



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**TUESDAY  
May 7, 2024**

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**12-24**

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**JR:jr**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, May 7, 2024, at 9:35 a.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter Alcorn, Hunter Mill District
- Supervisor James N. Bierman, Jr., Dranesville District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Andres F. Jimenez, Mason District
- Supervisor Rodney Lusk, Franconia District
- Supervisor Dalia Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James Walkinshaw, Braddock District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Jacqueline Rich, Management Analyst; Ekua Brew-Ewool, Deputy Clerk, and Danya Alattar, Administrative Assistant, Department of Clerk Services.

**BOARD MATTERS**1. **MOMENT OF SILENCE** (9:35 a.m.)

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

- Donald Craig, who died recently. He was a Springfield District resident who for decades was a member of the Orange County National Association for the Advancement of Colored People (NAACP) in California, before relocating to Virginia to be closer to his grown children. He was active in the community, joining the Fairfax County NAACP Advisory Board, as well as the Board of Directors of Faith Alignment for Climate Solutions, and the Communities of Trust, working closely with the Fairfax County Police Department
- Dee Bodkin, who died recently. She was a Mount Vernon District resident; worked at Straight from the Crate pastry shop and for many years at the Variety Store; loved to dance, had a wonderful singing voice, and was known for friendly greetings, warm hugs, and a big smile

2. **NATIONAL FENTANYL AWARENESS DAY** (9:38 a.m.)

Chairman McKay announced that today is National Fentanyl Awareness Day across the country. In recognition of this day, to raise awareness about the dangers of illicit fentanyl, the Fairfax County Prevention Coalition is present at the Board Auditorium to answer questions and share substance use prevention services and resources that are available throughout the County and schools. He invited everyone to stop by and visit with them to pick up information on things that can be done in the community including how to detect misuse, and also recognize, act, and intervene in the reversing of an overdose.

Chairman McKay thanked the Fairfax County Prevention Coalition, led by the Community Services Board as part of the County's Opioid Response Team. The Coalition is a partnership of parents, youth, schools, health care providers, government agencies, law enforcement, faith-based organizations, media, non-profits, businesses, policy makers and volunteers, working together to combat substance misuse in the community. Additional information and resources are available online at [www.fairfaxpreventioncoalition.com](http://www.fairfaxpreventioncoalition.com).

**AGENDA ITEMS****3. RESOLUTIONS OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY PUBLIC SCHOOLS 2023-24 WINTER SPORTS TEAMS AND INDIVIDUAL CHAMPIONS (9:40 a.m.)**

Supervisor Alcorn moved approval of the Resolution of Recognition presented to members of the South Lakes High School Girls Indoor Track and Field Team, and Coach Scott Raczko, for winning the Virginia Class 6 Championship, the team's first in 36 years. Chairman McKay seconded the motion and it carried by unanimous vote.

Supervisor Alcorn moved approval of the Resolution of Recognition presented to members of the South Lakes High School Boys Basketball Team, and Coach Mike Desmond, for winning the Virginia High School Class 6 State Championship, for the first time in its 46-year history. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Walkinshaw moved approval of the Resolution of Recognition presented to members of the Lake Braddock Secondary School Gymnastics Team, and Coach Mike Cooper, for winning its third straight Virginia High School Championship. The motion was multiply seconded and carried by unanimous vote.

Supervisor Bierman moved approval of the Resolution of Recognition presented to members of the Langley High School Boys Swim and Dive Team, and Coach Meghan Overend, for winning the Virginia High School League Class 6 State Championship for the second year in a row. Chairman McKay seconded the motion and it carried by unanimous vote.

Jointly with Supervisor Bierman, Supervisor Herrity moved approval of the Resolution of Recognition presented to members of the Langley High School Ice Hockey Team, and Coach Patrick Keough for winning its third consecutive Northern Virginia Scholastic High School League Championship. Chairman McKay and Supervisor Bierman jointly seconded the motion and it carried by unanimous vote.

Certificates of Recognition were presented to the following who won individual championships:

**Wrestling**

- Robinson Secondary School – Caden Smith and Tristan Corbin
- Marshall High School – Soren Pirhoun
- Lake Braddock Secondary School – Lucas Matheny
- Fairfax High School – Kross Cassidy

- Chantilly High School – Carter Shin and Ezekiel Keel
- Hayfield Secondary School – Ethan Osburn

#### Indoor Track and Field

- South Lakes High School – Miles Jackson, Finn Middleton, Joe Redican, Marcus Coker, Aya Ryan, Bella Harsanyi, Caroline Elliot, and Catalina Simon
- Westfield High School – Joanna Stuard
- West Springfield High School – Sierra Sommers and Paris Johnson
- Lake Braddock Secondary School – Kai Bolme
- Woodson High School – Justin Anderson
- Hayfield Secondary School – James Long

#### Swim and Dive

- Fairfax High School – Sadie Buckley, Angelina Sagaow, Ava Rice, and Sophia Scadron
- Justice High School – Emma Redman, Annika Wentland, Claire Coughlin, and Reagan Kampschor
- McLean High School – Danielle Hughes, Catherine Hughes, Eleanor Murphy, and Anna Falzoni
- Robinson Secondary School – JT Schmid, Liam Hickey, Nicholas Burns, and Jack Fullem
- Lake Braddock Secondary School – Ben Tuininga, Charlie St. Louis, Josh Howat, and Josh Donovan
- Chantilly High School – Carly Lahr
- Herndon High School – Rian Graham
- Madison High School – Marleigh DaSilva
- Woodson High School – Nathaniel Grannis

**EBE:ebe**

4. **BOARD ADOPTION OF THE FISCAL YEAR (FY) 2025 BUDGT PLAN**  
(10:29 a.m.)

(ARs) (Rs)  
(FPR)

Chairman McKay relinquished the Chair to Vice-Chairman Smith and moved that the Board set the Real Property Tax Rate at a \$1.125 per \$100 of assessed value. As a result of this action, the Real Property Tax rate for calendar year 2024 will be increased by \$0.03 cents from the present rate of \$1.095 per \$100 of assessed value. Vice-Chairman Smith seconded the motion, and it carried by a vote of nine, Supervisor Alcorn, Supervisor Bierman, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Herrity voting "NAY."

Having established the real property tax rate at \$1.125 per \$100 of assessed value, Chairman McKay moved that the Board approve the FY 2025 Tax Rate Resolution, Adopting Tax Rates for Fairfax County, as detailed in Attachment II of the Memorandum to the Board dated May 6, 2024. Vice-Chairman Smith seconded the motion, and it carried by a vote of nine, Supervisor Alcorn, Supervisor Bierman, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Herrity voting "NAY."

Chairman McKay moved that the Board approve FY 2025 Appropriation Resolution for County Agencies/Funds, the FY 2025 Appropriation Resolution for School Board Funds, and the FY 2025 Fiscal Planning Resolution as set forth in Attachments III, IV, and V of the Memorandum to the Board dated May 6, 2024. Vice-Chairman Smith seconded the motion, and it carried by a vote of nine, Supervisor Alcorn, Supervisor Bierman, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Herrity voting "NAY."

Chairman McKay stated that in October 2023, the Fairfax County Water Authority requested that the Board adopt a Resolution increasing the compensation paid by the Water Authority to its Board Members. Under Virginia law, the Board must adopt a Resolution setting the compensation paid to the Water Authority's Board Members. Water Authority Board Member compensation is funded by the Water Authority's revenues, not the County's General Fund. As a result, this adjustment has no impact on the County budget.

Therefore, as requested by the Water Authority, and required by Virginia law, Chairman McKay moved that the Board adopt the Resolution included as Attachment VII of the Memorandum to the Board dated May 6, 2024. This Resolution sets the compensation for Water Authority Board Members at \$25,000 annually, and for the Water Authority Board Chairman at \$31,250 annually. Vice-Chairman Smith seconded the motion, and it carried by unanimous vote.

Vice-Chairman Smith returned the gavel to Chairman McKay.

DMS:dms

**ADDITIONAL BOARD MATTERS**

5. **COUNTY AWARDED THE JAMESTOWN AWARD – LOCALITY OF THE YEAR** (10:33 a.m.)

Chairman McKay announced that the County was recently awarded The Jamestown Award – Locality of the Year, by the Virginia Chapter of the American Planning Association, for the affordable and workforce housing initiatives completed over the past few years. The Department of Planning and Development and the Department of Housing and Community Development jointly submitted the nomination. On behalf of the Board, Chairman McKay congratulated staff on receiving this prestigious award.

