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City of Fairfax City Council Meeting, Tuesday, October 28, 2025

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[00:00:00] like to call the regular meeting of October 28, 2025 to order. Welcome, everyone. We have a lively impact chamber here at City Hall, which is always great to see when we start our meetings. Thank you all for coming for whatever reason your year. If you are able and so choose, please rise for the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the

[00:00:29] I will now ask the Fairfax Village and the City Advisory Board to come down for the National Family Caregivers Month proclamation.

[00:00:45] I want to mention the money that the state is putting in the villages.

[00:01:07] All right then, I will give you that opportunity. So, whereas, during National Family Caregivers Month, we recognize more than 63 million people in the United States who serve as caregivers for family, friends, and neighbors with generous hearts and faithful devotion.

[00:01:24] And whereas, this is a 50% increase since 2015, and it is estimated that the number of caregivers will continue to increase as a result of an increase in the number of older adults who wish to remain in their own home and need assistance. And whereas millions of older adults and people with

disabilities could not maintain their independence without the help of unpaid caregivers, estimated to cost nearly \$600 billion a year nationwide if purchased.

[00:01:52] And whereas many caregivers are women, with one-third of caregivers providing at least 20 hours a week of care by providing physical and emotional support, managing medications, ensuring personal care, shopping, and providing transportation for activities of daily living.

[00:02:08] And whereas family caregivers are the backbone of our nation's long-term care system, doing essential work, often at great physical, emotional, and financial cost to themselves. And whereas the Village to Village Network, a nationwide initiative that connects members to a full range of support services to help with non-medical household tasks, services, programs, and transportation that can serve as an additional support to caregivers.

[00:02:33] And whereas Fairfax Village in the city is committed to supporting caregivers throughout our community who improve the quality of life for those who need additional support through the generous gift of their time. Now therefore I, Catherine S. Reed, Mayor of the City of Fairfax, do hereby recognize the month of November 2025 as National Family Caregivers Month in the City of Fairfax, and I urge the community to take some time to recognize those among us who provide so much care to those in need and to say thank you, offer our help to lighten their own burdens, and to raise up

[00:03:06] the often invisible labor upon which so many residents in our city depend on a daily basis and with that the microphone thank you thank you mayor reed i'm carolyn sutterfield i'm the at large member uh for fairfax village in the city advisory board and i just wanted to say a couple things i'll bet we have some family caregivers out there uh if so you're wonderful people congratulations on this proclamation. Definitely the devotion of caregivers is the foundation of

[00:03:41] long-term care at home in America, but we live in an era where families don't always live close together anymore and where professional in-home services are getting harder to find. And in that situation, volunteer-driven community programs like Fairfax Village in the city and the others in the National Village to Village Network are playing an important supporting role, not only providing services, but also helping to combat social isolation among our older neighbors.

[00:04:13] For many who live alone, villages are their family. So that role is being recognized here in Virginia, and that's what I wanted to tell you. With encouragement from the new Virginia Villages Collective, of which our village is a member, The 2026 budget passed by the General Assembly includes \$400,000 for, quotes, the creation of pilot programs to reduce the public health risk of social isolation among older Virginians by expanding the availability of villages statewide.

[00:04:52] The funding will help both to start new villages and to support existing ones. Fairfax Village in the city has applied for a grant to enhance our volunteer training program. We hope to hear soon that it has been approved. With family caregivers or solo agers, you can count on us to back you up.

[00:05:12] We are here to help. Thank you. I'm going to ask Philip Wilkerson and members of the Mason Chooses Kindness Executive Committee to join me down here.

[00:05:51] Thank you all for being here. Thank you. Thank you. Whereas kindness is an expression of love that brings out the best in others and in ourselves with overwhelmingly positive implications for health, well-being, and peace.

[00:06:11] And whereas kindness is the heartbeat of the world that, like a life vest, keeps us afloat, making us believe in ourselves, instilling hope, building self-esteem, and fostering connectedness. And whereas now more than ever, kindness is essential in uplifting compassion, strengthening connections, and inspiring the courage to advocate for our own common humanity.

[00:06:35] And whereas acts of kindness, no matter how small, provide great happiness and optimism, reduce feelings of helplessness and depression, and increase self-worth while inspiring others to pay it forward in meaningful ways. And whereas anyone has the power to make a lasting positive impact through kind actions.

[00:06:55] And whereas this proclamation is a collaborative effort between kindness worldwide, Mason chooses kindness at George Mason University and the city of Fairfax, uniting local, national, and global partners to spark a sustained kindness movement.

[00:07:12] And whereas the mission of Mason Chooses Kindness is to create and sustain a kindness revolution at George Mason University, where the vision is to change the world one small act of kindness at a time. And kindness is defined as intentionally engaging in positive action that is friendly, caring, and compassionate toward self and others.

[00:07:34] And whereas as part of George Mason's identity as a model well-being university, Mason Chooses Kindness advances core values that help every member of its community thrive together, guided by six foundational pillars, education and awareness, positive connections, sense of belonging, courageous advocacy, compassion, and well-being, which bring authenticity and purpose to all kindness efforts.

[00:08:02] Now, therefore, I, Catherine S. Reed, Mayor of the City of Fairfax, in conjunction with World Kindness Day, hereby proclaim the week of November 8th through 15th, 2025, is Kindness Week worldwide. During this time, individuals, families, schools, businesses, faith-based organizations, and all community constituents are encouraged to live out the theme, see the good, be the good, go the extra mile, in ways limited only by imagination and creativity.

[00:08:32] Through this proclamation with the joint leadership of Kindness Worldwide, Mason Chooses Kindness, and the City of Fairfax, we issue a community call to action, inviting all to embrace intentional acts of kindness, big and small, and to pay it forward for the collective well-being of our communities and the greater good of humanity.

[00:08:56] And with that, I give you Philip Wilkerson. Hello, everybody. Good evening. I did not really prepare. I didn't know we had the time to talk, and so I probably cut myself off. But one of the core themes of George Mason is also we thrive together. And in that sense of thriving, kindness is central to that. Kindness goes beyond sunshine and butterflies and hugs. It is actually genuine care for your fellow human being. It is compassion, empathy service and so at George Mason University we have a commitment to kindness

[00:09:32] faculty and staff students and alum what we have here because we know that kindness permeates beyond the walls of George Mason and into our communities like the city of Fairfax and so if you're a Mason alum feel free to check out all the things that we're doing related to kindness by going to uh was it cwb or mason or just look up kindness george mason yeah and and see all the things that we're

doing here on campus but also additionally think about all these ideas and how you can take that into your local neighborhoods your schools your churches

[00:10:08] your communities to make a real impact kindness does change lives thank you very much we have a

[00:10:44] very very special proclamation i mean all proclamations are special but this proclamation is very special I'd like to invite Edwin Gonzalez and his family up here I am hoping that the people who are watching at home and the people in this room know Edwin Gonzalez as I do because he has worked for this city for 32 years in public works and he has driven the neighborhoods and he has talked to the people Edwin embodies the best of our city staff and we are sorry to see him go but

[00:11:24] we understand that everybody also deserves another chapter in their retirement. So without further ado, whereas Edwin Gonzalez was born in Nicaragua on December 28, 1972. He grew up with two brothers and one sister, and they attended school together. Edwin graduated from National Institute High School in 1989. And whereas in December 1990, due to the Civil War in Nicaragua, Edwin and his family made the difficult decision to migrate to the United States in search of safety and a better future. Edwin and his family arrived in this great nation with hope, determination, and a

[00:12:00] willingness to work hard. Just two months later, in February 1991, Edwin began his first job as a temporary floor maintenance worker at Northern Virginia Community College in Annadale, Virginia. He worked in the mornings and took English as a second language classes at the college in the evenings. And whereas in November 1991, at the age of 19, Edwin began working for the city of Fairfax as a temporary leaf collector with the right-of-way crew.

[00:12:29] Then, in February 1992, Edwin began his long journey with the refuse and recycling department, unaware that the city of Fairfax would become such an important and meaningful part of his life. And whereas Edwin obtained his commercial driver's license, CDL, and became a full-time employee, over the years he gained valuable experience and learned to operate various types of equipment in the property yard, always looking for opportunities to grow and contribute more to the community.

[00:12:56] And whereas in 1997, Edwin became a sanitation driver, a position he held for 18 years, mastering the operation of all refuse and recycling equipment, including refuse, recycling trucks, brush trucks, and the street sweeper. And whereas on January 17, 2000, Edwin married his wife, Marlene Gonzalez.

[00:13:19] Edwin thought it was the perfect time, especially since someone had told him that the famous Y2K might be the end of the world. Remember that? Thankfully, that prediction was wrong, and he has been blessed ever since.

[00:13:34] Together, Edwin and his wife have built a beautiful family and raised three wonderful children, William, Oneida, and Edwin Jr. And whereas on August 15, 2008, Edwin made another important decision in his life, he chose to become a United States citizen.

[00:13:50] It was a powerful symbol of his commitment to the values of freedom, democracy, and responsibility. Edwin wanted to participate more fully in the life of the nation and contribute to the community on a deeper level. And whereas Edwin's dedication to the City of Fairfax continued as he advanced to Utility 3, Assistant Crew Supervisor, in 2015, where he trained numerous employees and shared his expertise to ensure the city's refuse operations remained efficient and safe.

[00:14:20] And whereas for the past eight years, Edwin has served with distinction in refuse and recycling as a refuse and recycling supervisor, providing steadfast leadership, ensuring reliable service to residents, and fostering strong relationships among city staff and the community.

[00:14:36] And whereas throughout his career, Edwin has been a valued partner to risk management, consistently prioritizing the safety and well-being of his team and contributing to a culture of proactive safety awareness that continues to benefit all city employees.

[00:14:53] And whereas Edwin is known for his positive attitude, unwavering commitment, and willingness to go above and beyond to meet the needs of the city and its residents, and whereas the city of Fairfax is deeply grateful for Edwin's loyalty, professionalism, and decades of outstanding service to our community, now therefore I, Catherine S. Reed, mayor of the city of Fairfax, on behalf of the city council and our residents do hereby recognize and commend Edwin Gonzalez for his 32 years of dedicated service to the city of Fairfax and extend our heartfelt congratulations

[00:15:27] and best wishes for a happy and fulfilling retirement uh first of all i want to say thank you my dear Reid and thank you city council family see the staff and also our city resident And I want to thank everybody for your support.

[00:16:07] And our city co-worker, I appreciate your hard work you guys do. Thank you very much. Good night. Thank you.

[00:16:26] Ask Jennifer Rose.

[00:17:09] Everybody knows Edwin. Like everybody in my neighborhood is like, Edwin, I know, I know. Don't be a stranger, Edwin. You know where we live. You know where we all live. I would like to ask Jennifer Rose to join me down here to acknowledge the Civic Connection graduates.

[00:17:27] So bring on. Come on, all the Civic Connections graduates. Come on down. Group hug.

[00:17:39] So look at this group of Fairfax City residents, people in our community who answered the call when Jennifer Rose said, we need to do something about helping people understand how our government actually works.

[00:18:17] And so Civic Connections was kind of a restart of something that had been done years ago. But Jennifer reimagined it. And so you see behind me people who are like, I want to know more about how this government works. And it's really important because it's an investment these folks have made for seven weeks.

[00:18:36] Seven weeks, once a week, to come in here. They've heard from city staff members, all kinds of departments, to talk about how our government actually works. We just did a recent community survey where the results came back and said, we have one of the happiest communities in the country, happier on the national average, happier than other communities in the Mid-Atlantic.

[00:18:57] And people talked about what made them happy, including refuse and recycling, by the way. So this all ties back to Edwin in a very unique way. 32 years of service gave people the thing that makes them the happiest. And so now these people all understand that, too.

[00:19:13] The relationship between the city council and the mayor, the city manager and our staff, and the fact that our city hums along because of the commitment of the people who are part of our government every single day. And they're not necessarily people that you know. And so I want to thank

everyone from the city staff who participated. I want to thank Jennifer Rose for being the engine behind doing this. And most of all, I want to thank all of you for caring enough about your community to want to find out more about how it works. Congratulations to all of you on completing

[00:19:47] this. They are so accustomed to me using my mom voice. It's nice I don't need to. Thank you, Mayor Reed. The Civic Connections program was definitely a labor of love for the central Fairfax Chamber of Commerce. I was inspired to put it together here in the city after going through Leadership Fairfax Institute in the county. The focus is on Fairfax County, and it's great learning about the county and different pieces and parts. But when they were in the city, the participants didn't even know they were in the city. And I was always like, no, this is Fairfax City. You're in the Fairfax

[00:20:23] City Fire Station right now. So it made me think, here in the city, we need to learn and understand how local government works. Many of you know I sit back there in the corner at every city council meeting. I hear many members of the public commenting on things. They don't always understand how things work. So that is how this program came to be. Instead of it being a nine-month \$5,500 program, it was a seven-week free program thanks to the Central Fairfax Chamber and our newly formed Fairfax Forward Foundation. So we were very thrilled to be able to offer this, and we had some

[00:21:00] folks that had perfect attendance and spent 21 hours learning about the city. Some of them had perfect attendance plus and did the bonus bus tour, so they were with me for 22 hours, but it was a great program, and if you'll indulge me, I know we have a very full agenda, and I'm going to be right here with them to the bitter end, but I wanted to read just a couple of comments from the members of this first cohort, and they were amazing. The first week, the presentation on structure of local government was very informative. Great info. Very informative and full of resources.

[00:21:36] Looking forward to next week. All right, JC, pay attention to this one. Loved it. Thanks for making it fun. That was budget night. I don't know who said that, but it was fun. Civic Connections has been so worthwhile. I'm excited for the rest of the program. The fire department demo was super interesting. The police chief is very engaging and dynamic and I feel as a city resident that we are in extremely good hands. Had no idea the amount of preparedness that the city does. Very impressive.

[00:22:11] And that was listening to Walter English talk about the emergency response office. Excellent program. The city should get GMU to have this program in their curriculum and then anyone running for the city council should take it as a prerequisite.

[00:22:31] We will be offering this cohort again in the spring. And then lastly, Mayor Reed, you're going to love this. QBus is amazing, and I'm energized to ride again after several years. What did we learn about the QBus, ladies and gentlemen? Free.

[00:22:47] It's free. So again, we're just very grateful for the partnership with the city. I obviously could not have put this program on without the great staff. Each week stay an extra three hours on their day not counting the time they put their presentations together so I'm grateful for that it was definitely a wonderful partnership we will do this again in the spring we're going to tweak what we've learned pay attention out there for the call we would love to have you participate with us in the spring and learn how to be a better engaged citizen.

[00:23:20] I'm taller than you. Make sure everyone is in the way out. Make sure everyone's in the way out. Make sure everyone's in the way out.

[00:23:36] All right. Some folks in the back, I can't see you. One more time.

[00:23:53] Here we go. Thank you. We need to address consideration for remote participation by councilmember Hardy Chandler pursuant to code of Virginia

[00:24:32] section 2.2 - three seven zero eight point two is there a motion to approve the remote participation by councilmember Hardy Chandler yes there is council member Hall in accordance with city council adopted policy and as permitted by Virginia code section 2 - 2.2 - three seven zero eight dot two I move to approve councilmember Hardy Chandler's request properly submitted in writing prior to tonight's meeting for remote participation subject to compliance with the requirements outlined in the city council adopted policy and applicable law in all or portions of the city

[00:25:08] council regular meeting of october 28th 2025 the motion has been made is there a second second the motion's been made and seconded a roll call vote council member mcquillan aye council member bates aye council member peterson aye council member hall aye council member amos aye motion passed unanimously okay moving on to actions out of a closed meeting is there a motion to approve the acting city manager councilmember hall yes i move to appoint melanie r zip as acting city manager of the city of fairfax effective as of november 1st 2025 on the terms and conditions

[00:25:44] discussed in closed meeting i further move that the city attorney be authorized to finalize a memorandum of understanding with miss zip incorporating the approved terms and conditions and that the mayor be and hereby is authorized to execute the memorandum of understanding on behalf of the city council and the city is there a second second the motion has been made and seconded a roll call vote council member amos aye council member hall aye council member peterson aye council member bates aye council member mcquillan aye council member hardy chandler Motion passed unanimously.

[00:26:21] So before we move on with the agenda, I just want to take a moment and acknowledge our acting city manager, Brian Foster, who has been with us for nine months since the end of January. He started at the end of January when this council started, and he has been steadfast.

[00:26:42] He has been true to what the core values of our city are. I have worked with many executives and leaders in my career that started in 1984, and I can tell you I respect everything that you've done for the city.

[00:26:59] I admire your professional integrity. I know that everything you did, you did 100%, not as an acting manager, but as the city manager. You got us through our first budget together. You developed a process that got us a wonderful HR director, Bettina Williams, and a new police chief, Raul Pedroso.

[00:27:22] You took on those tasks, and you gave it everything you had, and the city and its first community survey results show that our city is very happy with how things are run, and for the last nine months, it's been because you led our city staff.

[00:27:40] They had faith in you. They trusted you, and so do I, and it's been an honor and a privilege to work with you, and I feel we are fortunate as a city that you dropped out of wherever you dropped out of and into City Hall. to get us through this past nine months, so I want to say thank you, and since we're talking about retirements, I wish you well in what you decide to do after October 31st. You have earned a bit of rest. Thank you, Mr. Foster. Now, adoption of the agenda. Is there a motion to approve the

[00:28:19] agenda, Councilmember Hall? I move to adopt the agenda as presented with the following change, deleting item 12F relating to rules and procedures. Is there a second? There's a second, but I would like in discussion to pose adding some taskings to staff around item 10b okay motion has been made and amended by councilmember Peterson is there a second

[00:28:54] on the amendment yeah and I'm sorry mayor maybe I can explain a little more councilmember Peterson had a discussion about a couple of items he wanted to propose in general connection with the firearms ordinance they're not directly related but uh they are appropriate for motions at an appropriate time so in discussion with him we thought that this might be the best way to handle those immediately after the discussion on the firearms ordinance okay so the motion has been amended a roll call vote council member amos aye council member hall aye council member hardy chandler aye council member peterson

[00:29:33] aye council member bates aye council member mcquillan aye motion passed unanimously all right we go on to the initial general public comment i have 16 speakers signed up by 5 o'clock p.m today so i want to call the first speaker up which is michael demarco thank you good evening mayor reed and members of city council my name is michael demarco 10212 scout drive fairfax again i had

[00:30:09] the privilege of serving on the original green acres feasibility study committee the work that ultimately led to the willard sherwood community center project which i am here again tonight to support. I understand that some residents are concerned about cost, and that is a fair question.

[00:30:25] Every major investment the city makes deserves scrutiny. But this project isn't about a building, something shiny or extravagant. It's about replacing two aging facilities that have already served their time, are well past their useful life, and can no longer meet the needs of the people who depend on them. The Joseph Willard Health Center has provided vital public health services for generations, immunizations, dental care, pharmacy, family nutrition, and maternal child care. The Green Acre Center has been home to our senior community, to classes, to exercise

[00:30:59] programs, and to reading and internet resources. If we do nothing, those services don't just pause. They deteriorate, they disperse, and they disappear altogether. Some have said this project is too expensive or nice to have. In truth, it's the opposite. It's a need to have. Investing in health, in seniors and families, and accessibility is not a luxury. It's the foundation of a healthy, connected community. And this just isn't spending. It's smart investment. By partnering with Fairfax County, we share the cost of construction, parking, and infrastructure, rather than each jurisdiction

[00:31:38] building its own facility. This is long-term fiscal responsibility, not waste. The new facility keeps essential services right here in the heart of the city, accessible by transit, walkable to neighborhoods, and connected to the Sherwood Center that already serves as a community hub.

[00:31:58] A no vote may save dollars today, but it will cost far more in the future. And a no vote isn't just a vote against a building. It's a vote against the families who rely on the Willard Health Center, against the women, infants, and children it serves, and against the seniors who depend on Green Acres for community and care. Ultimately, it's a vote that weakens the city vision that aims to strengthen a community known for its distinctive quality of life through community engagement, connectivity, and a safety net for those in need. This is our chance to build something

[00:32:36] that will serve every generation of city residents and the surrounding community for the next 50 plus years. It's an investment in people, in health, connection, and community. I urge you to move forward with this project. Genuine care for our fellow human beings. Thank you. Our next speaker

[00:32:56] is Monique LaFleur. Good evening. I'm Monique LaFleur, 9760 Cardinal Road. I'm here to talk about the George Schneider Trail Project. These are dark times for normal taxpayers. Many of my neighbors are federal workers or government contractors. Even before they all lost their jobs, the city imposed exorbitant real estate tax increases that caused some of my friends and

[00:33:35] neighbors to be taxed out of their homes. The idea that the city could consider using tax dollars to continue to pursue the wasteful and harmful George Schneider Trail project is beyond belief. Now that the contractor bids have shown that the George Schneider Trail project is completely unsound, as costs will only increase as the project goes forward, this is the time for the city to cancel this project once and for all. The project does not add benefit to the city and destroys areas that currently provide many benefits to residents and visitors. The council has heard all of the environmental and fiscal reasons for canceling this project many times.

[00:34:13] And as for paying back the millions wasted on pursuing this ill-fated vanity project thus far, I've not seen solid proof that any of that money would have to be paid back. And certainly, if any payback is required, that could be negotiated. And it is far better than throwing good money after bad to the tune of tens of millions of additional payments. Please cancel the environmentally wasteful and fiscally irresponsible George Schneider Trail project

[00:34:42] immediately. Thank you for your time. Our next speaker is Mariana Fournier. Good evening. My name is Mariana Fournier and I've lived in Fairfax City since 1978. In regard to the GST, I was appalled to find out that we are all misled about having to repay the \$3.7 million. We deserve to know how this happened and who was responsible. We are tired of all the excuses as to why we need to go

[00:35:20] forward with this project. We don't want it and we can't afford it. Since two council members' votes were determined by this false information, I hope they will now join those who originally voted against the trial and finally put this issue to rest. There should be no more consideration of spending any more time and money on this project, and I am appalled that the council is still considering it. In regards to the proposed courthouse plaza design, it's an insult to

[00:35:58] our community that such a massive overreach of overdevelopment and urbanization should be even considered. It wasn't approved by our community planning and development, and justifiably so. Send it back to the drawing board. I encourage all our citizens to forward their suggestions to the council and the developer. Maybe then our voices will be heard. Remember, it's our city too.

[00:36:27] Now, to end on a positive note, I do support the change in the charter to increase the levy of transient occupancy tax from 4% to perhaps 8% or 10%.

[00:36:45] And as they say in Looney Tunes, that's all, folks. Our next speaker is Elise Alexerad. Hello.

[00:37:06] My name is Elise Axelrad. I live at 3233 Dunster Court in Fairfax. So the part where I'm coming from, I'm a new resident. I moved in a little while ago, and part of what attracted us to this area was being able to see the tree-lined streets.

[00:37:24] And because of the stream restoration, the tree lining isn't there anymore. We've lost some of that, which is really sad. However, I do understand the desire for a trail, and I'm in favor of trails in principle. What I don't understand is when you have an urban forest that looks like this and a street right next to it, why we couldn't have a trail continue along the street next to it.

[00:37:48] And I know people have done a lot of research on this. I'm still a little puzzled on this point. So I guess what I would say is put the trail on Cardinal Road. It's paved. It's policed. It's lit. It exists. I guess that's all I have to say is that there are options that aren't destructive to the environment that would maintain a trail.

[00:38:08] which is a nice vision but the idea of knocking down even more trees than what we've seen that's happened around the river that's that would be nice not to do more of that kind of damage

[00:38:24] that's all thank you our next speaker is amy brezzan show and tell my name is amy brezzan

[00:39:00] 4123 orchard drive i'm speaking to you on behalf of many of the residents of fairfax city who are opposed to the current plan that has been proposed for Courthouse Plaza. Historically, the core of retail stores in and around the center of Old Town Fairfax have always struggled to get enough walking traffic to sustain a profitable business there.

[00:39:22] We feel you are missing out on a golden opportunity to help them achieve that. The Courthouse Plaza currently has profitable businesses doing very well, anchored by Safeway. The proposal by Combined Courthouse is to build a huge apartment building there, would eliminate one entire side of the current strip mall, and would replace it with less square footage of retail than they are destroying.

[00:39:47] Please take some time to rethink this. I propose an alternate plan, which is what I just passed out, of adding a strip of more retail along the south of the lot, not only leaving in place the profitable retail shops already there, but adding more to enhance the multitude of apartments that you are planning to build between City Hall and Old Town.

[00:40:10] As it is now, there is little for the 1,000 to 2,000 plus people who will move into those apartments, so they would naturally gravitate to Routes 29 and 50. to do their shopping. Adding retail like a hair salon, a sandwich shop, restaurants, maybe a GMU bookstore that caters to the flats would add convenience and profitability to the old town area. My example of a successful strip is over on Route 50 that includes Five Guys and Starbucks.

[00:40:42] I'm not sure what that mall is called. The small area plan is not a law. It is a start, a suggestion of what might be. Courthouse Plaza is directly across the street from Old Town Plaza and a short walking distance from the core of Main Street Business District. It is a perfect complement to the needs of the businesses there. It would add to a currently profitable lunchtime rush that happens in and around the few restaurants we already have and would be welcome to some of us old-time residents as well. Lastly, I want to bring up the six-story exception that Combined Courthouse

[00:41:16] is asking for. The zone on that lot is four stories. It is four for a reason. None of us want to be walking or driving down a canyon of gigantic buildings. I also feel strongly that if you approve six stories for a combined courthouse, the next available will ask for eight and then ten. We may as well live in Washington, D.C. Please do not approve any exceptions asked for beyond four stories. Lastly, we are dismayed they cut down all the beautiful old trees

[00:41:51] along Blenheim Boulevard, and for some reason the city is not fining them. This lack of enforcement and accountability is outrageous and makes us feel betrayed by our own city. The citizens and tree services are all required to have permits for this. Why are they an exception? The strip is now an empty scar that was once green and lush giving us beautiful colors this time of year and shade to park and walk under combined has been developing here for a long time they absolutely knew it was illegal to cut down those trees yes please stop combined for doing more damage to our city yes

[00:42:28] thank you for listening our next speaker is avril garland hi um thank you for letting me speak i'm from the town of vienna and i'm also talking about the trees uh in reference to the george Snyder Trail, where I hear about up to 600 trees will be destroyed. And that is enormously upsetting to me to hear that Dominion destroyed our trees along the W, O, and D. Some of you are actually

[00:43:02] considering doing this to your own town. It's inconceivably crazy. You have at the moment a lovely amenity and people from it's it's a regional amenity and to think that you i'm asking you please reconsider and not destroy something that that can be in a lovely woods that can be enjoyed from so many people as a commuter cyclist cyclists honestly belong on the street and they don't mix at all on the w on d on your left and i see people hard of hearing they get my parents won't

[00:43:38] go in it anymore. It's actually quite dangerous because as a cyclist you've dog leashes, you've strollers, you've children weaving in and out. As a cyclist I don't use the WOND trail unless I'm going very slowly but if I have to go somewhere fast I just use the roads. It'd be a much better idea. The idea of using woods, it's a fantasy that cyclists can just dispense with roads and just go through the woods like we live in Maine or Vermont. This is an urban area and cyclists belong in the street and please find ways to make the streets safer for cyclists. Thank you.

