



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
March 12, 2007**

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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, March 12, 2007, at 9:37 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 Dana Kauffman, Lee District
- Supervisor Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Joan M. DuBois, Dranesville District arrived at 9:50 a.m.

Others present during the meeting were Edward L. Long, Deputy County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Angela Schauweker, Management Analyst, Office of the County Executive; Regina Thorn, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise Scott, Deputy Clerk to the Board of Supervisors.

BOARD MATTER1. **PRESENTATIONS** (9:39 a.m.)

Chairman Connolly announced that there were a large number of presentations to be presented this morning. He noted that future Board meetings may need to start as early as 8:30 a.m. when there are a large number of presentations to be presented.

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO THE COMMUNITY EMERGENCY RESPONSE TEAM (CERT)** (9:39 a.m.)

Supervisor Smyth moved approval of the Resolution of Recognition presented to the CERT program for 10 years of service to the County. Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois not yet having arrived.

3. **PROCLAMATION DESIGNATING MARCH 24, 2007, AS "NORTHERN VIRGINIA SAIL AND POWER SQUADRON DAY" IN FAIRFAX COUNTY** (9:47 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate March 24, 2007, as "*Northern Virginia Sail and Power Squadron Day*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

4. **PROCLAMATION DESIGNATING MARCH 24, 2007, AS "TUBERCULOSIS AWARENESS DAY" IN FAIRFAX COUNTY** (9:53 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate March 24, 2007, as "*Tuberculosis Awareness Day*" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

5. **PROCLAMATION DESIGNATING MARCH 2007 AS "WOMEN'S HISTORY MONTH" IN FAIRFAX COUNTY AND PRESENTATION TO THE BOARD BY THE LEAGUE OF WOMEN VOTERS** (10:02 a.m.)

Chairman Connolly moved approval of the Proclamation to designate March 2007 as "*Women's History Month*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Sherry Zachry, President, Fairfax Area League of Women Voters, presented the Board with a picture of the Occoquan Workhouse as part of the celebration of Women's History Month. The building shown in the picture was located in the Lorton area of the County and it played an important role in obtaining the right to vote for women in America.

Ms. Zachry noted that the wooden structure, known as the "Occoquan Workhouse" was part of the federal prison at Lorton where many of the suffragists who picketed the White House in 1917 for the right to vote were imprisoned. She said that while there, the women were force-fed when they staged a hunger strike to protest their arrest and incarceration. Eventually, the negative publicity about their treatment generated nationwide concern and moved Congress and President Wilson to pass legislation granting women the right to vote (the Nineteenth Amendment).

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **RESOLUTION OF RECOGNITION PRESENTED TO FAIRFAX MEMORIAL PARK** (10:13 a.m.)

Supervisor Bulova moved approval of the Resolution of Recognition presented to Fairfax Memorial Park on the occasion of its fiftieth anniversary. Chairman Connolly seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING MARCH 2007 AS "ALTERNATIVE DISPUTE RESOLUTION MONTH" IN FAIRFAX COUNTY** (10:20 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate March 2007 as "*Alternative Dispute Resolution Month*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

8. **RESOLUTION OF RECOGNITION PRESENTED TO MS. GAIL CONDRICK, DIRECTOR, DEPARTMENT OF CABLE COMMUNICATIONS AND CONSUMER PROTECTION** (10:27 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution of Recognition presented to Ms. Gail Condrick on the occasion of her retirement and for her outstanding commitment and notable service to the County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

ADDITIONAL BOARD MATTER9. **INTRODUCTION OF HERNDON MIDDLE SCHOOL STUDENT (HUNTER MILL DISTRICT)** (10:42 a.m.)

Supervisor Hudgins introduced Chi-'Ante' Singletary, a student at Herndon Middle School in the Honor's Program. Supervisor Hudgins said that, as part of Ms. Singletary's Civics class, her assignment is to shadow an elected official. On behalf of the Board, Chairman Connolly warmly welcomed her to the Board Auditorium.

AGENDA ITEMS10. **10 A.M. – PRESENTATION OF THE VOLUNTEER FIRE COMMISSION (VFC) ANNUAL REPORT** (10:43 a.m.)

Tim Fleming, Chairman, VFC, presented its annual report. Mr. Fleming noted that the VFC is competing for volunteer members with other local jurisdictions, all of which have extensive benefit programs and defining meaningful roles for their volunteers.

Supervisor Gross asked unanimous consent that the Board direct the County Executive to review the benefits program that other local jurisdictions have for volunteer members and provide information regarding what action would be needed to change the structure of the VFC. Without objection, it was so ordered.

Chairman Connolly raised a question regarding the peak number of service hours and discussion ensued with input from Mr. Fleming.

Supervisor Hyland asked unanimous consent that the Board request the VFC to provide the County Executive with an analysis and comments regarding the empowerment issue, and include what changes would be needed and whether legislation would be required. Without objection, it was so ordered.

Additional discussion ensued, with input from Mr. Fleming, regarding the VFC.

11. **10:15 A.M. – PRESENTATION OF THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) ANNUAL REPORT** (10:58 a.m.)

Chairman Connolly introduced Steven L. Davis, Chairman, EDA, and Gerald L. Gordon, Ph.D., President and Chief Executive Officer, EDA.

Mr. Davis made opening remarks and recognized EDA members, Ann Rodriguez and William Soza, who were in the auditorium. Mr. Davis also acknowledged the other EDA members, who were not present, for their efforts.

Mr. Davis presented the EDA annual report. He noted that the Fairfax County EDA will be hosting the 2007 National Conference on the Creative Economy, October 24–25, at the Hilton McLean Tysons Corner Hotel. He said that businesses need the fuel of creative talent to thrive and the conference will help companies understand what they need to do to retain this talent. It is also designed to help communities understand what assets they need to provide to retain the most creative of companies.

Discussion ensued, with input from Mr. Davis, regarding the EDA report.

