



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 6, 2024**

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DA:da

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, February 6, 2024, at 9:32 a.m., there were present:

- Vice-Chairman Kathy L. Smith, Sully District, presiding
- 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 Daniel G. Storck, Mount Vernon District
- Supervisor James Walkinshaw, Braddock District

Chairman Jeffrey C. McKay participated remotely from Alexandria, Virginia.

Supervisor Walter Alcorn, Hunter Mill District, arrived at 9:33 a.m.

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; Ekuu Brew-Ewool and Kecia Kendall, Deputy Clerks, and Danya Alattar, Administrative Assistant, Department of Clerk Services.

BOARD MATTERS1. **REMOTE PARTICIPATION OF CHAIRMAN MCKAY** (9:32 a.m.)

Acting-Chairman Smith announced that Chairman McKay will be participating remotely for personal reasons.

Acting-Chairman Smith asked Chairman McKay to identify himself for the record and provide his general location.

Chairman McKay stated that he was participating remotely from Alexandria, Virginia.

Acting-Chairman Smith relinquished the Chair to Acting Vice-Chairman Palchik and moved that the Board:

- Certify that the voice of the remotely participating Member, Chairman McKay, can be heard by all persons assembled in the Government Center
- Confirmed that such remote participation fully conforms with the Board's Policy for remote participation in meetings

Supervisor Bierman seconded the motion and it carried by a vote of nine, Supervisor Alcorn not yet having arrived.

Acting Vice-Chairman Palchik returned the gavel to Acting-Chairman Smith.

2. **MOMENT OF SILENCE** (9:33 a.m.)

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

- Judith Bright, who died recently. She was a long-time resident of West Springfield and Fairfax Station; and was the proud wife of an Air Force/Vietnam Veteran. Her good-hearted nature and commitment to those she loved earned her the Camm Community Leadership Award and a lobby plaque with her name inscribed on it at the Belvoir Woods facility
- Yun Hu, who died recently from injuries sustained in a car accident at the intersection of Bradfield Drive and Braddock Road, and four additional passengers who were treated for non-life threatening injuries, and two others who remain hospitalized

JR:jr**AGENDA ITEMS****3. PRESENTATION OF THE BEST WORKPLACES FOR COMMUTER AWARDS (9:37 a.m.)**

Philip L. Winters, Director, Transportation Demand Management, Center for Urban Transportation Research, recognized Fairfax County employers as “Best Workplaces for Commuters.” The 2023 honorees are as follows:

- Agile Defense
- BXP (Boston Properties) – Reston Town Center
- CargoSense
- Freddie Mac
- GDIT (General Dynamics Information Technology)
- Gorove Slade
- GuidePoint Security
- INADEV
- Inova Fair Oaks Hospital
- Inova Springfield Healthplex
- Jones Robb
- Kajeet
- Maximus

DA:da**4. RESOLUTION OF RECOGNITION PRESENTED TO THE DAVIS CAREER CENTER (9:43 a.m.)**

Supervisor Palchik moved approval of the Resolution of Recognition to recognize the Davis Career Center for its 40th anniversary. Supervisor Alcorn and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING FEBRUARY 2024 AS "CAREER AND TECHNICAL EDUCATION MONTH" IN FAIRFAX COUNTY** (9:58 a.m.)

Supervisor Storck moved approval of the Proclamation designating February 2024 as "Career and Technical Education Month" in Fairfax County. Chairman McKay and Supervisor Palchik seconded the motion and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO POHICK CHURCH** (10:10 a.m.)

Supervisor Storck moved approval of the Resolution of Recognition to recognize Pohick Church for its 250th anniversary. Supervisor Palchik seconded the motion and it carried by unanimous vote.

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY AUXILIARY POLICE PROGRAM** (10:21 a.m.)

Acting-Chairman Smith relinquished the Chair to Acting Vice-Chairman Palchik and moved approval of the Resolution of Recognition to recognize the Fairfax County auxiliary Police Program for its 40th anniversary. The motion was multiply seconded and it carried by unanimous vote.

Acting Vice-Chairman Palchik returned the gavel to Acting-Chairman Smith.

8. **PRESENTATION OF THE DON SMITH AWARD** (10:36 a.m.)

Sean Corcoran, Chairman, Employee Advisory Council (EAC), presented the history and purpose of the Don Smith Award.

Mr. Corcoran presented the following awards:

Honorable Mention Awards

- Mary Pham, Community Services Board
- Marina Watkins, Health Department

Don Smith Award

- Meena Bhatia, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services

9. **REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:44 a.m.)

Supervisor Walkinshaw, Chairman of the Board's Legislative Committee, stated that the Committee's first meeting was held January 26, 2024. He presented the report on the General Assembly activities, noting the following:

- Many Members of the Board were present for the Virginia Association of Counties/Virginia Municipal League (VACo/VML) Day, in Richmond, Virginia, on Thursday, February 1, 2024
- The Legislative Committee received the following status updates on the Board's County initiatives this year:
 1. House Bill (HB) 793 has been rolled together with an identical bill HB 1071. The Bill would expand the current authority of any locality to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour on highways within its boundaries that are located within business or residential districts, to include highways within the State highway system provided that such reduced speed limit is indicated by lawfully placed signs. This authority is only for those roads that have an existing speed limit of 25 miles per hour. It also requires the locality to provide written notice to the Commissioner of Highways 30 days before changing the speed limit on any road in the State system. Unlike previous years, the administration has not opposed the bill and instead has provided input on the proposed amendments
 2. HB 1238 - which would extend the deadline for local electoral Boards to meet after an election for the purpose of certifying the election results and submitting the abstract of results to the State Board of Elections from seven days after the election to 10 days. That bill has been referred to the House Privileges and Elections Committee, but has not yet been heard
- A wide range of bills have been introduced this session and the Committee has discussed legislation related to public safety, land use, human services, transportation, and much more
- State Bill (SB) 675 – Sparked a fair amount of discussion. This bill would add Fairfax County to the list of localities authorized to operate a casino. There are currently five such localities in Virginia. A significant amount of time was spent discussing this bill in the Legislative Committee meeting and after that discussion a letter was sent from Chairman McKay to the General Assembly leaders, as well as the County's delegation, outlining the Board's concerns with the process and issues included in the legislation. After being reported by the Senate General Laws Committee early in the session it was sent to the Senate Finance and Appropriations Committee for