[00:44:17] Our next speaker is Jack Cole. Good evening. My name is Jack Cole, 3228 Cambridge Court.

[00:44:34] Mayor, members of the council, many of you probably recall that I have spoken previously urging a more fiscally sane and environmentally friendly George Snyder Trail project. Those please, those please obviously went by the wayside. I now read that there is an approximately \$4.5 million project shortfall. I fear that we, the taxpayers of Fairfax City, will be stuck paying that bill. I also understand there exists analysis of the George Snyder Trail funding language that

[00:45:09] questions the council's belief that the city will be on the hook to repay the grant if the project is canceled. Now in my humble opinion these two developments provide the perfect opportunity for the city council to as my beloved high school advanced history advanced placement history professor would say stick a fork in it kill it now. So I urge the council to take advantage of these opportunities and cancel the George Snyder Trail boondoggle. Thank you very much. Our next

[00:45:46] speaker is Philip Latassa. Mayor and council I speak tonight representing the Friends of Akating Creek. In previous statements to this council, you have heard the engineering required for the George Schneider Trail compared to that of the Panama Canal. From the year 1551 to the present, proposal after proposal for a canal across Nicaragua has been studied, planned, or commissioned by countries ranging from New Spain to the Republic of Central America to the United States, Germany, Japan, and China. Every one of these proposals has gone up in smoke

[00:46:22] because a better route exists in Panama. In much the same way, a better route exists for the proposed transportation benefits of the george schneider trail that better route is to make use of existing

paved infrastructure following that better route will spare this city the environmental engineering and financial challenges that are sinking the George Schneider Trail just as they have sunk the Nicaragua Canal. Please turn the problem presented by the disappointingly high bids received for the George Schneider Trail into an opportunity an opportunity to follow a better route a route that will preserve our woods and wetlands thank you our next speaker is Jennifer

[00:47:01] Passy good evening Mayor Council members and members of our community uh for the record my name is Jennifer Passy and I reside at 10109 Farmington Drive and I'm here tonight to voice my strongest support of moving forward with the Willard Sherwood Community Center project as someone who has had the privilege of serving on this Council I understand how difficult these decisions can be budgets are tight priorities compete and every dollar must be justified I've

[00:47:38] sat where you were sitting weighing those same tough choices, but I also know that leadership means seeing beyond the short-term constraints and keeping sight of the long-term benefits of our community. The Willard Sherwood Community Center has been years in the making. It reflects thoughtful planning, broad community input, and a vision for a more connected Fairfax, one where seniors, youth, and families have a welcoming place to gather, learn, and thrive together. It's not just a building. It's an investment in the health, unity, and vitality of our city. And I promise Michael DeMarco and I did not plan our remarks. It's very similar.

[00:48:16] We can find the funds we have before and we will again when the project is worthy, when the benefits are clear, and when the need is real. And this project checks all of those boxes. Delaying, in fact, delaying or making changes, significant changes at this point, pushes this important community asset further out of reach. You have an opportunity to carry forward something that will serve our residents for generations. I know the weight of that responsibility, but I also know the pride that comes when you take a bold step for the greater good.

[00:48:49] Let's finish what we started. Let's make the Willard Sherwood Community Center a reality. Thank you for your time, and thank you for your service. Our next speaker is Tom Blackburn. Thank you. I'm speaking tonight on behalf of the Northern Virginia Bird Alliance,

[00:49:25] chapter of the National Audubon Society. I'm their advocacy committee chair. I have three points I'd like to make. First, it's time to cancel this project. The cost is nearly double what it was originally estimated to be. At \$27.4 million, that's \$2,600 per linear foot of this trail, which will only take a biker 10 minutes to traverse. We can do better than that. Second, I urge the Council to look more carefully at what its repayment obligations would be if it does decide to cancel the project before making that decision.

[00:49:59] The city manager's memo states that only that the city would have to repay all \$4.1 million. There is no mention of Section 5 of the project agreement, which provides for the city and VDOT to cooperate in either providing more funding or terminating the agreement if costs will exceed the allocated funds.

[00:50:18] There is no discussion of Section 9 of the contract, which allows the city to not repay the funds and let VDOT retain ownership of the plan's specifications and right away. There's also no discussion of Section 19.6 of VDOT's project manual, which states that if a locality cancels a project due to circumstances beyond its control, the payback requirement may be waived.

[00:50:45] The dramatic increase in a project's costs certainly constitutes the circumstances beyond its control. So faced with potential payback of the magnitude referenced in the city's manager's memo, it seems reasonable that due diligence would require the city council to require legal memorandum on its potential payback liability before it cancels the project, followed by meaningful discussions with VDOT on the issue.

[00:51:12] Is the liability really \$4.1 million? Is it a few hundred thousand dollars to be reimbursed to the Federal Highway Administration? Or is it nothing? The council won't know unless it really looks into this issue and gets a legal analysis.

[00:51:29] And to my knowledge, there has not been a formal analysis done. My third point, regardless of whether the council goes forward with the project, I urge you to adopt the policy of not committing funds to a future project before a careful environmental analysis.

[00:51:45] Fairfax County is taking such steps as shown by a March 10, 25 memorandum from the Department of Public Works and the Park Authority to FCDOT, stating that hard surface trails should be built in RPAs only as a last resort.

[00:52:04] I hope that the city will take that approach in the future, regardless of what happens with respect to this trail. Thank you. Our next speaker is Val Morgan.

[00:52:22] Hi. I want to say one thing about the George Snyder Trail.

[00:52:41] Put a stick in it. Please leave those trees alone. Too many people and craters live there. Some just migrate here, and that's their home. And it's our home to go visit. It's so much cooler to stand in there in the summer. But what I was going to talk about also, mostly, was this sad, sad landscaping plan, which is...

[00:53:04] When I talked to the Board of Architectural Review, because they got to approve the plan, I asked them if they knew anything about plants, and the answer was, no, they don't. And I had this. I got this blown up.

[00:53:19] I got it from zoning, but I had it blown up at Staples to be this size. Did you guys look at it when you approved these plants? I don't think so. Even the landscape architect after that meeting, when we talked to him out there, said he didn't know anything about native plants either.

[00:53:39] And nobody who knew about native plants was consulted. I know some, and I tried. Nobody listened. That was a big failure, to not have somebody who knows about native plants and know that you don't put 400 of them here and 400 there.

[00:53:58] Oh, hello, no, that's not how you do it. You also don't put a mass of dark green stuff so everybody can look at no color. Instead of sedges, you could have put, that's where you could have put the Amsonia blue ice because it is literally, they're all the same size, it's a great front edging.

[00:54:16] But no, you put more green stuff. And a whole lot of that is out there is dead. And evidently, your brand new irrigation busted and flooded the bottom west corner. And the other thing is you planted the asters down there, which is downhill, which is where water runs, even if it's not leaking.

[00:54:41] And on that side, there's none left. I think they're worth 30 total in the plant. I also have this, the plants and the quantity. And I gave the city engineer all of the specs on all of the plants.

[00:55:00] It's totally ignored. One of them spreads out to six feet, and they're supposed to be planted five feet apart. They were planted, like, touching. Like, that doesn't work. And now they should be changing their leaves to colors. But no, they've fallen off in the state of brown.

[00:55:21] And the other thing, that soil has never seen the light of organic material. and desperately needed to add a lot of organic material because that's part of the failure. It's a mess, and it was a lot of money.

[00:55:40] The brickwork is pretty, but we really, it wasn't a failure to start with, so I don't know. It's just a horticulture issue here. Oh, and save, save, save, save, save. Our next speaker is Judy Frazier.

[00:56:01] Hi, good evening, Mayor and City Council. I want to discuss tonight an under-discussed item, if you can believe it, about the George Schneider Trail, and that is the National Environmental Policy Act categorical exclusion that the project received into the weeds, nerdy stuff, but the NEPA categorical exclusion, something that two council members have questioned in the past.

[00:56:32] why did it receive a categorical exclusion because one of the items that you have to assert in that categorical exclusion is that there is no public environmental controversy about the project and if there's one thing that everybody in this room knows there has been plenty of environmental controversy on this project and it should not have received that exclusion in my opinion. What that exclusion prevented was exactly the environmental assessments that other speakers have asked for that said we should have environmental assessments. We

[00:57:09] don't really know for sure what's there because we have not done that. And sure, it would have been time consuming or expensive, but it would have saved a lot of hassle if we'd had that. It also would have allowed us to explore the alternatives, which would have less environmentally damaging and to the point that mr. Blackburn made the county memorandum does actually state that these leaders of Fairfax County have said that these projects should not be shown on their plans unless environmental

[00:57:45] assessments are completed beforehand and show de minimis impact to water quality and sensitive resources we do not have that information we should have had that information and we are suffering we are going through all this because we don't have that information and we are pursuing what legal options there are to address that issue thank you our next speaker Sherry DeFranzo

[00:58:14] good evening mayor and City Council my name is Sherry DeFranzo I reside in the Sutton Heights townhome community on Pickett Road just north of the Pickett Road Tank Farm. I'm here this evening on behalf of the entire community, as well as Barrister's Keep and Pickett's Ridge, or Pickett's Reserve, to voice several concerns regarding the approved plan to demolish 10 fuel tanks in the northeast section of the tank farm and replace them with

[00:58:53] two warehouse buildings. The plan calls for two 42-foot-tall warehouse buildings, totaling over 300,000 square feet, organized around a central internal truck court in the northeast corner of tank farm with multiple access points. The proposed location is directly south of our townhome community. The Fairfax City Architectural Review Board approved the project in July. We heard about it through an article in the patch. We had no prior knowledge that this project was in the works or going before the board for approval, which is why we're here to voice our concerns. First, although

[00:59:31] the construction is considered to be by right because the area is zoned industrial heavy or IH, the project requires zoning approval and permits. We hope these concerns will be taken under

consideration during the zoning and permitting process. Our primary concerns are related to the environmental impact of demolishing 10 fuel tanks at a facility that as recently as 2011 experienced a leak that resulted in underground contamination of petroleum, creating a groundwater plume that extended 2,000 feet into Mantua. Demolition risks include

[01:00:07] further water contamination, and health and safety hazards stemming from the release of toxic fumes. Additionally, we're concerned about light and noise pollution, which will threaten sleep and circadian rhythms for all the members of our community, especially those whose homes back to the proposed warehouse site.

[01:00:27] A larger concern is that research suggests the owners intend to use the warehouse to house a hub for final mile delivery, which is hybrid truck drone delivery vehicles. Our specific concerns are airspace safety, specifically the lack of governance on substantial drone operations in a densely populated area, and we have a deeper national security concern in the inherent ability to quickly shift from what may be a legitimate logistics operation to the delivery of small to medium weapons that could be targeted at what could be considered the target-rich environment of Washington, D.C.

[01:01:05] While this is outside the purview of the council, we do want you to be aware, and we've drafted correspondence to appropriate regulatory agencies regarding the drone situation. In sum, we ask that you postpone the zoning and permitting process and reconsider the soundness of allowing the demolition of 10 fuel tanks and consider the threat to health and safety stemming from noise and light pollution as well as vastly increased tractor-trailer operations and the potential national security implications.

[01:01:34] thank you for your time and service our next speaker is william pitchford good evening and thank you for the opportunity to speak this evening my name is william pitchford i live on school street in the city of fairfax a little later this evening you will be asked by city staff to provide guidance on raising the additional funds required to complete the george snyder trail

[01:02:11] i am asking you to recommend option two which is to request the additional funding from the v dot concessionaire account this is the quickest way with the least impact to fully fund the completion of this very important trail system passed by the citizens of fairfax city earlier this year i would like to offer a few points as to why you should recommend option two option two moves the project along in a manner that is quickest and most fiscally responsible for the city for the

[01:02:47] citizens of Fairfax City. The George Snyder Trail is an important part of the multimodal transportation infrastructure that connects the Camp Washington, Northfax, and Fairfax Circle activity centers and is spelled out in the city's small area plans. In the next few years, these three activity centers will account for the majority of Fairfax City's economic development.

[01:03:15] Having the right infrastructure will be critical for this growth. Option 2 completes the trail in its entirety. In June of this year, this council, along with the citizens of Fairfax City, voted to complete the full trail.

[01:03:32] Option 2 fulfills the wishes of the voters. The George Schneider Trail has broad support from the citizens of Fairfax City, city officials, trail and cyclist groups, and from the Fairfax City Citizens for Smarter Growth.

[01:03:49] For these reasons, I'm asking you to recommend option two, which will fully fund this trail system and completes it in the most expeditious manner. Thank you for your time. Our next speaker is

Shelly Vance.

[01:04:06] Shelly Vance, Cambridge Station. I want to start by saying thank you to the city staff, to the council members, and to the mayor for allowing citizens to have an opt-out option for the trash carts.

[01:04:25] A bit of good news. Now, let me go on. I spent last Thursday evening at the Sherwood Center listening to city staff promote the city's urban forest master plan. One of the goals of the plan is to strengthen tree and woodland conservation, including to conserve and expand the tree canopy citywide.

[01:04:51] Why should I, why should the citizens, why should the voters believe you pay anything more than lip service to this plan when you are willing to remove some 600 city trees to install a trail that has alternatives?

[01:05:08] Your actions speak louder than words. If you believe in the urban forest master plan and you want citizens to believe you mean it, Do not sacrifice the trees to this trail. Find another footprint.

[01:05:26] Our last speaker for this item is Mariam Dodka. Good evening. My name is Dr. Mariam Dodka. I'm from town of Vienna, and I'm one of Fairfax County 2024 recipients of Friends of Trees Award.

[01:05:48] UN Environmental Program page posted this message yesterday. Forests are the earth's lungs. I would like to start by defining urban heat island. It refers to the fact that cities tend to get much warmer than their surrounding rural area during the summer.

[01:06:06] This phenomenon happens when cities on shaded roads and buildings warm up during the day and radiate the heat into the surrounding air. Consequently, highly developed urban areas can experience 15 to 20 degrees Fahrenheit warmer temperature compared to vegetative surrounding areas in the mid-afternoon.

[01:06:29] Heat islands increase the demand for air conditioning. In the U.S., electricity demand for cooling will increase by 5 to 20 percent for every added degree centigrade. During heat waves, increased demand can overload systems, causing power companies to conduct rolling brownouts or blackouts to avoid system failure.

[01:06:54] What causes urban heat island? Dark surfaces, such as asphalt and concrete, lack of trees, vegetation, and topsoil, waste heat, including cars and air conditioning, and tall buildings. George Snyder Trail can cause major temperature increase.

[01:07:13] It is supposed to be built using asphalt and concrete. The project requires cutting 600 mature trees while disturbing wooded area, and it is not clear if it helps with replacing cars with bikes. The smarter way of doing it is like how Arlington does it: they create bike trails on city streets.

[01:07:33] No disturbances to wooded areas, no increase in dark surfaces, and traffic makes bike trails a more efficient way of commuting. Higher temperature also increases the risk of respiratory illnesses, heat exhaustion, heat stroke, and heat-related mortality, according to CDC data.

[01:07:53] Children, elderly, and athletes are more at risk of heat-related illnesses, according to Virginia clinicians for climate action. They also increase energy consumption needed to air-conditioned homes and buildings, which leads to higher emission of air pollutants and heat-trapping gases and exacerbate climate change.

[01:08:12] Let me finish by this quote. from Ian Somerhalder, actor and environmentalist. The environment is in us, not outside of us. The trees are our lungs, the river are our bloodstream. We are interconnected and what we do to our environment, ultimately you do it to yourself.

[01:08:30] Thank you. - We can move on to the consent agenda. - Is there a motion to approve the consent agenda, Council Member Hall? - I move adoption of a consent agenda for agenda item number seven, consideration of the October 13th, 2025, special meeting minutes agenda item number 7b consideration of the October 14th 2025 special meeting minutes 8 a.m agenda item number 7c consideration of the October 14th 2025 special meeting minutes 6 p.m agenda item number seven consideration of the October 14th 2025 regular

[01:09:07] meeting minutes agenda item number 7e introduction of an ordinance authorizing and approving a deed of easement between the city of Fairfax and Fairfax County Water Authority for the installation construction operation and maintenance and repair of one or more water mains and appurtenances thereto on certain real property owned by the city and having tax map number 48-4-01-000-c And 48-4-01-003.

[01:09:42] Is there a second? Second. A motion has been made by Council Member Hall and seconded by Council Member Peterson. Are there any items Council would like pulled for additional discussion? Seeing none, a roll call vote. Council Member McClellan? Aye.

[01:09:58] Council Member Bates? Aye. Council Member Peterson? Aye. Council Member Hall? Aye. Council Member Amos? Aye. Council Member Hardy-Chandler? Aye. Motion passed unanimously. We will go to the public hearing. We only have one public hearing tonight, which is a public hearing and council action on a proposed resolution requesting that the General Assembly amend Section 2.2 in parentheses of the city charter relating to the levy of the transient occupancy tax, Section 3.1 of the city charter relating to the election of the mayor, the members of the city council, and by implication, the members of the school board,

[01:10:36] in section 5.2 and paragraphs F of the city charter relating to compensation of members of boards and commissions. I'm going to recognize Brian Lubkerman, our city attorney, to provide the staff report. Thank you. And hello again, Mayor and Council. As you're aware, there are two methods to amend the city's charter. One is by submitting items to the voters for referendum. The more traditional route is by conducting a public hearing and adopting a resolution recommending that the General Assembly consider making certain changes.

[01:11:06] At its work session on October the 7th, the City Council reached consensus on proposing three changes to the city's charter. The first would be to remove the restriction on the maximum levy of the transient occupancy tax, which is currently limited by charter to 4%. And most surrounding jurisdictions, in fact, most jurisdictions in Virginia have much higher transient occupancy taxes, so it gives the Council flexibility.

[01:11:30] The second one would be to update the charter provisions relating to the election of council members and the mayor and as noted in the introduction by implication to school board members to reflect the 2021 action by the by the general assembly that moved the may elections for any jurisdictions that still had may elections to November to the November election cycle that enabling authority allowed jurisdictions to accomplish the change since it needed to be done quickly in 2021 by ordinance and the city code now reflects that but our charter still reflects the old May election cycle.

[01:12:04] So this would be a cleanup item. And the third item is to remove the restriction on the maximum compensation for members of boards and commissions, currently capped at \$50 per meeting. This is an item that has been around since the city became a city. And in discussion with council, you all agreed that it would give you all flexibility to decide what compensation, if any, you'd like to give boards and commissions separate from a \$50 limitation.

[01:12:30] So this evening would be the required public hearing on this item and Council action. We are recommending consideration and action on this this evening in order for us to prepare this in time to get to our delegation and have it introduced at this session of the General Assembly. With that, I'm happy to answer any questions.

[01:12:46] Are there any questions of Mr. Luckman on this? All right, then. I will open the public hearing. Ms. Shinneberry, has this public hearing been properly advertised? Yes, it has. No one signed up prior to the meeting. Is there anybody that would like to speak on the charter?

[01:13:02] You may come forward, and you can state your name, street address, and your statement. Good evening, Council Members. Good evening, Mayor.

[01:13:18] For those of you that don't know me, my name is Kristen Feenstra. I'm the General Manager at the Residence Inn by Marriott in Fairfax City. I also serve as a Commissioner with the City's Economic Development Authority. I'm here to express my support for a proposed 2% increase to the City's travel and tourism tax with one important stipulation, that the additional revenue be specifically allocated to the tourism marketing visitor service and initiatives that strengthen fairfax city's position as a destination this increase would be paid by visitors staying in our hotels not by residents and would allow fairfax city to join fxva fairfax county's destination marketing

[01:13:55] organization membership in fxva would give us access to regional campaigns promotional tools and business development programs that we currently lack these resources are essential for attracting larger hotels, event venues, and service-related businesses, assets that contribute to a long-term economic growth. Fairfax County recently raised its hotel tax to 9% and has already launched impactful programs like a sports authority, conference center, and hotel marketing grants. These initiatives are driving tourism investment, but Fairfax City is not currently

[01:14:30] positioned to benefit from them. Tourism is a major economic engine in Virginia, generating \$35 billion dollars in visitor spend last year alone and supporting over 230,000 jobs. By aligning our tax rate and dedicating the revenue to tourism promotion, we can bring more of that spending into our city, supporting local restaurants, retailers, and small businesses. Every dollar invested in tourism marketing typically returns several dollars in local economic activity.

[01:15:00] This proposal is not simply about adjusting a tax. It's about making a targeted investment in Fairfax City's visibility, competitiveness, and future prosperity. My support is rooted in the understanding that these funds will be used to directly benefit our tourism strategy. Thank you so much for your thoughtful time and consideration. Is there anybody else in the room that would like to speak on the charter amendments? I will close the public hearing. Is there a motion? Council Member Hall. I move to approve a resolution requesting the General Assembly to amend the

[01:15:38] city charter section 2.2c pertaining to the transient occupancy tax section 3.1 pertaining to the election date for the mayor members of the city council and members of the school board and section 5.2f

pertaining to the compensation of members of boards and commissions is there a second second motion's been made by council member hall and seconded by council member peterson is there any discussion on the motion seeing none no you had something just a comment okay council member hall um thank you for your comments um during the public hearing i would like

[01:16:14] to see if we could direct staff to explore how high we could go and what the taxes could be to contribute towards tourism i don't know if that needs specific specific direction from us but so the the thought would be if the general assembly were to uh were to pass this and the governor were to sign uh obviously it would be effective as of july 1 so it would be part of your budget discussions upcoming in terms of maximum cities have cities that don't have limitations in their Charter have the ability essentially to to raise the transient occupancy tax as high as they would like and also to designate where those funds might go so there are there will be many options for the council to

[01:16:53] consider assuming the General Assembly were to go along with this and then the council were to enact this perfect thank you any other comments all right then a a roll call vote. Council Member Amos? Aye. Council Member Hall? Aye. Council Member Peterson? Aye.

[01:17:09] Council Member Bates? Aye. Council Member McQuillan? Aye. Council Member Hardy-Chandler? Aye. Motion passed unanimously. We will go on to the second general public comment. I had three people sign up prior to the meeting. After the three people speak, we'll open the floor if there's anybody else that wants to speak. I will call the first speaker, which is Molly Novotny.

[01:17:33] Good evening. My name is Molly Novotny and I'm an urban planner at Curata Partners and I'm so pleased to be before you all tonight as you consider the Courthouse Plaza application. This has been a case in the making for years and one that I can proudly say tonight is ready for your action and approval. We've made significant important revisions since this case was before you at your July public hearing. We've outlined these changes in a memo that I sent to you all on October 17th and I'll briefly overview them now for your benefit and the public's. As a reminder in 2020 the city adopted the old town fairfax small area plan which designated this portion

[01:18:12] of downtown as an activity center appropriate for six story tall mixed-use buildings that would support 1 250 new residential units by 2035. in the five years since the plan was adopted less than 400 of those units have been approved the application before you tonight calls for 315 new rental units wholly supported by structured parking which will be fully screened by those units. 12,500 square feet of new ground floor retail will activate the pedestrian realm with outdoor seating and exciting opportunities for new restaurants and shops. The retail square footage has been increased since we were here in July. Importantly, since July we've worked hard to

[01:18:52] improve the connections across the property in three meaningful ways. The first is a commitment to ensure that the existing pedestrian path next to Safeway is widened to at least five feet in with. Today it's narrower. The second is a commitment to continue our new Street 1 all the way through the property to create a vehicular connection all the way from University Drive to Blenheim Boulevard. We noted at the public hearing that Safeway had approval rights and has approval rights over the entire property. We have earned their approval for this new construction and that connection. Both of those commitments are listed in Motion A of your staff report.

[01:19:26] The third improved connection is a pedestrian path through the adjacent pad site that combined owns. This pedestrian connection will allow new residents, direct access to Layard, the future

teapot restaurant, and points farther south. We've also updated our commitments to incorporate questions and comments that this council raised at the July hearing. Importantly, we've increased our school's contribution to \$1,600 a unit. We've prohibited the use of rent pricing software and committed to provide a vehicular connection to the parcel to the south. We've made all these commitments to improve the project, better align it with council staff and small area plan goals,

[01:20:04] and importantly, all of these three commitments will be reflected in our site plan application, which will be reviewed by city staff. As the largest commercial taxpayer in the city and owner of four shopping centers combined remains committed to being good partners with the city and is excited about this approval, what it would mean. The application is a complete package. The residential would bring the added open space, new street connection, and updated grocery facade. Without it, the property stays a single-use retail shopping center indefinitely. The existing storefronts will be released as is, the surface parking will remain, and the small area plan goals will be

[01:20:39] unfulfilled. A yes vote, however, will start to remake this part of Old Town, infuse new residents and walking distance to the city's core, breathing new life into a tired strip retail center. We respectfully request you vote yes on this project tonight. Thank you. Our next speaker, Aisha Hill.

[01:20:56] Good evening. My name is Aisha Hill and I'm a Senior Vice President at Combined Properties representing the Courthouse Plaza application. Reimagining Courthouse has been a 15 plus year journey and our financial contributions to that are approaching \$2 million. This is a legacy project for us and the time and monetary commitment have been made because we believe in the city

[01:21:33] and we believe in this very important location. Over the years we've been transparent and presented our internal analysis showing that a full redevelopment of this site is not financially feasible. We made the decision in 2018 to keep this a retail center, presented that to the BAR, and we were subsequently asked to reconsider a redevelopment. Since then, we've been pursuing the application before you this evening, and we're confident that we can successfully execute on it.

[01:22:07] The application received a unanimous BAR approval in July. We understand that there is a strong desire from some to fully redevelop this site, and we also understand that there is a strong desire from others to do redevelopment in a more controlled pace. We understand both sides of the equation, and we also have to do with the economic feasibility as well as the lease constraints at the center. As long-term property owners, we do not make these decisions lightly. We live with the lasting effects of all these decisions that we make, and we believe we have struck the right

[01:22:42] balance with this application. This is a critical time for this generational opportunity to continue the transformation of Old Town. If the application is not approved tonight, this window of opportunity will be missed, and this center will remain a retail center as it is today for many decades to come. We of course would operate the center to the best of our ability, but we do not believe this is the best outcome for the city, the community, or combined properties. We are proud of this application and the additional improvements that can be added to it this evening. We're eager and

[01:23:18] excited to begin this process of transformation at this location, and we respectfully ask that you vote to approve the application tonight. We appreciate and thank you all for your time this evening, over the past few months, and throughout this process. Thank you. Our next speaker is Joe Lothrop. Good evening, Mayor, City Council. We're pretty familiar with one another, but this is a personal plea on my behalf tonight about your ordinance on the gun restrictions

[01:23:56] that you're trying to impose. In 1966, I took an oath, joined the United States Navy, and took an oath to defend the Constitution of the United States. I've been handling firearms since 1966 from Vietnam until the present day. I think that if anything happens to this ordinance, I would ask and really have you seriously consider an exemption for chip holders.