With reference to the report, Supervisor Gross expressed for the record her disappointment at the lack of recognition of revitalization areas and the dynamic and diverse opportunities they offer.

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12. **10:30 A.M. – PRESENTATION BY THE FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION** (11:24 a.m.)

James Wordsworth, Chairman, Fairfax County Convention and Visitors Corporation, made opening remarks and recognized the corporation's board members who were in the auditorium.

C. Arnie Quirion, President and Chief Executive Officer of the corporation, presented the report and introduced the new official mascot, "FX the Tourhound," a dog rescued from a local shelter.

Following closing remarks by Mr. Wordsworth, discussion ensued concerning the forthcoming National Association of Counties' (NACo) conference in Richmond and the efforts of Board Members to encourage participants to visit the County. Discussion continued concerning incorporating additional sites into "The Magical History Tours," shuttle service, and restaurant promotion.

13. **ADMINISTRATIVE ITEMS** (11:47 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hyland seconded the motion.

Supervisor Smyth called the Board's attention to Admin 5 - Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Planned Development District Recreational Fees. Supervisor Kauffman asked to amend the motion to consider Admin 5 separately, and this was accepted.

Supervisor Hudgins called the Board's attention to Admin 9 - Approval for the Department of Housing and Community Development (HCD) to Accept an Allocation in First Trust Mortgage Funds for the Pilot Program Flex-Sparc

(Sponsoring Partnerships and Revitalizing Communities) from the Virginia Housing Development Authority (VHDA). Discussion ensued, with input from Barbara Silberzahn, Chief, Homeownership and Relocation Services Branch, Real Estate Finance and Grants Management Division, HCD, concerning the data being used to determine the market of the loans.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide additional information concerning the demographics of the applicants, including information from a recently-released George Mason University report concerning the nexus of housing and jobs in the County. Without objection, it was so ordered.

The question was called on the motion, as amended, to approve the Administrative Items, with the exception of Admin 5, 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."

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (HUNTER MILL, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY 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>
FS-V06-125	Cingular Wireless Antenna co-location on existing monopole 8101 Lorton Road (Mount Vernon District)	May 17, 2007
2232-MD06-23	Newpath Networks, Incorporated Distributive Antenna System (network of telecommunications antennas co-located on four replacement wood utility poles in public right-of-way; hub facility in existing building) Portions of Hunter Mill, Lawyers, and Vale Roads, and Trott Avenue; 2915 Hunter Mill Road (Hunter Mill and Providence Districts)	May 18, 2007

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-Y06-121	Clearwire US LLC Antenna co-location on existing monopole (treepole) 13224 Franklin Farm Road (Sully District)	May 18, 2007
FS-V06-122	Clearwire US LLC Rooftop antennas 6677 Richmond Highway (Mount Vernon District)	May 18, 2007
FS-S06-123	Clearwire US LLC Antenna co-location on existing transmission tower 6509 Sydenstricker Road (Springfield District)	May 18, 2007
FS-P06-120	Clearwire US LLC Antenna co-location on existing water tank 2314 Gallows Road (Providence District)	May 19, 2007

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE LITTLE ROCKY RUN COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **April 9, 2007, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Little Rocky Run CPD, in accordance with current CPD restrictions. The blocks to be included in the proposed District are as follows:

- Braddock Creek Road (Route 7058), from Little Rocky Run Circle to the cul-de-sac inclusive
- Little Rocky Run Circle (Route 7046), the entire length of Little Rocky Run Circle beginning and ending on Braddock Road
- Sunset Ridge Road (Route 7785), from Old Centreville Road to Little Rocky Run Circle

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE LAKE BRADDOCK COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **April 9, 2007, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Lake Braddock CPD, in accordance with current CPD restrictions. The blocks to be included in the proposed District are as follows:

- Ashburn Drive (Route 5121), from Burke Road to Lake Braddock Drive
- Burke Road (Route 652), from Guinea Road to the southern boundary of parcel 78-1 ((10)) (01) 60A
- Lake Braddock Drive (Route 5101), from Burke Lake Road to Burke Road

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE WEST HAMPTON COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **April 9, 2007, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the West Hampton CPD, in accordance with current CPD restrictions. The proposed District expansion includes Hampton Creek Way (1220), from Spring Village Drive to the southern boundary of parcels 90-1 ((19))-83 and 48.

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PLANNED DEVELOPMENT DISTRICT RECREATIONAL FEES

(NOTE: Earlier in the meeting, the Board deferred action on this item. See page 5.)

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #14.)

ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-V-018, ALEXANDRIA HOTEL ASSOCIATES, LC (MOUNT VERNON DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Amendment Application SEA 99-V-018 to October 27, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2003-SP-041, COXCOM, INCORPORATED D/B/A COX COMMUNICATIONS NORTHERN VIRGINIA (SPRINGFIELD DISTRICT)

- (AT) Approved the request for 30 months of additional time to commence construction for Special Exception Application SE 2003-SP-041 to June 7, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), REGARDING ELECTION PRECINCTS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 26, 2007, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections) to:
- Move the polling place for Grosvenor precinct.
 - Move the polling place for Fair Ridge precinct and rename the precinct.
 - Establish an absentee voting satellite for a June primary election.
 - Set the hours and dates of operation for the absentee voting satellites for the general election on November 6, 2007.

ADMIN 9 – APPROVAL FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) TO ACCEPT AN ALLOCATION IN FIRST TRUST MORTGAGE FUNDS FOR THE PILOT PROGRAM FLEX-SPARC (SPONSORING PARTNERSHIPS AND REVITALIZING COMMUNITIES) FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA)

(NOTE: Earlier in the meeting, the Board took additional action regarding this item. See pages 5–6.)

Authorized HCD, on behalf of the Fairfax County Redevelopment and Housing Authority, to accept and use up to \$3 million in Flex-SPARC mortgage funds from VHDA.