further consideration. Last Thursday, it was heard in the Resources Subcommittee of Senate Finance. After the Subcommittee read Chairman McKay's letter, as well as hearing public testimony, including from some of the Board, the Subcommittee recommended carrying the bill over to the 2025 General Assembly session, while also directing the Joint Legislative Audit and Review Commission (JLARC) to update its review of a potential casino in Northern Virginia or Fairfax County. The full Senate Finance and Appropriations Committee, this morning, accepted that recommendation and carried the bill over to next year

- The Governor's Proposed 2024/2026 Biennium Budget was discussed. Though there are some items in the budget that would be helpful to the County and are welcome, there is a glaring oversight in the lack of any mention of the Watershed JLARC Study on State K – 12 funding which showed the shameful underfunding of public schools by the Commonwealth of Virginia. The biennium budget, as well as advocacy for inclusion of increased State K – 12 funding will continue to be the Board's key area of focus throughout this session
- Next Tuesday, February 13, 2024, is crossover day, which is the deadline for bills to pass their originating chamber and cross over to the opposite chamber

Supervisor Walkinshaw noted that the annual reception will be February 15, 2024, at 5:30 p.m., at the newly renovated VACo building at 1207 East Main Street, Richmond, Virginia.

Supervisor Walkinshaw moved adoption of Legislative Committee Report Number One. The motion was multiply seconded and it carried by a vote of nine, Supervisor Herrity voting "NAY."

DMS:dms

ADDITIONAL BOARD MATTERS

10. **PROCLAMATION REQUEST DESIGNATING MARCH 2024 AS "DEVELOPMENT DISABILITIES INCLUSION MONTH"** (10:51 a.m.)

Acting-Chairman Smith relinquished the Chair to Acting Vice-Chairman Palchik and, on behalf of Chairman McKay, asked unanimous consent that the Board direct staff to prepare a Proclamation designating March 2024 as "*Development Disabilities Inclusion Month*" in the County. Without objection, it was so ordered.

11. **PROCLAMATION REQUEST DESIGNATING APRIL 2024 AS “SIKH AWARENESS AND APPRECIATION MONTH”** (10:51 a.m.)

On behalf of Chairman McKay, Acting-Chairman Smith asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 2024 as “*Sikh Awareness and Appreciation Month*” in the County. Without objection, it was so ordered.

12. **PROCLAMATION REQUEST DESIGNATING APRIL 2 – 8, 2024, AS “INTERNATIONAL DARK SKY WEEK”** (10:51 a.m.)

On behalf of Chairman McKay, Acting-Chairman Smith asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 2 – 8, 2024, as “*International Dark Sky Week*” in the County. Without objection, it was so ordered.

13. **RESOLUTION OF RECOGNITION REQUEST FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) CRIME PREVENTION COMMUNITIES PROGRAM** (10:51 a.m.)

On behalf of Chairman McKay, Acting-Chairman Smith asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the FCPD Crime Prevention Communities Program, through the Virginia Department of Criminal Justice Services, in recognition of its recertification. Without objection, it was so ordered.

14. **FAIRFAX COUNTY DESIGN AND ENVIRONMENT ACHIEVEMENT AWARDS 2023** (10:52 a.m.)

On behalf of Chairman McKay, jointly with Supervisor Walkinshaw, Acting-Chairman Smith announced that the Fairfax County’s Environmental Excellence Awards, Exceptional Design Awards, and Friends of Trees Awards will be presented at a special evening ceremony at the Fairfax County Government Center, on Tuesday, February 27, 2024, from 5 – 7 p.m., with a reception to follow in the Forum. The awards ceremony will be televised, livestreamed, and archived by Fairfax County’s Channel 16.

In the past, the Board has presented these awards during morning presentations at Board Meetings. A special evening event is planned to draw greater attention to the awards, better honor the recipients, and accommodate the attendance of family members, friends, and coworkers. Walter Hamilton, III, from Land Development Services, has graciously agreed to serve as the emcee.

The date of this ceremony is scheduled on a Board Committee meeting day. The Board is invited to remain for this event to help celebrate the community’s accomplishments, in environmentalism, sustainability, and creative building and site designs. The Board will have an opportunity to say a few words and take official photos with the award winners. A special invitation will be sent to all Board offices.

15. **ELECTRIC VEHICLE CHARGING (EVC) PERMIT FEE** (10:53 a.m.)

On behalf of Chairman McKay, Acting-Chairman Smith stated that on October 11, 2022, the Board adopted an amendment to the Land Development Services (LDS) Fee Schedule to eliminate Building Permit fees for all EVC infrastructure construction for a trial period of 18 months, ending May 1, 2024, to determine if elimination of the fee would incentivize use of electric vehicles, enabling residents, businesses, and organizations to take small actions to decrease greenhouse gas emissions.

Between October 31, 2022, and October 30, 2023, approximately 38 commercial EVC permits, and 858 residential permits were issued. This data does not reflect the number of chargers installed with each permit, nor does it include installations in new parking structures, which receive a more general type of electrical permit. Based on the data collected, it is difficult to determine whether the absence of a fee provides an incentive to install EVC equipment.

Carbon-Free Fairfax envisions a future for a County that is healthy, sustainable, and economically prosperous without greenhouse gas emissions. One of the most important steps the County can take to reduce these emissions is to transition to electric vehicles. The fee waiver should continue for an additional 18 months in support of this critical environmental initiative.

