



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
June 6, 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, June 6, 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 Dalia Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James Walkinshaw, Braddock District

Supervisor Patrick S. Herrity, Springfield District, arrived at 11:49 a.m.

Supervisor Rodney Lusk, Franconia District, was absent from the entire meeting.

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 Danya Alattar, Administrative Assistants, Department of Clerk Services.

BOARD MATTERS

1. **ABSENCE OF SUPERVISOR PATRICK HERRITY (SPRINGFIELD DISTRICT) AND SUPERVISOR RODNEY LUSK (FRANCONIA DISTRICT)** (9:34 a.m.)

Chairman McKay announced that Supervisor Herrity and Supervisor Lusk would be absent from the entire meeting due to medical reasons.

(NOTE: Supervisor Herrity arrived at 11:49 a.m.)

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

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

- Earl Flanagan, who died recently. Mr. Flanagan served on the Planning Commission and many other associations and committees in the County. He was the Mount Vernon District Lord Fairfax in 1999 and the Mount Vernon District Citizen of the Year in 2000
- David Alne, who died recently, at the age of 101. Mr. Alne was the former President of the Lake Barcroft Watershed Improvement District and served the Mason District for a long time

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AGENDA ITEMS

3. **RESOLUTION OF RECOGNITION PRESENTED TO CHANTILLY HIGH SCHOOL VIRGINIA CLASS 6 DIVING AND WRESTLING STATE CHAMPIONS** (9:43 a.m.)

Supervisor Smith moved approval of the Resolution of Recognition presented to Chantilly High School Virginia Class 6 Diving and Wrestling State Champions. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Lusk being absent, Supervisor Herrity not yet having arrived.

4. **PROCLAMATION DESIGNATING JUNE 2023 AS "PRIDE MONTH" IN FAIRFAX COUNTY** (9:51 a.m.)

Supervisor Foust moved approval of the Proclamation designating June 2023 as "Pride Month" in Fairfax County. The motion was multiply seconded and it carried by a vote of eight, Supervisor Lusk being absent, Supervisor Herrity not yet having arrived.

5. **PROCLAMATION DESIGNATING JUNE 19, 2023, AS "JUNETEENTH" IN FAIRFAX COUNTY** (10:19 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating June 19, 2023, as "*Juneteenth*" in Fairfax County. Supervisor Palchik seconded the motion and it carried by a vote of eight, Supervisor Lusk being absent, Supervisor Herrity not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman McKay.

Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs and the Fairfax County Police Department to disseminate information regarding the Gun Turnback Program. Without objection, it was so ordered.

6. **PROCLAMATION DESIGNATING JUNE 2, 2023, AS "GUN VIOLENCE AWARENESS DAY" IN FAIRFAX COUNTY** (10:42 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating June 2, 2023, as "*Gun Violence Awareness Day*" in Fairfax County. Vice-Chairman Gross seconded the motion and it carried by a vote of eight, Supervisor Lusk being absent, Supervisor Herrity not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman McKay.

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE HEALTH CARE ADVISORY BOARD** (11:08 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the Health Care Advisory Board on its 50th anniversary. Vice-Chairman Gross seconded the motion and it carried by a vote of eight, Supervisor Lusk being absent, Supervisor Herrity not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman McKay.

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8. **PRESENTATION OF THE HISTORY COMMISSION ANNUAL REPORT** (11:20 a.m.)

(BACs) Cheryl-Ann Repetti, former Chair, History Commission, announced that she was accompanied by Lynne Garvey-Hodge, current Chair.

Ms. Repetti introduced other members of the History Commission who were present in the Board Auditorium:

- Anne Stuntz
- Jenee Lindner
- Subhi Mehdi
- Tom Shoop
- Tammy Mannarino

Ms. Repetti proceeded to present the History Commission's annual report, highlighting the following:

- The Commission's major initiative for 2022 was creating the African American History Inventory Database in collaboration with a team of seniors in the George Mason University Information Technology Program. It will be an ongoing living document that can be added to when new information is discovered
- The Commission provided its expertise in a variety of contexts and supported several projects
- The Commission held its 18th annual Fairfax County History Conference and Awards
- The Advocacy Committee's outreach efforts
- Institutional changes – Revised bylaws, staff turnover, and retirement of Commissioners
- The need for additional resources and support to meet future preservation needs and sustain effectiveness
- The Commission's Fiscal Year 2024 Budget Request

Ms. Repetti expressed her deep gratitude to the 2022 Members of the History Commission who made the work of the Commission possible.

Discussion ensued, regarding the capturing of oral histories, partnering with more community members, and looking at best practices outside of the County that have worked to preserve more historic sites.

Board Members expressed thanks to the Commission for its advocacy, education, and commitment to preservation, and thanked the retiring members for their service.

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ADDITIONAL BOARD MATTERS

9. **PROCLAMATION REQUEST DESIGNATING JUNE 12, 2023, AS “LOVING DAY”** (11:49 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 June 12, 2023, as “*Loving Day*” in the County, in recognition of the anniversary of the 1967 United States Supreme Court decision *Loving vs. Virginia*. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING JUNE 20, 2023, AS “WORLD REFUGEE DAY”** (11:49 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating June 20, 2023, as “*World Refugee Day*” in the County. Without objection, it was so ordered.

11. **PROCLAMATION REQUEST DESIGNATING JUNE 27, 2023, AS “POST-TRAUMATIC STRESS DISORDER (PTSD) AWARENESS DAY”** (11:49 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating June 27, 2023, as “*PTSD Awareness Day*” in the County. Without objection, it was so ordered.

12. **PROCLAMATION REQUEST FOR “CHESAPEAKE BAY AWARENESS WEEK”** (11:49 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation for “*Chesapeake Bay Awareness Week*” in the County. Without objection, it was so ordered.

13. **AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN AGREEMENT BETWEEN THE COMMISSIONER OF HIGHWAYS AND THE BOARD** (11:49 a.m.)

- (A) Chairman McKay stated that last year, the Sheriff’s Community Labor Force informed the Board that it no longer had capacity to remove signs from designated rights-of-way within the County, as it had been doing for many years. By statute and agreement with the Commissioner of Highways, the Board was authorized to allow only local law enforcement agencies, local governmental entities, employees, or volunteers to act as its agents in removing signs. The statute did not expressly authorize the County to use private contractors. Therefore, during the 2023 legislative session, the Board initiated an amendment to Virginia Code Section

33.2-1225 that would allow the Board to engage contractors to remove signs from the rights-of-way. That amendment was adopted on March 23, 2023, and takes effect on July 1, 2023. The statute requires a public hearing before the Board enters into such an agreement with the Commissioner of Highways.

