



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

TUESDAY
February 7, 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 7, 2023, at 9:30 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** (9:31 a.m.)

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

- Robert Cunningham, a mass transit worker for the Metro rail system who was killed as the result of his heroic actions to protect a passenger from a mass shooter at the Potomac Avenue Metro Station
- Ellen Gale, who passed away recently. She was a very active member of her community in many social justice avenues and heavily involved in supporting many Jewish community organizations and civic activities
- Victims of the catastrophic earthquakes in Turkey and Syria, as well as the members of Task Force 1 responding to the incident

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO THE STAFF, STUDENTS, TEACHERS AND COMMUNITY MEMBERS INVOLVED IN THE COUNTY'S HISTORICAL MARKER PROJECT** (9:38 a.m.)

Supervisor Palchik moved approval of the Resolution of Recognition presented to the staff, students, teachers and community members involved in the county's Historical Marker Project. Supervisor Smith and Chairman McKay jointly seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to prepare a DVD recording of the presentation to be provided to recipients. Without objection it was so ordered.

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

3. **RESOLUTIONS OF RECOGNITION PRESENTED TO THE WEST SPRINGFIELD GIRLS AND W.T. WOODSON BOYS CHAMPIONSHIP CROSS COUNTRY TEAMS** (10:07 a.m.)

Supervisor Walkinshaw moved approval of the Resolution of Recognition presented to the West Springfield Girls Championship Cross Country team. The motion was multiply seconded and it carried by unanimous vote.

Supervisor Walkinshaw moved approval of the Resolution of Recognition presented to the Woodson Boys Championship Cross Country team. Supervisor Palchik and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO RESTON NATIVE NATE MOOK FOR HIS ACCOMPLISHMENTS AS CEO OF WORLD CENTRAL KITCHEN** (10:27 a.m.)

Supervisor Alcorn moved approval of the Resolution of Recognition presented to Reston native, Nate Mook, for his accomplishments as CEO of World Central Kitchen. Supervisor Lusk and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO FORMER FAIRFAX CITY MAYOR DAVID MEYER FOR HIS ACCOMPLISHMENTS AND CONTRIBUTIONS TO THE COMMUNITY** (10:37 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to former Fairfax City Mayor, David Meyer, for his accomplishments and contributions to the community. Supervisor Lusk and Supervisor Palchik jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

BV:bv

6. **REPORT ON GENERAL ASSEMBLY ACTIVITIES** (11:04 a.m.)

Supervisor Walkinshaw, Chairman of the Board's Legislative Committee, presented the report on General Assembly activities, noting the following:

- The Legislative Committee received the following status updates on the Board's County initiatives this year:
 1. The Bill which would allow Fairfax County to use contractors to remove illegal signs from the right-of-way passed the House unanimously and is now headed to the Senate Transportation Committee
 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 and unsignalized intersections was reported from both the Senate Transportation and the Senate Finance and Appropriations Committees last week and now awaits full consideration by the Senate
 3. Unfortunately, the third Bill which would have clarified that Counties that do not maintain their 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 House Transportation Sub-Committee and did not advance

- The Legislative Committee also received updates on, and discussed, bills related to public safety, land use, human services, and transportation
- The crossover date of the 2023 General Assembly is scheduled for February 7, 2023. Crossover is the deadline for bills to pass its originating chamber and crossover to the opposite chamber. Following crossover, both chambers will continue to work on its individual revenue bills as well as the State budget
- On Sunday the House and Senate Money Committees reported their budgets and staff is working to analyze them and will provide updates during the remainder of the session as the budget will be a key area of focus during the second half of the session

Supervisor Walkinshaw noted that the Annual Reception will be held in Richmond at the Credit Union House of Virginia on February 8, 2023, at 5:30 p.m.

Supervisor Walkinshaw moved adoption of Legislative Committee Report Number Two. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Herrity voting “NAY,” Supervisor Palchik being out of the room.

DMS:dms

ADDITIONAL BOARD MATTERS

7. **RESOLUTION REQUEST FOR “AFRICAN HISTORY MONTH”**
(11:07 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a Resolution recognizing “*African History Month*” in the County. Without objection, it was so ordered.

8. **PROCLAMATION REQUEST FOR THE 40TH ANNIVERSARY OF THE DAR AL-HIJRAH ISLAMIC CENTER** (11:07 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation recognizing the 40th anniversary of the Dar Al-Hijrah Islamic Center. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST FOR THE 50TH ANNIVERSARY OF THE TREE COMMISSION** (11:07 a.m.)

(BAC) Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation recognizing the 50th anniversary of the Tree Commission. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING MARCH 2023 AS “DEVELOPMENTAL DISABILITIES INCLUSION MONTH”** (11:07 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating March 2023 as “*Developmental Disabilities Inclusion Month*” in the County. Without objection, it was so ordered.

11. **PROCLAMATION REQUEST FOR ALICE’S KIDS** (11:07 a.m.)

Chairman McKay stated that last week, in an exciting final Celebrity Jeopardy contestant Patton Oswalt won second place and was awarded \$250,000 to benefit Alice’s Kids.

Alice’s Kids is a nonprofit organization right here in the heart of the County. Thanks to actor Patton Oswalt for his generous donation and for raising national attention for the organization. This is a well-deserve recognition and their on-going tremendous work in the community and our region should be celebrated.