ADMIN 10 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, HUNTER MILL, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Reserve at Martins PointE	Braddock	Abernathy Court
		Zion Drive (Route 654) (Additional Right-of-Way Only)
		Zion Drive (Route 654) (Additional Right-of-Way Only)
Madjest LLC	Dranesville	Leesburg Pike (Route 7) (Additional Right-of-Way Only)
Caris Glenne Section 2 Phase 2	Hunter Mill	Caris Glenne Drive Reston Avenue (Route 7917) (Additional Right-of-Way Only)
Grace Orthodox Presbyterian Church	Providence	Cedar Lane (Route 698) (Additional Right-of-Way Only)
Deepwood Farms	Springfield	Deepwood Farm Drive (Route 8253)
Katherine T. Moore Farm	Sully	Rock Hollow Lane Lee Highway (Route 29) (Additional Right-of-Way Only)

ADMIN 11 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2008 BUDGET AND REQUIRED TAX RATES

(A) Authorized the advertisement of the following items, which are included in the proposed FY 2008 Budget:

- A brief synopsis of the FY 2008 Budget and a notice of proposed adoption of a Resolution appropriating funds for FY 2008 to be advertised during the weeks ending March 23 and 30, 2007. This includes a real estate tax rate of \$0.89 per \$100 of assessed value, which maintains the rate at the current real estate tax rate for FY 2007.
- The notice required by *Virginia Code* Section 58.1-3321.
- Public hearings on the proposed Advertised Capital Improvement Program for FYs 2008 – 2012 (with Future FYs to 2017).
- Public hearing on the FY 2008 Effective Tax Rate – April 9, 2007.

ADMIN 12 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), REGARDING CONSISTENCY WITH THE CHESAPEAKE BAY PRESERVATION AREA DESIGNATION AND MANAGEMENT REGULATIONS (9 VAC 10-20 ET SEQ.)

(As) Authorized the advertisement of a public hearing to be held before the Planning Commission on April 19, 2007, and before the Board on **May 21, 2007, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance). The proposed amendments address issues related to consistency with the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20 et seq.).

ADMIN 13 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2007 REVISED BUDGET PLAN

(A) Authorized the advertisement of public hearings to be held before the Board on **April 9, 10, and 11, 2007, at 7 p.m.** to increase the FY 2007 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2007 Third Quarter Reviews*.

14. ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PLANNED DEVELOPMENT DISTRICT RECREATIONAL FEES
(11:51 a.m.)

(A) (R) (NOTE: Earlier in the meeting, the Board deferred action on this item. See page 5.)

Discussion ensued concerning the dollar amount of the fee increase and whether the Board should only be considering on-site provisions or off-site, i.e. parks, as well, with input from Sandy Stallman, Park Planning Branch Manager, Park Authority, regarding regulatory fees and additional proffers.

Discussion continued with input from Lorrie Kirst, Zoning Administrator for Ordinance Administration Branch, Zoning Administration Division, Department of Planning and Zoning, concerning the status of other fees.

Supervisor Kauffman asked unanimous consent that the Board direct the County Executive to review the status of other fees and how they are regularly updated. Without objection, it was so ordered. Supervisor DuBois noted that that was one of her Board Matters at the last meeting.

Discussion continued concerning fees charged by neighboring jurisdictions, with additional input from Ms. Stallman concerning regulatory fees versus cash proffers.

Supervisor Kauffman called the Board's attention to page 22 of the Board Agenda Item concerning the prohibition of an escalation clause. Discussion ensued with input from David P. Bobzien, County Attorney, and Ms. Kirst concerning the State Code.

Supervisor Kauffman asked unanimous consent that the Board direct staff to define "regularly reviewed" and demonstrate how it will be institutionalized in time for the hearing on this matter. Without objection, it was so ordered.

Supervisor Gross moved adoption of the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on April 19, 2007, at 8:15 p.m. and before the Board on **May 7, 2007, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to increase the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, and PRM Districts from \$955 to \$1500. 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."

15. **A-1 – AGREEMENT BETWEEN THE COUNTY AND THE GREAT FALLS VOLUNTEER FIRE DEPARTMENT (VFD) (DRANESVILLE DISTRICT)** (12 noon)

Supervisor DuBois moved approval of the agreement between the County and the Great Falls VFD. Chairman Connolly seconded the motion.

Discussion ensued concerning guidelines for equitable space for women with input from Robert J. Mizer, Volunteer Liaison, Fire and Rescue Department.

Discussion continued concerning the application of fees for public safety facilities. Supervisor Smyth asked unanimous consent that the Board direct the County Executive to review consideration of a contribution to public safety facilities as part of a proffer package. Without objection, it was so ordered.

ADDITIONAL BOARD MATTER

ABSENCE OF COUNTY EXECUTIVE ANTHONY H. GRIFFIN (12:05 p.m.)

Chairman Connolly announced that Deputy County Executive Edward L. Long, Jr. was sitting in today for County Executive Anthony H. Griffin who was absent due to recent surgery.

Supervisor DuBois asked unanimous consent that the Board direct the County Executive include in his review a past Planning Commission committee study of residential development criteria and cash proffers which did not include public safety. Without objection, it was so ordered.

Discussion ensued, with input from James V. McGettrick, Assistant County Attorney, concerning changing references from Section 7 to Section 8 as follows:

- The third line of Section 4
- The twelfth line of Section 12

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the motion be so amended. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

16. **A-2 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE FEDERAL BUREAU OF INVESTIGATION (FBI) IN REGARD TO THE JOINT TERRORISM TASK FORCE** (12:08 p.m.)

Chairman Connolly announced that this item would be considered after closed session.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #51.)

17. **I-1 – CONTRACT AWARD – CONTRACT AMENDMENT FOR FULL ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR GREAT FALLS FIRE AND RESCUE STATION (DRANESVILLE DISTRICT)** (12:09 p.m.)

