



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 19, 2024**

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07-24

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 March 19, 2024, at 9:39 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. Storek, 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; Ekuu Brew-Ewool and Kecia Kendall, Deputy Clerks, and Danya Alattar, Administrative Assistant, Department of Clerk Services.

BOARD MATTER1. **MOMENT OF SILENCE** (9:39 a.m.)

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

- Donald Dispirito, who died recently. He was an active community volunteer and member of the Annandale Christian Community for Action (ACCA). He led the ACCA furniture program which collected donations and delivered furniture to families in need
- Everett “Kip” Grant Germain III, who died recently. He served as president of the Annandale Boys and Girls Club for the past 18 years. He was an accomplished soccer player, coach, and advocate for all levels of sports
- Dennis Hogge, who died recently. He was a real estate agent with a passion for history; worked with other advocates of historical preservation to help establish the Centreville Historic Overlay District; and went to great lengths to preserve Centreville history

AGENDA ITEMS2. **PROCLAMATION DESIGNATING MARCH 31, 2024, AS “TRANSGENDER VISIBILITY DAY” IN FAIRFAX COUNTY** (9:41 a.m.)

Supervisor Bierman moved approval of the Proclamation designating March 31, 2024, as “*Transgender Visibility Day*” in Fairfax County. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

3. **PROCLAMATION DESIGNATING APRIL 2024 AS “CHILD ABUSE PREVENTION MONTH” IN FAIRFAX COUNTY** (10:03 a.m.)

Supervisor Palchik moved approval of the Proclamation designating April 2024 as “*Child Abuse Prevention Month*” in Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING APRIL 1-7, 2024, AS “PUBLIC HEALTH WEEK” IN FAIRFAX COUNTY** (10:13 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Smith and moved approval of the Proclamation designating April 1-7, 2024, as “*Public Health Week*” in Fairfax County. Vice-Chairman Smith and Supervisor Palchik jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Smith returned the gavel to Chairman McKay.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY POLICE DEPARTMENT CRIME PREVENTION COMMUNITIES PROGRAM** (10:26 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Smith and moved approval of the Resolution of Recognition presented to the Fairfax County Police Department Crime Prevention Communities Program for its recertification. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Smith returned the gavel to Chairman McKay.

EBE:ebe

6. **APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACS)** (10:37 a.m.)

Supervisor Smith moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard March 19, 2024." Supervisor Palchik seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the At-Large Chairman's and Mason District Representatives.

ADVISORY SOCIAL SERVICES BOARD

The Board deferred appointment of the Braddock, Dranesville, and Hunter Mill District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder (Multi-Family), Engineer/Architect/Planner #1 and #2, the Lending Institution, and the Non-Profit Housing Representatives.

AFFORDABLE HOUSING ADVISORY COUNCIL

Appointment of:

- Ms. Barfonce Baldwin as the Springfield District Representative

Confirmation of:

- Mr. Mateo Dunne as the Fairfax County School Board Representative

AIRPORTS ADVISORY COMMITTEE

Confirmation of:

- Ms. Evelyn Spain as the Planning Commission Representative

The Board deferred the appointment of At-Large Chairman's, Dranesville District Business and Sully District Representatives.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #1, #2, #3, #5 and #6 Representatives.

ANIMAL SERVICES ADVISORY COMMISSION

Appointment of:

- Mr. Peter Fabry as the Braddock District Representative

Reappointment of:

- Mr. Philip Church as the At-Large Chairman's Representative
- Mr. Harley Methfessel as the Springfield District Representative

The Board deferred the appointment of the Providence District Representative.

ATHLETIC COUNCIL

Appointment of:

- Mr. Thomas Fitzpatrick as the Mount Vernon District Alternate Representative

Reappointment of:

- Mr. Eric T. Sohn as the Diversity-At-Large Alternate Representative

The Board deferred the appointment of the Member-At-Large Principal and Alternate, Diversity-At-Large Principal, Dranesville District Alternate, Franconia

District Alternate, Mason District Alternate, and Women's Sports Alternate Representatives.

AUDIT COMMITTEE

Reappointment of:

- Mr. Paul Svab as the At-Large #1 Representative
- Mr. Lester Myers as the At-Large #2 Representative

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the At-Large Chairman's, Braddock, Dranesville, and Mason District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointment of the Alternate #1, and the Design Professional #3 and #5 Representatives.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

Reappointment of:

- Mr. Saif Rahman as the At-Large #2 Representative
- Mr. Ryan Rauner as the Professional #3 Representative

Appointment of

- Mr. Jeremy Manning as the Professional #6 Representative

The Board deferred the appointment of the At-Large #3 Representative.

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL

Reappointment of:

- Ms. Yasmine Aquino as the Fairfax County #6 Representative
- Ms. Caren Anton as the Fairfax County #8 Representative

Confirmation of:

- Mr. Andy Sigle as the Reston Association Member #2 Representative

The Board deferred the appointment of the Fairfax County #1, #3. and #9 (Youth) Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the At-Large #1 and Providence District Representatives.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the At-Large Chairman's and Hunter Mill District Representatives.

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

The Board deferred the appointment of the Dranesville District Representative.

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #2, #4, #5, #6, #7, #9, and #10 Representatives.

COMMISSION FOR WOMEN

Appointment of:

- Ms. Maria Villarreal as the Mount Veron District Representative

The Board deferred the appointment of the At-Large Minority and the Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Reappointment of:

- Ms. Michelle C. Jefferson as the Braddock District Representative
- Mr. Benjamin Zuhl as the Dranesville District Representative
- Mr. Philip E. Rosenthal as the Springfield District Representative

Appointment of:

- Mr. Yosias Zelalem as the Mason District Representative

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #5, #6, and #9 Representatives.

CONTINUUM OF CARE BOARD (CoC)

Appointment of:

- Ms. Julie Hendricks as the Mason District Representative

The Board deferred the appointment of the Dranesville District Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Confirmation of:

- Ms. Paige Valentine as the League of Women Voters Representative

The Board deferred the appointment of the Springfield District Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

Reappointment of:

- Mr. James D. Policaro as the At-Large #1 Representative
- Mr. Cory Scott as the At-Large #2 Representative

The Board deferred the appointment of the At-Large #6 Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

The Board deferred the appointment of the BOS At-Large #6 Representative.

ECONOMIC ADVISORY COMMISSION

Reappointment of:

- Mr. Brian Schoeneman as the Springfield District Representative

The Board deferred the appointment of the At-Large Chairman's #1, #2, and #3, At-Large #4 Chairman's Land Use, Dranesville District, Mount Vernon District, Providence District, and At-Large #11, #12, and #21 Representatives.

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

The Board deferred the appointment of the At-Large #3 Citizen Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

Reappointment of:

- Mr. Somanthan Govender as the Citizen #2 Representative
- Mr. Paul Noursi as the Citizen #3 Representative

The Board deferred the appointment of the Citizen #1 and #4 Representatives.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

The Board deferred the appointment of the Providence District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Reappointment of:

- Dr. David E. Simon as the At-Large Chairman's Representative
- Mr. Andrew Magill as the At-Large #2 Business Community Representative

The Board deferred the appointment of the Mason, Mount Vernon, and Providence District Representatives.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD

The Board deferred the appointment of the Providence District Representative.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Ms. Patricia Ann Zissios as the Franconia District Representative

(NOTE: Nomination was announced on February 20, 2024.)

The Board deferred the appointment of the At-Large #1 and Mount Vernon District Representatives.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Provider #4 Representative.

HISTORY COMMISSION

Appointment of:

- Mr. Brian Heintz as the Citizen #6 Representative

The Board deferred the appointment of the At-Large #1 and Historian #3 Representatives.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #5 Representative.

HUMAN SERVICES COUNCIL

Appointment of:

- Ms. Julie Detter as the Dranesville District #2 Representative

The Board deferred the appointment of the Mason District #2, Mount Vernon District #2, Providence District #2, and Sully District #1 and #2 Representatives.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

The Board deferred the appointment of the Mason District Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Reappointment of:

- Ms. Kim S. Farington as the Springfield Representative

The Board deferred the appointment of the At-Large Chairman's, Dranesville, Franconia, Mason, and Providence District Representatives.

LIBRARY BOARD

Reappointment of:

- Ms. Elizabeth K. Walker as the Sully District Representative

POLICE CIVILIAN REVIEW PANEL

The Board deferred the appointment of the Seat #1, #4, and #9 Representatives.

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen At-Large #2 Representative.

REDEVELOPMENT AND HOUSING AUTHORITY

Reappointment of:

- Ms. Lenore J. Stanton as the Sully District Representative

The Board deferred the appointment of the At-Large #1, Franconia, and Providence District Representatives.

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Residential Owners and HOA/Civic Association #2 Representative.

SMALL BUSINESS COMMISSION

The Board deferred the appointment of the At-Large #2, Mount Vernon, and Providence District Representatives.