Ron Fitzsimmons and his sister, Laura Fitzsimmons Peters, created this organization in memory of their mother and based on their childhood experiences. Their goal is to illustrate what child poverty in this country looks like on an individual level. Since they do not want children to feel as though they are receiving charity, Alice’s Kids usually sends gift certificates to adults who can take them shopping and get the credit for giving them that needed gift. Mr. Fitzsimmons said, “We’re not going to solve all the pains of all the children, but we just want to be part of the answer at least.”

Alice’s Kids receive most of their funding from individual donations and very little comes from grants and corporations. Actor Patton Oswalt donated \$5,000 a few years ago. He must have been impressed if he stayed in touch and donated his incredible amount from last week’s Jeopardy winning.

Therefore, jointly with Supervisor Storck, Chairman McKay moved that the Board direct the Office of Public Affairs to prepare a Proclamation congratulating Alice’s Kids on receiving national recognition, to be presented in the Board Room. Supervisor Storck seconded the motion and it carried by unanimous vote.

12. **STATUS AND TIMELINE REQUEST FOR SCHOOL BUS STOP ARM CAMERAS** (11:10 a.m.)

Chairman McKay stated that the safety, security, and well-being of County residents are of the utmost importance. This is especially true for children. Many

people have seen a vehicle speed past a school bus that has its stop arm out and its red lights flashing. This is unacceptable.

Recognizing that this poses a significant risk to children, Chairman McKay stated that he and Supervisor Foust led the extensive effort to give localities the authority to implement a school bus stop arm camera program, dating back to 2013. These cameras serve to change driver behavior and keep children safe.

While the Board and the Fairfax County Police Department are supportive and have worked towards the ability to implement such a program, it is within the purview of the Fairfax County Public Schools (FCPS) to initiate this policy or maintain the equipment needed.

Therefore, as such, and given that several years have passed and the cameras are still not in operation, jointly with Supervisor Foust, Chairman McKay moved that the Board direct FCPS to provide the Board with a formal update on the status of the cameras and a timeline for its implementation. Supervisor Foust seconded the motion.

Following discussion regarding the lapse of time and historical timeline, the question was called on the motion and it carried by unanimous vote.

13. **GIRLS' FASTPITCH SOFTBALL EQUITY ACTION PLAN REVIEW TEAM (APRT) REPORT** (11:18 a.m.)

(BACs) Chairman McKay stated that on June 7, 2022, the Board approved his Board Matter, directing staff to reconvene the Girls' Fastpitch Softball Equity APRT, a multi-agency team led by Neighborhood and Community Services, that includes the Fairfax County Park Authority, Fairfax County Public Schools, the Fairfax County Athletic Council, and the Commission for Women. The purpose of reconvening the APRT was to prepare a report updating the APRT's 2007 report that highlighted disparity between girls' fastpitch softball and boys' baseball facilities.

Last week, the Board received the report from APRT which unfortunately found that disparity has in fact widened and that the quality and quantity of the fields available for girls' softball have been reduced. The report contains eight recommendations to reduce the disparity. As in 2007, the County must bring resources to bear to address the findings of the report.

In service to the One Fairfax Policy, it is critical the Board take action to reduce the disparity to meet the needs of all youth sports in the County. Therefore, jointly with Supervisor Walkinshaw, Chairman McKay moved that the Board direct staff to identify options for one-time funding in the amount of \$1.7 million as described in the APRT report for the Board to consider as part of an upcoming quarterly review or through the utilization of other funding sources, as appropriate. Chairman McKay noted that he and Supervisor Walkinshaw will be submitting the recurring

cost of \$300,000 for the Board's consideration as part of the Fiscal Year 2024 Budget process following the release of the advertised Budget on February 21, 2023. Supervisor Walkinshaw seconded the motion and it carried by unanimous vote.

14. **SUPPORT OF SPRINGFIELD SITE FOR FEDERAL BUREAU OF INVESTIGATION (FBI) HEADQUARTERS RELOCATION** (11:23 a.m.)

Chairman McKay stated that on April 28, 2022, the Board sent a letter expressing its unanimous support for the FBI headquarters relocation to the site of a federally owned warehouse in Springfield. The letter listed the myriad advantages this site has over the competition. As the site selection process has entered into a new phase, it is appropriate to once again state the Board's support.

The Springfield site has many advantages over the other sites, both of which are in Maryland, that are formally in competition. The Springfield site provides unparalleled access to other federal sites including the FBI National Academy and the FBI Laboratory at the Marine Corps Base Quantico. Greater Springfield is a majority-minority community, which supports the federal government's renewed emphasis on equity. Virginia also has sustainability advantages, such as having a top 10 ranking by the U.S. Green Building Council for its high concentration of sustainable buildings and livable communities. Finally, the transportation advantages of the Springfield site include access to Metro and Virginia Railway Express, numerous bus lines, and easy access to Interstate 95.

Therefore, Chairman McKay moved that the Board send the letter, attached to his written Board Matter, to Robin Carnahan, Administrator of the U.S. General Services Administration, and Christopher Wray, FBI Director, expressing the Board's continued support for the Springfield site. Vice-Chairman Gross seconded the motion. Following discussion regarding the advantages of the Springfield location, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

15. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (11:29 a.m.)

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

16. **CERTIFICATE OF RECOGNITION REQUEST FOR THE WOODSON HIGH SCHOOL ESPORTS TEAM (BRADDOCK DISTRICT)** (11:29 a.m.)

Supervisor Walkinshaw stated that Rocket League ("soccer with cars") is a fantastical sport-based video game, developed by Psyonix, video game company. The game features a competitive mode where three players work as a team using rocket-powered cars to outmaneuver their opponent's cars and score goals on the opposing side.