The Board next considered an item contained in the Board Agenda dated March 12, 2007, requesting authorization for staff to award a contract amendment to Samaha Associates, PC, in the amount of \$922,264.60 for architectural and engineering design services for a replacement for the Great Falls Fire and Rescue Station, Project 009224, in Fund 312, Public Safety Construction. The total amended contract will be \$1,054,722.60, which includes the original contract amount of \$132,458.

The staff was directed administratively to proceed as proposed.

18. **I-2 – CONTRACT AWARD – AUDREY MOORE RECenter IMPROVEMENTS (BRADDOCK DISTRICT)** (12:09 p.m.)

The Board next considered an item contained in the Board Agenda dated March 12, 2007, requesting authorization for staff to award a contract to Welch and Rushe, Incorporated, in the amount of \$719,00 for the construction of Project 475804, Building Renovation/Expansion, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

19. **I-3 – CONTRACT AWARD – TALL TIMBERS DRIVE (SPRINGFIELD DISTRICT)** (12:09 p.m.)

The Board next considered an item contained in the Board Agenda dated March 12, 2007, requesting authorization for staff to award a contract to William A. Hazel, Incorporated, in the amount of \$898,000 for the construction of Tall Timbers Drive, Road Improvement, Project 007722 in Fund 301, Contributed Roadway Improvement Fund.

The staff was directed administratively to proceed as proposed.

20. **I-4 – UPDATE AND SUMMARY OF ELECTRIC UTILITY REGULATION LEGISLATION 2007 SESSION** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated March 12, 2007, regarding the update and summary of the electric utility regulation legislation session. Discussion ensued with input from Steve D. Sinclair, Chief, Utilities Branch, Communications Productions Division, Cable Communications and Consumer Protection Department, concerning the effect of this legislation on consumers.

Supervisor Hyland moved that the Board direct staff to draft a letter, for the Chairman's signature on behalf of the Board, with respect to this legislation. Supervisor Bulova and Supervisor Gross jointly seconded the motion.

Chairman Connolly noted that the letter should list the series of amendments that would be required as well as offering the alternative of resurrecting the original Morgan legislation.

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

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Summary Item #71.)

ADDITIONAL BOARD MATTERS

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21. **PROPOSED GAS PIPELINE IN VIRGINIA RUN (SULLY DISTRICT)** (12:14 p.m.)

Jointly with Supervisor Frey, Chairman Connolly stated that Transcontinental Gas Pipeline Corporation (Transco) has proposed replacing 3.4 miles of 30-inch diameter pipe with 42-inch diameter pipe, including a portion in the Virginia Run Community. Additionally, Transco has proposed constructing a "pigging" facility near homes in the Virginia Run Community, which would clean the new section of pipe. He clarified that the cleaning of pipes is traditionally known in the industry as "pigging." To pressure-test this new section of pipe, Transco wishes to withdraw 1.4 million gallons of water from Cub Run, reducing its volume by up to 50 percent. Moreover, Transco has suggested using a restored meadow on Park Authority property as a construction site. Construction activity for the entire project would also impact up to 7.7 acres of wetlands. The Park Authority, in a letter to the Federal Energy Regulatory Commission (FERC), expressed concerns that FERC's recently completed environmental assessment does not recognize the magnitude of this project's environmental impacts.

Chairman Connolly noted that at the Board's last meeting on February 26, it adopted the Cub Run Watershed Plan, which included a list of projects that the

County will undertake to restore its water quality and streambank integrity. He and Supervisor Frey expressed the following concerns:

- That this pipeline project may impede progress in restoring this watershed.
- Transco did not do an adequate job notifying citizens about this project, particularly about the above ground component.
- It appears that FERC did not adequately advertise the environmental assessment, publishing notice in the *Manassas Gazette* rather than a Fairfax County paper.
- That Transco consider alternative technologies that could preclude the need to construct an above ground pigging facility.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, jointly with Supervisor Frey, moved that the Board direct staff to request that FERC Commissioners delay a decision on FERC certification until it has been determined that FERC properly notified Virginia Run citizens about this project, and until Transco has explored all the alternatives to constructing an above-ground pigging station. If notice was not given in a Fairfax County publication, FERC should readvertise, as public involvement in this process is critical. Chairman Connolly and Supervisor Frey further moved that the Board request that FERC reexamine its environmental assessment, which appears to ignore significant environmental impacts on Fairfax watersheds and parkland, and direct staff to draft a letter to that effect for their signatures. Supervisor Gross seconded the motion.

Following discussion regarding safety issues and the regularity of inspections, the notification process, environmental concerns, and sewer trunk line replacement, the question was called on the motion, which carried by unanimous vote.

22. **PUBLIC WORKS WEEK** (12:24 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim May 20-26, 2007, as "*Public Works Week*" in Fairfax County and direct staff to invite representatives from the Department of Public Works and Environmental Services to appear before the Board to be recognized with the proclamation at the May 21 Board meeting. Without objection, it was so ordered.

23. **FAIR HOUSING MONTH** (12:24 p.m.)

Chairman Connolly asked unanimous consent that Board proclaim April 2007 as "*Fair Housing Month*" in Fairfax County and direct staff to invite representatives from the Human Rights Commission and others to appear before the Board to

receive the proclamation at the April 9 Board meeting. Without objection, it was so ordered.

24. **RECOGNITION FOR FREDDIE MAC AND THE FREDDIE MAC FOUNDATION** (12:25 p.m.)

Chairman Connolly noted that Freddie Mac and the Freddie Mac Foundation have been key partners in the process leading to the development of the plan to prevent and end homelessness in the Fairfax-Falls Church community. As enumerated in his written Board Matter, he acknowledged ways that they have been active in ending homelessness.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to invite representatives from Freddie Mac and the Freddie Mac Foundation to be recognized for their contributions during the presentation of the Community Council on Homelessness annual report at the March 26 Board meeting. He clarified that this recognition would not be a separate presentation. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

25. **HUNTINGTON STATION HOMEOWNERS' ASSOCIATION RESOLUTION ON FLOOD PROTECTION MEASURES (MOUNT VERNON DISTRICT)** (12:26 p.m.)