[01:24:23] I know there are many chip holders, including myself and the City of Fairfax. I've owned my chip permit for 30, 40 years now. I've never caused any problems with anybody, and I got it to protect myself and my family from harm that's out there on the streets. I get the city police report on a weekly basis, and as you know, I own a shopping center down at Fairfax Circle, inundated with issues a little better these days, but still there. I was in court today for two and a half hours on trespass and barring people from the center who are causing problems for my tenants and myself. I do carry my weapon down there just in case, because some of the people down there are

[01:25:03] not mentally stable, and that's the only way I feel I can protect myself if the need arises. So I would respectfully request that you consider adding an amendment to your resolution. If you want to restrict firearms in certain areas, that's fine.

[01:25:21] The Constitution says the Second Amendment shall not be infringed upon, and I hope that you will at least take that into consideration for chip holders, if nothing else. If it stands, what you're doing stands, you could be inviting some lawsuits from gun owners that you're restricting their ability to protect themselves and their families.

[01:25:44] In these days and times, as you all know, crime is out there, and the mental health issue is a big issue. There's some help out there for folks. There's not a lot of help for them, and a person can be on top of you in 22.3 seconds with a knife.

[01:26:01] They don't have to have a firearm. Also, laws don't pertain to criminals. They don't care about laws. They don't care about restrictions. They don't care about firearm restrictions. If they're going to come down to do harm, they're going to do it anyway. Gun owners, responsible gun owners like myself and many, many others, we have never caused any problems.

[01:26:21] We don't commit any crimes. We're just there to protect, again, ourselves and our families. So I would respectfully request that you add an amendment to your resolution to change that ordinance to exempt chip holders from that ordinance. Appreciate your time.

[01:26:39] Thank you. Is there anybody else in the room that would like to speak under this general public comment? Okay, ma'am. And if there's anybody else, please line up by the windows. Hi, my name is Katie Jackson, 3853 Lewiston Place, and I'm going to speak to the request from Combined Courthouse.

[01:27:02] But first, I'd like to say, Mayor and City Council members, I want to thank you for your service and stewardship of Fairfax City. This is a unique city that we live in. It has a small-town feel in the middle of our greater DMV. And for the past 25 years, my husband and I have enjoyed the look and feel of Fairfax City an historic Old Town area. The small shops and restaurants in Old Town, all within walking distance of our home, add to the ambiance of the city. But adding a six-story building next to or within the historic district just seems wrong, just large and big and all that. Spacing within

[01:27:40] the historic Old Town doesn't lend itself to the tall buildings. Out on Fairfax Boulevard or on the perimeter, you have those wider roads and more space to allow for the taller buildings or something like Scout on the Circle. We applaud the idea of redevelopment of Courthouse Plaza while at the same time

trying to maintain that look and feel of historical town. From the drawings that I saw online, it's just that what's been designed just doesn't, in my sense, fit in with that look and feel. And I could go on with comparisons and talk about other areas of the city that would be more

[01:28:15] suitable for a large building like that, but in the interest of Council's time and everyone else's time, I'm just keeping it short. So I would ask that you please vote no for the exceptions requested in the building proposal for the benefit of the city and those who live here. Thank you for your time. Hi, Council. My name is Zach Burroughs. I reside at the Sutton Heights community. My fellow resident, Sherry, spoke a little earlier. I also wanted to lend my voice to the concern we have with the development at the tank farm.

[01:28:55] I think a couple of the concerns that I'll piggyback off with Sherry is we don't know the exact final use of that place. We don't know how many trucks are going to be used. We don't know if there is a final mile drone delivery aspect of things. We don't know how the tanks are going to be removed to potentially lessen any environmental impact.

[01:29:17] There's a lot of unknowns, and I think that one of our big asks is that we make sure that the permitting office, the zoning office, make sure that they require the proper traffic studies, environmental studies, and other associated studies that are needed to make sure we understand exactly what is going to happen with the development and how it can impact the adjacent communities.

[01:29:37] We've spoken with Bearishers Keep and the Pickett Reserve HOA leadership. We're all in alignment that there's too many unknowns, and there's a lot of risk associated with this development. If there was potentially a spill, which this site has a history of, that could contaminate groundwater, it could lessen property values surrounding that area, and that would directly impact the budget of the council, the lives of the community around it, and potentially obviously open it up to legal implications because it could impact a large population across the city.

[01:30:14] So again, we would ask the council to please make sure that the proper boards and offices do require what is necessary for us to understand what is involved. We're obviously going to be reaching out as some communities to the developer to understand these as well.

[01:30:33] We've already actually hired a council to represent us in that communication. But we obviously want to work hand in hand with the developer and the proper authorities in the city to make sure that this is done right. Thank you. Next speaker can come forward.

[01:30:51] Some handouts for the mayor and each council. Okay, my name is Susan Hartley-Kyler.

[01:31:07] I live at 9742 Cardinal Road in the city. In the work session tonight, you will discuss next steps for the George Snyder Trail because of the two bids received. The lower bid resulted in the project succeeding, allocated funds by \$4.6 million. The staff reports list four options discussed with VDOT for making up the \$4.6 million difference.

[01:31:29] The report did not provide the fiscal impact of each option because, as the staff report states, the fiscal impact will depend on which option is pursued as the next step. While that may be true, it is also true that, as council members, you need to know the fiscal impact of each of the four options and the basis for determining those impacts.

[01:31:48] Let's look briefly at each option. If you use city funds to make up the \$4.6 million difference, where will the money come from? The rainy day unassigned fund? What is the impact, for example, on

that fund and on our credit rating? Has a CFO rendered an opinion?

[01:32:04] If you request additional I-66 funds, and NVT recently approved that action and now needs CTB approval, what is the likelihood that even more funds will be needed later for the most inevitable change orders? The project is already almost double the original estimate.

[01:32:21] What is the likelihood that project estimates for operations and maintenance costs will not rise? We already have difficulty maintaining our current trails. If you de-scope the project to remove items that are presumably not essential and then rebid the de-scope project, will the original scope be altered to the extent that VDOT and NVTB and CBT will not approve the action?

[01:32:44] What is the likelihood that even more funds will be needed later for the almost inevitable change orders? If you cancel the project, what is the basis for asserting the city is required to pay back money already spent on the project? Did VDOT, which appears to have been made as the big bad wolf, state this in effect?

[01:33:02] In effect saying, give me \$3.7 million or whatever has been spent using ICC6 concession funds or chop down your trees. I submitted FOIA requests about the GST and none of the documents provided in response said that the city would have to repay concessions funds if the GST is canceled.

[01:33:21] Did the city attorney, with an eye towards looking for ways for the city to avoid repaying spent money, render an opinion about repayment based on his reading of Section 9 of the Standard Project Agreement and the reference reimbursement provisions in Virginia Code 33-2, dash 214, and dash 331, which cover taxpayer-funded projects and not I-66 projects?

[01:33:45] The attorney reviewed the 2018 MOA between NVTB and CBT, which has not even mentioned repayment if the project is canceled due to estimated costs exceeding the money allocated for the project. My understanding is that as of October 1, that opinion had not been rendered.

[01:34:03] I urge you to postpone any action until you have more information about your options. Next speaker can come forward. Good evening. Tom Andraconis, Evergreen Drive.

[01:34:20] It's good to be with you. I'll be brief. I just wanted to talk about the Courthouse Plaza. I would urge you to vote no on that. Being a 40-year resident, one of the things that attracted us and continues to attract us, and folks younger than myself, is the charm and character of Old Town Fairfax and the lack of desire to transform that Old Town feel, that magic, and the history.

[01:34:54] I think it's good the way it is. I've got friends in D.C. and they say you've got it made in Fairfax City. And the same thing regarding the high buildings. Don't want them, don't need them. Thank you very much. Katie Johnson, 101-32 Spring Lake Terrace.

[01:35:18] First I want to say, I'm sorry for missing, the Civic Connection was excellent. The course was fantastic. Thank you, Jennifer. I also want to say, please cancel the George Snyder Trail. It is not necessary. The connections already exist. We have pledged the case. We know the environmental impacts.

[01:35:34] We know that Fairfax County is no longer putting these trails in the habitat on the RPA. So please make the right decision by way of the environment. Make the right decision by way of the people that live here. Thank you. Is there anybody else in the room that would like to speak under this item?

[01:35:54] Okay. We will move on to items not requiring a public hearing. Our first item is a consideration on a request from Combined Courthouse, LLC, for nine special exceptions for residential use standards,

density, building height, sidewalk, street, trees, lot coverage, interior clear height, and vehicular cross-connectivity to allow an upper story mixed-use building that consists of 315 multifamily units and approximately 12,000 square feet of ground floor retail on the premises identified as 10300 Willard Way.

[01:36:29] i'm going to recognize clara schweiger the city planner to provide the staff report good evening mayor and council members i'm going to keep it pretty short tonight i'm not going to give a full presentation but we will be available for questions molly novotny who just spoke with combined she sent out a memo to mayor and council with updates and she also just summarized that for you all just a moment ago additionally staff with the assistance of the city attorney drafted slightly revised sample motions which you have tonight um and for the reasons detailed

[01:37:07] in the staff report prepared for the july 22nd hearing staff's recommendation of denial has not changed thank you oh um i'm here to answer questions and also the applicant can answer questions if they're called on as well thank you uh are there any questions of staff any questions of staff council member hardy chandler do you have any questions no not at this time certainly council member hall i just wanted to thank molly nobotany and ayesha hill for coming tonight and

[01:37:45] speaking up for the time that went into all of the work that you've put into this all of the efforts that you've done since july when you came back and the extra effort that went into trying to meet the needs and the requests of both council and the community so thank you for that any other comments councilmember Amos I'd like to echo those sentiments and I know that you know staff has their concerns some of us have our concerns but at the end of the day we do appreciate combined properties as a partner and we I

[01:38:20] certainly hope that we see housing on this site at some point but also that we expand on the opportunities that it has given its location but we thank you for your efforts on this any other comments well I'll simply say that I support the project not that it really matters what the mayor supports because I do not have a vote unless there's a tie but I've been going to that shopping center for 44 years and it has not changed in 44 years and this is an opportunity not just for housing but 19 units of affordable housing and

[01:38:55] it is in my opinion a lost opportunity to not take advantage of the project as it has been presented to us and so I will thank you for the effort and the money that you invested in bringing this forward and if there's no other questions i will ask if there is a motion for the special exceptions council member bates i move that the city council adopt the attached resolution to approve the request of combined courthouse llc by molly novotny agent for special exceptions to allow more than 25 of the ground floor to be residential uses and or residential accessory uses to allow

[01:39:34] for greater than 24 dwelling units per acre to exceed the maximum height of 48 feet in the old town fairfax transition overlay district to reduce the 10 foot sidewalk requirement to allow street trees to be more than 15 feet back uh 15 feet from back of curb to waive the sidewalk requirement to not provide sidewalks on both sides of local streets to exceed the maximum lot coverage of 90 to allow less than 80 of each upper story to have an interior clear height florida ceiling of at least nine feet. Do not provide vehicular cross-access to tax map number 57-2-22 parcel 1

[01:40:12] on the premises known as 10300 Willard Way and more particularly described as tax map parcel 57-2-20-004-D subject to the following conditions. One, prior to site plan approval the applicant shall ensure the sidewalk existing along retail storefronts is a continuous minimum five feet in width.

[01:40:36] Two, prior to site plan approval, the applicant shall provide a cross-access easement and a vehicular connection approved by the city to tax map number 57-2-22-CG-000. Approval of this condition supersedes the special exception request for section 4.3.3.b of the zoning ordinance to modify the access vehicular management standards for cross-access to not provide cross-access to tax map number 57-2-22-CG-000, which the applicant has voluntarily withdrawn. Three, prior to site

[01:41:13] plan approval and contingent upon Public Works Department approval, the applicant shall provide an east-to-west vehicular connection along the southern portion of the subject property. Four, no less than 12,500 square feet of the ground floor identified on floor plan levels 01 and 02 as retail or retail leasing shall be provided as retail to allow non-residential use only in that space. Five, prior to occupancy permit, the applicant shall contribute \$1,600 per dwelling

[01:41:48] unit to the city of Fairfax to use for city schools. Six, the applicant shall not use RealPage or any software that utilizes anti-competitive algorithms to set rents for the residential units in the mixed-use building. A motion, is there a second?

[01:42:09] Second. A motion's been made by Council Member Bates and seconded by Council Member Hardy Chandler. Is there a... Mayor. Yes. Sorry, we just noticed there's a technical error in the first paragraph of the motion. The tax map is incorrect, so without objection, if this is approved, we'll just correct it in the final version.

[01:42:25] Thank you so much. I think that will be agreeable. Okay. Thank you. Is there any discussion on the motion? Council Member Bates. Thank you. So what we have here is, to my mind, an opportunity to make more efficient use of prime real estate in the city, right in the center of Old Town, adjacent to bus routes, adjacent to major roadways.

[01:42:54] Additionally, an opportunity to increase tree canopy and increase the housing supply, including of affordable housing in the city. You know, we talk a lot about increasing tree canopy and increasing affordable housing. Well, here we have an opportunity to have a private developer do just that.

[01:43:13] And additionally, I believe it would add to the fabric of Old Town, make Old Town more walkable, more of a destination. And so I am proud to support this project. Any other comments or discussion?

[01:43:32] Councilmember Hardy Chandler. So my comments are very brief. i think this offers an opportunity for diversified housing um which is a significant priority um so uh out in addition to what councilmember bates added i just wanted to emphasize that housing piece thank you any other comments seeing none a roll call vote councilmember amos nay councilmember hall no councilmember peterson no councilmember bates aye councilmember mcquellan

[01:44:06] nay council member hardy-chandler aye motion failed two to four so mayor uh since the motion has failed and for completeness of record the appropriate motion now would be motion b to articulate a reason for denial okay count uh yes council member amos i move that the city council adopt the attached resolution to deny the request of combined courthouse llc by molly novotny agent for special exceptions to allow more than 25 percent of the ground floor to be residential uses and or residential accessory uses to allow for greater than 24 dwelling

[01:44:44] units per acre to exceed the maximum height of 48 it the 48 feet thank you I don't know what happened there in the Old Town Fairfax transition overlay district to reduce the 10-foot sidewalk

requirement to allow street trees to be more than 15 feet from back of curb to waive the sidewalk requirement to not provide sidewalks on both sides of local streets to exceed the maximum lot coverage of 90% to allow less than 80% of each upper story to have an interior clear height floor to ceiling of at least nine feet to not provide vehicular cross access to tax map 57-2-22 parcel one on the premises known as one zero three zero zero Willard Way and more particularly described as tax map parcel

[01:45:23] 57-2-20-004-D with the following reasons the proposal is not consistent with the purposes and intent of the zoning ordinance and the comprehensive plan and mayor same issue with the tax map number will correct it as needed okay great is there a second on the motion second a motion has been made by councilmember Amos and seconded by councilmember Peterson is there any discussion on the motion councilmember Amos just a quick logistical question for the city attorney I know there's also another motion that needs to be read would that be after this one correct assuming this motion passes then the appropriate motion would be motion D understood okay selecting a reason in D

[01:46:01] understood okay any discussion on this motion seeing none a roll call vote councilmember Amos aye councilmember Hall aye councilmember Peterson aye councilmember Bates no councilmember McQuillan aye councilmember Hardy Chandler no motion passed 4 to 2 okay councilmember Amos I move that the city council deny the request of combined courthouse LLC by Molly Novotny agent for a certificate of appropriateness in accordance with section 1 1 0 - 6.5 point 6 to point B of the city code on the premises known as 1 0 3 0 0 Willard

[01:46:40] way and more particularly described as tax map 57-4-02-20-004-D I know that'll be corrected later with the following reasons the proposal is not consistent with the applicable provisions of the city code or the city of Fairfax design guidelines number two the proposal does not exhibit a combination of architectural elements including design line mass dimension color material texture lighting landscaping roofline or height conforming to accepted architectural principles or exhibit external characteristics of demonstrated architectural

[01:47:12] aesthetic durability. Is there a second? Second. A motion has been made by Councilmember Amos and seconded by Councilmember Hall. Is there any discussion on the motion? Seeing none, a roll call vote.

[01:47:27] Councilmember McQuillan? Aye. Councilmember Bates? No. Councilmember Peterson? Aye. Councilmember Hall? Aye. Councilmember Amos? Aye. Councilmember Hardy-Chandler? No. Motion passed 4-2. We will now I'll go on to the next item, which is a consideration of an ordinance amending Chapter 54 in parens offenses and miscellaneous provisions.

[01:47:50] Article 1 in parens general section 54-4 of the city of Fairfax, Virginia, pertaining to the prohibition on the possession, carrying or transportation of firearms, ammunition or components on combination thereof in city buildings or facilities on public property or at permitted public events.

[01:48:11] This proposed ordinance would align with the city's existing regulations prohibiting firearms in specified locations to more closely match those in Fairfax County by adding a prohibition where city-permitted events are occurring in parents and surrounding areas and increasing the penalty for violations as well as some technical amendments.

[01:48:30] I'm going to recognize Brian Lubkerman, our city attorney, to provide the staff report. Thank you, Ms. Shinneberry. Mayor and Council, a very brief staff report. You all have discussed this at numerous

meetings, and I think you're familiar with what this proposed ordinance would and would not accomplish. As Ms. Shinneberry noted in her introduction, the only changes proposed in the attached ordinance, which has been in place since 2021, just as a reminder to the general public, the city has had an ordinance since 2021.

[01:48:58] It would add to the list of prohibited locations, the areas of city-permitted events and adjacent sidewalks, roads, and other rights-of-way. It would clarify certain provisions pertaining to parks prohibitions, and it would increase the penalty for violations from a Class 4 misdemeanor to a Class 1 misdemeanor.

[01:49:14] Two items, there are a number of exemptions included, not currently included as an exemption for concealed carry. So if council were to desire to do that, that would require an amendment to the motion. And then secondly, in the draft ordinance, I had a delayed effective date of July 1st, 2026.

[01:49:32] In discussions with staff and in analyzing what would be required in terms of signage, et cetera, I think we think it's a reasonable date to have it be January 1st, 2026 instead of later in the year. But again, that's up to the discretion of council. So with that, we're happy to answer any questions.

[01:49:49] Are there any questions of staff on this? Council Member Peterson. i don't have any questions of staff but i would like if this is the appropriate time to share a statement about the issue um again entirely up to you all the the appropriate way would be for a motion to be placed on the floor and then council members can make comments about the motion that seems reasonable um any other questions of staff okay so is there a motion on this council member

[01:50:27] hall i move that the city council enact the ordinance as presented amending chapter 54 offenses and miscellaneous provisions article 1 general chapter 54-4 of the code of the city of fairfax virginia pertaining to a prohibition on the possession carrying or transportation of firearms ammunition or components or combination thereof in city buildings or facilities on public property or at certain public events is there a second second uh a motion is made by council member hall and seconded by council member amos is there any discussion on the motion council member peterson

[01:51:07] well i would like to share a statement uh briefly i'd like to thank everyone who's reached out to me on this proposal to prohibit guns at city events and i'm sorry i haven't been able to speak with and respond to everyone but i've listened read all and read all of your emails and taken seriously all of your comments and the information you've shared. I've also invested a fair amount of time in reviewing research and analysis on this issue. This includes studies shared with me by citizens as well as my own independent research review. I've also spoken with law enforcement officials in the city and county in some depth about their experience and insights.

[01:51:47] Based on this process, some key things stand out. First and foremost, I believe this is a safety issue my commitment to our community is to ensure safety for all this should not come at the unreasonable expense of citizens rights but i believe the narrowness of this issue mitigates against that potential on that point i think it's important to recognize the scope of our decision is only for the coverage of city events in immediately adjacent areas it does not cover other public areas such as parks trails and resource protection areas which may have different circumstances. One of the key elements of this ordinance, which has been the subject of much

[01:52:24] public interest, is the role of concealed carry guns by legal permit holders. My review of the research shows that it cuts both ways. Concealed carry guns have, unfortunately, been involved in active shooting incidents in a crowd environment. While these have been limited at the grand scale, they must be acknowledged. At the same time, concealed carry holders have stopped active shooting events and saved many lives. These incidents also have been limited in scale but must be acknowledged. In addition, I have heard the observation from law enforcement officials that concealed carry permit holders are not trained to stop active shooting events. They are

[01:53:04] only trained in personal defense and this limits their effectiveness in crowd situations and may lead to accidents. It is also difficult for law enforcement officers to tell the difference between those in a protective versus aggressive posture when active shooting occurs.

[01:53:20] This further complicates the role of concealed carry weapons at crowded events. Perhaps more important is the reality that the circumstances leading to active shooting risks at public events may be increasing due to factors beyond our immediate control. I don't want to overstate this, but I am concerned that we are experiencing increased levels of tension and anxiety that may lead to higher risk behavior by some people.

[01:53:45] The city has stepped up security for events, including prevention and response, but additional risk management may be needed. Part of this is related to the economic uncertainty and instability that we are experiencing, including loss of jobs and subsistence income in our region.

[01:54:01] We are also experiencing unusually high levels of political tension and divisiveness. This has the potential to affect our everyday lives in many ways, including personal conflict and loss of control. It is difficult to know exactly why public shooting incidents occur and how to prevent them, but the presence of guns in high-density crowd situations may carry higher risks now than it has in the past.

[01:54:28] As a result, I believe, on balance, it is in the best interest of the city to move forward with the proposed ordinance. However, I believe it needs to be strengthened to be fully effective. To achieve this, I will be proposing, following our consideration of the ordinance, some strengthening actions by staff to address key implementation issues I've discussed these with our law enforcement leadership and believe that they will be helpful in ensuring that we not only take truly effective action now but it continues to be effective and is adjusted when needed based on reliable information this includes a request that our police department return to the

[01:55:08] city council by the end of the year with a recommendation on how to close capacity gaps within the department for collection analysis and reporting of crime and safety information for the city to support monitoring evaluation. This includes but is not limited to firearms issues and city events. It also includes a request that the police department or our department of health and human services explore how they might partner to instill stronger preventive measures for citizens who may be particularly at risk of committing crimes and to report back to the council by the end of the year on possible recommendations.

[01:55:44] Finally, I'm requesting that the city attorney, in combination with appropriate departments and city staff, bring back options by the end of the calendar year on how we might close the loophole for gun carry on the grounds of City Hall. I want to emphasize for gun owners that these measures are not designed to reduce or erode the rights of gun owners to protect themselves, their families, or their property.

[01:56:08] The practical effect of this ordinance is limited to city events. I also want to emphasize for proponents of the ordinance that it is not a panacea, and it could lead to false hope due to the uncertainties involved. There is more we will need to learn and do to ensure the safety of our city events.

[01:56:27] Again, given the circumstances that we face, I believe it's advisable to act today on these added protections for city events. I look forward to working with members of the council, the city staff, and the community to move forward, and following consideration of the ordinance, I will look forward to being able to raise these staff requests for consideration and action by the council.

[01:56:48] Thank you. Council Member McQuillan. Yes, when I took my oath of office, I swore to uphold the U.S. Constitution and protect the safety of our residents. The Second Amendment protects the right to bear arms, but it also allows for reasonable limits on where firearms may be carried, especially in sensitive public spaces.

[01:57:11] In Virginia, firearms are now the leading cause of death among children and teens, and research consistently shows that weaker carry laws are linked to higher rates of gun violence. This ordinance does not infringe on constitutional rights. It lawfully regulates the time, place, and manner of firearm possession, a power affirmed by the Supreme Court.

[01:57:34] Limiting guns in government buildings, parks, and public spaces helps prevent tragedy, supports first responders, and ensures residents can safely participate in civic life. Supporting the ordinance honors both our constitutional duty and our responsibility to protect the people of Fairfax City.

[01:57:52] I urge my colleagues to vote yes. Council Member Hall. Well, I will say I am not as clearly prepared as the two of them, so bear with me, please. I did want to thank everyone that reached out, that sent emails, that sent information, that offered education and information to include lockboxes, concealed carry handgun permit holders, our police department, our great staff, and all of the information that I have learned over the past several months.

[01:58:23] I do recognize that there has been a request for us to exclude concealed carry permit holders. And I have given that a lot of thought and given that a lot of time and energy. And unfortunately, I do not think it's in the best interest of our city at this time.

[01:58:39] So I did want to acknowledge those that have asked for it. And I can tell you that I am as educated as I can be at this point on it, I think. But I do think that moving forward with the motion as presented is the best at this time.

[01:58:52] One thing that I did also want to ask or see if we could direct in conjunction with Councilmember Peterson is people that are concealed carry were concerned that if they put their weapons in their vehicles and then they come to an event or they're a vendor and they're carrying money or things like that, would there be an opportunity for us to consider involving our police officers a little bit more to provide them with a safe opportunity to walk either to or from their vehicle, from the parking garage or some other area?

[01:59:23] that if they're having some concern about having to leave their weapon in the car, that that could be arranged or managed somehow? I think that would be something that needs to be looked at. I mean, obviously, there's a staffing issue associated with that and logistical issues. But, again, in the scheme of everything that will be looked at, it's something that I'm sure we can look at and see.

[01:59:43] Okay, thank you. I appreciate that. I think that will be helpful for people that have a concern. Correct. Anyone else? Council Member Bates? Just that I've been following this issue since the initial iteration of the ordinance was passed several years ago, and I am very thrilled to have gotten to this point finally after several years.

[02:00:13] And I do believe that this is the right course for the city, and I believe that it's our best shot at potentially making people feel safer and hopefully being safer.

[02:00:30] And additionally, there are a lot of people out there who are on the other side of this issue that I have a lot of respect for and I believe are very decent, principled people. But I'm strongly in favor of these amendments.

[02:00:48] Any other? Council Member McQuillan. I just want to confirm with our staff attorney that now is the time to introduce any additional amendments or do we want to vote on them?

[02:01:04] Assuming comments are done, if you'd like to propose an amendment, assuming the mayor allows you to do so, it would be appropriate. Yes, I would like to move to amend the main motion to enact an earlier effective date of January 1st, 2026. Is there a second on that?