TENANT-LANDLORD COMMISSION

The Board deferred the appointment of the Citizen Member #1 and #3, Condo Owner, Landlord Member #1, #2 and #3, and Tenant Member #3 Representatives.

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE

Appointment of:

- Mr. Noel Popwell as the Springfield District Representative

The Board deferred the appointment of the Dranesville District Representative.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen Appointed by BOS #4 Representative.

WETLANDS BOARD

The Board deferred the appointment of the At-Large #2 Representative.

YOUNG ADULTS ADVISORY COMMITTEE

Reappointment of:

- Mr. Neel Daugherty-Shrivastava as the Providence District Representative

The Board deferred the appointment of the At-Large #1 and #2 Chairman's, Braddock District, Dranesville District, Hunter Mill District, and Sully District Representatives.

ADDITIONAL INTERGOVERNMENTAL BOARD COMMITTEE APPOINTMENT

(NOTE: At the Board's January 23, 2024, meeting additional appointments were made to various regional and internal Boards and Committees.)

PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT COMMISSION

Appointment of:

- Supervisor Kathy Smith as a Fairfax County Board of Supervisors Representative

DA:da

7. **REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:38 a.m.)

Supervisor Walkinshaw, Chairman of the Board's Legislative Committee, stated that the regular session of the 2024 General Assembly adjourned on March 9, 2024. Board Members received a draft copy of the final report by email on March 18, 2024, when it was also posted on the County website. He presented the report on General Assembly activities, noting the following:

- There were 3,594 Bills and Resolutions that were introduced by both the General Assembly and the Board; 1,443 were reviewed by County operational and legal staff; and the Board took a formal position on 147 Bills. The Board originally opposed or sought to amend 21 Bills. By the end of the session, just one Bill remained in that category, which was fixed in the final week of the session, but looking at the numbers only tell part of the story

- The General Assembly passed its budget before adjourning on time, for the first time since 2017. The Budget Conference Report contains a number of Fairfax County priorities including:
 - Funding for school divisions to fill the gap created by the elimination of the State sales tax on food
 - Funding to help address the looming budget shortfall facing the Washington Metropolitan Area Transit Authority
 - Increased HB-599 funding for localities with police departments without a linkage to crime rates
 - Funding to fully eliminate the Priority One Waitlist for developmental disability waiver slots

The Conference did not, however, include one of the Governor's top priorities – a deal to bring the Washington Capitals and the Washington Wizards to a new arena in the City of Alexandria. In the days since the adjournment there has been a lot of discussion about how this project will influence the Governor's action on the budget, as well as the many Bills that are on his desk awaiting his action

- Perhaps the greatest disappointment of the session was the lack of significant action on recommendations from a Watershed Report on State K–12 Funding completed in 2023 by the Joint Legislative Audit and Review Commission (JLARC). That Study outlines both the inadequacy of State funding and the substantial flaws in current State funding formulas, determining that the Commonwealth dramatically underestimates the actual cost of public education by \$6.6 billion per year. The budget adopted by the General Assembly in September of 2023 includes funding for a study of the JLARC recommendations, but unfortunately there have been limited actions to implement the recommendations
- There has been substantial interest locally about the impact of the budget agreement on Fairfax County Public Schools (FCPS). When compared to the Governor's introduced budget, the Conference Report provides additional revenue of \$55.5 million. When compared to the Fiscal Year 2025 FCPS Advertised Budget, the Conference Report provides a net increase in funding to FCPS of \$28.9 million
- The County's legislative initiatives were very successful:
 - The first which would extend the deadline for certifying election results from seven days to ten days passed both

the House and the Senate and awaits action by the Governor

- The second expands the authority of localities that do not maintain their own roads to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on roads within its boundaries that are located in a business district or residential district. In 2021, the General Assembly passed legislation authorizing local governments to reduce speed limits in this way. However, following enactment of that Bill, VDOT made a determination that the legislation does not apply to streets in the State Highways System. This initiative would expand that authority to localities that do not maintain their own roads (like Fairfax County) as well. The initiative passed both the Senate and House and awaits action by the Governor

On behalf of the Board, Supervisor Walkinshaw thanked the legislative staff for their hard work and dedication throughout the session.

Supervisor Walkinshaw moved that the Board adopt the 2024 General Assembly Final Legislative Report. Chairman McKay and Supervisor Lusk jointly seconded the motion.

Discussion ensued regarding the motion, with input Claudia Arko, Legislative Director, regarding:

- The budget and FCPS funding
- Senate Bill 304 - Accessory Dwelling Units

Supervisor Alcorn suggested that staff work with local Towns on the SB-304 Study since they will be impacted.

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

DMS:dms

ADDITIONAL BOARD MATTERS

8. **RESOLUTION OF RECOGNITION REQUEST FOR PATRICIA MATHEWS** (10:57 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Smith and asked unanimous consent that the Board direct staff to prepare a

Resolution of Recognition for Patricia Mathews, in recognition of her 19 years of service to the region as the President and CEO of the Northern Virginia Health Foundation. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST DESIGNATING APRIL 2024 AS “COMMUNITY DEVELOPMENT MONTH” IN FAIRFAX COUNTY**
(10:57 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 2024 as “*Community Development Month*” in the County. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING MAY 2024 AS “ASIAN AMERICAN, NATIVE HAWAIIAN, AND PACIFIC ISLANDER (AANHPI) HERITAGE MONTH” IN FAIRFAX COUNTY**
(10:57 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 2024 as “*AANHPI Heritage Month*” in the County. Without objection, it was so ordered.

11. **PROCLAMATION REQUEST DESIGNATING MAY 6 – 10, 2024, AS “TEACHER APPRECIATION WEEK” IN FAIRFAX COUNTY**
(10:57 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 6 – 10, 2024, as “*Teacher Appreciation Week*” in the County. Without objection, it was so ordered.

12. **PROCLAMATION REQUEST DESIGNATING MAY 9 – 18, 2024, AS “POLICE WEEK” IN FAIRFAX COUNTY** (10:57 a.m.)

Jointly with Supervisor Smith, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 9 – 18, 2024, as “*Police Week*” in the County. Without objection, it was so ordered.

Vice-Chairman Smith returned the gavel to Chairman McKay.

13. **REQUEST TO SCHEDULE A PUBLIC HEARING FOR TYSON AND FRIENDS LLC D/B/A THE DOG STOP (SULLY DISTRICT)** (10:57 a.m.)

Supervisor Smith stated that Tyson and Friends LLC d/b/a The Dog Stop currently operates an indoor kennel on property identified among the Tax Map record as 54-4-((1))-117 pt. The applicant is currently processing Special Exception Application SE 2023-SU-00030 to allow for the construction of outdoor components associated with indoor kennel use. The applicant is operating a small business, and the outdoor components are an integral part of The Dog Stop's

business plan. A Planning Commission public hearing for the Special Exception Application is scheduled for April 24, 2024, and the applicant is asking for the scheduling of a Board public hearing to more quickly implement this use.

Therefore, Supervisor Smith moved that the Board direct the Director of Planning and Development to expeditiously schedule Special Exception Application SE 2023-SU-00030 for a Board public hearing. This motion should not be construed as a favorable recommendation on this 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.

14. **DATA CENTERS** (10:59 a.m.)

- (R) Supervisor Smith stated that the increasing demand for data centers and the increased understanding of their potential impacts reveal a need to consider strengthening the County's current regulations. In response to a previous Board Matter dated May 9, 2023, staff prepared a research report on data centers that identified potential topics and approaches. Building on that research, and as discussed at the Board's March 12, 2024, Land Use Policy Committee meeting, it is important to move forward without delay to amend the Zoning Ordinance to strengthen the current provisions for data centers while recognizing that data centers provide an economic benefit to the County. The amendment should include options for consideration by the Board, including, but not limited to, the inclusion of additional standards and the provision of options for by-right and Special Exception permissions in certain Districts and over certain size thresholds. It may also be appropriate, at a later date, to include new permissions and standards in the Zoning Ordinance for electrical substations to the extent permitted by law.

Therefore, jointly with Chairman McKay and Supervisor Jimenez, Supervisor Smith moved that the Board adopt the Resolution, attached to her written Board Matter dated March 19, 2024, and direct staff to prepare a Zoning Ordinance amendment to strengthen the current provisions for data centers. The amendment should include options for consideration by the Board, including, but not limited to, options for by-right and Special Exception permissions in certain Districts and over certain size thresholds, as well as additional standards for data centers. This amendment should be advertised for a public hearing before the Board in July. To expedite the amendment process, this Board Matter includes the Resolution required by statute for the Board to initiate amendments to the Zoning Ordinance. With the expedited timeframe, it is recognized that community engagement efforts must largely be centralized, with virtual meeting options, to maximize opportunities for citizen involvement. Staff should coordinate with the Board offices to advertise the community meetings. Further, to facilitate community feedback, draft text options should be available for discussion at the meetings. In addition, staff should provide an update to the Board before on a

potential amendment to the Zoning Ordinance related to how substations are entitled. The motion was multiply seconded the motion and carried by unanimous vote.