Supervisor Hyland announced that at its last meeting the Huntington Station Homeowners' Association passed the resolution distributed with his written Board Matters. The resolution requests the Board to appropriate money in the Fiscal Year 2008 Budget to dredge Cameron Run, monitor and maintain its original depth and width, and take other preventive measures to eliminate the need for the homeowners to purchase flood insurance. While County staff and the Corps of Engineers have continued to gather data and run models on flood prevention measures, there are two recent important developments to note. The Director of the Department of Public Works and Environmental Services (DPWES) administratively moved the flood plain line in the Huntington area to the elevation recommended by the Corps of Engineers' recent study. While this only affects new construction in the area and does not trigger the requirement to purchase National Flood Insurance, Supervisor Hyland strongly recommends that all homeowners obtain National Flood Insurance. The Board has a pending item on this program.

Supervisor Hyland announced that he will host another meeting with the Corps of Engineers and DPWES staff to update the Huntington community on flood proofing and flood prevention on April 24 at Walt Whitman Middle School's lecture hall. He invited the Chairman to join him at the meeting.

Accordingly, Supervisor Hyland asked unanimous consent that the Board refer this resolution to the County Executive and DPWES for review and comments. Without objection, it was so ordered.

Chairman Connolly noted the need for the support of the City of Alexandria for this dredging. The cost is between \$16-18 million.

26. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (12:28 p.m.)

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

27. **FAIRFAX COUNTY PUBLIC SCHOOLS RECEIVE THE “DISTRICT OF EXCELLENCE IN CHILD NUTRITION” AWARD** (12:28 p.m.)

With reference to her written Board Matter, Supervisor Hudgins congratulated the School Division on its recent recognition as a “District of Excellence in Child Nutrition” and asked unanimous consent that the Board direct staff to prepare and send an acknowledgement to Superintendent Jack Dale congratulating the Schools for their efforts. Without objection, it was so ordered.

28. **RECOGNITION OF MS. FRANCES TYLER (MASON DISTRICT)** (12:29 p.m.)

Supervisor Gross said that Ms. Frances Tyler has been a dedicated Green Spring Gardens volunteer for more than 15 years. She described Ms. Tyler’s background as a teacher and her efforts at the gardens as she prepares to retire and relocate.

In recognition of Ms. Tyler’s long-time volunteer service at Green Spring Gardens, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a proclamation, with both the Chairman’s and her signature, for presentation at a Green Spring tea next Sunday. Without objection, it was so ordered.

29. **NATIONAL COUNTY GOVERNMENT WEEK AND 9 A.M. START FOR APRIL 9 BOARD MEETING** (12:29 p.m.)

Supervisor Gross said that this year National County Government Week is on April 22-28 and its focus is “Protecting the Environment.” She cited the County’s dedication to the environment and its efforts in that regard over the years.

To recognize the County’s participation in this week and to recognize the County’s programs relevant to this year’s theme, Supervisor Gross asked unanimous consent that the Board direct staff to invite the appropriate County staff to appear before the Board and receive a proclamation at the April 9 meeting. Without objection, it was so ordered.

Following input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the number of presentations, the Chairman announced that the April 9 meeting will begin at 9 a.m.

30. **REQUEST FOR EXPEDITED PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-M-097-04 (MASON DISTRICT)** (12:30 p.m.)

Supervisor Gross said that to expedite the application process for Special Exception Amendment Application SEA 81-M-097-04, the applicant has requested expedited processing for the Board's public hearing. She noted that the applicant has worked with staff to bring the application in line with the County's vision.

Accordingly, Supervisor Gross moved that the Board grant CCP Shirley Highway, Incorporated and Petroleum Marketing Group, Incorporated an expedited Board public hearing date of April 30 on Special Exception Amendment Application SEA 81-M-097-04. She noted that this motion should in no way be construed as a favorable recommendation by the Board on the said rezoning application or any subsequent development applications. This motion, the second to which was indistinguishable, carried by a vote of nine, Supervisor Hyland being out of the room.

31. **MASON DISTRICT NEWSLETTER AND MEETING ANNOUNCEMENT** (12:31 p.m.)

Supervisor Gross circulated copies of the current edition of *Mason Matters*, her district newsletter. She announced that the Mason District's spring town meeting on the budget, featuring County Executive Anthony H. Griffin and Chief Financial Officer (and Deputy County Executive) Edward L. Long, Jr., will be held Wednesday, March 21 at 7 p.m. at the Belvedere Elementary School cafeteria. She noted that the Office of Public Affairs is publicizing the meeting.

PMH:pmh

32. **STAFF REVIEW OF THE BOOK *THE ROAD MORE TRAVELED*** (12:32 p.m.)

Supervisor Smyth referred to the book *The Road More Traveled* and asked unanimous consent that the Board direct staff to report by April 8 with a comprehensive look at what the County is doing about transportation and review some of the ideas and generalizations in the book. Without objection it was so ordered.

33. **EIGHTH ANNUAL PROVIDENCE DISTRICT ENVIRONMENTAL WORKSHOP** (12:34 p.m.)

Supervisor Smyth announced that her office will be hosting the Eighth Annual Providence District Environmental Workshop on Saturday, March 24 from 9 a.m. until noon at Luther Jackson Middle School, located at 3020 Gallows Road, Falls Church.

This year's workshop will focus on trees and discuss the benefits trees provide, natural and man made threats to trees, and what residents can do to preserve and protect them. The event will have several workshops and displays as well as a tree planting demonstration and a panel discussion. More event information is available on the Providence District's office website or by calling her office.

Supervisor Smyth invited Board Members and residents to come and enjoy this morning about trees. She asked unanimous consent that Board direct the Office of Public Affairs to assist in advertising this event. Without objection, it was so ordered.

