



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 21, 2023**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, February 21, 2023, at 9:34 a.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney Lusk, Franconia District
- Supervisor Dalia Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James Walkinshaw, Braddock District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Nathaniel Strathearn, Management Analyst II, Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks, and Bobby Vaught, Administrative Assistant, Department of Clerk Services.

BOARD MATTER1. **MOMENT OF SILENCE** (9:35 a.m.)

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

- The Virginia Task Force 1, the federally funded and trained Urban Search and Rescue (USAR) Team, who returned safely after being deployed for 11 days in Turkey to assist with the search and rescue efforts following a devastating earthquake. They were joined by the Los Angeles-based USAR team. In addition to its search and rescue operations, the team provided critical support to the coordination of the international response effort. Thank you to the Task Force members and their families for once again making Fairfax County proud. Thank you to the Fire and Rescue Department who filled in while the team was away. Hearts go out to friends in Turkey and Syria, as the death toll of the earthquakes has topped 46,000 and with over 110,000 injured
- Ted Lerner, who passed away recently. He was 97 years old and was known as the Real Estate Developer who bought the Washington Nationals in 2006 and oversaw their thrilling 2019 World Series victory. He built over 20 million square feet of commercial and residential space, much of it in the County; was the recipient of the Lifetime Achievement Award from the Urban Land Institute in 2015; opened the Tysons Corner Center and the Galleria of Tysons; and made a huge difference in the real estate landscape and the County economy
- Guy Rando, who passed away recently. He had a passion for design, art, and nature and intertwined the three throughout his life. He pioneered work with Whittlesey and Conklin on the Master Plan for the new Town of Reston, including the creation of Lake Anne and Washington Plaza. He advocated and was committed to Robert Simon's vision for Reston and its diverse community throughout his career
- The victims of the mass shooting at Michigan State University on February 13, 2023, and their families, students, faculty, first responders, Virginia colleges and universities, and everyone impacted by this tragedy. These tragedies affect students all across the country and make it difficult to be a young person in school trying to learn in what should be the safest environment they can be in

- Bob Kahane, who passed away recently. He was former president of the Annandale Rotary Club and Chairman of the Taste of Annandale. He was very active in the community and his wish was for the Taste of Annandale scheduled for the end of April to continue in his memory
- Former U.S. President Jimmy Carter, who is in Hospice Care. He made a greater difference in the world after his presidency and has lived a long and fruitful life. He is loved and respected by all and the Carter Center has done incredible work
- Harold Riley, who died as the result of being dragged while attempting to board the metro at the Dunn Loring station. His dog Daisy survived the incident and an investigation is ongoing. A Go-Fund-Me page has been set up by the family to help with his funeral. Thank you to the first responders and Washington Metropolitan Area Transit Authority employees who responded to the tragedy

Supervisor Palchik announced that the Mosaic has created a space for donation to help victims in Syria and Turkey, if anyone would like to offer support.

Chairman McKay announced that his office is working with the Northern Virginia Regional Commission to provide County residents opportunities to support the earthquake victims. More information will be communicated soon.

- Johnny Monaco, who passed away recently. He dedicated his life to mentorship, youth sports and service to the community. He had a 43 year career with the Census Bureau and was most known for his love of baseball. He dedicated many hours volunteering as coach and on the board of the West Springfield Little League and held many leadership positions
- Rhiannon Duck, who passed away recently. She was the Executive Director of the Shepherd Center of Fairfax-Burke; worked as a Staff Aide for former Braddock District Supervisor Cook on social services issues; worked with the Council to end homelessness, and was a passionate advocate for ending domestic violence

AGENDA ITEMS

2. **APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACS)** (9:51 a.m.)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard February 21, 2023.” The motion was multiply seconded and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Appointment of:

- Mr. Renko Hardison as the Franconia District Representative
- Mr. Paul Davis, Jr. as the Hunter Mill District Representative

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

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the At-Large Chairman's Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Reappointment of:

- Mr. Renko Hardison as the Citizen Representative

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 (AHAC)

Confirmation of:

- Ms. Abrar Omeish as the Fairfax County Public School Board Representative

The Board deferred the appointment of the Mason District Representative.

AIRPORTS ADVISORY COMMITTEE

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #2, #3, #4, and #5 Representatives.

ATHLETIC COUNCIL

The Board deferred the appointment of the Mason District Alternate and Providence District Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

Reappointment of:

- Mr. Amado Fernandez as the Alternate #3 Representative
- Mr. Michael R. Sanio as the Alternate #4 Representative
- Mr. George Page as the Design Professional #4 Representative

The Board deferred the appointment of the Alternate #1, and the Design Professional #1, #2, and #5 Representatives.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

Reappointment of:

- Mr. Asim Elfaki as the At-Large #1 Representative

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

CHILD CARE ADVISORY COUNCIL

Reappointment of:

- Ms. Gita D'Souza Kumar as the Sully District Representative

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

Appointment of:

- Ms. Eileen Kragie as the Hunter Mill District Representative

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

CIVIL SERVICE COMMISSION

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

COMMISSION FOR WOMEN

Appointment of:

- Ms. Amber Beichler as the Transgender Woman Representative

The Board deferred the appointment of the Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") Representative.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Reappointment of:

- Ms. April Hall as the Hunter Mill District Representative

Confirmation of:

- Ms. Nermin AbdelWahab as the Elected - South Target Area #3 Representative
- Ms. Hawa Hassan as the Elected - Central Target Area #2 Representative
- Ms. Alice Yam as the George Mason University Representative

The Board deferred the appointment of the Mason District Representative.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of Fairfax County Resident #10 Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointment of the Mount Vernon and Springfield District Representatives.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

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

ECONOMIC ADVISORY COMMISSION

Appointment of:

- Mr. Jesse Benites as the Providence District Representative

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

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

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #2 and #4 Representatives.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Mount Vernon District Representative.

HEALTH SYSTEMS AGENCY BOARD

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

HISTORY COMMISSION

Appointment of:

- Mr. Russell Brooks as the At-Large #3 Representative

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #5 and #9 Representatives.

HUMAN SERVICES COUNCIL

Reappointment of:

- Mr. Robert Faherty as the Franconia District #2 Representative

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Appointment of:

- Mr. Colin D. Bagwell as the Mason District Representative

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

POLICE CIVILIAN REVIEW PANEL

Appointment of:

- Ms. Fazia Deen as the Seat #9 Representative

Reappointment of:

- Mr. Bryon L. Garner as the Seat #2 Representative
- Mr. William Ware as the Seat #3 Representative
- Ms. Janell Wolfe as the Seat #5 Representative

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

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

SMALL BUSINESS COMMISSION

The Board deferred the appointment of the Mason District Representative

TENANT-LANDLORD COMMISSION

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

TREE COMMISSION

The Board deferred the appointment of the Dranesville and the Providence District Representatives.

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Reappointment of:

- Ms. Sally Horn as the Adjacent Community Member #2 Representative

- Mr. James D. Policaro as the Commercial or Retail Ownership #1 Representative
- Mr. Cory Scott as the Commercial or Retail Ownership #2 Representative
- Mr. Mark Zetts as the Dranesville District Representative
- Mr. Raymond Baxter as the Hunter Mill District #2 Representative
- Mr. Christopher Auth as the Providence District #1 Representative
- Ms. Erika Yalowitz as the Residential Owners and HOA/Civic Association #1 Representative
- Mr. Douglas Doolittle as the Residential Owners and HOA/Civic Association #2 Representative
- Ms. Claudia Diamond as the Residential Owners and HOA/Civic Association #3 Representative

The Board deferred the appointment of the Adjacent Community Member #1, Commercial or Retail Ownership #3, Hunter Mill District #1, and Providence District #2 Representatives.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

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

WETLANDS BOARD

Appointment of:

- Mr. Bryan Campbell as the Alternate #1 Representative

The Board deferred the appointment of the Mount Vernon District #1 Representative.