15. **LETTER ON DISTRIBUTED ENERGY RESOURCE INTERCONNECTION REQUIREMENTS TO THE STATE CORPORATION COMMISSION (SCC)** (11:04 a.m.)

Supervisor Walkinshaw stated that the County is in the midst of a major effort to reduce its greenhouse gas emissions as outlined in the Community-wide Energy and Climate Action Plan (CECAP) and the Operational Energy Strategy (OES) for County facilities. Implementation of these plans are projected to help improve energy efficiency for County facilities and the private sector, as well as improve public health outcomes and economic sustainability. The widespread use of renewable energy, such as solar photovoltaics, will contribute significantly to the County's carbon neutrality goals. The County has made great progress on the community's goal to be carbon neutral by 2050 – community carbon emissions in the County are down 30 percent since 2005. However, the long-term success of the climate and greenhouse gas policies relies in part on the broader transition of the Commonwealth to a renewable energy economy.

Over the next five years alone, the County plans to install dozens of rooftop solar projects at government sites, including at several facilities serving disadvantaged communities. However, due to requirements and costs imposed by Dominion for connecting distributed energy resources (DERs) to the electric grid, about one-fourth of the County's solar projects are encountering barriers to becoming operational. The estimated cost from Dominion's direct trip transfer (DTT) requirement will amount to an additional \$3.5 million on the County's solar projects. To the County's knowledge, no other utility requires its customers to incur such costs for upgrading the grid before complying with a request for interconnection.

In summation, the new DTT requirements from Dominion are preventing the County from achieving its renewable energy goals, jeopardizing the viability of the County's solar investments and threatening the associated jobs and long-term savings expected for County taxpayers. The requirements are being imposed unilaterally, without full consideration by the SCC. In addition, the utility's failure to comply with existing rules will make many solar projects in the County economically unfeasible.

SCC must be urged to take immediate action to incentivize, rather than inhibit, the interconnection of DERs in the County and across the Commonwealth. In particular, the County must urge the SCC to:

- Suspend the unilateral interconnection requirements instituted by Dominion

- Ensure that Dominion complies with existing timelines
- Initiate an evidentiary process to investigate burdensome DTT requirements
- Commence rulemaking on outstanding interconnection issues

Therefore, jointly with Chairman McKay and Supervisor Storck, Supervisor Walkinshaw moved that the Board direct staff to submit the letter attached to his written Board Matter, under Chairman McKay's signature, to the SCC, requesting that they take the actions described herein. The motion was multiply seconded. Following discussion regarding impediments, connection to the grid, and associated costs, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity abstaining.

16. **UPDATE ON RECENT FIRE ON ANN FITZ HUGH DRIVE (BRADDOCK DISTRICT)** (11:15 a.m.)

Supervisor Walkinshaw provided an update on the recent fire on Ann Fitz Hugh Drive. He thanked the firefighters for doing an amazing job extinguishing the fire.

17. **NO BOARD MATTERS FOR SUPERVISOR BIERMAN (DRANESVILLE DISTRICT)** (11:18 a.m.)

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

18. **PROCLAMATION REQUEST FOR WOMAN'S CLUB OF SPRINGFIELD** (11:15 a.m.)

Supervisor Lusk shared that he was honored to be invited to a special event for the Woman's Club of Springfield, who will be celebrating its 70th anniversary this year. That is 70 years of service, donating time and money to great causes in the Franconia community.

The Woman's Club of Springfield was chartered in 1954 by the Virginia Federation of Women's Clubs to serve the Springfield area, especially those in need of a helping hand. The Springfield Woman's Club holds three objectives: to study topics of general interest to the members, to carry out charitable projects of civic-social improvement and to promote good fellowship among its members.

The Club has done amazing work throughout their history. The Springfield Woman's Club was an early supporter, promoter, and founding partner of the Richard Byrd Library in 1955, and has provided continuous and substantial financial and volunteer support to the library since that time. In 2023, they donated pajamas and items for Cares for Kids, collected stuffed animals for the Teddy Bear

Brigade, supported Richard Byrd Library's semi-annual book sale, and donated emergency clothing for Garfield Elementary School and Crestwood Elementary School.

Other important initiatives that the Woman's Club of Springfield is known for include its Pink Elephant Thrift Shop, Post-Secondary Education Scholarship Program, and its annual Spring Faire, a craft and vendor show. The Pink Elephant Thrift Shop was created in 1964 and is run by an all-volunteer staff. 100 percent of the proceeds are donated to local philanthropic projects. Its scholarship program awards local high school graduating students who are enrolling in post-secondary education with financial assistance. Finally, its annual Spring Faire brings in local vendors and the proceeds are shared with Bethany House.

Therefore, Supervisor Lusk moved that the Board direct staff to prepare a Proclamation for the Woman's Club of Springfield, in honor of its 70 years of service, to be presented at the anniversary event on April 14, 2024. Supervisor Lusk stated that he looks forward to celebrating with them the long-lasting contributions and work they have performed in the community. Chairman McKay and Supervisor Herrity jointly seconded the motion. Following Supervisor Herrity's request to be invited to the event and his family's involvement, the question was called on the motion and it carried by unanimous vote.

19. **ACCESS TO JUSTICE KIOSKS AND WEB-BASED ARTIFICIAL INTELLIGENCE (AI)** (11:15 a.m.)

Supervisor Luck stated that access to justice is not always equal for County residents. In 2017, the National Center for State Courts published a study entitled "Virginia Self-Represented Litigant Study: Outcomes of Civil Cases in General District Court, Juvenile and Domestic Relations Court, and Circuit Court." This study revealed that the traditional adversarial model, where both parties are represented by counsel, occurred in only one percent of General District Court cases, six percent of Juvenile and Domestic Relations Court cases, and 38 percent of Circuit Court cases. Poverty was the reason most often associated with not being represented by counsel. The barriers faced by self-represented litigants include cultural and language barriers, procedural hurdles, and general difficulty navigating the court process and understanding legal terminology, from what forms to file, to where and when to appear, and what to say in court.

In 2023, the County funded the first self-help resource center in Virginia. The self-help resource center provides legal information, referrals, forms, and resource materials on topics related to various court matters. As an extension of the self-help resource center, the Board has the option of implementing a kiosk and web-based AI program to increase access to justice.

The kiosks and web-based AI program will be a logical expansion of the self-help resource center with the capability of providing access to more information, this information will be available at different locations throughout the County, available

in different languages, available with Americans with Disabilities Act (ADA) accessibility and available 24 hours a day. The Courts receive thousands of requests a year for interpreter services in 42 different languages. These kiosks will help residents with localized and immediate language access to the court and allow them to work with the court without having to come to the court. This technology is an access to justice solution for people with transportation and childcare issues. A virtual clerk would be available to assist at the kiosks and online as well, providing access to the courts at all hours.

Regarding ADA accessibility, the kiosk has a button on it that changes the screen layout for those in wheelchairs, making it ADA accessible. For the hard of hearing, they can interact with the screen via text and touch and do not need to speak or listen to the avatar. For the web-based AI program, if the person has hearing problems, they too can communicate with the avatar through all text, and they do not have to talk or listen to the avatar. The kiosks in the future could also be utilized for virtual hearings. Kiosks and web-based AI are being used across the country in courthouses and public libraries to further access to justice. The County is the largest jurisdiction in Virginia with a diverse population and needs. This technology will expand services provided by the self-help resource center and further access to justice by providing information for residents to participate in the legal system in a meaningful way. This project falls directly in line with the One Fairfax Policy, to ensure all citizens have the same and equal access to justice.

Supervisor Lusk expressed his appreciation that the County and Court staff have begun to review the kiosk and AI option. Keeping in line with the One Fairfax Policy and understanding the great need for increased access to justice for all residents, Supervisor Lusk moved that the direct staff to finalize review of the kiosk and web-based AI program, as well as others to make a determination and report to the Board on how it may be able to incorporate this type of technology to assist residents. Supervisor Palchik seconded the motion.

Discussion ensued regarding:

- Location and accessibility of the kiosks
- Language needs
- Concerns with the process and review
- Funding sources
- Need for more information
- Peer testing
- Coordination with the Court and State for support

- Inclusion for stakeholders
- The open-ended language used in the Board Matter
- Creation of a plan and full review and provide a subsequent report and recommendation at an upcoming Board Committee Meeting.

The Chairman clarified that the motion would also include requests and comments made by the Board. The question was called on the motion and it carried by unanimous vote.

20. **BUDGET CONSIDERATION ITEM REQUEST FOR THE FAIRFAX COUNTY PUBLIC LIBRARY (FCPL) COLLECTION**
(11:41 a.m.)