34. **KINGSTOWNE REGIONAL LIBRARY (LEE DISTRICT)** (12:35 p.m.)

Supervisor Kauffman said that Lee Village at Silver Lake, LLC has been working closely with staff to develop and refine a proposal to create a public-private partnership with the County. The proposal is a creative partnership to co-locate a regional library, a community park, and senior citizen and workforce housing on property currently approved for the Kingstowne Regional Library. The County's current Capital Improvement Program indicates that the County is unlikely to incorporate the library into the bond referendum until 2016. The applicant's proposal could deliver the library by 2010 at a significant cost savings.

Supervisor Kauffman noted that the property is located in the southeast quadrant of the intersection of Beulah Street and Manchester Lakes Boulevard and is identified as Tax Map parcel 91-3 ((9)) 8b. The Board is the title owner of the property.

To begin the citizen review process, Supervisor Kauffman moved that the Board:

- Consent to the filing of land use applications by the applicant, including, but not limited to, a rezoning, two proffered condition amendments and a final development plan amendment.
- Authorize consideration of an out-of-turn amendment to the Comprehensive Plan to permit the workforce housing and independent living facility components of the applicant's proposal.

- Direct the Director of the Department of Planning and Zoning to expedite processing of all necessary land use applications and the scheduling of a public hearing to be held before the Board as soon as reasonably possible.
- Direct the Director of the Department of Public Works and Environmental Services to authorize simultaneous and concurrent processing of any necessary site and building plans associated with the land use applications.

This motion should in no way prejudice the full review of this application and does not preclude the applicant from adherence to all adopted standards in anyway. Supervisor Bulova seconded the motion and it carried by unanimous vote.

35. **TWENTIETH ANNIVERSARY OF LEADERSHIP FAIRFAX INCORPORATED (LFI)** (12:38 p.m.)

Jointly with Supervisor Frey, Supervisor Kauffman announced that 2007 marks the twentieth anniversary of LFI. For the past 20 years, LFI has developed, connected, and inspired leaders to strengthen their communities.

Jointly with Supervisor Frey, Supervisor Kauffman moved that the Board direct the Office of Public Affairs to prepare a resolution for presentation to Susan B. Home, president of LFI, at the Board's breakfast scheduled for March 14, 2007, on behalf of its alumni and Class of 2007, as an expression of the Board's gratitude for LFI's commitment to the citizens of the County. Supervisor Smyth seconded the motion and it carried by unanimous vote.

36. **EDISON HIGH SCHOOL LADY EAGLES (LEE DISTRICT)** (12:39 p.m.)

Supervisor Kauffman announced that the Edison High School Lady Eagles basketball team proudly represented the County for the second consecutive time in the Virginia AAA girls State title game in Richmond, VA over the weekend. The Lady Eagles had an impressive 30-2 record this season.

Supervisor Kauffman reported that unfortunately, the Lady Eagles fell to the Hampton Crabbers by a final score of 46-45, in the last seconds of the game. Edison becomes only the sixth team in State history to lose consecutive title games and the first ever to lose by only one point twice in a row. While the loss was heart-breaking for the team and school, the fact that they played so well in the State title game two years in a row is a remarkable achievement.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to invite the Edison High School Lady Eagles basketball team, and the head coach, Ms. Dianne Lewis, to appear before the Board for formal recognition for

ably representing the County in the 2007 Virginia AAA Girls basketball title game. Without objection, it was so ordered.

37. **OLDER AMERICANS MONTH** (12:40 p.m.)

Supervisor Kauffman said that May is Older Americans Month and the theme this year is "Making Choices for a Healthier Future."

Therefore, Supervisor Kauffman asked unanimous consent that the Board designate May as "*Older Americans Month*" in Fairfax County and direct staff to invite representatives from the Commission on Aging, the Long Term Care Coordinating Council, the Area Agency on Aging and other appropriate groups to appear before the Board on April 30 or May 7 to accept this proclamation and join the Board in celebrating its continuing work together on aging issues in the community. Without objection, it was so ordered.

38. **NINETEENTH ANNUAL SPRINGFIELD DAYS (LEE AND SPRINGFIELD DISTRICTS)** (12:40 p.m.)

Jointly with Supervisor McConnell, Supervisor Kauffman announced that this year will be the nineteenth annual Springfield Days celebration on Saturday, June 2 and Sunday, June 3.

Therefore, Supervisor Kauffmann asked unanimous consent that the Board direct staff to prepare a proclamation declaring Springfield Days on June 2 and 3 and invite Nancy-jo Manney, executive director of the Greater Springfield Chamber of Commerce, and the Springfield Days committee to appear before the Board at its May 21 meeting to be recognized and to receive the proclamation. Without objection, it was so ordered.

39. **LEE DISTRICT TOWN MEETING** (12:41 p.m.)

Supervisor Kauffman announced that the Lee District town meeting is scheduled for March 24 from 10 a.m. until noon. He noted that there is an open house at the museum in his office. He added that staff would be attending the meeting and there would be two hours of question-and-answers.

40. **NO BOARD MATTERS FOR SUPERVISOR McCONNELL (SPRINGFIELD DISTRICT)** (12:42 p.m.)

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

41. **RESIGNATION OF PARK AUTHORITY DIRECTOR MICHAEL KANE**
(12:42 p.m.)

Supervisor Frey said that on March 7 Park Authority Director Michael Kane announced his resignation. He will be serving as Director of Education and Knowledge for the National Recreation and Parks Association.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Kane to appear before the Board in recognition for his years of service with the County. Without objection, it was so ordered.

42. **CHANTILLY HIGH SCHOOL ROBOTICS TEAM 612 (SULLY DISTRICT)** (12:42 p.m.)