YOUNG ADULTS ADVISORY COMMITTEE

Appointment of:

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

3. **REPORT ON GENERAL ASSEMBLY ACTIVITIES** (9:52 a.m.)

Supervisor Walkinshaw, Chairman of the Board's Legislative Committee, stated that the Committee met on Friday, February 17, 2023. He presented the report on General Assembly activities, noting the following:

- The-Legislative Committee received the following status updates on the Board's County initiatives:
 1. The Bill which would allow the County to use contractors to remove illegal signs from the right-of-way passed the Senate unanimously and is now headed to the Governor
 2. The Bill which would clarify that localities in Northern Virginia are authorized to post appropriate and clear signage requiring motorists to stop for pedestrians in crosswalks at unsignalized intersections, passed the Senate and was reported from the House Transportation Committee 18-4. It now awaits consideration by the full House
 3. Unfortunately, the Bill which would have clarified that counties that do not maintain their own roads are authorized to reduce speed limits to less than 25 miles per hour, but not less than 15 miles per hour, on highways within their boundaries within business or residential districts, was tabled by a House Transportation subcommittee earlier in the session, and did not advance
- The Board received a lot of information about both the House and Senate budgets currently under consideration, including the detailed budget chart included in the legislative report. Although the Board discussed a number of the items in both budgets, the following areas were discussed at length:
 - The Senate budget provides \$270.6 million statewide in Fiscal Year (FY) 2024 to fully eliminate the cap on support positions implemented in FY 2010. The current cap costs Fairfax County Public Schools (FCPS) approximately \$26 million annually. The County strongly supports fully eliminating the support cap, which has artificially lowered the State's funding contributions for critical educational support positions for more than a decade. Additionally, Virginia's behavioral health services were already strained before the COVID-19 pandemic, and the need for services has

increased significantly due to the global health crisis. Both budgets seek to address a variety of issues related to behavioral health, particularly challenges related to the behavioral health workforce

- The current State budget passed by the 2022 General Assembly includes the State's portion of five percent salary increases in FY 2024 for K-12 employees. Both the House and Senate budgets instead propose seven percent salary increases. The State only funds a portion of the K-12 positions it recognizes based on a school division's Local Composite Index of Ability to Pay. In a high cost of living locality like the County, that means that the State is likely to pay approximately 18 percent of the cost of an additional salary increase while local dollars would be needed to fund approximately 82 percent of that cost. For example, in FY 2023 the State provided FCPS with approximately \$22 million in State funding for a five percent salary increase, while requiring approximately \$103 million in local funding (approximately 3.5 cents on the real estate tax rate). That can be extremely confusing for school employees and the public. Although the County and FCPS have long been supportive of efforts to increase compensation for teachers and support staff, current funding formulas do not accurately reflect the true cost to localities to fund a high-quality education
- In behavioral health, the Senate budget directs the Department of Behavioral Health and Developmental Services to develop a plan to restore the psychiatric bed capacity of the state hospital system, which was reduced when beds were taken offline in recent years due to workforce shortages. But the amendment does not include funding and has an extended timeline. Addressing the current State psychiatric bed crisis requires a more comprehensive approach, including funding to bring beds back online immediately, as well as substantial, ongoing funding to increase the availability of community-based crisis services, community residential capacity for early intervention to prevent hospitalization, and local psychiatric beds for people with behavioral health issues
- The legislative staff will continue to share the County's feedback with the members of the delegation as budget negotiations continue in the coming days

- The Legislative Committee also received updates on a number of bills, related to public safety, land use, human services, and transportation, among other topics
- The General Assembly is scheduled to adjourn on Saturday, February 25, 2023

Supervisor Walkinshaw moved adoption of Legislative Committee Report Number Three. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

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4. **COUNTY EXECUTIVE’S PRESENTATION OF THE PROPOSED FISCAL YEAR (FY) 2024 AND FY 2025 MULTI-YEAR BUDGET PLAN** (9:58 a.m.)

Bryan J. Hill, County Executive, presented the Proposed FY 2024 and FY 2025 Multi-Year Budget Plan, which included information regarding the following:

- Compensation for County and School employees
- Recruitment and retention of employees
- Outsized impact of inflation
- Growth in residential real estate
- Countywide Strategic Plan
- The economy and impact on revenue projections
- FY 2024 General Fund revenue forecast
- Personal Property Tax
- Support for schools
- Debt and capital requirements
- Capital Improvement Program
- Bond Referendum Plan
- Inflation/Contract rate adjustments

- New Facilities
- How to provide input on the FY 2024 Budget
- Timeline of the proposed FY 2024 Budget

Chairman McKay thanked the County Executive and staff for all their work on the budget.

Chairman McKay asked staff to provide the following information:

- A chart of teacher pay amounts required to maximize State funding
- A chart of the average assessment of employee compensation – including percentage of employees who do not receive merit performance increases due to longevity
- The percentage of Emergency Medical Services transport fees not covered by health insurance providers or Federal Medicare reimbursement

Supervisor Alcorn asked staff to provide information on the following:

- The range of funded ratios for the past few years for each retirement system
- The number of residential units approved for professional occupancy – Estimate of residential units being used for income generating purposes

Supervisor Walkinshaw asked staff to provide information regarding the percentage of increase in empty office space.

A brief discussion ensued, with input from Mr. Hill and Christina Jackson, Chief Financial Officer, regarding the increase in industrial property equalization, identifying fees/ billings that have not been increased in years, and the Capital Improvement Program.

Supervisor Storck asked staff to provide information regarding ways to address and minimize the number of people not paying personal property tax because they list their vehicles as being housed outside of the County.

Supervisor Palchik asked staff to provide information on the following:

- A breakdown of early childhood investments – whether it is new or recurring

- State and Federal funding going to special mental health supports and investments – both immediate and long term
- A breakdown of the difference between equalization of existing non-residential buildings versus new construction

A brief discussion ensued, with input from Mr. Hill, regarding taxpayer rates.

Supervisor Herrity asked staff to provide information on the following:

- The assumed position vacancy rate in the budget
- A list of positions eliminated as part of the budget

A brief discussion ensued, with input from Mr. Hill, regarding the status of the State budget.

Supervisor Foust asked staff to provide information on the following:

- The fiscal impact of funding vacant positions
- Total contributions to the retirement plans for the last five years including the funding percentage

Discussion ensued, with input from Ms. Jackson, regarding the retirement amortization plan.

Supervisor Lusk asked staff to provide information on the following:

- Commercial tax base issues
- The rationale and methodology regarding Business, Professional and Occupational License tax
- Goals for the Manufactured Housing Coordinator position

Discussion continued, regarding the proposed budget.

Supervisor Gross acknowledge the presence of former Board Chairman Kate Hanley in the Board Auditorium.

Board Members announced upcoming Budget Town Hall Meetings as follows:

<u>MEETING</u>	<u>DATE/TIME</u>	<u>LOCATION</u>
Franconia District	February 28 – 7 p.m.	Channel 16

Sully District	March 2 – 6 p.m.	Channel 16
Mason District	March 9 – 7 p.m.	Mason District Governmental Center
Braddock District	March 13 – 7 p.m.	Channel 16
Mount Vernon District	March 15 – 7 p.m.	ZOOM
Providence District	March 16 – 5:30 p.m.	Channel 16
Hunter Mill District	March 20 – 7 p.m.	Virtual Meeting
Springfield District	March 22 – 7 p.m.	Channel 16
Hunter Mill District	March 28 – 7 p.m.	Madison High School, Warhawk Lecture Hall

(NOTE: Later in the meeting, Supervisor Foust announced the Dranesville District budget town hall meeting dates. See Clerk’s Summary Item #12.)