Therefore, on behalf of Chairman McKay, jointly with Supervisor Jimenez, Supervisor Walkinshaw, and herself, Acting-Chairman Smith moved that the Board direct staff to:

- Prepare an Administrative Item for the March 5, 2024, Board Meeting, requesting authorization to advertise a public hearing to be held on March 19, 2024, on Appendix Q (the LDS Fee Schedule), of the County Code, exempting all electrical and building permit fees exclusively associated with EVC infrastructure for an additional 18 months
- Conduct a new public information campaign to advertise the fee exemption and return to the Board four months prior to the expiration of the extension with a detailed breakout of installations by types of uses as well as impacts to the LDS budget

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

16. **RESOLUTION OF RECOGNITION REQUEST FOR ANNIE RAY, ORCHESTRA DIRECTOR AT ANNANDALE HIGH SCHOOL** (10:56 a.m.)

On behalf of Chairman McKay, Acting-Chairman Smith stated that a Fairfax County teacher took home a prestigious golden gramophone at the 66th Grammy Awards on February 4, 2024.

Annie Ray, Orchestra Director at Annandale High School, won the 2024 Grammy Music Educator Award. The award honors educators who made a significant and lasting contribution to music education in schools.

Ms. Ray has drawn praise for her work with Crescendo Orchestra, which serves students with severe disabilities, according to the Fairfax County Public Schools release.

Ms. Ray was one of 10 finalists, in a list that included music teachers from 10 cities in nine states, according to the Grammys. As the winner, she will receive a \$10,000 honorarium and matching grant for the Annandale High School music program.

Therefore, on behalf of Chairman McKay, jointly with Supervisor Jimenez and Supervisor Walkinshaw, Acting-Chairman Smith moved that the Board direct staff to prepare a Resolution of Recognition for Annie Ray, in recognition of her Grammy win, to be presented out of the Board Room. Chairman McKay, Supervisor Jimenez, and Supervisor Walkinshaw jointly seconded the motion and it carried by unanimous vote.

Acting Vice-Chairman Palchik returned the gavel to Acting-Chairman Smith.

17. **NO BOARD MATTERS FOR ACTING-CHAIRMAN SMITH (SULLY DISTRICT)** (10:59 a.m.)

Acting-Chairman Smith announced that she had no Board Matters to present today.

18. **NO BOARD MATTERS FOR SUPERVISOR WALKINSHAW (BRADDOCK DISTRICT)** (10:59 a.m.)

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

19. **STAFF UPDATES IN THE DRANESVILLE DISTRICT SUPERVISOR'S OFFICE** (10:59 a.m.)

Supervisor Bierman:

- Announced that Jane Edmondson recently retired
- Acknowledged his current staff, Patti Dinkelmeyer, Jenny Phipps, and Ben Wiles
- Introduced two new members in his office, Natalie Bennett and Prabha Rollins. On behalf of the Board, he warmly welcomed them to the Board Auditorium

20. **EXPEDITED PROCESSING REQUEST FOR TOWNS AT VILLA PARK (FRANCONIA DISTRICT)** (11:01 a.m.)

Supervisor Lusk stated that the Towns at Villa Park, LLC (the applicant), an affiliate of JR Real Estate Group, LLC, is the owner of two parcels of land identified as Tax Map 90-2 ((4)) 19 and 20 (collectively, the property). The applicant has filed a Rezoning and Generalized Development Plan (Rezoning Application RZ 2021-LE-019) to permit the development of a residential community of up to 40 single family attached dwelling units along Parktown Street, a new private road proposed by the applicant that will be publicly accessible and connect Villa Park Road and Wesley Road. On July 25, 2023, the Board approved a Comprehensive Plan Amendment that allows residential use at a density of 5 – 8 dwelling units per acre. The applicant’s proposal represents a density of 6.88 dwelling units per acre.

The proposed Rezoning Application provides a unique opportunity to consolidate two undeveloped parcels and makes a significant investment in a community that needs new housing opportunities for current and future residents. The consolidation and development of the Property will achieve several community objectives, including significant tree preservation, publicly accessible open space, a much-needed sanitary sewer upgrade, and modern stormwater management. The Applicant also will be making a contribution to the County’s Affordable Housing Trust Fund.

Supervisor Lusk stated that the Applicant has worked closely with his office, Planning Commissioner Lagana, staff, the Franconia Land Use Committee, and the community over the past two years and has made substantial improvements to the proposed development plan. The Rezoning Application is scheduled for a Planning Commission Public Hearing on April 24, 2024.

Given the extensive review process, collaboration with the County and the community, and the time-sensitive nature of the Applicant’s agreement with a high-quality residential developer, the Applicant has requested expedited processing to establish a Board public hearing date for the Rezoning Application.

Therefore, Supervisor Lusk moved that the Board direct staff to expedite the scheduling of a public hearing for Rezoning Application RZ 2021-LE-019 to be held before the Board on May 7, 2024. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the Applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards in any way. Supervisor Palchik seconded the motion and it carried by unanimous vote.

21. **REQUEST TO WAIVE FEES FOR HIRUT TESFAYE/YAYA FAMILY CHILDCARE (FRANCONIA DISTRICT)** (11:04 a.m.)

Supervisor Lusk announced that later in the meeting, at the appropriate time, he will be deferring the public hearing on Special Exception Application

SE-2023-FR-00008, Hirut Tesfaye/Yaya Family Childcare, to March 5, 2024. This case must be rescheduled because the applicant did not timely reaffirm her affidavit. Under the Zoning Ordinance, there is a fee assessed for affidavit errors after public notice has been given. The applicant in this case is a home child care operator who, in addition to running a child care, is handling this case herself, without the benefit of representation, and the added financial burden could be a significant barrier. Staff has explained this fee to the applicant so that this issue will not arise again.

Supervisor Lusk stated his belief that, given the circumstances, there is good cause for the Board to grant this waiver. Therefore, Supervisor Lusk moved that the Board direct the Department of Planning and Zoning to waive the deferral of public hearing fee for Special Exception Application SE-2023-FR-00008. 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 Bierman seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #46.)

