



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
February 6, 2006**

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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 Monday, February 6, 2006, at 9:36 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Dana Kauffman, Lee District, arrived at 9:40 a.m.

Supervisor Joan M. DuBois, Dranesville District, arrived at 9:45 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors.

BOARD MATTERS1. **MOMENT OF SILENCE** (9:36 a.m.)

Chairman Connolly asked that everyone keep in thoughts the miners from West Virginia who recently lost their lives.

Chairman Connolly asked that everyone keep in thoughts the victims of the ferry tragedy in Egypt.

Supervisor Hudgins asked that everyone keep in thoughts the family of Coretta Scott King who died January 31. Supervisor Hudgins noted the tremendous contributions Mrs. King, and her husband Dr. Martin Luther King, Jr., made to the world.

Chairman Connolly asked that everyone keep in thoughts the family of John F. "Jack" Herrity, former Chairman of the Board, who died February 1. Board Members shared memories of Mr. Herrity.

Supervisor Smyth asked that everyone keep in thoughts the family Mr. Tom Biesiadny. His father died unexpectedly. Mr. Biesiadny is an employee in the Department of Transportation.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING FEBRUARY 12–18, 2006, AS “CHILD PASSENGER SAFETY WEEK” IN FAIRFAX COUNTY** (9:43 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate February 12–18, 2006, as “*Child Passenger Safety Week*” in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor DuBois not yet having arrived.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. CARL BOUCHARD** (9:49 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Mr. Carl Bouchard for his years of service to the County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

DS:ds4. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (9:55 a.m.)

Chairman Connolly briefed the Board on the status of several bills and the 2006 Legislative Report Number Two.

Supervisor Gross called the Board's attention to proposed Senate Bill 706/House Bill 1404 which would repeal Virginia Code Section 15.2-2108 that established local authority to franchise and regulate cable television systems and will abolish the County's authority over cable system construction once the bill is enacted. She noted an item on the agenda, Admin 13 – Authorization to File Comments Supporting the County's Existing Cable Franchising Authority Communications Commission Rulemaking Relating to Awards of Competitive Franchises (MB Docket Number 05-311), and questioned why comments were being filed when it looks like the State is going to eliminate the County's authority to enter into competitive cable franchise agreements.

Discussion ensued, with input from Erin Ward, Assistant County Attorney, regarding clarification of State versus Federal authority on this issue.

Chairman Connolly urged Board Members to talk to members of the General Assembly regarding this issue.

Supervisor Hudgins noted that negotiations with the provider for the Verizon franchise was done in record time last year.

Chairman Connolly noted that this bill would damage public, education, and government (PEG) Channels and PEG support; as well as eliminate the ability, in terms of competition, to require a level playing field, and do serious damage to the ability of consumers to seek redress.

Chairman Connolly recognized the presence of media and suggested they review the comparison and report it to their readers and viewers because the more that this is brought to light, the more accountability there is on how Richmond votes as well as the Board.

Supervisor Gross noted that under the new rules, if adopted, the cable build out requirements would drop. The current franchise agreement for build out requires that it must serve 85 percent of the County. Under the new rule it would only have to serve 65 percent. She said that there are areas in the County where people have been pleading for cable service over the years.

Discussion ensued, with input from Ms. Ward, regarding the franchise agreement issues.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide copies of the handout regarding SB 706/HB 1404 to Board Members so they can distribute copies to colleagues at the VACo meeting scheduled for February 9, 2006. Without objection, it was so ordered.

(NOTE: Later in the meeting, staff provided copies. See Clerk's Summary Item CL#61.)

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Chairman Connolly noted that former Governor Warner provided additional money for education in the proposed budget. Governor Kaine added to that, and, if his amendment becomes law, the County will receive \$1.3 million more for teacher compensation, which is NOT included in the Superintendent's budget.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved adoption of the Legislative Report dated February 6, 2006. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

DET:det

5. **ADMINISTRATIVE ITEMS** (10:10 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

(NOTE: Later in the meeting, additional action was taken regarding administrative items. See Clerk's Summary Item CL#6.)

ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR 2232 PUBLIC FACILITIES REVIEW APPLICATIONS (BRADDOCK, HUNTER MILL, MASON, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)

Approved an extension of review period for the following 2232 Public Facilities Review Applications:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-V05-22	Omnipoint Communications CAP Operations, LLC (T-Mobile) 8515 Old Mount Vernon Road (Mount Vernon High School) Mount Vernon District	April 20, 2006

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-H02-15-1	Omnipoint Communications CAP Operations, LLC (T-Mobile) Antenna co-location on existing 299-foot tall tower 4608 West Ox Road Springfield District	April 20, 2006
FS-S05-38	Omnipoint Communications CAP Operations, LLC (T-Mobile) Antenna co-location on existing 150-foot tall treepole 7212 Early Street Mason District	April 27, 2006
FS-M05-39	City of Fairfax Relocation of existing uses to accommodate a public street on site 10514 School Street (Eleven Oaks Administrative Center) Braddock District	April 27, 2006
FS-B05-41	Omnipoint Communications CAP Operations, LLC (T-Mobile) Relocation of existing rooftop antennas to new position 13865 Sunrise Valley Drive Hunter Mill District	May 1, 2006

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE STONE ROAD IMPROVEMENT PROJECT (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 13, 2006, at 4:30 p.m.** to consider the acquisition of certain land rights necessary for the construction of Project 008801, Stone Road, in Fund 301, Contributed Roadway Improvement Fund.

ADMIN 3 – INSTALLATION OF A MULTI-WAY STOP AT BIRNAM WOOD DRIVE AND MACBETH STREET AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE DISTRICT)

- Endorsed the installation of a multi-way stop as part of the R-TAP at Birnam Wood Drive and MacBeth Street (Dranesville District).
- Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

ADMIN 4 – RESOLUTION TO INSTALL A "WATCH FOR CHILDREN" SIGN ON FLAMBOROUGH ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SULLY DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of a “Watch for Children” sign on Flamborough Road (Sully District) as part of the Department of Transportation’s R-TAP.
 - Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE FAIR OAKS/FAIR WOODS COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **March 13, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Fair Oaks/Fair Woods CPD, in accordance with current CPD restrictions.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE KINGSTOWNE COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **March 13, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Kingstowne CPD, in accordance with current CPD restrictions.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE HILLSIDE COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 13, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Hillside CPD, in accordance with current CPD restrictions.

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06055 FOR FAIRFAX COUNTY TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY URBAN AREAS SECURITY INITIATIVE SUB-GRANT AWARD FROM THE DISTRICT OF COLUMBIA, EXECUTIVE OFFICE OF THE MAYOR, OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

(NOTE: Later in the meeting, the Board took additional action regarding this item. See Clerk's Summary Item CL#6.)

- (SAR) Approved SAR AS 06055 in the amount of \$124,989 for the County to accept funding from the DC Office of the Deputy Mayor for Public Safety and Justice to continue funding for the National Capital Region Training and Exercise Support Program and one grant position within the Office of Emergency Management. No local cash match is required.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2007

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 13, 2006, at 4:30 p.m.** on the *Proposed Consolidated Plan One-Year Action Plan for FY 2007* as prepared by the Consolidated Community Funding Advisory Committee.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 11717 LEE HIGHWAY (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 13, 2006, at 4:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 11717 Lee Highway, Fairfax, Virginia [Tax Map Number 056-2-((01))-0066].