The Woodson Esports Team participated the Virginia High School League Esports Competition that took place at Shenandoah University on December 17, 2022, and won the Rocket League Fall Championship.

Woodson Esports Team entered the tournament as the 18th seed out of 32 teams that were able to participate in this tournament. To compete in the live playoffs, Woodson beat the current first place seed team. The competition started at 9 a.m. and the playoffs were at 5 p.m., which made it a whole day event. The team had to make it through two other teams on the day of the event to play in the finals against the second seed team. It was a best out of seven game, where Woodson won the first two games and the other team won three games in a row. The Woodson Esports Team had to win the next game to force a game seven. Game seven went into overtime where Woodson ended up scoring the game-winning goal.

The names of the participants are:

- Greysen Berg
- Chance Clayville
- Connor Lane
- Andrew Wong
- Coach Johnny Shu
- Coach Michael Kuykendall

Therefore, jointly with Chairman McKay, Supervisor Gross, Supervisor Herrity, and Supervisor Palchik, Supervisor Walkinshaw asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for the Woodson Esports Team, to be presented outside the Board Room. Without objection, it was so ordered.

17. **UPCOMING LAKE ACCOTINK DREDGING MEETINGS (BRADDOCK DISTRICT)** (11:31 a.m.)

Supervisor Walkinshaw announced that the following are two upcoming meetings regarding the Lake Accotink Dredging:

- Virtual Meeting: Wednesday, February 15, 2023, at 7 p.m.
- In-Person Meeting: Thursday, February 16, 2023, at 7 p.m. at Kings Glen Elementary School

18. **INTRODUCTION OF A NEW STAFF AIDE IN THE BRADDOCK DISTRICT SUPERVISOR'S OFFICE** (11:32 a.m.)

Supervisor Walkinshaw introduced Andrea 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.

19. **REQUEST FOR CONCURRENCE WITH FILING AND EXPEDITED SCHEDULING FOR THE NEIGHBORHOOD AND COMMUNITY SERVICES AND SEVATRUCK SPECIAL EXCEPTION AMENDMENT APPLICATION (DRANESVILLE DISTRICT)** (11:34 a.m.)

Supervisor Foust stated that SevaTruck is a registered 501(c)(3) non-profit organization that serves free meals to children attending Title 1 Schools across the Washington Metro Area. In the County, SevaTruck delivers food to 15 schools and non-profit sites in six magisterial districts and has supplied almost 300,000 meals since its inception in 2015.

In September 2021, the Department of Neighborhood and Community Services (DNCS) entered into an agreement with SevaTruck to permit the non-profit to use the kitchen located in the County-owned Lewinsville Senior Center, Tax Map Parcel 30-3 ((1)) 42A, located at 1613 Great Falls Street, McLean, to serve as one of the sites for the preparation and distribution of its meals.

Although the development conditions associated with Special Exception Amendment Application SEA 94-D-002-02 for the Lewinsville Senior Center would not permit this use, the local emergency ordinance, designed to provide zoning relief in response to the COVID-19 emergency, permitted the non-profit to engage in these activities temporarily.

To allow SevaTruck to continue to operate as a permanent service, NCS and SevaTruck are now seeking a Special Exception Amendment to include this service in the governing approvals.

Based on the foregoing, DNCS is requesting Board concurrence in the filing of the Special Exception Amendment application, designation of DNCS as the Board's Agent for this request, and an expedited public hearing before the Board.

Therefore, Supervisor Foust moved that the Board:

- Concur with the filing of a Special Exception Amendment Application on Tax Map Parcel 30-3 ((1)) 42A, located at 1613 Great Falls Street, by DNCS
- Authorize the Director of DNCS and/or his designee to act as Agent of the Board in connection with this application

- Direct the Clerk for the Board of Supervisors and the Director of the Department of Planning and Development to expedite the scheduling of the public hearings for this Special Exception Amendment Application. These motions should not be construed as a favorable recommendation by the Board on the proposed application and do not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards

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

20. **SPRINGFIELD MARKET ASSESSMENT (FRANCONIA DISTRICT)**
(11:37 a.m.)

(BAC) Supervisor Lusk stated that last year, at the Board's direction, the Economic Development Authority (EDA) commissioned a market assessment of the Springfield-Franconia sub-market. This initiative was grounded in the understanding that the current Springfield Comprehensive Plan is in need of significant revision. The long-term vision laid out at the adoption of the plan reflects projections in office and retail markets that have likely been out of reach for some time now, a fact that has only been exacerbated by the recent pandemic.

Despite these challenges, and thanks to proactive work of the Board, the economic forecast for Springfield appears bright. From the revitalization of the Springfield Town Center, which includes both a new housing and hotel development, the addition of a LEGO Experience Center, a new commuter garage, and several proposals under consideration for commercial and residential redevelopment, there is currently more activity in Springfield than has been seen in over a decade.

Supervisor Lusk stated that it is critical that the County leverage this moment of opportunity and move to implement the recommendations generated from last year's Springfield Market Assessment, which was completed last Fall by HR&A.

The study confirmed the County's analysis of the changing office market and the increased potential for residential uses that were not envisioned in the Comprehensive Plan. In total, the study outlined 27 action items for consideration, as well as recommendations for a coordination strategy to facilitate Springfield's revitalization.