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ADDITIONAL BOARD MATTERS

5. **PROCLAMATION REQUEST TO DESIGNATE MARCH 19 – 25, 2023, AS “SURVEYORS WEEK”** (11:32 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a Proclamation designating March 19 – 25, 2023, as “*Surveyors Week*” in the County. Without objection, it was so ordered.

6. **PROCLAMATION REQUEST TO DESIGNATE APRIL 9 – 15, 2023 AS “PUBLIC SAFETY TELECOMMUNICATORS WEEK”** (11:32 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating April 9 – 15, 2023, as “*Public Safety Telecommunicators Week*” in the County. Without objection, it was so ordered.

7. **PROCLAMATION REQUEST FOR FRED HOFFMAN** (11:32 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation for Fred Hoffman, in recognition of his 100th birthday. Without objection, it was so ordered.

8. **PUBLIC AWARENESS REGARDING SECURITY SURVEYS FOR HOUSES OF WORSHIP** (11:32 a.m.)

Chairman McKay stated that the rich cultural, religious, racial, and ethnic diversity that is the County, is one of its greatest strengths and assets. Residents can experience and immerse themselves in cultures from around the world without having to leave the County. Whether it is at one of the restaurants, multicultural festivals, interfaith events, or as a student at Fairfax County Public Schools, people can travel the world without a passport. This is truly a part of what makes the County so special. However, there are people who do not share those values of inclusion, or view diversity as some sort of threat, and as a community, wholeheartedly reject that notion.

While there has not been an increase in bias related crimes in the County, some of the surrounding jurisdictions have not been as fortunate. Unfortunately, many times houses of worship have been targeted including here in the County. As such, it is imperative that the County is proactive on this front and ensure its residents know that they are always safe here.

The Fairfax County Police Department (FCPD) is certified to conduct security surveys for facilities, such as houses of worship, and have offered this service for many years. As the national trend in bias related crimes rises, the County wants to be sure its residents and faith communities are aware of this service. In the coming Weeks, FCPD's Crime Prevention officers will actively reach out to the faith leaders through their established networks to further raise awareness. This service helps individuals and groups understand the state of their own security and identify areas where it can be improved.

FCPD is committed to keeping the community safe, as they always have been. Given the number of houses of worship within the County, Chairman McKay requests that the community provide FCPD with the time necessary as they work diligently to provide these surveys to all those who would like them.

Therefore, Chairman McKay moved that the Board direct the Office of Public Affairs to work with FCPD to share applicable information with the community about how to best protect themselves, worshipers, and House of Worship that includes, but is not limited to, security surveys. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

9. **CERTIFICATE OF RECOGNITION REQUEST FOR MARY ANN CORNISH** (11:36 a.m.)

Supervisor Gross stated that Higher Horizons, a private, non-profit organization was founded in 1963 as the first licensed early care and education facility in the

County. Higher Horizons serves 300 low-income children and families in the Bailey's Crossroads and Falls Church communities of the County.

Mary Ann Cornish became Executive Director of Higher Horizons (also known as Hi-Ho) in July 1977, over 45 years ago. Under her leadership, Hi-Ho has received numerous awards and recognitions for its innovative programming and commitment to quality and service. In 1993, they received the "Agency of the Year" award from the Capital Area Food Bank. That same year, families and staff were invited to the White House when President Clinton signed bipartisan legislation reauthorizing the Head Start program.

In 1997-1998, Hi-Ho collaborated with the National Head Start Association to offer Congressional leaders and staff a true educational experience to the nation's decision makers, by replicating a Head Start classroom. Its first Parent Institute, "Setting the Stage for Success", a partnership with Fairfax County Public Schools and Greater Mount Vernon Community Head Start, trained parents to become educators.

In addition to her duties at Hi-Ho, Ms. Cornish served as President of the Virginia Council of Head Start Directors, and as Vice-Chairman of the Virginia Head Start Directors Council. Ms. Cornish is an inspiration to her staff, her students, and their parents.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition, commending Mary Ann Cornish for her storied career at Higher Horizons and dedication to quality education and service for the area's children, to be signed by the Chairman and Mason District Supervisor, to be presented out of the Board Room. Without objection, it was so ordered.

10. **INTRODUCTION OF A NEW STAFF AIDE IN THE BRADDOCK DISTRICT SUPERVISOR'S OFFICE** (11:37 a.m.)

Supervisor Walkinshaw introduced Irma Mejia-Lewis, a new Staff Aide in his office. On behalf of the Board, he warmly welcomed her to the Board Auditorium and to the County.

11. **RIBBON CUTTING CEREMONY FOR THE OPENING OF THE NEW ANNANDALE COMMUNITY CENTER (BRADDOCK DISTRICT)** (11:39 a.m.)

Supervisor Walkinshaw announced that the ribbon cutting ceremony for the opening of the new Annandale Community Center will be held on March 4, 2023, and he invited the community to attend the event.

12. **DRANESVILLE DISTRICT FISCAL YEAR (FY) 2024 BUDGET TOWN HALL MEETINGS** (11:40 a.m.)

(NOTE: Earlier in the meeting, other budget town hall meetings were announced. See Clerk's Summary Item #4.)

Supervisor Foust announced that he would be holding FY 2024 Budget Town Hall Meetings on March 9 and 27, 2023.

13. **PUBLICITY REQUEST FOR THE OPEN COMMENT PERIOD REGARDING THE REGIONAL ANALYSIS OF IMPEDIMENTS (RAI) TO FAIR HOUSING CHOICE** (11:41 a.m.)

Supervisor Foust stated that he presented a Board Matter on this topic on October 11, 2022, and that the 60-day public comment period is currently open through March 31, 2023.

Therefore, Supervisor Foust asked unanimous consent that the Board direct the Office of Public Affairs, the Office of Human Rights and Equity Programs, and the Department of Housing and Community Development to collaborate and take the necessary steps to widely publicize the opportunity and means to comment on the draft RAI. Without objection, it was so ordered.

14. **FEASIBILITY OF DEVELOPING A NEW MULTI-PURPOSE CRICKET AND BASEBALL FACILITY** (11:42 a.m.)

Supervisor Lusk stated that cricket is among the most popular and fastest growing sports in the world. As one of the most diverse, multicultural, and populous jurisdictions in the country, it makes sense that it is also one of the most popular and in-demand sports in the County. Supervisor Lusk stated that this is evidenced by the regular inquiries that his office receives, requesting increased access to fields that could serve as cricket pitches. Unfortunately, the field dimensions required for a regulation cricket pitch are extremely difficult to assemble based on the standard field dimensions utilized by the Park Authority. Given these challenges, the ability for County residents to play cricket on a regulation pitch, is virtually non-existent.

Fortunately, late last year, Major League Cricket (MLC) announced the approval of an exploratory relationship with George Mason University (GMU) to investigate the feasibility of developing a new multi-purpose cricket and baseball facility. If deemed feasible, the potential facility would host MLC matches, GMU baseball games, and other community and university events. This innovative approach has the potential to fill a recreational void in the community, provide a multi-use amenity of benefit to the entire County, and generate a meaningful economic impact as the sole facility of its kind in the region.

Supervisor Lusk stated that he is excited about the possibility that this joint venture presents and feels that it is critical that the County step forward as a thought-partner in this evaluation. While the Department of Economic Initiatives (DEI) has undertaken initial efforts on this project, increased visibility, by engaging additional

departments in a coordinated effort to expand recreational access in the County, is needed.