[02:01:22] Second. Okay, there's been an amendment to the motion. And unless I'm reading the tea leaves wrong, if it's by acclamation, I don't think you need a roll call. Just get the A's and A's on the amendment. Does everyone agree with the amendment on the date? yes council member hardy chandler yes oh there we go all right lovely amendment um the only thing that i would say before we take the roll call vote is that um council member bates ran on this issue in 2022 when he decided to run for city council and um he has diligently worked on this and worked

[02:01:58] with his colleagues um both timing is everything and so um it's a credit to people who run for office who have core principles who knows what their principles are and they work until they get things across the finish line and I just want to acknowledge that councilmember Bates did say from the beginning that this mattered to him and he has worked diligently to make sure that we got to this boat right now and so I appreciate the work that you did councilmember Bates hearing nothing else I guess we will have a roll call vote councilmember

[02:02:35] Amos I council member Hall I council member Peterson all right council member Bates I council member McQuillan I council member Hardy Chandler motion passed unanimously okay I will now recess the regular meeting there I'm sorry we did add 10 we'll call it 10 C to the agenda I believe council member Peterson had several motions the the only request I would have since we don't have copies of those in advance if when you're done you could provide them to to the city clerk so we could have them as part of the record okay councilmember Peterson well I touched on these let me just read these and may I ask should

[02:03:15] these be read in the form of a motion or in some other form if I heard your comments during the prior item correctly you're you'd be essentially asking to task staff with returning to the council on certain items so I would suggest you read them in the form of a motion unless you want to just satisfy be satisfied with consensus by the council well I'll read these in the form of a motion and if you reconsider the appropriate format you'll let us know as I mentioned just a couple of things the first is and I will just read you

[02:03:52] literally but happy to also unpack what is a little bit behind this because these have been the product of discussions here with our law enforcement leadership but they've also been the product of discussions with leadership of enforcement in the county and other areas as well so the first is to request that our police department by the end of the calendar year provide to the city council a recommendation on how to close capacity gaps within the department for the collection analysis and reporting of crime and safety risk information for

[02:04:27] the city to support ongoing monitoring and evaluation this includes but is not limited to firearms issues and city events councilmember Amos and I guess I'll direct this over to chief Pedro so if I'm allowed to do that in this section or to the city or to the city manager my only question is going to be capacity to do it by the end of the calendar year is that something that they that police department feels comfortable with that was council member Amos that's the one

[02:05:04] issue I was going to bring up we can certainly tackle the issue happy to do so but if you're wanting a report just logistically if you're wanting a report by the end of the calendar year your last meeting is december 9th and that's only in essence one month from now and so i've talked with the chief and we think you know we can get it done within the next 90 days or so so that would allow us to report back at your first february meeting if not sooner but Certainly, we can make sure we can get it done by then, but happy to do so.

[02:05:39] Just I think the time constraints by the end of the year are a little tight. So is that an acceptable? I'm certainly flexible and certainly would look to Chief Pedrozo and others to determine the pathway forward here.

[02:05:56] We don't want to overburden you or shortcut what needs to be done by being in a hurry. On the other hand, it's a big issue, and we'd certainly like to tackle it as soon as possible. I think the notion was to come forward with something in the form of an approach rather than a full-blown work plan at this stage.

[02:06:16] So that seems like an acceptable flexibility in your request, and we will ask just by acclamation if everyone agrees to this request, that the council is requesting this. Councilmember Hardy-Chandler? Yes. Great.

[02:06:32] I think we still need a second. Second. since we're doing it by acclamation oh no we're not okay okay sorry no no i'm sorry i was i was the one that asked if there was one so apologies okay so it seems like everybody's on board so there we go for that one get council member peterson so the next one uh may well need to have an adjustment and timing for the same reasons but i'll let you address that it is to request that the police department and our department of health and human services by the end of the calendar year

[02:07:05] or later as appropriate explore how they might partner to instill stronger preventive measures for citizens who may be particularly at risk of committing crimes and report back to the council on possible recommendations um thoughts on that council member amos my only question i'm not opposed to it i do wonder if that's going to be some of the recommendations that will come from hcab i'm not sure if that's going to be directly addressed just because i don't know what's in at this time or what their discussions are that's just something i'd also like to bring up yeah yeah

[02:07:44] i think i think the definition of people likely to commit crimes is is kind of it's not that's it's kind of a broad broad term um so i don't know what comes underneath that council member mcquillan did you

have okay so i mean oh stacy hardy chandler uh council member party chandler hello and I also support it in theory. We don't have a full-blown Department of Health and Human

[02:08:18] Services. I wish we did. And just, again, it becomes a capacity question in terms of the ability to address sort of predictive measures like that. So I'm just concerned about being able to meet that, although the essence, the spirit of what's being proposed, I support.

[02:08:39] Thank you, Councilmember Hardy-Chandler. Councilmember Peterson. And I'm sensitive to all those points. Let me just make one or two comments. First, with respect to the definitions, I would leave that to the partnership itself to clarify where we need to be targeting any form of assistance.

[02:09:04] And I would also look particularly to our police department to help provide guidance on how that could improve the effectiveness of prevention, preventive activities in the city. This is a partnership that doesn't exist.

[02:09:21] If it lacks capacity, that would be something to identify by exploring the potential for a partnership. And then the recommendation that comes back, it could include filling some of these capacity gaps if they're important enough or not taking action or postponing action if they're not supported by adequate capacity.

[02:09:38] But I think that could be clarified in terms of taking a look at this. And we have the flexibility then on review with expert assistance here to decide what would be workable. And so, yeah, I see where you're going with this.

[02:09:56] i uh to council member amos's point we do have that housing healthy communities advisory board which we have people around the table who deal with all kinds of populations um where this might be something that would be touching on what is their purview also so i think if we requested that the police department and leslie abashian who is our one person human services department and Jamie Ergus, who is the staff support for HCAB, to figure out how to move forward in identifying

[02:10:29] what basically we're talking about is strengthening public safety and what are the ways in which we can look at the community and figure out how do we strengthen public safety in a predictive way, in a preventative way, in identifying resources that people need in one way or another.

[02:10:51] i think that is a great aspirational goal and i think we have people who are ready willing and able to do that so if we can all agree that this is something we want to move forward and pursue and and we will get a report out when it is feasible for this to gel into a plan have work done on it and then report back to us does that seem reasonable council member stacy hardy chandler is that reasonable yes that's reasonable sounds reasonable excellent okay so so we will move

[02:11:27] forward with that anything else council member peterson one more okay sure i i don't have the answer to this so i'm looking to others this came up in discussions i think more than once it's the question of the exterior of city hall and what could and potentially should be done to prohibit carry of firearms and so the the request literally is by the end of the calendar year or whenever is appropriate that the city attorney in combination with appropriate departments and city staff bring back options on how we might and i've termed this close the loophole for gun

[02:12:07] carry perhaps that is not the right way to describe this but address this issue on the grounds of city hall so i'm flexible but i think you understand the general issue here and the need to understand more

clearly whether and how this might be addressed yes mr.

[02:12:23] Lubkeman so I understand the request you know the process of as you all know the Virginia if it's not specifically permitted it's prohibited so the only way to do it would be to designate the entirety of the City Hall campus effectively a park while that would seem easy on its face the building is used for a number of different purposes including elections and other other activities so we'll need to look at all of the implications of doing that and then the practical implications of what it means to call the entirety of a campus apart but I understand the ask and we will start looking at that and get back to you again probably not by the end of the year but as soon as soon

[02:13:01] as we can so that's an issue of looking at the feasibility of the request and I think that's I think that's again worth looking at and to see if this is feasible so we could okay anything else councilmember Peterson no just to thank everybody on the council to thank the mayor thank the staff and thank Chief Pedrosa for taking this issue seriously not just at the departmental level but at the community level thank you okay thank you so I will now recess the regular meeting to go into the work session which will be here we will stay

[02:13:37] here but we're gonna take a 10 minute break and resume at 9:23 p.m. so join us

[02:13:43] back here 10 minutes 9 23 p.m for the work session okay one more minute we said 9 23 council member

[02:23:02] peterson we're about to we're about to resume here it's 9 23 and i want to stay on uh ms shindeberry our first work session item is a policy options for detached accessory dwelling units i'm going

[02:23:33] to recognize eric foreman city planner to provide a staff presentation there we go better various policy considerations regarding potentially allowing detached accessory dwelling units.

[02:23:58] Now, back in February, we held a work session where we discussed ADUs in general. We spent some time on the topic of detached ADUs, and at the end of that meeting, council asked staff to look at some of the details for detached accessory dwelling units and specifically asked staff to report back on how we would make this work, how could we make this work in the city. And that's what we're focusing on tonight, focusing specifically on potential details for detached accessory dwelling

[02:24:34] units should city policymakers have interest in moving forward on the issue. And what that means is how we could accommodate detached ADUs in the city without negatively impacting neighborhoods.

[02:24:50] And that specifically, that's language from our comprehensive plan, and we'll see that in context in a slide or two. And what this all really means is looking at different types of standards that would address how detached ADUs could affect neighboring properties, could affect neighborhoods in general.

[02:25:12] The goal of tonight's meeting is to see whether council thinks that the city ought to continue examining detached ADU standards, and if so, what kinds of standards the council would prioritize. Since we've discussed this before, I'll be brief on this, but an accessory dwelling unit is a separate full dwelling unit that's part of another house. In the case of detached ADUs, the accessory unit is typically a separate structure in the backyard. A few city documents

[02:25:46] mention ADUs in general. So for example, the citywide housing assessment here on the left and the comprehensive plan as well. One of the housing actions in the comprehensive plan calls for the city, like it says down here, to research changes to expand opportunities for accessory dwelling units. And there's that phrase right there, while ensuring that they do not negatively impact the surrounding neighborhood. Now, before we get into some of the details on things like height or measurement. I think it's helpful to have some visual examples of detached

[02:26:25] accessory dwelling units, and this slide gives some idea of what these kind of structures can actually look like in the real world. Most ADUs are a few hundred square feet. Beyond that, there can be a great deal of variety. So just looking at these examples, we see that some of these were clearly built as ADUs. Some were converted from other structures. It's not unheard of for ADUs to be built on top of garages, and that's why we're showing that image on the bottom right.

[02:26:58] We're not endorsing any of these as a model for us, but just the reason for showing these is to give a rough idea about what the rest of tonight's presentation discussion pertains to, and I can flip back to this slide at any time. But this is the big question for tonight. Should Fairfax City allow detached accessory dwelling units? If city policymakers think no, then we would keep our existing standards, and the existing standards allow ADUs when they're part of a house, when they're attached within a house. If the answer is yes, then what we need to do is to consider

[02:27:36] what standards would be most appropriate, and again, that's what city council had asked us to investigate by saying, how would we make this work in the city? Now, as you may know, accessory dwelling units are currently allowed in the city, like I said, attached to the house and under certain conditions. We won't go through every detail tonight, but it's helpful, I think, just to look at what the significant standards are. And this top one is the big one. Again, ADUs

[02:28:09] currently need to be within the home itself or attached rather than detached. There are size standards as well. And what these size standards do is that they ensure that the ADU is accessory to the main dwelling. So an ADU has to stay under 35% of the size of the total house and have a maximum of two bedrooms. Now, in addition to these, there are also some ADU operational standards in the zoning ordinance, and of particular note, there's a requirement that the property itself

[02:28:46] must be owner-occupied, and that means that the property owner must live in either the ADU or in the house. There's also a parking standard that you see down here, and we'll talk about that in more detail a bit later on. But this leads us to being able to talk in detail about detached ADUs, and we'll focus again on potential standards, and again those standards if city policymakers wish to continue examining this as a potential option. A good start for discussing

[02:29:23] detached ADUs is to look at the standards that the city already has in place for what's called accessory structures. So let me see what's going on. Why don't we figure this out? We're having a slide issue. I'll keep talking. This isn't a particularly slide-intensive part of the presentation. Can I get up there? Oh, yeah. Hang on. I actually got you. You just have to go to the

[02:29:53] slide you need to be on. It should be. So I'll keep yapping about accessory structures. There we go. There we go. Okay. There we go. So the accessory structures are structures kind of like what you see here. These are already allowed in the yards of houses, and specifically tonight, we'll talk about standards for larger structures, so like garages, garage shown up top here, because these

[02:30:29] things, so garages can be about the size of an ADU. So essentially, these are standards so that these accessory structures, and particularly garages, because garages tend to be the biggest accessory structures so that they don't functionally or visually overwhelm the house or overwhelm the neighborhood so for example detached garages must have a footprint of no more than 50 percent

[02:31:08] of the house's footprint so in addition to that in addition to the footprint standards there are some other standards for accessory structures and again this is all to ensure compatibility with the neighborhood. So we'll look a little bit later how these standards can apply to detached accessory dwelling units. Generally, what we're going to be talking about is kind of an overview of existing standards for things like garages. So, for example, accessory structure height.

[02:31:39] The height of an accessory structure, so like a garage, is limited to 12 feet, but it's limited to 12 feet within what's called a required setback, and I'll explain that just in a few moments. Also, accessory structures need to be set back currently a certain distance from property lines. They can't be located in a front yard. Again, all these things to really improve compatibility with the neighborhood. Lot coverage is an important concept, so lot coverage both from environmental standpoint and from visual consideration, and there are also some

[02:32:17] uh, basic appearance items, uh, as well. So certain kinds of buildings and, uh, it, it shows on the slide that there are certain kinds of buildings that are not allowed, uh, in residential neighborhoods at all. Uh, shipping containers, for instance, Quonset huts, uh, steel frame buildings, these kind of things. Uh, keep going. There we go. Keep going. Yeah. I'll stay here. So, so there are

[02:32:54] standards right now for accessory structures and they really follow the same kind of standards that we would be looking at for accessory dwelling units. So this issue of required yards that I mentioned is an important aspect. Okay. And I'll do my best to explain it without the benefit of

[02:33:21] slide. Are we going? Yeah, we're good. Tell me next slide. Perfect timing. Okay. So I'm going quickly tonight. There's two things that I think are worth dwelling on. One is required yards. The other is height. So I'll take a few moments just to kind of dwell on some details here. Required yards. So these are the part of a property that is required to be open and unobstructed. So in this context right now, we're looking at side and rear required yards. Front yards are kind of out of the picture. So required yards must be

[02:34:01] open and unobstructed, but of course there are exceptions because there's always exceptions in a zoning ordinance, and we'll see if the exceptions pop up. There we go. There's the exceptions. There's a whole section of the zoning ordinance called permitted encroachments, and permitted encroachments enumerates what structures, what things can actually be in these yards. So we have some big things like accessory structures, and we have a lot of little things that are permitted in required yards, so decks, flagpoles, walkways, and so on. In our single-family zoning districts,

[02:34:38] the required rear yard is 25 feet. The required side yard varies by zoning district, 10 feet, 12 feet, 15 feet, but you get the idea. Now, the real-world application of this, go ahead, there we go, is that our zoning ordinance stipulates that an accessory structure, so right now something like a garage, is limited, like I said before, to 12 feet in height if it's located in the green portion here.

[02:35:08] So the green portion is a required yard. But if an accessory structure is not in that green portion, it can be as tall as a house can be. So it could be 35 feet tall, for instance, if it's not located in the

required yard, if it's located in that non-shaded area.

[02:35:29] And I should also add that there are no accessory structures permitted within five feet of a lot line of any kind. And again, the reason for all of this is to help neighborhood compatibility. It keeps taller structures away from lot lines. So that's required yards.

[02:35:46] With that explanation out of the way, is there any questions on required yards? Because I know I'm going a little bit fast. Okay, Council Member Hall. Thank you. So on slide 10 here, if I'm understanding you correctly, under our current guidance, a second unit could be built behind this house in that yellowish-tannish area?

[02:36:13] So right now, a structure like a garage could be built in that yellowish-tannish area. It could be as tall as a house. It could be 35 feet. Okay. And it could be potentially taller than if the house was only one or two stories. It could be taller.

[02:36:28] Correct. and and you can think of it the same way as an addition if that house that's shown right there were to build an addition in the backyard in that unshaded area it likewise could be as tall as as the zoning district permits okay thank you for the clarification yeah council member peterson did you have a question no okay proceed thank you okay uh so we can move along uh we'll start now with the big three physical standards these tend to be the biggest issues when looking at detached accessory dwelling units. So setbacks, height, and square footage. And again, providing

[02:37:07] an overview of how these standards could apply to detached ADUs, and hopefully this can inform council's discussion when we finish up. So we can start with setbacks. So right now, like I'd mentioned, we have a required five-foot setback for accessory structures. So any structure that's the size of an ADU or a garage, needs to be set back at least five feet from a lot line.

[02:37:35] And that setback is shown in the red here. Now, some ADU ordinances also have a required separation from the main house. So this is probably for a visual preference. Now, just for the purpose of illustration, that tan color shading right there is about 10 feet from the main house. So in this hypothetical scenario, so just based on setbacks, not based on size, not based on lot coverage, nothing else, just setbacks, an ADU can be in any area in that

[02:38:12] unshaded area right there. And we can forward about three more slides. You see the ADU bounce around. There we go. So as long as it's not within the setback area, an ADU, or I should say an accessory structure or an ADU if they follow accessory structure standards, would be able to locate anywhere that you saw right there. Most detached ADU ordinances have setbacks of some kind, so from a property line, so 5 feet, 10 feet tend to be common standard. It's not unusual to

[02:38:50] have these kind of setbacks vary with height as well. So that is setbacks, and now we'll get on to height, which is the next big discussion point. This is the other thing that I'll just dwell on for a little bit, because measuring the building's height can be somewhat complex, but it's important to understand, and I'll try to make this as straightforward as possible. This is an example based on a garage. Height as measured for an actual structure, whether it's a building or a house or whatever, is actually done the same way. But like it says here, under our ordinance now,

[02:39:27] So accessory structures, when located in a required yard, again, have a 12-foot maximum. And just to put that in perspective, 12 feet is essentially a one-story structure. The complex part with height measurements is understanding how this official height is actually measured.

[02:39:46] So we'll use this representative garage as an example. So generally speaking, like it says here, height is measured at the midpoint between the eaves and the highest ridge point. So here are the eaves. The eaves are the underside of the roof, and there's the ridge. The ridge is the peak of the roof, and there's the midpoint. The midpoint is right in between them. So that's how height is measured on a flat lot. Now, this means that

[02:40:21] for an accessory structure, that 12 feet is measured to that midpoint. Now, most properties aren't flat. And if you look at this example, you'll notice that the ground slopes up from the front of the garage. And how height is calculated on sloping ground is by taking another midpoint. So there you see an elevation of a structure there, sloping ground, you see the midpoint indicated, and the official height is right there, that big red arrow, that's actually

[02:40:55] measured between the two midpoints. And the reason this level of detail is important is because given a building's size, given the building's roof shape, given topography, a building might look considerably taller in reality than what the official height measures as. So that has a lot of relevance when a structure like a garage or like a potential ADU is close to a lot line, close to someone else's house, and so on. So when it comes to height considerations,

[02:41:30] there's a few main questions, and boiling down a whole lot of detail into a simple question, we can think about what it says up here, are two-story ADUs desirable or are one-and-a-half story ADUs desirable or under what kinds of circumstances? And with the two-versus-one-story issue, would there be an interest in varying height with setbacks? So something similar to or something in addition to the existing required yard standards. So for example, up here on the

[02:42:06] screen. There we go. You saw a one-story ADU, and that's an image of a two-story ADU, and thinking about where, if this kind of structure would be appropriate in the backyard, and if so, under what circumstances. So that is height, and then we'll move on to square footage. These are standards that involve the potential size of accessory dwelling units. There's different ways of looking at this, so either in terms of building footprint or square footage, size standards are very

[02:42:44] common in ADU ordinances, and this is because this is what helps prevent accessory structures from overwhelming the lot or the main house, and again, helping to maintain that neighborhood character that the comprehensive plan talks about. And when it comes to current standards for accessory structures, and again, this is something that might be similar to ADUs. We do have a limitation on footprint. So like I had mentioned earlier, an accessory structure right now must be under 50 percent of the footprint of the main

[02:43:18] house. The top image here illustrates that kind of scenario in a simple way. Now, we also have standards regarding the size of ADUs, and size can be different than footprint. And remember, right now we do permit attached ADUs. So this is something that is currently on the books. And what it says is that the ADU must stay under 35% of the house's square footage. And again, that's to maintain the accessory nature of an accessory dwelling. So the same thing could be applied

[02:43:53] hypothetically to detached, we can actually go back one, there we go, to detached ADUs. So the example on the right there. That's a large lot, so plenty of room from a setback standpoint, from a footprint standpoint alone, that you could end up with a very large ADU, and especially if more than one story is permitted. So a floor area standard can ensure that an ADU in this kind of scenario is still kept to

an accessory type size. So like it says at the bottom there, these standards can work together really to account for different sized lots, different house sizes, multiple stories,

[02:44:31] and so on. And one final note on physical standards. So the zoning ordinance right now, we have standards on lot and building coverage, so both for accessory structures and for lots in general. So like it says here, for accessory structures, the total lot coverage must be under 30% of the combined area of the required rear and side yards. And what that means in real life is if we look at the image right there on the left, you see the required yards, and I had

[02:45:09] mentioned what required yards are, so they're highlighted in green. And the way it is now written in our ordinance. We can go on. There's a potential ADU, that the potential ADU could be a certain size, and then we can go one more. And let's say that house has a shed. The potential, the ADU or other structure and a shed, you combine all of these things, and that has to stay under 35% of that combined green area. So that's how it's calculated kind of in real life.

[02:45:49] Uh, there's also, um, uh, there's also lot cover or building coverage requirements that are applied throughout all zoning districts, regardless of ADUs or structures. Uh, so I know it's somewhere, well, it's just how, how the day's going.

[02:46:17] Uh, parking standards tend to be a, uh, a point of, uh, a, a talking point of community members. Folks tend to be interested in parking standards for ADUs because there tends to be concern about whether ADU occupancy will increase parking load and affect the community. We do right now have a parking standard for accessory dwelling units. What it says here is no more than two vehicles utilized by residents of the ADU shall be allowed. And that's putting it mildly, challenging

[02:46:57] to enforce really not the best way to make a parking standard. That's not saying that parking standards in general should be written off because some jurisdictions do have parking requirements for ADUs. And if parking management is a priority for a jurisdiction, for the community, for policy members, then it really would make sense to look at. There are pluses and minuses to parking standards for ADUs. Generally, parking standards can help to address a concern if there's a

[02:47:31] community concern about ADU parking. On the other hand, if you think about ADU space, somebody could add an addition onto a house that would be the size of an ADU or even bigger than an ADU, and that would not add to additional parking requirements. So some folks think that parking standards for ADUs are not fair from that perspective. Other folks would tend to look at that and say, well, they are different, and they're used differently, and therefore it is fair. So definitely a tough issue to tackle about. This is something that the Planning Commission,

[02:48:08] when the Planning Commission reviewed this two weeks ago, thought it was important to examine. So this is something that we can pursue if city council is interested in it. Two other existing operational standards for ADUs currently in our ordinance regard occupancy. Both are intended, like it says here, to reduce negative impacts to the neighborhood by diminishing the likelihood of having large-scale rental properties, so things like boarding houses and whatnot. So for one,

[02:48:42] the properties that operate ADUs, those properties must be owner-occupied, like I had mentioned before. Another operational standard is that for purposes of overcrowding, and that is calculating the maximum number of people who can reside at a property, the house and the ADU are calculated together. The reason for that is because together they do form one property. This is not a

subdivision of a property. And again, these standards have been just put into place to reduce that likelihood of large-scale rentals that are thought to be not complementary to residential neighborhoods.

[02:49:22] And one last issue regarding operational standards. This is a topic that can get quite complicated, and we won't go into the details about it tonight, but it involves how an ADU ordinance, how a detached ADU ordinance, would deal with the conversion of existing structures to be used as ADUs, and particularly existing structures that do not meet current standards.

[02:49:48] So meaning that they're considered non-conforming in the parlance of zoning ordinance. So for example, garages that were built very close to property lines, and we see some images up there. These images are not from the city, but there are numerous structures that fit this description in Fairfax and in any city, really. These frequently were built before modern zoning ordinances close to the lot line, too tall for where they're located, and so on. The big question with this is, would these kind of structures be eligible if the city were to permit detached ADUs,

[02:50:23] would they be eligible to be converted to an ADU at all? If so, under what kind of circumstances? And this obviously gets to be an involved aspect. Most ADU ordinances do deal with this in some regard or another. And finally, so if you're keeping track from that introductory slide, you know that we have one last topic, and this is it. This is design standards or appearance.

[02:50:52] You know, it's interesting because if you look up information about ADUs online, if you look up information on construction companies or on planning organizations, you'll usually see some very attractive ornamented examples, kind of like that one on top. In terms of expectations versus reality, these units can just as easily be very plain affairs like the one on the bottom.

[02:51:17] And sometimes in ADU discussions, sometimes the topic of design review comes up as in setting standards for what these kind of structures should look like. Staff does not recommend design review for ADUs. The reason for that, now here in Fairfax, we have an architectural review Board, but our BAR does not review residential properties, does not review detached houses.

[02:51:46] Having a design review for accessory dwelling units, but not for the houses themselves or for additions, would be inconsistent with policy. The houses themselves are much more impactful from a community standpoint. And staff believes that if certain design characteristics are deemed important that there might be other ways of dealing with those. So for example, dimensional standards or other physical standards that can control for things like windows overlooking somebody else's yard, for instance, or the appearance of a looming structure and that

[02:52:25] kind of thing. So I know that that was a whole lot of detailed material in a short amount of time, but all of this brings us to what we're looking for tonight from city council. And that's where council members would ideally like this concept.

[02:52:44] So the concept of detached ADUs would like this concept to go from here. And really what we're looking at potentially is a very broad continuum. So a few examples are up here on the screen. The city does not have to take this step by opting not to, like it says there on the left.

[02:53:05] we'd basically be saying to keep our existing standards of allowing only detached accessory dwelling units. Or we could opt to pursue a zoning amendment to allow detached ADUs, and really doing so could take a variety of forms, and you see all of those yes columns there.

[02:53:25] So like it shows here, really could range from a very limited application of detached ADUs, so something like just permitting them if they're physically attached to the main house, which would be a very cautious approach. Or like it says in the middle column there, to permit detached ADUs, but not to permit them in required yards, so a bit removed from the property line, to something a bit more generous, which is the fourth column.

[02:53:55] So that would be something like allowing detached ADUs through a policy that's largely consistent with our current standards for accessory structures, like garages. And on the far right, potentially going even farther.

[02:54:12] So by expanding potentially the area, sizes, or other standards for detached ADUs. We'll switch back to this slide in just a few moments because this is probably a good thing to keep up during our discussion. But just real quickly, a planning commission held a work session on this topic two weeks ago.

[02:54:35] Generally speaking, the commissioners were comfortable with allowing detached ADUs, but with reasonable guardrails for neighborhood compatibility. Commission members tended to prioritize standards, so for things like height, setbacks, parking, and really in order to achieve that compatibility with existing neighborhoods.

[02:54:58] The commission did request some additional information, requested a map of residential lots in the city that would show how detached ADUs might be allowed under different scenarios and also a comparison with ADU ordinances of some nearby jurisdictions. And again, this is what we're hoping to receive tonight, so some guidance on these policy options or other direction. And obviously, if staff is asked to continue work on this topic, there will be additional meetings as we go along.

[02:55:35] And I think we can flip it back to that, the one with the columns, and there we go. And hopefully that's a good basis for our discussion. Well, thank you for the presentation.

[02:55:50] I do think it's a very good foundation for the discussion. Council Member Amos and then Council Member Hall. Thank you. Yeah, I just wanted to comment, and then I don't think I had any questions just yet, although it may come up because I know one of the options is also gathering information, the Planning Commission had asked for because I would be curious on specifically the appearance slide if that's built into zoning how that looks compared with other jurisdictions but I know that's not a tonight answer question I'm supportive of detached ADUs I saw how they were implemented on the county side

[02:56:26] of things and just to be completely candid there was a significant community opposition towards it ironically enough after it was passed and I think we've seen this with a number of jurisdictions the impact or concern wasn't nearly as significant and some of the people who came out against it actually ended up living in ADUs funny enough so that shows you a full circle moment there so particularly especially with seniors who are often downsizing homes or want to stay near their families that's really a big one for that difficulties with adding ADUs for residents can often be costs having the acreage for it to meet

[02:57:06] those setback requirements and then a benefit is your house is worth more typically so that'll be something to consider it opens up options for residents so it won't solve the housing problem but it is a step and gives people more opportunity to use their land the way they want to and what the county did was for their square footage I know they said it's a 1200 square feet as the maximum well we can just we can

talk about that as a group either now or or if we give direction to pursue it further in the future once we have more options.