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7376 McWHORTER PLACE (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 13, 2006, at 4:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 7376 McWhorter Place, Annandale, Virginia [Tax Map Number 071-1-((01))-0028].

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE LEASING OF A PORTION OF COUNTY-OWNED PROPERTY AT 9751 OX ROAD, LORTON, VIRGINIA TO T-MOBILE NORTHEAST LLC (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 13, 2006, at 4:30 p.m.** to consider the proposed leasing of a portion of County-owned property at 9751 Ox Road, Lorton, Virginia (Tax Map Number 113-1-01-0015) to T-Mobile Northeast LLC for the purpose of installing a telecommunications base station.

ADMIN 13 – AUTHORIZATION TO FILE COMMENTS SUPPORTING THE COUNTY’S EXISTING CABLE FRANCHISING AUTHORITY IN A FEDERAL COMMUNICATIONS COMMISSION RULEMAKING RELATING TO AWARDS OF COMPETITIVE FRANCHISES (MB DOCKET NUMBER 05-311)

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See Clerk’s Summary Item CL#4.)

Authorized staff to file comments with the Federal Communications Commission that support the County’s existing authority to enter into competitive cable franchise agreements and opposing any new federal restriction of the County’s franchising authority.

ADMIN 14 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06059 FOR THE HEALTH DEPARTMENT TO ACCEPT A SUPPLEMENTAL GRANT AWARD FROM THE VIRGINIA DEPARTMENT OF HEALTH FOR THE EMERGENCY PREPAREDNESS AND RESPONSE FOR BIOTERRORISM PROGRAM

- (SAR) Approved SAR AS 06059 for the Health Department to accept funding in the amount of \$174,912 from the Virginia Department of Health to provide funding that will enhance the Health Department’s emergency preparedness and response capability.

6. **ADDITIONAL ACTION ON ADMINISTRATIVE ITEMS** (10:11 a.m.)

Supervisor Hudgins called the Board's attention to Admin 8 – Supplemental Appropriation Resolution AS 06055 for Fairfax County to Accept a Department of Homeland Security Urban Areas Security Initiative (UASI) Sub-Grant Award from the District of Columbia, Executive Office of the Mayor, Office of the Deputy Mayor for Public Safety and Justice. Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, jointly with Supervisor Hudgins, asked unanimous consent that the Board direct the County Executive to provide more information on the history of UASI grants. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

7. **A-1 – CHARTER AND BYLAWS FOR THE COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE**
(10:11 a.m.)

(BACs) Supervisor Hudgins moved that the Board concur in the recommendation of staff and adopt the revised charter and new bylaws for the Countywide Non-motorized Transportation (Trails) Committee. Supervisor Bulova seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved to amend the motion to formally rename the Countywide Non-motorized Transportation (Trails) Committee the "Trails and Sidewalk Committee" or the "Sidewalk and Trails Committee", and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion ensued regarding the change of the name of the committee.

Supervisor Gross called the Board's attention to the bylaw provisions and stated that there was no place in the bylaws which governed the operating procedures of the committee. Supervisor Gross asked to amend the motion to add handwritten page 4, under "C – Meetings:"

- Number 2: Robert's Rules of Order shall be the operational document for meetings and decision making.

This was accepted.

Supervisor Bulova asked unanimous consent that the Board direct the committee to review where it is using the words "facilities" and "non-motorized facilities," and that the committee review whether it should change those words to fit with the new name. Without objection, it was so ordered.

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

8. **I-1 – CONTRACT AWARD – NORTH RIVER STREET DRAINAGE IMPROVEMENT (DRANESVILLE DISTRICT)** (10:16 a.m.)

The Board next considered an item contained in the Board Agenda dated February 6, 2006, requesting authorization for staff to award a contract to Omni Excavators, Incorporated, in the amount of \$537,619.75 for the construction of North River Street Drainage Improvement, in Fund 310, Storm Drainage Bond Construction, Project X00094, Storm Drainage Structural Protection.

The staff was directed administratively to proceed as proposed.

9. **I-2 – CONTRACT AWARD – ANNUAL CONTRACT FOR STORM SEWER REPAIRS USING CURED-IN-PLACE PIPE (CIPP) METHOD** (10:16 a.m.)

The Board next considered an item contained in the Board Agenda dated February 6, 2006, requesting authorization for staff to award a contract to AM-Liner East, Incorporated, in the amount of \$4,649,400 for the rehabilitation of storm sewer lines in sizes 15” or greater using the CIPP method.

Following discussion, concerning the CIPP method, with input from Anthony H. Griffin, County Executive, and Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services, the staff was directed administratively to proceed as proposed.

10. **I-3 – CONTRACT AWARD – KATHERINE K. HANLEY FAMILY SHELTER (SPRINGFIELD DISTRICT)** (10:18 a.m.)

The Board next considered an item contained in the Board Agenda dated February 6, 2006, requesting authorization for staff to award a contract to Brechbill and Helman Construction Company, Incorporated, in the amount of \$4,686,000 for the construction of the Katherine K. Hanley Family Shelter, Project 009464 in Fund 303, County Construction.

The staff was directed administratively to proceed as proposed.

11. **I-4 – CONTRACT AWARD – DESIGN SERVICES FOR “THE OBSERVATORY PARK” AT THE TURNER FARM (DRANESVILLE DISTRICT)** (10:18 a.m.)

The Board next considered an item contained in the Board Agenda dated February 6, 2006, requesting authorization for staff to award a contract to Technology WorX, LLC of Ashburn, Virginia, in the amount of \$189,542 for phase one design and related services for features in The Turner Farm Conceptual Development Plan approved July 26, 2000.

The staff was directed administratively to proceed as proposed.

12. **I-5 – NATIONAL CONSUMER PROTECTION WEEK, FEBRUARY 6–10, 2006, SUMMARY OF EVENTS SCHEDULED BY THE DEPARTMENT OF CABLE COMMUNICATIONS AND CONSUMER PROTECTION**
(10:18 a.m.)

The Board next considered an item contained in the Board Agenda dated February 6, 2006, regarding the summary of events scheduled for National Consumer Protection Week, February 6–10, 2006.

ADDITIONAL BOARD MATTERS

NV:nv

13. **STATE OF THE COUNTY MESSAGE** (10:19 a.m.)

Chairman Connolly announced that he would be presenting his third annual State of the County on February 13. He said that he would provide an advance copy to all Board Members.

14. **SUMMIT AND TOWN MEETING ON PANDEMIC FLU** (10:19 a.m.)

Chairman Connolly announced that this was a joint Board Matter with Supervisor McConnell. He reminded everyone that an influenza pandemic would have a significant impact on all age groups, the economy, and society. He said that businesses, schools, colleges, faith-based and community groups, individuals, and the government can and should prepare now.