Therefore, Chairman McKay moved that the Board direct staff to advertise a public hearing to be held before the Board on an agreement between the Commissioner of Highways and the Board, to effectuate House Bill 1587, which allows the Board to engage contractors to act as its agents in enforcing the provisions of Virginia Code Section 33.2-1224, by removing signs from within the limits of highways within the County. Supervisor Palchik seconded the motion and it carried by a vote of eight, Supervisor Alcorn being out of the room and Supervisor Lusk being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

14. **FAIRFAX COUNTY NURSE NAMED VIRGINIA DEPARTMENT OF HEALTH'S (VDH) NORTHERN VIRGINIA REGIONAL NURSE OF THE YEAR** (11:51 a.m.)

Chairman McKay announced that Nathalie Washington, Nurse Practitioner, was recently named the 2023 Northern Virginia Regional Nurse of the Year by VDH. Ms. Washington is being recognized for organizing 130 COVID-19 vaccination clinics for the County's homeless population, as well as her contributions to an article on vaccine coverage in the Morbidity and Mortality Weekly Report of the Centers for Disease Control publication. On behalf of the Board, Chairman McKay congratulated Ms. Washington on achieving this prestigious award, as well as the Health Department for its ongoing work in so many ways.

15. **CONVEYANCE OF BOARD-OWNED PROPERTY LOCATED AT 2859 ANNANDALE ROAD TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (MASON DISTRICT)** (11:53 a.m.)

Supervisor Gross stated that increasing the supply of affordable housing throughout the County is a high priority. An important strategy to exceed the goal to develop a minimum of 10,000 affordable housing units by 2034, is to leverage use of vacant Board-owned property for housing development. To this end, the Department of Housing and Community Development continues to actively investigate the feasibility of Board-owned sites for the development of affordable housing within all magisterial districts. One identified site is the vacant property located at 2859 Annandale Road, adjacent to the James Lee Center.

Publicly owned land that may be too constrained or otherwise inappropriate for public use and/or large multifamily redevelopment, can be leveraged to efficiently produce long-term affordable homeownership opportunities for County families. Based on initial studies, the half-acre parcel is an excellent site on which to develop affordable homeownership units, potentially through a public-private partnership.

Therefore, Supervisor Gross moved that the Board direct staff to initiate the steps to formally authorize and schedule a public hearing before the Board to consider the conveyance of the .5203 acre site, adjacent to the James Lee Center, located at Tax Map Parcel 0504 01 0050B to the FCRHA for the development of affordable homeownership, subject to the stipulation that in the event the FCRHA no longer pursues the project, the FCRHA will transfer ownership of the property back to the Board. Chairman McKay and Supervisor Palchik jointly seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Lusk being absent.

16. **TRANSFER OF 5831 COLUMBIA PIKE (EAST COUNTY PART B) FROM THE BOARD TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (MASON DISTRICT)** (11:55 a.m.)

Supervisor Gross stated that increasing the supply of affordable housing continues to be a high priority in the County. In March of 2023, the Board doubled its strategic goal to now provide a minimum of 10,000 new affordable housing units by 2034. Staff have been evaluating the County's existing assets for potential housing opportunities, including the development of new housing on County-owned land. Through the Virginia Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), as amended, publicly owned land in the County has been successfully leveraged through a partnership with private developers to efficiently produce affordable housing units in a cost-effective manner using low-income housing tax credits.

The Board owns approximately 2.93 acres of land in the Mason District described as Tax Map Parcel 0612 01 0113E and referred to as the East County Part B site. An opportunity exists on this site for the co-location of affordable housing, to include associated support services, underground parking, and possibly a childcare facility. The site's location is ideal. It is within walking distance of public transportation, retail, and healthcare, and is accessible to vital services, including schools, libraries, and parks, as well as other recreational and commercial amenities. The inclusion of affordable housing within this amenity-rich community is consistent with the Board's equity goals, as described in its One Fairfax policy.

Therefore, Supervisor Gross moved that the Board direct staff to initiate steps to formally authorize and schedule a public hearing before the Board to consider conveyance of the Board-owned East County Part B site located at Tax Map Parcel 0612 01 0113E to the FCRHA for the development of affordable housing, subject to the following stipulations:

- If the FCRHA no longer pursues the project, the FCRHA will transfer ownership of the property back to the Board, pursuant to the Memorandum of Understanding discussed by the Board at its February 21, 2023, Board meeting

- The FCRHA will provide the County with access to and use of the site until the project begins

Chairman McKay and Supervisor Palchik jointly seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Lusk being absent.

17. **PROCLAMATION REQUEST FOR LAKE BRADDOCK SECONDARY SCHOOL'S (LBSS) 50TH ANNIVERSARY** (11:59 a.m.)

Supervisor Walkinshaw stated that as the 2022-2023 school year draws to a close, another milestone is coming up. LBSS first opened its doors for classes on September 4, 1973, with 2400 students. Thus, LBSS will celebrate its 50th anniversary this year. Today, with an enrollment of over 4300, it remains the largest public school in the Commonwealth.

Future students first met in April 1973, to discuss what they wanted the school's identity to become, declaring purple and gold the official colors. Students took the initiative and created the student government and over 25 clubs. Many are still active at LBSS today, including the student newspaper "*The Bear Facts*" and Chess Club, but they are now part of over 100 unique activities.

While some things have stayed the same, such as the "school within a school" model, many changes have taken place over the years. Smoking is no longer allowed on campus, yearbooks now have full-color pictures, and a major change was the shift from its original open-classroom system to a dynamic environment following a major renovation in 2007.

Additionally, it is important to recognize those who have worked to support the school in its five decades, including the teachers, administration, families, and more. In their inaugural yearbook, students were uncertain whether LBSS would be a "failure or a success." Now, 50 years later, as a central part of the community, it is clear that LBSS has been a resounding success.

Therefore, jointly with Chairman McKay and Supervisor Herrity, Supervisor Walkinshaw moved that the Board direct the Office of Public Affairs to prepare a Proclamation for LBSS, in recognition of its 50th anniversary, to be presented out of the Board Room. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Lusk being absent.

18. **REQUEST TO ADVERTISE THE MEETINGS OF THE TASK FORCE ON THE FUTURE OF LAKE ACCOTINK (BRADDOCK DISTRICT)** (12:01 p.m.)

Supervisor Walkinshaw stated that on May 23, 2023, the Board unanimously approved his motion to create a Task Force on the Future of Lake Accotink. Chairman McKay and Supervisor Lusk were cosponsors of the motion.