22. **NO BOARD MATTERS FOR SUPERVISOR ALCORN (HUNTER MILL DISTRICT)** (11:06 a.m.)

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

23. **NO BOARD MATTERS FOR SUPERVISOR BIERMAN (DRANESVILLE DISTRICT)** (11:06 a.m.)

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

24. **PROCLAMATION REQUEST DESIGNATING MARCH 2023 AS "ALTERNATIVE DISPUTE RESOLUTION (ADR) MONTH"** (11:06 a.m.)

Supervisor Storck stated that ADR refers to several processes, tools and techniques used to manage and resolve conflict. ADR is an alternative to traditional adversarial processes and helps disputing parties reach mutually agreeable outcomes that consider the needs of all involved and minimize cost, while improving communication and morale. ADR is utilized in various ways throughout the County to foster effective and efficient government, such as through the ADR Program. County employees are supported by the ADR Program in navigating high levels of stress, communicating effectively and strengthening workplace relationships.

The County historically celebrates March as ADR month, and each year chooses a leader in this field to receive recognition. This year, the County recognizes the Consumer Affairs Branch of the Department of Cable and Consumer Services. Consumer Affairs provides voluntary mediation services assisting clients and businesses to reach mutually agreeable solutions, thus resolving issues

constructively and fostering positive relationships. Consumer Affairs mediates a variety of issues related to tenant-landlord, housing services, automotive, retail and additional professional services. In Fiscal Year 2023, through mediation efforts, Consumer Affairs recovered \$461,256 for County residents. Consumer Affairs provides valuable, alternative methods of resolution empowering clients to resolve issues constructively, while preventing overburdening of traditional methods such as the court system.

Therefore, jointly with Chairman McKay, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation designating March 2024 as “*Alternative Dispute Resolution Month*” in the County, to be presented to the Consumer Affairs Branch in the Department of Cable and Consumer Services on March 7, 2024. Without objection, it was so ordered.

25. **REQUEST TO WAIVE FEES FOR MARGARET MWIKALI MWONGELA AND THE MONTESSORI SCHOOL OF LORTON LLC (MOUNT VERNON DISTRICT)** (11:08 a.m.)

Supervisor Storck announced that later in the meeting, at the appropriate time, he plans to defer the public hearing for Special Exception Application SE-2023-MV-00021, Margaret Mwikali Mwongela and the Montessori School of Lorton, LLC, to March 5, 2024. This case must be rescheduled because the applicant did not reaffirm her affidavit on time. Under the Zoning Ordinance, a fee assessed for affidavit errors after public notice has been given. The applicant is a home childcare operator in Lorton, near the new Lorton Community Center and in a neighborhood that is high on the vulnerability index. In addition to running a childcare, she is handling this case herself without the benefit of representation and the added financial burden could be a significant barrier for her. Staff have explained this fee to the applicant so that this issue will not arise again.

Supervisor Storck stated his belief that, given these circumstances, there is good cause for the Board to grant this waiver. Therefore, Supervisor Storck moved that the Board direct the Department of Planning and Zoning to waive the deferral the public hearing fee for Special Exception Application SE-2023-MV-00021. This motion should not be construed as a favorable recommendation on any application 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 application. Chairman McKay seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk’s Summary Item #45.)

26. **37TH ANNUAL MOUNT VERNON DISTRICT TOWN MEETING**
(11:10 a.m.)

Supervisor Storck announced that the 37th Annual Mount Vernon District Town Meeting will be held February 10, 2024, from 7:45 a.m. – 1:30 p.m., at Mount Vernon High School. He encouraged the community to attend the event.

27. **PROCLAMATION REQUEST DESIGNATING APRIL 2024 AS**
“CHILD ABUSE PREVENTION MONTH” (11:12 a.m.)

Supervisor Palchik stated that April is a time to recognize the importance of families and communities working together to prevent child abuse. The County’s child abuse prevention efforts seek to build stronger families that can provide safe and healthy childhoods that lead to creating a strong and thriving community. This year’s theme is “Family Matters.” The importance of families is recognized as the formation of children’s character, and that spending time together as a family develops loving relationships.

In Fiscal Year (FY) 2022, nearly 3.1 million children were involved with Child Protective Services across the country. In FY 2023, more than 52,000 children in the Commonwealth of Virginia and approximately 3,700 children in the County were reported as possible victims of abuse or neglect. Additionally, the County’s Child Protective Services’ 24-hour hotline received approximately 13,100 calls in FY 2023 for protective services and information about prevention and family support services.

Child abuse prevention is a community responsibility and finding solutions depends on involvement among all people. The lives of children can be positively changed and saved by active and aware community members making a critically important decision to ask more questions and offer help. Adverse childhood experiences result in long-term health impacts. Fortunately, the trauma of child abuse and neglect is preventable.

Every child deserves to grow up in a safe, nurturing, and stable environment. The County is dedicated to the safety of children and providing the appropriate support to parents to keep families healthy. The County encourages residents, community agencies, faith groups, and businesses to renew their commitment to preventing child abuse, supporting families, and promoting safety, family resilience, and child well-being.

Therefore, jointly with Supervisor Lusk, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 2024 as “Child Abuse Prevention Month” in the County, to be presented to the Fairfax County Department of Family Services at its meeting on March 19, 2024. Without objection, it was so ordered.

28. **PROCLAMATION REQUEST DESIGNATING MARCH 2024 AS “WOMEN’S HISTORY MONTH”** (11:14 a.m.)

Supervisor Palchik stated that Women’s History Month originated as “Women’s History Week” in 1982. Since the National Women’s History Project petitioned the designation of March as Women’s History Month in 1987, the diverse facets of women’s identity that enrich and sometimes challenge experiences have been and continue to be celebrated. This year’s theme, “Women who Advocate for Equity, Diversity, and Inclusion,” celebrates women nationwide who are committed to eliminating bias and discrimination still prevailing in lives, and in systems, to ensure a more positive future.