Therefore, Supervisor Lusk moved that the Board direct staff from relevant County agencies, including the Department of Planning and Development, the Department of Economic Initiatives, the EDA, the Department of Transportation, the Department of Housing and Community Development, and the Department of Tax Administration to form a working group to evaluate and provide recommendations regarding the action items contained in the Springfield Market Assessment. Supervisor Lusk noted that there are recommendations related to

considering updates to the Comprehensive Plan for the Springfield Community Business Center. Supervisor Lusk stated that authorization for a potential Comprehensive Plan Amendment, for this area, will be brought forward as the Board reviews the Comprehensive Plan Amendment work program this Spring. Chairman McKay seconded the motion and it carried by unanimous vote.

21. **YOU'RE NOT ALONE 5K RUN (FRANCONIA DISTRICT)** (11:41 a.m.)

Supervisor Lusk stated that his office, in partnership with the ConnerStrong Foundation, Celebrate Fairfax and Federal Realty will kick off the first annual You're Not Alone 5k Run at the Kingstowne Shopping Center on March 25, 2023, at 7:30 a.m.

The Board knows that there are certain basic needs that can particularly impact an individual's mental health—homelessness, unemployment, hunger— and this event is designed to increase awareness about resources available in the community that specifically address these needs.

Net proceeds raised through the 5k run will go to two key nonprofits in the Franconia District, Koinonia and United Community, which provide various services and programs including addressing food insecurity for over 22,000 residents in the Franconia District.

Each participant and observer are being asked to bring a canned good or other non-perishable food item to the event, which will help re-stock the food banks at both organizations.

22. **NO BOARD MATTERS FOR SUPERVISOR ALCORN (HUNTER MILL DISTRICT)** (11:43 a.m.)

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

23. **PRESENTATION REQUEST FOR THE FRANCONIA POLICE STATION AND THE AUTO CRIMES ENFORCEMENT (ACE) TEAM** (11:43 a.m.)

Supervisor Storck stated that over the past few months, certain Hyundai and Kia vehicles have been stolen at a higher rate than other vehicles due to a coordinated effort on social media. In January, 33 vehicles were stolen Countywide. In response to these increasing thefts, Franconia District Police Captain, John Lieb, and the Franconia Station partnered with the Fairfax County Police Department's (FCPD) ACE Team to focus on the Lorton community, where year to date, at least nine vehicles were stolen. By increasing their presence in the neighborhoods most impacted, two significant arrests were made, both of which were juvenile offenders. The Franconia District Police team also provided awareness and crime prevention strategies via Nextdoor and broader messaging in their Franconia Community Report. This partnership is an excellent example of the County's talented public

safety team and how community policing can have a positive impact in neighborhoods.

Supervisor Storck stated that on February 4, 2023, the Franconia District Police Station also launched a Steering Wheel Lock Distribution at the Lorton Community Center, which was very well received from residents all over the County. These free locks were provided by Kia and Hyundai, in partnership with the FCPD. Franconia District Police Officers also provided child safety seat inspections, gun locks, and crime prevention and safety information.

Therefore, jointly with Chairman McKay and Supervisor Lusk, Supervisor Storck asked unanimous consent that the Board direct staff to invite the Franconia District Police Station and the ACE Team to appear at an upcoming Board Meeting to be recognized for their partnership, outreach and creative approach in keeping the community safe. Without objection, it was so ordered.

24.

PROCLAMATION REQUEST DESIGNATING MARCH 12 - 18, 2023, AS “FLOOD AWARENESS WEEK” (11:47 a.m.)

Supervisor Storck stated that as climate change increasingly impacts communities around the Country and around the World, its effects also will continue to reach the County. Floods related to inclement weather, rising sea levels, and potentially from climatological changes, remain the most common and costly natural disaster in the United States.

“Flood Awareness Week” is recognized by municipalities nationwide throughout the year. In the Commonwealth of Virginia, “Flood Awareness Week” is recognized in March. The goal is to stress to residents and business owners that it is vital for them to understand the best and safest ways to protect themselves and their property during flood events.

“Flood Awareness Week” provides an annual opportunity to raise awareness to flooding issues and concerns in the County, including paying attention to weather warnings; stressing the dangers associated with flooding; educating the public on safety measures during floods and how residents can better protect themselves and their property from the effects of flooding; obtaining flood insurance (particularly for properties that exist with existing floodplains); and knowing if your home or business is in a floodplain.

Fairfax County’s Department of Public Works and Environmental Services (DPWES) responds to service requests and implements projects to mitigate structural flooding. The Northern Virginia Soil and Water Conservation District provides onsite technical assistance to residents and commercial owners on minimizing negative impacts from drainage. In extreme flood situations, the County launches multi-departmental emergency responses, including the Fire and Police Departments, the DPWES, and the Department of Emergency Management and Security. Per its One Fairfax Policy, the County strives to ensure equitable

outcomes for all, particularly marginalized populations and underserved communities.

Therefore, jointly with Supervisor Gross, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation designating March 12 - 18, 2023, as “*Flood Awareness Week*” in the County, to be signed by the Chairman and the Mason and Mount Vernon District Supervisors, to be presented out of the Board Room to DPWES. Discussion ensued regarding flood insurance and the need for continuous monitoring of the flood gates. Without objection, it was so ordered.

25. **UPCOMING 36TH ANNUAL MOUNT VERNON DISTRICT TOWN MEETING** (11:53 a.m.)

Supervisor Storck announced that the 36th Annual Mount Vernon Town Meeting will be held at 7:45 a.m. on February 11, 2023. He invited the community to attend the event.