Lake Accotink Park is one of the County's most beloved resources, drawing hundreds of thousands of visitors each year to its trails, picnic areas, and waterfront activities. The 55-acre Lake Accotink, a manmade reservoir originally built by the U.S. Army, is a key feature of the park. However, it has required regular dredging to remove sediment and prevent it from returning to its natural state. Detailed analysis has led staff to recommend that Lake Accotink not be dredged because of the significant cost and challenges in processing and disposing of the sediment. Instead, staff's recommendation is to restart the Park's Master Planning process with an emphasis on developing a sustainable vision for the lake and the park.

The Task Force is charged with reviewing and developing findings on the previous dredging studies, ensure all options have been considered to preserve Lake Accotink in the most sustainable, equitable, and cost-effective manner, identify information needs and questions that should be addressed should the Board proceed with studying a managed wetland or hybrid option, and consider the impacts to the environment, surrounding communities, recreational uses of the park, and financing, including ongoing maintenance.

Supervisor Walkinshaw stated that the Task Force will be chaired by former Chairman Bulova and the process of inviting community, environmental, and nonprofit organizations to participate and establishing the Task Force membership has begun.

The first meeting of the Task Force on the Future of Lake Accotink will be held in-person on June 26, 2023, at 7 p.m. As soon as a location is finalized, that information will be shared. Members of the public are welcome to attend the proceedings.

Therefore, Supervisor Walkinshaw asked unanimous consent that the Board direct the Office of Public Affairs to advertise the first and future meetings of the Task Force on the Future of Lake Accotink in news releases and on social media. Without objection, it was so ordered.

19. **INTRODUCTION OF A NEW STAFF MEMBER IN THE BRADDOCK DISTRICT SUPERVISOR'S OFFICE** (12:02 p.m.)

Supervisor Walkinshaw introduced Evanna Koury, a new staff member in his office. On behalf of the Board, he warmly welcomed her to the County.

20. **PROCLAMATION REQUEST FOR BILL CANIS** (12:03 p.m.)

Supervisor Foust stated that Bill Canis, a resident of Great Falls since 1999, has recently announced that he will not seek an eighth term as President of the Great Falls Citizens Association (GFCA), a position he has held since 2016. Prior to becoming President, Mr. Canis served as Vice-President and Chair of the Environment and Parks Committee of the organization.

During his 17-years with the GFCA, he has worked diligently with his colleagues and Federal, State, and local officials, (particularly the Dranesville District Supervisor's office) to increase the influence of residents in County and school decisions.

While serving as president for seven terms, Mr. Canis has done an outstanding job of leading the GFCA through many difficult challenges involving land use, roads and trails, trees, parks and playing fields. During his tenure, he played an active and major role in County efforts to preserve historical assets such as Turner Farm, the Grange, and Forestville Schoolhouse. His initiative to conduct an inventory of big trees in the community earned an award from the Fairfax County Tree Commission.

Because of his contributions to the Great Falls Community, the Board recognized Mr. Canis as the Dranesville District's Lord Fairfax in 2021. Mr. Canis has been a very effective representative and spokesman for Great Falls. He has contributed his time unselfishly and has set a very high standard for what it means to be a good community leader.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a Proclamation for Mr. Canis, in recognition of his many contributions to the Great Falls community, to be presented at an event to be held in Great Falls on June 28, 2023. Without objection, it was so ordered.

21. **NO BOARD MATTERS FOR SUPERVISOR ALCORN (HUNTER MILL DISTRICT)** (12:05 p.m.)

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

22. **REQUEST FOR EXPEDITED PROCESSING FOR THE RE-HEARING OF A SPECIAL EXCEPTION AMENDMENT (SEA) APPLICATION FOR THE ORIGINAL MOUNT VERNON HIGH SCHOOL (OMVHS) (MOUNT VERNON DISTRICT)** (12:05 p.m.)

Supervisor Storck stated that the OMVHS, owned by the Board, is located at 8333 Richmond Highway, Tax Map Number 101-4 ((1)) Parcel 5A and 101-4 ((7)) Parcel 1. The OMVHS facility is identified on the County Inventory of Historic Sites and listed on the National Register of Historic Places and Virginia Historic Landmarks.

The applicant, the Fairfax County Department of Public Works and Environmental Services (DPWES), submitted a SEA application for the OMVHS facility, to allow for an Alternative Use of Historic Buildings under the new modernized Zoning Ordinance adopted on March 23, 2021, known as "zMOD."

The application, SEA 88-V-064-05, was previously heard before the Planning Commission on June 29, 2022, which recommended unanimous approval

of the application. This application was approved unanimously by the Board on September 13, 2022. Since that time, staff have been working through the design and site plan review process.

The Alternative Use of Historic Buildings is a use created by the zMOD Ordinance, which the Board adopted in 2021. Due to litigation challenging that 2021 Ordinance continues, and out of an abundance of caution per the Office of the County Attorney, DPWES has been advised to go back through the public hearing process for approval under the modernized Zoning Ordinance the Board readopted last month.

Therefore, Supervisor Storck moved that the Board direct:

- Staff to authorize expedited processing and schedule a Planning Commission public hearing on September 13, 2023, and a Board public hearing on September 26, 2023, for a SEA for the OMVHS facility, to allow for an Alternative Use of Historic Buildings
- The Director of the Department of Land Development Services to accept concurrent and simultaneous review of a site plan, architectural drawings, building permits and/or other plans and permits as may be necessary to implement the proposed plans for that SEA application

This motion should not in any way be construed as a favorable recommendation on any application or plan by the Board, and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards, and in no way prejudice the substantive review of the applications and/or plans.

Chairman McKay and Supervisor Smith jointly seconded the motion and it carried by a vote of nine, Supervisor Lusk being absent.

23. **PROCLAMATION REQUEST FOR GUM SPRINGS (MOUNT VERNON DISTRICT)** (12:08 p.m.)

Supervisor Storck stated that the Gum Springs community, located in the Mount Vernon District, is the oldest African American community in the County. Gum Springs was founded by West Ford, a former slave owned by George Washington's family, who acquired the property in 1833. Gum Springs became a refuge for runaways and freed slaves to live. Helped by Quakers, freed slaves worked in the trades they had learned as estate slaves. Many activities, including exhibits at the Gum Springs Museum, celebrate the long continuity of this historic black community. Today, Gum Springs has more than 2,500 residents; as many as 500 are descendants of the original families.

This year's annual Gum Springs Day, being held on June 17, 2023, will feature an unveiling of the West Ford Historic Marker at 10:30 a.m. near Richmond Highway and Fordson Road. All are invited to the Gum Springs community from 9 a.m. – 4:30 p.m. for this annual celebration. The day will feature a health fair, parade, food, music, carnival rides, give-aways and more!