Women of diverse backgrounds recognize the inherent injustice of inequality and are committed to advocating for fairness. In alignment with the One Fairfax policy, the County acknowledges that a just and inclusive society requires the collective effort of women as integral members of families, civic and community groups, businesses, and legislative bodies, to challenge the status quo and to reevaluate harmful social policies that subtly shape the future. One Fairfax is the County’s declaration of commitment that all residents deserve an equitable opportunity to succeed.

This year, the example set by women dedicated to embracing everyone in the collective pursuit of freedom and opportunity is celebrated. The courage displayed by women advocating for practical goals such as equity, diversity, and inclusion is commendable, particularly in the face of opposition from established forces seeking to misinterpret, exploit, or discredit their efforts.

Established in 1971, the Commission for Women (CFW) has been a voice for women to combat domestic violence and promote educational equality and progress in the workplace. CFW honors local women, past and present, who have taken the lead in advocating for change and establishing firmer safeguards, practices, and legislation reflecting values of inclusion, equality, and fairness.

Therefore, jointly with Chairman McKay and Supervisor Smith, Supervisor Palchik asked unanimous consent that the Board direct the Office of Public Affairs to prepare a Proclamation, designating March 2024 as “*Women’s History Month*” in the County, in recognition and celebration of the vital role women play in the County’s history and across the nation, to be presented to the Commission for Women at the March 5, 2024, Board Meeting. Without objection, it was so ordered.

29. **REQUEST FOR CONCURRENT PROCESSING OF SITE PLAN DUNN LORING ELEMENTARY SCHOOL (PROVIDENCE DISTRICT)** (11:17 a.m.)

Supervisor Palchik stated that the Fairfax County School Board (FCSB) recently submitted Rezoning Application RZ 2023-PR-00018 to permit the development of a new Dunn Loring Elementary School on the northwest side of the intersection of Idylwood Drive and Gallows Road (Tax Map 39-4-((1))-24). The existing

Dunn Loring Administrative Center building, located on this 9.97-acre site, would be replaced with a new building and facilities to support a new school.

To maintain its Capital Improvement Plan schedule, the FCSB has requested concurrent processing of a site plan with its recently submitted Rezoning Application RZ-2023-PR-00018.

Supervisor Palchik stated that she anticipates that Fairfax County Public Schools staff and their representatives will initiate additional community outreach and engagement shortly to inform and receive feedback from the community regarding the pending zoning application.

Therefore, Supervisor Palchik asked unanimous consent that the Board authorize the filing of a site plan and direct Land Development Services to accept the site plan for concurrent and expedited processing with the pending processing for Rezoning Application RZ-2023-PR-00018 (Tax Map 39-4-((1))-24). This motion does not relieve the School Board from complying with all regulations, ordinances, or adopted standards, and will not prejudice this Board's consideration of the application. Without objection, it was so ordered.

30. **INCREASED EFFICIENCY IN DISCLOSURE PROCESS** (11:20 a.m.)

Supervisor Herrity stated that, according to the Virginia Code and Virginia Supreme Court, members of the Board must disclose monetary contributions received within the last 12 months in excess of \$100 from any entities involved in cases that come before the Board. Board staff and the County Attorney's office spend considerable time making sure that all necessary disclosures are identified. Currently, there is no automated method for the Board to crosscheck affidavits efficiently and accurately. Affidavit documents are provided as PDFs and staff must manually check each entity listed for possible disclosures prior to Board Meetings. This process has significant room for human error and consumes an unnecessary amount of staff time. Some of the detrimental consequences of not properly disclosing contributions include lack of public transparency and potential criminal charges for the offending Board Member.

Therefore, jointly with Supervisor Jimenez, Supervisor Herrity moved that the Board direct the County Executive to work with the County Attorney to consider an adapted process that would result in an electronic compilation of entities included in the affidavits that could be checked more efficiently by staff. This consideration should come back to the Board at the next Information Technology Committee meeting. Supervisor Jimenez seconded the motion.

Discussion ensued with input from Beth Teare, County Attorney, and Bryan Hill, County Executive, regarding:

- Handwritten affidavits and additional review
- The possibility for increased human error

- The burden it would place on staff
- The processes used by other jurisdictions
- The Board still needing to check and review the affidavits for accuracy
- Fairfax County and Loudoun County being the only two local jurisdictions required to file affidavits
- The need to identify and examine information technology solutions
- The sending of all applicant affidavit reminders
- Staff examining the current process, identifying improvements, and streamlining the process

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

31. **VIENNA FIGURE SKATER WINS UNITED STATES (U.S.) FIGURE SKATING CHAMPIONSHIP TITLE** (11:29 a.m.)

Supervisor Herrity announced that Ilia Malinin, a former Marshall High School student, was recently named the men's winner in the U.S. Figure Skating Championships. On behalf of the Board, Supervisor Herrity congratulated Ilia Malinin for winning that title.

EBE:ebe

32. **ADMINISTRATIVE ITEMS** (11:30 a.m.)

Supervisor Palchik moved approval of the Administrative Items. Supervisor Walkinshaw seconded the motion.

Supervisor Alcorn called the Board's attention to Admin 3 – Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Minor and Editorial Revisions and Changes to Reflect Virginia Code Updates and asked to consider it separately. This was accepted.

Supervisor Alcorn called the Board's attention to Admin 6 – Authorization to Schedule and Advertise a Public Hearing on the Proposed One-Year Action Plan for Fiscal Year 2025 and asked to consider it separately. This was accepted.

The question was called on the motion, as amended, to approve the Administrative Items, with the exception of ADMIN 3 and ADMIN 6, and it carried by unanimous vote, Supervisor Bierman, Supervisor Herrity, Supervisor Jimenez,

Supervisor Lusk, Supervisor Palchik, Supervisor Storck, Supervisor Walkinshaw, Chairman McKay, and Acting-Chairman Smith voting “AYE.”