Chairman Connolly said that the County is working on a coordinated local strategy to prepare for and respond to an influenza pandemic, which would supplement the state and federal plans. Because there is much public and business concern regarding the possibility of such an epidemic, he asserted that it is essential that the public be adequately educated and has the opportunity to ask questions.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, jointly with Supervisor McConnell, moved that the Board direct staff to:

- Coordinate both a business summit and a town meeting. The town meeting should follow the model used to address West Nile virus in which citizens could either attend or call-in to the televised event and receive a briefing on the County's plan of action in an interactive way.
- Include the County Executive, the Director of the Health Department, the Chief of Police, the Superintendent of Fairfax County Public Schools, the Director of Public Affairs, and all other appropriate parties in both of these events.

Supervisor McConnell seconded the motion, which carried by unanimous vote.

(NOTE: Later in the meeting, Chairman Connolly distributed a newspaper article related to the flu. See Clerk's Summary Item CL#21.)

15. **NATIONAL ENGINEERS WEEK** (10:21 a.m.)

Chairman Connolly moved that the Board proclaim February 19-25, 2006, as "*Engineers Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Department of Public Works and Environmental Services and other engineering representatives to receive the proclamation at the February 27 Board meeting. Supervisor McConnell seconded the motion, which carried by unanimous vote.

16. **PUBLIC WORKS WEEK** (10:21 a.m.)

Chairman Connolly asked unanimous consent that the Board proclaim May 14-20 as "*Public Works Week*" in Fairfax County and direct staff to invite representatives from the Department of Public Works and Environmental Services to be recognized for their hard work on the behalf of citizens with a proclamation at the May 15 Board meeting. Without objection, it was so ordered.

17. **MEDIATION MONTH** (10:22 a.m.)

Chairman Connolly noted that March is traditionally recognized as Mediation Month. Therefore, he asked unanimous consent that the Board proclaim March 2006 as "*Mediation Month*" in Fairfax County and direct staff to invite the appropriate representatives from the County's Alternative Dispute Resolution Office as well as the applicable School Division office to receive the proclamation at the February 27 Board meeting. Without objection, it was so ordered.

Supervisor Frey noted that George Mason University (GMU) also has a conflict resolution program.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to invite representatives from GMU also. Without objection, it was so ordered.

18. **NATIONAL PUBLIC HEALTH WEEK** (10:22 a.m.)

Chairman Connolly asked unanimous consent that the Board proclaim April 2-8, as "*National Public Health Week*" in Fairfax County and direct staff to invite appropriate representatives from the Health Department and the Health Care Advisory Board to receive the proclamation at the April 3 Board meeting.

19. **LAND USE INFORMATION ACCESSIBILITY ADVISORY GROUP**
(10:23 a.m.)

(BACs) Chairman Connolly said that at the Board's last meeting (January 23), the Board approved the creation of a Land Use Information Accessibility Advisory Group to work with the County Executive and appropriate County staff to overhaul how land use information is made available to the public. He suggested that this Advisory Group should consist of representatives from various citizen and business organizations, including the League of Women Voters, the Northern Virginia Building Industry Association, the Fairfax County Chamber of Commerce, the Environmental Quality Advisory Council, the Planning Commission, and the Fairfax County Federation of Citizens Associations.

Chairman Connolly moved the appointment of Walter Alcorn, At-Large Chairman's Representative to the Planning Commission, to chair this advisory group. Supervisor Smyth seconded the motion, which carried by unanimous vote.

Following discussion regarding the appointment of citizens, Chairman Connolly stated that those nominations should be forwarded to the Clerk to the Board. He expressed the desire to keep this a relatively small working group.

Following further discussion regarding district land use committees, Chairman Connolly clarified that the advisory group is created for a technology effort, not for actual land use.

Supervisor Frey asked unanimous consent that the Board direct staff to seek representatives from the Information Technology Policy Advisory Committee and the Northern Virginia Technology Council. Without objection, it was so ordered.

Following further discussion regarding input from district land use committees, Chairman Connolly noted that Board Members may appoint representatives as appropriate.

20. **COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION BEST PRACTICES** (10:25 a.m.)

(BACs) Chairman Connolly called the Board's attention to a paper he received from Michael Zak, Chairman of the Commission on Organ and Tissue Donation and Transplantation, outlining its views on the best practices for the adoption of living organ donor personnel policies for public and private entities. This was in response to questions that Chairman Connolly raised with the commission. Living donors, who make this decision in an act of altruism, are becoming an important part of organ donation. The commission believes that removing

barriers in the workplace is consistent with existing law and “makes good sense.” Chairman Connolly expressed appreciation to the commission for its continued dedication and commended the referenced paper to the Board for its perusal.

A brief discussion ensued regarding personnel policies for donors.

21. **NEW YORK TIMES ARTICLE ON BIRD FLU READINESS** (10:27 a.m.)

(NOTE: Earlier in the meeting, the Board took action regarding a summit and town meeting on the subject of a pandemic flu. See Clerk’s Summary Item CL#14.)

Chairman Connolly distributed copies of an article entitled “State and Cities Lag in Bird Flu Readiness” from today’s edition of *The New York Times*.

22. **ORDERS OF THE DAY** (10:28 a.m.)

Chairman Connolly stated that the Board would have a major announcement with respect to the preservation of housing immediately following closed session. There will be a short press briefing at that time.

(NOTE: Later in the meeting, the Board made this announcement. See Clerk’s Summary Item CL#51.)

23. **COMMENDATION OF THE DEPARTMENT OF TAX ADMINISTRATION (DTA)** (10:28 a.m.)

Supervisor Hudgins shared a recent letter she received from a new Reston resident commending staff of DTA for outstanding customer service. Accordingly, Supervisor Hudgins moved that the Board:

- Acknowledge the hard work of DTA, its director Kevin Greenlief; the staff member who assisted the constituent, Tina Crabtree; and all the others who wear the face of the County when residents least want to appreciate their hard work, at tax payment time.
- Direct staff to place a letter in the personnel files of Ms. Crabtree and Mr. Greenlief, acknowledging the Board’s appreciation for their outstanding customer service continuously provided in DTA.

Vice-Chairman Bulova seconded the motion and noted the receipt of similar complimentary letters she has received from constituents.

The question was called on the motion, which carried by a vote of nine, Chairman Connolly being out of the room.

24. **RECOGNITION OF HYPOTHERMIA RESPONSE PROGRAM**
(10:30 a.m.)

Supervisor Hudgins stated that 18 Faith Partner Communities, in partnership with the Fairfax Area Christian Emergency and Transitional Services, Incorporated (FACETS), the County, and the Lamb Center, provide a winter Hypothermia Response Program to transport, shelter, feed, entertain, and assist homeless citizens. Beginning December 1, 2005, and scheduled to end April 1, 2006, these 18 Faith Partner venues and the County's James Lee Center, with hundreds of volunteers, have assisted 50 to 85 of the area's homeless citizens on a nightly basis with a myriad of services.

Accordingly, Supervisor Hudgins moved that the Board direct staff to invite the Council on Homelessness and representatives from these Faith Partners, FACETS, and the Lamb Center to appear before the Board to be recognized for the Hypothermia Response Program and for remarkable and outstanding service to some of the County's most vulnerable citizens. Supervisor McConnell and Supervisor Smyth jointly seconded the motion.