6. **PROCLAMATION REQUEST DESIGNATING MAY 13 – 19, 2024, AS “NATIONAL SALVATION ARMY WEEK” IN FAIRFAX COUNTY** (10:35 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Smith, and, jointly with Supervisor Walkinshaw, asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 13 – 19, 2024, as “*National Salvation Army Week*” in the County. Without objection, it was so ordered.

7. **PROCLAMATION REQUEST TO RECOGNIZE “JUNETEENTH” IN FAIRFAX COUNTY** (10:35 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation in recognition of Juneteenth. Without objection, it was so ordered.

8. **PROCLAMATION REQUEST DESIGNATING JUNE 30, 2024, AS “WASTEWATER PROFESSIONALS APPRECIATION DAY” IN FAIRFAX COUNTY** (10:35 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating June 30, 2024, as “*Wastewater Professionals Appreciation Day*” in the County. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST TO RECOGNIZE “NATIONAL PARK AND RECREATION MONTH” IN FAIRFAX COUNTY** (10:35 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation in recognition of “*National Park and Recreation Month*” in the County. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST FOR NORTHERN VIRGINIA CONSERVATION TRUST** (10:35 a.m.)

Jointly with Supervisor Storck and Supervisor Walkinshaw, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation for Northern Virginia Conservation Trust, in recognition of its 30<sup>th</sup> anniversary. Without objection, it was so ordered.

11. **RESOLUTION OF RECOGNITION REQUEST FOR LAURA SENTURIA** (10:35 a.m.)

Jointly with Supervisor Smith, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Laura Senturia, a fourth-grade teacher at Colin L. Powell Elementary School, in recognition of being named the “2024 Washington Post Teacher of the Year.” Without objection, it was so ordered.

12. **RESOLUTION OF RECOGNITION REQUEST FOR THE NORTHERN VIRGINIA REGIONAL INTELLIGENCE CENTER** (10:35 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for The Northern Virginia Regional Intelligence Center, in recognition of being awarded the 2024 National Fusion Center of the Year Award, in honor of its industry-leading intelligence efforts and programs, such as the Fairfax County Police Department’s Threat Assessment and Management Unit and proactive counter intel programs, that enhanced public safety across Northern Virginia. Without objection, it was so ordered.

13. **FRANCONIA TO LORTON THIRD TRACK ADDITION PROJECT** (10:36 a.m.)

Chairman McKay stated that CSX and the Virginia Passenger Rail Authority are in the design phase of the Franconia to Lorton Third Track Addition Project. The project will separate passenger and freight operations with an additional track, allowing for expansion of passenger and commuter rail services and enabling more transportation options with lower negative carbon impacts.

The County has gone on record as being very supportive of the project due to its regional and local importance. However, staff recently received the 60 percent design plans prepared by CSX and have identified concerns about potential impacts to critical sanitary sewer connections as well as potential adverse impacts to the floodplains of Pohick and Accotink Creeks.

There are four critical sewer crossings impacted by the rail expansion that provide daily wastewater service to an estimated 30,000 residents, in addition to important non-residential uses, including the Franconia-Springfield Metro Station, the Springfield Town Center, the Lorton Workhouse, and five Fairfax County Public Schools.

On the current CSX schedule, construction of the rail project is planned to begin in the Fall 2025. It is not possible for the County to relocate the impacted sewers within this timeframe, as staff have communicated to CSX via a staff comment letter submitted on March 14, 2024, (a copy of which is included with the Board Matter). The County is asking CSX to include the sewer relocations in its construction contract, using designs following County standards and approved by expert staff. The County would fund the relocation work, including design and construction, pursuant to previous agreements with CSX. This would simplify coordination, not delay the project, and ensure that the ultimate construction contractor would have the necessary resources to protect human health and the environment from any sanitary sewer emergencies that may occur during construction.

Therefore, jointly with Supervisor Lusk and Supervisor Storck, Chairman McKay moved that the Board authorize the Chairman to send the letter attached to his Board Matter to CSX, asking the project team to coordinate closely with the County to collaboratively resolve the stormwater and wastewater issues as contained in the March 14, 2024, letter to CSX. Vice-Chairman Smith and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Smith returned the gavel to Chairman McKay.

14. **PROCLAMATION REQUEST FOR CENTRAL SENIOR CENTER**  
(10:39 a.m.)

Supervisor Smith stated that the Central Senior Center in Centreville, founded in 1994, is celebrating its 30<sup>th</sup> anniversary. In commemoration of the service that the Center provides to the community, Supervisor Smith asked unanimous consent that the Board direct staff prepare a Proclamation for the Central Senior Center, to be presented out of the Board Room at a future date. Without objection, it was so ordered.

(NOTE: Later in the meeting, another Board Matter was presented regarding the Central Senior Center. See Clerk's Summary Item #15.)

15. **PROCLAMATION REQUEST FOR DR. HEISUNG LEE** (10:40 a.m.)

Supervisor Smith stated that Dr. Heisung Lee has been at the helm of the Central Senior Center in Centreville since its inception in 1994. During this time, she has worked tirelessly to provide activities, classes and stimulating events to many seniors in the community. Dr. Lee will be retiring this year.

Therefore, in recognition of Dr. Lee's retirement, Supervisor Smith asked unanimous consent that the Board direct staff prepare a Proclamation for Dr. Lee, to be presented out of the Board Room at a future date. Without objection, it was so ordered.



16. **AUTHORIZATION OF AMENDMENTS TO CHAPTER 112.1 (ZONING ORDINANCE)** (10:40 a.m.)

(Rs) (As) Supervisor Smith stated that in March 2021 the Board, culminating a multiyear public process, voted to adopt a modernized Zoning Ordinance, known as zMOD, and designated as Chapter 112.1 of the County Code. Due to the COVID-19 pandemic, the Board held its public hearing and vote during electronic meetings, relying on legislation passed by the General Assembly in response to the pandemic. The Fairfax County Circuit Court had rejected an effort to stop the public hearing and vote, and Chapter 112.1 took effect on July 1, 2021. But, on March 23, 2023, the Virginia Supreme Court, in *Berry vs. Board of Supervisors*, declared Chapter 112.1 void because it was adopted via electronic means.

On May 9, 2023, the Board readopted zMOD as Chapter 112.2, inclusive of all amendments adopted through March 22, 2023, and including a few minor changes for clarity. As part of the adoption of zMOD 112.2, the Board also included a clause that for any period when Chapters 112.1 and 112.2 are both in effect, Chapter 112.1 would supersede Chapter 112.2. That clause anticipated the possibility that Chapter 112.1 might ultimately be validated.

In April, the Governor signed HB 816 and SB 244, both passed unanimously by the General Assembly during the 2024 Session. These Bills, which take effect on July 1, 2024, provide relief to public bodies that used electronic communications to hold public meetings and public hearings during the COVID emergency. As a result of this legislation, the Board's action to adopt zMOD in 2021 is retroactively validated as of July 1, 2024, when Chapter 112.1 will again become the operative Zoning Ordinance and supersede Chapter 112.2. Since the readoption of zMOD on May 9, 2023, as Chapter 112.2, the Board has adopted seven additional amendments to the Zoning Ordinance. Those amendments include Parking and Loading Regulations, Outdoor Lighting Around Turner Farm Park Observatory, Signs Part II, Landscaping and Screening, Outdoor Dining, Minor and Editorial Revisions, and Changes to Reflect Virginia Code updates, and lastly the recent amendment to increase Zoning Application Fees and Planned District Recreation Minimum Expenditure; that last amendment was approved to take effect on July 1, 2024. To ensure that on July 1, 2024, when the original zMOD Ordinance goes back into effect, it mirrors Chapter 112.2 inclusive of all subsequent amendments, the Board must readopt, as part of Chapter 112.1, all of the amendments previously mentioned, plus the clarifying changes adopted with Chapter 112.2, prior to July 1, 2024.

Therefore, jointly with Chairman McKay, Supervisor Smith moved that the Board adopt the resolution identified as:

- Attachment I of the Board Matter, authorizing the advertisement of public hearings before the Planning Commission on June 12, 2024, and before the Board on June 25, 2024, on all changes that have occurred to the Zoning Ordinance since May 9, 2023

- Attachment II, authorizing the advertisement of public hearings before the Planning Commission on June 5, 2024, and before the Board on July 16, 2024, on similar amendments to Chapter 112.1 regarding data centers. In addition, the Board previously authorized advertisement of amendments to Chapter 112.2 with regard to the regulation of data centers. This will ensure that the corresponding amendments are considered for Chapter 112.1

Chairman McKay and Supervisor Bierman jointly seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

17. **PROCLAMATION REQUEST FOR THE COMMUNITY EMERGENCY RESPONSE TEAM (CERT)** (10:45 a.m.)

