



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 9, 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, May 9, 2023, at 9:32 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 James Walkinshaw, Braddock District

Supervisor Daniel G. Storck, Mount Vernon District, arrived at 10:27 a.m.

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

BOARD MATTERS**1. LATE ARRIVAL OF SUPERVISOR DANIEL STORCK (MOUNT VERNON DISTRICT) (9:32 a.m.)**

Chairman McKay noted that Supervisor Storck will be arriving late this morning because he is representing the Board at a Mount Vernon Hospital event with Inova Health Systems.

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

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

- The victims of the senseless act of gun violence in Allen, Texas and the many County residents that have been touched by unnecessary gun violence
- Teresa Matlaga, who died recently. She was a Greenspring resident and member of the Franconia community, who was devoted to her family and very involved in her church
- Shawn Soares, who died recently. He worked as director of Asian-American and Pacific Islander outreach under Governor Ralph Northam. Mr. Soares was a dedicated student at Virginia Commonwealth University where he returned to get his MBA degree
- Eric Peterson, who died recently. He was a national and local transportation leader, a long-time staff member for U.S. Senator John W. Warner, serving in several key roles including legislative assistant, press secretary, and speech writer. After leaving the Senator's staff, he went on to hold federal executive positions across multiple administrations
- Lynn Keywell, who died recently. She was a Public Health Nurse in the County's elementary schools

AGENDA ITEMS**3. RESOLUTION OF RECOGNITION PRESENTED TO MEMBERS OF THE JAMES MADISON GIRLS BASKETBALL TEAM (9:43 a.m.)**

Supervisor Alcorn moved approval of the Resolution of Recognition presented to members of the James Madison Girls Basketball Team for their wins in the Virginia High School Class 6A State Championship. The motion was multiply seconded and it carried by a vote of nine, Supervisor Storck not yet having arrived.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MEMBERS OF THE WEST SPRINGFIELD HIGH SCHOOL WRESTLING TEAM** (9:50 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to members of the West Springfield High School wrestling team for their historic success at the first Virginia High School League Girls Wrestling Championship. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Storck not yet having arrived.

5. **PROCLAMATION DESIGNATING MAY 2023 AS "STROKE SMART MONTH" IN FAIRFAX COUNTY** (10:06 a.m.)

Supervisor Lusk moved approval of the Proclamation designating May 2023 as "Stroke Smart Month" in Fairfax County. The motion was multiply seconded and it carried by a vote of nine, Supervisor Storck not yet having arrived.

6. **PROCLAMATION DESIGNATING MAY 2023 AS "LYME DISEASE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:24 a.m.)

Supervisor Herrity moved approval of the Proclamation designating May 2023 as "Lyme Disease Awareness Month" in Fairfax County. The motion was multiply seconded and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING MAY 2023 AS "FIGHT THE BITE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:40 a.m.)

Supervisor Herrity moved approval of the Proclamation designating May 2023 as "Fight the Bite Awareness Month" in Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

8. **BOARD ADOPTION OF THE FISCAL YEAR (FY) 2024 BUDGT PLAN** (10:52 a.m.)

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Christina Jackson, Chief Financial Officer, gave brief comments regarding the Budget Plan.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board set the real property tax rate at \$1.095 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2023 will be reduced by \$0.015 from the present rate of \$1.11 per \$100 of assessed value. The motion was multiply seconded and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Vice-Chairman Gross, and Chairman McKay voting "AYE," Supervisor Herrity voting "NAY."

Having established the real property tax rate at \$1.095 per \$100 of assessed value, Chairman McKay moved that the Board approve the FY 2024 Tax Rate Resolution Adopting Tax Rates for Fairfax County, as detailed in Attachment II of the Memorandum to the Board dated May 8, 2023. The motion was multiply seconded and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Vice-Chairman Gross, and Chairman McKay voting “AYE,” Supervisor Herrity voting “NAY.”

Chairman McKay moved that the Board approve the FY 2024 Resolution Adopting a Vehicle Assessment Ratio of 90 Percent, as detailed in Attachment III of the Memorandum to the Board dated May 8, 2023. Supervisor Lusk seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Vice-Chairman Gross, and Chairman McKay voting “AYE.”

Chairman McKay moved Board approval of the FY 2024 Appropriation Resolution for County Agencies/Funds, the FY 2024 Appropriation Resolution for School Board Funds, and the FY 2024 Fiscal Planning Resolution as set forth in Attachments IV, V and VI of the Memorandum to the Board dated May 8, 2023. Supervisor Palchik seconded the motion. Following a brief discussion thanking the School Board representative, the question was called on the motion and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Vice-Chairman Gross, and Chairman McKay voting “AYE,” Supervisor Herrity voting “NAY.”

As part of this year’s budget process, amendments to the sewer ordinance were proposed. The public hearing was advertised on March 24, and March 31, 2023, and it was held on April 11, 2023, at 3 p.m.

Therefore, Chairman McKay moved that the Board adopt amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), Article 10 (Charges) by amending and readopting Section 67.1-10-2 of the County Code as advertised. The motion was multiply seconded and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Vice-Chairman Gross, and Chairman McKay voting “AYE.”

Vice-Chairman Gross returned the gavel to Chairman McKay.

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ADDITIONAL BOARD MATTERS

9. **PROCLAMATION REQUEST DESIGNATING MAY 2023 AS “JEWISH AMERICAN HERITAGE MONTH”** (10:58 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 May 2023 as “*Jewish American Heritage Month*” in the County. Without objection, it was so ordered.

10. **PROCLAMATION REQUEST DESIGNATING JUNE 2, 2023, AS “NATIONAL GUN VIOLENCE AWARENESS DAY”** (10:58 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating June 2, 2023, as “*National Gun Violence Awareness Day*” in the County. Without objection, it was so ordered.

11. **PROCLAMATION REQUEST DESIGNATING MAY 8 - 12, 2023, AS “TEACHER APPRECIATION WEEK”** (10:58 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 8 – 12, 2023, as “*Teacher Appreciation Week*” in the County. Without objection, it was so ordered.

12. **PROCLAMATION REQUEST DESIGNATING MAY 21 - 27, 2023, AS “PUBLIC WORKS WEEK”** (10:58 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 21 – 27, 2023, as “*Public Works Week*” in the County. Without objection, it was so ordered.

13. **PROCLAMATION REQUEST FOR SAFESPOT’S 10TH ANNIVERSARY** (10:58 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation in recognition of SafeSpot’s 10th anniversary. Without objection, it was so ordered.

14. **RESOLUTION OF RECOGNITION REQUEST FOR QUEENIE COX** (10:58 a.m.)

Jointly with Supervisor Storck, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Queenie Cox, in recognition of years of service with the New Gum Springs Civic Association. Without objection, it was so ordered.

15. **RESOLUTION OF RECOGNITION REQUEST FOR GUARDIAN DENTISTRY** (10:58 a.m.)

Jointly with Supervisor Storck, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Guardian Dentistry's Virginia Free Dental Day. Without objection, it was so ordered.

16. **RESOLUTION OF RECOGNITION REQUEST FOR MAIN STREET CHILD DEVELOPMENT CENTER** (10:58 a.m.)

Jointly with Supervisor Walkinshaw, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Main Street Child Development Center, in recognition of its 50th anniversary. Without objection, it was so ordered.