[02:57:43] There's pros and cons with that, but I feel like it was effectively done. During my time, I only had one or two cases where someone built over, and then they got snitched on by their neighbors and had to go back, and they weren't happy campers, and it's difficult to enforce. And then the conversion of existing structures is something I'd be curious about.

[02:58:03] I'm not sure how I feel about that one. So that is something I'd like to flag. Yeah, so I'll stop there. Council Member Hall. Thank you. I have a question first and then some comments. On slide 13, it talks about the accessory structures.

[02:58:19] It says same max height as houses elsewhere in a yard. So does this mean if you have a single-family home that is one level that your ADU would then only be one level as well? No. What that means is it means the same maximum height as a house.

[02:58:40] So maximum height in the residential zoning districts is 35 feet. Okay. So right now, if a structure was built in the backyard, not in the required yard, that structure could be up to 35 feet, even if the house itself is one story.

[02:58:57] Okay. There's nothing precluding that being done. Okay. And we did receive an email from a resident with a concern about a house specifically, so I would like to understand how these building lot coverage applies to that house specifically.

[02:59:15] I won't mention the street, but if you guys could look into that as well, that would be great, recognizing it's not exactly the same situation here. I think my concern with this is that it would have to have, as far as I'm concerned, very strict guardrails.

[02:59:37] I am not comfortable having a property which would have multiple houses on it or potentially have multiple houses on it. the height i think the this the envelope i think is what you're referring to on page on slide 16 where it shows where the adu and the shed could be not to exceed the 25 rear yard and then the side yard coverage correct um just it it's and i understand each lot is different right but it feels like it could be very busy and very invasive to neighbors so i think that height restrictions

[03:00:16] are going to be really really important if this is something that council would like to move forward with um i understand the parking is a challenge as well um one other question though if if someone were to okay let me back up is it a requirement if if this were to go through the way it is present potentially presented is there a requirement that the homeowner lives in one of these two structures There currently is, yes.

[03:00:44] Currently when it's considered to be an ADU. Correct. But if it's a detached ADU, that's the same thing as well? Well, we don't permit detached ADUs. Right, but that's what I'm wondering, what is the wording that is being proposed? Well, we're not proposing anything.

[03:01:00] Right now we're getting information from Council. If detached ADUs were to be allowed without amending that section of the ordinance, then that would continue to detached ADUs as well. Okay, I am not in support of someone being able to build two houses on a lot and then not live there.

[03:01:22] To me, that is very, very concerning. So I'll yield to others. Thank you. Council Member McQuillan and then Council Member Peterson. So I am in support of this concept. I would like to allow

detached ADUs in the permitted envelope.

[03:01:40] That's kind of where I'm fitting in that category right now. For me, one moment, just pull up my notes. I did have a question regarding why you had in one of the slides that there might not be a requirement for minimum separation of the main house.

[03:01:59] Why would you want a minimum separation? There is no requirement in building codes for building separation, so separation between buildings. You can construct a detached building that abuts the house.

[03:02:17] You could construct a detached building that's one foot, two feet, three feet away from the house. The ADU ordinances that have a required separation, I think it's really just for a visual separation, thinking that those minimal separations, one, two, three, four, five feet, whatever, tend to look kind of awkward.

[03:02:37] So it's a visual preference. Again, we're not recommending something at this time. I just wanted to introduce the concept that some ADU ordinances do have that. And most likely, you know, they don't have footnotes about why things are mentioned, but I think most likely for a visual preference.

[03:02:56] Thank you. I was curious about that. I am favorable to merging the height and design privacy criteria so that height varies with the setback. I liked that a lot. I also like the no more than two vehicles, so parking, I would like to learn more about that.

[03:03:15] The footprint also is appealing to me to learn more about that. I did have a question about front yard. Yes. Since that wasn't brought up. So how does that work since there's no setback?

[03:03:32] So right now an accessory structure is not permitted in the front yard at all. Perfect. Okay, excellent. Oh, I did have one more question. So regarding potential prohibited quality or design of build, shipping containers, is there any, can you add any more detail as to why that would be prohibited?

[03:03:56] Well, shipping containers currently are prohibited in residential areas. And my presumption, it's the same thing with Quonset huts, that it just doesn't give a residential feel to something. It's been that way for an awfully long time.

[03:04:12] I don't think the shipping containers are a new addition. Yeah, I just know it's taken off in some places because it's more affordable. So I was just curious about that. And that's how I feel about that. So that's all I have to provide for feedback. Thank you.

[03:04:28] Council Member Peterson. Thanks. A couple of clarifying questions on slide six. And this is a thing that comes up again. There's for a current city ADU, in terms of a size limit, if I'm reading it correctly, it's 35% of the house size.

[03:04:54] Yeah. So I guess my big picture question is whether there has been any consideration of size restrictions that are based on absolute footage and not just percentage against home.

[03:05:16] There has not so far, but absolute footage tends to work better with detached rather than attached. Okay, and that's a bit where I was going because then I'm sort of thinking with the entrepreneurial side of my brain and thinking, well, you know, so you go ahead and decide you want to expand your current home and go the McMansion route, right, which allows you to build an even bigger accessory dwelling unit to go along with that and help finance your home by running out, you know, an ADU.

[03:05:49] and so you get into that game right where an absolute approach would actually not incentivize that so it is good and interesting to hear that for detached unit an absolute size restriction is something that they could be used you mentioned on one of the slides i can't remember which basically that in terms of aesthetics there is no review maybe the best way to ask this is you mentioned there's no review from Board of Architectural Review, but is there any review

[03:06:27] whatsoever of the aesthetics associated with ADUs and the residences associated with them? Right now, there is not. Now, I should say there are a few criteria in the ADU ordinance right now that address aesthetics. So, for example, if there is a separate entrance to the ADU, that that entrance can't be on the front of the house so that that kind of thing but but aside from those very few instances there is no what we would typically consider design review of for

[03:07:06] any detached property in the city. Has there been any examination of changing that so that there would be some sort of review? That would be extremely staff intensive because we have 5,000 detached homes, and they're constantly upgraded, changed, and whatnot. If we had that level of review like we do for commercial structures, it would be pretty time intensive.

[03:07:32] I can't talk about community support or not support for it, but from a staffing perspective, that's a pretty big load. Well, maybe clarify just a little bit the question. I was most interested in the applicability, theoretically, if we were to go forward with newly constructed detached ADUs, and whether or not there's been some examination of design review for them?

[03:08:02] No, there has not yet. Any reason not to do that, theoretically or otherwise? We haven't gotten to the point in this, and that's part of the reason we're having this work session, is to see if council would be interested in something like that. We just haven't gotten to the point with any of this stuff about making recommendations, whether it's design or height or setbacks or anything.

[03:08:25] So we're interested in hearing from council what council members prioritize. I would just raise that I would think there are and should be concerns both about aesthetics and size. And I do share Council Member Hall's concern that any approach here would need to look very seriously at strict standards for this.

[03:08:56] I can imagine scenarios in which this might not go well without them. And so the feasibility of putting very strict standards in place is something that would be important to know. It's working.

[03:09:11] Okay. Add a little bit to what Mr. Foreman said. We have started examining what it would take from a mechanism standpoint. If we were to go the route of architectural review for these structures, it certainly is a possibility.

[03:09:29] Nothing's off the table. It would require amending certain portions of our zoning ordinance to change the scope of what items do fall under the certificate of appropriateness process or not. If we go the route of a Board of Architecture review having oversight, we would certainly have to create design guidelines based on some community aesthetic qualities.

[03:09:54] I don't want to use the term standards, but some level of expected qualities would have to be formulated before we kickstarted on the program so that everything's launched at the same time. Honestly, I mean, unless we're very productive here in the city, looking at other surrounding jurisdictions, there aren't hundreds of these a year.

[03:10:16] It's manageable. Whether or not it fits within the context of existing resources is something we'd have to examine, but there is a possibility. Another possibility is maybe design pattern books or something along those lines, which some jurisdictions have used for houses, commercial accessory dwelling units and things of that nature.

[03:10:38] helpful to know i think one way to look at this is how many per year might be built but if you look at it on a decadal basis and they build out in those periods of time it would be curious to know what that forecast set of scenarios might look like because i can imagine there are scenarios in which you'd see a lot and it would be transforming the residential landscape and viewscape pretty significantly so i think it's not unreasonable to be understanding what sort standards would be required for that um to to go in an acceptable manner thanks uh council member

[03:11:18] hardy chandler you have a question uh yes a few comments first of all to answer your question yes i'm in support of getting further information again highlighting uh the diversification of housing options and i think that's just really important i appreciate the presentation today And I feel like the ADU discussion has been evolving in a helpful direction.

[03:11:45] I, too, am in that yes, the second category of yes, in support of exploring detached ADUs. In addition to some of the other comments that have been made, I just want to highlight the importance of looking at parking, particularly in an older city.

[03:12:04] I have lived in communities where ADUs were built with new housing, but that's in newly developed, you know, broader areas. But we're talking about an area with often inconsistent roads and things like that.

[03:12:20] And so I think the parking and, you know, just looking at possible standards around requirements for parking in our area is pretty significant. I am interested in exploring the other mechanisms that can help with the aesthetics first before considering review, because I know that some of our residents get sort of bogged down in some of the longer-term processes.

[03:12:49] So exploring what mechanisms can help with the aesthetics without being prescriptive about that would be of interest to me. I support what the Planning Commission talked about in terms of comparisons with other jurisdictions.

[03:13:05] But beyond comparisons of ordinances, I would be interested, if it's available, just the comparisons of impact of those efforts in other jurisdictions. What can we learn from those? What can we avoid, perhaps, that other jurisdictions have done?

[03:13:22] But circling back, I certainly support getting other information and keeping us updated on how that information evolves our thought process and the evolution of some parameters around standards. Thank you.

[03:13:38] Thank you. Other feedback? Councilmember Bates? I'm definitely in favor of allowing detached ADUs in some form.

[03:13:53] And I'd actually like to take another look at the current height and location requirements. For one thing, really, you know, there may be a reason for it, but I'm not sure why we're more restrictive toward ADUs as opposed to other accessory structures.

[03:14:16] I mean, it seems a little counterintuitive that we allow other accessory structures such as garages, et cetera, to be a larger percentage of the size of the house than ADUs. But at the end of the day, I probably would not want to deviate from whatever recommendations, if any, that staff and or the planning commission come to us with.

[03:14:44] So, but yeah, I definitely want to see this go forward in some form. Other comments? So I want to see this go forward. I think accessory dwelling units have a lot of benefit to the community.

[03:15:00] I think when we first started this conversation, the number of attached accessory dwelling units was like 25. And that's a tiny percentage of the housing in the city. The thing about detached ADUs is that of the 5,000 single-family homes, many of our neighborhoods are in post-World War II neighborhoods with civic associations and not homeowners associations.

[03:15:28] So when you're looking at 5,000 single-family homes, how many of those are in neighborhoods where you're not going to be able to build an accessory dwelling unit because of covenants or other restrictions because it's got an HOA? So we're really talking about a lot of these older homes that were very small but built on huge lots.

[03:15:46] I mean excessively large lots. And I think the risk that we run in not allowing this as an option is ending up like Vienna, which is you take a small Rambler that was built in 1920 and you scrape it and you build huge, huge houses.

[03:16:04] And we have some of that is happening in the city already where small houses are simply being torn down. not renovated not added on to torn down and very huge houses put up and so without offering this as an option i think we invite people to buy a property say i don't want to store in a half cape cod built 1953 and they just tear it down and build something else that's already happening in my neighborhood and i know it's happening in other neighborhoods too so to offer this is a very different model it's not just a family building a huge house it is possibly homeowners that have

[03:16:40] paid off their mortgage and we have a lot of elderly widowed people in our city who are trying to downsize can't downsize but you know investing in an accessory dwelling unit and maybe they're living in the accessory dwelling unit and maybe they're renting out the main house which is one way of affording to live in the city when you don't need the house that you've been in for 50 years with four bedrooms and a basement i mean i just think i don't think there's going to be a rush on this but I think without having the option on the table we are limiting people who want to

[03:17:15] stay in the city people who need I think about people who live in the city right now who are older and single and still working and they can't afford housing they don't have a family and they they just need a place to stay but there's not really affordable housing and they work here and they need a place to live here they need something small and affordable and I just think it can be such a win-win because our neighborhoods have so many big lots with small houses and if you are going to talk about keeping the character of the city and keeping the character of our neighborhoods

[03:17:51] then we need to offer an option to scraping a small house and building a huge one because that's not maintaining the charming character of our neighborhoods or our city so I really would like for us to look at this to to do what's comfortable as far as guardrails and setbacks and percentages, all of that. But I think we are at a moment when we really seriously need to consider making this an option. The other

thing is very expensive. This is not cheap to build an accessory dwelling unit and make it habitable. So I don't, again, don't think people are like,

[03:18:27] yeah, let's just spend, I don't know, \$50,000. I don't even know what it would cost to do that. On top of which, we are going to tax it. So it might be a source of income, but you have to have the capital to build it and then you have to pay taxes on it so this is not going to be something for everybody people would have to think very carefully about if this is something that really meets their ultimate life goals but without having the option on the table we take that away and i and i really feel very strongly that we need to move forward in whatever iteration this is

[03:19:03] because it is part of maintaining the character of our neighborhoods without teardowns council member amos i know we have a long night so i'll just tell a very very quick story that i may have shared before but a few years ago before more and i moved to the city we were renting a townhome and then out of nowhere we got a letter saying get out in 60 days because the owner was moving back in and we were kind of scrambling looking for a place that we could afford i was an escape room manager at the time so i wasn't exactly making bread uh and if thankfully we ended up

[03:19:39] at Leighton and all this craziness happened but we most of the options that we had at the time were ADUs and a lot of them were interior basement ADUs there were a few detached but it also helps with emergencies when people don't have other options in terms of housing so that's just a personal story that to share with y'all okay so it sounds like we have a consistent I didn't hear anybody say no we don't want to move forward I heard lots of specific things about how or the specific things people want to see as far as restrictions.

[03:20:17] But I would say that there is consensus on this dais to move with all due speed forward to seeing what we can do as far as the zoning that would be necessary to allow this in the city. Is that good?

[03:20:33] Council Member Peterson? Just to clarify, though, if and as that's done, will you be examining then kind of a full range of approaches here, which would include the kind of minimum impact, you know, highly strict approaches that some of us have been in favor of.

[03:21:02] We can do whatever council would like us to do. If council would like us to come back to you all and to Planning Commission with a specific recommendation, we can do that and understand that that recommendation can be adjusted. You know, there's all kinds of standards that can be adjusted, and those standards could be adjusted up or down.

[03:21:24] We could do that, or we could take specific recommendations and act on that. Maybe the thing to do is look at what, since the Planning Commission has asked you to look at what other jurisdictions in the area have done, that might be, if they've already been implemented and they're already out there, that might be a good starting point to see if there's anything that there are that are commonalities among the adu regulations i do think it's helpful to start with something and then edit it then rather than starting with a blank sheet of paper and having us

[03:21:59] all kind of go this is my two cents worth council member mcquillan i would like to do both i would like to ensure that the things that i noted that i would specifically like to learn more about those standards but also if as you're going through and you're comparing with other jurisdictions things that maybe we need to take into consideration.

[03:22:18] I would absolutely love those presented to us. So thank you. Council Member Hall. Thank you. I think I might've mentioned this the last time we had this conversation, but my sister lives in Encinitas, California, outside San Diego, and they allow this.

[03:22:34] There's a mass housing situation going on there, but they also have very specific guidelines for if you're building a one bedroom, this is the model you can choose from. If it's a two bedroom, this is the model. And I think I don't want to mandate what someone has to build. But on the other hand, I think when you give guardrails and rules and specs, A, it makes it easier for people to do what they're going to do because it almost ensures that it's going to get approved, right? Because they're following a certain guideline. I'm sorry, this is

[03:23:07] like all in my mouth here. But I do understand that variances should be considered. But I think that having some guidelines for those types of things could be really helpful. Okay. Anything else? Okay. Anything from you, Council Member Hardy-Chandler? Are you good? Yes. Okay. So hopefully we've given you good information from which to move forward with this. So thank you

[03:23:41] very much for the presentation. Thank you. Our next item is the FY 2025 preliminary results and FY 2026 first quarter financial review. I'm going to recognize Gwen Riddle, the budget director, to provide the staff presentation.

[03:24:05] Good evening, Mayor and Council. Tonight, as Melissa said, we'll review the 25 preliminary results as well as our first quarter in 26. And Christine Johnston, Real Estate Director, will be joining me in the presentation.

[03:24:56] All right, this first slide shows you our touch points with you during the fiscal year. So today is October 28th. We're here providing our first quarter financial review. On December 29th, the city's annual comprehensive financial report, or their ACFER, for 25 will be presented to you.

[03:25:18] I've also crossed out that third box for December 9th. We will not be bringing any supplemental appropriations for the fall to you. So we are currently on budget, so we're looking pretty good for 26th as of right today.

[03:25:37] That doesn't mean we won't be coming back in the spring with anything that may come up and then any grants the city's received to get those appropriated as well. And then the second and third quarter reviews will be on January 27th and 28th respectfully.

[03:25:53] And we'll also be working on the 27 budget during that time with adoption hopefully on May 5th. The next slide. So let me first start off by saying our 25 audit is not yet complete.

[03:26:11] So these are very estimated numbers and they are not final. So these numbers can change. We're currently projecting a negative variance of \$4 million, which will be covered utilizing the city's budget stabilization fund.

[03:26:28] I'll go into that in more detail in a couple of slides. Revenues are projected to come in \$9.4 million favorable to budget, mainly driven by \$4.8 million in additional real estate revenues, \$1.5 million in additional state revenues related to schools, and \$1.4 million in additional investment income.

[03:26:49] In total, personal property tax came in \$1.7 million favorable to budget. It looks like it's negative because of the PPTRA of 3.1 that the city receives from the state. It was budgeted in personal property, but the actual is booked in state revenue.

[03:27:08] So we've discussed that in the past, but I just wanted to highlight that. The positive variances are mainly offset by less revenue in fines and forfeitures of about \$900,000. We're not using the unassigned fund balance that was budgeted of \$800,000.

[03:27:28] And less revenue came in for charges for services, mainly rentals with Old Town Hall and Sherwood. You can go to the next slide. Expenses are currently coming in about \$13.4 million over budget.

[03:27:44] Main drivers of this increase is \$10 million school tuition payment to Fairfax County Public Schools, \$2.6 million in additional personnel costs, \$600,000 in non-education county contracts. Some items of note, the city paid over \$200,000 of leave payouts during fiscal year 25 for about 40 employees who left employment with the city.

[03:28:09] There was also \$670,000 in additional overtime paid out for public safety, public works, and our special events. The transfer to the other funds increased purely due to additional revenue that the city received for dedicated sources and \$350,000 in booking half the year of a disabled vet expense that was not previously budgeted.

[03:28:33] So that was in changes, if you recall, for the 26 budget, but half of it was booked to 25 the way that real estate is paid out. And then there's about favorable variance of other expenses, about \$550,000.

[03:28:48] Go to the next slide. This is a summary of the revenue and expenses and the total that we just discussed. So if you want to do the next one. So the estimated unassigned fund balance and the budget stabilization fund information is presented.

[03:29:11] We're projecting the unassigned fund balance to be about 17.7%. However, with the use of the \$4 million projected overage for school tuition bill, we are showing our budget stabilization fund to be reduced to 0.2% or \$300,000.

[03:29:27] So that entire \$4 million will be paid out of the Budget Stabilization Fund and will not touch on the signed fund balance. Now we're going to move into the first quarter review. The next few slides, Christine will talk about real estate.

[03:29:48] Thank you and good evening. So this is really just we're going to look at the health of the market and the statistics here that are shown in the graphs the first graph we're just looking at active listings so if you compare the first column to the left 74 listings as of September of 24 versus 82 we're slightly up but as you can see it's sort of an up and down sale price to list price so that's kind of all over the place lots of peaks and troughs so what in the real estate

[03:30:22] world, what we're going to be looking at is, will that line start and flatten, or will it continue to descend? But right now, as you can tell, as of September 2025, we are still, the sales are still closing slightly above list. So now we're going to look at the number of sales. Again, the same kind of pattern as with the actives 28 last year at this time 30 this year so still a lot of sales

[03:30:56] that are closing and and then the next slide is where we look at the sale price medians and averages and I'd like to show both because the city's market includes a lot of new construction sales. So as you'll see in June of 2025, that top at 970, 256, that definitely included units coming online at Northfax and Overlook, or they call it Providence, I think, as well.

[03:31:28] So those are kind of peaking up there. But if you look at last year, 733, 536 versus this year, 765, 455, we still have an appreciated market. And then lastly, we're just going to look at, this is a new, relatively

new phenomenon. We've been looking at it for the last couple of years, but the number of new listings versus delisted houses. And there's a number of reasons why this is happening. One of being interest rates. The other is finding a house to move to if you choose

[03:32:08] to sell your house. Is there housing that you can afford or where do you want to live? That type of thing. The other phenomenon, and this is more on the buyer's side, is a lot of homes are not passing their home inspections. And the articles that I've written really aren't going into that. I don't know if it's that there there's renovations that are being done without permits or there's other issues maybe an aging home that could be causing systems to be replaced but I did find that

[03:32:44] interesting and then the last chart there is just the comparison of interest rates and those have actually dropped a little bit since i published this chart um and year year over year from last year's peak that 30 year fixed rate is almost down 100 points um so um that we're expecting typically before the holidays we may see a little bit of a rally um so we're going to be continuing to watch sales through the end of the year and on the commercial side um there there is market

[03:33:23] growth in rent, these are asking rents. So, you know, we do have to look at that because that's not necessarily what a commercial investor may realize. But we will watch it. Vacancy, you'll see with the office sector, it's slightly down. It was 8.4 last year at this time. So that is positive.

[03:33:47] However, in our four- and five-star, that's slightly up, and that's your Class A office space. And then multifamily is almost flat, very little rent growth. The vacancy rate is exactly what it was last year.

[03:34:04] So in all of these sectors, we'll be watching the capitalization rates very closely to see Because really, the vacancy coupled with the rents and then also the capitalization rates will determine whether there's any ups or downs.

[03:34:21] And that's all I have. Let's go into the financials. For 26, we're not projecting any significant changes, as I stated earlier. In addition, the city met the first quarter position vacancy target of \$750,000.

[03:34:38] It is on target to meet the projection for the second quarter as well. Excellent. So this has a high-level, very preliminary five-year forecast. This forecast considers the change in moving maintenance projects from the CIP to operating budget.

[03:34:54] The amount is projected at approximately \$8.2 million, but is currently being reviewed, and a more accurate number will be discussed next month when the proposed CIP is presented to you for council. Based on the estimated projections for 25 and the budget for 26, we're looking at unassigned fund balance to remain flat at 17.7 percent or \$31.7 million.

[03:35:19] Again, this number will be adjusted once the FY25 audit is completed. And we're not projecting to add any additional funds to the BSF once the \$4 million is utilized for fiscal year 25 for the tuition bill. This is a quick summary snapshot of current CIP projects. As presented in September during the CIP review, this is showing a revised budget, utilization of funds via purchase orders or actuals for the invoices, and a valuable budget. And please remember, these are not

[03:35:55] project complete. They're from July of 2024 to date. As we continue in FY26, staff will continue to monitor and track key financial indicators. We're kicking off the FY27 budget process on november 8th with your budget retreat and we will work to gradually grow the unassigned fund balance and replenish

the budget stabilization fund any question this is just a review of what i reviewed earlier with the dates that will be coming back any questions do we have questions for staff

[03:36:31] any questions i just need a minute to process oh okay anybody else have a okay council member on slide number five you have a category that says other financing sources yes what what makes up other financing sources i looked at that today specifically for this question i didn't write it

[03:37:05] down um that's looking at monies that are coming in that we're not planning so we get um some revenue coming in for from recoveries from we had some vehicle accidents so those recoveries are coming in that's coming being there because there's no it's not a specific it's not local revenue it's not anywhere that can easily be identified so things like that where it's not specific to an area it's not local it's not a state it's not federal but it's coming it's other pieces that are coming in to support the city okay thank you and then i had one other

[03:37:41] question on slide number six you have um a line item non-education county contracts yes how many contracts are within that so we're looking mainly at courts social services refuse fire i have those i have the list um and housing yeah the county agent so there's a but the main the biggest areas are housing community development social services the library falls under there all the different

[03:38:20] courts and um the commonwealth attorney everything that we're contracting with with county for thank you you're welcome councilmember hall so i think it's probably covered in here somewhere or maybe it's not but i know previously we had discussed the move for the cip projects i know you went back and did an audit on those and if i remember correctly i think it was about 1.4 million was found between schools and oh you're talking about the contingency the the the available funds that

[03:38:55] are not project specific. Yes. Yes. Are they included in here somewhere? Yes. That would be, um, some of it's in schools and some of it is in general government. Okay. Um, and if I recall from that conversation, there were still some, uh, projects to be audited that were in still in process. Is that correct? We have finished the majority. Um, the ones we're still working on are transportation, which the majority is outside funding. It would not be city funding that we could reutilize okay so based upon what you've done since we met last is there's no outside

[03:39:30] nothing that is of note it might be little dollars as we're closing out projects um you know a couple thousand here and there but nothing to as of note okay that's good yeah okay thank you you're welcome councilmember peterson thanks a lot of information here so uh i'm not sure i've been able to completely absorb everything just yet, but I have a question on slide 15. And if you just go to the top and bottom line numbers here, over four years are, if I'm reading this correctly, our expenses

[03:40:08] are outrunning our revenues. Correct. And just scanning, I can't exactly tell why, although I see one thing that's jumping that is a known issue is the tuition contract but i'm just wondering if you can say why we're getting this mismatch why we're getting expenses ahead of revenues on the five-year projection we've been showing that unfortunately for the past few years

[03:40:42] the contract is definitely a key driver in that area and we've had to use appropriated fund balance to be able to make the budget for 26 where we've held some money back to be able to utilize in the year which we have not identified anything of that nature in out years so this is truly the revenue that we are aware of and that we can somewhat project out with no additional changes this is keeping our real estate tax flat personal property tax but jc might be able to address more if he

[03:41:21] wishes so I think you hit it on there miss Riddle that the revenue side the upper side is showing everything as it currently is adopted and appropriated no change to the real estate tax rate no change the meals tax no change to anything else it does show appreciation in projected projects specifically commercial projects that might be coming online during very specific fiscal years but beyond that, there is no change to any other rate.