Supervisor Alcorn stated that the FCPL operates 23 library locations, with more than 500,000 active cardholders, who utilize a collection of approximately two million items including books, eBooks, and audiobooks. Library users visit local branches, or the digital library collection, to pick out items to meet their educational and recreational needs. Many times, they place items on hold because the titles they want have a waiting list. For popular items, wait times can be weeks, months, and in some instances, longer than a year.

The library continues to be one of the most popular services provided by the County and its library branches are a vital hub of community information. The Fairfax Library Foundation and Friends of the Library groups continue to provide supplemental support to the collection budget but are not in place to supplant the support from the County. The County continues to face issues with meeting the demand for library materials even with the digital formats. Funding for the collection budget has not been robust enough to meet the needs of residents. With increased demand for popular and new materials, the library must balance a proper allocation of limited resources for those items with the needs for materials in support of K-12 students, and ensuring that materials are updated, available in print, large print, audio and digital copies and in multiple languages. Additional funds to the collection budget will ensure that the County is providing the resources the community demands from the library and decrease the wait times so that people can access those resources in a timely fashion.

Therefore, Supervisor Alcorn requested that a one-time funding consideration item, to provide an additional \$500,000 to the library's book collection budget, be added. Discussion ensued regarding the library budget allocation for materials and who determines that amount.

21. **INVENTORY OF RESTON COMMUNITY-LEVEL SERVICES AND INFRASTRUCTURE (HUNTER MILL DISTRICT)** (11:46 a.m.)

Supervisor Alcorn stated that as the 60th anniversary of the founding of Reston is approached, the time is right to take stock of the community infrastructure that by many accounts, including a recent article in *The Economist*, has created a very successful community within the County. Reston currently has several important community organizations that are dedicated to creating a cohesive community experience. These organizations perform essential community-level services such as maintaining the trails and open space, providing camps for kids, operating recreation facilities of all types, and hosting places for the community to gather. And in some cases, these organizations have assumed additional responsibilities as the Commonwealth of Virginia has devolved some of their responsibilities, such as keeping the grass cut in and along Virginia Department of Transportation rights of way.

These organizations now form a veritable alphabet soup in Reston – nonprofits like Reston Association, Reston Town Center Association, the YMCA, and County operations like the Reston Community Center, Fairfax County Park Authority, and Neighborhood and Community Services. This does not even include advocacy and advisory groups like the Reston Citizens Association, Reston Planning and Zoning, and the Cathy Hudgins Community Center Advisory Council. Roles and responsibilities of these organizations are not intuitive to many residents, even for residents who have lived in Reston for decades.

For Reston to be the success the next 60 years it has been in its first 60, these community-level services and infrastructure must be sustainable – including financially. Last year, the Board approved the Reston Comprehensive Plan Amendment that will help guide community growth into the future. With that process now completed, the next step is Plan implementation, and a review of Reston’s community-level services and infrastructure is an important step in Plan implementation.

Therefore, Supervisor Alcorn moved that the Board direct the County Executive’s office to coordinate with the Hunter Mill District Supervisor’s office to develop an inventory of Reston community-level services and infrastructure, including those noted in his written Board Matter, and to include who is responsible for those services and infrastructure, and how they are funded. Supervisor Lusk seconded the motion and it carried by unanimous vote.

22. **PROCLAMATION REQUEST DESIGNATING MAY 2024 AS “OLDER AMERICANS AND ADULT ABUSE PREVENTION MONTH” IN FAIRFAX COUNTY** (11:48 a.m.)

Supervisor Alcorn stated that as the 2024 theme for Older Adults Month is “Powered by Connection,” which recognizes the profound impact that meaningful relationships and social connections have on the health and well-being of

older adults. The County has made the ability for residents to age in place a priority. There are a number of resources available to connect and engage older adults, including community events and volunteer opportunities, as well providing local services, such as transportation, that can help them overcome obstacles to achieving or maintaining meaningful relationships.

Older Americans Month is an opportunity to celebrate the strength of older adults and the Aging Network in the County, to ensure residents can plan to stay in their homes and live independently in their communities for as long as possible.

May is also Adult Abuse Prevention Month in the Commonwealth. While recognizing the vitality of the County's older adults, the County also recognizes that vulnerable older adults need protection from abuse, neglect, and exploitation.

Therefore, jointly with Chairman McKay, Supervisor Alcorn asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 2024 as "*Older Americans and Adult Abuse Prevention Month*" in the County and invite a representative from the Commission on Aging to receive the Proclamation at a Board Meeting in May. Without objection, it was so ordered.

23. **CERTIFICATE OF RECOGNITION REQUEST FOR THE SOUTHLAKES HIGH SCHOOL BOYS BASKETBALL TEAM** (11:50 a.m.)

Supervisor Alcorn stated that he was proud to witness history in the making two weeks ago as the South Lakes High School Boys Basketball Team won its first ever State championship. The Seahawks took home the boys Virginia Class 6 State Championship in what the *Washington Post* called an "unlikely blowout." The team won despite having its star junior guard, Jordan Scott, having a broken thumb on his shooting hand. And while this is the first state championship for the boys team, the 1986 South Lakes girls team won states with a star player named Christy Winters on the team – now Christy Winters Scott and, among many other hats she wears, the mother of the same Jordan Scott. South Lakes High School sports fans have been proud of the great basketball tradition in Reston over the years and can now be proud of this exciting boys State championship team.

Therefore, Supervisor Alcorn moved that the Board direct the Office of Public Affairs to prepare a Certificate of Recognition for the South Lakes High School boys basketball team, to be presented at the Board Meeting on May 7, 2024. Chairman McKay seconded the motion. Following discussion regarding all high school State champion awards being presented at the same Board Meeting, the question was called on the motion and it carried by unanimous vote.

24. **PROCLAMATION REQUEST FOR VIVA VIENNA!** (11:52 a.m.)

Supervisor Alcorn stated that this coming Memorial Day weekend will mark the 40th anniversary of Viva Vienna! Hosted by the Rotary Club of Vienna, this popular

annual festival celebrates the unity and strength of the Vienna community and honors Memorial Day. Viva Vienna! has grown over the years to become a major fundraiser for the Rotary Club, which each year supports more than 70 local charitable, educational, and community groups. Working in concert with the Town of Vienna, the Rotary Club puts on a first-class event that draws thousands to the historic areas of Vienna, which include the Freeman House, Old Vienna Railroad Station, the Caboose, Washington and Old Dominion Trail, and Church Street. Viva Vienna! truly is a model of a community event, providing a fun family weekend for residents and visitors, and providing much needed funds to support the community throughout the year.

Therefore, Supervisor Alcorn moved that the Board direct staff to prepare a Proclamation for Viva Vienna!, in recognition of its 40th anniversary and invite representatives of the Rotary Club of Vienna, along with Town of Vienna Mayor, Linda Colbert, to be presented at the May 21, 2024, Board Meeting. Chairman McKay and Supervisor Palchik jointly seconded the motion. The question was called on the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Walkinshaw being out of the room.

25. **HUNTER MILL DISTRICT SUPERVISOR'S OFFICE UPDATES**
(11:53 a.m.)

Supervisor Alcorn announced that:

- Brian Worthy recently joined his office as the Communications Director
- Lisa Connors, his current Communications Director, will be retiring from the County on March 21, 2024

26. **NO BOARD MATTERS FOR SUPERVISOR JIMENEZ**
(MASON DISTRICT) (11:55 a.m.)

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

27. **PUBLICITY REQUEST FOR THE 6TH ANNUAL ENVIRONMENT EXPO**
(11:55 a.m.)

Supervisor Storck stated that the Mount Vernon District will host its sixth annual Environment Expo on Saturday, April 27, 2024, from 11 a.m. – 3 p.m. at Fort Hunt Park. Supervisor Storck stated that he is excited to partner with the National Park Service and several County agencies again this year. This free, fun, and family-friendly festival will feature activities and exhibitors sharing information about climate action, environmental challenges faced and how to take action to make the County, and the world at large, a healthier, more sustainable place.

Attendees will be able to enjoy live music, reptile and raptor demonstrations, an electric vehicle and electric bike showcase, giveaways, solar cooking, face painting, food, Junior Ranger Activities, the Purple Glass Monster, CCTV Robot Camera demos and more.

Please visit www.fairfaxcounty.gov/mountvernon to learn more about the event. Join to learn, engage and act to save the environment!

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to promote the Environment Expo through its various communications channels. Without objection, it was so ordered.

28. **MOUNT VERNON DISTRICT ANNOUNCEMENTS** (11:57 a.m.)

In honor of Women's History Month, Supervisor Storck shared some of Ella Fitzgerald's accomplishments.

Supervisor Storck announced that there was a recent house fire in Lorton and he thanked the emergency personnel for their hard work in combatting the fire.