Supervisor Walkinshaw stated that the CERT program began in the County in 2003, with the primary goal of training residents to respond and assist others in their own communities effectively and efficiently in the event of an emergency.

The CERT program educates people about preparedness for hazards that may impact their communities, and trains them in basic disaster response skills such as fire safety, light search and rescue, team organization, and disaster medical operations.

The CERT program is administered by the Fairfax County Fire and Rescue Department and consists of 26 hours of Federal Emergency Management Agency authorized training to prepare residents to make decisions and act in the event of a disaster.

The CERT program volunteers have taken on a leadership role to advance the standing of the program to a nationally recognized entity.

The Board, on behalf of all its residents, does hereby applaud, congratulate, and commend the CERT program for 20 years of noteworthy service to the County.

Therefore, jointly with Chairman McKay and Supervisor Lusk, Supervisor Walkinshaw asked unanimous consent that the Board direct staff to prepare a Proclamation for CERT in the County, to be signed by the Chairman and the Braddock and Franconia District Supervisors, to be presented out of the Board Room at a date later this month. Without objection, it was so ordered.

18. **PRESENTATION REQUEST DESIGNATING JUNE 1, 2024, AS "SOLDIERS OF HOWREY FIELD PARK DAY" IN FAIRFAX COUNTY** (10:47 a.m.)

Supervisor Walkinshaw stated that since 2021, the Board has taken time to honor the sacrifice of six young soldiers from the 77<sup>th</sup> Engineer Port Construction Company stationed at Fort Belvoir who perished on June 1, 1967, while assigned to a community service project. The soldiers were working to provide a baseball field for the local Little League at the Howrey Field athletic

complex in Annandale. They died when a flagpole they were erecting was hit by a gust of wind and contacted a high-voltage power line. All the men were under 25 years of age.

The soldiers' names were:

- Private Paul D. Briggs (Waco, Texas)
- Private Anthony B. Evans (Uniontown, Pennsylvania)
- Private First-Class Marvin D. Harrison (Jacksonville, Florida)
- Private Charles R. Oliver (Vermillion, Ohio)
- Specialist Kenneth G. Steiner (St. Anne, Missouri)
- Private Charles M. Whaley (Aberdeen, Ohio)

For the past three years, the Board has declared June 1 as “Soldiers of Howrey Field Park Day” to honor these six young soldiers. Supervisor Walkinshaw stated that he is once again requesting that the County commemorate this solemn day and express its appreciation for the men who provided the community with a facility that residents of all ages continue to enjoy.

Therefore, jointly with Chairman McKay, Supervisor Walkinshaw moved that the Board June 1, 2024, as “*Soldiers of Howrey Field Park Day*” in the County, in recognition of the six soldiers who gave the ultimate sacrifice while helping to build this local facility, to be presented out of the Board Room. Chairman McKay seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

19. **PROCLAMATION REQUEST DESIGNATING JUNE 2024 AS “LGBTQ+ PRIDE MONTH” IN FAIRFAX COUNTY** (10:50 a.m.)

Supervisor Bierman stated that LGBTQ+ Pride Month is celebrated nationwide in June to honor the 1969 Stonewall Uprising in Manhattan, New York. The Stonewall Uprising began in response to a police raid at the Stonewall Inn that was a popular gathering place for the city’s LGBTQ+ community. The police had raided gay establishments in the past but, this time, the community rose up in protest for six days. The first Pride march was held on June 28, 1970, to give the community a chance to gather and commemorate the one-year anniversary of the Stonewall Uprising. Over time, the events grew across the United States, to include parades, parties, workshops, lectures, concerts and more over the month of June to celebrate the LGBTQ+ community and their contributions as well as to continue to raise awareness of the ongoing discrimination and barriers to full inclusion and acceptance.

Each year since 2013, the Board has declared June as “Lesbian, Gay, Bisexual and Transgender Pride Month” in the County. It is a celebration of the County’s commitment to promote a culture of inclusiveness and acceptance for all people in the County and recognition that the diversity of its residents makes the County a better community.

The County’s commitment to equality, inclusion and non-discrimination for LGBTQ+ residents is demonstrated by its One Fairfax policy and its score on the Human Rights Campaign’s Municipal Equality Index (MEI). The MEI rates municipalities on a variety of indicators, designed to understand how inclusive municipal laws, policies and services are of LGBTQ+ people who live and work there. The County has earned a score of 100, the highest possible score, for three years in a row.

Therefore, jointly with Chairman McKay, Supervisor Alcorn, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, and Supervisor Walkinshaw, Supervisor Bierman, moved that the Board direct staff to prepare a Proclamation designating June 2024 as “*LGBTQ+ Pride Month*” in the County, to be presented to NOVA Pride at the June 11, 2024, Board Meeting. Chairman McKay seconded the motion.

Supervisor Bierman announced that a Pride celebration will be held in Reston and Herndon this year.

Supervisor Palchik asked unanimous consent that the Board direct staff to work with the Board Members’ Offices to compile a list of locations throughout the County where activities and/or celebrations will take place during the month. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

20. **COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM – FRANCONIA DISTRICT REVISIONS** (10:54 a.m.)

Supervisor Lusk stated that as part of the adoption of the 2023 Comprehensive Plan Work Program in April 2023, the Board authorized Site-Specific Plan Amendments (SSPA) to consider a daycare use at 6320 Grovedale Drive and residential mixed-use of the Frontier Plaza shopping center. Since that time, staff have received more information regarding the proposed use for the Grovedale Drive Plan amendment and determined that an amendment is not necessary. Separately, the Frontier Drive Plan amendment is not ready to move forward at the present time, so deferring this review will allow prioritization of other items in the Franconia District, and work on the proposal in the future or as part of the Springfield Transit Station Area/Community Business Centers Study.

Therefore, Supervisor Lusk moved that the Board rescind SSPA-2023-IV-3S, 6320 Grovedale Drive, from the 2023 Comprehensive Plan Work Program and reprioritize SSPA-2023-IV-8S, Frontier Drive, by moving it from Tier 1 to Tier 3.

This motion should not be construed as a favorable recommendation on these applications by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the applications. Supervisor Smith seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

21. **THE 32<sup>ND</sup> ANNUAL WREATH LAYING CEREMONY AT THE NATIONAL LAW ENFORCEMENT MEMORIAL** (10:56 a.m.)

Supervisor Lusk stated that on May 4, 2024, he had the pleasure of attending the 32<sup>nd</sup> annual wreath laying ceremony at the National Law Enforcement Memorial in honor of fallen correctional staff across the United States held by the Metropolitan Washington Council of Governments' Corrections Chiefs Committee. The ceremony honors those correctional employees who have passed and highlights the important role of corrections and honors corrections officers. This ceremony is held every year during National Correctional Employees Week. These officers ensure the safety of staff, visitors, and incarcerated individuals within correctional facilities. Moreover, they provide vital rehabilitative services, aiming to facilitate successful reintegration into society for those who were once incarcerated. When this wreath laying ceremony began in 1991, they recognized 12,000 individuals. This year they recognized approximately 24,000.

Following the ceremony, the annual Honor Guard competition was held in celebration of their lives, dedication to duty, and service. Supervisor Lusk stated that he is proud to say that the County's own Sheriff's office won the competition this year with an impressive display. Congratulations to Sheriff Kincaid and her team.

22. **HYBLA VALLEY COMMUNITY CENTER'S SPRING FLING** (10:58 a.m.)

Supervisor Lusk stated that at the Board Meeting on April 16, 2024, he requested that the Office of Public Affairs assist in publicizing the Hybla Valley Community Center's Spring Fling event. The event was celebrated on April 27, 2024, and it was a great success. Members of the community, many of them young people, pitched in to help paint a colorful mural onto the fence of the W.I.S.H. community garden. Games were played and the community celebrated, all to the energetic music of the disc jockeys.

For appreciation for the work organizing and staffing the event and for contributing to the event's success, Supervisor Lusk thanked the:

- Community for their support of this event
- Region 1 Neighborhood and Community Services Team
- Partners at the W.I.S.H.

- Sponsors and vendors

Supervisor Lusk encouraged the community to visit the Hybla Valley Community Center and see the progress of the mural designed by a local artist.

23. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2021-LE-019 (TOWNS AT VILLA PARK LLC) TO REZONE FROM R-1 TO R-8 DISTRICT TO PERMIT RESIDENTIAL DEVELOPMENT WITH A TOTAL DENSITY OF 6.88 DWELLING UNITS (FRANCONIA DISTRICT)** ( 11 a.m.)