Following discussion regarding similar efforts by churches in the southeastern part of the County, Vice-Chairman Bulova clarified that Supervisor Hudgins' motion would invite members of the faith communities throughout the County that participate in this program.

The question was called on the motion, as clarified, which carried by a vote of nine, Chairman Connolly being out of the room.

25. **HIGH RISE AFFORDABILITY PANEL RECOMMENDATIONS**
(10:33 a.m.)

- (P) Supervisor Hudgins reminded the Board that at its October 17, 2005, meeting, it agreed in principle that, where feasible, the provision of affordable/workforce housing throughout the County is highly desirable and in the public interest. The Board directed staff to expeditiously review and research an analysis presented at the previous Housing and Community Development Committee meeting, and it further agreed that an expert panel would work with staff to develop a policy statement and guidelines to be forwarded to the Board for approval pertaining to the affordability of high rise and workforce housing development in the County. At the meeting of the Housing and Community Development Committee held earlier in the morning, staff presented a unanimous recommendation on behalf of the panel.

Supervisor Hudgins moved that the Board accept and adopt the High Rise Affordability Panel's Policy Statement and Guidelines and proceed with the following recommendations:

- That the County establish a Policy that supports affordable/workforce housing for a range of moderate income families with incomes up to 120 percent of the Area Median Income.
- That the County may consider a variety of options to encourage the development and preservation of affordable/workforce housing, including amending the Comprehensive Plan and Zoning Ordinance, and including the use of density bonuses.
- That the County will actively participate, as appropriate, in the development of affordable/workforce housing, potentially by providing and facilitating public/private financing and the granting or leasing of County-owned and other available land.
- That the County may consider a variety of regulatory changes to foster affordable/workforce housing, such as potentially the reduction of development and operating costs, and increased flexibility in development requirements.
- That the County will actively work to implement long-term affordable/workforce housing for rental and home ownership.

Supervisor Hudgins further moved that the Board direct the panel to continue its deliberations to develop a series of more specific recommended actions to be presented to the Board for consideration no later than June 30, 2006; and further, that should the panel require expansion to accommodate necessary insight and input from desired segments of the industry, that it be expanded as needed. Names of those individuals will be submitted to the Board for appointment. Supervisor Hyland seconded the motion

Following a brief discussion regarding affordable housing, homelessness, and workforce housing, the question was called on the motion, which carried by unanimous vote.

26. **MASTER GARDENER DAY** (10:38 a.m.)

Supervisor Smyth noted that the Fairfax County Master Gardeners Association, Incorporated is a nonprofit organization of volunteers who receive training under the auspices of Virginia and Fairfax County Cooperative Extension offices. The first class of Fairfax County Master Gardeners graduated on March 25, 1976, nearly 30 years ago. She described the services they offer.

Accordingly, Supervisor Smyth asked unanimous consent that the Board proclaim March 25 as "*Master Gardener Day*" in Fairfax County and direct staff to invite Master Gardeners to the March 13 Board meeting to be recognized for their service to the community. Without objection, it was so ordered.

27. **SENIOR CITIZEN ISSUES MEETING (PROVIDENCE DISTRICT)**
(10:40 a.m.)

Supervisor Smyth announced that the Mantua Civic Association and her office are co-sponsoring a Senior Citizens Issues meeting on Saturday, February 25 from 10 a.m. to 12:30 p.m. at the Mantua Elementary School cafeteria, 9107 Horner Court in Fairfax. The meeting will begin with opening remarks and a welcome as well as a presentation from Chairman Connolly on tax breaks for seniors. This will be followed by panel presentations on transportation for seniors, affordable senior housing, community-based senior services, and Medicare Part D. There will also be a question-and-answer session and a resource fair. The meeting should be of interest to the many residents who are seniors or those who provide care, advice, or assistance to seniors.

More information about this meeting is available by calling Supervisor Smyth's office at 703-560-6946, TTY 711.

Supervisor Smyth asked unanimous consent that the Board direct staff in the Office of Public Affairs to publicize this meeting. Without objection, it was so ordered.

28. **ANNANDALE FAMILY RESOURCE CENTER (BRADDOCK DISTRICT)**
(10:41 a.m.)

Supervisor Bulova said that two years ago her office, in partnership with Braddock District School Board Member Tessie Wilson, hosted a six month Community Dialog to determine ways to address the emergence of gang activity in the Heritage/Annandale area. She distributed to the Board copies of the slate of recommendations resulting from the Dialog.

Supervisor Bulova said that two of the recommendations called for the following:

- Establishment of a stronger school-community partnership.
- Coordination of communication and outreach to the Heritage/Annandale community for providing information about the presence of gang activity and intervention and prevention resources that are available to assist families and neighbors with any kind of problems in that community.

Supervisor Bulova said that as a follow up to the Community Dialog, its participants believed that a good way to implement those recommendations would be to establish an Annandale Family Resource Center. Officers from the West Springfield Police Station, representatives of her office, and a number of County agencies searched for a suitable location for such a center in the Heritage area of Annandale. Several opportunities were pursued in apartment complexes in the area, but these did not work out.

Supervisor Bulova stated that recently she learned of the existence of a small, newly created Parent Resource Center at Annandale High School. After a preliminary discussion with school officials, a steering committee was created to explore the feasibility of a County/School Division partnership to expand outreach to the community by expanding the high school's Parent Resource Center into a Family Resource Center. Representatives of Annandale High School, Fairfax County Public Schools, the Department of Family Services, the Department of Systems Management for Human Services, the Department of Management and Budget, and the Coordinating Council on Gang Prevention have participated in these discussions.

Supervisor Bulova said that the steering committee is recommending a Family Resource model with a fulltime position to coordinate the center's use and outreach to the community. The position, either within the County or School Division, could be a new position or one that is reallocated from an existing position. This model folds into the "Community School" concept that has been discussed at joint Board of Supervisors/School Board meetings and the planning that is underway right now at the Graham Road School site.

To advance this gang prevention and community outreach effort, Supervisor Bulova asked unanimous consent that the Board direct staff to include a Consideration Item in the amount of approximately \$50,000 for the establishment of a Family Resource Center at Annandale High School as part of the Fiscal Year (FY) 2006 Third Quarter Review.

Discussion ensued regarding programs in other parts of the County resulting in a broader budget item, gang prevention efforts, the Board's practice regarding funding for budget Consideration Items at the Third Quarter Review, and the expiration of grant funding for the school program.

Supervisor Bulova amended her request to a Consideration Item for the budget process, either the FY 2006 Third Quarter or FY 2007, whichever is appropriate. Without objection, it was so ordered.

Following discussion regarding costs and needs, Supervisor Gross asked unanimous consent that the Board direct the County Executive to provide a list of related existing programs, how they are funded, and recommendations and implications for the County funding of these centers. Without objection, it was so ordered.

29. **LORTON ARTS FOUNDATION (LAF)** (10:51 a.m.)

Supervisor Bulova noted that the motion she will be making regarding LAF follows a Board Budget Committee briefing last week on the subject.