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM – COVINGTON WOODS (MOUNT VERNON DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Covington Woods	Mount Vernon	Covington Woods Court

ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR POPLAR HEIGHTS WATER TANK 2232-APPLICATION (PROVIDENCE DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-2023-PR-00018	Fairfax County Water Authority Poplar Heights Water Tank Replacement Tax Map Numbers 50-1 ((2)) 89 and 94A; 50-1 ((12)) 6, 1 (pt.) and 5 (pt.) 7407 Tower Street Falls Church, VA 22046	September 25, 2024

ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED ZONING ORDINANCE AMENDMENT RE: MINOR AND EDITORIAL REVISIONS AND CHANGES TO REFLECT VIRGINIA CODE UPDATES

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page 16 - 17.)

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk’s Summary Item #33.)

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 3601 FIREHOUSE LANE TO DISH WIRELESS, L.L.C. (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 5, 2024, at 4 p.m.**, to consider entering into a lease with DISH Wireless,

L.L.C. for the County-owned property at Baileys Fire Station located at 3601 Firehouse Lane for the expansion of telecommunications services for public use.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO ESTABLISH PARKING RESTRICTIONS ON ELECTRONIC DRIVE (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 20, 2024, at 4:30 p.m.**, to consider an amendment to Appendix R of the Fairfax County Code. This amendment will prohibit commercial vehicles, recreational vehicles (watercraft, boat trailers, motor homes, or camping trailers), and any trailer or semitrailer, as defined, respectively, in Fairfax County Code Sections 82-5-7, 82-5B-1 and 82-1-2(a), from parking on Electronic Drive from Tiros Drive to the eastern property boundary of 6621 Electronic Drive, 7 a.m. to 7 p.m., seven days per week.

ADMIN 6 – AUTHORIZATION TO SCHEDULE AND ADVERTISE A PUBLIC HEARING ON THE PROPOSED ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2025

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page 17.)

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

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED SALE OF SEWER REVENUE BONDS, SERIES 2024A AND SEWER REVENUE REFUNDING BONDS, SERIES 2024B

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 5, 2024, at 4 p.m.**, on the proposed sale of Sewer Revenue Bonds, Series 2024A and Sewer Revenue Refunding Bonds, Series 2024B.

33. **ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED ZONING ORDINANCE AMENDMENT RE: MINOR AND EDITORIAL REVISIONS AND CHANGES TO REFLECT VIRGINIA CODE UPDATES** (11:32 a.m.)

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

Discussion ensued, with input from Laura Gori, Senior Assistant County Attorney, regarding the editorial revisions and changes required by State law.

Supervisor Alcorn moved that the Board adopt the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on February 28, 2024, and before the Board on **March 19, 2024, at 4 p.m.**, to consider proposed amendments to the Zoning Ordinance regarding minor and editorial revisions and changes to reflect Virginia Code updates. Supervisor Palchik seconded the motion and it carried by unanimous vote.

34. **ADMIN 6 – AUTHORIZATION TO SCHEDULE AND ADVERTISE A PUBLIC HEARING ON THE PROPOSED ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2025** (11:33 a.m.)

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

Supervisor Alcorn moved that the Board authorize the advertisement of a public hearing to be held before the Board on **March 19, 2024, at 4 p.m.**, on the proposed One-Year Action Plan for FY 2025. Supervisor Bierman and Supervisor Palchik jointly seconded the motion.

Following discussion regarding rental assistance and the need for more shelter, the question was called on the motion and it carried by unanimous vote.

35. **A-1 – APPROVAL TO AUTHORIZE AND EXECUTE A PROJECT ADMINISTRATION AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF REPLACEMENT SIGNAGE FOR ROUTE 29 AND ROUTE 50 (BRADDOCK, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (11:35 a.m.)

- (R) Supervisor Bierman moved that the Board concur in the recommendation of staff and adopt a resolution authorizing the Director of the Department of Transportation, to execute a PAA with VDOT, for the design and construction of replacement overhead, mast arm mounted, and ground mounted signs for Route 29 (formerly Lee Highway) and Route 50 (formerly Lee Jackson Memorial Highway) in Fairfax County. The total project estimate is \$1,350,000. The motion was multiply seconded.

Discussion ensued, with input from Gregg Steverson, Acting Director, Department of Transportation, regarding the project timeline, cost estimates, and the signage renaming.

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

KK:kk

ADDITIONAL BOARD MATTER

36. **INTENT TO DEFER PUBLIC HEARINGS** (11:45 a.m.)

(NOTE: Earlier in the meeting, the intent to defer these public hearings were announced. See Clerk's Summary Items #21 and #25.)

Following a query to Elizabeth Teare, County Attorney, regarding the amount of time needed for closed session, as noted earlier in the meeting, Supervisor Lusk announced his intent to defer the public hearing on Special Exception Application SE 2023-FR-00008 to a date certain of **March 5, 2024, at 3:30 p.m.**

As noted earlier in the meeting, Supervisor Storck announced his intent to defer the public hearing on Special Exception Application SE 2023-MV-00021 until **March 5, 2024, at 3:30 p.m.**

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items #45 and #46.)

AGENDA ITEM

37. **RECESS/CLOSED SESSION** (11:46 a.m.)