Supervisor Lusk announced his intent to defer, later in the meeting, at the appropriate time, the public hearing on Rezoning Application RZ 2021-LE-019 (Towns at Villa Park LLC) to **June 11, 2024, at 3:30 p.m.**

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

24. **TOUR DE HUNTER MILL (TdHM)** (11:01 a.m.)

Supervisor Alcorn stated that the TdHM was held on May 5, 2024, and was a great event. He thanked staff for their hard work and the community for attending and participating in the event.

25. **NO BOARD MATTERS FOR SUPERVISOR JIMENEZ (MASON DISTRICT)** (11:02 a.m.)

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

26. **RECENT MOUNT VERNON DISTRICT EVENTS** (11:02 a.m.)

Supervisor Storck stated that he recently attended the South County Cares and the Mount Vernon Yacht Club events and that he enjoyed each event.

27. **PROCLAMATION REQUEST DESIGNATING MAY 6 – 10, 2024, AS "ECONOMIC DEVELOPMENT WEEK" IN FAIRFAX COUNTY** (11:03 a.m.)

Supervisor Storck stated that the Fairfax County Economic Development team is integral to the growth and success of the communities and the County. The team includes the Economic Development Authority, the Department of Economic Initiatives, the Towns of Vienna and Herndon economic development managers, as well as our local chambers of commerce, colleges and universities, and business support organizations.

These organizations work tirelessly to promote the economic well-being and quality of life for our communities by creating, retaining, and expanding jobs that facilitate equitable growth, enhance wealth, and support a stable tax base.

This is done via a variety of initiatives including stimulating entrepreneurship and fomenting competitive sectors, retaining our current businesses and recruiting a mix of new businesses, supporting a business-friendly environment, building catalytic projects and vibrant communities, delivering small business assistance, and working with regional partners to help attract and grow talent to support businesses and create opportunities for residents. The result allows the County to continue to attract and retain high-quality jobs, build prosperous communities, and improve the quality of life for all taxpayers.

The County celebrates the week of May 6 - 10, 2024, as “Economic Development Week,” and remind individuals of the importance of this community of dedicated professionals which support expanding career opportunities and making lives better.

Therefore, jointly with Chairman McKay, Supervisor Storck moved that the Board direct staff to prepare a Proclamation designating May 6 – 10, 2024 as “*Economic Development Week*” in the County, in recognition, honor, and celebration of the people and organizations that make its mission to develop and promote business opportunities in the County. The motion was multiply seconded and carried by unanimous vote.

28. **COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM – MOUNT VERNON DISTRICT REVISIONS** (11:05 a.m.)

Supervisor Storck stated that at the April 16, 2024, Board Meeting, the Board approved the Comprehensive Plan amendment for a consolidation of properties at Ox Road and Hooes Road as a Tier 2 item on the Work Program. As a result, there is a need to re-tier two studies in the Mount Vernon District that are currently listed as Tier 1 items and are not ready to move forward.

These items are in the northern Richmond Highway corridor, and include the Penn Daw Community Business Centers (CBC) Land Unit C study, and the Cityside Huntington Apartments. Moving these items to Tier 3 and Tier 2, respectively, will allow the studying of these sites once there is additional activity from the nominators, and will allow staff to prioritize the review of active amendments. Supervisor Storck stated that he has spoken with staff and they have the resources to accommodate the rebalancing of these studies.

Therefore, Supervisor Storck moved that the Board re-authorize the Penn Daw CBC Land Unit C and Cityside Huntington planning studies as Tier 3 and Tier 2, respectively, on the Comprehensive Plan Amendment Work Program. This motion should not be construed as a favorable recommendation on future applications by the Board and does not relieve any applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of future applications. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

29. **PROCLAMATION REQUEST FOR SARAH ALLEN** (11:07 a.m.)

Supervisor Palchik stated that after 25 years of dedicated service, Sarah Allen will be retiring this summer. Ms. Allen has been an exceptional leader since her start in the County in 1998. She has shown unwavering commitment to serving the community and has consistently demonstrated outstanding dedication and initiative throughout her tenure, which concludes with her most recent role as Deputy Director of the Department of Neighborhood and Community Services.

One of her many remarkable achievements was her pivotal role in spearheading the creation and implementation of COVID-19 pandemic-related grants and financial support for the most vulnerable community members. This support, which totaled over \$140 million, included the basic needs funding allocated to community-based organizations, the two Nonprofit Sustainability Grants, the Emergency Rental Assistance Program, the Emergency Rental Assistance Bridge Program, the Active and Thriving Communities Grant Program, and the Childcare Provider Grant Program. Through her leadership, countless individuals and families have been able to access basic and essential resources and maintain stability in their homes.

Additionally, utilizing lessons learned during the pandemic, Ms. Allen has been at the forefront of the County's efforts to address housing instability post-pandemic, leading the development of enhanced rental assistance efforts. Her proactive approach to connecting at-risk renters with financial resources and legal assistance has been invaluable in protecting the well-being of vulnerable members of the community.

Ms. Allen has fostered strong partnerships with community-based organizations, significantly enhancing the capacities of the nonprofit and faith community networks to address emerging community needs. Her efforts have facilitated the development of robust infrastructure, resources, and expertise that are vital for effective community response and support.

Throughout Ms. Allen's career, she has consistently exemplified excellence and dedication. Her tireless efforts and outstanding leadership have had a profound and lasting impact on the community. She personifies the 'can do' attitude that is invaluable in every individual, especially among leaders like herself.

Therefore, jointly with the Board, Supervisor Palchik asked unanimous consent that the Board direct the Office of Public Affairs to prepare a Proclamation for Sarah Allen, in recognition of her many years of dedicated service and for the immense impact she has made on the community, to be presented out of the Board Room. Without objection, it was so ordered.

30. **PROCLAMATION REQUEST FOR THE WOMEN'S CENTER** (11:10 a.m.)

Supervisor Palchik stated that the Women's Center, founded in 1974, has become a leading nonprofit mental health and domestic violence service provider, dedicated to enhancing the mental health and well-being of all community members through counseling, education, and support, regardless of the ability to pay. The Center is



committed to ensuring that financial constraints never prevent anyone from accessing care, thus ensuring that everyone has access to resources that promote and protect health equity.

In Fiscal Year 2022, the Center provided an impressive 35,111 hours of direct service to 3,344 individuals. These services included counseling, crisis intervention, group therapy, affordable financial education, wellness webinars, and mediation services.

One of the Women's Center's most notable achievements is its continued provision of mental health counseling on a sliding scale, with fees as low as five dollars per session, to approximately 1,000 low-income, uninsured, and underserved residents. Additionally, the Center offers free domestic violence services, including mental health services, to about 700 victims every year. Furthermore, the Center's Intern/Extern and Pre-licensed Therapist Program has contributed to increasing the number of mental health providers in the community, with approximately 15 professionals moving on to the next level of practice each year.

Over the past 50 years, the Women's Center has been dedicated to improving the emotional, psychological, and social well-being of the community. It has worked tirelessly to break the cycle of domestic violence and has established partnerships with other community-based safety-net providers to close the gaps that often exist when individuals struggle to locate and access effective and affordable mental health services.

Therefore, jointly with Chairman McKay, Supervisor Alcorn, and Supervisor Smith, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Proclamation for The Women's Center, in recognition of its 50<sup>th</sup> anniversary and its invaluable service to the community, to be presented during the Center's open house in September. Without objection, it was so ordered.

31. **RESOLUTION OF RECOGNITION REQUEST FOR CHRISTOPHER P. SPERA** (11:12 a.m.)

Supervisor Herrity stated that the Springfield/South County Youth Club (SYC), originally named the Springfield Boys Club, was founded in August of 1962 as a volunteer organization to provide athletic programs for boys and girls that promote character development, good sportsmanship, and exemplary behavior.

In 1997, Christopher P. Spera joined the SYC organization. Since then, he has served as a coach, a sports commissioner, a board member, and for the last 17 years as its president. Chris Spera has dedicated 27 years to the betterment of the community establishing a nurturing and supportive environment for kids and teenagers to thrive in the community.

His contributions have made SYC one of the best youth clubs in the area, currently with approximately 10,000 registrations per year with over 4,500 families participating in the ten sports they offer which range from; Basketball, Football,

Lacrosse, Soccer, Softball, Track/Cross Country and Volleyball to Field Hockey, Cheerleading and Rugby.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Christopher P. Spera, in recognition of his decades of community service in youth sports as President of SYC, to be presented out of the Board Room. Without objection, it was so ordered.

32. **CONGRATULATIONS TO ANTHONY AMOS** (11:14 a.m.)

Supervisor Herrity announced that Anthony Amos, Administrative Aide in his office, has an upcoming graduation from George Mason University, with a Master's Degree in Public Policy. On behalf of the Board, Supervisor Herrity congratulated Mr. Amos on his upcoming graduation.