[03:41:53] The expenses side are what we know of as of now. The main driver, again, is the school tuition contract at about 8% growth per year, and then with compensation about 2.5% to 3% just based on inflation and a lot of other inflationary numbers, again, 2%, 3% on some of the other items, utilities, contracts, fuel, but the main driver on expenses is that tuition contract.

[03:42:22] Can I ask, just to follow up here, on the expense side, general debt service? So that's actually, if I read it correctly, declining? Yes. And so if we took action to expand debt service, that intensifies the deficit.

[03:42:45] Correct. You'll see the debt service is broken up between the school, the education, So right under education, the second line down, that the current bonds for school renovations will be fully paid off in FY29.

[03:43:02] And then right below that, there's general debt service, which does come down slightly in 27, but goes back up in 30 based on our current debt payments. If you could just maybe unpack a little bit, the general debt service was catching my eyes.

[03:43:20] So we go from 13 and we dip and come back to 10, but still we're kind of at a downhill instead of an uphill. What goes into general debt service? If you remember in FY26, we had the one-time 6.5, 6.8 million debt payment that was taken out during COVID that was paid, which increased that debt service, and then it comes back down.

[03:43:47] So these are all of our – some vehicles are in there. There's, I think, some other small buildings. So Fire Station 33 is currently still being paid off. You also have, remember, to Ms. Riddle's point, some of the fire apparatuses.

[03:44:09] There is an actual slide that we will present to council regarding debt service of what makes up our current debt service for both schools and general during the budget retreat. And we can go into more detail at that time. but none of the numbers that are listed on the expenditures incorporate any future debt, whether that's schools or CIP, Willow Shorewood, Fire Station 3, anything like that, has not been incorporated because we have not pulled debt for those specific projects as of yet.

[03:44:39] Well, and I will look forward to that deeper discussion because I know that the debt went up in 25 because of that unique situation, but then you go back, it goes down, but then it comes back up again, And it looks like it's coming back at a rate that's certainly faster than inflation, but it's coming back at a pretty high rate.

[03:45:03] Yeah, so our Davenport, our financial advisor, when they work out our debt payments, they try to keep it even. So if you notice that if you add up the school and the general debt, it's around that \$10, \$11 million.

[03:45:19] So with schools coming down and not having any 2030, that additional funding would go to the general debt. So that's already been factored in when those debts were pulled. Okay. It just looks like a

sensitive variable and worth keeping an eye on and the assumptions behind it.

[03:45:38] And this is business as usual without additions, but I know there are additions that are contemplated. So I think it's going to be really important to understand the impact that they might have if they were added here. Because, again, this is a sensitive variable in terms of our mismatch between revenues and expenses.

[03:45:57] Thanks. Council Member Hall. Thank you. Just one more question. I know we tend to use the number \$835,000 when it comes to one cent on the real estate tax rate. Knowing what we know at this point with projections, actual, is that still a reasonable figure, or has that varied at all?

[03:46:15] It will not vary until we have new 26 numbers. So we don't have a clear real estate number yet. Okay. So that is based on what we have on the real estate for our totals. Okay. So we don't kind of project out then what we think is coming online or what we think we're going to be collecting.

[03:46:34] We do, but we won't change what the penny's worth until that's finalized. Okay. Makes sense. Thank you. You're welcome. Other questions or comments? Are we good with this? Okay. So thanks for that update.

[03:46:49] And the next item? Our next item is the suggested updates to the FY 2027 financial policies and council budget guidelines. I'm going to recognize JC Martinez, Chief Financial Officer, to provide the staff report. Thank you, Mayor, Council.

[03:47:07] So every year we try to establish and document a policy framework for the fiscal decision-making and to strengthen the financial management of the city. City Council initially enacted a comprehensive set of financial policies in April of 2000.

[03:47:23] An annual review of these policies is incorporated during the upcoming fiscal year budget development process. There is no visual presentation, but you should have a staff report. And on the staff report, there would be either strikethroughs for the deletions of what we're suggesting to be deleted from the current guidelines and policies.

[03:47:44] And then any additions will be double underlined. I'm hoping your copy is also highlighted, like mine is, to make it very easy and visual for you to see those changes. Happy to walk through every single highlight and or change, or if you have any specific questions, happy to answer them as well, whichever way you'd like.

[03:48:08] Councilmember Hall? Thank you. I know I reached out to you to get some of these answers, but I will ask them anyway, just so that we can all learn a little bit together. On page three, it talks about the annual debt service expenditure shall be less now, now 14 versus 9% of annual expenditures, and outstanding debt shall be less than 4 rather than 3% of assessed valuation.

[03:48:33] Can you just remind us where those fall within the criteria of stable, excellent, not so great, and how those two work together in determining what situation we're in? Sure. So, Council Member Hall, great question, and that is a pretty significant change.

[03:48:51] what we would be recommending this year just a little bit of background we've been telling council this council and the previous council for about one and a half years or so ever since the bond referendum was passed for the schools that there may be a need to increase these current thresholds from

three and nine percent respectively upward and currently we have very very conservative policy limits. For example, and I have a snippet from S&P regarding the 15-14% that we were

[03:49:29] potentially recommending to go up to, is they're categorizing anything less than 8% debt service to be very strong, 8-15% to be strong, 15-25% to be adequate, 25-35% to be weak, and anything greater than 35% to be very weak.

[03:49:52] On the other side, when it comes to debt to assessment values, Moody's categorizes a very strong or a AAA to be 1.75 or less, a strong to be 1.75 to 4%, a moderate to be 4% to 5%, and weak or very poor to be anything greater than 5%.

[03:50:15] Of note, Council Member Hall and the other Council Members, I have a chart that actually hangs on my wall. Davenport actually put it together. It's a great rating agency criteria of what makes up the pie.

[03:50:31] There are four big parts of the pie. Debt is one portion of that. Moody has a 30% weight on it. S&P has 20% of that. That's sort of what we're talking about here. So 30% to 20% of the overall pie is being focused on debt and how we manage that and how the city is managing its debt.

[03:50:52] The other part is the economy, the financial performance and flexibility, and then the management of how we're doing. So 70, 80 percent of it is other, not specifically tied to the debt. And then one other thing of note, and again, this was presented very early on at the beginning of this council's term.

[03:51:12] In January of 28, Davenport came and gave a quick presentation of how we were doing with our debt overall and some other factors. And the city actually became AAA rated in 2009 and 2010, respectively, between Moody's and S&P.

[03:51:31] At that time, we had just relatively pulled bonds for the last school renovation in 2004. And around that time frame, our current debt service to expenditure ratio between 2008 and 2011 was 14.5%.

[03:51:50] Our established policy, or well above our established current policy of 9%, and then similarly our debt versus assessed value during that same time period, 2006 to 2011, was about 3.5% every year during that same time frame.

[03:52:10] And we were able, the city was able to be upgraded to a AAA status, even though that one component was a little higher than where we would like to be, as conservative as we are. I hope I answered your question.

[03:52:26] Yes, thank you. And as I said to you earlier, too, having a AAA credit rating is great. It's kind of like you having a credit score of 750 or 800 or whatever. That's great. What I will say is just because we have a great credit score on the personal side, too, doesn't mean that we can go out and just buy anything that we want and be able to afford it and make those payments.

[03:52:46] So that's just my two cents. I did want to just touch on the operating part, the conduct an annual review of all current staffing levels. I think that's great that, you know, we're considering reallocation of existing positions before addition of new staff, especially as we see other companies downsizing.

[03:53:05] It's, you know, good to know that as we maybe change our priorities or look to, you know, work in different areas or offer different services or even just, you know, change our current service offerings that we can try to work within our current staff. I was happy to see the CIP changes in here.

[03:53:22] And I think that was my only, those were my only comments. Thank you. Councilmember Peterson. I'd like to build on that. Excuse me. Go back to the prior presentation.

[03:53:37] You don't have to pull it up, but we looked at the forecast going forward five years. Expenses are higher than revenues and multiple components, but there's a debt service component. So I'm trying to connect the dots between that and this because what my reading here is that we're suggesting increasing our allowable debt with these standards.

[03:54:02] But we are running a deficit concurrently, and debt service is a swing variable in that. So anything we do to increase debt is going to require, as yet, unidentified revenues. If I'm reading this correctly, am I getting that right?

[03:54:19] That is absolutely correct, sir, that if we do pull debt, whether it's for schools, CIP, or any project, we would need to have identified revenues before we even make that presentation to the rating agencies or to the debt issuers. They're going to want to know whether there's collateral to back it up or there's revenue to back up that specific debt.

[03:54:42] As a comparative, about one penny, that \$835,000 equivalent, generates about \$11 million of debt capacity that we could potentially pull if need be. To what extent is this information considered by them now?

[03:55:02] Are they looking at these five-year forecasts and our spread between revenues and expenses? So the rating agency is very similar to your credit report, your credit agencies on a personal level.

[03:55:18] Look at your past performance or where you currently are. A lot of the information on that five-year projection is pro forma. I'm assuming that they're hoping that either management and or counsel, the governing body, We'll make the appropriate decisions and actions to correct any forecast if there is a greater variance in expenses to revenues.

[03:55:42] That is in the future. That's all pro forma, and until it happens, the rating agencies don't put as much stock into that. They care more about where we currently are and how we've performed in the past, very similar to what regular creditors would do when they look at your credit report is do you have a job?

[03:56:02] with your performance on paying your bills, with your performance on managing your debt levels, things of that nature. Okay, I guess I would just be interested in learning and knowing more about this because getting the ratings is one thing, but cash flow is something else.

[03:56:20] And if the fix on cash flow is presumed, that presumption is typically that you adjust taxes to cover the gap. And if that's what is read into this, I just think we need to be clear about that and understand what we're managing here because, again, debt is an important variable in terms of managing our expense and revenue structure.

[03:56:43] It clearly sticks out, and we're already not keeping pace here. So I would think that's a conversation that's really important for us to have, how much we're willing to support with the generation of future cash flow and where those sources of funds are because that's going to get into budget and tax issues, if I'm not mistaken.

[03:57:07] Yes, sir. manager I just want to add specifically to your question about changing the debt ratios or the the percentages if you'll recall when Davenport when Kyle from Davenport was here two or three meetings ago doing the presentation they showed specifically the the main reason for changing that is for

the two hundred and twenty million dollars of school debt that's that's coming online so we have our policies match what our expected debt structure is going to look like so it just shows that we're more in conformance with our policies and the

[03:57:44] rating agencies will look at that favorably because otherwise if you left it at these lower numbers it's going to look like we're extremely above those policies and so he showed that and I know that we have a copy of that presentation it's in your prior packet but he showed that as part of his presentation so I just would like to remind council that's that that's the main driver of wanting to change it's not because we're we want to go out and issue a lot more debt it's really because we know we're going to issue the school debt or we expect to based upon the referendum that was approved and so we want to match our policies to capture that significant increase in debt that's

[03:58:23] going to come online well if I might just follow up is the school bond the only anticipated debt that they're trying to make room for I mean that's the search that's certainly the largest component of it but we we need we the policy ship needs to change just for the school debt because you've got at its max it's 17 million of debt service a year at its peak when it's fully when it's fully trunched and we're paying it back it's about it's a 17 million dollar

[03:58:59] annual payment. And then just my last question for the moment here is just, I think, a timing one, which is that there is a possibility that we would be able to finance this through a sales tax. And the question is whether we should be acting in advance of that becoming clarified and putting in place these new debt brackets now or whether we should be getting a little further down the pike before we do that i could try to answer that so i think all of us would prefer that we do get

[03:59:39] that one percent sales tax um for school capital and if that were to happen the soonest that that would be available to the city if everything lined up correctly would be July 1 of calendar year 27 fiscal year 28 um before that we're trying to act accordingly and ensure that if we do need to issue debt in FY27 that we're raising the policies accordingly as the manager pointed out all we're trying to do is ensure that we're not contradicting ourselves and saying our policy is here but we're

[04:00:14] going to go ahead and violate it and issue debt above that amount anyways we could raise the policies if the actual amount as a percentage is still less there's no foul in that because our relative ratios are still well below that policy amount. And we would fall into those categories that I mentioned earlier that Moody's and S&P look at and say, as long as you're below this, this is where you sort of fall. But that is still just one quarter of the overall pizza where the other three slices that make up 70, 80% respectively, we can still try to manage and

[04:00:54] control going forward all right is there anything else on this we're all good i assume we're all good with this okay we will certainly hear more about the budget at our budget retreat on November 8th mayor yes Mr Foster so hearing the note we answered the question so just as a reminder this will now go on your consent agenda for approval at your November 18th meeting so no

[04:01:32] action tonight but we did not hear any changes or anything so it will move forward as presented and it will be on consent everybody clear on that it seems like everyone's clear on that so thank you for that clarification the next item all right our next item is the update on the George Snyder trail I'm going to recognize Wendy Samford transportation director to provide the staff report I i think i think i'm um going to at least start uh we have just a couple of slides basically it's

[04:02:09] summarizing the memo that we sent to you just again to recap you heard several speakers earlier the bids came in they are higher than the available budget so we need to decide how we wish to proceed and we uh you know in consultation with uh uh we had you know had discussions within nvta and vdot basically um we have uh four four what we viewed you know four viable options which are one we can make up the difference with city funds um which is

[04:02:52] when he's pulling it up okay yeah so we can fund uh the difference with 4.6 million in city funds That's the first option. Second option is we can, there is additional concessionaire funding.

[04:03:07] That was the source of the funds for this project. There's about 6.6 or so that's unallocated that we can make that request. The third option is we could value engineer the plans to remove items and then rebid.

[04:03:24] And so what we mean by value engineer is remove certain items and or change to lesser, you know, different types of, like, different types of bridge structures or things that might be a little less expensive.

[04:03:41] What we are not talking about is only building half or some lesser amount. It would still be the whole trail, but it would be, we would try to see if there are ways to shave costs and then rebid. And then the fourth option, which has been discussed before, is to cancel the project.

[04:04:02] And the expectation is that we would have to repay what has been spent to date. We have talked about that before. We sent you, or I sent you a memo explaining about the, you've had speakers, and there was an op-ed that was printed that says that we don't have to repay and we explained why their analysis was not correct because they were citing different sections and we pointed out to you where those sections are.

[04:04:41] And again, plus the fact that we constant contact with VDOT and with NVTA and that has been the consistent message is that the repayment would be, if we cancel, there would be an expected repayment, which is what we've continually tried to share with you.

[04:05:00] So, those are the options that we see and that in our discussions with VDOT, we think those are the options. And we will be, you know, the recommendation at the moment or the current council action is to proceed to a construction until council, until and unless council changes that action.

[04:05:28] So the recommendation would be option two to request additional concessionaire funding from VDOT. that that would be what would be the best option to continue in accordance with currently adopted council action on this item and so basically we are wanting to know if if that is the direction council wishes to go or for council wishes to do something different but we are happy to answer any questions

[04:06:05] but again that that is uh that is where we are currently um the bids are good for 90 days um that's the that's the typical process uh or requirements under the procurement so they're good through second week of january so um the time frame for requesting additional concessionaire funding it's a three-step process staff committee full nvta board ctb the staff

[04:06:36] committee we went already and the staff committee is will recommend the NVTA approval but we have not we still have to officially make the request and with council's concurrence it's so the approval is contingent we have we have not obligated ourselves yet to do this if council does not wish to do this then

we would just let NVTa know and they would remove that from their future agenda. Um, but it is on target. We, we wanted to make sure that we kept all options

[04:07:13] available, preserve all the options available to you. Um, and so that is where we are, um, with that specific option. Um, but it does keep us on track to where, um, uh, the CTB could act and then we would have the additional funds to be able to, um, award the contract to the, the successful bidder. So happy to answer any questions. Councilmember McCullough. Okay, so now that bids came in and they're higher, what specifically caused that increase? Do we know?

[04:07:55] Well, in part, I think just the delay in bidding from, I mean, this was on pause for many months and so we've seen that escalation of prices general inflation so that certainly we feel is part of it i can't i could not say for certain that it's all of it that but because it is higher than the engineer's estimate the engineer's estimate was 15 15.5 so it's you know it's about 12 13 percent higher than the engineer's estimate so um not what you want to see but also

[04:08:34] not it's not like we missed it by 50 you know it's it's it's within the realm of of uh you know being you know that it's you know that it's in line with with where it should be i think mr summers you know we bid a lot of jobs in public works and it's not unusual especially with the the since covered with the supply chain issues that bids can swing either way ten percent it's not unusual uh lately they've been been swinging toward the higher end but um we've had bids that

[04:09:10] are 10 12 13 different than the engineers estimate to nobody's fault it really depends on how busy the contractors are the cost of materials the price of oil i mean there's so many factors involved the price of labor so like the city manager said this being a little bit higher is not surprising although we do feel that the delays that have happened typically will be an issue in causing the bids to be higher than the estimate okay so based off of that information uh do we have

[04:09:46] confidence that no further cost escalations will occur during construction well it's not unusual during a project to have a change order because there's an obstacle or something that is unforeseen which is why we have a contingency worked into this cost i believe the contingency is around 1.7 million which is around 10 percent which should cover the cost of any change orders that happen during the project contingency of 10 is a pretty good contingency um i have more questions but we can come we can give someone else a chance for now council member amos yeah i don't have any

[04:10:25] questions just comments I'll preface that with option four I have the same fiscal concerns with option one so for me my preference would still be two or three but open to just gathering information because I know this is a something that we we love talking about so much here so I do support applying for the additional funds with MBTA for option number two simultaneously I know there's interest I'm sure we'll hear it here shortly about just getting overall information that way we can just have everything on the table and we can

[04:11:00] discuss it as a group but I'm also still operating on the assumption that number four that 3.7 million is still valid I trust staff I trust our city attorney on that so I'm going to operate that one and four both still fiscal negatives for us and the the only other additional context that I'll be thinking about in these further discussions is that I know that our community survey came in and under parks and community parks and I'm tripping recreation one of the items at the number one item that was listed was availability of walking trails and biking

[04:11:38] trails so that's something that I'm going to be factoring in it's not the decisive point but I did want to address that number one I have fiscal concerns with just because I really don't want to pull money from the general fund or our our unassigned fund balance. So, thank you.

[04:12:00] Councilmember Hardy Chandler. Thank you. I just want to echo some of Councilmember Amos' points. First of all, I want to certainly thank staff for keeping all of the options on the table so that we could consider everything. I would be first in favor of option number two, in addition to some of the comments that were made in the hearing, too, in terms of that being the most

[04:12:33] expedient way forward with this. My second choice would be option three, also recognizing that time is expensive and any options that will extend the time will likely extend the cost just as it did uh to this point um so definitely in support of um of pursuing additional um uh funding from uh vdot and it sounds like from the time so when does the direction from council need

[04:13:11] to be finalized in order to stay within the 90-day time frame um so if for the um trying to get the the approval for the additional concessionaire funds we basically we have this meeting you do have a work session next Tuesday but we it it would have to go before the NVTA board at their next meeting which is November the 13th so

[04:13:40] basically that's two weeks or three yeah or oh yeah right well all right three three we I'm trying to count three weeks clarification yeah councilmember All right, just to clarify so while technically we have 90 days which would expire January 12th You're saying we would have to take some sort of action prior to November 13th if you want to request the font So the the request of the funds for the additional concessionaire funds if you don't want to do that We need to let NVTA know

[04:14:18] So we're not pursuing something that we don't we don't desire But we can make the you know, we would make the request or we have tentatively made the request I should say this contingent upon council supporting that we we Because of all the timing of all the meetings we had the option And again discussed with VDOT and they they they concurred to say go ahead and come to the meeting of this first meeting or this next meeting which was last week so we didn't have time to have this discussion first to get this see if the

[04:14:57] staff would approve would approve the recommendation which they have but it's still contingent upon council saying that this is something that you want us to pursue if be the if you don't if we don't do that then and is not considered by NVTA at their November 13 meeting then we will then then there is no way to complete that process before the bids, the guaranteed bid price expires.

[04:15:32] Council Member Hardy-Chandler, did you have any other questions? No, just the expiration then opens up the possible, well, I guess I do have a question, just confirming that the expiration of the bid will open up that amount that's locked in.

[04:15:58] In other words, we're likely facing more if we let this bid expire, correct? Yeah, if the bids were to expire, then we would have to rebid the project to get valid bids. So that's where we're at.

[04:16:17] If we don't award before they expire, then the price is certainly subject to change because we'd have to rebid. They're only going to, like Mr. Summers said, they put in a price, but the market continually changes. So they're somewhat at risk with the price that they are required to guarantee that price for 90 days.

[04:16:38] So even if their cost structure changes, so they're taking a risk with how they bid and what their cost structures are. But if prices were to spike, they would be on the hook for that as long as we award and sign the contract within the 90-day period.

[04:16:56] Councilmember Peterson? Well, to clarify that, the change order, what if there are unforeseen at this stage changes and they exceed the contingency level? Normally, the way the change orders work is the contractor will encounter something in the field and meet with staff to figure out a solution to it.

[04:17:26] So normally we work within the budget, and there's ways to handle change orders where you might pay a little extra for something else, but then there's savings in something else. Because with the bid line items, they're estimates, but we only pay for what is done.

[04:17:43] So if the bid line item, let's say, says 1,000 yards of concrete and we only use 900 yards, we save some money there. So we're constantly going through the budget and paying invoices and keeping track of where we are. On the average, with a project such as this, you're going to have some change orders.

[04:18:03] There's going to be maybe some rock that may have to be removed, which costs a little more. That's why we have the contingency. We feel this is a healthy contingency of around 10%. \$1.7 million could handle the change orders. If we get close to that cap, we look at other ways during the construction to try and save some money.

[04:18:25] So normally we're able to stay within, I would say, just about all our projects that I've been involved in, we're able to stay within the project budget plus the contingency. We've had projects in the past where the contingency's been very little, like 5% or 6%.

[04:18:43] It makes it tough. I've had some projects in Old Town which have exceeded the budget 2% or 3% in the past. But for this project, we feel that the contingency is enough to handle any change orders that occur.

[04:19:01] So this is \$4.6 million over what we expected based on the available funding from the concessionaire fund. Do I get my math right on that? That's correct, but it's not just the 4.6 additional funds needed is for the higher bid plus contingency plus construction management.

[04:19:30] So it's capturing all of the expected expenses and funding the contingency, which as long as everything happens according to plan, we would not use the contingency. The construction management amount, I believe, is also around 1.7, and that's another thing we have some flexibility with because we typically pay the construction manager an hourly rate, and if we feel like we may need that money, we can reduce the number of hours that the construction manager is on site and subsidize that with some staff time.

[04:20:04] So all these numbers we're able to use to get to the end game. Well, it's just this is an enormous cost overrun, staggering, quite honestly. And you really have to be concerned about circumstances that are beyond our control that would come up and put us in a change order situation that would have us back at it again in terms of dealing with another request back to the concessionaire fund and another adjustment.

[04:20:34] But I guess the level at which this is happening strikes me has to be a real concern here. It has to be kind of a wake up call for what we're waiting into here in terms of dealing with this at a construction

level. I appreciate that there's a contingency in here, as usual, but it kind of sounds and feels like we're dealing with a set of circumstances that are a little bit unusual here.

[04:20:56] And that has to be a concern, I think. Council Member McQuillan? I have a question regarding the value engineering option. Could one of you, I don't know who's going to, okay, thank you.

[04:21:14] If we were to scale back, what would that look like? What tradeoffs would that involve in terms of the experience, connectivity, environment, all of the stuff involved with this? What would that look like to roughly bring it down, that \$4.6 million?

[04:21:31] Well, what we would do is we would sit down with staff, the team, and look at the various line items. For instance, something we could consider to take out would be the lighting and do that at another time. There's finishes on the retaining walls that could be reduced, less expensive finishes.

[04:21:51] There's certain types of things done with the bridges, certain treatments done with the five pedestrian bridges that we could look to reduce. So, I mean, because, you know, this project, with all the input that was done, there's some very nice aesthetic treatments to this project.

[04:22:11] So we would look at those. And then, of course, we would scrutinize the quantities and see if it's possible to reduce some of those with refinements. Yeah, so just to add on to that, so there's an expense to value engineer because we'd have to change plan.

[04:22:31] You know, you'd come up with things and you have to change the plans because we'd have to rebid. All of the value engineering would have to go back through VDOT approval. And so you're talking, we estimated it probably at least a six- to eight-month process then to rebid.

[04:22:49] And so, again, even though we're looking to reduce by value engineering, that's also six to eight months of potential inflation that might become a factor and might mitigate some of what we're trying to reduce.

[04:23:04] And, of course, we would have to pay our consultant additional funds to retrofit the drawings. Councilmember Hardy-Chandler?

[04:23:20] The two points, yeah. You addressed one of my questions, and that was whether or not there was a chance that the retrofitting versus the time, that the time could actually erase any savings from retrofitting.

[04:23:39] So you've answered that question. I think, and I certainly don't want to put words in Councilmember Peterson's mouth, But I think certainly there's the desire to not be surprised by any additional escalation.

[04:23:55] So could you talk a little bit about the parameters of the guaranteed price? I think you started to talk about this a little bit. But we would, in my understanding, not expect a big jump in perhaps unforeseen circumstances because the bidder would be bound by the agreement of the guaranteed prices.

[04:24:20] Is that an accurate sort of summary, or are there other things that might be surprising that come up? That's correct. You know, the contract, once the contract's awarded, everything on the drawings and everything in the bid package, the contract is responsible for bidding, for building.

[04:24:41] So, you know, everything that has been designed, the contractor is responsible for bidding and is part of the bid. A change order is typically something that comes up which is unforeseen. In my years

with the city, it's usually a soil condition or something below ground that the contractor comes upon.

[04:25:07] One example could be while they're building, let's say, one of the bridges, the footings have to go a little bit deeper than what was originally designed, so there'll be an additional cost for concrete. So that quantity would increase, and there would be a change order for that.

[04:25:25] Typically, the change orders will stay well within the contingency amount. And that's what we would expect when you have a set of drawings that have been scrutinized and designed as long as this project has. Your bid should cover the cost of the construction.

[04:25:46] Thank you. Council Member Peterson. The conversation with RJAC about an additional infusion of \$4.6 million in funding, I hear what you say.

[04:26:07] On the other hand, I still am troubled that unforeseen circumstances may put us back into a request mode. I wasn't present, and I can't say, but was the nature of that conversation that we would consider this \$4.6 million, that's it?

[04:26:28] Or was it, no sweat, if you come back for another 4.6 because of something, we're here to write another check for you? Yes. The request framed that exactly as you're seeing it in front of you, that the need is \$4.6 million.

[04:26:47] There was a conversation about what was the engineer's estimate, what are you looking at. Again, as Mr. Sommer said, the reason for the contingency is to account for unforeseen circumstances. I can't anticipate that we would need additional funding.

[04:27:03] Typically, we don't need additional funding over the contingency. There is \$6.6 million available. There was a healthy discussion amongst the RJAC about the project. There was an understanding of what's going on in the industry right now with construction prices. It was a unanimous vote amongst the RJAC to provide this funding for the city.