26. **PUBLICITY REQUEST FOR THE CAPITAL YOUTH EMPOWERMENT PROGRAM (CYEP) UNITE CONFERENCE** (11:55 a.m.)

Supervisor Palchik stated that the CYEP is a unifying force in the National Capital region that works to connect industries to disenfranchised families and fosters the needs of the community. The CYEP hosts an inaugural Unite Conference and Career Expo, that seeks to unite the community with higher education and industry partners to explore income inequality issues for boys and girls.

This year, the CYEP Unite Conference is taking place on February 20, 2023, and will be hosted at the Capital One Hall located at 7750 Capital One Tower Road, from 1 - 4 p.m. The conference will feature a town hall session, more than 20 breakout sessions, and a career expo. In addition, CYEP will host the Fairfax County My Brother’s Keeper Summit, which will give County leaders a platform to improve educational and economic outcomes for boys of color.

This career expo is inclusive and will allow men and women throughout the area to engage with various employers and industries such as technology, engineering, government, business, healthcare, and others. The goals of this expo are to expose students to Science, Technology, Engineering, and Math (STEM) pathways and experiences, create a platform for men and women to build self-efficacy, learn their history, and develop positive social behaviors. The expo will provide opportunities for networking with professional leaders in education, STEM, medicine, business, and government, and connect participants with companies for near and future career opportunities.

There are various ways to participate in the Unite Conference and Career Expo. Students and those interested in participating in the expo as an organization, sponsor, and or for table information, can be found at www.cyep.org. Supervisor

Palchik thanked CYEP for its dedication and effort in enriching the lives of the community and youth.

Therefore, jointly with Chairman McKay and Supervisor Lusk, Supervisor Palchik asked unanimous consent that the Board direct the Office of Public Affairs to partner with Department of Neighborhood and Community Services' Teen Centers to advertise the CYEP Unite Conference on their channels, and to encourage and invite the community to attend this wonderful opportunity. Without objection, it was so ordered.

27. **RESOLUTION OF RECOGNITION REQUEST FOR PETER MURPHY**
(11:59 a.m.)

(BAC) Supervisor Herrity stated that Planning Commissioner Peter F. Murphy has been an active member of the community for many decades. His dedication to public service shows through his work on task forces and in multiple leadership roles, including being the Honorary Chief of the Burke Volunteer Fire and Rescue Department and his work for the County in multiple committees, including the Fort Belvoir Area Plan Review and the Capital Improvement Program committees.

In 1982, Mr. Murphy was appointed to the Planning Commission by the Board, serving as its Chairman since 1989. During this time, he has played a critical role in transforming the County from a sleepy bedroom community to the economic powerhouse it is today. He has been a leader in forming the land use policies in the County, from Springfield District cases, like Fairfax Corner and Fair Lakes to Countywide cases, like the Tysons plan.

His vast knowledge of the planning process and the County's foundation, contributes to how the Commission operates, conducts business and makes decisions, and how the County grows. His steady leadership is one of the critical elements that has enabled the County's development success. While he will remain on the Planning Commission and continue to serve County constituents, he will be stepping down as Chairman after 34 years.

During his time as Chairman, Mr. Murphy has received multiple accolades from the community and the Board including the Department of the Army Commander's Award for Public Service, the Kate Hanley Public Service Award, the Fairfax County Volunteer of the Year award in the Community Leader category and was named Lord Fairfax for the Springfield District. He is respected and appreciated by the Board, staff, the Planning Commission, land use applicants, attorneys, residents, and all those who have been fortunate to work alongside him.

Therefore, jointly with Chairman McKay, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Mr. Murphy, in recognition of his decades of service as Chairman of the Planning Commission, to be presented before the Board and that he be recognized at a ceremony prior to a Board Meeting. Without objection, it was so ordered.

28. **RESOLUTION OF RECOGNITION REQUEST FOR SOUTHWESTERN YOUTH ASSOCIATION (SYA)** (12:02 p.m.)

Supervisor Herrity stated that SYA was established in 1973 to provide sports opportunities for children from ages four to nineteen, regardless of financial status or athletic ability. Today, this non-profit, volunteer-based organization, continues to provide for youth in Centreville, Clifton and surrounding communities, supporting over 13,000 kids and 5,000 families today. SYA offers a wide variety of programs including tackle football, rugby, cricket, volleyball, cheerleading, soccer, baseball and softball, often collaborating with the Park Authority to host tournaments and perform high-quality field upgrades. SYA is also a key community partner in the Sports Tourism Task Force, especially for its invaluable role in establishing the first County sports tourism facility at Patriot Park North.

On June 24, 2023, SYA will host a community-wide event to celebrate its 50th year serving the youth and families of western Fairfax County. This will encourage those new to the area to get involved with the program and show appreciation for the coaches, sponsors and community members who have volunteered and donated. For 50 years, SYA has upheld its mission to provide a safe, positive environment for sports competition and continues to play an invaluable role in the development of countless County youth.

Therefore, jointly with Supervisor Smith, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for SYA in recognition of its decades of service, to be presented at the SYA 50th Anniversary community celebration on June 24, 2023. Without objection, it was so ordered.

29. **BUSINESS LICENSE RENEWAL MAILING TO INCLUDE FRIENDS OF THE FAIRFAX COUNTY ANIMAL SHELTER FLYER** (12:04 p.m.)

Supervisor Herrity stated that as the Board looks forward to the opening of the second animal shelter in South County, it should also be preparing for the costs of providing additional services and caring for more animals. It is clear that the Friends of the Fairfax County Animal Shelter, the formal fundraising partner, will be counted on even more.