17. **PROCLAMATION REQUEST FOR TASTE OF ANNANDALE** (10:58 a.m.)

Jointly with Supervisor Gross, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation for the Taste of Annandale celebration. Without objection, it was so ordered.

18. **PROCLAMATION REQUEST FOR TYSONS ROTARY CLUB** (10:58 a.m.)

Jointly with Supervisor Palchik, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation for the Tysons Rotary Club, in recognition of its 40th anniversary. Without objection, it was so ordered.

19. **GUIDELINES FOR DATA CENTERS** (10:59 a.m.)

Chairman McKay stated that Governor Youngkin recently announced that \$35 billion is being directed to develop data centers in Virginia. Data centers can be beneficial from a tax-base perspective and perhaps even a building repurposing perspective.

Currently the County has 11 existing data centers and five in the pipeline. Some have gone in by-right and others have come through the zoning process. The region continues to receive requests for more data centers due to the unique location related to the internet's fiber infrastructure.

Under the County's 1978 Zoning Ordinance, data centers were treated as telecommunications facilities and were allowed by Special Exception in residential districts and by right without any specific use restrictions in all commercial, industrial, and planned districts, if included in the approved development plan or Planned Residential Community plan. The Zoning Ordinance Modernization (zMOD) ordinance that was adopted in 2021, and that the Board is in the process of readopting after the Virginia Supreme Court declared the 2021 adoption to be

void, eliminated the option for data centers to locate in residential districts, in most commercial districts, and in many Planned Districts. zMOD also introduced new use-specific standards imposing size limits for data centers in newly proposed buildings in certain commercial and industrial districts and requiring that cooling, ventilating, and other equipment be enclosed in most zoning districts.

Data Centers are an evolving industry that merits the County's continued attention. The Environmental Quality Advisory Council has requested that the Board look into potential environmental issues associated with data centers and the Planning Commission, based on feedback received during the zMOD readoption process, asked staff to review data centers further as part of the Zoning Ordinance Work Program.

Therefore, jointly with Supervisor Smith and Supervisor Storck, Chairman McKay moved that the Board direct staff to:

- Research what advances are being made to address potential environmental issues
- Research potential environmental issues and mitigations
- Develop locational guidelines that address siting facilities
- Review how data centers should be approved
- Consider where any new guidelines, if adopted by the Board, should be located, including the Comprehensive Plan and the Zoning Ordinance
- Report their findings and recommendations by the end of the year

Discussion ensued regarding:

- Project timeline and moving expeditiously
- Power concerns and the need for sufficient power
- Emerging technology trends
- Environmental impacts and data centers being more efficient than racks of servers
- Needed security for the centers

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

(NOTE: Later in the meeting, a public hearing was held regarding the readoption of the Zoning Ordinance as amended through March 22, 2023, and this Board Matter was referenced in a follow-on motion. See Clerk's Summary Item #60.)

20. **RESOLUTION OF RECOGNITION REQUEST FOR SAIRA NAGDA**
(11:09 a.m.)

Chairman McKay stated that on April 26, 2023, *The Washington Post* reported on an outstanding high school senior athlete from West Potomac High School, Saira Nagda. Now a senior, she runs for the Varsity Cross Country and Track teams and swam for the Varsity Swim and Dive team.

Off the field, she is the Founder and Chief Executive Officer of "Replay It," a nonprofit dedicated to giving children the opportunity to participate in sports through donations of gently used sports gear. She, her family, and friends started this charity organization when she was a freshman in high school. "Replay It" has donated more than 2,500 pieces of sports equipment.

Chairman McKay stated Ms. Nagda's belief that she has been fortunate to have a family who is able to support the fees and equipment one needs to play sports. However, she feels that many girls are not able to have the opportunities she has. In her words, "*Seeing the impact firsthand is when I really saw that I was having a part of these incredible girls' journeys.*"

Therefore, jointly with Supervisor Storck, Chairman McKay moved that the Board direct the Office of Public Affairs to prepare a Resolution of Recognition for Saira Nagda, in recognition of her exceptional service in organizing the community to donate used sports equipment to "Replay It." Supervisor Storck seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

21. **PUBLICITY REQUEST FOR THE MASON DISTRICT GOVERNMENTAL CENTER OPEN HOUSE** (11:12 a.m.)

Supervisor Gross stated that on May 13, 2023, the Mason District Governmental Center will hold a community Open House from 10 a.m. - 2 p.m. The Open House will feature the Police Department's Bicycle Safety program by the Neighborhood Patrol Unit, an Explosive Ordinance Disposal Unit, and the K-9 unit. There will also be Fire and Rescue Department apparatus, including a "Jaws of Life" junk car.

Indoors, there will be the Police Department's Crime Solvers Program and Hidden in Plain Sight Exhibit, as well as stations for the Fire and Rescue Department, the Office of Emergency Management, the Sheriff's department, Adult and Aging

Division of the Department of Family Services, Domestic and Sexual Violence Services, Urban Forestry, and the Park Authority, among others. It will be an exciting and interesting day for the whole family, and will include free giveaways. Therefore, Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to publicize the Mason District Governmental Center's Open House in its various County communications. Without objection, it was so ordered.

22. **BRADDOCK BARK** (11:13 a.m.)

Supervisor Walkinshaw announced that the Braddock Bark will be held on May 21, 2023, and he invited the community to attend.

23. **NEW INTERN IN THE BRADDOCK DISTRICT SUPERVISOR'S OFFICE** (11:14 a.m.)

Supervisor Walkinshaw announced that Amina Kudrati-Plummer is a new intern in his office. On behalf of the Board, he warmly welcomed her to the County.

24. **EXPEDITED PROCESSING REQUEST FOR CONVERGE WEST FALLS, LLC (DRANESVILLE DISTRICT)** (11:15 a.m.)

Supervisor Foust stated that Converge West Falls, LLC has filed Rezoning Application RZ 2022-DR-00018 and Final Development Plan Application FDP 2022-DR-00018 to permit the redevelopment of the Virginia Tech Northern Virginia Center, located at 7054 Haycock Road, Falls Church, with multi-family residential, office, and institutional uses. A public hearing is scheduled before the Planning Commission on July 12, 2023. The applicant has requested an expedited Board public hearing date to advance delivery of the project and public improvements.

The application, known as "Converge," proposes a new corporate headquarters location for HITT Contracting as well as laboratory space for Virginia Tech, to be known as the "National Center for Smart Construction". The applicant has also submitted proffers committing to the construction of West Falls Station Boulevard prior to the issuance of any Residential Use Permits (RUPs) or Non-RUPs for the project. This improvement would provide a critical pedestrian, bicycle, and vehicular link between the West Falls Church Metro Station site to the east, which is proposed to be redeveloped into a mixed-use transit-oriented development, and the City of Falls Church's West Falls Project, which is currently under development.

Therefore, Supervisor Foust moved that the Board direct staff to expedite a public hearing to be held before the Board for Rezoning Application RZ-2022-DR-00018, located at Tax Map 40-3 ((01)) 0092 and 0092A to a date certain of July 25, 2023. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance

with the provisions of all applicable ordinances, regulations or adopted standards in any way. Supervisor Lusk seconded the motion and it carried by unanimous vote.