29. **PROCLAMATION REQUEST DESIGNATING APRIL 2024 AS "FAIR HOUSING MONTH" IN FAIRFAX COUNTY** (12 noon)

Supervisor Palchik stated that housing choice and equal housing serve as a transformative vehicle that gives families and residents access to quality education opportunities, safe neighborhoods, and a better future. Equal housing opportunities and housing choices enhance the quality of life for the entire community, and its highest ideals of diversity, community, and freedom.

April 11, 2024, marks the 56th anniversary of the federal Fair Housing Act whose purpose and mission was to put an end to inequality in housing and to eliminate racial segregation in neighborhoods and communities throughout the country. In addition, the Fair Housing Act was to guarantee that all people have the right to obtain housing of their choice, free from discrimination.

April is celebrated throughout the nation as Fair Housing Month to recognize and extol the value and virtue of equal housing opportunities and fair treatment. This year marks the 50th anniversary of the Fairfax County Human Rights Ordinance, which provides equal housing opportunities for all County residents regardless of race, color, national origin, sex, religion, disability, familial status, age, marital status, military status, source of funds, sexual orientation, and gender identity.

The Fairfax County Office of Human Rights and Equity Programs is hosting a Fair Housing event on April 25, 2024, from 10 a.m. - 12:30 p.m., in partnership with The Equal Rights Center and the Northern Virginia Association of Realtors. The event program includes a keynote address affirmatively furthering fair housing by leading Civil Rights Attorney and former United States Department of Housing and

Urban Development Deputy Assistant Secretary, Sara Pratt. Additional details can be found on www.bit.ly/ffxfairhousing.

Therefore, jointly with Chairman McKay and Supervisor Lusk, Supervisor Palchik moved that the Board direct staff to prepare a Proclamation designating April 2024 at “*Fair Housing Month*” in the County, to be presented at the Fair Housing Event on April 25, 2024. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

30. **PROCLAMATION REQUEST DESIGNATING JUNE 2024 AS “IMMIGRANT HERITAGE MONTH” IN FAIRFAX COUNTY**
(12:03 p.m.)

Supervisor Palchik stated that “Immigrant Heritage Month” is a special time to honor and celebrate the courage, culture, and countless contributions of immigrants who have lived and continue to live in the community. Generations of immigrants from different parts of the world have helped shape the County’s history and continue to define its future. In line with the One Fairfax Policy, the County welcomes all who wish to live in, work in, and enjoy the community, including those who immigrated from other countries who choose to make the County home.

The County’s diversity makes the community strong and vibrant, and its immigrant population is no exception. In 2021, approximately 29.5 percent of the County’s total population were immigrants, and approximately 71.3 percent of immigrants, aged 16 and over, were in the labor force. Representing the full diversity of the County’s race, color, nationality, sex, gender identity, sexual orientation, religion, disability, and income, its immigrant community is truly representative of the richness of its cultures and experiences. The community is rich in diversity with approximately 38.7 percent of residents, aged 5 and over, speak a language other than English at home. The County embraces and celebrates one another’s differences and backgrounds. While the County works every day to ensure that all residents deserve an equitable opportunity to succeed, it values and celebrates the community as a place where all are welcome.

Therefore, jointly with Chairman McKay and Supervisor Jimenez, Supervisor Palchik moved that the Board direct staff to prepare a Proclamation designating June 2024 as “*Immigrant Heritage Month*” in the County, to be presented at a future Board Meeting. Chairman McKay and Supervisor Jimenez jointly seconded the motion and it carried by unanimous vote.

31. **RESOLUTION OF RECOGNITION REQUEST FOR THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)**
(12:07 p.m.)

Supervisor Palchik stated that NVTC was created by the Virginia General Assembly in 1964. It began as an initial district of 11 elected officials from five jurisdictions; Arlington County, Fairfax County, and the cities

of Alexandria, Fairfax, and Falls Church, along with the Chair of the State Highway Commission. 60 years later, NVTC membership now includes Loudoun County, six members of the Virginia General Assembly, and a designee of the Virginia Secretary of Transportation.

The NVTC district includes a population of approximately two million people in territory covering 1,000 square miles connected by a robust transit network providing residents with 1.5 million transit trips each week. The public transit network serving the NVTC district generates more than \$1.5 billion dollars in annual sales and income tax revenue for the State.

In 2017, NVTC launched the Commuter Choice Program which invested in the I-66 and I-95 corridors while also reducing vehicle emissions by 69 percent, saving 1.1 million hours of travel time, and \$14.5 million in fuel costs. Throughout NVTC's 60 years of leadership in transit system development, expansion, and funding, current and former board members and staff have played an integral role in building and operating the transit network that sustains the regional economy.

Therefore, jointly with Supervisor Alcorn, Supervisor Bierman, Supervisor Storck, and Supervisor Walkinshaw, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for NVTC, in recognition of its 60th anniversary and its contributions to the County and the region, to be presented at the July 19, 2024, Board Meeting. Without objection, it was so ordered.

32. **RESOLUTION OF RECOGNITION REQUEST FOR INSIGHT MEMORY CARE** (12:11 p.m.)

Supervisor Herrity stated that Insight Memory Care was founded by Lin Noyes Simon, Registered Nurse, PhD in 1984 after realizing the lack of community resources and support available for individuals with Alzheimer's disease. At the time it was highly innovative to start an Alzheimer-specific adult day center and over the first year of operation, they offered full day center services.

From 1988 - 1992, Insight Memory Care took part in the Dementia Care and Respite Services Program, one of only 17 national grantees. The lessons learned from this program helped form the Partners in Caregiving: The Dementia Services Program publication, disseminating lessons learned to adult day centers across the United States. In 2004, they moved to a dedicated facility in Fairfax, Virginia. This location provided a safe, secure, and therapeutic environment for those affected by memory impairment as well as additional space for support group meetings and education classes. Insight was named one of the best small charities in the Washington Region by the Catalogue for Philanthropy for the first time in 2006, an honor they have continued to receive every four years.

In January 2015, the center was relocated to a property in Fair Oaks. This 15,000 square feet new center allowed the expansion of all services including new programs such as a Memory Cafe that offers support for families with a recent

diagnosis to plan for future care. Most recently they have partnered with Encore Creativity for Older Adults to offer the Sentimental Journey Singers choral program.

In response to the COVID-19 pandemic, Insight began offering almost all its programming virtually to keep participants and families connected and was able to safely re-open in June 2020. Insight Memory Care Center celebrated a milestone event with the opening of its second location in 2022, an Early-Stage Center in Sterling, Virginia. The organization has grown significantly since its beginnings and this new center in Sterling represents the first time programs have expanded beyond partnerships and shared spaces to dedicated centers.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Insight Memory Care, in recognition of its 40th anniversary and decades of service to the community, to be presented on July 18, 2024. Without objection, it was so ordered.

33. **RESOLUTION OF RECOGNITION REQUEST FOR GREAT AMERICAN RESTAURANTS (GAR)** (12:14 p.m.)

Supervisor Herrity stated that GAR is celebrating its 50th anniversary this September. Since 1974, GAR have set the bar for casual dining in Northern Virginia and Maryland offering fantastic cuisine and plenty of fun.

In 1974, Randy Norton and Jim Farley opened Picco's, a 16-table pizza place in Fairfax City, Virginia, followed by the opening of Fantastic Fritzbe's Flying Food Factory in Annandale (now Silverado) along with Mike Ranney. From the beginning, founders Randy, Jim, and Mike set out with the mission of hiring and developing the best service professionals in the industry. Over the past 50 years, GAR has thrived as a result of their entrepreneurial spirit, enthusiasm for hospitality, and a ton of hard work by thousands of the best team players in the industry. Now, GAR has created 14 dining destinations and three artisan bakeries which are the Washington area's top destinations for family and friends in search of classic American cuisine and good times.

GAR supports the non-profit organization Great American Community Kitchen, which prepares and distributes meals for those who are food insecure throughout the communities. The proceeds from every Community Bread Basket purchase at GAR restaurants are contributed to this cause. By its 50th anniversary in September, GAR will have will have donated over two million meals to the Great American Community Kitchen through this program.

GAR has also donated over \$2.5 million to local charities since implementing its dessert program, making donations of \$.25 for every dessert sold and five percent of bakery bread sales. GAR's local partners include:

- Food For Others

- Great American Restaurants Scholarship at George Mason University
- Manna Food Center
- Share Our Strength
- So Others Might Eat (S.O.M.E.)
- The Latino Student Fund
- Thurgood Marshall College Fund
- Youth For Tomorrow Fund
- Share Our Strength's "No Kid Hungry"
- Great American Community Kitchen

GAR has participated in many initiatives in the Fairfax community over the years, including the Celebrate Fairfax Fair, Fairfax Lords and Ladies, and the Springfield Nights – Summer Entertainment series through the Springfield District Supervisors office with Fairfax County Parks.