Therefore, jointly with Supervisor Herrity, Supervisor Lusk moved that the Board direct the County Executive to assign the appropriate staff to establish a working partnership between GMU, MLC, the Park Authority, the DEI, the County's Sports Tourism Task Force, and Visit Fairfax to ensure not only that there is an open dialogue between each of those stakeholders, but also that the County is fully integrated into the study so that it can provide both feedback and information as part of that review. Supervisor Lusk clarified that his motion is not requesting that additional resources or funding be allocated to this effort, but rather that the entities be integrated with the existing study, which is already underway, and that is directly correlated to their respective core missions. Supervisor Herrity seconded the motion.

Discussion ensued regarding:

- The potential locations
- Staying consistent with the County's watershed policies
- Requests for sewer connections
- The need for entities to be engaged and for ongoing communication
- Transportation concerns
- Involving Supervisors whose Districts are impacted
- Concerns regarding the Sports Tourism Task Force

Supervisor Herrity asked to amend the motion to include Fairfax Campus and Community Advisory Board to the working partnership group. This was accepted.

Following discussion, with input from Bryan Hill, County Executive, regarding the next steps, the question was called on the motion and it carried by unanimous vote.

15. **CARTER FAMILY CEMETERY PROPERTY**
(HUNTER MILL DISTRICT) (11:55 a.m.)

Supervisor Alcorn stated that the Carter Family Cemetery, located in Vienna, Virginia, represents the remnants of a thriving Black community at Freedom Hill, near Tysons Corner. The Carters of Freedom Hill were and are a multiracial family with roots reaching back to the indigenous Tauxenent people of the County. The Carter family matriarch, Keziah Carter, purchased 50 acres of land in 1842, upon which her family lived and farmed for decades. This area became known as Cartersville and Freedom Hill. Today, those 50 acres make up the

Carter's Green subdivision, portions of Raglan Road Park and the Tysons Towers Senior Apartment Community.

During the development of the Carter's Green subdivision in the 1970s, a lot containing a family cemetery was retained by the developer but not maintained. The cemetery is directly adjacent to current Raglan Road Park, which was also ancestral Carter land. The lot includes a headstone for Millie Carter Whales, and records found to date indicate at least four additional burials in the cemetery. In recent years, the Carter Family Cemetery has suffered from vandalism and dumping of landscaping waste. The immediate neighbor has also expressed safety concerns regarding a mature tree overhanging their property. Carter descendants remain in the area and continue to have a vested interest in the final resting places of their ancestors. They approached County staff for assistance in preserving and protecting the cemetery property, that has been abandoned.

Therefore, jointly with Chairman McKay, Supervisor Alcorn moved that the Board direct staff to investigate options for addressing safety concerns and long-term stewardship of the Carter Family Cemetery property. Chairman McKay seconded the motion.

Following discussion regarding similar issues with other cemeteries and the need to look at the proffers, the question was called on the motion and it carried by unanimous vote.

16. **"THE 1619 PROJECT—A NEW ORIGIN STORY"** (12 noon)

Supervisor Alcorn announced that he recently attended "The 1619 Project—A New Origin Story" held at the McLean Community Center on February 19, 2023, with Pulitzer Prize Winner Nikole Hannah-Jones. He thanked all involved for a great event.

17. **PROCLAMATION REQUEST FOR THE WOODLAWN NEEDLEWORK SHOW (MOUNT VERNON DISTRICT)** (12:03 p.m.)

Supervisor Storck stated that in March 2023, Woodlawn and Pope-Leighey House, a site of the National Trust for Historic Preservation, celebrates 60 years of the Annual Woodlawn Needlework Show. Adelaide Bolté and Emma "Pinkey" Matheson founded the show in 1963. The show continues to be inspired by the women of Woodlawn.

Eleanor "Nelly" Custis Lewis, first owner of Woodlawn, learned her expert needlework skills from her grandmother, Martha Washington. Items such as cushions, bookmarks, and works of art made by both are still in the collections of Woodlawn and Pope-Leighey House. Enslaved by the Lewis family, Dolcey taught her daughters Sukey and Nelly, her nieces Lucinda, and Eliza and Polly to use their needles for making and mending clothes, quilts and other items used daily by their families and by their enslavers. The needle artistry of both groups of women was

used to decorate homes and clothes, create gifts for friends and family, express themselves, and pass down to their descendants.

Adelaide Bolté and Pinkey Matheson harnessed their dual passions for needlework and historic preservation to craft an incredible event. Starting with 68 exhibitors, the show flourished over the years, bringing together an enduring community of needle artists and preservationists from around the world in the process. Adelaide and Pinkey hosted needlework classes and managed dozens of volunteers to produce the annual show which has grown exponentially to become one of the largest judged shows of needlework in the nation.

Today, a dedicated group of artists co-founded by these two extraordinary women—the Nelly’s Needlers – continues their founders’ mission of supporting Woodlawn through the art of needlework year-round. Adelaide Bolté and Pinkey Matheson crafted a lasting community at Woodlawn – a place where people of all skill levels and all ages come together to find joy and comfort in craft.

Therefore, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation, to be signed by the Chairman and Mount Vernon District Supervisor, for the Woodlawn and Pope-Leighey House, in recognition of the 60th Anniversary of the Woodlawn Needlework Show, which opens on February 27, 2023. Without objection, it was so ordered.

18. **PUBLICITY REQUEST FOR THE 6TH ANNUAL IDES OF BARK DOG FESTIVAL AT GRIST MILL PARK (MOUNT VERNON DISTRICT)**
(12:05 p.m.)

Supervisor Storck stated that on March 26, 2023, the Mount Vernon District and the Fairfax County Park Authority are hosting the annual Ides of Bark Dog Festival from 1 – 4 p.m., at Grist Mill Park. Participants will receive treats from local canine businesses, play in the dog park, learn pet care and pet cardiopulmonary resuscitation from pet technicians, and have the opportunity to participate in a canine obstacle course. The Festival is a great day with furry, four legged friends and their humans to meet others and enjoy a day in the park.

This amazing community event could not happen without the incredible support of the Fairfax County Park Authority, Fairfax County Police Department, Fairfax County Fire Department, local animal organizations and wonderful vendors.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to advertise and promote the Ides of Bark Dog Festival. Without objection, it was so ordered.

19. **PROCLAMATION REQUEST FOR PRS** (12:07 p.m.)

Supervisor Palchik stated that PRS started in 1963 as a social program to assist recently discharged patients from Western State Hospital. Since its inception, PRS

has been providing mental health services and supporting individuals with mental illness and co-occurring disorders such as substance use disorder. PRS aims to change and save lives in the community by empowering hope, safety, recovery, wellness, independence, and community integration.

In August 2014, PRS and CrisisLink merged to transform the delivery of mental health services in response to the community's growing needs and the changing mental health landscape. As a result, CrisisLink is now a core program of PRS and offers crisis intervention and suicide prevention services, strengthening PRS' ability to offer 24-hour support not only in the region but also across the nation.

Over its 60-year history, PRS has grown and provides a broad continuum of behavioral health and crisis and suicide intervention services. PRS has added programs that support an expanded population of clients including young adults experiencing their first psychotic episode, integrated primary and behavioral health care services, mental health outpatient therapy, peer supports to families with children with mental health and/or substance use disorders, and expanded CrisisLink's services to include regional crisis and suicide text line and outbound well-check calls to isolated seniors in the County. A few of its longtime programs include Individual Supported Employment Services, Community Support Services, and Psychosocial Day Programs.

In Fiscal Year 2022, approximately 90 percent of individuals served avoided psychiatric hospitalization, 85 percent of individuals served use coping skills to manage psychiatric symptoms or behavioral challenges, and 85 percent of individuals served demonstrated their ability to complete basic independent living tasks. PRS CrisisLink answered 84,008 calls, had 2,584 text conversations, answered 28,066 chats, and made 26,774 outbound and follow-up contacts for a total of over 140,000 contacts handled.