25. **BOARD PUBLIC HEARING SCHEDULING REQUEST FOR ENTERPRISE RAC COMPANY OF MARYLAND, LLC (FRANCONIA DISTRICT)** (11:17 a.m.)

Supervisor Lusk stated that Enterprise RAC Company of Maryland, LLC is requesting a Special Exception to permit the installation and operation of a car wash on the property identified as Tax Map record 90-2 ((1)) 50. The car wash will allow the applicant to clean its vehicles between rentals and will not be open to the public. The applicant is currently processing a Special Exception Application, identified as SE-2022-LE-00047, which is scheduled for a Planning Commission public hearing on June 7, 2023. The applicant is anxious to implement the proposed use as soon as possible.

Therefore, Supervisor Lusk moved that the Board direct the Director of Planning and Development to schedule Special Exception Application SE-2022-LE-00047 for a public hearing before the Board on June 27, 2023, or the next available date. The applicant understands that the authorization of expedited processing and the scheduling of a Board date in no way relieves it of the requirement to comply with applicable standards of the Zoning Ordinance. In addition, the authorization does not dictate that the pending application will be approved, nor does it prejudice staff's review. Supervisor Foust seconded the motion and it carried by unanimous vote.

26. **CONCURRENT AND SIMULTANEOUS PROCESSING AND BOARD PUBLIC HEARING SCHEDULING REQUESTS FOR GRAMM SPRINGFIELD HYUNDAI PROPERTY LLC (FRANCONIA DISTRICT)** (11:19 a.m.)

Supervisor Lusk stated that Gramm Springfield Hyundai Property LLC is the owner of approximately 7.65 acres located on the east side of Loisdale Road on the property identified as Tax Map record 90-4 ((1)) 64A pt. and zoned to the C-8 District. The subject property is one of four parcels developed together with automobile dealerships along Loisdale Road. The applicant is currently processing a Proffered Condition Amendment application and a Special Exception Amendment Application to amend two of the prior approvals to allow a second vehicle sales, rental, and service establishment on the subject property.

The applications are scheduled for a public hearing before the Planning Commission on September 13, 2023. The applicant is anxious to commence construction and has asked for consideration for concurrent processing and the scheduling of a public hearing before the Board.

Therefore, Supervisor Lusk moved that the Board direct staff to:

- Authorize the concurrent and simultaneous processing of a site plan, architectural drawings, and any other drawings as may be necessary in conjunction with Proffered Condition Amendment Application PCA-2010-LE-005 and Special Exception Amendment Application SEA-2014-LE-005
- Schedule a public hearing for Proffered Condition Amendment Application PCA-2010-LE-005 and Special Exception Amendment Application SEA-2014-LE-005 before the Board on September 26, 2023, or the next available date. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards

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

27. **RICHMOND HIGHWAY BUS RAPID TRANSIT (BRT)**
“COMMUNITY CHARM” INITIATIVE (FRANCONIA DISTRICT)
(11:21 a.m.)

Supervisor Lusk stated that the Richmond Highway BRT “Community Charm” initiative is focused on integrating artwork into each BRT station that reflects the history, identity, and character of the neighborhoods surrounding each station area.

The primary way this community charm will be represented at each BRT station is through unique artwork on the glass windscreens that are a part of each bus shelter. Supervisor Lusk stated that he was very excited when he learned that the Fairfax County Department of Transportation planned to work with three local high schools to generate designs for seven of the nine BRT stops. Students from Hayfield Secondary School used photography to create two pieces of artwork for the Huntington Metro, Kings Crossing, and Beacon Hill stations.

Students from West Potomac High School created two pieces of hand drawn artwork for the Lockheed and Hybla Valley stations. Students from Mount Vernon High School created five pieces of digital artwork for the Woodlawn Station and four pieces of digital artwork for the Fort Belvoir station.

Supervisor Lusk stated that he had a chance to view the initial submissions by the students. He was extremely impressed with the inspiration that they have given the County for the Community Charm designs, and he expressed his hopes that the County can incorporate their concepts into other projects in the Franconia District.

Supervisor Lusk specifically thanked the teachers from the participating schools:

- Casey Shannon (Hayfield Secondary School)
- Amy Stoll (West Potomac High School)
- Sally Gilliam (Mount Vernon High School)

Supervisor Lusk also thanked their students and Aaron Stratten, Art Educational Specialist, Fairfax County Public Schools, for all their hard work to make this project possible.

Supervisor Lusk stated that he looks forward to viewing the artwork being prepared for the two stations, not covered by the High Schools (Gum Springs and Hyland Center), as it is prepared by students at the Gum Springs Community Center and South County Teen Center, and he expressed his hopes that the public will share his enthusiasm for the creativity and contributions of the young people.

28. **USE OF THE FAIRFAX COUNTY HEALTH CARE ADVISORY BOARD BY THE TOWN OF VIENNA** (11:24 a.m.)

(BAC) Supervisor Alcorn stated that on March 27, 2023, the Vienna Town Council requested initiation of negotiations between the Town of Vienna and the County that, if successful, would result in a Memorandum of Understanding (MOU), that under the Town of Vienna's contemplated new zoning ordinance, would allow the Town to use the Fairfax County Health Care Advisory Board to review applications for assisted living facilities being developed in Vienna. The Health Care Advisory Board would have an advisory role only and ultimate authority for action on such facilities would remain with the Town of Vienna. This advisory service would be used by the Town when such facilities are above a to-be-determined size.

Therefore, Supervisor Alcorn moved that the Board instruct staff to study this request as well as communicate with Town of Vienna staff and report to the Board on possible chartering, organizational, legal, and operational changes to the Health Care Advisory Board, as well as the possible establishment of an MOU between the County and the Town of Vienna for the purpose of establishing this relationship. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

29. **CERTIFICATE OF RECOGNITION REQUEST FOR LARRY BUTLER** (11:26 a.m.)

Supervisor Alcorn stated that Larry Butler, Chief Operating Officer for the Reston Association (RA) and one of the Association's longest-serving employees, has announced his retirement effective June 23, 2023. During his more than 40-year career at RA, he has become a part of the fabric of the community and has often been referred to as "Mr. RA."

Mr. Butler started his career with RA as a seasonal employee in the spring of 1982. He briefly left the Association in the mid-1990s to serve as General Manager for the Ashburn Village Community Association and then returned to RA as the Director of Parks and Recreation. During his tenure, Mr. Butler was instrumental in starting RA's lakes and watershed management programs and was active in the Virginia Lakes and Watersheds Association. In addition, he served for several years on the North American Lake Management Society Board of Directors and as the organization's President. Some of the successful projects that Mr. Butler led at RA include the Northern Virginia Stream Restoration Bank program, assisting with the fundraising and approvals for Nature House, converting the Southgate Pool to a well-utilized and County-operated community center, and getting lights on the Browns Chapel Little League Field.

Therefore, Supervisor Alcorn moved that the Board direct the Office of Public Affairs to prepare a Certificate of Recognition for Larry Butler, to be presented at the June 6, 2023, Board Meeting. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

30. **DEPARTURE OF TERRANCE STROMAN** (11:28 a.m.)

Supervisor Alcorn announced that Terrance Stroman, Cornerstone's Director of Community Connected Sites, will be leaving his position soon. On behalf of the Board, Supervisor Alcorn thanked him for his years of service and wished him well in his future endeavors.