GAR include Artie's (Fairfax), Best Buns Bakery and Burgers (Springfield, Tysons, Shirlington), Carlyle (Arlington), Coastal Flats (Fairfax, Tysons and Gaithersburg), Jackson's Mighty Fine Food and Lucky Lounge (Reston), Mike's "American" (Springfield), Ozzie's Good Eats (Fairfax), Patsy's American (Tysons), Randy's Prime Seafood and Steaks (Tysons), Silverado (Annandale), and Sweetwater Tavern (Centreville, Merrifield, and Sterling).

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Great American Restaurants, in recognition of its 50 years of excellent service and community partnership, to be presented later this year. Without objection, it was so ordered.

34. **PROCLAMATION REQUEST DESIGNATING APRIL 2024 AS "MONTH OF THE MILITARY CHILD" IN FAIRFAX COUNTY** (12:17 p.m.)

Supervisor Herrity stated that the County is home to 69 Purple Star Schools and more than 14,500 Fairfax County Public Schools students that are connected to the military. With one of the largest concentrations of military service men and women in the world, the unique experiences and challenges faced by military youth is prevalent here at home. It is difficult to leave friends and start over in new places. In previous youth surveys conducted by the Department of Health and Human Services, the Board learned that a majority of military children in the County moved

at least three times since kindergarten - upwards of seven times for some - and they are more likely to experience bullying and depressive symptoms. This extends to the stresses of a parent's deployment and especially the loss of a loved one. As shared by the Board on previous occasions, the annual Military Family Lifestyle Survey by Blue Star Families indicates that only 30 percent of active-duty families felt a sense of belonging in their local communities.

Because of this, every year the Department of Defense recognizes the month of April as the "Month of the Military Child." This year's theme is "Military Youth and Children: Brave, Fearless and Resilient," reiterating both the Army's commitment and the County's to provide quality care and positive youth development for the more than 1.6 million military children in the world and the sacrifices they and their families make for all each day. Great steps to support military families have been taken and the County will continue to do so.

Therefore, jointly with Chairman McKay and Supervisor Storck, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 2024 as "Month of the Military Child," in recognition of the unique struggles and circumstances faced by military children both locally and internationally, to be presented to the Fort Belvoir's Child and Youth Services (CYS) program at a future date, to be determined in coordination with Fort Belvoir CYS and staff. Without objection, it was so ordered.

35. **WEST SPRINGFIELD HIGH SCHOOL TEEN JOB FAIR** (12:20 p.m.)

Supervisor Herrity announced that a teen job fair was held on March 9, 2024, at West Springfield High School. He thanked the businesses and the community for attending the event and making it a success.

KK:kk

AGENDA ITEMS

36. **ADMINISTRATIVE ITEMS** (12:21 p.m.)

Supervisor Smith moved approval of the Administrative Items. Supervisor Palchik and Chairman McKay jointly seconded 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."

ADMIN 1 – APPROVAL OF STREETS INTO THE SECONDARY SYSTEM – MEADOWMERE (HUNTER MILL 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>
Meadowmere	Hunter Mill	Meadowmere Drive

ADMIN 2 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individual, identified with a registration number, as a Plans Examiner:

- Diana Milian Registration Number 350

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2024 REVISED BUDGET PLAN

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 16, 2024, at 4 p.m., April 17, 2024, at 3 p.m., and April 18, 2024, at 3 p.m.**, to adjust the FY 2024 appropriation level. The advertisement encompasses both the County and the Schools' FY 2024 Third Quarter Reviews.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION OF MCLEAN MANOR AREA 6 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)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 7, 2024, at 4 p.m.**, to consider the following 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:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1A1 Within Dranesville District (McLean Manor Area 6)	Create	Refuse and Recycling	Approve
DTA Local District 1A1 Within Dranesville District (Balls Hill Area 1)	Enlarge	Refuse and Recycling	Approve
DTA Local District 1A1 Within Dranesville District (Churchill Area 2)	Enlarge	Refuse and Recycling	Approve

DTA Local District 1A1 Within Dranesville District (McLean Manor Area 7)	Enlarge	Refuse and Recycling	Approve
DTA Local District 1A1 Within Dranesville District (Westmoreland Area 1)	Enlarge	Refuse and Recycling	Approve
DTA Local District 1A1 Within Dranesville District (Willow Run Park Area 1)	Enlarge	Refuse and Recycling	Approve

ADMIN 5 – AUTHORIZATION TO ADVERTISE A 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 TO ADD VACUUM LEAF COLLECTION SERVICES (FRANCONIA DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **May 7, 2024, at 4 p.m.**, to consider the following 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:

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

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENTS OF PANORAMIC HILLS AREA 1 AND PLEASANT RIDGE AREA 2 SANITARY DISTRICTS FOR REFUSE/RECYCLING COLLECTION SERVICES AND THE DECREATION OF LINCOLNIA AREA 1 TO REMOVE REFUSE/RECYCLING AND VACUUM LEAF COLLECTION SERVICES (MASON DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **May 7, 2024, at 4 p.m.**, to consider the following 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:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1B Within Mason District (Panoramic Hills Area 1)	Enlarge	Refuse and Recycling	Approve
DTA Local District 1B Within Mason District (Pleasant Ridge Area 2)	Enlarge	Refuse and Recycling	Approve
DTA Mason District Within Mason District (Lincolnia Area 1)	De-Create	Refuse/ Recycling, and Vacuum Leaf	Approve

ADMIN 7 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (NCS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ASSOCIATED WITH THE RENEWAL APPLICATION OF THE HEAD START AND EARLY HEAD START GRANT

- Authorized NCS to apply for and accept funding, if received, from the U.S. Department of Health and Human Services. Funding in the amount of \$12,626,113, including \$1,738,824 in local cash match, will support the continuation of Head Start and Early Head Start services to 686 children and their families. This funding will continue to support 63/55.98 full-time exempt existing grant positions. No new grant positions are associated with this funding
- Authorized the Chairman of the Board, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 24188 FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA OPIOID ABATEMENT AUTHORITY (OAA) FOR A REGIONAL COOPERATIVE PROJECT EXPANDING CAPACITY OF YOUTH SUBSTANCE USE TREATMENT SERVICES

(SAR)

- Approved SAR AS 24188 authorizing the CSB to accept funding from the OAA in the amount of \$2,588,493 for the Fiscal Year (FY) 2024 Cooperative Partnership Grant award and \$1,010,000 in

the County's FY 2023 Individual Share/Gold Standard as well as \$850,000 in funding from local jurisdictions for a total of \$4,448,493. No positions are associated with this funding and there is no local cash match required

- Authorized the County Executive and/or a designee appointed by the County Executive to execute any remaining documents related to this OAA Cooperative Partnership Grant

ADMIN 9 – 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 2024 REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) DISCRETIONARY GRANT PROGRAM (DRANESVILLE, FRANCONIA, HUNTER MILL, AND MOUNT VERNON DISTRICTS)

- (R)
- Authorized FCDOT to apply for \$70.0 million in grant funding from the USDOT RAISE Discretionary Grant Program for three FCDOT projects. There is a 20 percent local cash match requirement that will be met with Northern Virginia Transportation Authority 30 percent funds from Fund 40010, County and Regional Transportation Projects
 - Adopted the project endorsement resolution for all three projects, in substantial form, as shown in Attachment One of the Board Agenda Item

37. **A-1 – APPROVAL OF THE RECIPROCAL AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF STATE POLICE AND FAIRFAX COUNTY DURING THE POLICE UNITY TOUR** (12:22 p.m.)

On motion of Supervisor Lusk, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the Reciprocal Agreement between the Virginia Department of State Police and the County during the Police Unity Tour.

38. **A-2 – APPROVAL OF FAIRFAX CONNECTOR SUMMER 2024 SERVICE CHANGES** (12:22 p.m.)

On motion of Supervisor Bierman, multiply seconded, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Fairfax Connector's Summer 2024 service change proposals as outlined in the Attachments of the Board Agenda Item.

39. **C-1 – APPROVAL OF RESOLUTION AND BYLAWS STATING THE PURPOSES, MEMBERSHIP, AND PROCEDURES FOR THE VETERANS AND MILITARY FAMILIES COMMISSION** (12:23 p.m.)

(R)

(BACs)

The Board next considered an item contained in the Board's Agenda regarding a proposed Resolution and Bylaws for the Veterans and Military Families Commission setting forth the purposes, membership, and initial procedures of this new Commission.

Following comments, Supervisor Walkinshaw moved that the Board approve the Resolution and bylaws stating the purposes, membership and procedures for the Veterans and Military Families Commission. The motion was multiply seconded and it carried by unanimous vote.