Therefore, jointly with Chairman McKay, 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 new Gum Springs Civic Association, in recognition of its 190th anniversary, to be presented at Gum Springs Day. Without objection, it was so ordered.

24. **PROCLAMATION REQUEST FOR SOUTH COUNTY HIGH SCHOOL (SCHS) WOMEN'S OUTDOOR TRACK TEAM (MOUNT VERNON DISTRICT)** (12:09 p.m.)

Supervisor Storck stated that the SCHS Women's Outdoor Track Team won the State championship by 13.5 points for the 2023 Virginia High School League Class 6 Outdoor Track Virginia State Championships, held on June 3, 2023. The team took first place in two individual events and a relay. Catalina Sanchious won both the 100 meters (m) and 200m events. Her teammate, Cameron Thompson, placed second in both races as well. The relay team, consisting of Jordann Germain, Ajayla McNeel, Destinie Williams, and Jordan Salisbury won the 4x400m. This is the second consecutive championship for the Women's Outdoor Track Team. Over the winter, the SCHS Women's Indoor Track Team placed second overall in the Virginia State Championship.

Supervisor Storck stated that the SCHS Women's Outdoor Track Team, parents, coaches, teachers and administrators, who have worked hard to help the team achieve these results, deserves recognition and congratulations.

Therefore, jointly with Chairman McKay and Supervisor Herrity, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation, to be signed by the Chairman, Mount Vernon District Supervisor, and the Springfield District Supervisor, for the SCHS Woman's Outdoor Track Team and coaches, in recognition of the team being awarded the Class 6 Virginia State Champions, to be presented out of the Board Room. Without objection, it was so ordered.

25. **EXPANSION OF THE PAN AM SHOPPING CENTER PLAN AMENDMENT** (12:11 p.m.)

Supervisor Palchik stated that on December 7, 2021, she moved to direct staff to evaluate an amendment to the Comprehensive Plan for the Pan Am Shopping Center, Tax Map Parcel 48-4((1))12F. That amendment is underway, and staff anticipates that it will be considered by the Planning Commission at a public hearing later this month.

In evaluating the amendment, staff suggested that any proposed development or capital projects in the Lee Community Planning Sector, not just the development of the Pan Am Shopping Center, should include an evaluation of operational and safety considerations at critical intersections such as Nutley Street and Route 29. Supervisor Palchik stated that she agrees that this proposed recommendation is worth considering in conjunction with the Pan Am Shopping Center amendment.

Therefore, Supervisor Palchik moved that the Board direct staff to expand the proposed amendment to the Comprehensive Plan for the Pam Am Shopping Center to also include proposed changes to the transportation recommendations for the Area II, Vienna Planning District, and Lee Community Planning Sector. This motion should not be construed as a favorable recommendation of the Plan amendment by the Board and does not prejudice the substantive review of the amendment. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Lusk being absent.

26. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2022-PR-00017 - MADISON INVESTMENT PORTFOLIO LLC, TO REZONE FROM I-5 TO PDC TO REPURPOSE EXISTING BUILDINGS FOR MIXED USE WITH AN OVERALL INTENSITY OF 0.90 FLOOR AREA RATIO (FAR) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN. LOCATED NORTH OF GATEHOUSE RD., APPROX. 600 FOOT EAST OF THE INTERSECTION OF GATEHOUSE ROAD AND GALLOWS ROAD ON APPROX. 8.53 ACRES OF LAND (PROVIDENCE DISTRICT)**
(12:13 p.m.)

Supervisor Palchik announced her intent to defer, later in the meeting, at the appropriate time, the public hearing on Rezoning Application RZ 2022-PR-00017 (Madison Investment Portfolio LLC) to **June 27, 2023, at 3:30 p.m.**

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

27. **RESOLUTION OF RECOGNITION REQUEST FOR THE ROTARY CLUB OF WEST SPRINGFIELD** (12:14 p.m.)

Supervisor Herrity stated that the Rotary Club of West Springfield was founded on April 16, 1980. The first meetings were held at the old Howard Johnson's before moving to the Springfield Golf and Country Club in 1984. While having been in existence for 43 years, it is recognizing 2023 as its 40th. The Rotary Club's motto is "Service Above Self," promoting community-oriented fellowship and public service at all ages. They meet for breakfast every Wednesday morning to plan community service projects and programs that have a large benefit to the Springfield community. Supervisor Herrity stated over the years multiple collaborations have occurred regarding projects and volunteer opportunities.

The list of programs sponsored by the West Springfield Rotary Club includes food baskets for needy families at Thanksgiving, support for the annual Special Olympics in April, annual recognition and awards for teachers and first responders, an essay contest at Irving Middle School, providing dictionaries to third graders at local schools, cleaning up trash along Rolling Road several times a year, and financial support to ECHO and the Lorton Community Action Center. Its signature project, "Kristi's Christmas," provides a shopping trip for children of needy families in December where they are given money to purchase clothes at Target, followed by gifts and time with Santa. Also, since 2021, Club members have been helping a dozen Afghan refugee families who have settled in Springfield.

Apart from local projects, the Springfield Rotary supports disaster assistance in other countries through the ShelterBox program and recently completed a project in Sierra Leone where the club built a primary school, provided sophisticated latrines and solar electricity to three schools, and sent seven teachers to advanced training. These are efforts that show how community organizations like Rotary's can have a lasting impact on families and people worldwide.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the Rotary Club of West Springfield, in recognition of its 40th anniversary and decades of service to the community, to be presented outside of the Board Room in July. Without objection, it was so ordered.

28. **ADVERTISEMENT OF THE REQUEST FOR INTEREST (RFI) TO DEVELOP SPORTS TOURISM FACILITIES** (12:16 p.m.)

Supervisor Herrity stated that on May 25, 2023, at the Board's direction, the Park Authority circulated a memorandum including the RFI for the development of Sports Tourism facilities. As requested, this RFI was circulated to the Board prior to advertisement and addresses the concerns previously shared by the Board, when first requested in May of 2022.

As outlined in the Park Authority memorandum, this RFI has been reviewed by the Park Authority Board and is expected to be released this month.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to advertise the RFI for the development of sports tourism facilities. Without objection, it was so ordered.

Discussion ensued regarding the timeline for this request, the Board notification process, and possible revenue generation.

29. **RESOLUTION OF RECOGNITION REQUEST FOR THE VIENNA YOUTH, INC. (VYI) VARSITY BOYS RUGBY TEAM** (12:18 p.m.)

Supervisor Herrity stated that on May 24, 2023, the VYI Varsity Boys Rugby team defeated longtime powerhouse Fort Hunt 36-28 to win the Virginia State Rugby Championship. Despite dealing with injuries throughout the season, the team overcame adversity to win the State title and then went on to win the Tier II National Championship in arguably one of the most competitive high school rugby national tournaments to date.