Supervisor Bulova moved that the:

- \$500,000 budgeted in Fund 119, Contributory Fund, for the LAF for Fiscal Year 2006 be released for payment to the LAF based on the briefing provided to the Board on January 30, 2006, in which LAF certified that matching funds in excess of \$500,000 had been raised and that a viable financing and management plan exists for the development, management, and operation of the center for the arts.
- Board direct staff to return to the Board for approval of the Master Development Lease for the former prison facility at Occoquan with LAF as soon as possible.

Supervisor Hyland seconded the motion and expressed appreciation to Supervisor Bulova and the Board for considering the LAF's financial plan.

Chairman Connolly noted for the record that the statement, "a viable financing and management plan exists for the development, management and operation of the center for the arts" is not just the Board's opinion, but is also a concurring opinion of analytic staff.

Supervisor Hyland recognized the presence of Len Wales, County Debt Manager, Department of Management and Budget, and commended him for his work on this proposal.

The question was called on the motion, which carried by a vote of nine, Supervisor Hudgins being out of the room.

30. **BRADDOCK DISTRICT TOWN MEETING** (10:55 a.m.)

Supervisor Bulova announced a Braddock District Town Meeting on February 8 at 2 p.m. at Little River Glen, at Olley Lane and Little River Turnpike. The meeting is called "Your Stories," and residents of Little River Glen and others who attend will be invited to tell stories of something interesting in their lives.

31. **CITIZENS CORPS FOLLOW UP** (10:56 a.m.)

Supervisor Bulova reminded the Board and the County Executive that at the last meeting (January 23), she had requested some information on the Community Emergency Response Teams ("CERT") and the Citizen Corps.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide that information at the next meeting.

Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

DS:ds

32. **MASON DISTRICT LITTLE LEAGUE** (10:57 a.m.)

Supervisor Gross announced that the Mason District Little League will celebrate its fiftieth anniversary in April. She said that it is a great all-volunteer organization that has served the youth of Annandale wonderfully over those 50 years. It was built on the premise that the time investment in young people provides them with great self-esteem, contributes to teamwork later in professional life, and provides them with wholesome useful activities.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a certificate of recognition to be signed by both her and the Chairman, and invite the appropriate individuals from that organization to appear before the Board at the April 3, 2006, meeting to receive recognition for its dedication and service. Without objection, it was so ordered.

A brief discussion ensued, with input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the number of presentations scheduled for April 3, 2006.

33. **LIBRARY BOARD REQUEST** (10:57 a.m.)

Supervisor Gross said that earlier this morning she attended a meeting with the Library Board regarding restoring Sunday hours to the County's community libraries.

Therefore, Supervisor Gross asked unanimous consent that a Consideration Item be set down on the budget consideration list in the amount of \$895,519 to restore Sunday operations from 12 noon – 6 p.m. at the 12 community library branches to allow citizens access to the libraries. Without objection, it was so ordered.

34. **CELL PHONE USAGE** (10:59 a.m.)

Supervisor Gross said that she received information from a constituent who was very concerned about cell phone usage by State and County employees in government vehicles. She noted that the constituent has also written a letter to the General Assembly regarding this issue.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to provide information regarding whether there is a Policy for County employees, and if not, what are the rules and regulations. Without objection, it was so ordered.

(Later in the meeting, there was additional discussion regarding this item. See Clerk's Summary Item CL#36.)

35. **DAMS AND DAM FAILURES** (10:59 a.m.)

Supervisor Gross noted that a memorandum was received from Anthony H. Griffin, County Executive, regarding Emergency Planning and Preparedness and dam failures. However, Supervisor Gross stated that there is work going on at the State level regarding dams, and she wanted to ensure that the County weighs in on these issues. Supervisor Gross announced that the Soil and Water Conservation Board will be holding a public meeting to receive comments regarding impounding structure regulations in Charlottesville on Thursday, February 9, 2006. The public comment period will close at 5 p.m. on February 24, which is prior to the Board's next meeting.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to monitor the discussions about dam safety and weigh in, if necessary, with the Soil and Water Conservation representatives in Charlottesville.

Following discussion, with input from Mr. Griffin, regarding the public meeting, without objection, it was so ordered.

36. **FOLLOW-UP ON CELL PHONE USE** (11:02 a.m.)

Mr. Griffin requested clarification regarding the usage of cell phones by County employees while operating County vehicles. He noted that generally, when possible, the vehicle is outfitted such that it can be operated with hands on the steering wheel.

(NOTE: Earlier in the meeting, the Board directed staff to provide information regarding cell phone usage. See Clerk's Summary Item CL#34.)

37. **NO BOARD MATTERS FOR SUPERVISOR ELAINE MCCONNELL (SPRINGFIELD DISTRICT)** (11:02 a.m.)

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

PMH:pmh

38. **CONCURRENT PROCESSING OF PLANS ASSOCIATED WITH SPECIAL EXCEPTION APPLICATION SE 2005-SU-007 (SULLY DISTRICT)** (11:02 a.m.)

Supervisor Frey said that last week the Planning Commission recommended approval of Special Exception Application SE 2005-SU-007 in the name of the Korean Central Presbyterian Church to permit a church and related facilities on Lee Highway. The Board's public hearing is scheduled for March 13. The applicants have requested the ability to submit their site and subdivision plans so that they can begin that phase of review. The applicants are aware that this motion does not prejudice the consideration of the applications in any way, and they would like to proceed.

Therefore, Supervisor Frey moved that the Board direct staff to concurrently process the site plan and building plans with the review of this application. Supervisor McConnell seconded the motion and it carried by unanimous vote.

39. **APPOINTMENT TO THE HUMAN SERVICES COUNCIL (SULLY DISTRICT)** (11:03 a.m.)

(APPT) Supervisor Frey moved the appointment of Mr. Richard Berger as the Sully District Representative to the Human Services Council. Supervisor Bulova seconded the motion and it carried by unanimous vote.

40. **LIFT ME UP! PROGRAM (DRANESVILLE DISTRICT)** (11:04 a.m.)

Supervisor DuBois recommended that the Board recognize an awarding winning denizen of Great Falls. This patient, gentle champion has worked tirelessly with children and adults with physical, mental or emotional disabilities in the Lift Me Up! program. In a recent State competition, he was awarded top regional honors. He also charmed the audience by sporting a pink tutu and tights during the costume contest.

Supervisor DuBois explained that the champion is none other than Valentine, a nine-year-old draft horse, who was named "Region 3 Horse of the Year" by the North American Riding for the Handicapped Association. However, this honor has not gone to his head as he continues to work hard at the Lift Me Up! Therapeutic Riding Center in Great Falls.

Through treatment on horseback, also called Hippotherapy, Lift Me Up! has improved the physical and mental well-being of those with disabilities. Participants develop a bond with the horses and gain a sense of independence they could otherwise not achieve.

Lift Me Up! recently celebrated its thirtieth anniversary and is currently in the process of purchasing a new facility complete with indoor arena and stalls for Valentine, Bear, Finn, Yankee Doodle, and the other four legged therapists. This facility will enable the program to run all year long and serve even more riders.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to invite the founder of Lift Me Up!, Colleen Zanin, and program director Katie Fallon to appear before the Board to represent Valentine and be recognized for the accomplishments of this unique program. Without objection, it was so ordered.