Supervisor Palchik 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, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as 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. *Claim Arising from death of Timothy Johnson on February 22, 2023*

2. *Authorization to File a Complaint Against Virginia Electric and Power Company (Dominion) Regarding Issues with Dominion's Billing and Customer Care Portal with the State Corporation Commission*
3. *Amazon Data Services Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case Nos. CL-2024-0000062, CL-2024-0000065, and CL-2024-0000068 (Fx. Co. Cir. Ct.)
4. *Jay Riat, Building Official for Fairfax County, Virginia v. Hadrian Management Limited Liability Company*, Case No. CL-2024-0000338 (Fx. Co. Cir. Ct.) (Braddock District)
5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ana Maria Bacarreza, Juan Carlos Mendoza Villegas, and Jonathan Mendoza*, Case No. (pending) (Fx. Co. Gen. Dist. Ct.) (Braddock District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Dan Nguyen Crowley and Am N. Crowley*, Case No. CL-2023-002966 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *Jay Riat, Building Official for Fairfax County, Virginia v. Kurt Adam Janssen, Eric Janssen, and Bonnie Janseen*, Case No. CL-2024-0000339 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Jay Riat, Building Official for Fairfax County, Virginia v. Xin Yi Jia Trading, Inc.*, Case No. CL-2024-0000261 (Fx. Co. Cir. Ct.) (Franconia District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria Antonia Quintanilla Grande*, Case No. GV24-000702 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaime E. Vargas*, Case No. GV24-000703 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
11. *Jay Riat, Building Official for Fairfax County, Virginia v. Salvador Gutarra Juarez and Aurora Mariela Gutarra*, Case No. CL-2022-0001863 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jay Riat, Building Official for Fairfax County, Virginia v. Oscar Maravilla*, Case No. CL-2022-0013794 (Fx. Co. Cir. Ct.) (Mason District)

13. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose Jonis Alvarado Hernandez and Sandra Noemi Callejas Guillen*, Case No. CL-2024-0000260 (Fx. Co. Cir. Ct.) (Mason District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Branden Beasley*, Case No. CL-2024-0000097 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Walter E. Huizenga*, Case No. GV22-015513 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Anchinesh Ejigu*, Case No. GV23-003451 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
17. *Jay Riat, Building Official for Fairfax County, Virginia v. Ernst Friedrich Hunter*, Case No. GV23-011450 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thomas John Kelly*, Case No. GV24-000704 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
19. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Gregg Riddiford*, Case No. CL-2013-0015905 (Fx. Co. Cir. Ct.) (Providence District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. The Matthew Godek Trust Dated November 6, 2003*, Case No. GV24-000701 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(8), legal analysis regarding transportation improvement tax districts and zoning regulations
- As permitted by Virginia Code Section 2.2-3711(A)(7) and (8), consideration of a claim and demand presented to the County by the family of Timothy Johnson as a result of his death near Tysons Corner Center on February 22, 2023
- As permitted by Virginia Code Section 2.2-3711(A)(1) and (8), appointments to the Board of Zoning Appeals

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

At 3:33 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Acting-Chairman Smith presiding.

ACTIONS FROM CLOSED SESSION

38. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:33 p.m.)

Supervisor Palchik moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements by virtue of Virginia Code Section 2.2-3711, and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Lusk seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Bierman, Supervisor Herrity, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Storck, Supervisor Walkinshaw, Chairman McKay and Acting Chairman Smith voting “AYE.”

39. **DENIAL OF CLAIM ARISING FROM THE DEATH OF TIMOTHY JOHNSON ON FEBRUARY 22, 2023** (3:34 p.m.)

Supervisor Palchik moved that the Board deny the settlement demand of the Administrator of the Estate of Timothy Johnson according to the terms and conditions outlined by the County Attorney in Closed Session. Supervisor Herrity seconded the motion and it carried by unanimous vote.

40. **FILING OF COMPLAINT WITH THE STATE CORPORATION COMMISSION AGAINST VIRGINIA ELECTRIC AND POWER COMPANY (DOMINION)** (3:34 p.m.)

Supervisor Walkinshaw moved that the Board authorize the filing of a complaint with the State Corporation Commission against Virginia Electric and Power Company (Dominion) regarding issues with Dominion’s billing and customer care portal, as outlined by the County Attorney in Closed Session. Supervisor Palchik seconded the motion and it carried by unanimous vote.

41. **APPOINTMENTS TO THE BOARD OF ZONING APPEALS (BZA)** (3:35 p.m.)

(BACs)

(APPTs)

Following a brief statement being read, Supervisor Walkinshaw moved that the Board:

- Concur in the appointment of Akida Rouzi to the Fairfax County Board of Zoning Appeals to fill Roderick Maribojoc’s unexpired term

- Request the Circuit Court to authorize the advertisement of the two seats on the BZA that will become available on February 21, 2024, and June 14, 2024, with the understanding that a competitive application process will be used, and the incumbents may submit applications for consideration by the court
- Direct the Office of Public Affairs and the County Attorney to circulate the advertisements for the two seats that will soon become available to additional professional organizations and Board Member offices

The motion was multiply seconded and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

42. **OPTIONS FOR INDIVIDUALS TO PROVIDE TESTIMONY FOR PUBLIC HEARINGS** (3:37 p.m.)

Acting-Chairman Smith 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 to 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.

43. **CONTINUED REMOTE PARTICIPATION OF CHAIRMAN MCKAY** (3:38 p.m.)

(NOTE: Earlier in the meeting, an announcement was made that Chairman McKay would be participating remotely. See Clerk's Summary Item #1.)

Acting-Chairman Smith announced that Chairman McKay was participating remotely due to having COVID.

44. **INTENT TO DEFER A PUBLIC HEARING** (3:38 p.m.)

Supervisor Palchik announced her intent to defer, later in the meeting at the appropriate time, the public hearing on RZ 2023-PR-0005 and PCA 1997-PR-007 (8221 Old Courthouse Road, L.C.) (Providence District).

(NOTE: Later in the meeting, this public hearing was deferred. See Clerk's Summary Item #49.)

AGENDA ITEMS45. **3:30 P.M. – PUBLIC HEARING ON SE 2023-MV-00021 (MARGARET MWIKALI MWONGELA AND THE MONTESSORI SCHOOL OF LORTON LLC) TO PERMIT A HOME DAY CARE FACILITY, LOCATED ON APPROXIMATELY 3,564 SQUARE FEET OF LAND (MOUNT VERNON DISTRICT)** (3:38 p.m.)

Supervisor Storck moved to defer the public hearing on Special Exception Application SE 2023-MV-00021 until **March 5, 2024, at 3:30 p.m.** Supervisor Palchik seconded the motion and it carried by unanimous vote.