Therefore, jointly with Chairman McKay and Supervisor Walkinshaw, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Proclamation for PRS, in recognition of its 60 years of their commitment to changing and saving lives, to be presented at a future Board Meeting. Without objection, it was so ordered.

20. **RESOLUTION REQUEST DESIGNATING APRIL AS "AUTISM AWARENESS MONTH"** (12:11 p.m.)

Supervisor Herrity stated that April is National Autism Awareness Month, promoting acceptance for individuals on the autism spectrum. One in 54 children in the United States and more than 3.5 million Americans are on the autism spectrum, including over 125,000 Virginians. Persons with autism form an incredibly diverse community, with vastly different abilities, limitations, and preferences from individual to individual. The Coronavirus pandemic has had significant impacts on individuals on the autism spectrum, resulting in constant changes of routine and making it more difficult for them to access vital services.

Approximately 80 percent of adults on the autism spectrum were unemployed or underemployed before the Coronavirus pandemic, and economic fallout from the pandemic has caused them to lose jobs at a faster rate than the general population.

Young adults on the autism spectrum demonstrate the lowest employment rates among people with disabilities. Individuals on the autism spectrum have amazing strengths and skills that often go untapped when the proper supports are not in place. Existing incentives or strategies for businesses to hire persons with autism are currently under-utilized or unknown. Modifying hiring practices to accommodate persons with autism, taking advantage of Work Opportunity Tax Credits, partnering with a non-profit resource provider, and working with a job coach have all proven to be effective in supporting persons with autism and their employers. In fact, 59 percent of individuals on the autism spectrum gained employment after receiving vocational rehabilitation services.

The County is fortunate to have organizations like ServiceSource, Phillips Programs, and others that are dedicated to this mission of promoting gainful employment for those on the autism spectrum. The community is stronger and more diverse because of its autistic residents and businesses and nonprofits who partner with them.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Resolution, to be presented to ServiceSource, a phenomenal community partner serving the needs of residents with autism, designating April as “Autism Awareness Month” in the County, encouraging all citizens to exercise respect and compassion for relatives, friends, co-workers, and fellow Americans on the autism spectrum. This resolution will also include recognition of the unique challenges faced by individuals with autism and reaffirm the commitment of the Board, to encourage businesses and employers to utilize existing incentives and strategies to assist them in hiring persons with autism. Without objection, it was so ordered.

21. **NO BOARD MATTERS FOR SUPERVISOR SMITH (SULLY DISTRICT)**
(12:14 p.m.)

Supervisor Smith announced that she had no Board Matters to present today.

NS:ns

AGENDA ITEMS

22. **ADMINISTRATIVE ITEMS** (12:14 p.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay and Supervisor Lusk jointly seconded the motion.

Supervisor Alcorn called the Board's attention to Admin 4 – Authorization for the Department of Transportation (DOT) to Apply for and Accept Grant Funding from the United States Department of Transportation's Fiscal Year 2023 Rebuilding American Infrastructure with Sustainability and Equity Discretionary Grant Program (Dranesville, Franconia, Hunter Mill, and Mount Vernon Districts) and provided background information on the projects and asked for clarification on the community engagement efforts associated with the application deadline.

Discussion ensued, with input from Tom Biesiadny, Director, DOT, regarding the Notice of Funding Opportunity and clarification on the use of project labor agreements.

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

ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (MASON DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-2023-MA-00001	Electric and Power CO Virginia (Dominion Energy) Wescott Substation Tax Map Number 60-2 ((30)) A 3474 Rose Lane Falls Church, VA Mason District	December 19, 2023

ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (FRANCONIA DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-2023-FR-00002	Fairfax County Park Authority Trailside Park Tax Map Number 80-4 ((1)) 24 6000 Trailside Drive	May 20, 2023

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
	Springfield, VA Franconia District	

ADMIN 3 – AUTHORIZATION FOR A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTIONS 7-2-7, 7-2-10, 7-2-12, AND 7-2-13 RELATING TO ELECTION PRECINCTS AND POLLING PLACES TO RENAME PRECINCTS IN THE FRANCONIA DISTRICT; DIVIDE, CREATE, AND RENAME PRECINCTS, AND RELOCATE POLLING PLACES IN THE PROVIDENCE DISTRICT; AND RELOCATE AND RENAME PRECINCTS IN THE SULLY DISTRICT

(A) Authorized the advertisement of a public hearing to be held before the Board on **March 7, 2023, at 4 p.m.**, to consider an ordinance that proposes to amend and readopt Fairfax County Code Section 7-2-7, 7-2-10, 7-2-12, and 7-2-13 to:

- Rename the polling place for Franconia #1 precinct and Franconia #2 precinct (Franconia District)
- Divide the Tysons precinct to create Jones Branch precinct and relocate the polling place for Tysons precinct; and rename the Oak Marr precinct (Providence District)
- Relocate the polling place for Difficult Run precinct; relocate the Spindle #2 precinct and rename this precinct; and rename Spindle #1 precinct (Sully District)

ADMIN 4 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION’S (USDOT) FISCAL YEAR (FY) 2023 REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) DISCRETIONARY GRANT PROGRAM (DRANESVILLE, FRANCONIA, HUNTER MILL, AND MOUNT VERNON DISTRICTS)

(R)

- Authorized the DOT to apply for and accept grant funding, if received, from the USDOT in the amount of \$38.5 million. The 20 percent local cash match requirement of \$7.7 million will be met with Northern Virginia Transportation Authority 30 percent funds from Fund 40010, County and Regional Transportation Projects

- Authorized the Director of DOT to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County
- Adopted the Project Endorsement Resolution in substantial form of Attachment One of the Board Agenda Item

23. **A-1 – CONSIDER APPROVAL OF THE ECONOMIC INCENTIVE PROGRAM (EIP) APPLICATION OF SKYLINE 4 LLC AND 5111 LEESBURG LLC (MASON DISTRICT)** (12:20 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the application by Skyline 4 LLC and 5111 Leesburg LLC for inclusion in the EIP. Chairman McKay seconded the motion. Following a brief discussion regarding the project and the public hearing scheduled for later in the meeting, the question was called on the motion and it carried by unanimous vote.

Supervisor Gross provided clarification on the eight-year length of the tax abatement in the EIP listed in the Board Agenda Item.

(NOTE: Later in the meeting, the Board held a public hearing regarding Skyline 4 LLC and 5111 Leesburg LLC. See Clerk's Summary Item #40.)

24. **A-2 – RESOLUTION TO APPLY FOR A WAIVER TO ADMINISTER PIONEER AND GARFIELD PRECINCTS IN THE FRANCONIA DISTRICT, AND THE PENDERBROOK AND BURKE NO. 2 PRECINCTS IN THE SPRINGFIELD DISTRICT, AS SPLIT PRECINCTS PURSUANT TO VIRGINIA CODE SECTION 24.2-307** (12:23 p.m.)

(R) On motion of Supervisor Herrity, jointly seconded by Chairman McKay and Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Adopted the Resolution confirming its decision to apply to the State Board for a waiver to administer the Pioneer, Garfield, Penderbrook, and Burke No. 2 precincts as split precincts for all elections in 2023
- Authorized Office of Elections staff to submit an application on behalf of the Board

25. **A-3 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO MAKE LOANS TO SUBSIDIARIES OF LINCOLN AVENUE CAPITAL UP TO AN AGGREGATE AMOUNT OF \$14,000,000 TO FINANCE PHASE I OF THE**

RESIDENCES AT GOVERNMENT CENTER II DEVELOPMENT (BRADDOCK DISTRICT) (12:24 p.m.)