Therefore, jointly with Supervisor Alcorn and Supervisor Palchik, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the VYI Varsity Boys Rugby team, along with Head Coach Kendall Erickson and Assistant Coaches Dave Ropper, Jeff Edmeades, Paul Mattear and Tim Reiger, in recognition of their exceptional accomplishments of winning both a Virginia State Championship and Tier II National Championship, to be presented at the June 27, 2023, Board Meeting. Without objection, it was so ordered.

Discussion ensued, with input from Tony Castrilli, Director of Public Affairs, regarding the timing for this Resolution of Recognition to be presented at a Board Meeting.

30. **INTENT TO CHANGE THE ORDER FOR THE 3:30 P.M. PUBLIC HEARING ON REZONING APPLICATION RZ 2022-SU-00010 (MATAN GLORUS ROAD, LLC) (SULLY DISTRICT)** (12:20 p.m.)

Supervisor Smith announced that the 3:30 p.m. public hearing on Rezoning Application RZ 2022-SU-00010 (Matan Glorus Road, LLC) would be deferred until after the 4 p.m. public hearing for the proposal to vacate a portion of Barney Road.

(NOTE: Later in the meeting, at the appropriate time, this public hearing was formally deferred. See Clerk's Summary Item #47.)

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AGENDA ITEMS

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

Supervisor Gross moved approval of the Administrative Items. Chairman McKay and Supervisor Palchik jointly seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Lusk being absent.

ADMIN 1 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – HAMPTON KNOLL DRIVE AND VILLA STREET (FRANCONIA DISTRICT)

- (R)
- Adopted the Resolution endorsing the following traffic calming measures:
 - One Raised Crosswalk on Hampton Knoll Drive (Franconia District)
 - One Speed Table on Villa Street (Franconia District)
 - Directed staff of the Department of Transportation to schedule the installation of the approved traffic calming measures as soon as possible

ADMIN 2 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM - COLLINGWOOD ROAD (MOUNT VERNON DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Collingwood Road from Riverside Road to George Washington Memorial Parkway (Mount Vernon District)
 - Directed staff to request the Virginia Department of Transportation to schedule the installation of the approved measures as soon as possible

ADMIN 3 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM - NORTHEdge DRIVE (SPRINGFIELD DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Northedge Drive from Scott Street to its terminus (Springfield District)
 - Directed staff to request the Virginia Department of Transportation to schedule the installation of the approved measures as soon as possible

ADMIN 4 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM - SPRING VILLAGE DRIVE (FRANCONIA DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Spring Village Drive from Franconia-Springfield Parkway to Hampton Creek Way (Franconia District)
 - Directed staff to request the Virginia Department of Transportation to schedule the installation of the approved measures as soon as possible

ADMIN 5 – EXTENSION OF REVIEW PERIOD FOR MASON DISTRICT POLICE STATION 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-00011	Department of Public Works and Environmental Services Mason District Police Renovations, Expansion, and Temporary Facilities Tax Map Number 61-3 ((1)) 3 6507 Columbia Pike Annandale, VA 22003 Mason District	March 19, 2024

ADMIN 6 – EXTENSION OF REVIEW PERIOD FOR TYSONS FIRE STATION AND BUS TRANSIT FACILITY 2232 APPLICATION (PROVIDENCE DISTRICT)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-2023-PR-00013	Department of Public Works and Environmental Services Tax Map Number 29-1 ((1)) 4A 8300 Jones Branch Drive Mclean, VA 22102 Providence District	March 7, 2024

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82, MOTOR VEHICLES AND TRAFFIC

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 27, 2023, at 4 p.m.**, regarding proposed amendments to Chapter 82, Motor Vehicles and Traffic, 82-1-3, 82-1-6, 82-2-8, 82-5-29, 82-6-39, 82-6-40, 82-6-43, 82-6-44, and 82-9-2.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF LITTLE RIVER TURNPIKE WALKWAY - HILLBROOK DRIVE – LITTLE RIVER RUN DRIVE (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 27, 2023, at 4 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Little River Turnpike Walkway - Hillbrook Drive - Little River Run Drive, in Project 5G25-060-000, Pedestrian Improvements in Fund 30050, Transportation Improvements.

ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED AMENDMENT TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) RE: SITE INSPECTION FEES FOR BOND AGREEMENT EXTENSIONS

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on June 28, 2023, and before the Board on **July 25, 2023, at 4:30 p.m.**, to consider a proposed amendment to Appendix Q (Land Development Services Fee Schedule) of the County Code that addresses site inspection fees for bond agreement extensions.

ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 23239 FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) TO ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE COMMUNITY PROJECT FUNDING REQUEST INCLUDED IN THE CONSOLIDATED APPROPRIATIONS ACT, 2022

- (SAR) Approved SAR AS 23239 for the HCD to accept grant funding from HUD in the amount of \$1,030,000 to support the Homeownership Program. This funding will provide first time homebuyers with down payment and closing cost assistance. No local cash match is required.

ADMIN 11 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICE (COPS) OFFICE, FISCAL YEAR (FY) 2023 COMMUNITY POLICING DEVELOPMENT (CPD) MICROGRANTS PROGRAM

- Authorized the FCPD to apply for and accept funding from the U.S. Department of Justice, COPS Office, FY 2023 CPD Microgrants Program in the amount of \$175,000 to expand the Women’s Self Defense Program and add to mobile workout trailers. No new positions will be created, and no local cash match is required
- Authorized the Chairman of the Board, the County Executive, or designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 12 – AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) FOREST SERVICE TO PLANT STREET TREES TO ADDRESS HEAT ISLANDS IN VULNERABLE COMMUNITIES

- Authorized the DPWES to apply for and accept grant funding, if received, from the USDA Forest Service Urban and Community Forestry Grant program in the amount of \$11,500,000 to establish a street tree planting program in areas of the County that are vulnerable per the Fairfax County Vulnerability Index. No new positions are requested, and no local cash match is required
- Authorized the Chairman of the Board, the County Executive, or designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 13 – AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) FOREST SERVICE TO GROW AND SUSTAIN URBAN FORESTS TO ACHIEVE ENVIRONMENTAL EQUITY

- Authorized the DPWES to apply for and accept grant funding, if received, from the USDA Forest Service Urban and Community Forestry Grant program in the amount of \$10,700,000 to support the

establishment of an urban forest management program for Fairfax County Government, Fairfax County Park Authority, and Fairfax County Public Schools' properties in areas of the County that are vulnerable per the Fairfax County Vulnerability Index. No new positions are requested, and no local cash match is required

- Authorized the Chairman of the Board, the County Executive, or designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 14 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (NCS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA EARLY CHILDHOOD FOUNDATION (VECF) TO SUPPORT MIXED DELIVERY SLOT REIMBURSEMENT AND REQUIRED MIXED DELIVERY COORDINATION FOR READY REGION

- Authorized NCS to apply for and accept grant funding, if received, from the VECF in the amount of \$1,377,680 to coordinate services between the County and the Campagna Center to provide Mixed Delivery reimbursement in the City of Alexandria for 66 existing slots as part of the transition to the Ready Region model. Funding will support one full-time exempt grant position, and no local cash match is required
- Authorized the Chairman of the Board, the County Executive, or designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

32. **A-1 – APPROVAL OF FISCAL YEAR (FY) 2023 YEAR-END PROCESSING**
(12:21 p.m.)