**JR:jr**

**AGENDA ITEMS**

33. **ADMINISTRATIVE ITEMS** (11:15 a.m.)

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

Supervisor Storck called the Board's attention to Admin 4 – Authorization for the Fairfax County Department of Transportation to Apply for Grant Funding from the United States Department of Transportation's Fiscal Year 2024 Low or No Emission Grant Program and the Grants for Buses and Bus Facilities Program and discussion ensued, with input from Gregg Steverson, Acting Director, Department of Transportation, regarding non-emission buses, hybrid electric buses, and the grant.

Supervisor Alcorn called the Board's attention to Admin 3 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Police Officers and Uniformed Retirement Systems Ordinances and asked unanimous consent that the Board direct staff to conduct a fiscal impact analysis on the retirement system before the public hearing. Without objection, it was so ordered.

The question was called on the motion to approve the Administrative Items and it carried by unanimous vote, Supervisor Alcorn, Supervisor Bierman, Supervisor Herrity, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

**ADMIN 1– APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – ELMENDORF DRIVE (PROVIDENCE DISTRICT)**

- Authorized the installation of two “Watch for Children” signs on Elmendorf Drive (Providence District)
- Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible

**ADMIN 2– APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – SEQUOIA FARMS DRIVE (SULLY DISTRICT)**

- (R)
- Adopted the Resolution endorsing the following traffic calming measures on Sequoia Farms Drive in the Sully District:
    - Two Raised Crosswalks
    - One Speed Table
    - One Speed Hump
  - Directed staff to schedule installation of the approved measures as soon as possible

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE POLICE OFFICERS AND UNIFORMED RETIREMENT SYSTEMS ORDINANCES**

- (A) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 18.)

Authorized the advertisement of a public hearing to be held before the Board on **May 21, 2024, at 4:30 p.m.**, regarding proposed amendments to Chapter 3, Articles 3 and 7, of the Code of the County of Fairfax, concerning the Uniformed Retirement System (URS) and the Police Officers Retirement System (PORS) ordinances for the purpose of adding certain provisions with respect to active-duty military service (URS and PORS) and law enforcement service (PORS) purchases.

**ADMIN 4 – AUTHORIZATION FOR THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (FCDOT) TO APPLY FOR GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S (USDOT) FISCAL YEAR (FY) 2024 LOW OR NO EMISSION GRANT PROGRAM AND THE GRANTS FOR BUSES AND BUS FACILITIES PROGRAM**

- (R) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 18.)

Adopted the grant request project endorsement resolution authorizing FCDOT to apply for grant funding from the USDOT in an amount up to \$71.1 million through the Grants for Buses and Bus Facilities Program, and up to \$57.0 million through the Low or No Emission Grant Program. Local funding and State Aid included for bus purchases in the FY 2025 Advertised Budget Plan in Fund 40000, County Transit Systems, would be sufficient to cover the 20 percent local cash match requirement of up to \$14.2 million. No new General Fund resources would be required.

**ADMIN 5 – AUTHORIZATION FOR THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (FCDOT) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S (USDOT) FISCAL YEAR (FY) 2024 SAFE STREETS AND ROADS FOR ALL (SS4A) DISCRETIONARY GRANT PROGRAM (MASON DISTRICT)**

- (R)
- FCDOT to apply for, and accept if received, grant funding from the USDOT in the amount of \$9.6 million, including \$1.92 million in local cash match, through the FY 2024 SS4A Discretionary Grant Program for the List of Recommended Projects (outlined in Attachment Two of the Board Agenda Item)
  - Authorized the Director of FCDOT to enter into the grant agreement(s) and any related agreements, including, but not limited to, Federal Subaward Agreements on behalf of the County
  - Adopted the project endorsement resolution for the project application

**ADMIN 6 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 24221 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES TO OPERATE AN OPTION 5 OUT-OF-STATE LATERAL TRAINING PROGRAM**

- (SAR)
- Adopted SAR AS 24221 authorizing the FCPD to accept funding from the Virginia Department of Criminal Justice Services in the amount of \$129,524, including \$32,381 in local cash match. This funding will be utilized to operate an Option 5 Out-of-State Lateral Training Program through the Criminal Justice Training Academy. No new positions will be created.
  - Authorized the Chairman of the Board, the County Executive, and/or designee appointed by the County Executive to enter into

the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PRESERVATION AND REINVESTMENT INITIATIVE FOR COMMUNITY ENHANCEMENT (PRICE) COMPETITION GRANT APPLICATION**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 21, 2024, at 4:30 p.m.**, regarding the PRICE Competition Grant application.

DMS:dms

34. **A-1 – APPROVAL OF VACATION OF A PARKING REDUCTION FOR RESTON GATEWAY ALSO KNOWN AS RTC NEXT (HUNTER MILL DISTRICT)** (11:22 a.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and vacate the previously approved parking reduction for the Reston Gateway mixed-use development and terminate the associated parking reduction agreement. Chairman McKay seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it carried by unanimous vote.

35. **A-2 – APPROVAL OF 2024 RATE ADJUSTMENTS TO CENTREVILLE AREA, FAIRFAX CENTER AREA, RESTON, TYSONS, TYSONS GRID OF STREETS, AND TYSONS-WIDE ROAD FUNDS (BRADDOCK, DRANESVILLE, HUNTER MILL, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (11:23 a.m.)

On motion of Supervisor Bierman, multiply seconded, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the rate schedule, Attachment 1 of the Board Agenda Item, which includes a 3.1 percent adjustment of the existing contribution rates in all fund areas, with the new rate effective June 1, 2024.

36. **A-3 – APPROVAL OF A RESOLUTION AUTHORIZING EXECUTION OF A PROJECT ADMINISTRATION AGREEMENT (PAA) WITH THE CITY OF FALLS CHURCH FOR THE IMPLEMENTATION OF THE SHREVE ROAD SHARED-USE PATH (SUP) PROJECT (PROVIDENCE DISTRICT)** (11:24 a.m.)

- (R) Supervisor Palchik moved that the Board concur in the recommendation of staff and adopt the Resolution and PAA for the County to administer the design, land acquisition, and construction of a SUP on Shreve Road. Chairman McKay seconded the motion. Following a brief discussion regarding the funding, the question was called on the motion and it carried by unanimous vote.

37. **A-4 – APPROVAL AND AUTHORIZATION TO EXECUTE A PROJECT ADMINISTRATION AGREEMENT (PAA) AMENDMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE ROUTE 29 WIDENING PHASE II PROJECT – UNION MILL ROAD TO BUCKLEYS GATE DRIVE (SPRINGFIELD AND SULLY DISTRICTS)**

(11:27 a.m.)

- (R) On motion of Supervisor Bierman, seconded by Chairman McKay and Supervisor Smith, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the Resolution authorizing the Director of the Fairfax County Department of Transportation to execute an amendment to the PAA with VDOT, substantially in the form of Attachment 2 of the Board Agenda Item, which will secure full funding for Phase II of the Route 29 Widening project.

38. **RECESS/CLOSED SESSION** (11:28 a.m.)

Following a query to Elizabeth Teare, County Attorney, regarding the amount of time needed for closed session, Supervisor Smith moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code Section 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code Section 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code Section 2.2-3711(A) (7) and (8).
  - 1. *Edward M. Williams v. Fairfax County and Fairfax County Department of Family Services*, Case No. 23-cv-1004 (E.D.Va.)
  - 2. *Audrey Glisson v. Burke Lake Golf Center*, EEOC Charge No. 570-2023-04059; and *Audrey Glisson v. County of Fairfax*, OCR Charge No. 22-N0248
  - 3. *Anthony Lamont Gardner, Jr. v. Kenyatta Momon, Thomas Armel, Kevin Davis, Fairfax County Police Department, and County of Fairfax*, Case No. 1:23-cv-610 (E.D. Va.)