On motion of Supervisor Walkinshaw, jointly seconded by Chairman McKay and Supervisor Palchik, and carried by a vote of nine, Supervisor Herrity voting “NAY”, the Board concurred in the recommendation of staff and authorized the FCRHA to provide gap financing loans – using Housing Blueprint funds, American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds, and/or other local funds up to an aggregate amount not to exceed \$14,000,000, to subsidiaries of Lincoln Avenue Capital for the first phase of the Residences at Government Center II development (Braddock District).

26. **A-4 – APPROVAL OF AN AMENDED AGREEMENT BETWEEN THE TOWN OF VIENNA AND FAIRFAX COUNTY TO DESIGN AND CONSTRUCT THE TAPAWINGO/KINGSLEY URBAN BIORETENTION PROJECT (HUNTER MILL DISTRICT)** (12:24 p.m.)

On motion of Supervisor Alcorn, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved and authorized the County Executive or his designee to sign the amended agreement with the Town of Vienna to provide additional funding for the construction of the Tapawingo/Kingsley Urban Bioretention Project located in the Town of Vienna and the Accotink Creek watershed.

27. **A-5 – BOARD ENDORSEMENT OF CHANGES TO LIMITED ACCESS LINES REQUIRED FOR THE FRONTIER DRIVE EXTENSION PROJECT (FRANCONIA DISTRICT)** (12:25 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 endorsed the Limited Access Line changes to the Franconia-Springfield Parkway as part of the Frontier Drive Extension project administered by the Virginia Department of Transportation as presented in Attachment One of the Board Agenda Item.

28. **A-6 – APPROVAL OF COMMENTS ON WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY’S (WMATA) PROPOSED FISCAL YEAR (FY) 2024 OPERATING AND FY 2024-2029 CAPITAL IMPROVEMENT PROGRAM (CIP)** (12:25 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and approve a letter conveying the County’s comments on the proposed FY 2024 Operating Budget and FY 2024-2029 CIP. Supervisor Lusk seconded the motion. Following a brief discussion regarding continued input by the Northern Virginia Transportation Committee and possible future financial challenges mentioned in the letter, the question was called on the motion and it carried by unanimous vote.

29. **A-7 – ENDORSEMENT OF COMMENTS ON THE I-495 SOUTHSIDE TRANSIT/TRANSPORTATION DEMAND MANAGEMENT (TDM) DRAFT EXECUTIVE SUMMARY (MASON, FRANCONIA, AND MOUNT VERNON DISTRICTS)** (12:27 p.m.)

On motion of Supervisor Alcorn, seconded by Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the letter endorsing comments on the draft Executive Summary of the I-495 Southside Transit/TDM Study specified in Attachment One of the Board Agenda Item.

30. **A-8 – APPROVAL OF RELEASE OF REVERSIONARY INTERESTS ON VARIOUS PROPERTIES CONVEYED BY THE BOARD OF SUPERVISORS TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA)** (12:28 p.m.)

(R) On motion of Supervisor Foust, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Adopted a Resolution approving a release of reversionary interest on various properties previously owned by the Board and conveyed to the FCRHA for purposes of promoting affordable housing in the County
- Approved a Memorandum of Understanding between the Board and the FCRHA that will ensure that any property conveyed to the FCRHA will be returned to the Board if the properties are not used for affordable housing and will be later approved by the Board

31. **C-1 – APPROVAL OF AMENDED BYLAWS FOR THE YOUNG ADULTS ADVISORY COUNCIL** (12:28 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda regarding amended Bylaws for the Young Adults Advisory Council.

Supervisor Gross moved that the Board approve the Young Adults Advisory Council's amended Bylaws. Supervisor Lusk seconded the motion.

A brief discussion ensued, with input from Martin Desjardins, Assistant County Attorney, regarding the status of reviewing the bylaws of other Boards, Authorities, and Commissions.

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

ADDITIONAL BOARD MATTER

32. **INTENT TO DEFER THE PUBLIC HEARING ON SEA 95-M-029-02 (MCDONALD'S CORPORATION) TO AMEND SE 95-M-029 PREVIOUSLY APPROVED FOR RESTAURANT WITH DRIVE THROUGH IN A HIGHWAY CORRIDOR OVERLAY DISTRICT TO PERMIT ADDITIONAL LAND AREA AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 1.13 ACRES OF LAND (MASON DISTRICT)** (12:31 p.m.)

Supervisor Gross announced her intent to defer, later in the meeting at the appropriate time, the public hearing on SEA 95-M-029-02 (McDonald's Corporation).

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

AGENDA ITEM

33. **RECESS/CLOSED SESSION** (12:31 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section 2.2-3711 and listed in the 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).
 1. *Status of the Cable Franchise Renewal Negotiations with the County's Three Cable Operators and Proposed Extension Timeline*
 2. *John Michael Wolfe v. Fairfax County, et al.*; Case No. 1:22-cv-959 (E.D. Va.)

3. *Paulina Arias v. Michael Filius*, Case No. GV22-002497 (Fx. Co. Gen. Dist. Ct.)
4. *Mario Ramirez v. Cynthia Osegueda*, Case No. GV22-009542 (Fx. Co. Gen. Dist. Ct.)
5. *State Farm Mutual Automobile Insurance Company as Subrogee of Joyce Frank v. Paul Schafer*; Case No. GV22-020163 (Fx. Co. Gen. Dist. Ct.)
6. *State Farm Mutual Automobile Insurance Company as Subrogee of Melissa White v. Anthony James Guglielmi*; Case No. GV23-000003 (Prince William Co. Gen. Dist. Ct.)
7. *Claudette Gama-Salazar v. Katharine M. Follot Layton*, Case No. GV23-000660 (Fx. Co. Gen. Dist. Ct.)
8. *Jay Riat, Building Official for Fairfax County, Virginia v. Jennet Mofor*, Case No. GV22-015516 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
9. *Jay Riat, Building Official for Fairfax County, Virginia v. Henry Tuan Nguyen*, Case No. GV22-018472 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
10. *Jay Riat, Building Official for Fairfax County, Virginia v. Burke Commerce Center, LC*, Case No. GV22-019061 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
11. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Stephen Patrick MacManus*, Case No. CL-2023-0001059 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Becky D. Lewis and Rossen Radev*, Case No. GV22-019337 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Azmat Kham*, Case No. CL-2022-0008979 (Fx. Co. Cir. Ct.) (Franconia District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Rizwan Shah*, Case No. CL-2022-0010335 (Fx. Co. Cir. Ct.) (Franconia District)

15. *Jay Riat, Building Official for Fairfax County, Virginia v. J.S1, LLC*, Case No. CL-2022-0011670 (Fx. Co. Cir. Ct.) (Franconia District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Arlindo R. Freitas and Rute L. Freitas*, Case No. GV23-001855 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
17. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Bruce A. Blackerby*, Case No. CL-2020-0005195 (Fx. Co. Cir. Ct.) (Hunter Mill District)
18. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Victoria A. Perry*, Case No. CL-2023-0001058 (Fx. Co. Cir. Ct.) (Hunter Mill District)
19. *Jay Riat, Building Official for Fairfax County, Virginia v. 5238 Navaho Drive*, Case No. CL-2022-0013381 (Fx. Co. Cir. Ct.) (Mason District)
20. *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)
21. *Jay Riat, Building Official for Fairfax County, Virginia v. Radosvet Grudev and Dz Hait Pachedzhi a/k/a Jimmy Pach*, Case No. CL-2023-0001818 (Fx. Co. Cir. Ct.) (Mason District)
22. *Jay Riat, Building Official for Fairfax County, Virginia v. Suzanne Rach*, Case No. GV21-019368 (Fx. Co. Gen. Dist. Ct.) (Mason District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jujeeb R. Aziz & Samira Aziz*, Case No. GV23-001864 (Fx. Co. Gen. Dist. Ct.) (Sully District)
24. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Mujeeb R. Aziz and*

Samira Aziz, Case No. GV23-001867 (Fx. Co. Gen. Dist. Ct.) (Sully District)

25. *Board of Supervisors of Fairfax County, Virginia v. ToiletKing, LLC*, Case No. GV23-001587 (Fx. Co. Gen. Dist. Ct.)