On motion of Supervisor Gross, seconded by Chairman McKay, and carried by a vote of nine, Supervisor Lusk being absent, the Board concurred in the recommendation of staff and authorized staff to process payment vouchers for items previously approved and appropriated in FY 2023 for the interim period from July 1, 2023, until the Board approves the *FY 2023 Carryover Review*, which is scheduled for action on September 26, 2023.

33. **A-2 – APPROVAL OF THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY OFFICE OF INTELLIGENCE AND ANALYSIS (DHS I&A), AND THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD), REGARDING THE NORTHERN VIRGINIA REGIONAL INTELLIGENCE CENTER (NVRIC)** (12:22 p.m.)

On motion of Supervisor Gross, jointly seconded by Chairman McKay and Supervisor Herrity, and carried by a vote of nine, Supervisor Lusk being absent, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOA between the DHS I&A and the FCPD, authorizing the FCPD, as the parent agency for the NVRIC, to provide office space, facilities, and reciprocal sharing of intelligence information to DHS I&A field personnel assigned to the NVRIC.

34. **A-3 – APPROVAL OF THE TASK FORCE AGREEMENT BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (DEA) FOR THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) GROUP 5 (12) AND ENFORCEMENT GROUP 1 (14)** (12:23 p.m.)

On motion of Supervisor Gross, seconded by Chairman McKay, and carried by a vote of nine, Supervisor Lusk being absent, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the Provisional State and Local Task Force Agreement between the FCPD and the DEA dated March 1, 2023, authorizing the assignment of one detective to the HIDTA Task Force Group 5 (12) and six detectives to Enforcement Group 1 (14).

35. **A-4 – APPROVAL OF THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) STATE AND LOCAL TASK FORCE AGREEMENT BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA) FOR THE ASSET REMOVAL GROUP HIDTA GROUP (13) (NORTHERN VA FINANCIAL INITIATIVE/SARS TASK FORCE) AND THE HIDTA TASK FORCE GROUP 1(11) (WASHINGTON-MASS TRANSIT)** (12:23 p.m.)

On motion of Supervisor Gross, seconded by Chairman McKay, and carried by a vote of nine, Supervisor Lusk being absent, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the HIDTA State and Local Task Force Agreement between the DEA and the FCPD, authorizing the assignment of one detective to the HIDTA Group (13) (Northern VA Financial Initiative/SARS Task Force) and one detective to the HIDTA Task Force Group 1(11) (Washington-Mass Transit).

36. **A-5 – APPROVAL OF THE TASK FORCE AGREEMENT BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (DEA) FOR THE HIDTA (HIGH INTENSITY DRUG TRAFFICKING AREA) GROUP 5 (12)** (12:24 p.m.)

On motion of Supervisor Gross, seconded by Chairman McKay, and carried by a vote of nine, Supervisor Lusk being absent, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the Task Force Agreement between the FCPD and the DEA, authorizing the assignment of one detective to the HIDTA Task Force Group 5 (12).

37. **A-6 – APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE VIRGINIA STATE POLICE (VSP) FOR ESTABLISHING GOVERNING POLICIES AND PARTICIPATION IN THE NORTHERN VIRGINIA REGIONAL INTELLIGENCE CENTER (NVRIC)** (12:24 p.m.)

On motion of Supervisor Gross, seconded by Chairman McKay, and carried by a vote of nine, Supervisor Lusk being absent, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOU between the FCPD and VSP, outlining the mission of the NVRIC, establish the policies to govern the activities of the agencies participating in the NVRIC, and formalize the relationship between the FCPD and the VSP and any other agencies that may join the NVRIC.

Chairman McKay and Supervisor Gross thanked staff for their work on the agreements and MOU's.

38. **A-7 – APPROVAL OF A PARKING REDUCTION FOR SEOUL PLAZA LOCATED AT 4231 MARKHAM STREET IN THE ANNANDALE COMMERCIAL REVITALIZATION DISTRICT (MASON DISTRICT)** (12:26 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve a parking reduction of 20 percent for parcel 071-1 ((20)) 0003, Seoul Plaza, located at 4231 Markham Street, pursuant to Section 3102 3. E (2.b) of the Fairfax County Zoning Ordinance, which allows the Board to reduce by up to 20 percent of the minimum off-street parking requirement for non-residential uses, subject to conditions it deems appropriate. Chairman McKay seconded the motion. Following a brief discussion regarding parking reduction concerns and maintaining the viability of the shopping center, the question was called on the motion and it carried by a vote of nine, Supervisor Lusk being absent.

39. **A-8 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE A WASTEWATER CONVEYANCE CAPACITY AGREEMENT BETWEEN THE CITY OF ALEXANDRIA AND FAIRFAX COUNTY** (12:28 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize the County Executive to execute a Wastewater Conveyance Capacity Agreement between the City of Alexandria and the County of Fairfax for

conveyance of a portion of the County's wastewater flows through the City's wastewater system and vacation of an easement in the City which will no longer be needed because of this agreement. Chairman McKay seconded the motion. Following a brief discussion regarding the conveyance, the question was called on the motion and it carried by a vote of nine, Supervisor Lusk being absent.

40. **A-9 – APPROVAL OF THE CONTINUUM OF CARE (COC) BOARD CHARTER** (12:29 p.m.)

(BACs) Supervisor Foust moved that the Board concur in the recommendation of staff and approve the CoC Board charter, substantially in the form of Attachment One of the Board Agenda Item. Chairman McKay and Supervisor Palchik jointly seconded the motion. Following discussion regarding the COC appointments, meeting frequency, and the number of reports to be presented to the Board, the question was called on the motion and it carried by a vote of nine, Supervisor Lusk being absent.

41. **C-1 – AMENDMENTS TO THE FAIRFAX COUNTY COUNCIL TO END DOMESTIC VIOLENCE (CEDV) BYLAWS** (12:32 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda regarding approval of amendments to the CEDV bylaws.