Supervisor Frey announced that the Chantilly High School Robotics Team 612 won the Regional Chairman's Award at the For Inspiration and Recognition of Science and Technology (*FIRST*) Regional Competition held in Richmond.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite the team to appear before the Board on May 7 for recognition of this outstanding achievement. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Herndon High School Robotics team was discussed. See Clerk's Summary Item #46.)

43. **SUPERVISOR FREY TO SHAVE HIS HEAD FOR SAINT BALDRICK'S DAY CHARITY (SULLY DISTRICT)** (12:44 p.m.)

Supervisor Frey announced that on March 17 he will shave his head in support of the charity for children suffering from cancer. He added that this year the Police Department is holding a similar event.

44. **SCHOOL AGED CHILD CARE (SACC) STAIR CLIMBERS** (12:46 p.m.)

Supervisor DuBois said that for 25 years, former Wisconsin Senator Bill Proxmire bestowed his Golden Fleece award on government agencies which, in his opinion, had misspent taxpayer funds. She noted that as the Board begins its review of the Fiscal Year 2008 budget, a candidate for a local Golden Fleece award has come to her attention.

Supervisor DuBois said that a parent of children enrolled in the SACC program recently called her office regarding SACC's purchase of a stair climber exercise machine, an apparatus he believed was too big and too difficult for his own children to safely use. Upon investigation, she discovered that SACC had actually purchased a stair climber for each of its 134 elementary school centers at a total cost of \$60,300.

These stair climbers are not sized for children, but for adults. Supervisor DuBois said that she contacted the staff at the School's Health and Physical Education curriculum program, and the George Mason University (GMU), Health and Fitness Education Department. Both of these professionals in the field of physical education and fitness felt that stair climbers were not appropriate for elementary school children and could not recommend their use. They did concede that some adult size 12 year olds could probably use the machines safely.

These stair climbers are ostensibly provided to offer a fitness component to the SACC program. Each child operating this machine must be monitored directly by SACC staff. While such fitness goals are laudable, SACC sites already have a gymnasium, playground, and athletic fields available for fitness programs. GMU even offered to provide suggestions for programs utilizing low cost equipment that would engage the children in fitness activities they would actually enjoy.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct the County Executive provide the Board with a rationale for this purchase and, since they cannot in all probability be returned, where the 134 stair climbers might be more appropriately used. Without objection, it was so ordered.

45. **TREE FORUM (DRANESVILLE DISTRICT)** (12:48 p.m.)

Supervisor DuBois announced that she would be holding a tree forum on Tuesday, March 13 at 7 p.m. at the Colvin Run Elementary School.

46. **HERNDON ROBOTICS TEAM (DRANESVILLE DISTRICT)** (12:49 p.m.)

(NOTE: Earlier in the meeting, the Herndon High School Robotics team was discussed. See Clerk's Summary Item #42.)

Supervisor DuBois noted that the Herndon Robotics Team won several awards at the recent competition and she asked that the Board direct staff to invite the Herndon team to appear before the Board at the same time the Chantilly High School team appears before the Board to be recognized for their achievements. Without objection, it was so ordered.

47. **RECESS/CLOSED SESSION** (12:49 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 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. *Virginia Equity Solutions, LLC v. Board of Zoning Appeals of Fairfax County, Virginia, Case No. CL-2005-0006316 (Fx. Co. Cir. Ct.); William E. Shoup, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC, Case No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District)*
 2. *Fairfax County Park Authority v. Crestwood Construction Corporation, et al., Case No. CL-2006-0008251 (Fx. Co. Cir. Ct.) (Braddock District)*
 3. *Teshome Wondafrash v. Department of Public Works and Environmental Services, Case No. CL-2006-0010101 (Fx. Co. Cir. Ct.) (Mason District)*
 4. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services, and Eileen M. McLane, Fairfax County Zoning Administrator v. Courtney L. Scott, Judith L. Scott, Courtney L. Scott, Jr., and Pernilla Scott, Case No. CL-2007-0000774 (Fx. Co. Cir. Ct.) (Dranesville District)*
 5. *Jane W. Gwinn, Fairfax County Zoning Administrator v. George Daamash, In Chancery No. CH-2002-0178684 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
 6. *William E. Shoup, Fairfax County Zoning Administrator v. Joseph K. Ashcraft, et al., In Chancery No. CH-2003-0184232 (Fx. Co. Cir. Ct.) (Dranesville District)*

7. *Board of Supervisors of Fairfax County, Virginia v. Nils and Gladys Antezana, et al.*, Case No. CL-2006-0006030 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene Sorto*, Case No. CL-2006-0014416 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. William R. Rogerson and Barbara E. Rogerson*, Case No. CL-2007-0001824 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael D. Barth*, Case No. CL-2007-0001894 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rui C. Domingues*, Case No. CL-2007-0002155 (Fx. Co. Cir. Ct.) (Providence District)
12. *Board of Supervisors v. Britt Construction, Inc., et al.*, Case No. CL-2006-0003854 (Fx. Co. Cir. Ct.) (Sully District)
13. *Board of Supervisors of Fairfax County, Virginia v. Circle K Stores, Inc., et al.*, Case No. CL-2007-0002024 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- City of Falls Church, Virginia v. Fairfax County Water Authority, Civil Action Number 1-07-CV-1 74
- Public-Private Transportation Act Proposal on Rail to Dulles
- HBL, LLC v. County of Fairfax, Board of Supervisors of the County of Fairfax, Virginia, and Jimmie D. Jenkins, Director, Fairfax Department of Public Works and Environmental Services, Case Number CL-2006-0015715
- James Jackson, et al. v. Board of Zoning Appeals of Fairfax County, Virginia, Case Number 200610122

- Virginia Code Section 2.2-3711.A.20

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

DS:ds

At 4:38 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

48. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:38 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."