[04:27:28] So to switch gears, we heard a lot of public testimony, a lot of public comments on a number of different issues. There were some comments on legal issues. There was the issue of repayment, which sounds like there still is a community perspective that's not the same as the perspective that we have, and it would be great for that to be reconciled.

[04:27:51] I'm not sure exactly how that happens, but clearly there's still a difference there, and it impacts our option set here. The other thing that I don't know anything about, apparently this predates this council, but the issue was raised about, and I won't get the terminology correct here, but waiving a requirement of NEPA, essentially.

[04:28:14] And the reason I raise that is, first, I don't know anything about it. Second, I think that rises to the level of us getting informed by our city attorney about what in the world is going on with that and whether there is anything in that that raises project risk here, which could translate in any number of different areas, whether it's delays or otherwise.

[04:28:36] It's also a material issue for the repayment of this because litigation issues are one of the justifications for a waiver. So, I mean, it falls in the category. There's actually, from my standpoint, quite a bit more information that would be helpful for us to know here before we attempt to chart a pathway forward.

[04:28:59] That would be one piece of information I think would be very helpful. And on the legal side, both clearing up this latest thing that's come up. But then it's a difficult situation for so many people in the community to have a very different perspective on this repayment option. And if we're declaring here that there is an absolute repayment obligation of a certain dollar figure when there's such a strong disagreement elsewhere, it leaves us, I think, at a difficult position.

[04:29:27] So I'd certainly welcome any method by which we could reconcile that because right now it's certainly not in that position. So I'm all ears on how we would do that. Well, Mr. Peterson, I'm not aware that any of the speakers, at least they haven't shared, that they've had any conversations with VDOT or anybody else.

[04:29:47] It's their own interpretation of what they're reading, and we've consistently been in discussions with VDOT, with NVTA throughout this process. And as we communicated, Mr. Lubcom is not here, but he in the – oh, he came back.

[04:30:05] Okay, well, I'm sorry. I didn't realize he came back. So I'll let him speak for himself, but he concurs with all of the analysis and what VDOT has been telling us. So I don't pretend to understand why the community thinks that there's something different.

[04:30:23] When we've consistently said and when you've asked us, we've gone back to VDOT, and that is the consistent message that we keep getting. and in the information that we prepared for you we showed you where in the agreement and where in the code the repayment is required and so i understand that these folks in the community are very passionate and they're very passionate against this project and they don't want it and so one can presume that they are trying anything and everything they can to come up with

[04:31:02] ways to help convince you to not proceed with the project but what i haven't heard from them is any where they've said we've talked to vdot and you're wrong um that's that that has not come out so vdot is the funding agency the agreements with vdot that is what they've told us that is what we've communicated and so we have no reason to believe otherwise that uh other than that if we cancel the project they expect repayment would it not be a good idea for us to

[04:31:39] have a conversation with them to try to clear this up conversation with whom with members of the community who believe they have information to the contrary some of which I guess has been deposited I haven't been through it but I'm a little bit concerned this is how wars get started people refuse to talk to each other when there are misunderstandings and now would be the good time to bridge that by talking. Councilmember Hardy-Chandler. I just want to clarify what the

[04:32:16] city manager said. I just want to be clear that we have also heard from the community members who are in support of this, who understand the information that has been presented before. So I just want to be clear that we're not talking about the entire community. We're talking about a smaller group that is voicing an opinion that is different from information that we've been consistently getting directly from the reliable sources. So I think there are differences of opinion, but there's also differences in access to the actual information. So I am personally

[04:32:56] satisfied that we have gotten consistent information around that. We've gotten multiple explanations around that. We also have had discussions around it that the public has had access to. And so

people can have differences of opinion. And I think those discussions have happened. But even based on the conversation tonight, I am still in support of option two.

[04:33:28] We also have a time factor, so I'm not sure if we will be inadvertently eliminating options, opening up opportunities for more expense. Many conversations have already happened, and I just want us to be sort of mindful of the vote that was already made and also of the fact that there are very realistic logistical factors to take into consideration.

[04:33:57] But just be careful when you're saying the community, because we have a diverse community, and part of that community has expressed support for this as well. Thank you. Council Member Bates? Thank you.

[04:34:15] I just want to say personally that an op-ed that takes part of the contract out of context and makes baseless claims of staff having misled us is not going to shake my faith and that staff have acted in good faith and have provided us with accurate information to the best of their ability.

[04:34:44] And so, you know, you want to have a conversation, this is a conversation. Council Member Peterson? I think what I have heard, not just from people who have commented here, but what I have heard from transportation officials is that when you get to a certain point, you negotiate.

[04:35:10] You go through a conferral, and that is routine, and there is a procedure for that. And I don't know whether this is a case where that process begins and there's a ceiling, but potentially there's something less than ceiling.

[04:35:26] But that certainly would not be unprecedented because conferral procedures on these repayments are pretty typical. Negotiations are pretty typical. It's very typical for projects to run into difficulties that result in either cancellation or project modifications.

[04:35:44] and that is a procedure you go through with dialogue so what i would be interested in if we're truly interested in understanding all these options is whether that's a conversation that we've had and would try to have because it's one thing to say it's a certain level that's a repayment but you keep reading over and over again may be subject to may be subject to and other language that suggests that there's a conversation that is required to determine more realistically what that figure is and it doesn't sound like that conversation has occurred yet

[04:36:20] unless i'm missing something it sounds like it's an important one to have at least potentially councilmember peterson the conversation has occurred we have spoken to vdot and i have spoken to them again since the bids have come in about what our options are and i've gone through the list with VDOT in terms of what the options are. So we have had the conversation, and nothing has changed in terms of VDOT's position on repayment since the bids have come in. They have told you that there is no negotiation at all on repayment? They told me that their position has not changed

[04:36:58] now that the bids have come in. And what they told me is that there is additional concessionaire funding and that they were strongly encouraging us to pursue that. Okay. So I will just weigh in here to to say three years on NVTa the conversations that we have around projects are the fact that this is an investment made as a region to get these projects built when a discussion came up about canceling a major project in Prince William County the chair of Fairfax County made the point that we give this money so that we can complete projects the reason I think they are

[04:37:37] considering this 4.6 million dollar funding is because they want us to complete the project it has been in the pipeline for 10 years we they've allocated this money for us to build this so it's been sitting there and there have been a lot of delays and so they seem to be willing to consider that that this project is worthy of an additional 4.6 million dollars in funding so we can build the thing we said we wanted to build, the thing that we said we would contractually agree to build.

[04:38:14] And so all this conjecture about what may or may not happen or negotiating, the fact of the matter is if you roll the dice and this trail does not get built and somehow three or more million dollars ends up having to be repaid, then the city ends up paying money we don't have for nothing. And so if you want to roll that dice just be clear with the community that's what we're talking about we don't make policy based on whataboutism and conjecture we have contracts we have obligations

[04:38:49] we have commitments and either we uphold them or we don't and as far as the the community's understanding op-eds that are presented as fact and stuffed into 15 000 mailboxes unasked for you know, someone should be asking what the long game is with that. No one's subscribed to that newspaper and everyone gets it. And without saying that it's an op-ed, it is presented as if there are new facts. And that is simply not the case. And as a governing body, I think we have a

[04:39:28] responsibility to uphold the contracts and to believe that what our professional staff is telling us is what the facts are. Everybody's entitled to their own opinion. People are not entitled to their own set of facts, and they're not entitled to present their own set of facts as factual. So we have the opportunity to pursue this money, which gives us options. If you are, if this body is going to say, we're not interested, then I will go to NVTa on November 13th as the representative

[04:40:03] of the city and I can explain that Councilmember Bates thank you just want to remind us of an excerpt from the memo that was referenced by the city manager the Commonwealth Transportation Board adopted resolution of January 10th 2018 states that I 66 concessionaire funds were to be deposited into the transportation trust fund and directed the projects to be funded with this revenue must be added to the six-year transportation program projects funded in six-year program are subject to the provisions of code of virginia section 33.2-214 which states in

[04:40:42] subsection f the following if a locality or metropolitan planning organization requests the termination of a project and the department does not agree to the termination or if a locality or metropolitan planning organization does not advance a project to the next phase of construction when requested by the board and the department has expended state or federal funds the locality or the localities within the metropolitan planning organization may be required to reimburse department for all funds expended on the project the 2018 project agreement between the city and vdot and all subsequent agreements have a provision in section 1.g providing that the locality shall

[04:41:18] reimburse the department all project expenses incurred by the department if due to inaction or due to action or inaction solely by locality federally funded project expenditures incurred are not reimbursed by the federal highway administration or reimbursements are required to be returned to the FHWA or in the event the reimbursement provisions of the above mentioned section of the Code of Virginia in 1950 as amended or other applicable provisions of federal, state, or local law regulations require such reimbursement. I mean, this is all stuff that I

[04:41:53] had found on my own before we even got this memo and is freely available. And, you know, again, it's taking things out of context. And I do not see that anything has changed regarding repayment.

[04:42:10] You know, we now back to the issue at hand here, we have options. And, you know, let's say that we go forward and don't request additional funds, don't do any value engineering, then, you know, we may have to pay up to 4.6 million. But if we were to cancel, then, you know, I think we have to assume that we have to repay the \$3.7 million. And so I think that the obvious choice for me is let's go ahead and request the additional funding. We have the unanimous vote from RJAC,

[04:42:47] so I think that bodes pretty well for us. So I guess the question on the table is, is there agreement on the body to pursue these NVTAF funds? Because if there's not, I will show up on November 13th and I will explain that I will explain that we have a we have a project and we have an opportunity but the city council declined to pursue it um okay I have a

[04:43:25] request for a recess so we will recess for 10 minutes and we're back um I will now uh take a

[04:52:12] question from council member Hall thank you um Miss Sanford if I could just ask you a question about this uh memorandum of agreement so I'm happy to give you yeah I don't have it in front of me thanks yeah you did not oh great thank you thanks um just I'm just trying to hope you can explain this I am not at all legal so I'm just trying to understand it in my own words here but down to the bottom of page three it talks about any projects allocated funds from MBTA CTB either before commencement or during delivery the project at the cost of the project will or may exceed the allocation shown, which is where we are now.

[04:52:52] Both parties agree to cooperate in consultation in determining whether additional funds, funding, or sources of funding, as in concessionaire funds, are available, or reduce the scope of the project, which is another option there, or determine if the project has...

[04:53:09] Sorry, I'm at the bottom of page three and then the top of page four. Okay. Determine the project before its costs exceed the allocated amount. And then it says, notwithstanding the foregoing, parties agree that the extent there are sufficient funds to fund it, said funds will not be available unless and until CTV has taken action to allocate such additional funds. So again, I don't understand legal, I won't claim to, but the part in here about terminating the project before its costs exceed the allocated amount is the reason you're saying that doesn't apply here is because we're at 100% plans, but if we had been at this at 30% or 60%, we would have had a different

[04:53:48] possible outcome here? So I am not in a position to interpret this language. I would look to Mr. Lubcom in for this. I will tell you that, so separate from this, that VDOT's opinion about this is what they have said is you're at 100% plans. Had we had a conversation at 30%, at 60%, that this was a project that the jurisdiction didn't want to pursue, it might have been a different conversation at that point. But at this point, it's been through three, four city, different city councils that have unanimously been supportive of this project. And so here we are at

[04:54:24] 100% plans. It's a different situation than had we had this conversation with them much earlier in the planning. So again, that, I don't know if that directly relates to the language that you're getting to, but again, I've had multiple conversations with VDOT about this. They are, you know, because the plans are at 100%, because the funding is available, their opinion is that that this project should proceed okay Mr. Lupman anything else to offer from the legal perspective or legalese if we're talking my language would you like no okay um first I don't think it's

[04:55:02] necessarily appropriate to have a long discussion about legality so i've given you my legal interpretation at least once um i believe that language speaks to attempts to avoid having to incur additional costs above and beyond and trying to find creative or available fund sources to be have to do that it does not deal with an automatic wipeout of already existing obligations and i think vdot has been clear on that okay thank you for confirmation and clarification okay so i think

[04:55:36] the question on the table is do we move forward in requesting that nvta approve this request so that it can proceed to ctb or not i think i've heard from council member hardy chandler that she wants to explore all options and therefore she she is she is supportive of option two i believe i heard from council member amos that he is supportive of option two and the other but

[04:56:09] council member amos yeah just a quick i know that regardless which path we choose the appropriation decision will still have to come later in january anyway uh so this fortunately or unfortunately comes back to us again so uh but i do want to make sure that we have all options on the table which which is why i want to make sure that let's talk with NVTA and see if that money is even available, because if it's not, then we're having a completely different conversation.

[04:56:36] But I would like to pursue option two. Council Member Hall. I would like to proceed with all options and make sure that we have all of the information on all of the potential options to us.

[04:56:54] I know that's a loosey-goosey way of trying to move this forward tonight, but personally I don't support the project. I understand it's going to have to come through for appropriations later, I think that's, you know, obviously going to be a concern as well. But let's kick it down the road a little bit and get all the information that can be made available.

[04:57:13] Thank you. Thank you. Councilmember Peterson. Well, what is being asked of us? Are we being asked to direct the staff to go to NVTA and tell them that we want this money? No, I represent NVTA. There's a meeting on November 13th. If this council wants to pursue this, then it would be put on the agenda for the NVTA to consider it.

[04:57:37] and i would speak to that as the representative of the city to the nvta but are you asking us if we need to identify a preferred option now i think what we're getting at is do we want specifically to pursue number two which leaves options open as one of the four options all four options are on the table but if we're not going to ask nvta for the additional funds it reduces the things that on this list that we are going to have a conversation about we don't know until ctb approves

[04:58:16] it whether or not these funds are available to council member amos's point but but it's not going to go to ctb if it's not recommended by nvta and it's not going to be recommended by nvta if we don't ask so that's kind of where we are it doesn't take anything off the table as far as these four options are we advancing all four options i think all four options are on the table one way or the other, because if we don't get the money from VDOT, you know, we could

[04:58:52] value engineer the plans, but to Council Member Hardy Chandler's point, a six to eight month delay, even with value engineering, is probably going to put the price higher than that anyway. So when we're not going to fund it with, I don't believe there's any appetite for funding it from city funds, but canceling the project means we are going to owe money.

[04:59:12] So whether you vote on an appropriation for \$4.6 million from CTV, you will be voting on an appropriation to pay the money back. So whichever, you know, I don't do appropriations, but this body will

have to decide one way or another if you're going to appropriate money to complete the project or you're going to appropriate money to repay what we've spent.

[04:59:36] I think that's the bottom line. Well, and so should VDOT or NVTa or whomever we are, wherever we are on the chain, have an indication of what an appropriations decision might look like so they can factor that into their decision?

[04:59:55] I mean, if they approve \$4.6 million additional dollars, this body has to appropriate those funds to the project, is my understanding. So I'm not involved in that. That's the six of you. So there would have to be four votes to do that.

[05:00:13] And if there aren't four votes to do that, and the whole thing basically collapses in on itself, then there will have to be an appropriation when we learn what our obligation is to repay the funds to VDOT. And that money would have to be appropriated from the general fund. Is that correct, Mr. Martinez?

[05:00:31] Yes. I'll answer that. Yes. Yes. So one way or another, money will be appropriated either from money we are going to get from the CTB to complete it or appropriations from our general fund for any money any and all monies that vdot says that we owe and that would have to be four votes on this body to appropriate that so i can come back to you

[05:01:05] if you'd like a minute council member bates uh as i've always said definitely not in favor of canceling and uh um definitely uh at this point in favor of requesting additional concessionaire funding council member mcquillan i too want more information on all the options all of them so i haven't made my mind up about what i'm comfortable doing yet but i i do want more information so thank you so that's a yes on number two since that's part of the four okay so that it would

[05:01:43] seem like at this juncture oh count council member hardy chandler i'm sorry i was just going to flip the question that i am not in favor of removing option two so i think that's kind of the issue too that that option two just uh and people have put it in different ways to that making sure that that stays on the table as an option but it's a reverse way of kind of asking the question i'm not in favor of removal of that as an option okay so that brings it back to council member peterson

[05:02:17] Just to clarify, Council Member McQuinn, when you say you want more information about all options, is that the same as saying we want to approach NVTa to tell them that we want to pursue option two?

[05:02:37] No. For me, that's not what I want. I want to know all of the information that comes with either one of those decisions. i also have more questions about the value engineering but obviously we don't know what the next steps will be if we don't even have consent if we have if we don't get the concessionaire funding that makes it pretty obvious what our other options are so thank you and i think i have a similar view i think i'm not ready to commit to a preferred option so on november 13th i will say

[05:03:16] what at nvta council member bates again you know i definitely in favor of requesting additional funding counts mr. Foster so I would just again remind council that the current council action is to proceed with the project unless you take an affirmative action to change that that is the direction that this body has said

[05:03:52] that they wish to proceed so you that you indicate you would like additional information I don't if you I don't know what additional information we can provide you for option one it's spending our own money I don't know what other additional information you would require to for that and then option for we have repeatedly shared that we would be expected if you cancel the project you would be expected to repay again I don't know what additional information we can

[05:04:27] provide you on that option so option two we've discussed that's certainly been that's certainly the staff recommendation because that's in conformance with the current council directive which is to proceed with the construction of the project as far as the value engineering goes we can try I don't I don't if you could help us out with information we've explained you how the process works but I can tell you that if you want to do value engineering the bids will expire we will expect we will incur more costs because we will actually we'll have to

[05:05:02] modify the plans it will have to be approved by VDOT it will take at least least six to eight months we will have to rebid um and not knowing what the climate the bid climate will be in six to eight months or longer we don't know how those prices will be so um that's all that is all the information if there's something specific you would like for us to try and get for you it would be helpful to know what that is um because we otherwise we don't know what to get you

[05:05:37] But number three is the only one I can see perhaps there's more information we can try to get. But we've certainly outlined the process and certainly what the ramifications are, which are bids will expire. It's going to take a while.

[05:05:53] We're going to incur more costs. And those costs to value engineer are likely not going to be covered by the existing concessionaire funding. We would probably have to foot the bill ourself to do the value engineering.

[05:06:11] Council Member McClellan. So according to this, we have to make this decision tonight, and the timeline is what, for you to go to NVT?

[05:06:28] When is that? I'm sorry. November the 13th. We do have a work session on November 4th, which is before the 13th. Okay. So a decision doesn't actually have to be made tonight, or it does need to be to direct staff? Is that what we're... We can discuss... I'm just confused as to why we got presented all this information, and I'm not given any time to really digest it and think about it before providing a response as to what I want to do.

[05:06:52] I would like a little more time, but I recognize that others are ready to go. And if that's the deal, then I'm the odd man out, and that's fine. But that's why when I say more information, that's what I'm thinking. I'm trying to understand why I'm making a decision tonight based off of giving you direction to go get concessionaire funding if I'm not 100% sure that that's the direction I want to go yet.

[05:07:16] So there is some time then. Yeah, I'm sure we could revisit this on the 4th. I guess the question that the staff is asking is specifically what information are you looking for so that we can provide that prior to the 4th. Yes, I mean, exactly.

[05:07:34] You do have another meeting on the 4th, a work session. I will confirm with the city attorney we may have to change that to a special meeting if you have to take action. But regardless, you have a meeting next Tuesday. You can discuss this some more, and it is before the 13th as far as – that's the

timeframe for the one – that's what's driving this need for a decision is the tight timeline that the schedule – required schedule for both the fact that we only have a 90-day guarantee on the bid

[05:08:11] and then the process that it takes to go from RJEC, NVTa, and CTB. That's what's driving it. So if the council wants to change the direction, for example, and say we don't want to do the project anymore, then that's fine.

[05:08:28] You just need to decide. And then you know the implications of that. But you can certainly wait until next week. But if there's additional, I don't know what, again, We're just asking what specific additional information that would help you make that decision.

[05:08:47] And then we'll try to do our best to provide it. Sure. Yeah, I have an email of questions, a ton of questions. And once, now that I've received this presentation, some more information, I've listened to some back and forth, I'm going to go through those questions. I'll be happy to email those to you. Okay? That'd be great. Thank you so much.

[05:09:03] Appreciate that. Councilmember Peterson. well i i very much support that approach but i will say it is um coming up on halloween and it's sort of getting to the witching hour here it's after midnight and i think we were a bit concerned about the length of this meeting to begin with i'm not sure i'm comfortable pressing the issue here with coming up with answers at this hour of the night when this is something that we've received with pretty short notice and it's got a lot of complications associated with it so i would suggest that we follow the lead by doing follow-up questions here I think

[05:09:42] that's fine I think we can table that people can email their questions we can revisit this on the fourth and and and we'll there will be some sort of decision made on the fourth if there's nothing else I guess we will move on to the next item the last items of discussion on possible video testimony as an option for public hearing comment I will be leading the staff presentation So I'm going to move over.

[05:10:13] You see what I'm seeing?

[05:11:03] Okay. Just want to make sure it's showing on her end as well. So since it's after midnight, good morning, everybody. Happy Wednesday. So I will be discussing with you tonight the possibility of adding a video testimony option for public hearings.

[05:11:24] I'm joined tonight with David Welch, our cable executive producer, to help with answering any technical questions you may have. So just to begin, our office did a research on any nearby jurisdictions who offer video or virtual testimonies during their public comment or public hearing items, and we found that Fairfax County, Prince William County, and the City of Falls Church all offer one of those features.

[05:11:49] So I've reached out to the clerks to get more information on how they handle their videos or virtual testimonies, and then in the presentation, I will outline those processes, and then I go over what staff is recommending of how we would handle this so why is it not okay so current ways we do comment for public hearings uh the community can participate on public hearing items by any of the following ways they could speak before the city council in person emailing comments to

[05:12:24] public hearing at fairfaxva.gov or visiting the e-comment website so to begin with the three jurisdictions that are three other localities I looked at Fairfax County they do public hearing comments so the public can submit a YouTube video testimony for any public hearing along with the other options being a written testimony either by email or letter in person or by phone their request must be completed

on a form located on the county's website by 9 a.m the day prior to the meeting video submittals are reviewed by the clerk's office for time channel 16 for audio and

[05:13:01] technical specifications and by OPA which is the office of public affairs for content videos are played after the in-person speakers they said that there is an average amount of videos received in a calendar year would be a 30 but they definitely had an uptick during the budget season at one time they had 100 videos so depending on like what the item could be it could go up uh occasionally yep just like I said it just would go up depending on the issue Prince William County they do public comment and public hearing comments. The public can participate virtually through Zoom meeting for public comment and public hearings, along with written comment, email, or e-comment, or in person.

[05:13:42] Requests must be completed on a Microsoft form located on the county's website by 5 p.m. the day prior to their meeting. A confirmation email is sent to the requester with the Zoom meeting link, username, and password, along with a unique ID. The unique ID must be presented when signing into the Zoom to verify their participation. When it's time for someone to speak, a moderator moves them from the waiting room within the Zoom to the board meeting. The moderator then announces the speakers, unmutes them, and then the individual gives their allowed time to speak. The city clerk and deputy clerk run the Zoom meeting with one person running the timer in the background for the speaker to see

[05:14:19] the time. When the time hits zero, the Zoom team will mute the speaker and their image slash name will no longer appear in the chambers the number of speakers varies based on the public hearing topic there are times when there are none and there are times they might have two to five for issues of interest there could be 30 speakers who've signed up via zoom however some of those speakers do show up and they can only just end up with five speakers on the zoom and just as a reminder fairfax county their meeting starts at 9 a.m so it's during the day where there's a lot of staff that's can be you know helpful prince william county their meeting started two o'clock

[05:14:56] which there are still staff still there during the daytime in their work hours to help with any assistance and then the last locality i looked at was city of falls church they do public comments and public hearing comments the public can participate virtually through teams meeting for public comment and public hearings along with a written comment email or in person request must be completed via a form on the city's website by noon the day before the meeting the day of the meeting sorry uh clerk's office sends a link to the requester that the staff also use during the meeting. To avoid widespread sharing of the meeting link, the link is now generated or

[05:15:32] distributed until afternoon on the day of the meeting and is sent only to any council attending remotely, staff, consultants, and applicants as needed, and public speakers who signed up before noon. During the meeting, the clerk brings the speaker from the lobby into the meeting before it starts. The clerk announces to the virtual speaker's name and verbally lets them know that the timer lights yellow giving them a 30 second warning that their three minutes is up overall they do not receive many virtual speaking requests but will get proportionally more than where when there is an issue of interest but still not many and then their meetings are usually i think it's

[05:16:10] i think it's tuesdays at seven i can't recall if they're tuesday or monday okay for staff recommendation so we're recommending just public hearing items the public can upload a video file to be played for their testimony we worked with it creating an open form link for someone to click off the city's web page under the comment at a public hearing where they can complete a registration form and upload

their video so i just did a line where we would add that feature in there staff is asking for speakers to submit their video testimony by noon the day prior to

[05:16:47] the public hearing this this will allow our office the clerk's office to review and cable production to make sure there is no audio and technical issues with the video they can adjust the audio just to make sure it plays loud enough for everybody to hear. And the video testimonies will be played after the in-person speakers speak that night of the public hearing. And just real quick, so hang in there, Council Member Hardy Chandler. I'm going to toggle through from a different page. So I'm going to show you just real quick, just the form, just to kind of walk you through it of what somebody would be filling out. Is it showing up? Okay. So if somebody's going to

[05:17:25] register to speak they would fill in the the date of the public hearing the agenda item that they would be speaking on we ask for their information their name email we have a select down for individual organization and if you select organization you could fill in the organizational name address and then telephone number and that's for us for our office in case we need to reach out if we're having issues with the video we also have that you know the video submission that members of public can submit recorded video testimony for any public hearing but comments must be limited to the issues directly to that hearing item and if you're registering please note that you know requests

[05:18:04] must be fully completed by noon the day prior to the public hearing comments must be limited to the you know the public hearing item you're allowed three minutes to speak with you stating your name street address and testimony within the time frame and in the different files for the video upload that we will accept and then an acknowledgement that they understand that their public comment will be three minutes and that also with them completing the form and with the video playing in the meeting that is considered a meeting record so if there was a foyer request for this meeting we would have to provide them the forms of the registration of the speakers

[05:18:39] and then they would have the meeting of the video to see their testimony then they just have to check the box oh sorry and then the third one is just that they also are aware that they can email their comments as well to the public hearing check the box that they acknowledge that all three and then all videos would go through approval that we will notify the speaker if there's any concerns with their video submission and then to testify by video you must sign up to speak and submit your video by noon day prior and then we had worked with it to up the file size because we found when we were testing it like if we had like a 40 second video the file size might have been like bigger

[05:19:16] than what is you know allowed so we had to up it up so somebody if they wanted to submit a three minute video and it's depending on the file size it should work so let me just go back now to the powerpoint okay and then i'm almost done all right so why we are suggesting video testimony versus virtual greater scheduling flexibility useful for people with work conflicts or caregiving duties avoids the need to sit through long queues of speakers during live sessions reduces technical

[05:19:55] issues during meetings so no risk of connectivity problems poor audio or unexpected software issues helps avoid last minute tech troubleshooting or delays during live meetings reduces risk of meeting broadcast failure allows more thoughtful prepared statements people can rehearse or rerecord until their message is clear and confident it reduces the anxiety or mistakes caused by being on the spot in a live setting and equity and inclusion for residents without strong internet connection or those are

uncomfortable speaking live can still participate that concludes my presentation and we are open for any comments or questions councilmember hall

[05:20:34] i just want to say thank you i know that i had strongly pushed for this for a number of months so i really appreciate you getting it and getting all the information i'm totally on board with this i completely support the video testimony versus the virtual after sitting through the fairfax county school board stuff for virtual it's a pain in the butt um one thing i would suggest that we ad assuming that others are okay with it is just remind people that even if they send a four minute video it's going to get cut off at three minutes regardless and I did have one question though if they for if I know they're giving their address but if they forget to give their to state their address when they're speaking is that a problem can you just then show where it's coming from

[05:21:14] so the answer to answer that yeah we'll have the record so like there's some people who have signed up to speak in public you know in person and they come up and don't give their address right we still have that information to put into the meeting record okay just want to make sure they weren't going to not yeah it would be just more or less for us for our like minutes and stuff okay perfect so they can still speak even if they didn't give their address in there or they forgot it's not yeah and then for your first um comment for like if it's four minutes five minutes so like you know we'll reach out to them and let them know like hey you know it could be cut off at three minutes you know at the discretion of the mayor she may you know ask us to move on to the next video and then especially if we get somebody who sent us some 10 minute rant we're gonna come

[05:21:53] back and let them know like can you shorten this you know so that way we can you know we don't want to deny everybody but we want to like help like you know get it through you know first amendment rights can't really block everybody from well agreed and and that was actually one of my questions too is if someone says drops an f-bomb or something like that are you just going to be able to bleep that out when it goes to play or is that considered freedom of speech and they get to i mean it'd be like if an in-person somebody here started going for it you'd have to like immediately stop them yeah you know i mean i don't think there's any way during a pre-recording

[05:22:27] we'd have the ability to watch the videos in the back and if somebody dropped an f-bomb we would bleep the f-bomb or edit that part out oh yeah not edit the part out so we could bleep it to be determined but it gives us the ability to work with the material that people submit to us yeah at least if he can review it too he will know ahead of time where to like you know unmute mute the broadcast I guess you could say we'll let the attorney handle that one I guess yeah thank you I look forward to hours of watching video councilmember Amos well I guess briefly just on that point it you know support the video over

[05:23:07] virtual and if we do do that for anyone who watches at any point sometimes we have kids in here please don't don't do that just cuss me out in public and said it's cool I shop at Safeway the only question I had regarding I really like the form set up i think that's great and the the mp4 the accessibility i know that the county typically they have them upload to youtube first and then do it that way was that a security reason or i think so but with our form we do scan the video for viruses oh perfect yeah i mean you could do youtube but then you're asking somebody to create an account and then you have to make sure

[05:23:47] like you know there's no previews it's going to show up right afterwards like it's we would have to have like the whatever like i'm not going to pretend that everyone knows how to upload a youtube video

yeah i just yeah we were trying to test that out and i was having a hard time so yeah dacy hardy council member hardy chandler then council member mcquillen so i also appreciate the work that went into this and having done zoom testimony i really like the video option And I was I'm always into prevention rather than having to do it on the back end.