31. **THIRD ANNUAL TOUR DE HUNTER MILL** (11:28 a.m.)

Supervisor Alcorn announced that the third annual Tour de Hunter Mill was held on May 7, 2023, and he thanked the Chairman and the community for attending the event.

32. **PROCLAMATION REQUEST DESIGNATING MAY 5 – 12, 2023, AS "MILITARY SPOUSE APPRECIATION WEEK"** (11:30 a.m.)

Supervisor Storck stated that the freedoms that Americans enjoy can only be made possible by the efforts of the more than two million men and women who serve the nation as active-duty service members of the Armed Forces. Right here in the County, on Fort Belvoir, there are approximately 4,420 active-duty service members and 2,246 military spouses. Proudly, the County is home to approximately 80,000 military veterans and their spouses.

Military Spouse Appreciation Day is a day set aside to pause and recognize military spouses who have the greatest impact on service members' lives through their support and commitment to service. The average military spouse moves 8 – 12 times in the span of a 20-year military career, which often results in starting over in each new location and dealing with the struggles of meeting new people and feeling a sense of community where they live. Military Spouse Appreciation Day

is recognized nationally on May 12 this year. However, on May 10, 2023, the County is co-hosting its third Veteran and Military Spouse Career Fair with the Fairfax County Economic Development Authority at the National Army Museum and virtually on May 11, 2023.

Therefore, jointly with Chairman McKay, Supervisor Gross, Supervisor Herrity, and Supervisor Lusk, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 5 – 12, 2023, as “*Military Spouse Appreciation Week*,” to be signed by the Chairman, Franconia District Supervisor, Mason District Supervisor, Mount Vernon District Supervisor, and Springfield District Supervisor, in honor of the County’s supportive and heroic military spouses, including those residing here in the County, to be presented to Army Community Service at the Veteran and Military Spouse Career Fair on May 10, 2023. Without objection, it was so ordered.

33. **PROCLAMATION REQUEST FOR NEWINGTON FOREST ELEMENTARY SCHOOL (MOUNT VERNON DISTRICT)** (11:33 a.m.)

Supervisor Storck stated that Newington Forest Elementary School is celebrating 40 years of brilliant students, teachers and administrators. After opening in 1983, Newington Forest Elementary School has provided excellent education to the youngest students by creating a safe and inclusive space for all students to learn and grow.

To celebrate this milestone year, Newington Forest Elementary School is hosting a 40th anniversary picnic on June 1, 2023, from 5:30 – 7:30 p.m. The event invites all current and former students, parents and facility to join this joyous occasion.

Therefore, jointly with Supervisor Herrity, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation, to be signed by the Chairman, the Mount Vernon District Supervisor, and the Springfield District Supervisor, in recognition of its 40th anniversary, to be presented to Newington Forest Elementary School, outside the Board Room. Without objection, it was so ordered.

34. **PUBLIC HEARING SCHEDULING REQUEST FOR TYSONS CORNER CENTER (PROVIDENCE DISTRICT)** (11:35 a.m.)

Supervisor Palchik stated that in 2007, the Board approved the rezoning of Tysons Corner Center to transform the 78-acre super-regional mall site into an urban mixed-use environment. The first phase of this transformation was completed in 2015 and, as the Board knows, it has been very successful.

Macerich has filed a series of cases, Proffered Condition Amendment Application PCA 2004-PR-044-04, Conceptual Development Plan Amendment Application CDPA 2004-PR-044-03, and Final Development Plan Amendment Application FDPA 2004-PR-004-03 to shift some of the approved square footage closer to the

Tyson's Metro Station. Macerich and its team have been working closely with staff, Planning Commissioner Niedzielski-Eichner, and the Providence District Supervisor's office to refine and improve the proposal. Progress continues to be made and the project is on track to go to a public hearing in the Fall. With this progress in mind, Macerich has requested a date certain scheduling of its Board hearing. The application is currently scheduled to come before the Planning Commission for a public hearing on September 13, 2023.

Therefore, Supervisor Palchik moved that the Board direct staff to schedule the referenced applications for a public hearing before the Board at its meeting on September 26, 2023. This motion should not be construed as a favorable recommendation by the Board, nor does it prejudice in any way the Board's consideration of these applications. Supervisor Lusk seconded the motion and it carried by unanimous vote.

35. **PUBLICITY REQUEST FOR GIRLS ON THE RUN (GOTR) 5K** (11:37 a.m.)

Supervisor Palchik stated that GOTR, founded in 1996, is a nonprofit organization designed to enhance participants' social, emotional, and physical skills. What began as a program with only 13 participants has since grown astronomically and now serves over two million participants from coast to coast. Students in grades third through eighth are welcome to participate. GOTR has a long-standing and unwavering commitment to building a world where any and every girl can know and activate her own limitless potential through developing skills that will help her successfully navigate life's experiences.

Each year, GOTR hosts hundreds of 5Ks across North America, making it one of the largest 5K series in the world. This year, for the first time, the GOTR 5K will take place at two different locations in the County, at Fair Oaks Mall, and at BASIS Independent School in Tysons.

Each event requires over 100 volunteers to be successful. GOTR is currently looking for dedicated volunteers to make this Spring 2023 5K a success! Volunteer roles include: bus greeter, road runners, cheer marshals, start and finish supporters, check-in, and many more. For more information about how to volunteer, please visit www.gotrnova.org/volunteer.

Therefore, jointly with Chairman McKay, Supervisor Gross, and Supervisor Herrity, Supervisor Palchik asked unanimous consent that the Board direct the Office of Public Affairs to publicize the event on the appropriate channels, inviting the community to attend and encouraging all to volunteer. Without objection, it was so ordered.

36. **TYSONS COMMUNITY ALLIANCE (TCA) (PROVIDENCE DISTRICT)**
(11:40 a.m.)

Supervisor Palchik announced that beginning July 5, 2023, Katie Cristol will be the first permanent Chief Executive Officer for the TCA. On behalf of the Board, Supervisor Palchik congratulated her on being selected to lead the TCA.

37. **NEW STAFF AIDE IN THE SPRINGFIELD DISTRICT SUPERVISOR'S OFFICE** (11:42 a.m.)

Supervisor Herrity announced that Madalyn Godfrey is a new Staff Aide in his office. On behalf of the Board, he warmly welcomed her to the County.

38. **PROCLAMATION REQUEST DESIGNATING MAY 14 - 20, 2023, AS "NATIONAL POLICE WEEK"** (11:43 a.m.)

Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Proclamation designating May 14 – 20, 2023, as “*National Police Week*” in the County. Without objection, it was so ordered.

39. **RESOLUTION OF RECOGNITION REQUEST FOR THE CHANTILLY HIGH SCHOOL WINTER SPORT VIRGINIA CLASS 6 INDIVIDUAL STATE CHAMPIONS FOR DIVING AND WRESTLING (SULLY DISTRICT)** (11:43 a.m.)

Supervisor Smith stated that three outstanding individuals from Chantilly High School won the individual State championships in their respective winter.

Matthew Bray, a senior, won his third Class 6 State diving championship on February 16, 2023, at the Aquaplex in Hampton, Virginia. Mr. Bray easily outdistanced the competition, winning by an astounding 54 points. He also was named *The Washington Post's* “First Team All-Met for Swimming and Diving.”