4. *Pamela Sledge v. Officers Richard Castilon, Michael Scatchard, and Cassandra Zamora*, Case No. CL-2022-0012322 (Fx. Co. Cir. Ct.)
5. *State Farm Fire and Casualty Company as Subrogee of Austin Whynot v. Abdelhakim Hammoudi*, Case No. GV24-006555-00 (Fx. Co. Gen. Dist. Ct.)
6. *State Farm Fire and Casualty Company as Subrogee of Rosa Castro v. Jasper Cooper*, Case No. GV23-022829 (Fx. Co. Gen. Dist. Ct.)
7. *Justin Sand and Liviya Piccione-Sand v. Fairfax County Wetlands Board, Fairfax County Department of Planning and Development, and Board of Supervisors of Fairfax County*, Case No. CL-2023-0018018 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. *Zaaki Restaurant and Cafe, LLC v. County of Fairfax, Virginia and Brian F. Foley, Building Official*, Case No. CL-2019-0015682 (Fx. Co. Cir. Ct.) (Mason District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ana Maria Bacarreza, Juan Carlos Mendoza Villegas, and Jonathan Mendoza*, Case No. GV24-002015 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
10. *Jay Riat, Building Official for Fairfax County, Virginia v. Mustafa Zamani*, Case No. CL-2024-0004095 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mohammed Tarek Orfaly and Alexis Ann Orfaly*, Case No. GV24-007544 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Sarra Semere and Helen Semere-Kifle*, Case No. GV24-000910 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Wilmer Gamboa Machado*, Case No. GV24-004033 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nebiyou Haile*, Case No. GV24-007546 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Jennifer Mossgrove and John Mossgrove*, Case No. CL-2024-001666 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Gabriel E. Ortiz*, Case No. GV24-001103 (Fx. Co. Gen. Dist. Ct.) (Hunter District)
17. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy V. Marshall*, Case No. CL-2020-0008131 (Fx. Co. Cir. Ct.) (Mason District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Matthew P. Slocum and Dorothy K. Slocum*, Case No. CL-2024-0004671 (Fx. Co. Cir. Ct.) (Mason District)
19. *Jay Riat, Building Official for Fairfax County, Virginia v. William K. Cameron, Jr.*, Case No. CL-2023-0007545 (Fx. Co. Cir. Ct.) (Mason District)
20. *Jay Riat, Building Official for Fairfax County, Virginia v. Fang Yang*, Case No. GV24-001102 (Fx. Co. Gen. Dist. Ct.) (Mason District)
21. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Robert Edward Carr*, Case No. CL-2024-0000262 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Jay Riat, Building Official for Fairfax County, Virginia v. Piyush J. Geol and Kelli L. Geol*, Case No. CL-2024-0004094 (Fx. Co. Cir. Ct.) (Mount Vernon District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert Edward Carr*, Case No. CL-2024-0004245 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. John Ho*, Case No. CL-2023-0008168 (Fx. Co. Cir. Ct.) (Mount Vernon District)



25. *Jay Riat, Building Official for Fairfax County, Virginia v. Corey Mandez Ingram*, Case No. GV23-024500 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. Johnnie A. Zelaya and Rachel R. Zelaya*, Case No. GV24-0004036 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
27. *John Walser, Fire Marshal for Fairfax County, Virginia v. L/L Circle Towers Residential Association, LLC*, Case No. CL-2024-0004503 (Fx. Co. Cir. Ct.) (Providence District)
28. *Jay Riat, Building Official for Fairfax County, Virginia v. The Board of Directors, Unit Owners Association of Renaissance 2230 and Gates Hudson Community Management, LLC*, Case No. GV24-007659 (Fx. Co. Gen. Dist. Ct.) (Providence District)
29. *Jay Riat, Building Official for Fairfax County, Virginia v. L&Q, LLC, Vivi Massage Tyson, Inc., and Hunan Café Tysons, Inc.*, Case No. GV24-007658 (Fx. Co. Gen. Dist. Ct.) (Providence District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v. Tala Shahlavi Gardner and Tanaz Shahlavi*, Case No. GV24-007548 (Fx. Co. Gen. Dist. Ct.) (Providence District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(3), potential acquisition of real property in the Sully District for a public purpose, where open discussion would adversely affect the bargaining position or negotiating strategy
- As permitted by Virginia Code Sections 2.2-3711(A)(8), legal analysis regarding the following: financing arrangements for a County development project and a proposed reconveyance of County property
- As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), *Town of Vienna, Virginia v. Board of Supervisors*, Case No. 1:12-cv-514 (U.S. District for the Eastern District of Virginia)

Chairman McKay seconded the motion.

Supervisor Bierman stated that before his election to the Board, he worked as an attorney in a local law firm then known as Vasseghi Budd PLLC and now known as Vasseghi Law Group. During that time, other attorneys in the firm were retained to file a lawsuit against the County. Supervisor Bierman clarified that he was not personally involved in any aspect of that representation, nor will he derive any financial benefit or liability from the representation or the lawsuit. Nevertheless, out of an abundance of caution, Supervisor Bierman stated that he is voluntarily recusing himself from the matter and will not participate in the Closed Session discussion today regarding *Williams v. Fairfax County*, Case No. 23-cv-1004, which is pending in the U.S. District Court for the Eastern District of Virginia.

Chairman McKay reiterated that Supervisor Bierman will not be participating in that particular case during the Closed Session but will be participating in the other matters of Closed Session.

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

At 3:39 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

#### **ACTIONS FROM CLOSED SESSION**

39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:39 p.m.)

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

Supervisor Bierman stated that, as noted before the recess, he did not participate in the Closed Session discussion today regarding *Williams v. Fairfax County*. Supervisor Bierman stated that he will vote in favor of this motion with the understanding that he was not in Closed Session while this lawsuit was being discussed. The question was called on the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Bierman, Supervisor Herrity, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

40. **DENIAL OF THE SETTLEMENT DEMAND OF EDWARD WILLIAMS** (3:40 p.m.)

Supervisor Jimenez moved that the Board deny the settlement demand of Edward Williams (*Edward M. Williams v. Fairfax County and Fairfax County Department of Family Services*, Case No. 23-cv-1004 (E.D.Va.) according to the terms outlined by the County Attorney in Closed Session. Chairman McKay and Supervisor Palchik jointly seconded the motion.

Supervisor Bierman stated that, out of an abundance of caution, and for the reasons he previously outlined, he is voluntarily recusing himself and will not be voting on this motion or participating in any discussions regarding this matter.

The question was called on the motion and it carried by a vote of nine, Supervisor Bierman being out of the room.

41. **AUTHORIZATION OF NEGOTIATION OF POSSIBLE SETTLEMENT OF CLAIM OF AUDREY GLISSON** (3:41 p.m.)

Supervisor Jimenez moved that the Board authorize the negotiation of possible settlement of the claim of Audrey Glisson, according to the terms and conditions outlined by the County Attorney in Closed Session. Chairman McKay seconded the motion and it carried by unanimous vote.

42. **AUTHORIZATION FOR ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN THE SULLY DISTRICT** (3:41 p.m.)

Supervisor Smith moved that the Board authorize the:

- Acquisition by the Fairfax County Development\* [sic] and Housing Authority (FCRHA) of certain real property located in the Sully District
- Expenditure by the FCRHA of American Rescue Plan Act, State and Local Fiscal Recovery Funds in furtherance of that acquisition
- Related actions that may be reasonably necessary in connection with the foregoing, all on the terms and conditions as outlined by staff and the Office of the County Attorney in Closed Session

Chairman McKay and Supervisor Alcorn jointly seconded the motion.

\*Following a brief discussion, it was clarified that the acquisition is by the Fairfax County Redevelopment and Housing Authority.

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

43. **NOTICE TO THE TOWN OF VIENNA REGARDING WATER RATES** (3:42 p.m.)

Supervisor Alcorn moved that the Board authorize and direct the County Executive, in accordance with the terms of the December 5, 2012, Order entered by the United States District Court for the Eastern District of Virginia in Case Number 1:12-cv-514, to notify the Town of Vienna that the County intends to enforce Fairfax County Code Section 65-6-13(b), which prohibits providers of

retail public water service in the County from charging rates that exceed rates charged by the Fairfax Water Authority, except and unless those rates are deemed fair and reasonable by the Board. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

**DA:da**

**ADDITIONAL BOARD MATTER**

44. **OPTIONS FOR INDIVIDUALS TO PROVIDE TESTIMONY FOR PUBLIC HEARINGS** (3:43 p.m.)

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

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

At the designated point in the public hearing, speakers will be called from the Speakers List and they may come forward, or their video will be shown, or they will be connected by telephone. There will then be an opportunity for anyone else who would like to speak regarding the application to come down to the podium or call in to 703-324-1020. Speakers testifying via video must have signed up and submitted their video no later than 9 a.m. on the day prior to the public hearing. For all testimony speakers are given three minutes to speak as an individual. If they are the spokesperson for a group they are given five minutes.

**AGENDA ITEMS**

45. **3:30 P.M. – PUBLIC HEARING ON SE 2024-HM-00002 (JACO-TMG HALLEY RISE, L.L.C.) TO PERMIT AN AMENDMENT TO THE PREVIOUSLY APPROVED SIGN PLAN, LOCATED ON APPROXIMATELY 28.72 ACRES OF LAND (HUNTER MILL DISTRICT)** (3:44 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 26 and May 3, 2024.