[05:24:26] So I like that the form is brief and gives people notice about FOIA and those sorts of things. But I'm wondering if it could also add just like, you know, three to five video recording tips, you know, like, you know, please, you know, you have some of that stuff about the language and that sort of thing.

[05:24:49] And it can be done, I think, in a nice way that, you know, we really want to hear from them and we really want to not be distracted. You know, I'm just using the example of foul language, but we really want to hear the message they're trying to communicate. But I'm so I'm wondering if there could just be, you know, three to five video making tips for people to think of, you know, ahead of time.

[05:25:13] if they you know maybe they need to watch their video before submitting it to make sure that it communicates the message that they want just a couple of things that might help them make it more efficient and save you all some work on the back end sure if the council would like that we can add that to the form so that way it just helps you know somebody who is recording like you know maybe not be too close to the camera and all those different things you know yeah i think over communicating is a good idea especially if people don't normally do this i think the more you they may not avail themselves of it but the more tips you can give them the better the happier i

[05:25:49] think they're going to be with the outcome when they see it council member mcquillen so i too want to say thank you for all of your work on this and thank you to council member hall for bringing this to staff's attention to have this done how quickly once we have agreement up here as to what we want to see how quickly can we get this up and running we can have this ready for november 18th because i think we have three right now uh public hearing items at night one being a land use it's a special use permit but yeah so we can use it that night excellent yeah it's ready

[05:26:24] they've been bugging me asking me can we make this live and i was like hold on so just to clarify this is for public hearings not correct comment correct yeah and we we suggest that just because the length because we'll just say like an example when we get to budget season let's just say there is somebody who lives in colorado but they own a house here and they pay taxes here and they want to submit you know you're going to get videos from all over the place so we want to try to keep it it's like the length of the meeting not so long right okay okay council member peterson maybe just

[05:27:01] clarify ken why we would not want to do public comment for general right because the length of the meeting as you saw tonight we had 16 people speak so if we open that door and then you know for example the change.org petition that was for the george nyer trail it had people all over different states they get with they're going to send a video we could be here for three hours

[05:27:27] do we limit comments to people who live in the city that would be up to your discretion if you want to add that i believe right we do not um there are under virginia law you're not required to have public comment except in certain limited circumstances um i think what's being proposed

[05:28:00] is a reasonable balance between wanting people to be able to testify as to public hearing items and just on any topic that they may want to shoot a video about and so i think it's a little bit of And we talked about this as a little bit of a slippery slope to just essentially open up the ability for individuals to

submit video testimony at a city council meeting on any topic of interest, whether or not it's on the agenda or not.

[05:28:27] And that's the reason for the limitation on public hearing. So good to know. It sounds like we're sort of at a point where we feel like we have an option that's manageable that we can give a try with.

[05:28:45] Yes. And let's just do that and see how it goes, and we can take it from there. And another option as it moves forward is if you find that you're getting, you know, 20, 30, you can also say, you know, the first five that were submitted will be played at the meeting. The rest will become part of the public record, but they won't be played at the meeting.

[05:29:02] There are many ways to deal with this. And we can share that, too, because I know we have a Mayor and Council SharePoint that we've used for documents to share with everybody, so we can upload those videos. If we did something like that, we can upload that so that way you are still able to view it. Councilmember Hardy-Chandler?

[05:29:23] Just a final comment. I think that it would be, based on the last few statements, it would be helpful to kind of warn people that this is like a pilot phase. I just think there are things that are going to happen, right?

[05:29:40] So I think if people are warned a little bit ahead of time that we're going to give this, like, a one-month period to assess what's working and what's not working and how we can enhance this experience and make adjustments then.

[05:29:55] But I think it's really good to consider it a pilot and to be kind of transparent about that so people aren't frustrated as certain things pop up. And plus, that would give us good data for decision-making about how we evolve the program anyway.

[05:30:12] We can definitely do that. We can work with communications on getting that message out. And then also we do the gov delivery for the reporter for the city council and for the agenda when it's posted. So we can even put a little plug in there as well that, you know, this option is now available to try. I think it's good to indicate that it's evolving.

[05:30:33] So people's expectations are not that we said we were going to do it a certain kind of way. and then we changed our minds so that we're gonna evolve any other comments any other comments okay I just want to say to many thanks to councilmember Hall because this is something you said from the beginning and it aligns with the fact that you have always spoken about being more inclusive more inclusive about people being able to testify and present their opinions but also to on language which we still struggle with is being inclusive when people don't speak

[05:31:09] english as their first language so this this is a huge leap forward and um i think everyone should be congratulated that it was prioritized it was addressed it was done and we're going to do it and so looking forward to the november 18th meeting and maybe we'll get somebody to test it out we can certainly put the word out to let them know that it's available all right um uh the item 12 f was there agreement are we going to do that for the fourth okay 18 18 okay 12 f uh just so

[05:31:46] everybody who's following at home who saw this on the agenda the discussion regarding revised city council rules of procedure will be moved to the 18th okay i will now reconvene the regular meeting um kick it over to mr foster about future meeting topics uh okay so um that was going to be my

first question was where were we moving the rules of procedure but you've answered that so that's now going to be uh on the 18th so as of now you have met your next week's work session

[05:32:19] you have three items uh the which we we talked about last time this affordable housing strategic plan legit the legislative program and the q zero fair evaluation so we will have a fourth item now which is the george snyder trail because you want to have follow-up discussion next week so we will add that to the agenda again november 8th is your budget retreat more information will be forthcoming

[05:32:58] from uh the cfo uh and and there will be an agenda posted um but and it will list sort of the topics of discussion and we will send that out to you ahead of time it's just not listed on here as far but it's all it's 100 focused on budget and and preparing it's basically this is the kickoff for the fy 27 budget preparation and so there'll be more information forthcoming um and you will see that agenda ahead of time like like we have started doing and then on the 18th

[05:33:35] you see the items as the clerk mentioned you have three public hearings one of which will be on the or on the legislative program yeah so I'll make sure if one of us on the legislative program which is one of the items you're talking about at your work session next week and so happy to answer and then of course you see the the other ones uh which you know for that are further down the road happy to answer any questions if you have any uh and if there's any other items that you wish to be added

[05:34:12] to the futures list comments uh suggestions on futures list additions council member hall so i know this is not necessarily a popular comment but i would still like to have some sort of open conversation with the people at the OXIL to talk about their various projects. I understand they might not have submitted everything they need to, and I would like then to see if staff can meet with them to make sure that they have everything that they need to in order to then make that next

[05:34:46] step happen. I think we are missing out on an opportunity by not understanding and exploring some of the options that have been proposed. So, and I will say I've been asking for this since january i recognize that that's not staff's fault why it not has not happened um you know it's a combination of a lot of different things but i think we take a lot of time to explore other opportunities in the city and we need to be exploring this thank you um okay i i think from

[05:35:19] the communications that i saw we were waiting for something from ox hill so you know one of the things about having some open discussion without an agenda or a specific thing around which we are expected to discuss options it just it's vague and so yes i agree that that's why i was hopeful that based upon the emails that had gone out that staff could communicate with uh auxil to make sure that they've submitted the things that we've said are needed in order to proceed with the conversation

[05:35:56] we we have not but if uh you know waiting on council um if council wishes for us to do that which is what was the communication i sent you was asking if you want us to communicate that there's not enough information we we feel there's not enough information for you to have a conversation specifically about any type of city participation so if it was just what we would call your typical pre-development meeting there wouldn't necessarily be a need for all that information because you're just dealing with the project and what the buildings look like and all those things that's not what their letter that they sent you they

[05:36:34] specifically said we want we want the city to have a significant financial participation on an annual basis but they didn't know what no clarity on what that was about and no background to support

that to have any kind of substantive conversation so we can certainly ask them to provide that in order for you to have such a such a conversation if you'd like I'm happy to happy to do so i would love that if the rest of council or the majority council is willing to do that council member amos i was going to say i'm a fan of putting the ball in their court

[05:37:07] so let's do that uh consensus everybody on on that same page all right we'll send we'll send that and we'll send the word to them um this week um and uh uh follow up and and see what uh information we receive back thank you certainly okay uh anything else additions council member peterson

[05:37:29] Let's see. I think that, I don't want to get too far ahead of ourselves, but we agreed this evening that in February, and I'm thinking it's the February 3rd work session or somewhere around, sometime around then, we would talk further about the three gun motions.

[05:37:51] Sure. We can add that. Well, I mean, yeah, we can add that to the list. That's not a problem. Sure. That'd be great. Then... Oh, and excuse me, we need to get your motion, what you read, if you'd leave that.

[05:38:08] You got it? Okay, sorry, just make sure. Yep, okay. Thanks. Also on February 3, the joint discussion with the Environmental Sustainability Committee, I think I am in favor of that being expanded so we would get a staff report from the sustainability program on the projects, on projects that they're involved in.

[05:38:26] There are some things that once upon a time, I think we were anticipating discussing this fall, the green buildings policy. There are some other things, and it would be good to kind of get that back on the agenda. And it strikes me that getting a staff report so we can review that set of things would be real helpful.

[05:38:49] So, again, to broaden this so it's not just the Sustainability Committee but the Sustainability Program. Okay. Anything else on future agendas? there's always an opportunity to add more later okay all right I guess that leaves us with the manager report out and council comments so mr. Foster two things the first item I just was gonna ask miss it to follow up on some

[05:39:24] information from fall festival so we just we had our wrap-up meeting today on the fall festival with all of the staff and I just thought this was some good information to share with you our software has shown us that we had thirty thousand seven hundred plus people in attendance that is that information comes from cell phone pinging so that doesn't take into account children and anybody else that's not carrying a cell phone we had one thousand four hundred

[05:39:57] and twenty nine people use the shuttle 582 came from the high school 847 came from george mason university we had 340 vendors and 28 food trucks and if i calculated all of my iap sheets correctly we had 168 staff that day that were working and just for your information they begin their briefings at 4 30 in the morning and do not conclude until the streets are cleared and opened at 7 30 p.m so it is a long day for everybody pretty much every department is

[05:40:37] represented on the day of on the street it's code administration communications queue emergency management fire ems parks events parks crew police public works and risk management and then that doesn't include the behind the scenes that come from hr it and finance and then the other departments that also participated as vendors in the city tent so it is an all hands on deck event um and i think 30,000 plus people is pretty impressive um and not any major incidents

[05:41:16] so council member peters do we have a best guess of the percent who are residents versus visitors Not from this information, we don't.

[05:41:35] Councilmember Hall? Thank you. That's fantastic. I heard that it was, they thought, the biggest in years past. Do you know how that compares to previous years? I think just anecdotally from the Parks Department, there was a year when we had upwards of 40,000 people.

[05:41:58] So this is up there. It's pretty popular. Mr. Foster? The other thing is, as you know, this is my last meeting, and I was going to have, like, this 20-minute soliloquy, but, you know, given the late hour, I certainly won't try to do that.

[05:42:20] Let me just say that I have very much enjoyed my time serving as city manager since January. The staff here, and you've heard me say this on more than one occasion, the staff here is excellent.

[05:42:36] And I think the city is very fortunate to have the quality and the caliber of the staff that you do have. And I have every confidence that even though I'll no longer be here, that they will carry on the very good work that has been taking place.

[05:42:57] I'll probably send a note out before I leave on Friday. But just if you thinking through all of the things that we've accomplished over this past year, through a variety of whether it's, you know, getting national accreditation for fire and for emergency management and all of the different programs that we've done, you know, creating a budget open house from scratch, all just you name it, we've done it.

[05:43:25] And I think that the community survey that we just got, I know the mayor's mentioned that a couple of times in public settings, just shows you that this community really values all the services and all the things that are provided by the city.

[05:43:45] And that's certainly in large part to the staff who are the ones who have to execute and actually deliver those services. So it's been a real pleasure and joy to work beside all of them I feel that I've contributed at least a little bit to that but really the lion's share of the credit goes to them for what they do each and every day and so I wish you all well I'm still here through Friday but it's been it's been a real pleasure

[05:44:16] Councilmember Hardy Chandler closing thoughts I am so glad to be following those comments because Brian, I have deeply appreciated your service to our city, your integrity, your respect for our staff.

[05:44:38] You know, being a city manager is certainly challenging. I only have a glimpse of what your responsibilities have been, not only externally to the community, but internally. I've really appreciated your ability to hit the ground running.

[05:44:54] You have way more municipal experience than all of us put together, and we benefited from that vast experience in a very transitional time for us. And I know the staff holds you in very high regard. On a very personal note, your one-on-one meetings monthly, the ability to simply sit down, ask questions, get clarification, and certainly just get to know you as a person have been extremely meaningful.

[05:45:23] If I've had to change that, I've definitely rescheduled it so that I could have those meetings because it was just so helpful on a human level. There's certainly work that we have to do, but those kinds of exchanges mean so much. And I hope we all commit to continuing that moving forward.

[05:45:43] You are a very kind person. And while I will miss your contributions to the city, more than that, I will miss the cookies you baked. Those were delicious. And I don't think they can be easily replaced, and

you can't be easily replaced either.

[05:46:01] But I just really appreciated the time that you gave our city. And there are just so many things behind the scenes that everyone who's affiliated with the city benefited from. So I just really thank you. I just thank you and appreciate you.

[05:46:18] And I hope that what happens after your time with Fairfax is very meaningful and fulfilling for you. Thank you. Council Member McQuillan. Thank you. Earlier this evening, we recognized November as National Family Caregivers Month.

[05:46:39] And I want to take a moment to express my deep gratitude to the caregivers in our community. As a mother, I know firsthand the love, patience, and sacrifice it takes to care for someone every single day. often without recognition. You are truly the heart of so many families here in Fairfax City.

[05:46:56] I also want to acknowledge Mr. Edwin Gonzalez for his remarkable 32 years of service here in the city of Fairfax. Your dedication and hard work have made a lasting difference and we are so grateful for all you've contributed to our city. Big congratulations to the Civic Connections graduates. You've officially survived seven weeks of government deep dives and budget breakdowns and more acronyms than the DMV handbook.

[05:47:22] Thank you for your dedication and curiosity. By participating, you've gained valuable insights and taken an active role in shaping the future of our community. I also wanna take a moment to recognize our city manager, Mr. Foster. As your time here comes to a close, I wanna thank you for guiding the city through a challenging budget season, for helping bring on our new chief of police and our HR director.

[05:47:47] Your steady leadership during this transition has been very much appreciated and we wish you the best as you return to retirement finally as halloween approaches this friday i want to remind everyone to please drive carefully through our neighborhoods children and families will be out enjoying the evening and a few extra seconds of caution can make a huge difference please let's help ensure that everyone has a fun and safe memorable memorable halloween thank you councilmember bates i just want to thank uh mr foster

[05:48:22] for your service and uh as councilmember hardy chandler said your integrity and kindness those are um at a premium these days and uh um yeah you know hope to uh keep in touch hope to um uh you know and i know that you've left a big impression on staff um and on the community you know we've heard a lot of great things and uh um and uh yeah thank you for for going above and beyond councilmember peterson i would like to request that my statement be placed on the record

[05:49:01] do i need to do anything else nope we have your statement from the chapter 54 amendment so thank you very much put that as your council comments yeah and then i uh want to thank the mayor for representing the city we're in the middle of kind of a lot of transitional things here but on nutritional programs which you're welcome to say more about if you'd like golly gee there isn't

[05:49:36] it isn't possible to do as much as we need to here so i appreciate what you're doing on our behalf to try to keep that flow of nutrition going for people in this state in this city this is a very very difficult and important time and then i have to tell my favorite brian foster story so i have you know have a watch right apple watch i have like a bedtime reminder on it right and because we tend to work after bedtime here there's been any number of times we're sitting here at that

[05:50:10] magic hour and my bedtime reminder goes off and brian just kind of looks at me right so that has been a shared moment that's been repetitive because we weren't kind of late here so every time i hear it go off you know they go you know reminds me of being at a city council meeting great thank you council member hall thank you um i do want to start by saying thank you to mr foster for very interesting uh ten and a half months here or nine and a half months whatever the math works out to be um you've got a bunch of fresh new faces here that all came in trying to change the world

[05:50:50] or the city and quickly helped us understand what we can and can't do, despite us still trying to continue to do some of the things that we probably still can't do. I know it wasn't easy. I know there were so many challenges that came our city's way, your way, our way. And I, you were respectful and pleasant to work with. And I mean, pleasant in all the best ways, not in a, I can't think of another word but um you you put it out there like it is and you know your stuff and i think you have

[05:51:26] been very eye-opening for many of us here and i i've certainly learned a lot from you over these past months um and it's it's it's been nice um and i certainly will miss your cookies i was kind of hoping there was going to be some tonight i will say but that's okay maybe it's a halloween treat still coming i don't know um but i i do just want to thank you and i hope that you truly enjoy your retirement. It is certainly well-deserved, well-earned, and I know our staff has really enjoyed working with you. And I do want to thank you again for coming on at a very tough time and really giving us your best. And I will say that you leave us in very capable hands with your two

[05:52:04] hires that you made. Those are, at this point, totally top-notch. And we will continue, hopefully, to thank you for years to come with those two specifically. On a personal-ish note, Thank you to the staff that was able to make the trash and recycling carts happen, to have different sizes, to have all the rollouts, literally, of the options to see them.

[05:52:27] I know it means a lot to the communities that were struggling with them. Thank you to all the staff that did the budget open house. I wish we had had more turnout, I'll be totally honest, but people that are watching still at this time know you will have another opportunity to at least engage in the budget multiple times.

[05:52:44] I did want to give a huge congratulations to the Fairfax High School field hockey team on their win against Woodson. They went into a shootout after a double overtime. They won their regional semifinals game four to two, and they are now headed to the regional finals against Annandale on Thursday.

[05:53:03] So go Lions. Finally, I can't take credit for the request for the video testimony. I wanted to make sure that it goes where it's due, which was Sabrina DeWald who asked me for it, and I passed along the request.

[05:53:18] So thank you very much. And I do just finally want to acknowledge our continued-to-be-furloughed and out-of-work residents, both here in the city and the county and in the surrounding areas. I know it's a really, really tough time, and I wish that there was something I personally could do to help you.

[05:53:34] I'm not great at making dinner, but if you need dinner, I'm happy to bring it over or come to join my house. I know it's, you know, we joke and we try to just keep people's spirits up, but it's a lot that everyone's going through right now. So thank you for what you're doing, and, you know, we're here, and we support you.

[05:53:52] Councilmember Amos? I think I'll join Councilmember Peterson in sharing one of my favorite Brian Foster stories, which was seeing this man in an Aloha shirt after he got back from his Hawaii trip. That's probably the happiest I've seen you since you've been here, man. Seemed like a good trip.

[05:54:09] Brian, it's indescribable, the gratitude that I have for your leadership and your guidance over the past, well, I guess I'll go ten and a half months, too. Appreciate everything that you've shared with us, the information, your willingness to meet, your professionalism, providing that stability that staff really, really needed as we go through this transitional time, and honestly, us as well.

[05:54:40] I do hope that in your future you open up a cookie shop, because I'd be happy to attend, and I think we have space in the city for you. You have a well-deserved vacation coming up, so I hope that, wish you many blessings on that.

[05:54:56] I echo the sentiments of Council Member Hall with your hiring process. You've added to this team, and you've added folks with impeccable character, and we can feel it. The community feels it, and we are extremely grateful to you for that.

[05:55:13] I'll close by just saying I have never been an elected official before. And so this process, getting to know these folks here, getting to know staff, and then getting to know you especially, I feel like has made me a better leader.

[05:55:31] And I will always appreciate everything that you shared with me, your guidance, and just know that I'll always remember you. So I appreciate that. And just to close on a personal note, happy Halloween. Be safe and be ready for the return of the great Mariah Carey.

[05:55:52] May I ask just one quick follow-up question to Mr. Foster? What exactly do you plan to dress up as on Halloween? I understand that there is a contest here. There is a contest, and I would say I plan on winning the contest, but no.

[05:56:15] I can't share because you'll just have to come by on Friday. um and and see and see for yourself it's that's when do they announce the winners i don't i don't know yeah yeah so you'll you'll have to you i invite anybody to come uh we're we're doing trick-or-treat for the kids in the afternoon um from one to four um so you know stop on by and you you can see me uh all dressed up i will not be i will just tell you i will not be in a professional attire with a tie and a jacket i'll be wearing something um slightly more casual will

[05:56:52] it be hard to recognize you it might be i will see i yeah i i'm you know we'll you'll find out but please come by hard to top that okay um following up on what council member peterson said the governor held a news conference today at 12 15 to talk about snap benefits which are going to run out on october 31st and virginia is one of a handful of states i think three or maybe four states that is going to um pay out the snap benefits through the month of november but

[05:57:31] obviously it's it's not an easy thing to do it's a federal program so his announcement was is that ebt payments that people are expecting on saturday november 1st are not going to happen on saturday november 1st he's saying they will happen on november 3rd i hope that's true but But the state is taking over a federal program.

[05:57:52] So I think the best thing that we can do is try to help people understand who rely on EBT cards. If they're going grocery shopping on Saturday, they probably don't have any money on the card. And so I'm

not sure that people who rely on that are plugged into this discussion or information.

[05:58:12] So there might really be some very emergency situations over the weekend. There are food pantries that are doing their best. Local jurisdictions have allocated money directly to food banks.

[05:58:28] Loudoun County gave \$5 million to the Loudoun Community Foundation to distribute to food banks. Fairfax County has \$2.5 million in carryover money that they are applying to specifically food assistance. But one of the things on the call that I had today that was organized by the Northern Virginia Regional Commission is that for every one family a food bank serves, SNAP serves eight. Eight. There's 850,000 Virginians who rely on SNAP benefits, and they will not have them on Saturday. So I know everybody in the

[05:59:06] community, food banks, faith, you know, communities, all kinds of people trying to figure out the biggest thing is how to get people the assistance they need. Falls Church City, I think it was wall street city no arlington arlington said that during covid they had grocery gift cards that were loaded and they distributed grocery gift cards to people on an you know on an as-needed basis i just think information is the biggest hurdle that people who rely on this are not tuned into this and may not understand what is happening or how to access services if they are food insecure and

[05:59:42] they need resources so all of us in the community us here on the diet you know bright paths is right here just outside the city on wable that they have an emergency food pantry the salvation army which is on 123 are probably the two closest food for others the capital area food bank there's actually a map out there um that show all the food banks in the northern virginia area yes council member amos just to quickly i guess as a follow-up to that the the email provider earlier that had some resources in it i think that would be helpful to maybe share with especially with the apartment complexes i know like for example layton if they have spanish resources i'm not entirely certain

[06:00:22] but that'd be also helpful i i imagine that there's plenty of people in my apartment complex and others in the city that if we could disseminate that information to the property managers to share that might be helpful that's a great idea the other thing is probably directly with grocery stores too i mean i think i think people are going to show up to their grocery stores thinking their card has money on it and it doesn't so information that the grocery stores can say there is there we know what the we know what the problem is and maybe refer people with no money and no cards to a food pantry or or resources i mean it's real i mean there's a lot of things you can do without

[06:00:58] food isn't one of them and and i hope the governor's right and i'm monday magically this this money's going to show up but this is not something they've ever done before so we just all need to be prepared and do what we can i mean what we can do is what we can do but just to be aware of the problem and to make sure that people in our community understand what's happened.

[06:01:22] And so on that happy note, actually, I mean, this is municipal government, right? This is local government. I mean, we are the front line. We're a small city. People know who we are. They see us in the safe way. They see us on the street. They know who we are. And local government is, when there is an emergency, they look to us to help them in some way. I want to add my thanks to Mr.

[06:01:46] Foster for having come at a time when we we needed some guidance and leadership you have been a great leader you are a credit to your profession it is difficult to be a city manager really difficult to be a city manager and you have done it with the greatest integrity and kindness which has been

mentioned here before and I just want to say I will miss you I just will absolutely miss you and I hope you don't disappear forever because you know where we are and you're and you're You're always welcome.

[06:02:18] So with that, I am now going to adjourn this meeting at 1 p.m.



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