DMS:dms

40. **RECESS/CLOSED SESSION** (12:38 p.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. *Jeffery Payne v. Joshua Moser*, Case No. CL-2024-2268 (Fx. Co. Cir. Ct.)
 2. *Jacqueline R. Humphries v. Haden, JLB McLean, LLC et al.*, Case No. 1:23-cv-01744 (E.D. Va.) (Providence District)

3. *Oscar Franco v. Keith Haydu and Fairfax County Government*, Case No. GV23- 007386 (Fx. Co. Gen. Dist. Ct.)
4. *Santano Galeas v. Jason Abitz, Fairfax County, and Fairfax County Fire and Rescue Department*, Case No. CL-2023-0017817 (Fx. Co. Cir. Ct.)
5. *NS Reston, LLC v. Board of Supervisors of Fairfax County, Virginia, and Fairfax County Planning Commission*, Case No. CL-2019-0015831 (Fx. Co. Cir. Ct.) (Hunter Mill District)
6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yuk Yee Cheng*, Case No. CL-2023-0015525 (Fx. Co. Cir. Ct.) (Franconia District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria Antonia Quintanilla Grande*, Case No. GV24-000702 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaime E. Vargas*, Case No. GV24-000703 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
9. *Jay Riat, Building Official for Fairfax County, Virginia v. ALR Properties, LP, and Kamayan Fiesta Filipino Asian American Cuisine, LLC*, Case No. GV24-004645 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
10. *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)
11. *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)
12. *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)

13. *Jay Riat, Building Official for Fairfax County, Virginia, Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Jeffrey M. Weatherholtz, Case No. CL-2023-0001067 (Fx. Co. Cir. Ct.) (Mason District)*
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Edwin Morales Ayala, Case No. CL-2023-0008313 (Fx. Co. Cir. Ct.) (Mason District)*
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Matthew Dunne and Lynda Dunne, Case No. GV23-015376 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Jayesh Kumar, Case No. GV24-0004644 (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 Hunter Mill District for a public purpose, where open discussion would adversely affect the bargaining position or negotiating strategy
- As permitted by Virginia Code Section 2.2-3711(A)(1), appointment of the Director of the Office of Human Rights and Equity Programs

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

At 3:50 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

41. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:50 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. Supervisor Palchik

seconded 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.”

42. **APPOINTMENT OF THE DIRECTOR OF THE OFFICE OF HUMAN RIGHTS AND EQUITY PROGRAMS** (3:50 p.m.)

Supervisor Jimenez moved that the Board appoint Michael Simms as the Director of the Office of Human Rights and Equity Programs, effective immediately, at a starting salary of \$182,000 annually. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

On behalf of the Board, Chairman McKay warmly welcomed Mr. Simms to the Board Auditorium and congratulated him on his appointment.

DA:da

ADDITIONAL BOARD MATTER

43. **OPTIONS FOR INDIVIDUALS TO PROVIDE TESTIMONY FOR PUBLIC HEARINGS** (3:51 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 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.

AGENDA ITEMS

44. **3:30 P.M. – PUBLIC HEARING ON SEA 81-P-025-02 (COMPASS COFFEE, LLC) TO AMEND SE 81-P-025 PREVIOUSLY APPROVED FOR A DRIVE IN FINANCIAL INSTITUTION AND FAST FOOD RESTAURANT TO**

PERMIT A FAST FOOD RESTAURANT WITH A DRIVE-THROUGH AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 3.87 ACRES OF LAND (PROVIDENCE DISTRICT) (3:52 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 March 5 and March 12, 2024.

The application property is located at 7393A Lee Highway, Falls Church, 22042. Tax Map 50-1 ((1)) 39D.

Richard L. Flather, Edens and Avant Investments Limited Partnership, reaffirmed the validity of the affidavit dated October 26, 2023, for the record.

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

Joel Shetterly, the applicant, made brief remarks.

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

Following comments, Supervisor Palchik moved that the Board approve:

- Special Exception Amendment Application SEA 81-P-025-02, subject to the development conditions dated January 16, 2024
- Waiver of the major paved trail requirement along Route 29
- Modification of the transitional screening requirement and a waiver of the barrier requirement along the northern property line in favor of the existing landscaping

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.

45. **3:30 P.M. – PUBLIC HEARING 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)**

AND

3:30 P.M. – PUBLIC HEARING 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) (4:01 p.m.)

- (O) (NOTE: At its February 6, 2024, meeting the Board deferred this public hearing until March 19, 2024.)

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 March 5 and March 12, 2024.

The Rezoning Application RZ 2023-PR-00005 is located at 8221 Old Courthouse Road, Vienna, 22182. Tax Map 39-1 ((9)) 30B1.

The Proffered Condition Amendment Application PCA 1997-PR-007 is located on the southeast corner of the intersection of Old Courthouse Road and Lord Fairfax Road in Vienna. Tax Map 39-1 ((9)) 30B1.

Robert Brant, Walsh, Colucci, Lubeley and Walsh, P.C, reaffirmed the validity of the affidavits dated March 4, 2024, for the record.

Supervisor Herrity disclosed that he received campaign contributions in excess of \$100 from:

- Nancy Albrittain Bright

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

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

Discussion ensued, with input from Mr. Brant and Mary Ann Tsai, Branch Chief, ZED, DPD, regarding the two-percent electric vehicle (EV) charging stations, parking and open space requirements.

Following the public hearing, which included testimony by two speakers, Mr. Brant presented rebuttal.

Discussion ensued, with input from Mr. Brant and Ms. Tsai, regarding the gravel pathway and proposed sidewalk improvements.

Ms. Yee presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Yee, regarding the County's minimum requirements for EV charging stations.

Following comments, with input from Mr. Brant regarding the proposed improvements and exploring the need for additional EV charging stations, Supervisor Palchik moved that the Board approve:

- Proffered Condition Amendment Application PCA-1997-PR-007
- Rezoning Application RZ 2023-PR-00005, and the associated Conceptual Development Plan, subject to the proffers dated January 18, 2024
- Waivers and modifications contained in the handout distributed, dated December 1, 2023, which will be made part of the record, and are as follows:
 - Modification of subsection 5108.6.B(1)(a) of the Zoning Ordinance to reduce the transitional screening yard requirements along the southwestern corner portion of the property along Lord Fairfax Road from the required 25.0 feet to what is shown on the Conceptual Development Plan/ Final Development Plan
 - Waiver of subsection 5108.6.C of the Zoning Ordinance for the barrier requirement along the southwestern corner portion of the property line along Lord Fairfax Road

Supervisor Herrity and Supervisor Bierman jointly seconded 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 December 6, 2023, the Planning Commission approved Final Development Plan Application FDP 2023-PR-00005.)

46. **3:30 P.M. – PUBLIC HEARING ON RZ 2022-DR-00007 (DULLES CENTER LLC) TO REZONE FROM PDC TO PDH-12 TO PERMIT 48 STACKED TOWNHOUSE DWELLINGS WITH AN OVERALL DENSITY OF 11.38 DWELLING UNITS PER ACRE INCLUSIVE OF BONUS DENSITY ASSOCIATED WITH AFFORDABLE HOUSING AND TO CARRY FORWARD THE PREVIOUSLY APPROVED DRIVE THROUGH**

FINANCIAL INSTITUTION ON A CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 4.69 ACRES OF LAND (DRANESVILLE DISTRICT) (4:35 p.m.)

Supervisor Bierman moved to defer the public hearing on Rezoning Application RZ 2022-DR-00007 until **May 21, 2024, at 3:30 p.m.** Chairman McKay seconded the motion and it carried by unanimous vote.

47. **3:30 P.M. – PUBLIC HEARING ON PCA 79-C-089-02 (RZPA 2022-SU-00129) (AGAPE PROPERTY MANAGEMENT LLC) TO AMEND THE PROFFERS FOR RZ 79-C-089 PREVIOUSLY APPROVED FOR OFFICE TO PERMIT DELETION OF LAND AREA AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 1.08, LOCATED ON APPROXIMATELY 3.79 ACRES OF LAND (SULLY DISTRICT)**

AND

PUBLIC HEARING ON RZ 2022-SU-00013 (AGAPE PROPERTY MANAGEMENT LLC) TO REZONE FROM I-5, AN, HC AND WS TO C-4, AN, HC AND WS TO PERMIT AN INDEPENDENT LIVING FACILITY FOR LOW INCOME RESIDENTS AND ADULT DAY CARE WITH AN OVERALL FLOOR AREA RATIO OF 1.08, LOCATED ON APPROXIMATELY 3.79 ACRES OF LAND (SULLY DISTRICT)

AND

PUBLIC HEARING ON SE 2022-SU-00030 (AGAPE PROPERTY MANAGEMENT LLC) TO PERMIT AN INDEPENDENT LIVING FACILITY FOR LOW INCOME RESIDENTS AND ADULT DAY CARE CENTER, LOCATED ON APPROXIMATELY 3.79 ACRES OF LAND (SULLY DISTRICT)

AND

PUBLIC HEARING ON SEA 00-Y-017-02 (AGAPE PROPERTY MANAGEMENT LLC) TO AMEND SE 00-Y-017 PREVIOUSLY APPROVED FOR OFFICE TO PERMIT DELETION OF LAND AREA AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 3.79 ACRES OF LAND (SULLY DISTRICT) (4:37 p.m.)