Following comments, Supervisor Walkinshaw moved that the Board adopt the amendments to the CEDV bylaws. Chairman McKay seconded the motion.

Discussion ensued, with input from Elizabeth Teare, County Attorney, regarding the CEDV's virtual meeting policy.

The question was called on the motion and it carried by a vote of nine, Supervisor Lusk being absent.

ADDITIONAL BOARD MATTER

42. **INTENT TO DEFER A 4 P.M. PUBLIC HEARING ON PA 2021-IV-S2 (VILLA PARK ROAD) (FRANCONIA DISTRICT)** (12:37 p.m.)

Supervisor Alcorn announced, on behalf of Supervisor Lusk, that later in the meeting the public hearing on Plan Amendment PA 2021-IV-S2 (Villa Park Road) will be deferred.

(NOTE: Later in the meeting, at the appropriate time, this public hearing was formally deferred. See Clerk's Summary Item #50.)

DMS:dms

AGENDA ITEM

43. **RECESS/CLOSED SESSION** (12:38 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) and (8).
 1. *AM Worldgate Owner LLC v. Board of Supervisors*, Case No. CL-2023-0003050 (Fx. Co. Cir. Ct.) (Dranesville District)
 2. *Anthony Lamont Gardner, Jr. v. Kenyatta Momon, Thomas Armel, Kevin Davis, Fairfax County Police Department, and County of Fairfax*, Case No. 1:23-cv-610 (E.D. Va.)
 3. *Michelle Evans v. Fairfax County Board of Supervisors et. al*, Case No. CL-2022-0008631 (Fx. Co. Cir. Ct.)
 4. *Abdolreza Rezanazhad v. Anthony Shobe, Fairfax County Sheriff's Office, and Fairfax County*, Case No. GV22-019962 (Fx. Co. Gen. Dist. Ct.)
 5. *Oscar Franco v. Keith Haydu and Fairfax County Government*, Case No. GV23- 007386 (Fx. Co. Gen. Dist. Ct.)
 6. *Jay Riat, Building Official for Fairfax County, Virginia v. Jaime Alberto Velis and Edmar A. Martinez*, Case No. GV23-08514 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

7. *Jay Riat, Building Official for Fairfax County, Virginia v. Arciel Paz Munoz and Nardy Silas Sejas*, Case No. GV23-08512 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
8. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia, v. Elaine N. Oliver Trust*, Case No. GV22-017119 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
9. *Jay Riat, Building Official for Fairfax County, Virginia v. Radosvet Grudev and Dzhait Pachedzhi a/k/a Jimmy Pach*, Case No. CL-2023-0001818 (Fx. Co. Cir. Ct.) (Mason District)
10. *Jay Riat, Building Official for Fairfax County, Virginia v. William K. Cameron, Jr.*, Case No. CL-2023-007545 (Fx. Co. Cir. Ct.) (Mason District)
11. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose Ernesto Pinto Sejas, Martha Cecilia Morales, and Juan Carlos Morales Escobar*, Case No. GV23-008515 (Fx. Co. Gen. Dist. Ct.) (Mason District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Armstrong Green and Embrey, Inc.*, Case No. CL-2022-0004793 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia, v. Keith Elliott, Jr.*, Case No. GV22-016107 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Keith Elliott, Jr.*, Case No. GV22-016109 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. LZ Rentals, LLC*, Case No. CL-2021-012482 (Fx. Co. Cir. Ct.) (Providence District)
16. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia, v. Gregg Riddiford*, Case No. CL-2013-0015905 (Fx. Co. Cir. Ct.) (Providence District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sidney Tobias Harris*, Case No. CL-2021-0008931 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(8), legal briefing regarding *Gloss v. Wheeler*, Virginia Supreme Court Record Number 210779

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Lusk being absent.

At 4:18 p.m., the Board reconvened in the Board Auditorium with all Members being present, except Supervisor Herrity and Supervisor Lusk, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

44. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:18 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. Supervisor Palchik seconded the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity being out of the room, Supervisor Lusk being absent.

EBE:ebe

AGENDA ITEMS

45. **3:30 P.M. – PUBLIC HEARING ON PCA 2002-HM-043-005/CDPA 2002-HM-043-004 (RZPA 2022-DR-00058) (ARROWBROOK CENTRE, LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2002-HM-043, PREVIOUSLY APPROVED FOR THE PDC DISTRICT, TO PERMIT MIXED USE DEVELOPMENT AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN MODIFICATIONS AT A DENSITY OF 35.63 DWELLING UNITS PER ACRE (DU/AC) (OVERALL DEVELOPMENT – 16.81 DU/AC) AND MAX FLOOR AREA RATIO (FAR) OF 3.04 (OVERALL DEVELOPMENT – 0.99 FAR), LOCATED ON APPROXIMATELY 9.68 ACRES OF LAND (DRANESVILLE DISTRICT)** (4:19 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 May 19 and May 26, 2023.

The application property is located on the west side of Centreville Road, north of Fairfield Ridge Avenue, and south of the Dulles Airport Access Road. Tax Map 16-3 ((20)) 1A2 (pt.), 5, 6 and 7C (pt.); 16-3 ((27)) 11 (pt.).

John C. McGranahan, Jr., Hunton Andrews Kurth LLP, reaffirmed the validity of the affidavit dated May 11, 2023, for the record.

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

Mr. McGranahan 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, Ms. Cole presented the staff and Planning Commission recommendations.

Supervisor Foust moved that the Board approve:

- Proffered Condition Amendment Application PCA 2002-HM-043-005 and the associated Conceptual Development Plan Amendment Application CDPA 2002-HM-043-004, subject to the proffers dated May 8, 2023
- Waivers and modifications contained in the handout distributed, dated June 6, 2023, which will be made part of the record, and are as follows:
 - Modification to allow a parapet wall, cornice, or similar projection to exceed the established height limit by more than three feet
 - Modification of the use limitation in the PDC District to allow the residential GFA (secondary use) to exceed 50 percent of principal uses in the development in accordance with that shown on the CDPA and the proffers
 - Modification of the minimum number of loading spaces
 - Waiver of the 600-foot maximum length for a private street in favor of what is shown on the CDPA
 - Waiver of the transitional screening and barrier requirements between uses within the Property and to uses adjacent to the north as well as between uses

within the development

- Waiver of the interior parking lot landscaping and peripheral parking lot landscaping requirements for temporary, interim surface parking lots prior to construction of permanent parking garages and buildings
- Modification to allow a trellis or vegetated arbor to satisfy the interior parking lot landscaping and/or 10-year canopy tree cover requirements for above-ground parking structures
- Modification of minimum 200-foot setback from DAAR for residential buildings to a minimum of 71 feet, as shown on the CDPA

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

(NOTE: On May 24, 2023, the Planning Commission approved Final Development Plan Amendment Application FDPA 2002-HM-043-007, subject to the development conditions dated May 10, 2023.)