The County recently entered into an agreement with the City of Fairfax to provide shelter services for City residents. The Friends met with City Manager, Robert Stalzer and other City officials to discuss ways they could help and to seek the assistance of the City in familiarizing its residents with the Friends group, including its role in supporting the shelter. One of the things the City agreed to do was to put the Friends flyer in the mailing of its business license renewal.

Fairfax City agreed several years ago to include this flyer in City residents' personal property confirmation notices, and it has been very successful. If the County did as Fairfax City has done, and include the Friends' flyer in the County business license

renewal mailing each year, this would open a whole new audience to the shelter, its services, and to the role the Friends plays in supporting the animals of the County. According to the Department of Tax Administration (DTA), adding the flyer would not increase County costs to send out the business license renewal mailing and would reach approximately 48,000 recipients.

Therefore, Supervisor Herrity moved that the Board direct DTA staff to include the Friends flyer in the business license renewal mailing that will go out in early 2024. The Friends of the Animal Shelter will pay for the printing of the flyers and coordinate with DTA. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being out of the room.

30. **UPDATE ON LEE CHAPEL ROAD (SPRINGFIELD DISTRICT)**
(12:06 p.m.)

Supervisor Herrity provided an update on the status of Lee Chapel Road and the safety concerns and possible improvements.

31. **REQUEST TO EXPEDITE THE SCHEDULING OF A PUBLIC HEARING FOR MATAN GLORUS ROAD, LLC (SULLY DISTRICT)** (12:07 p.m.)

Supervisor Smith stated that Matan Glorus Road, LLC has filed Rezoning Application RZ 2022-SU-00010 on Tax Maps 33-2((2)) 9, 9A and 10D and on a portion of Barney Road right of way to rezone 16.3 acres from the I-3 and 1-4 Districts to the 1-4 District, to allow an expansion of a surface parking area serving an industrial development, previously approved under Rezoning Application RZ 2020-SU-002, consisting of office/warehouse/ data center uses. All previously approved commitments associated with the industrial development will be carried forward. No new gross floor area is proposed. An associated request to abandon and vacate Barney Road is scheduled before the Board on March 21, 2023.

The applicant has a public hearing scheduled for the Rezoning Application before the Planning Commission on March 8, 2023, and has requested a date certain for a public hearing before the Board to be consistent with the associated abandonment and vacation of Barney Road.

Therefore, Supervisor Smith moved that the Board direct staff to expedite the public hearing for Rezoning Application RZ 2022-SU-00010 to a date certain of March 21, 2023, to a time consistent with the associated abandonment and vacation of Barney Road, scheduled for Board consideration on March 21, 2023. This motion should not be construed as a favorable recommendation on these applications by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the applications. Supervisor Lusk seconded the motion and it carried by unanimous vote.

EBE:ebe

AGENDA ITEMS32. **ADMINISTRATIVE ITEMS** (12:09 p.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay 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.”

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF BLAKE LANE (ROUTE 655) (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 21, 2023, at 4:30 p.m.**, to consider a proposal to vacate and abandon a portion of Blake Lane (Route 655).

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Woodland Park East	Hunter Mill	Woodland View Drive

ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 23165 FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (VDBHDS) FOR MARCUS ALERT IMPLEMENTATION

- (SAR) Approved SAR AS 23165 for the CSB to accept grant funding from the VDBHDS in the amount of \$600,000 to support activities related to Marcus Alert to include improved behavioral health response capability in the community and enhanced coordinated responses between public safety and behavioral health partners. Funding supports four full-time exempt new grant positions. No local cash match is required.

ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 23166 FOR THE FAIRFAX-FALLS CHURCH COMMUNITY

SERVICES BOARD (CSB) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (VDBHDS) FOR THE STEP-VA SERVICES FOR CASE MANAGEMENT, CARE COORDINATION AND PSYCHIATRIC REHABILITATION

- (SAR) Approved SAR AS 23166 for the CSB to accept grant funding from the VDBHDS in the amount of \$418,413 to implement STEP-VA services for Care Management, Care Coordination and Psychiatric Rehabilitation. Funding supports five/four full-time exempt new grant positions. No local cash match is required.

ADMIN 5 – AUTHORIZATION TO SCHEDULE AND ADVERTISE A PUBLIC HEARING ON THE PROPOSED ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2024

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 21, 2023, at 4:30 p.m.**, regarding the Proposed One-Year Action Plan for FY 2024.

33. **A-1 – AUTHORIZATION TO EXECUTE A RECTANGULAR RAPID FLASHING BEACON (RRFB) MAINTENANCE AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND APPROVAL OF FUNDING ALLOCATION** (12:10 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and:

- Authorize the Director of the Department of Transportation (DOT) to sign the Rectangular Rapid Flashing Beacon Maintenance (RRFB) Agreement between VDOT and Fairfax County, relative to incident response and repair or replacement of knocked down, damaged, or inoperable RRFBs, as shown on Attachment 1 of the Board Agenda Item
- Approve the funding allocation for costs incurred per the terms of the agreement

The motion was multiply seconded.

Discussion ensued, with input from Michael J. Guarino, Chief, Capital Projects Section, DOT and Tom Biesiadny, Director, DOT, regarding:

- Timeline for repair of the RRFB
- Expansion to include additional installations across the County

- Progress on being completely within the unified State Maintenance System
- Timeline/status of changing the Federal Highway Administration designation from interim to permanent status

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

34. **A-2 – ADOPTION OF A VALUE ENGINEERING POLICY UPDATE FOR FAIRFAX COUNTY CAPITAL CONSTRUCTION PROJECTS** (12:15 p.m.)