Ezekiel Keel, a sophomore, won the 113 pound Class 6 State wrestling championship on February 18, 2023, at the Virginia Beach Sports Center by a 2-0 score. In a dramatic fashion, he prevailed in what had been a scoreless match until the final seconds. Mr. Keel was also named to *The Washington Post's* “Second Team All-Met for Wrestling.”

Benjamin Weeder, a sophomore, won the 144 pound Class 6 State wrestling championship on February 18, 2023, at the Virginia Beach Sports Center, dominating his opponent in a 20-5 decision. Last year, he finished third in the State tournament. Mr. Weeder was also named to *The Washington Post's* “Second Team All-Met for Wrestling.”

Therefore, jointly with Supervisor Herrity, Supervisor Smith asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the aforementioned Winter Sport State Champions from Chantilly High School, for their outstanding achievements, to be presented at the June 6, 2023, Board Meeting. Without objection, it was so ordered.

40. **INOVA VEATCH FAMILY BEHAVIORAL HEALTH UNIT (MOUNT VERNON DISTRICT)** (11:45 a.m.)

Supervisor Storck stated that he was late to the Board Meeting because he was attending the ribbon-cutting event for the opening of the new Inova Veatch Family Behavioral Health Unit at Inova Mount Vernon Hospital, which will help address adult mental health issues and needs.

NS:ns

AGENDA ITEMS

41. **ADMINISTRATIVE ITEMS** (11:48 a.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 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – (MASON DISTRICT)

- (R)
- Adopted the Resolution endorsing a traffic calming plan for Brookside Drive (Mason District) consisting of three speed humps
 - Directed staff to schedule installation of the approved traffic calming measure as soon as possible

ADMIN 2 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – VALLEYFIELD DRIVE (SPRINGFIELD DISTRICT)

- Authorized the installation of two “Watch for Children” signs on Valleyfield Drive (Springfield District)
- Directed staff of the Department of Transportation to schedule the installation of the approved “Watch for Children” signs as soon as possible

ADMIN 3 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – LINWAY TERRACE (DRANESVILLE DISTRICT)

- Authorized the installation of two “Watch for Children” signs on Linway Terrace (Dranesville District)
- Directed staff of the Department of Transportation to schedule the installation of the approved “Watch for Children” signs as soon as possible

ADMIN 4 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – NORTLEDGE DRIVE (SPRINGFIELD DISTRICT)

- Authorized the installation of two “Watch for Children” signs on Northedge Drive (Springfield District)
- Directed staff of the Department of Transportation to schedule the installation of the approved “Watch for Children” signs as soon as possible

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND AND READOPT CHAPTER 127 OF THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER, RELATING TO THE COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AND RESILIENCY PROGRAM

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 6, 2023, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 127, relating to the Commercial Property Assessed Clean Energy and Resiliency Program.

ADMIN 6 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 23196 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT FUNDING FROM THE U.S. DEPARTMENT OF LABOR FOR THE COMMUNITY PROJECT FUNDING REQUEST INCLUDED IN THE CONSOLIDATED APPROPRIATIONS ACT 2022

- (SAR) Approved SAR AS 23196 for DFS to accept grant funding totaling \$400,000 from the U.S. Department of Labor supporting a DFS project that was funded through the Consolidated Appropriations Act, 2022. No local cash match is required.

42. **A-1 – RESOLUTION TO SUPPORT THE ABANDONMENT OF ROUTE 4117 (MOUNT VERNON DISTRICT)** (11:49 a.m.)

(R) On motion of Supervisor Storck, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the resolution supporting the abandonment of Route 4117.

43. **A-2 – APPROVAL AND AUTHORIZATION TO EXECUTE A REVISION TO THE PROJECT ADMINISTRATION AGREEMENT (PAA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE RICHMOND HIGHWAY CORRIDOR IMPROVEMENTS PROJECT (FRANCONIA AND MOUNT VERNON DISTRICTS)** (11:49 a.m.)

(R) Supervisor Lusk moved that the Board concur in the recommendation of staff and adopt a resolution authorizing the Director of the Department of Transportation (DOT) to execute a revision to the PAA with VDOT, substantially in the form of Attachment Two of the Board Agenda Item, for the funding of the Richmond Highway Corridor Improvements project. This agreement secures full funding for Phase I of the project. However, DOT staff will continue to seek all available funding sources to reduce the local contribution. Following comments in support of the PAA, Chairman McKay and Supervisor Storck jointly seconded the motion. Following discussion regarding the project importance and timeline, the question was called on the motion and it carried by unanimous vote.

44. **A-3 – APPROVAL OF REVISIONS TO FAIRFAX COUNTY’S ROAD FUND GUIDELINES (BRADDOCK, DRANESVILLE, HUNTER MILL, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (11:51 a.m.)

This item was deferred by staff.

45. **A-4 – APPROVAL OF THE ONE-YEAR ACTION PLAN FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS (HOME), AND EMERGENCY SOLUTIONS GRANT (ESG) IN FISCAL YEAR (FY) 2024** (11:51 a.m.)

On motion of Supervisor Foust, multiply seconded, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Adopted the Plan with funding allocations outlined in the Fiscal Impact section of the Board Agenda Item
- Authorized signature of the Plan certifications and federal funding application forms (SF-424s)

- Authorized submission of the Plan with the certifications and SF-424s by May 16, 2023, as required by the U.S. Department of Housing and Urban Development

46. **I-1 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FEE SCHEDULE** (11:52 a.m.)

The Board next considered an item contained in the Board Agenda, announcing that staff will proceed with the implementation of the revised CSB Fee Schedule.

ADDITIONAL BOARD MATTER

47. **PUBLIC HEARING DEFERRALS** (11:53 a.m.)

Following a query to Elizabeth Teare, County Attorney, regarding the amount of time needed for Closed Session, Chairman McKay announced that several of the afternoon public hearings will be deferred and one will be withdrawn.

(NOTE: Later in the meeting, the intent to defer these public hearings was formally announced. See Clerk's Summary Item #49.)

AGENDA ITEM

48. **RECESS/CLOSED SESSION** (11:53 a.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, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as consultation with legal counsel regarding specific legal matters listed below requiring the provision of legal advice by such counsel, all as permitted by Virginia Code § 2.2-3711(A) (7) and (8).