The application property is located at 11945 Hopper Street, Reston, 20191. Tax Map 17-3 ((8)) 1C1, 1C2, 1C3, 1C5, and 1C6.

Faheem Darab, Wire Gill LLP, reaffirmed the validity of the affidavit dated March 28, 2024, for the record.

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

- David R. Gill

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

Mr. Darab had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing.

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

Following a query by Supervisor Alcorn, Mr. Darab confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated April 10, 2024.

Supervisor Alcorn moved that the Board approve Special Exception Application SE 2024-HM-00002, subject to the development conditions dated April 10, 2024. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

46. **3:30 P.M. – PUBLIC HEARING ON SEA 95-Y-024-08 (COSTCO WHOLESALE CORPORATION) TO AMEND SE 95- Y-024, PREVIOUSLY APPROVED WITH A MIX OF USES IN A HIGHWAY CORRIDOR OVERLAY DISTRICT, TO PERMIT AN EXPANSION OF THE TIRE CENTER IN THE EXISTING RETAIL WAREHOUSE BUILDING AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 13.39 ACRES OF LAND (SULLY DISTRICT)**  
(3:48 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 26 and May 3, 2024.

The application property is located at 14390 Chantilly Crossings Lane, Chantilly, 20151. Tax Map 34-3 ((1)) 41B.

David Houston, Bean, Kinney and Korman, P.C, reaffirmed the validity of the affidavit dated April 17, 2024, for the record.

William O'Donnell, Branch Chief, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Houston had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Following a query by Supervisor Smith, Mr. Houston confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated May 3, 2024.

Supervisor Smith moved that the Board approve Special Exception Amendment Application SEA 95-Y-024-08, subject to the development conditions dated May 3, 2024. Supervisor Palchik seconded the motion. Following a brief discussion regarding the inclusion of the development condition concerning traffic calming measures, the question was called on the motion and it carried by unanimous vote.

47. **3:30 P.M. – PUBLIC HEARING ON SEA 89-S-072-02 (NORTHERN VIRGINIA ELECTRIC COOPERATIVE) TO AMEND SE 89-S-072 PREVIOUSLY APPROVED FOR ELECTRIC SUBSTATION AND TELECOMMUNICATIONS FACILITY TO PERMIT A NEW 95 FOOT TALL TRANSMISSION POLE WITH ATTACHED FACILITIES WITHIN THE EXISTING EQUIPMENT COMPOUND AREA AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 4.80 ACRES OF LAND (SPRINGFIELD DISTRICT) (3:54 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 26 and May 3, 2024.

The application property is located at 12700 Popes Head Road, Clifton, 20124. Tax Map 66-4 ((3))1.

Gifford Hampshire, Blankingship and Keith, P.C, reaffirmed the validity of the affidavit dated February 13, 2024, for the record.

William O'Donnell, Branch Chief, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Hampshire had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Following comments and a query by Supervisor Herrity, Mr. Hampshire confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated May 3, 2024.

Supervisor Herrity moved that the Board approve:

- Special Exception Amendment Application SEA 89-S-072-02, subject to the development conditions dated May 3, 2024
- Reaffirmation of the previously approved transitional screening modification and waiver of barrier requirements to that shown on the SEA plat

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

48. **3:30 P.M. – PUBLIC HEARING ON RZ 2023-DR-00011 (T&M MCLEAN VENTURE, LLC) TO REZONE FROM C-2, SC AND CRD TO PRM, SC AND CRD TO PERMIT MULTIFAMILY RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO OF 1.97 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 2.80 ACRES OF LAND (DRANESVILLE DISTRICT)**

**AND**

**PUBLIC HEARING ON PCA-C-491-04 (RZPA 2023-DR-00065) (T&M MCLEAN VENTURE, LLC) TO AMEND THE PROFFERS FOR RZ C-491 PREVIOUSLY APPROVED FOR OFFICE TO PERMIT DELETION OF LAND AREA AND ASSOCIATED MODIFICATIONS TO PROFFERS, LOCATED ON APPROXIMATELY 2.80 ACRES OF LAND (DRANESVILLE DISTRICT)**

**AND**

**PUBLIC HEARING ON PCA-C-491-05 (RZPA 2023-DR-00066) (T&M MCLEAN VENTURE, LLC) TO AMEND THE PROFFERS FOR RZ C-491 PREVIOUSLY APPROVED FOR OFFICE TO PERMIT PARTIAL PROFFERED CONDITION AMENDMENT TO PERMIT MINOR MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.48 AND A MODIFICATION OF OPEN SPACE REQUIREMENTS IN A CRD, LOCATED ON APPROXIMATELY 1.63 ACRES OF LAND (DRANESVILLE DISTRICT)**

(4:05 p.m.)

(Os) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 26 and May 3, 2024.

All of the applications property is located on the south side of Chain Bridge Road, west of its intersection with Tennyson Drive. Tax Map 30-2 ((1)) 23 (pt.).

Lynne Strobel, Walsh, Colucci, Lubeley and Walsh, P.C, reaffirmed the validity of the affidavits dated April 22, 2024, for the record.

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

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

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

Supervisor Bierman moved that the Board approve:

- Proffered Condition Amendment Application PCA-C-491-04
- Proffered Condition Amendment Application PCA-C-491-05, subject to the proffers dated February 29, 2024
- Waivers and modifications associated with PCA C-491-05, as contained in the handout distributed, dated March 18, 2024, which will be made part of the record, and are as follows:
  - Modification of the transitional screening requirements along the eastern and southern property lines to that shown on the GDP
  - Waiver of the open space requirements
  - Waiver of the transitional screening and barrier requirements along the northern property line
  - Modification of the maximum wall height in a front yard to permit the 6-foot-high wall along McNeer Street to remain
- Rezoning Application RZ 2023-DR-00011, subject to proffered conditions dated March 19, 2024
- The waiver associated with RZ 2023-DR-011, as contained in the handout distributed, dated March 18, 2024, which will be made part of the record, and is as follows:



- Waiver of the peripheral parking lot landscaping for the southern boundary line

The motion was multiply seconded. Following a brief discussion regarding the motion, the question was called on the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Bierman, Supervisor Herrity, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

(NOTE: On March 20, 2024, the Planning Commission approved Final Development Plan Application FDP 2023-DR-00011.)

49. **3:30 P.M. – PUBLIC HEARING ON RZ 2021-LE-019 (TOWNS AT VILLA PARK LLC) TO REZONE FROM R-1 TO R-8 DISTRICT TO PERMIT RESIDENTIAL DEVELOPMENT WITH A TOTAL DENSITY OF 6.88 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 5.81 ACRES OF LAND (FRANCONIA DISTRICT)** (4:19 p.m.)

Supervisor Lusk moved to defer the public hearing on Rezoning Application RZ 2019-LE-019\* [sic] (Towns at Villa Park LLC) until June 11, 2024, at 3:30 p.m.

A brief discussion ensued, with input from Suzanne Wright, Director, Zoning Evaluation Division, Department of Planning and Development, regarding the application number.

\*Supervisor Lusk restated the motion that the Board defer the public hearing on Rezoning Application RZ 2021-LE-019 (Towns at Villa Park LLC) until **June 11, 2024, at 3:30 p.m.** Supervisor Walkinshaw seconded the motion, as restated, and it carried by unanimous vote.

50. **3:30 P.M. – PUBLIC HEARING ON PCA 2011-PR-011-004/CDPA 2011-PR-011 (RZPA 2023-PR-00030) (CITYLINE PARTNERS LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN, AND TO PERMIT A FINAL DEVELOPMENT PLAN FOR OFFICE OR RESIDENTIAL AND HOTEL AND RETAIL USES AT 6.04 FLOOR AREA RATIO, LOCATED ON APPROXIMATELY 1.78 ACRES OF LAND (PROVIDENCE DISTRICT)** (4:21 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 26 and May 3, 2024.

The application property is located in the southwest quadrant of Route 123 and Anderson Road. Tax Map 30-3 ((28)) (2) 1.

Lynne Strobel, Walsh, Colucci, Lubeley and Walsh, P.C, reaffirmed the validity of the affidavit dated April 12, 2024, for the record.

Sunny Yang, Planner, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), gave a presentation depicting the application and site location.

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

Discussion ensued, with input from Ms. Yang; Ms. Strobel; Mary Ann Tsai, Branch Chief, ZED, DPD; Christopher Blough, Development Review Section Supervisor, Park Authority; and Suzanne Wright, Director, ZED, DPD, regarding the:

- Comprehensive Plan Policy concerning loading/trash access
- Proffers
- Pedestrian safety
- Development conditions
- Proposed hotel entrance
- Electric vehicle charging stations
- Proposed development across the street from the site

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

Discussion ensued regarding the need to implement entrance doors automated restrictions.