41. **HOLLIN HALL VILLAGE INFILL DEVELOPMENT UPDATE (MOUNT VERNON DISTRICT)** (11:06 a.m.)

Supervisor Hyland said that on January 31, the Board of Zoning Appeals upheld the Zoning Administrator's determination that one home in Hollin Hall Village can be demolished and replaced with two homes. More than 60 homes in this subdivision could potentially be bulldozed and redeveloped into a de facto R-5 zoning because over 50 years ago, homes were built overlapping two lots. He noted that this type of infill development destroys the character of existing neighborhoods, exacerbates an existing storm drainage problem, and increases the burden of the transportation network and schools. At the last Board meeting, he asked the Zoning Administrator to review and recommend possible amendments to the Zoning Ordinance to prevent what is happening in Hollin Hall Village.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the County Attorney to provide the Board with an opinion as to whether the County has the authority to restrict or prohibit infill development where a dwelling unit built overlapping one or more lots can be demolished and increase the unit density by rebuilding on each of the formerly consolidated lots. Without objection, it was so ordered.

Supervisor Smyth asked unanimous consent that the Board direct staff to determine if there are any other options. Without objection, it was so ordered.

42. **DESIGN FUNDING FOR GUNSTON COVE ROAD BRIDGE REPLACEMENT (MOUNT VERNON DISTRICT)** (11:10 a.m.)

Supervisor Hyland said that the Gunston Cove Road Bridge, which spans the RF&P rail line, was closed approximately one year ago due to safety concerns by the Virginia Department of Transportation (VDOT). The Board will recall that the Gunston Cove Road Bridge was previously included for future improvement in the VDOT Six-Year Secondary Road Program for the County, although in 2002 the State's capital programs for transportation were substantially cut. Because of this, Gunston Cove Road and various other projects were dropped from the secondary program. Even though the bridge is shown on the County's Comprehensive Plan for reconstruction, no funds are currently allotted for it. The

continued closure of this bridge, along with the ongoing reconstruction of Lorton Road, has led to limited mobility options and hindered accessibility for citizens in the southern part of the County.

Supervisor Hyland said that he has explored this issue with County and VDOT staff for potential options for securing funding to reconstruct and reopen Gunston Cove Road Bridge. Although in the future funding may be partially available from railroad federal bridge funds, the only available options presently are from the Lorton Area Transportation Fund. He noted that staff has advised him that approximately \$1.2 million is available in the Lorton Fund for this purpose. Order of magnitude estimates for the bridge's reconstruction in 2005 dollars range from \$1 to \$2.4 million, depending on the bridge alignment and whether any utility relocations or land acquisition are required.

Therefore, Supervisor Hyland moved approval of the following course of action:

- To direct the Department of Transportation (DOT) to prepare a scope of work for the bridge replacement in coordination with his office and VDOT.
- To authorize DOT to release to VDOT those dollars required by VDOT to undertake preliminary engineering for the bridge and approaches from the Lorton Area Transportation Fund and to prepare, after further design effort is undertaken, a more precise cost estimate for the project.
- To request VDOT to once again list the Gunston Cove Road bridge in the Six-Year Secondary Road Program for the County at the end of the current Program priorities with funding to be provided from the Lorton Area Transportation Fund to initiate preliminary engineering. He noted that he is not at this time requesting any funding from the Secondary Program but is asking that the bridge be listed in the program to allow VDOT staff to begin design activities.

Supervisor Hyland said that this approach should allow the bridge design to proceed in a timely manner to a point where a more refined estimate of the cost of the bridge's reconstruction is available and provide the basis to seek appropriate levels of funding from other sources. As is always the case, approval of this motion shall in no way prejudice or affect any ongoing review and should not be construed as support for this application by the Board. Supervisor Frey seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, regarding the disposition of other similar projects, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent

that the Board direct staff to report with information on the other projects in the program. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

43. **REQUEST TO RECOGNIZE SUSAN AHERON MAGILL, CHIEF OF STAFF TO SENATOR WARNER** (11:14 a.m.)

Supervisor Hyland said that he recently received news that Susan Aheron Magill, longtime Chief of Staff for Senator John Warner and resident of Mount Vernon District, will retire this month.

Supervisor Hyland noted that Ms. Aheron Magill has been a dedicated congressional worker for nearly three decades, serving as Chief of Staff for former Senator John Warner for 18 years, and she has held numerous additional positions on the Hill. In the past she worked on the staffs of Virginia Governor John Dalton and former Congressmen Caldwell Butler and William Wampler. In 1996 she was Executive Director for the Joint Congressional Committee for former President Clinton's second inauguration.

Supervisor Hyland referred to his written Board Matter describing her accomplishments. Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to invite Ms. Magill to appear before the Board for recognition of her service and her many contributions to the County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Chairman Connolly suggested that an invitation be sent to Senator Warner as well.

44. **MOUNT VERNON DISTRICT TOWN MEETING SURVEY RESULTS** (11:16 a.m.)

Supervisor Hyland said that on Saturday, February 4, he hosted Mount Vernon's nineteenth annual Town meeting. Well over 400 people attended, so parking and seating was scarce. He referred to his written Board Matter which contained results from a survey taken at the town meeting. Also, he offered his thanks to the Chairman Connolly; Anthony H. Griffin, County Executive; Edward L. Long, Chief Financial Officer; and Supervisor Kauffmann for their presentations as well as thanks to the exhibitors and residents who took time out of their schedules on Saturday to participate.

Discussion ensued regarding the survey question concerning a later start time for schools.

Discussion continued regarding the Base Realignment and Closing (BRAC) and the hospital.

45. **FORT BELVOIR COMMITTEE MEETING (LEE DISTRICT)** (11:29 a.m.)

Supervisor Kauffman said that an issue raised at the recent Fort Belvoir committee meeting was the “missing” piece of the Fairfax County Parkway.

A brief discussion ensued regarding this transportation improvement.

46. **RECESS/CLOSED SESSION** (11:31 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 § 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 § 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 § 2.2-3711(A) (7).
 - 1. Authorization to Execute a Settlement Agreement with W. C. English, Inc., for Construction Work at the Lower Potomac Pollution Control Plant, Contract No. CN75606, Project No. N00322
 - 2. Authorization to Execute a Settlement Agreement with HRGM Corporation for the Sully District Police Station Construction Project, Contract No. CN013121176, Project No. 312/009208
 - 3. Gloria Willingham v. Douglas A. Crooke, et al., Record No. 04-1548-A (U.S. Dist. Ct. E.D. Va.)

