presented the staff report.

Following the public hearing, which included testimony by five speakers, discussion ensued, with input from Jack Weyant, Director, Department of Code Compliance, and Ms. Fitzgerald, regarding the efforts made by staff to contact the property owner, the value of property, and the blight abatement plan and process.

Following remarks regarding a plan of action for the property, Supervisor Lusk moved:

- Adoption of the Ordinance declaring 6012 Pike Branch Drive blighted, constituting a nuisance, based on the following changes:
 - The 30-day period for abating the nuisance, in the next-to-last paragraph of the proposed ordinance, is extended to 90 days. During the 90-day abatement period, the following interim actions are required:
 1. The property owners must submit a detailed schedule within fifteen days (from today) and include the following:
 - a. The date when they will submit a complete and approvable Blight Abatement Plan to the Department of Code Compliance, for their review and approval.
 - b. The date when they will submit a complete and approvable Building Permit Application (with associated building plans/drawings) to Land Development Services (LDS).
 - c. The date of the start of construction, which must be no later than one month after LDS's issuance of the Building Permit(s).
 - d. The dates of construction components, i.e., repair of flooring and joists, installation of new windows, electrical work, plumbing work, HVAC work, etc.
 2. County staff will review the property owners' submitted schedule, in consultation with me, to ensure it is a reasonable timeline to abate this blight.
 3. The property owners must work in good faith with the County to ensure thorough and complete submittals of required documentation, timely responses to County reviews and directives, and adherence to the approved Blight Abatement Plan, Building Permit(s), and schedule.

Chairman McKay seconded the motion. Discussion ensued, with input from Mr. Weyant, regarding:

- The process following the extended abatement period, if the property owners have not accomplished all of the abatement requirements
- What recourse the County will have
- how notification to the neighbors will be handled if the property owners are still not in compliance after the extended time period

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.”

Supervisor Lusk further moved that, after 90 days from today, on September 6, 2021, staff is directed to report to the Board regarding the status of the property and the property owners’ efforts to abate this blight. The motion was multiply seconded.

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

43. **4 P.M. – PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7821 BELVEDERE DRIVE, ALEXANDRIA, VA 22306 (MOUNT VERNON DISTRICT)** (6:56 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 May 21 and May 28, 2021.

Victoria Fitzgerald, Code Compliance Investigator, Department of Code Compliance, presented the staff report.

Following the public hearing, Supervisor Storck moved:

- Adoption of the Ordinance declaring 7821 Belvedere Drive blighted, constituting a nuisance
- Approval of the blight abatement plan for 7821 Belvedere Drive

The motion was multiply 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 ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7704 SCHELHORN ROAD, ALEXANDRIA, VA 22306 (MOUNT VERNON DISTRICT)** (7:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 21 and May 28, 2021.

Victoria Fitzgerald, Code Compliance Investigator, Department of Code Compliance, presented the staff report.

Following the public hearing, Supervisor Storck moved:

- Adoption of the Ordinance declaring 7704 Schelhorn Road blighted, constituting a nuisance
- Approval of the blight abatement plan for 7704 Schelhorn Road

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

45. **4:30 P.M. – PUBLIC HEARING ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82, MOTOR VEHICLES AND TRAFFIC** (7:08 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 May 21 and May 28, 2021.

Peter Flynn, Assistant Director, Signs and Planning Research Bureau, Police Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Sargeant Harrold Morris, Police Department, regarding:

- Enforcement problems associated with some of the amendments
- How to correct errors in the Code for loud mufflers inspection on exhaust
- State and County conflicts in enforcing the noise violations

Discussion ensued, with input from Kimber Baucom, Assistant County Attorney, who clarified the requirements of the provision for the County to pass the amendments in conformance with State laws that have been adopted by the General Assembly.

Supervisor Lusk moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic. Supervisor Alcorn and Chairman McKay seconded the motion and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” with Supervisor Herrity abstaining.

46. **4:30 P.M. – PUBLIC HEARING ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 5, OFFENSES** (7:26 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 May 21 and May 28, 2021.

Peter Flynn, Assistant Director, Signs and Planning Research Bureau, Police Department, presented the staff report.

Following the public hearing, Supervisor Lusk moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 5, Offenses. Supervisor Palchik and Supervisor Smith jointly seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

47. **4:30 P.M. – PUBLIC HEARING ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 1, GENERAL PROVISIONS** (7:30 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 May 21 and 28, 2021.

Peter Flynn, Assistant Director, Signs and Planning Research Bureau, Police Department, presented the staff report.

Following the public hearing, Supervisor Lusk moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 1, General Provisions. 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.”

48. **BOARD ADJOURNMENT** (7:31 p.m.)

At 7:31 p.m. the Board adjourned.