Discussion continued, with input from Ms. Yang and Ms. Tsai, regarding vehicular access.

Following comments, Supervisor Palchik moved that the Board approve Proffered Condition Amendment Application PCA 2011-PR-011-00/CDPA 2011-PR-011, subject to the proffers dated April 28, 2024. Chairman McKay and Supervisor Herrity jointly seconded the motion. Following discussion regarding the motion, the question was called on the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Bierman, Supervisor Herrity, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

(NOTE: On May 1, 2024, the Planning Commission approved Final Development Plan Application FDP 2011-PR-011-07, subject to the development conditions dated February 28, 2024.)

51. **3:30 P.M. – PUBLIC HEARING ON PCA 2011-PR-023-04/CDPA 2011-PR-023-03 (RZPA 2022-PR-00115) (CITYLINE PARTNERS LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2011-PR-023 FOR BLOCK C2, PREVIOUSLY APPROVED FOR OFFICE AND RETAIL USES, TO PERMIT RESIDENTIAL AND RETAIL USES AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A 2.18 FLOOR AREA RATIO, LOCATED ON APPROXIMATELY 2.92 ACRES OF LAND (PROVIDENCE DISTRICT) (5:19 p.m.)**

Supervisor Palchik moved to defer the public hearing on Proffered Condition Amendment Application PCA 2011-PR-023-04/CDPA 2011-PR-023-03 until **May 21, 2024, at 3:30 p.m.** Chairman McKay seconded the motion and it carried by unanimous vote.

**EBE:ebe**

52. **4 P.M. – PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING ARTICLE 9 OF CHAPTER 82 OF THE FAIRFAX COUNTY CODE, RELATING TO THE RIGHT-OF-WAY AFFORDED TO PEDESTRIANS (5:20 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 26 and May 3, 2024.

Gregg Steverson, Acting Director, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by three speakers, Mr. Steverson presented the staff recommendation.

Discussion ensued, with input from Mr. Steverson, regarding uncontrolled crosswalks signs and the process of eligibility.

Supervisor Bierman moved adoption of the proposed amendments to the Fairfax County Code, Sections 82-9-2 and 82-9-7. The motion was multiply seconded and carried by a vote of nine, Supervisor Alcorn, Supervisor Bierman, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity being out of the room.

53. **4 P.M. – PUBLIC HEARING FOR THE ENLARGEMENTS OF PANORAMIC HILLS AREA 1 AND PLEASANT RIDGE AREA 2 SANITARY DISTRICTS FOR REFUSE/RECYCLING COLLECTION SERVICES AND THE DE-CREATION OF LINCOLNIA AREA 1 SANITARY DISTRICT TO REMOVE REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (MASON DISTRICT)**  
(5:35 p.m.)

(Rs) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 26 and May 3, 2024.

Lainie Cooke, Management Analyst III, Solid Waste Management, Department of Public Works and Environmental Services, presented the staff report.

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

Supervisor Jimenez moved adoption of the Resolution approving changes to small and local sanitary districts for refuse/recycling service in accordance with the Board's adopted criteria for the Creation of Small or Local Sanitary Districts, as follows:

<b><u>Sanitary District</u></b>	<b><u>Action</u></b>	<b><u>Service</u></b>
DTA Local District 1B Within Mason District (Panoramic Hills Area 1)	Enlarge	Refuse and Recycling
DTA Local District 1B Within Mason District (Pleasant Ridge Area 2)	Enlarge	Refuse and Recycling

Chairman McKay and Supervisor Lusk jointly seconded the motion, and it carried by a vote of nine, Supervisor Palchik being out of the room.

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Summary Item #55.)

54. **4 P.M. – PUBLIC HEARING FOR THE CREATION OF WILTON WOODS AREA 1 SANITARY DISTRICT FOR REFUSE/RECYCLING COLLECTION SERVICES AND THE DE-CREATION/RE-CREATION OF BUSH HILL WOODS AREA 1 SANITARY DISTRICT TO ADD VACUUM LEAF COLLECTION SERVICES (FRANCONIA DISTRICT)** (5:38 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 26 and May 3, 2024.

Lainie Cooke, Management Analyst III, Solid Waste Management, Department of Public Works and Environmental Services, presented the staff report.

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

Supervisor Lusk moved adoption of the Resolution approving changes to small and local sanitary districts for refuse/recycling collection service in accordance with the Board's adopted criteria for the Creation of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
DTA Small District 1 Within Franconia District (Wilton Woods Area 1)	Create	Refuse and Recycling

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

Supervisor Lusk moved adoption of the Resolution approving changes to small and local sanitary districts for refuse/recycling and adding vacuum leaf collection service, for one customer in the Franconia District, in accordance with the Board's adopted criteria for the Creation of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
DTA Local District 1B Within Franconia District (Bush Hill Woods Area 1)	De-Create/Re-Create	Refuse/Recycling, and Add Vacuum Leaf

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

55. **ADDITIONAL ACTION ON THE PUBLIC HEARING FOR THE ENLARGEMENTS OF PANORAMIC HILLS AREA 1 AND PLEASANT RIDGE AREA 2 SANITARY DISTRICTS FOR REFUSE/RECYCLING COLLECTION SERVICES AND THE DE-CREATION OF LINCOLNIA AREA 1 SANITARY DISTRICT TO REMOVE REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (MASON DISTRICT)**  
(5:44 p.m.)

- (R) (NOTE: Earlier in the meeting, a public hearing was held regarding this item and additional action was taken. See Clerk's Summary Item #53.)

Discussion ensued, with input from Elizabeth Teare, County Attorney, regarding the De-Creation of Lincolnia Area 1 Sanitary District in the Mason District.

Supervisor Jimenez moved adoption of the Resolution approving changes to small and local sanitary districts for refuse/recycling and vacuum leaf collection services, in

accordance with the Board's adopted criteria for the Creation of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
DTA Mason District (Lincolnia Area 1)	De-Create	Refuse/Recycling, and Vacuum Leaf

Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

56. **4 P.M. – PUBLIC HEARING FOR THE CREATION OF MCLEAN MANOR AREA 6 SANITARY DISTRICT AND ENLARGEMENTS OF BALLS AREA 1, CHURCHILL AREA 2, MCLEAN MANOR AREA 7, WESTMORELAND AREA 1, AND WILLOW RUN PARK AREA 1 SANITARY DISTRICTS FOR REFUSE/RECYCLING COLLECTION SERVICES (DRANESVILLE DISTRICT)** (5:45 p.m.)

- (Rs) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 26 and May 3, 2024.

Lainie Cooke, Management Analyst III, Solid Waste Management, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Cooke presented the staff and Planning Commission recommendation.

Supervisor Bierman moved adoption of the Resolution approving changes to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the Creation of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
DTA Local District 1A1 Within Dranesville District (McLean Manor Area 6)	Create	Refuse and Recycling

Chairman McKay and Supervisor Lusk jointly seconded the motion, and it carried by a vote of nine, Supervisor Palchik being out of the room.

Supervisor Bierman moved adoption of the Resolution approving changes to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the Creation of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>
DTA Local District 1A1 Within Dranesville District (Balls Hill Area 1)	Enlarge	Refuse and Recycling
DTA Local District 1A1 Within Dranesville District (Churchill Area 2)	Enlarge	Refuse and Recycling
DTA Local District 1A1 Within Dranesville District (McLean Manor Area 7)	Enlarge	Refuse and Recycling
DTA Local District 1A1 Within Dranesville District (Westmoreland Area 1)	Enlarge	Refuse and Recycling
DTA Local District 1A1 Within Dranesville District (Willow Run Park Area 1)	Enlarge	Refuse and Recycling

Chairman McKay and Supervisor Lusk jointly seconded the motion, and it carried by a vote of nine, Supervisor Palchik being out of the room.

57. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2020-CW-1CP, PUBLIC FACILITIES POLICY PLAN** (5:51 p.m.)

Salem Bush, Branch Chief, Public Facilities and Plan Development, Department of Planning and Development, presented the staff report.

Discussion ensued, with input from Mr. Bush, regarding the Policy Plan update and proposed objectives for the Policy.

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

Supervisor Smith moved approval of the Planning Commission recommendations for Plan Amendment 2020-CW-1CP, as shown in Appendix 5 of the staff report dated March 6, 2024, and as modified in the handout dated March 20, 2024. Chairman McKay seconded the motion. Following discussion regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

58. **BOARD ADJOURNMENT** (6:06 p.m.)

At 6:06 p.m. the Board adjourned.