- (P) On motion of Supervisor Smith, seconded by Chairman McKay, and carried by unanimous vote, that the Board concurred in the recommendation of staff and approved updates to the Value Engineering Policy, current Procedural Memorandum Number 25-01, originally adopted in 1997.

35. **A-3 – ADOPTION OF A RESOLUTION TERMINATING A DECLARATION OF LOCAL EMERGENCY AND CONSENTING TO ALL ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF** (12:15 p.m.)

- (R) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and adopt the resolution to:

- Terminate the Declaration of Local Emergency, effective March 1, 2023
- Approve and consent to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration of Local Emergency and the Fairfax County Emergency Operations Plan

Vice-Chairman Gross seconded the motion.

Discussion ensued, with input from Tracy Strunk, Director, Department of Planning and Development, regarding:

- Ensuring that Boards, Authorities, and Commissions (BACs) understand the change in status regarding electronic meetings
- Reviewing bylaws of BACs to ensure the language is updated, if necessary
- The status of special provisions in the Zoning Ordinance regarding outdoor dining with the termination of the emergency declaration
- Universal application process allowing outdoor seating

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

Vice-Chairman Gross returned the gavel to Chairman McKay.

36. **I-1 – ENDORSEMENT OF DESIGN GUIDANCE FOR THE TYSONS COMMUNITY CIRCUIT (HUNTER MILL AND PROVIDENCE DISTRICTS)** (12:27 p.m.)

The Board next considered an item contained in the Board Agenda, regarding the Endorsement of Design Guidance for the Tysons Community Circuit. Staff will use the Tysons Community Circuit guidance in its review of development applications and will provide it to interested parties as a resource for addressing the Comprehensive Plan's vision for Tysons.

37. **I-2 – ENDORSEMENT OF STREET TREE CANOPY CREDIT AND PLANTING ALTERNATIVES FOR CONSTRAINED SITES** (12:28 p.m.)

The Board next considered an item contained in the Board Agenda, regarding the Endorsement of Street Tree Canopy Credit and Planting Alternatives for Constrained Sites. Staff will add the Street Tree Canopy Credit and Alternative Planting Standard as an Appendix to the Urban Design Guidelines and will use these standards in review of development applications and site plans. It will be available online as a resource to interested parties, including property owners and landscape professionals.

NS:ns

38. **RECESS/CLOSED SESSION** (12:29 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. *Kimberly LaFave, et al. v. County of Fairfax, et al.*, Case No. CL-2021-0001569 (Fx. Co. Cir. Ct.)
2. *Jane Doe v. Michael O. Barbazette, Jason J. Mardocco, James Baumstark, Vincent Scianna, Edwin C. Roessler, Fairfax Police Officers ##3-10, and Fairfax County, Virginia*, Case No. 1:21-cv-1150 (E.D. Va.)
3. *Lolita R. Matammu v. County of Fairfax, Virginia a/k/a/ Fairfax County Health Department*, Case No. 1:20-cv-1468 (E.D.Va.)
4. *Tyson's Corner Hotel Plaza, LLC v. Fairfax County*, Case No. CL-2021-0017755 (Fx. Co. Cir. Ct.) (Providence District)
5. *Amazon Data Services Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2022-00017488 (Fx. Co. Cir. Ct.)
6. *Amazon Data Services, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2022-0017489 (Fx. Co. Cir. Ct.)
7. *Abdolreza Rezanazhad v. Anthony Shobe, Fairfax County Sheriff's Office, and Fairfax County*, Case No. GV22-019962 (Fx. Co. Gen. Dist. Ct.)
8. *Kristal Hernandez v. Claudia Castro, Badge #353567*, Case No. GV23-000060 (Fx. Co. Gen. Dist. Ct.)
9. *In re: March 10, 2021, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Harmony Hills Equestrian Center, Inc., and Terry Abrams v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2021-0004806 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *In re: March 11, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Anders Larsen Trust, Jason Hein, and Matthew Desch v. Virginia Health Operations, LLC, d/b/a Newport Academy, Monroe RE, LLC, and Board of Supervisors of Fairfax County, Virginia; Victor T. Tsou and Janet C. Tsou v.*

Monroe RE, LLC, Virginia Health Operations, LLC, d/b/a Newport Academy, and Board of Supervisors of Fairfax County, Virginia, Case Nos. CL-2020-0005490 and CL-2020-0005521 (Fx. Co. Cir. Ct.) (Dranesville District)

11. *Washington Gas Light Company v. Christine Chen Zinner; Kurt Iselt; Sarah Ellis; Lillian Whitesell; Board of Supervisors of Fairfax County Virginia; Board of Zoning Appeals of Fairfax County Virginia; Virginia Department of Transportation; CL-2022-0003061*
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Bryan L. Patrick and Dahlia McLean, Case No. GV22-018254 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Chun Kim and Hee Ja Kim, Case No. GV22-018253 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Loc Dat Vu and Thi My Nuong Nguyen, Case No. GV22-018468 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Pushpa Patar, Case No. GV22-019068 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. AB LAND LLC, aka Artisan Builders, Case No. GV22-019066 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kamal Mohammad Islam, Taham Islam, Lucio M. Aliaga, Case No. CL-2022-0004966 (Fx. Co. Cir. Ct.) (Franconia District)*
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Jean J. Aidonis, Case No. CL-2020-0012471 (Fx. Co. Cir. Ct.) (Hunter Mill District)*