- (Os) (NOTE: At its February 20, 2024, meeting the Board deferred this public hearing until March 19, 2024.)

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 March 5 and March 12, 2024.

All of the application properties are located on the southeast side of Thunderbolt Place, west of Centerview Drive. Tax Map 34-4 ((12)) C7.

Michael Van Atta, McGuire Woods LLP, reaffirmed, for the record, the validity of the affidavits dated:

- March 1, 2024, for RZ 2022-SU-00013, SE 2022-SU-00030, and SEA 00-Y-017-02
- March 4, 2024, for PCA 79-C-089-02

Supervisor Smith disclosed that she received campaign contributions in excess of \$100 from:

- Agape Property Management LLC

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

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

Following the public hearing, which included testimony by two speakers, discussion ensued, with input from Mr. Van Atta, and Cathy Lewis, Branch Chief, ZED, DPD, regarding:

- Issues and questions raised by the speakers regarding the senior living development and traffic impacts
- Noise mitigation and disclosure
- The proffers

Ms. Estes presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Lewis and William O'Donnell, Branch Chief, ZED, DPD, regarding the noise contour, the Noise Policy, and whether there have been any noise complaints from surrounding hotels.

Following a query by Supervisor Smith, Mr. Van Atta confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated January 25, 2024.

Supervisor Smith moved that the Board approve:

- Rezoning Application RZ-2022-SU-00013 [*sic*]*, subject to the signed proffers dated February 20, 2024
- Proffered Condition Amendment Application PCA-79-C-089-02
- Special Exception Application SE 2022-SU-00030, subject to the development conditions dated January 25, 2024
- Special Exception Amendment Application SEA-00-Y-017-02
- Modification of the Zoning Ordinance to allow a reduction in loading spaces from three to one

Supervisor Bierman seconded the motion. Discussion ensued, with input from Mr. O'Donnell, regarding the motion.

*Supervisor Smith amended her motion by restating the Rezoning Application as RZ-2022-SU-00013. This was accepted.

Supervisor Alcorn asked staff, in future cases like this, to thoroughly examine the proffers regarding noise disclosures.

Discussion continued, with input from Mr. O'Donnell, regarding the request, and with Board Members expressing their support/non-support of the motion.

The question was called on the motion, as amended, 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."

EBE:ebe

48. **4 P.M. – PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT RE: MINOR AND EDITORIAL REVISIONS AND CHANGES TO REFLECT VIRGINIA CODE UPDATES** (5:15 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 March 5 and March 12, 2024.

Jennan Qato, Senior Planner, Department of Planning and Development, presented the staff report.

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

Supervisor Smith moved adoption of the proposed amendments to the Zoning Ordinance, regarding minor and editorial revisions, and changes to reflect Virginia Code updates, as set forth in the staff report dated February 6, 2024, with the additional changes as recommended by the Planning Commission. The amendments will be effective at 12:01 a.m. on March 20, 2024. Chairman McKay seconded the motion. Following a brief discussion, 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.”

49. **4 P.M. – PUBLIC HEARING ON AF 2023-SP-00005 (AR 2006-SP-003) (SCHULZ LOCAL A&F RENEWAL) TO PERMIT RENEWAL OF A PREVIOUSLY APPROVED AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON APPROXIMATELY 23.03 ACRES OF LAND (SPRINGFIELD DISTRICT) (5:21 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 March 5 and March 12, 2024.

The application property is located at 8142, 8146 Rondelay Lane, Fairfax, 22039. Tax Map 96-3 ((1)) 7Z, 8Z; 96-3 ((2)) 10Z, 11Z.

Sofia Fisher, Planner, Department of Planning and Development, presented the staff report.

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

Following a query by Supervisor Herrity, the applicant, Susan Schultz, confirmed for the record, acceptance of Ordinance provisions dated January 31, 2024.

Supervisor Herrity moved approval of Agricultural Renewal Application AF 2023 SP-00005, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Schulz Local Agricultural and Forestal District, subject to the Ordinance provisions dated January 31, 2024, as contained in the staff report. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Bierman, Supervisor Herrity, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn being out of the room.

50. **4 P.M. – PUBLIC HEARING ON THE DRAFT ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2025** (5:26 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 March 8 and March 15, 2024.

Laura O. Lazo, Associate Director, Grants Management, Department of Housing and Community Development, presented the staff report.

Following the public hearing, Ms. Lazo presented the staff recommendations.

Following comments regarding the allocations and impacts on minority communities, Supervisor Palchik moved approval of the County Executive's recommendation on the draft FY 2025 One-Year Action Plan as issued by the Consolidated Community Funding Advisory Committee. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

51. **4 P.M. – PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING THE O'DAY COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (5:32 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 March 8 and March 15, 2024.

Amir Farschchi, Transportation Planner II, Department of Transportation, presented the staff report.

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

Supervisor Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the O'Day CPD, on:

- Parkable areas of O'Day Drive (Route 969), from Riverwind Terrace to Route 29
- Barros Drive (Route 6701), from the northern intersection of Barros Drive and O'Day Drive to the southern intersection of Barros Drive and O'Day Drive

Chairman McKay and Supervisor Palchik jointly seconded the motion. Following a brief discussion regarding an issue raised by a speaker regarding speeding, 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.”

52. **4 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SUNRISE VALLEY DRIVE WALKWAY FROM RESTON PARKWAY TO SOAPSTONE DRIVE (HUNTER MILL DISTRICT)** (5:44 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 March 8 and March 15, 2024.

Sarah Guy, Land Acquisition Agent, Capital Facilities, Department of Public Works and Environmental Services, presented the staff report.

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

Supervisor Alcorn moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 2G40-085-002, Sunrise Valley Drive Walkway from Reston Parkway to Soapstone Drive, Fund 40010, County and Regional Transportation Projects. Chairman McKay and Supervisor Palchik jointly seconded the motion and it carried by unanimous vote.

53. **4:30 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF ROUTE 28 WIDENING FROM THE PRINCE WILLIAM COUNTY LINE TO ROUTE 29 (SULLY DISTRICT)** (5:50 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 March 8 and March 15, 2024.

Mohammed Najeeb, Project Coordinator, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

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

Supervisor Smith moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Route 28 Widening from the Prince William County Line to Route 29, supported by Project 2G40-189-000 in Fund 40010, County and Regional Transportation Projects. Chairman McKay and Supervisor Palchik jointly seconded the motion and it carried by unanimous vote.

54. **4:30 P.M. – PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTION 7-2-13 AND RELOCATE THE POLLING PLACE FOR THE CLIFTON TOWN PRECINCT IN THE SPRINGFIELD DISTRICT (SPRINGFIELD DISTRICT)** (5:54 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 March 8 and March 15, 2024.

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

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

Following comments, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), Section 7-2-13, relocating the polling place for Clifton Town Precinct in the Springfield District. Chairman McKay seconded 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.”

55. **4:30 P.M. – PUBLIC HEARING ON A PROPOSED AMENDMENT TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) RE: EXEMPTION FROM BUILDING AND ELECTRICAL PERMIT FEES FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING (EVC) EQUIPMENT** (5:58 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 March 8 and March 15, 2024.

John Friedman, Engineer IV, Land Development Services, presented the staff report.

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

Chairman McKay relinquished the Chair to Vice-Chairman Smith and moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix Q (Land Development Services Fee Schedule), exempting the installation of EVC equipment from building and electrical permit fees, as set forth in Attachment I of the Board Agenda Item. Supervisor Palchik seconded the motion.

Following a brief discussion, with input from Mr. Friedman, regarding the extended fee exemption period and equity impacts, Supervisor Palchik asked staff to coordinate with the Department of Neighborhood and Community Services and others on the targeted outreach efforts to help ensure that more of the permits go to those in high vulnerability groups.

Following further discussion regarding the fee exemption and equity impacts, the question was called on 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”.

Vice-Chairman Smith returned the gavel to Chairman McKay.

56. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:10 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of March 8 and March 15, 2024.

Chairman McKay announced the rules associated with public comment: The Board will hear public comment on any issue, except issues under litigation; issues that have been scheduled for public hearing before the Board; personnel matters and/or comments regarding specific individuals. Speakers must register in advance, and each speaker is given three minutes for his or her remarks. A maximum of ten speakers may address the Board during any public comment period and speakers may address the Board once during a six-month period.

Public comment was held and included the following individuals:

- Lynn Mulston – Regarding Casino
- Lynn Heinrichs – Regarding the Casino Bill (Senate Bill 675)

57. **BOARD ADJOURNMENT** (6:18 p.m.)

At 6:18 p.m. the Board adjourned.