1. *Approval of Memorandum of Understanding between the Fairfax County Police Department (FCPD) and the Federal Bureau of Investigation (FBI) regarding the Northern Virginia Regional Intelligence Center (NVRIC)*
2. *Jacob Austin Schneider v. Fairfax County Department of Public Works and Environmental Services*, Case No. 1:22-cv-0871 (E.D.Va.); Appeal No. 23-1303 (4th Cir.)
3. *Courtney Graves v. Fairfax County, John Doe, a/k/a Jordy A. Anderson, Nicole Loren Campero Zamba, Michael J. Weaver, Camille Marie Lewandowski, Kimberlie M. England, Kathleen A. Prucnal and Kevin Davis, Greystar GP II LLC, GS Tyson's Corner Project Owner LLC, Nouvelle (Fairfax County), GREP Atlantic LLC, CAV*, Record No. 1997-22-4 (Ct. App. Va.)
4. *Amazon Data Services, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2022-0017489 (Fx. Co. Cir. Ct.)
5. *Jeremy D. Nickens v. May Shallal and Patrick Anderson*, Case No. GV22-018316, (Fx. Co. Gen. Dist. Ct.)
6. *Jose M. Cedeno v. Commonwealth of Virginia, et al.*, Case No. CL- 2022-0004816 (Fx. Co. Cir. Ct.)
7. *April Michelle Marshall, a.k.a. April Norwood v. Alicia A. Adkins, et al.*, Case No. CL-2021-0004405 (Fx. Co. Cir. Ct.)
8. *Ho Chul Sihm v. Syed Ahmed and Fairfax County Police Department*; Case No. CL-2022-0001100 (Fx. Co. Cir. Ct.)
9. *State Farm Mutual Automobile Insurance Company as Subrogee of Joyce Frank v. Paul Schafer*; Case No. GV22-020163 (Fx. Co. Gen. Dist. Ct.)
10. *Claudette Gama-Salazar v. Katharine M. Follot Layton*, Case No. GV23- 000660(Fx. Co. Gen. Dist. Ct.)
11. *David Berry, Carol A. Hawn, Helen H. Webb, and Adrienne A. Whyte v. Board of Supervisors of Fairfax County*, Record No. 211143 (Va. Sup. Ct.)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator and Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia, v. John M. Winbery*, Case No. CL-2023-0005556 (Fx. Co. Cir. Ct.) (Braddock District)
13. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Mark Steven Moratzka and Pamela J. Moratzka*, Case No. GV22-001884 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Pushpa Patar*, Case No. GV22-019068 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, v. Laurence Putnam Wheeler and Susie A. Wheeler*, Case No. CL-2019-0005794 (Fx. Co. Cir. Ct.) (Dranesville District)
16. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia, v. Stephen Patrick MacManus*, Case No. CL-2023-0001059 (Fx. Co. Cir. Ct.) (Dranesville District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Walter S. Bowman and Issa Maria Bowman*, Case No. GV22-016114 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Santos Hernandez Romero*, Case No. GV23-004708 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
19. *Jay Riat, Building Official for Fairfax County, Virginia v. Santos Hernandez Romero*, Case No. GV23-006715 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2019-0000700 (Fx. Co. Cir. Ct.) (Franconia District)
21. *Jay Riat, Building Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2022-0001105 (Fx. Co. Cir. Ct.) (Franconia District)

22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sedaka A. Tomasto Tomateo, Juliana N. Lopez Mallqui and Jose L. Lopez La Rosa*, Case No. CL- 2022-0013231 (Fx. Co. Cir. Ct.) (Franconia District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Azmat Kham*, Case No. CL-2022-0008979 (Fx. Co. Cir. Ct.) (Franconia District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Hever Joel Rosales and Margarita Rosales*, Case No. CL-2022-0006511 (Fx. Co. Cir. Ct.) (Franconia District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Han S. Dong and Young N. Han*, Case No. CL-2023-0002456 (Fx. Co. Cir. Ct.) (Franconia District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. ALR Properties, LP, and Kamayan Fiesta Filipino Asian American Cuisine, LLC*, Case No. GV22-002850 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Springfield Mart Limited Liability Company and Mr. Chicken LLC*, Case No. GV22-011610 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
28. *Jay Riat, Building Official for Fairfax County, Virginia v. Muhammad Khairullah, Noor Us Sabah Khairullah and Muhammad Maarijullah Khairullah*, Case No. GV22-013108 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
29. *Jay Riat, Building Official for Fairfax County, Virginia v. Wilder Montano*, Case No. GV23-002403 (Fx. Co. Gen Dist. Ct.) (Franconia District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v. Endeavor Design & Build, Inc.*, Case No. GV23-003450 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Maria Lenz*, Case No. GV23-005571 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

32. *Jay Riat, Building Official for Fairfax County, Virginia v. Analise Latoya Fagan*, Case No. GV23-007150 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, v. Ben Thomas*, Case No. CL-2020-0008874 (Fx. Co. Cir. Ct.) (Hunter Mill District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kyu Chong*, Case No. CL-2022-0147222 (Fx. Co. Cir. Ct.) (Hunter Mill District)
35. *Jay Riat, Building Official for Fairfax County, Virginia v. Kwangsoo Kim and Jeong Won Kim*, Case No. GV23-011073 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
36. *Jay Riat, Building Official for Fairfax County, Virginia v. Robert M. Fay and Kathryn Fay*, Case No. GV22-019335 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Md Bashed Molla and Lima Akter*, Case No. CL-2020-0011753 (Fx. Co. Cir. Ct.) (Mason District)
38. *Jay Riat, Building Official for Fairfax County, Virginia v. Salvador Gutarra Juarez and Aurora Mariela Gutarra*, Case No. CL-2022-0001863 (Fx. Co. Cir. Ct.) (Mason District)
39. *Jay Riat, Building Official for Fairfax County, Virginia v. Kyong S. Song*, Case No. CL-2022-0016159 (Fx. Co. Cir. Ct.) (Mason District)
40. *Jay Riat, Building Official for Fairfax County, Virginia v. Rosa E. Coreas*, Case No. CL-2022-0004588 (Fx. Co. Cir. Ct.) (Mason District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Leaders Properties, LLC*, Case No. CL-2023-0003804 (Fx. Co. Cir. Ct.) (Mason District)
42. *Jay Riat, Building Official for Fairfax County, Virginia v. Robert P. Beck*, Case No. CL-2023-0005409 (Fx. Co. Cir. Ct.) (Mason District)

43. *Jay Riat, Building Official for Fairfax County, Virginia v. Milton J. Aguilar Serrano and Lily M. Aguilar Serrano*, Case No. GV22-019062 (Fx. Co. Gen. Dist. Ct.) (Mason District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David Guglielmi and Helen Guglielmi*, Case No. GV23-001539 (Fx. Co. Gen. Dist. Ct.) (Mason District)
45. *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)
46. *Jay Riat, Building Official for Fairfax County, Virginia v. Burcin Kalender and Saadet Kalender*, Case No. GV23-002188 (Fx. Co. Gen. Dist. Ct.) (Mason District)
47. *Jay Riat, Building Official for Fairfax County, Virginia v. Lam T. Tran and Lynn Cheong*, Case No. GV23-003771 (Fx. Co. Gen. Dist. Ct.) (Mason District)
48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chase Elias Francis*, Case No. GV23-004343 (Fx. Co. Gen. Dist. Ct.) (Mason District)
49. *Jay Riat, Building Official for Fairfax County, Virginia v. Yun Investment, Inc.*, Case No. GV23-004608 (Fx. Co. Gen. Dist. Ct.) (Mason District)
50. *Jay Riat, Building Official for Fairfax County, Virginia v. Baileys I, LLC*, Case No. GV23-006554 (Fx. Co. Gen. Dist. Ct.) (Mason District)
51. *Jay Riat, Building Official for Fairfax County, Virginia v. Rafik Abdullahi and Semira Abdulkadir*, Case No. GV23-007151 (Fx. Co. Gen. Dist. Ct.) (Mason District)
52. *Jay Riat, Building Official for Fairfax County, Virginia v. Fahad Razzaq and Ruth Elizabeth Razzaq*, Case No. CL-2022-0001287 (Fx. Co. Cir. Ct.) (Mount Vernon District)
53. *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)
54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mann Realty, Inc., and 495 Shipping, Inc.*, Case No. CL-2010-0005205 (Fx. Co. Cir. Ct.) (Mount Vernon District)
55. *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)
56. *Jay Riat, Building Official for Fairfax County, Virginia v. Viraj David*, Case No. GV23-002224 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
57. *Jay Riat, Building Official for Fairfax County, Virginia v. Anchinesh Ejigu*, Case No. GV23-003451 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
58. *Jay Riat, Building Official for Fairfax County, Virginia v. GC Retail L.C., Body and Soul, L.L.C.*, Case No. GV23-006557 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
59. *Jay Riat, Building Official for Fairfax County, Virginia v. Simple Changes Farm, L.L.C.*, Case No. GV23-006555 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
60. *Jay Riat, Building Official for Fairfax County, Virginia v. Gregory L. Schick and Deborah L. Schick*, Case No. GV23-006556 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
61. *Jay Riat, Building Official for Fairfax County, Virginia v. Susan Kay Mahon Revocable Trust*, Case No. GV23-007152 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
62. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jeffrey V. Reynolds, Mark J. Lane, Drainage & Erosion Solutions, LLC and Custom Stonescaping, LLC*, Case No. CL-2021-0002840 (Fx. Co. Cir. Ct.) (Providence District)