46. **3:30 P.M. – PUBLIC HEARING ON RZ 2022-PR-00017 (MADISON INVESTMENT PORTFOLIO LLC) TO REZONE FROM I-5 TO PDC TO REPURPOSE EXISTING BUILDINGS FOR MIXED USE WITH AN OVERALL INTENSITY OF 0.90 FLOOR AREA RATIO AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 8.53 ACRES OF LAND (PROVIDENCE DISTRICT) (4:37 p.m.)**

Supervisor Palchik moved to defer the public hearing on Rezoning Application RZ 2022 PR-00017 (Madison Investment Portfolio LLC) until **June 27, 2023, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Herrity being out of the room, Supervisor Lusk being absent.

47. **3:30 P.M. – PUBLIC HEARING ON RZ 2022-SU-00010 (MATAN GLORUS ROAD, LLC) TO REZONE FROM I-3, I-4, WS AND AN TO I-4, WS AND AN TO ALLOW AN EXPANSION OF A SURFACE PARKING AREA SERVING A PREVIOUSLY APPROVED INDUSTRIAL DEVELOPMENT CONSISTING OF OFFICE/WAREHOUSE/DATA CENTER USES AND AN OVERALL FLOOR AREA RATIO OF 0.20,**

LOCATED ON APPROXIMATELY 16.31 ACRES OF LAND (SULLY DISTRICT) (4:38 p.m.)

Supervisor Smith moved to defer the public hearing for Rezoning Application RZ 2022-SU-00010, to occur immediately after the public hearing for the vacation of a portion of Barney Road. Supervisor Palchik seconded the motion and it carried by a vote of eight, Supervisor Herrity being out of the room, Supervisor Lusk being absent.

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

48. **4 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE A PORTION OF BARNEY ROAD (SULLY DISTRICT)** (4:39 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 May 5 and May 26, 2023.

Jeffrey Edmondson, Sight Analysis Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Edmondson presented the staff recommendation.

A brief discussion ensued, with input from Mr. Edmondson, regarding a question raised by the speaker concerning a road connection with Loudoun County.

Following comments, Supervisor Smith moved that the Board adopt the Ordinance vacating a portion of Barney Road, to take effect immediately. Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Palchik, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Herrity and Supervisor Storck being out of the room. Supervisor Lusk being absent.

49. **3:30 P.M. – PUBLIC HEARING ON RZ 2022-SU-00010 (MATAN GLORUS ROAD, LLC) TO REZONE FROM I-3, I-4, WS AND AN TO I-4, WS AND AN TO ALLOW AN EXPANSION OF A SURFACE PARKING AREA SERVING A PREVIOUSLY APPROVED INDUSTRIAL DEVELOPMENT CONSISTING OF OFFICE/WAREHOUSE/DATA CENTER USES AND AN OVERALL FLOOR AREA RATIO OF 0.20, LOCATED ON APPROXIMATELY 16.31 ACRES OF LAND (SULLY DISTRICT)** (4:49 p.m.)

- (O) (NOTE: Earlier in the meeting, this item was deferred. See Clerk's Summary Item #47.)

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 May 19 and May 26, 2023.

The application property is located at 14850 Thompson Road, 3700 Barney Road and 3720 Barney Road, Chantilly, 20151. Tax Map 33-2 ((2)) 9, 9A and 10D and a portion of Barney Road public right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public right-of-way for Barney Road to proceed).

Robert D. Brant, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavit dated March 16, 2023, for the record.

Damaris Martinez, Planner, Zoning Evaluation Division, Department of Planning and Development, 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.

Following the public hearing, which included testimony by one speaker, Mr. Brant presented rebuttal.

Ms. Martinez presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Jeffrey Edmondson, Sight Analysis Section, Department of Transportation, regarding the Barney Road right-of-way.

Supervisor Smith moved that the Board approve:

- Rezoning Application RZ 2022-SU-00010, subject to the executed proffers dated June 5, 2023
- Waivers and modifications contained in the handout distributed, dated June 6, 2023, which will be made part of the record, and are as follows:
 - The following waivers and modifications related to the expanded surface parking area on Parcels 9 and 9A:
 - Waiver of the requirement to construct a vehicular travel lane, service drive or other access connection to and from adjacent property as per subsection 8100.7.E.(3) of the Zoning Ordinance

- Waiver of the requirement as per subsection 8100.7.E(4) to construct roadway improvements to Thompson Road and Barney Road along the subject property's frontage
- Reaffirmation of the following previously approved waivers and modifications for the industrial development on Parcel 10D associated with RZ 2020-SU-002:
 - Waiver of the requirement to construct a vehicular travel lane, service drive or other access connection to and from adjacent properties as set forth in subsection 8100.7.E.(3) of the Zoning Ordinance
 - Waiver of the requirement to construct roadway improvements to Barney Road and Glorus Road along the property's frontage as set forth in subsection 8100.7.E(4) the Zoning Ordinance
 - Modification of the Zoning Ordinance to allow the use of tandem spaces as part of the required parking

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

50. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2021-IV-S2, VILLA PARK ROAD, LOCATED SOUTH OF VILLA PARK ROAD AND WEST OF THE RAMP BETWEEN BACKLICK ROAD AND WESTBOUND FRANCONIA SPRINGFIELD PARKWAY (FRANCONIA DISTRICT) (5:06 p.m.)**

On behalf of Supervisor Lusk, Supervisor Alcorn moved to defer the public hearing of Plan Amendment 2021-IV-S2, **until June 27, 2023, at 4 p.m.** Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Herrity being out of the room, Supervisor Lusk being absent.

51. **4 P.M. – PUBLIC HEARING TO AMEND AND READOPT CHAPTER 127 OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, RELATING TO THE COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AND RESILIENCY (C-PACE) PROGRAM** (5:07 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 May 26 and June 2, 2023.

John Morrill, Acting Director, Office of Environmental and Energy Coordination, presented the staff report.

Discussion ensued, with input from Mr. Morrill, regarding the potentials of the C-PACE Program.

Following the public hearing, which included testimony by one speaker, Mr. Morrill presented the staff recommendation.

Supervisor Storck moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 127, Commercial Property Assessed Clean Energy and Resiliency Program (C-PACE). Chairman McKay and Supervisor Foust jointly seconded the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity being out of the room, Supervisor Lusk being absent.

52. **BOARD ADJOURNMENT** (5:19 p.m.)

At 5:19 p.m. the Board adjourned.