26. *Board of Supervisors of Fairfax County, Virginia v. Gutter Cleaning*, Case No. GV23-001872 (Fx. Co. Gen. Dist. Ct.)

27. *Board of Supervisors of Fairfax County, Virginia v. G & C Moving, Inc.*, Case No. GV23-001875 (Fx. Co. Gen. Dist. Ct.)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(3), potential acquisition of real property in the Sully District for a public purpose where discussion in an open meeting would adversely affect the County's bargaining position
- As permitted by Virginia Code Section 2.2-3711 (A)(7) and (8), legal briefing regarding several proposed settlement agreements in the opioid litigation
- As permitted by Virginia Code Section 2.2-3711(A)(1), consideration of a prospective candidate for appointment, as well as annual evaluations for the County Executive and County Attorney

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

At 3:36 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

34. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:36 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust,

Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

35. **MOTION TO APPROVE OPIOID LITIGATION SETTLEMENT AGREEMENTS WITH TEVA, ALLERGAN, WALMART, WALGREENS, AND CVS** (3:37 p.m.)

(R) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board:

- Adopt a Resolution approving the County’s participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities
- Direct the County Attorney and/or the County’s outside counsel to execute the documents necessary to effectuate the County’s participation in the settlements

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

36. **AUTHORIZATION TO ACQUIRE PROPERTY IN THE SULLY DISTRICT** (3:38 p.m.)

Supervisor Smith moved that the Board request the Fairfax County Redevelopment and Housing Authority to pursue the acquisition of property located in the Sully District that will be used for public purposes pursuant to the terms and conditions discussed in Closed Session. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

37. **MOTION REGARDING APPOINTMENTS TO THE FAIRFAX COUNTY BOARD OF ZONING APPEALS (BZA)** (3:39 p.m.)

(BACs) Supervisor Smith stated that the Circuit Court recently notified the County Attorney that the term of BZA member Donte Tanner will expire on April 15, 2023, and Mr. Tanner has expressed interest in reappointment. Mr. Tanner was appointed to complete the term of a prior BZA member and has served only two years.

Therefore, to allow Mr. Tanner to serve a full five-year term, Supervisor Smith moved that the Board concur in the reappointment of Donte Tanner to the BZA. Supervisor Lusk seconded the motion and it carried by unanimous vote.

BV:bv

AGENDA ITEMS

38. **3:30 P.M. – PUBLIC HEARING ON SEA 95-M-029-02 (MCDONALD’S CORPORATION) TO AMEND SE 95-M-029 PREVIOUSLY APPROVED FOR RESTAURANT WITH DRIVE THROUGH IN A HIGHWAY CORRIDOR OVERLAY DISTRICT TO PERMIT ADDITIONAL LAND AREA AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 1.13 ACRES OF LAND (MASON DISTRICT) (3:39 p.m.)**

Supervisor Gross moved to defer the public hearing on Special Exception Amendment Application SEA 95-M-029-02 until **April 11, 2023, at 2:30 p.m.** Supervisor Lusk seconded the motion and it carried by unanimous vote.

39. **3:30 P.M. – PUBLIC HEARING ON SE 2022-MA-00026 (WESLEY HOUSING DEVELOPMENT CORPORATION) TO PERMIT AN OFFICE IN A RESIDENTIAL DISTRICT AND AN INDEPENDENT LIVING FACILITY FOR LOW-INCOME TENANTS, LOCATED ON APPROXIMATELY 6.82 ACRES OF LAND (MASON DISTRICT) (3:40 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 3 and February 10, 2023.

The application property is located at 6165 Leesburg Pike, Falls Church, 22044. Tax Map 51-3 ((1)) 25.

Sara V. Mariska, Odin, Feldman and Pittleman, P.C., reaffirmed the validity of the affidavit dated February 8, 2023, for the record.

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

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

Discussion ensued, with input from Ms. Mariska, and Aaron M. Vinson, Walter L. Phillips, Inc., regarding the:

- Proposed fencing on the property
- Maintenance of the amenity space in the rear of the building
- Access points for the property

- Detention facilities

Following the public hearing, which included testimony by 11 speakers, Ms. Mariska presented rebuttal.

Discussion ensued, with input from Ms. Mariska, Ms. Williams, and Mr. Vinson, regarding the:

- Stormwater management – requirements and language
- Proposed development conditions – landscaping and tree preservation

Ms. Williams presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Williams, and Catherine Torgersen, Planner IV, Stormwater Planning Division, Department of Public Works and Environmental Services, regarding:

- The proposed Development Condition #9 which addresses stormwater management
- Stormwater infrastructure improvement efforts and incentives

Following comments and a query by Supervisor Gross, Ms. Mariska confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated February 21, 2023.

Supervisor Gross moved that the Board approve:

- Special Exception Application SE 2022-MA-00026, subject to the development conditions dated February 21, 2023
- Waivers and modifications contained in the handout distributed, dated February 1, 2023, which will be made part of the record, and are as follows:
 - Waiver of the barrier requirement on the southern property boundary in lieu of the required Barrier D, E or F, per Section 5108.7.K of the Zoning Ordinance
 - Waiver of the service drive requirement, per Section 8100.7.E.3.a of the Zoning Ordinance

- Modification of the frontage improvements along Leesburg Pike (Route 7) to permit that shown on the SE Plat
- Modification of Section 4102.5.N.1.B to allow an office within an independent Living Facility in lieu of the requirement to locate an office in a Residential District within a single family detached dwelling

The motion was multiply seconded. Following additional discussion regarding stormwater management, the question was called on the motion and it carried by unanimous vote.

Supervisor Gross moved that the Board direct staff to develop a funding plan for stormwater infrastructure improvements that may be installed concurrently with the development of the independent living facility as proposed in SE 2022-MA-00026 by Wesley Housing Development Corporation. Supervisor Palchik and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

40. **3:30 P.M. – PUBLIC HEARING ON PCA-C-052-10/CDPA-C-052-03/FDPA-C-052-016 (RZPA 2022-MA-00054) (SKYLINE 4 LLC, AND 5111 LEESBURG LLC) TO AMEND THE PROFFERS, CONCEPTUAL DEVELOPMENT PLAN, AND SECOND FINAL DEVELOPMENT PLAN FOR RZ-C-052, PREVIOUSLY APPROVED FOR OFFICE USE, TO PERMIT THE REPURPOSING OF OFFICE BUILDINGS TO ACCOMMODATE LIVE/WORK UNITS AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A 2.49 FLOOR AREA RATIO (FAR), LOCATED ON APPROXIMATELY 5.56 ACRES OF LAND (MASON DISTRICT) (5:22 p.m.)**

- (O) (NOTE: Earlier in the meeting, the Board approved an Economic Incentive Program application related to this item. See Clerk’s Summary Item #23.)

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 February 3 and February 10, 2023.

The application property is located approximately 1,000 square feet southwest of the intersection of Leesburg Pike and South George Mason Drive. Tax Map 62-3 ((1)) 37B, 39B and 40B1 (pt.).

Gregory A. Riegle, McGuireWoods LLP, reaffirmed the validity of the affidavit dated January 27, 2023, for the record.

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

Mr. Riegler 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.

A brief discussion ensued, with input from Mr. Riegler, regarding the Skyline buildings.