63. *Jay Riat, Building Official for Fairfax County, Virginia v. LZ Rentals, LLC*, Case No. CL-2022-05622 (Fx. Co. Cir. Ct.) (Providence District)
64. *Jay Riat, Building Official for Fairfax County, Virginia v. Daniel M. Heltzer and Alyssa Ripka Lubov*, Case No. GV23-017981 (Fx. Co. Gen. Dist. Ct.) (Providence District)
65. *Jay Riat, Building Official for Fairfax County, Virginia v. Dawn Marie Dangel*, Case No. GV23-018463 (Fx. Co. Gen. Dist. Ct.) (Providence District)
66. *Jay Riat, Building Official for Fairfax County, Virginia v. Tensen N. Khato and Nyima Y, Khato*, Case No. GV22-019069 (Fx. Co. Gen. Dist. Ct.) (Providence District)
67. *Jay Riat, Building Official for Fairfax County, Virginia v. Merrilee Station LLC*, Case No. GV23-005531 (Fx. Co. Gen. Dist. Ct.) (Providence District)
68. *Jay Riat, Building Official for Fairfax County, Virginia v. Carlos M. Banegas*, Case No. GV22-017980 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
69. *Jay Riat, Building Official for Fairfax County, Virginia v. Byong Kang and Susan Kang*, Case No. GV22-019236 (Fx. Co. Gen. Dist. Ct.) (Sully District)
70. *Leslie B. Johnson, Fairfax County Zoning Administrator v. G. Thomas Pendelton and Diana G. Pendelton*, Case No. GV22-020705 (Fx. Co. Gen. Dist. Ct.) (Sully District)
71. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia, v. G. Thomas Pendleton and Diana G. Pendleton*, Case No. GV22-020706 (Fx. Co. Gen. Dist. Ct.) (Sully District)
72. *Board of Supervisors of Fairfax County v. McGee Garden Center, LLC, and Gloria Carhuancho McGee*, Case No. GV23-003659 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711 (A)(8) and (19) and 2.2-3705.2(14), legal and law-enforcement briefing regarding a proposed memorandum of understanding between the Fairfax County Police Department and the Federal Bureau of Investigation relating to the Northern Virginia Regional Intelligence Center where open discussion would compromise public safety.

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

ADDITIONAL BOARD MATTER

49. **INTENT TO DEFER PUBLIC HEARINGS (SPRINGFIELD AND SULLY DISTRICT)** (11:55 a.m.)

Before the Board recessed for Closed Session, Supervisor Smith announced her intent to defer, later in the meeting at the appropriate time, the following public hearings:

- 3:30 p.m. - Public Hearing on RZ 2022-SU-00010 (Matan Glorus Road, LLC)
- 3:30 p.m. - Public Hearing on PCA 80-S-008-02 (Virginia Medical Transport, LLC)
- 4 p.m. - Public Hearing on a Proposal to Vacate a Portion of Barney Road

Supervisor Herrity announced his intent to defer, later in the meeting at the appropriate time, the following public hearing:

- 4 p.m. - Public Hearing on RZ 2016-SP-033 (Merit Investment, LLC)

Chairman McKay announced the withdrawal of the following public hearing:

- 4:30 p.m. - Public Hearing to Consider the Creation of a Community Development Authority for Huntington Central

(NOTE: Later in the meeting, these public hearings were formally deferred/withdrawn. See Clerk's Summary Items #52, #53, #54, #55, #59.)

At 4:10 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

50. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:10 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 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."

51. **AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FEDERAL BUREAU OF INVESTIGATION (FBI)** (4:11 p.m.)

Supervisor Lusk moved that the Board authorize the Chief of Police to enter into a MOU with the FBI on behalf of the Fairfax County Police Department regarding the Northern Virginia Regional Intelligence Center. The motion was multiply seconded and it carried by unanimous vote.

AGENDA ITEMS

52. **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)** (4:12 p.m.)

Supervisor Smith moved to defer the public hearing on Rezoning Application RZ 2022-SU-00010 (Matan Glorus Road, LLC) until **June 6, 2023, at 3:30 p.m.** Supervisor Lusk seconded the motion and it carried by unanimous vote.

53. **3:30 P.M. – PUBLIC HEARING ON PCA 80-S-008-02 (RZPA 2022-SU-00095) (VIRGINIA MEDICAL TRANSPORT, LLC) TO AMEND THE PROFFERS FOR RZ 80-S-008 PREVIOUSLY APPROVED FOR INDUSTRIAL DEVELOPMENT TO PERMIT VEHICLE LIGHT AND MAJOR SERVICE ESTABLISHMENT AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN**

OVERALL FLOOR AREA RATIO OF 0.46, LOCATED ON APPROXIMATELY 2.33 ACRES OF LAND (SULLY DISTRICT)

(4:13 p.m.)

Supervisor Smith moved to defer the public hearing on Proffered Condition Amendment Application PCA 80-S-008-02 until May 23, 2023, Supervisor Lusk seconded the motion and it carried by unanimous vote.

54. **4 P.M. – PUBLIC HEARING ON RZ 2016-SP-033 (MERIT INVESTMENT, LLC) TO REZONE FROM R-1 TO PDH-3 TO PERMIT RESIDENTIAL DEVELOPMENT WITH AN OVERALL DENSITY OF 1.34 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 2.24 ACRES OF LAND (SPRINGFIELD DISTRICT)**

(4:13 p.m.)

Supervisor Herrity moved to defer the public hearing on Rezoning Application RZ 2016-SP-033 (Merit Investment, LLC) until May 23, 2023. The motion was multiply seconded and it carried by unanimous vote.

55. **4 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE A PORTION OF BARNEY ROAD (SULLY DISTRICT)** (4:14 p.m.)

Supervisor Smith moved to defer the public hearing on a Proposal to Vacate a Portion of Barney Road until June 6, 2023, to a time consistent with the associated Rezoning Application RZ 2022-SU-00010 to be scheduled for Board consideration on June 6, 2023. Supervisor Lusk seconded the motion and it carried by unanimous vote.