19. *Jay Riat, Building Official for Fairfax County, Virginia v. Qadeer Malik and Shahnaz Malik*, Case No. CL-2022-00017185 (Fx. Co. Cir. Ct.) (Hunter Mill District)
20. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Lloyd Chaisson*, Case No. CL-2023-0000503 (Fx. Co. Cir. Ct.) (Hunter Mill District)
21. *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)
22. *Jay Riat, Building Official for Fairfax County, Virginia v. Anthony Michael Andreatos*, Case No. GV22-018255 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Frances F. Kelly*, Case No. CL-2022-0003435 (Fx. Co. Cir. Ct.) (Mason District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Kim Dao T. Nguyen and A Di Da Charitable Buddhist Association*, Case No. CL-2022-0009400 (Fx. Co. Cir. Ct.) (Mason District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v. Kyong S. Song*, Case No. CL-2022-016159 (Fx. Co. Cir. Ct.) (Mason District)
26. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Bren Mar Recreation Assoc., Inc.*, Case No. CL-2023-0000105 (Fx. Co. Cir. Ct.) (Mason District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Mohammed F. Talukder and Momataz Parvin*, Case No. CL-2023-0000871 (Fx. Co. Cir. Ct.) (Mason District)
28. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose Jonis Alvarado Hernandez and Sandra Noemi Callejas Guillen*, Case No. GV22-008249 (Fx. Co. Gen. Dist. Ct.) (Mason District)

29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose G. Chavez Caballero and Leslie Chavez*, Case No. GV23-000857 (Fx. Co. Gen. Dist. Ct.) (Mason District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Julia E. Freeman and Samuel H. King*, Case No. CL-2011-0005858 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Piyush J. Goel and Kelli L. Goel*, Case No. GV22-005334 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
32. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Robert Edward Carr*, Case No. GV22-006732 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v. GC Retail L.C., Body and Soul, L.L.C.*, Case No. GV22-017389 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
34. *Jay Riat, Building Official for Fairfax County, Virginia v. Gerald Omari*, Case No. GV22-018252 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
35. *Jay Riat, Building Official for Fairfax County, Virginia v. Ethiorun LLC and Medi, LLC*, Case No. GV23-000856 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
36. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Gregg Riddiford*, Case No. CL-2013-0015905 (Fx. Co. Cir. Ct.) (Providence District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oakton Limited Partnership, LLP*, Case No. CL-2021-0017793 (Fx. Co. Cir. Ct.) (Providence District)
38. *Jay Riat, Building Official for Fairfax County, Virginia v. Ahmad Farshid Ghyasi and Maryam Ghyasi*, Case No. GV22-013079 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711 (A)(7) and (8), legal briefing regarding *Duale v. Fairfax County Police Department*, Fairfax County Circuit Court Case No. CL-2019-17251, and a settlement demand made on behalf of Ms. Duale and her family members
- As permitted by Virginia Code Section 2.2-3711(A)(1), consideration of prospective candidates 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 2:53 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:53 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.”

40. **MOTION REGARDING APPOINTMENTS TO THE FAIRFAX COUNTY BOARD OF ZONING APPEALS** (2:54 p.m.)

(BACs) Supervisor Gross moved that the Board:

- In response to a letter from the Fairfax County Circuit Court to the County Attorney dated December 19, 2022, concur in the appointment of Roderick Maribojoc to the Fairfax County Board of Zoning Appeals
- Request the Circuit Court to appoint an alternate to the Board of Zoning Appeals

- Concur in the appointment of Thomas Warner Smith as alternate

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

AGENDA ITEMS

41. **1:30 P.M. – PUBLIC HEARING ON RZ 2021-PR-00030 (FAIRFAX COUNTY SCHOOL BOARD, A BODY CORPORATE) TO REZONE FROM R-2 TO R-3 TO ALLOW BUILDING ADDITIONS AND SITE IMPROVEMENTS FOR MOSAIC ELEMENTARY SCHOOL AND A LOT WIDTH WAIVER, AT AN OVERALL FLOOR AREA RATIO (FAR) OF 0.29, LOCATED ON APPROXIMATELY 10.06 ACRES OF LAND (PROVIDENCE DISTRICT) (2:54 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 6 and January 13, 2023.

The application property is located at 9819 Five Oaks Road, Fairfax, 22031. Tax Map 48-3 ((1)) 16.

John C. McGranahan, Jr., Agent, Hunton Andrews Kurth, LLP, reaffirmed the validity of the affidavit dated January 26, 2023, for the record.

Supervisor Palchik disclosed that she received a campaign contribution in excess of \$100 from the following:

- Karl Frisch

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

- Elaine Tholen

Supervisor Alcorn disclosed that he received a campaign contribution in excess of \$100 from the following:

- Karl Frisch

Kimia Zolfagharian, Planner II, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. McGranahan, Jr., 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. Zolfagharian presented the staff and Planning Commission recommendations.

Following comments in support of the project, Supervisor Palchik moved that the Board approve:

- Rezoning Application RZ 2021-PR-00030, subject to the proffers dated October 20, 2022
- Modification of the transitional screening requirements around the periphery of the property that is adjacent to existing residential uses to what is shown on the Generalized Development Plan

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.”

42. **BOARD ADJOURNMENT** (3:11 p.m.)

At 3:11 p.m. the Board adjourned.