4. David S. Bennett v. Fairfax County, Virginia, C.A. No. 1:05CV250 (U.S. Dist. Ct. E.D. Va.)
5. Board of Supervisors v. Church Street Group Limited Partnership, et al., Record No. 052254 (Sup. Ct. Va.) (Hunter Mill District)
6. Peerless Insurance Company and Excelsior Insurance Company v. County of Fairfax, Virginia, At Law No. CL-2005-0003069 (Fx. Co. Cir. Ct.) (Braddock District)
7. Unity Air Conditioning & Heating, Inc. v. Belle Haven Country Club, Inc., et al., In Chancery No. CH-2005-0005705 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. Roubin Associates, L.L.C. v. The Board of Supervisors of Fairfax County, Virginia, In Chancery No. CH-2004-0192512 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. William E. Shoup, Fairfax County Zoning Administrator v. Charles S. Cauley, et al., In Chancery No. CH-2004-0191533 (Fx. Co. Cir. Ct.) (Springfield District)
10. William E. Shoup, Fairfax County Zoning Administrator v. Adam G. Love and Sofia K. Love, In Chancery No. CH-2005-0004711 (Fx. Co. Cir. Ct.) (Mason District)
11. William E. Shoup, Fairfax County Zoning Administrator v. Barbara K. Kenniston, In Chancery No. CH-2005-0004763 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. Board of Supervisors v. Jacobsen Builders, Inc., et al., At Law No. CL-2005-0002874 (Fx. Co. Cir. Ct.) (Braddock District)
13. Board of Supervisors v. Mid-Atlantic Realty Trust, Kimco Realty Corporation, and United States Fidelity and Guaranty Company, At Law No. CL-2005-0007966 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- Williamson Group Land Development, LLC versus the Board of Zoning Appeals of Fairfax County, Virginia, et al., Case Number CL-2006-0000153

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

KMD:kmd

At 3:06 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

47. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:06 p.m.)

Supervisor Bulova 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 Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

48. **SULLY DISTRICT POLICE STATION PROJECT** (3:07 p.m.)

Supervisor Frey moved that the Board authorize the County Executive to enter into a Settlement Agreement for the Sully District Police Station Project with the HRGM Corporation, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

49. **LOWER POTOMAC POLLUTION CONTROL PLANT** (3:07 p.m.)

Supervisor Hyland moved that the Board authorize the County Executive to execute a Settlement Agreement with W.C. English, Incorporated, for construction work performed at the Lower Potomac Pollution Control Plant, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion and it carried by unanimous vote.

50. **WILLIAMSON GROUP LAND DEVELOPMENT, LLC VERSUS BOARD OF ZONING APPEALS OF FAIRFAX COUNTY, ET AL., CASE NUMBER CL-2006-0000153** (3:08 p.m.)

Supervisor DuBois moved that the Board authorize the County Attorney to file a motion to intervene on behalf of the Board as a defendant in Williamson Group Land Development, LLC versus Board of Zoning Appeals of Fairfax County, Virginia, et al., Case Number CL-2006-0000153, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

51. **INTRODUCTION OF GUESTS** (3:09 p.m.)

Chairman Connolly recognized the presence of members of Cub Scout Den 5, from Pack 158 at Floris Elementary School, and their den mother. On behalf of the Board, he warmly welcomed them to the Board auditorium.

Supervisor Hudgins also welcomed them and noted that they were based in the Hunter Mill District.

52. **COUNTY ATTORNEY SALARY CLARIFICATION** (3:09 p.m.)

Supervisor Gross noted that at the last Board meeting the County Attorney's approved rate of compensation was understated. She clarified that the County Attorney's total pay, including compensation, is \$203,680 annually, effective February 4, 2006.

53. **CRESCENT APARTMENTS ACQUISITION** (3:09 p.m.)

(R) Supervisor Hudgins moved adoption of the Resolution pertaining to the acquisition by the Board of the Crescent Apartments in Reston, Virginia for a purchase price of \$49,500,000. Supervisor Bulova seconded the motion.

Chairman Connolly noted that this action would help the County in its endeavor to make more affordable housing available to residents. He noted that the property was acquired from the Winkler Company and was approximately 16.5 acres in size, most of which was buildable land or eligible for land banking.

Chairman Connolly expressed gratitude to all staff for facilitating this action.

The question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

Supervisor Hudgins recognized the presence of Conrad Egan, Commissioner, Redevelopment and Housing Authority (RHA), and Lee Rau, Hunter Mill District Representative to the RHA, and expressed her gratitude for the role RHA played in helping to advance the cause in affordable housing.

Chairman Connolly announced that he and Supervisor Hudgins were going into a press conference briefing pertaining to the acquisition of the Crescent Apartments and invited members of the media to attend.

AGENDA ITEMS

PW:pw

54. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-060/FINAL DEVELOPMENT PLAN APPLICATION FDP 2003-MV-060 (D.R. HORTON, INCORPORATED) (MOUNT VERNON DISTRICT)** (3:12 p.m.)

(NOTE: On November 21, 2005, the Board deferred the public hearing on this item until January 9, 2006. On January 9, 2006, the Board deferred the public hearing on this item until February 6, 2006.)

The application property is located on the east side of Telegraph Road approximately 1000 feet north of its intersection with Richmond Highway, Tax Map 108-1 ((1)) 12, 13, 14, 15, and 16; 108-1 ((3)) 1, 2, and 2A.

Ms. Lynne Strobel reaffirmed the validity of the affidavit for the record.

Supervisor Hyland asked unanimous consent that the Board briefly recess to allow staff to complete revisions to the development conditions for this item, and Board Members to attend the press conference briefing. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board continued this public hearing. See Clerk's Summary Item CL#56.)

55. **BOARD RECESS** (3:14 p.m.)

At 3:14 p.m. the Board recessed briefly, and, at 3:49 p.m., reconvened with all Members being present, with the exception of Supervisor Gross, Supervisor McConnell, and Chairman Connolly, and with Vice-Chairman Bulova presiding.

56. **3 P.M. – CONTINUATION OF PUBLIC HEARING ON REZONING APPLICATION RZ 2003-MV-060/FINAL DEVELOPMENT PLAN APPLICATION FDP 2003-MV-060 (D.R. HORTON, INCORPORATED) (MOUNT VERNON DISTRICT)** (3:49 p.m.)

(O) (NOTE: Earlier in the meeting, the Board recessed during this public hearing. See Clerk's Summary Item CL#54.)

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. William H. Gordon, on behalf of Daly LP, who is not a party to this application.

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

Discussion ensued with input from Mr. Adam Hayes of D.R. Horton, Incorporation, regarding retaining walls and fencing.

Following the public hearing, which included testimony by two speakers, Regina Coyle, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-MV-060, from the R1 and HD District to the PDH-8 and HD District, and approval of the Conceptual Development Plan (CDP), subject to the proffers dated January 24, 2006.
- Approval of the Final Development Plan Application FDP 2003-MV-060, subject to the approval of Rezoning Application RZ 2003-MV-060 and the CDP, and subject to the proposed development conditions dated February 6, 2006, as distributed to the Board.
- Modification of the trail requirement along Telegraph Road in favor of the existing 5 foot wide sidewalk.
- Variance in accordance with Paragraph 8 of Section 16-401 to permit a noise wall to be located in the front yard to be a height greater than 4 feet for a maximum of 8 feet.

- Modification of the transitional screening and barrier requirement to the south, in favor of that shown on the CDP/FDP.
- Waiver of the 600 foot maximum length of private streets.
- Modification of the transitional screening and waiver of the barrier requirements between uses within the development in favor of that shown on the CDP/FDP.

Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, and Chairman Connolly voting “AYE,” Supervisor Gross, Supervisor McConnell, and Supervisor Smyth being out of the room.

57. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-LE-026 (PREMIER RE FUND I LLC) (LEE DISTRICT)**
(4:14 p.m.)

Supervisor Bulova moved to defer the public hearing on Special Exception Application SE 2005-LE-026 until **February 27, 2006, at 3 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Gross and Supervisor McConnell being out of the room.

58. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112 (ZONING ORDINANCE) REGARDING DRAINAGE DIVIDES, STORMWATER OUTFALL, AND NOTIFICATION REQUIREMENTS** (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 January 19 and January 26, 2006.

Judy Cronauer, Engineer III, Code Analysis Division (CAD), Department of Public Works and Environmental Services (DPWES), presented the staff report with input from Michelle Brickner, Assistant Director, Land Development Services (LDS), DPWES; James Patteson, Director, LDS, DPWES; John Friedman, Engineer III, CAD, DPWES; and Scott Winn, Assistant County Attorney, regarding condominiums, drainage divides, stormwater outfall, and notification requirements.

Supervisor DuBois, Supervisor Hyland, and Supervisor Smyth indicated that they had items for the record.

Following the public hearing, which included testimony by seven speakers, Supervisor Frey moved adoption of the proposed amendments to Chapter 6 of the PFM regarding drainage divides as advertised and set forth in the Staff Report Addendum, dated *December 28, 2005, with the incorporation of recommended changes by the Planning Commission, except for the revision regarding item (e) under Section 6-0202.2A(2). Item (e) shall be reworded as follows: "... (e) minimize to a reasonable extent, as determined by the Director, the number of on-site stormwater management facilities. Supervisor DuBois seconded the motion.

(*NOTE: The actual date of the addendum is September 28, 2005.)

Following discussion, Supervisor Smyth asked to amend the motion to also direct staff to examine the addition of qualifications for consideration as part of the Director's determination, and this was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross being out of the room.

Supervisor Frey moved:

- Adoption of the proposed amendments to Chapter 6 of the PFM regarding stormwater outfall as advertised and set forth in the staff report, dated November 21, 2005, with the incorporation of recommended changes by the Planning Commission, except for the addition of dwelling, building, and private structure flooding as examples of adverse impact under Sections 6-0202.3 and 6-0202.6B(1), the addition of yard flooding as an example of adverse impact under Section 6-0202.6B(1), and the deletion of Section 6-0203.4D.
- That the following change be incorporated into the amendment: Amend Section 6-0202.2A to read as follows: "To honor the natural drainage divides for both concentrated and non-concentrated stormwater runoff leaving the development site. If natural drainage divides cannot be honored, each diversion from one drainage area to another may be approved by the Director in accordance with the following conditions...."

Supervisor DuBois seconded the motion.

Discussion ensued regarding definition of adverse impacts, scientific valid formulas, notification, and adequate outfall.

Supervisor Smyth asked unanimous consent that the Board direct staff to provide recommendations on the process. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross being out of the room.

Supervisor Frey moved that the proposed amendments to Chapter 6 of the PFM regarding drainage divides and stormwater outfall become effective at 12:01 a.m., February 7, 2006, and that the following plans shall be grandfathered: Subdivision Plans (excluding Preliminary Plats), Site Plans, Minor Site Plans, Public Improvement Plans and Grading Plans, submitted prior to 12:01 a.m., February 7, 2006, provided that such plan obtains final approval no later than close of business August 7, 2006. Supervisor DuBois seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross being out of the room.

Supervisor Frey moved adoption of the proposed amendments to Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance) of the Code of the County of Fairfax regarding notifications as advertised and set forth in the Staff Report, dated November 21, 2005, with the incorporation of recommended changes by the Planning Commission, including the following changes to the Planning Commission's version:

- In the Chapter 101 amendment, amend the sentence on page 1 in lines 24 through 26, and in the Chapter 112 amendment, amend the sentence on page 1 in lines 17 through 19 to both read as follows: "Notice to homeowners' or civic associations shall be sent to the address kept on file by the County Office of Public Affairs, or if none is on file, to the registered address kept on file with the State Corporation Commission."

Supervisor DuBois seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross being out of the room.

Supervisor Frey moved that the proposed amendments to Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance) of the Code of the County of Fairfax regarding notification requirements become effective at 12:01 a.m., February 7, 2006, and that the following plans shall be grandfathered: Site Plans, Public Improvement Plans, Preliminary Subdivision Plats, Final Subdivision Plats when a Preliminary Subdivision Plat and a Construction Plan

are not required, and Subdivision Construction Plans when a Preliminary Subdivision Plat is not required, provided that such plan complies fully with the notification provisions in effect at the time of the mailing, and the postmark date on all white receipts for the certified mailings is prior to 12:01 a.m., February 7, 2006. Supervisor DuBois seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross being out of the room.

Supervisor Frey moved that the Board direct staff to evaluate the need for and make recommendations to the Board regarding the following:

- Definitions for significant terms and phrases used throughout Chapter 6 of the Public Facilities Manual.
- Expansion of the notification requirements for Special Permits, Special Exceptions, cluster subdivisions, uses in a commercial revitalization district, development plans, and rezoning applications as specified in the Zoning Ordinance.
- Expansion of notification to the general public regarding the submission of site and subdivision plans.
- Closer coordination between stormwater management and watershed management programs.

Supervisor DuBois seconded the motion.

Following discussion, regarding the process, the question was called on the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

59. **3:30 P.M. – PH TO OBTAIN INPUT FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES' GRANT APPLICATION TO THE COMMONWEALTH OF VIRGINIA FOR THREE REPLACEMENT VEHICLES** (5:50 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 19 and January 26, 2006.

Steve Yaffe, FASTRAN Division Planning Manager, Department of Community and Recreation Services, presented the staff report.

Following the public hearing, Supervisor Hudgins moved that the Board authorize staff to apply for FTA Section 5310 grant funds to allow FASTRAN to replace

three high-mileage vehicles at a substantially reduced cost to the County. Supervisor Bulova seconded the motion.

A brief discussion ensued regarding auditing the efficiency of the FASTRAN program.

The question was called on the motion and it carried by a vote of eight, Supervisor Gross and Supervisor Smyth being out of the room.

60. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 17 (BRADDOCK DISTRICT)** (5:53 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 19 and January 26, 2006.

Hamid Majdi, Transportation Planner II, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Robinson RPPD, District 17. The proposed District expansion includes Linfield Street (Route 4894) from Sideburn Road (Route 653) to Concordia Street (Route 4893). Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois, Supervisor Gross, and Supervisor Hudgins being out of the room.

ADDITIONAL BOARD MATTER

61. **DISTRIBUTION OF LETTER TO GENERAL ASSEMBLY DELEGATES REGARDING HOUSE BILL (HB) 1404/SENATE BILL (SB) 706** (6 p.m.)

(NOTE: Earlier in the meeting, action was taken on this item. See Clerk's Summary Item CL#4.)

Chairman Connolly called the Board's attention to copies of the letter to the General Assembly Delegates from the Board regarding HB 1404/SB 706 discussed earlier in the meeting.

62. **BOARD ADJOURNMENT** (6 p.m.)

The Board adjourned.

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