56. **4 P.M. – PUBLIC HEARING TO CONSIDER AN ORDINANCE EXPANDING THE CULMORE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT)** (4:15 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 21 and 28, 2023.

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

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

Following comments, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Culmore RPPD, District 9, to include Wilkins Drive from Vista Drive to Knollwood Drive. Chairman McKay and Supervisor Lusk jointly seconded the motion. Following discussion regarding speeding concerns in the neighborhood,

the question was called on 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.”

57. **4 P.M. – PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING PARKING RESTRICTIONS ON WHITTIER AVENUE (DRANESVILLE DISTRICT)** (4:23 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 April 21 and 28, 2023.

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

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

Following comments, Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, to prohibit commercial vehicles, recreational vehicles, and trailers, as defined, respectively, in Fairfax County Code Sections 82-5-7, 82-5B-1, and 82-1-2(a)(50), from parking on Whittier Avenue, from Old Dominion Drive to Laughlin Avenue, from 10 p.m. to 6 a.m., seven days a week. 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.”

58. **4 P.M. – PUBLIC HEARING ON A PROPOSAL TO ADOPT AN ORDINANCE REQUESTING AN INCREASE IN FREQUENCY AND/OR DURATION OF EVENTS OF SPECIFIED DESIGNATED OUTDOOR REFRESHMENT AREA LICENSES UNDER VIRGINIA CODE SECTION 4.1-206.3(D)(2)(c)** (4:33 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 April 21 and 28, 2023.

Laura Gori, Senior Assistant County Attorney, presented the staff report.

Discussion ensued, with input from Ms. Gori, regarding event types and the number of permissible events allowed under the ordinance.

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

Supervisor Smith moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, creating a new Appendix W, to request an increase in the frequency and/or duration of specified designated outdoor refreshment area licenses under Virginia Code Section 4.1-206.3(D)(2)(C) to include the following change: In the introduction to Appendix W, Line 14 – Make “licenses” singular and add “events” so it reads “DORA license events” under Virginia Code Section 4.1-206.3(D)(2)(C)
- That the proposed amendment become effective at 12:01 a.m. on May 10, 2023

The motion was multiply seconded 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.”

59. **4 P.M. – PUBLIC HEARING TO CONSIDER THE CREATION OF A COMMUNITY DEVELOPMENT AUTHORITY FOR HUNTINGTON CENTRAL (MOUNT VERNON DISTRICT)** (4:43 p.m.)

Supervisor Storck moved to withdraw this public hearing, as recommended by staff. Supervisor Alcorn seconded the motion and it carried by unanimous vote.

60. **4:30 P.M. – PUBLIC HEARING ON THE READOPTION OF THE ZONING ORDINANCE AS AMENDED THROUGH MARCH 22, 2023** (4:43 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 April 21 and 28, 2023.

Casey Judge, Principal Planner, Department of Planning and Development (DPD), and Carmen Bishop, Deputy Zoning Administrator, DPD, presented the staff report.

During the staff presentation, discussion ensued, with input from Ms. Bishop, regarding the approval of data centers under the 1978 Zoning Ordinance.

Following the staff presentation, discussion ensued, with input from Elizabeth Teare, County Attorney, outlining the sequencing of authority that the Board had during the COVID pandemic to hold virtual meetings.

Following the public hearing, which included testimony by 21 speakers, Ms. Judge presented the staff and Planning Commission recommendation.

Discussion ensued, with input from Ms. Teare and Ms. Judge, regarding the following:

- The public hearing advertisement process, timeline, and information published
- Publicly available Staff Reports and listed website links
- History and timeline of the County's zMOD study
- Housing overcrowding and occupancy limits
- Citizen involvement and engagement

Supervisor Smith moved that:

- The Board repeal the 1978 Zoning Ordinance, designated as Chapter 112 of the County Code, and adopt the new and modernized Zoning Ordinance as Chapter 112.2, as set forth in the Staff Report dated April 14, 2023, to include the following changes:
 - Wherever the proposed text refers to Chapter 112.1, revise it to say **Chapter 112.2**
 - With respect to previous approvals as set forth in Appendix 1 of the proposed Zoning Ordinance, make the following changes to Appendix 1:
 - Replace all references to "July 1, 2021," with **May 10, 2023**
 - Relocate subsection 2.B(1) regarding the Hollin Hills Historic Overlay District to subsection 1.H, and delete the reference to the amendment number ZO 112.1-2022-6, and replace "the effective date" with **March 9, 2022**
- The repeal of Chapter 112 and the adoption of Chapter 112.2 become effective at 12:01 a.m. on May 10, 2023.
- For any period when Chapters 112.1 and 112.2 are both in effect, Chapter 112.1 will supersede Chapter 112.2

Supervisor Gross seconded the motion. Following a lengthy discussion with Board Members expressing their views/concerns and support/non-support of the

motion, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity abstaining.

Supervisor Smith stated that as part of its public hearing held last week, the Planning Commission recommended several items be added to the Zoning Ordinance Work Program, which is scheduled to be discussed by the Planning Commission's Land Use Process Review Committee on June 8, 2023, and by the Board's Land Use Policy Committee on July 18, 2023. While the new and modernized Zoning Ordinance brings the Ordinance into the 21st century, land uses are continually evolving and Zoning Ordinance amendments are needed to keep pace. One such use is data centers. There was extensive testimony on this topic at the Planning Commission and also today during this public hearing. In contrast to the 1978 Ordinance, the zMOD Ordinance that is being proposed for re-adoption significantly narrows the zoning districts where the use is allowed and includes standards that limit the size and noise impacts in certain districts.

Supervisor Smith noted that earlier in the meeting, Chairman McKay, Supervisor Storck, and she introduced a joint Board Matter directing staff to continue working with the data center industry to understand what advances are being made to address potential environmental issues; to research potential environmental issues and mitigations; to develop possible further locational guidelines that address siting facilities; and to further review how data centers should be approved. The Zoning Administrator already indicated to the Planning Commission that this topic would be added to the Zoning Ordinance Work Program, which the Board will review on July 18, 2023. The Planning Commission also recommended adding two other topics to the Zoning Ordinance Work Program:

- Planned Residential Community (PRC) Plans: Review the exceptions for when a PRC Plan is required in subsection 8100.2.F(3)(c) to expand the permitted minor improvements that would not require a PRC Plan. These exceptions could include updating existing recreation features, community facilities, and placement of minor structures above the current limitations, particularly as they relate to open space and community facilities
- Editorial revisions: Compile editorial revisions, including those needed to comply with the State Code and to recognize that the Board of Zoning Appeals may have up to three alternate members. These alternates would be in addition to the BZA's seven permanent members—a number capped by the State Code

Therefore, Supervisor Smith moved that review of PRC Plan exceptions and Editorial Revisions be included on the Work Program for discussion and prioritization by the Board on July 18, 2023. The motion was multiply seconded. Following discussion regarding modernizing the Zoning Ordinance, the question was called and it carried by unanimous vote.

(NOTE: Earlier in the meeting, Chairman McKay presented a joint Board Matter with Supervisor Smith and Supervisor Storck regarding guidelines for Data Centers. See Clerk's Summary Item #19.)

61. **BOARD ADJOURNMENT** (7:32 p.m.)

At 7:32 p.m. the Board adjourned.