46. **3:30 P.M. – PUBLIC HEARING ON SE 2023-FR-00008 (HIRUT TESFAYE/YAYA FAMILY CHILDCARE LLC) TO PERMIT A HOME DAY CARE FACILITY, LOCATED ON APPROXIMATELY 1,700 SQUARE FEET OF LAND (FRANCONIA DISTRICT)** (3:39 p.m.)

Due to an affidavit issue, Supervisor Lusk moved to defer the public hearing on Special Exception Application SE 2023-FR-00008 until **March 5, 2024, at 3:30 p.m.** Supervisor Palchik seconded the motion and it carried by unanimous vote.

47. **3:30 P.M. – PUBLIC HEARING ON SE 2023-MA-00017 (BRADLICK SUBSIDIARY LLC) TO PERMIT A WAIVER OF SIGN REGULATIONS TO PERMIT AN INCREASE IN SIGN AREA AND HEIGHT, BY REPLACING TWO EXISTING FREESTANDING PYLON SIGNS, LOCATED ON APPROXIMATELY 11.96 ACRES OF LAND (MASON DISTRICT)** (3:40 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 January 23 and January 30, 2024.

The application property is located at 6930 Bradlick Shopping Center, Annandale, 22003. Tax Map 71-4 ((1)) 27.

Noah B. Klein, Venable LLP, reaffirmed the validity of the affidavit dated October 24, 2023, 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. Klein 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 Jimenez, Mr. Klein confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated November 17, 2023.

Supervisor Jimenez moved that the Board approve Special Exception Application SE 2023-MA-00017, subject to the development conditions dated November 17, 2023. Supervisor Palchik seconded the motion and it carried by unanimous vote.

48. **3:30 P.M. – PUBLIC HEARING ON SEA 2002-MA-020 (BOARD OF SUPERVISORS FAIRFAX COUNTY, VIRGINIA AND GLOBAL SIGNAL ACQUISITIONS IV, LLC) TO AMEND SE 2002-MA-020 PREVIOUSLY APPROVED FOR A PUBLIC BENEFIT ASSOCIATION AND TELECOMMUNICATIONS FACILITY WITH A MONOPOLE ON THE SITE OF THE EXISTING WEST ANNANDALE FIRE STATION TO PERMIT THE RELOCATION OF TELECOMMUNICATION EQUIPMENT STORAGE AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 1.70 ACRES OF LAND (MASON DISTRICT) (CONCURRENT WITH 2232-2022-MA-00002)**
(3:45 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 January 23 and January 30, 2024.

The application property is located at 8914 Little River Turnpike, Fairfax, 22031. Tax Map 58-4 ((1)) 62.

Kamal Mohey, Project Manager, Building Design Branch, Department of Public Works and Environmental Services, reaffirmed the validity of the affidavit dated September 27, 2023, 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.

A brief discussion ensued, with input from Mr. Mohey, who noted his agreement with the staff presentation.

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

Following a query by Supervisor Jimenez, Mr. Mohey confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 2, 2024.

Supervisor Jimenez moved that the Board approve Special Exception Amendment Application SEA 2002-MA-020, subject to the development conditions dated February 2, 2024. Supervisor Palchik and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

(NOTE: On December 6, 2023, the Planning Commission approved Public Facilities Application 2232-2022-MA-00002 based on the findings and reasons outlined in the Board Agenda Item.)

49. **3:30 P.M. – PUBLIC HEARING ON RZ 2023-PR-00005 (8221 OLD COURTHOUSE ROAD, L.C.) TO REZONE FROM C-3 TO PRM DISTRICT TO PERMIT THE REPURPOSING OF AN OFFICE BUILDING TO ALLOW 55 RESIDENTIAL UNITS WITH AN OVERALL DENSITY OF 27.5 DWELLING UNITS PER ACRE AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 2.00 ACRES OF LAND (PROVIDENCE DISTRICT) (CONCURRENT WITH PCA 1997-PR-007 (RZPA 2023-PR-00036))**

AND

PUBLIC HEARING ON PCA 1997-PR-007 (RZPA 2023-PR-00036) (8221 OLD COURTHOUSE ROAD, L.C.) TO AMEND RZ 1997-PR-007 PREVIOUSLY APPROVED FOR OFFICE AND HOTEL USE TO PERMIT THE DELETION OF THE OFFICE LAND AREA FROM THE REZONING, LOCATED ON APPROXIMATELY 2.00 ACRES OF LAND (PROVIDENCE DISTRICT) (CONCURRENT WITH RZ 2023-PR-00005)
(3:49 p.m.)

Due to an affidavit issue, Supervisor Palchik moved to defer the public hearing Proffered Condition Amendment Application PCA 1997-PR-007 and Rezoning Application RZ 2023-PR-00005 until **March 19, 2024, at 3:30 p.m.** Supervisor Lusk seconded the motion and it carried by unanimous vote.

50. **BOARD RECESS** (3:50 p.m.)

At 3:50 p.m. the Board recessed briefly and at 4:01 p.m. reconvened with all Members being present, and with Acting-Chairman Smith presiding.

51. **4 P.M. – PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT RE: OUTDOOR DINING** (4:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 23 and January 30, 2024.

Lily Yegazu, Planner, Zoning Evaluation Division, Department of Planning and Development, presented the staff report.

A brief discussion ensued, with input from Ms. Yegazu, regarding codification of current uncodified standards.

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

Supervisor Bierman moved that the Board adopt the proposed Zoning Ordinance Amendment for “Outdoor Dining,” with the staff recommended options as set forth in the Staff Report dated December 15, 2023, and to become effective at 12:01 a.m., on February 7, 2024, with a grace period until April 30, 2024, to allow existing outdoor dining areas to come into compliance with the new standards. The motion was multiply seconded.

Following discussion, with Board Members expressing their support of 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 Storck, Supervisor Walkinshaw, Chairman McKay, and Acting-Chairman Smith voting “AYE.”

52. **BOARD ADJOURNMENT** (4:11 p.m.)

At 4:11 p.m. the Board adjourned.