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

Following comments, addressing concerns raised by the speaker regarding noise, Supervisor Gross noted that earlier in the meeting the Board approved an Economic Incentive Program application for this site.

Therefore, Supervisor Gross moved that the Board:

- Approve Proffered Condition Amendment Application PCA C-052-10 and its associated Conceptual Development Plan Application CDPA C-052-03, subject to the proffers dated January 24, 2023.
- Approve the waivers and modifications contained in the handout distributed, dated February 8, 2023, which will be made part of the record, and are as follows:
 - Modification of Section 2105.4.C.1.A of the Zoning Ordinance to allow the gross floor area of dwellings as a secondary use to exceed 50 percent of the development in accordance with the uses shown on the CDPA/FDPA and proffered conditions
 - Modification of Section 6100.4 to allow for a reduced number of parking spaces in favor of that shown on the CDPA/FDPA
 - Modification of minimum loading space requirement set forth in Section 6101.3 of the Zoning Ordinance to permit the existing four loading spaces to remain
 - Waiver of Section 5107.3.A.3 of the Zoning Ordinances to allow private streets in excess of 600 feet in length
 - Modification of Section 5108.6 of the Zoning Ordinance for transitional screening and barrier uses within the site and between adjacent property lines in favor of that shown on the CDPA/FDPA

- Waiver of Section 5108.5.A and 5108.5.B of the Zoning Ordinance for interior parking lot and peripheral landscaping in favor of that shown on the CDPA/FDPA
 - Modification of Section 8100.7.E.2 of the Zoning Ordinance requiring the construction of a minor trail/walkway along South George Mason Drive in favor of maintaining the existing sidewalk as shown on the CDPA/FDPA
 - Modification of Section 8100.7.E.2 of the Zoning Ordinance requiring further dedication and construction of South George Mason Drive beyond that shown on the CDPA/FDPA
- Approve a waiver of Section 5107.3.A.3 to allow private streets and standard garage aisles less than 23 feet in width, and compact drive aisles less than 20 feet in width, and as such for the existing parking spaces, including existing compact spaces, to be considered compliant and count for required and provided parking. These private streets, parking spaces, and garage aisles already exist and generally will not be changed with this application
 - Direct the Director to modify Zoning Sections 5108.3 and 5108.8 and the applicable Fairfax County Public Facilities Section 12-300 as it relates to tree conservation preservation, and Section 12-0308, and the ten year tree canopy requirements contained in 12-0310, in favor of the commitments described on the CDPA/FDPA to retain and count the existing trees on site and provide supplemental landscaping

Chairman McKay seconded the motion. Following discussion regarding the motion and the parking garage, the question was called on the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn and Supervisor Herrity being out of the room.

(NOTE: On February 8, 2023, the Planning Commission approved Final Development Plan Amendment Application FDPA C-052-16, subject to the development conditions dated January 24, 2023.)

41. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2022-PR-00011 (CARTER V BOEHM, TRUSTEE) TO REZONE FROM R-2 TO R-1 TO PERMIT RESIDENTIAL DEVELOPMENT WITH A TOTAL DENSITY OF ONE DWELLING UNITS PER ACRE (DU/AC).**

LOCATED ON APPROXIMATELY 1.0 ACRES OF LAND (PROVIDENCE DISTRICT) (5:46 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 February 3 and February 10, 2023.

The application property is located on the north side of Idylwood Road and south side of Helena Drive. Tax Map 39-4 ((1)) 219.

Pedram Foushanji, Gilkar Design and Build LLC, reaffirmed the validity of the affidavit dated February 8, 2023, for the record.

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

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

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

Following comments, Supervisor Palchik moved that the Board approve:

- Rezoning Application RZ 2022-PR-00011, subject to the proffers dated January 31, 2023.
- A waiver to allow a six-foot-high fence along the Idylwood Road frontage, per subsection 4102.7.A.7.c of the Zoning Ordinance

Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Gross being out of the room.

42. **3:30 P.M. – PUBLIC HEARING ON PCA 86-W-001-14/CDPA 86-W-001-05 (RZPA 2022-BR-00086) (LACM VA, LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 86-W-001. PREVIOUSLY APPROVED FOR PUBLIC USES, TO PERMIT AN AFFORDABLE MULTIFAMILY DEVELOPMENT WITH 279 DWELLING UNITS ON A PORTION OF THE SITE WITH ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT AN FAR OF 0.274 (EXCLUSIVE OF BONUS DENSITY), LOCATED ON APPROXIMATELY 90.38 ACRES OF LAND (BRADDOCK DISTRICT)**
(5:52 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 February 3 and February 10, 2023.

The application property is located on the north and east sides of Government Center Parkway and South Side of Monument Drive, Fairfax, 22035. Tax Map 56-1 ((15)) 5B and 56-1 ((15)) 14A and 14B.

Brian J. Winterhalter, DLP Piper LLP, reaffirmed the validity of the affidavit dated February 9, 2023, for the record.

Supervisor Smith disclosed the following campaign contribution which she had received in excess of \$100 from:

- Lenore Kelly, Vice-Chair, of Fairfax County Redevelopment and Housing Authority

Supervisor Lusk disclosed the following campaign contribution which he had received in excess of \$100 from:

- Nicholas McCoy

Supervisor Herrity disclosed the following campaign contribution which he had received in excess of \$100 from:

- Kenneth Feng

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

Mr. Winterhalter 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 Ms. Estes, regarding the current capacity at the schools to be served by this site and the transportation analysis.

Discussion continued, with input from Mr. Winterhalter, regarding:

- The Childcare Centers affordability components and user preferences
- Unit mix by bedroom size
- Accessibility and the provisions of sufficient accessible parking
- Construction hours and notification

Following the public hearing, which included testimony by five speakers, Ms. Estes presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. Winterhalter, regarding electrical vehicle charging stations.

Following comments, Supervisor Walkinshaw moved that the Board approve:

- Proffered Condition Amendment Application PCA 86-W-001-14 and CDPA 86-W-001-05, subject to the proffers dated February 16, 2023.
- Waivers and modifications contained in the Memorandum to the Board dated February 21, 2023, which will be made part of the record, and are as follows:
 - Modification of Section 6100.1 to allow a Parking Reduction, #7204-PLS-001, to permit the total residential parking shown on the Final Development Plan Amendment (FDPA), based on proximity to bus service
 - Modification of Section 6101.1 to reduce the required number of loading spaces from five to two in favor of that shown on the FDPA

Chairman McKay, Supervisor Alcorn, and Supervisor Palchik jointly seconded the motion. Following a brief discussion regarding affordable housing, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity voting “NAY.”

(NOTE: On February 8, 2023, the Planning Commission approved Final Development Plan Amendment Application FDPA 86-W-001-09, subject to the development conditions dated February 7, 2023.)

43. **4 P.M. – PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH THE COVINGTON COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)** (6:37 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 February 3 and February 10, 2023.

Henri Stein McCartney, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by four speakers, Ms. Stein McCartney presented the staff recommendation.

Discussion ensued, with input from Ms. Stein McCartney, regarding the Covington community petition and response comparison.

Following comments, Supervisor Palchik moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Covington CPD. The established District includes Ellenwood Drive (Route 5188), from Arlington Boulevard to Lee Highway. Supervisor Lusk seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

44. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:54 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 February 3 and February 10, 2023.

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:

- Avril Garland – Regarding the Noise Ordinance
- Nathan Haslim – Regarding the Virginia Defense Force Vehicle Tax Exemption Consideration
- Dianna Hashemi – Regarding Safety (The Increase in Crime)

45. **BOARD ADJOURNMENT** (7:05 p.m.)

At 7:05 p.m. the Board adjourned.