49. **MOTION APPROVING THE APPROPRIATION OF MONEY FOR PRIVATE LEGAL COUNSEL TO DEFEND THE BOARD OF ZONING APPEALS (BZA) AND BZA MEMBER JAMES R. HART IN CONNECTION WITH A MOTION FILED BY THE PETITIONERS ON MARCH 2, 2007, IN JACKSON VERSUS BOARD OF ZONING APPEALS** (4:38 p.m.)

(BACs) Supervisor Hyland moved that the Board appropriate funds not to exceed \$5000 for the BZA and BZA member James R. Hart to retain a private attorney acceptable to the County Executive to defend the BZA and Mr. Hart in connection with the motion filed by the petitioners in *Jackson, et al. versus Board of Zoning Appeals*, Case Number CL-2006-0010122, on March 2, 2007. Supervisor Smyth seconded the motion and it carried by unanimous vote.

50. **BOARD CONCURRENCE PURSUANT TO STATUTE WITH THE CIRCUIT COURTS DECISION TO APPOINT THOMAS WARNER SMITH, III, TO THE BOARD OF ZONING APPEALS (BZA)** (4:39 p.m.)

(BACs) Supervisor McConnell moved that the Board authorize the Chairman to advise Chief Circuit Court Judge Michael P. McWeeny that, in accordance with Virginia Code Section 15.2-2308, the Board concurs with the Court's selection of Thomas Warner Smith, III, to membership on the BZA. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

AGENDA ITEMS

51. **A-2 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE FEDERAL BUREAU OF INVESTIGATION (FBI) IN REGARD TO THE JOINT TERRORISM TASK FORCE** (4:40 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #16.)

On motion of Supervisor McConnell, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign a MOU between the FCPD and the FBI.

CWB:cwb

52. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2006-HM-023 (PSR, LLC) (HUNTER MILL DISTRICT)** (4:40 p.m.)

- (O) The application property is located north of Sideline Court and on the west side of Beulah Road, Tax Map 8-2 ((1)) 4.

Mr. Patrick M. Via reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2006-HM-023, from the R-1 District to the R-3 District, subject to the proffers dated February 8, 2007. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Gross, and Supervisor McConnell being out of the room.

Supervisor Hudgins submitted items for the record.

53. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-HM-046 (WOODLAND PARK CROSSING RETAIL, LLC) (HUNTER MILL DISTRICT)** (4:44 p.m.)

The application property is located in the northwest quadrant of the intersection of Sunrise Valley Drive and Woodland Pointe Avenue, Tax Map 16-4 ((23)) C and R.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

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

- In excess of \$100 from Carson Lee Fifer

Ms. Baker 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.

Following the public hearing, Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Proffered Condition Amendment Application PCA 2003-HM-046, subject to the proffers dated February 13, 2007. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

ADDITIONAL BOARD MATTERS

54. **WELCOME TO BOY SCOUT (SULLY DISTRICT)** (4:49 p.m.)

Supervisor Frey recognized the presence of Sean Hill, a Boy Scout from Troop 20 in the Sully District, and warmly welcomed him to the Board Auditorium.

NV:nv

55. **TYSONS TUNNEL** (4:50 p.m.)

Supervisor Smyth noted this Board Matter is presented jointly with Chairman Connolly, Supervisor DuBois, and Supervisor Kauffman. She reminded the Board that Governor Kaine recently suggested on the WTOP call-in show, "Ask the Governor," that he would act more forcefully on the tunnel option if he heard from the Board that the tunnel would be its preferred option. His comments were also captured in a subsequent *Examiner* article.

Accordingly, jointly with Chairman Connolly, Supervisor DuBois, and Supervisor Kauffman, Supervisor Smyth moved that the Board direct the Chairman to send what would be a third letter to the Governor reconfirming the Board's preference and incorporating the following background and critical concerns:

- Since the Board Matter of January 8, 2007, the State of Virginia and the Metropolitan Washington Airports Authority (MWAA) have continued to negotiate with Dulles Transit Partners for construction of the elevated line even though deadlines have continually slipped for the final bid. Representatives of the tunnel firm have also submitted engineering and cost estimate documents to the State. Thus far, the State has not decided to competitively bid the project, has used a consultant to MWAA to critique the tunnel, and has refused to consider tunnel engineers' responses to those critiques or the commitment of at least one alternative bid on the tunnel.
- The Board hereby reaffirms its Resolution of January 8, 2007, and its commitment to a tunnel design as an alternative, which has widespread support in the community. In addition, the Board wishes to place in the record the following critical concerns:
 1. Fairfax County, its taxpayers, and businesses are contributing \$400 million or 16 percent of the capital cost of the Dulles Rail project. Northern Virginia toll road users are providing \$925 million or 37 percent. The State of Virginia is providing just \$51 million or 2 percent toward the capital costs. The County will also be responsible for a significant share of the operating and maintenance costs, with the State providing little or no operating support, and the Washington Metropolitan Area Transit Authority (WMATA) will own the project once it is completed.
 2. The County and WMATA have not been a direct party to the negotiations of the price and contract terms for the Dulles Rail project. The County is concerned that critical pricing documents have been kept confidential and may not be available for review, preventing the County from evaluating contract risks, including the risk of costly change orders and cost overruns and higher operating and maintenance costs.
 3. The interests of MWAA, with its responsibilities to Dulles Airport, may not always be in alignment

with those of the County, which depends on the success of its largest job center, Tysons Corner. MWAA cannot assume control of the toll road revenues or the rail project until contract negotiations are completed and a Full-Funding Grant Agreement is signed, creating a preference for quicker resolution rather than a full evaluation of competing contract bids.

4. The County is concerned with the approach taken by employing the services of a consultant to MWAA (Carter-Burgess) to review and critique the project outside standard procedures for a competitive process. This consultant's contracts with MWAA may suggest to some a lack of independence necessary to fairly evaluate the tunnel proposal. In addition, the County understands that Carter-Burgess lacks experience with Metrorail engineering and that its review did not include engineering cost estimates submitted by the tunnel engineers nor did it consider the assumptions of risk made by Dragados, the construction firm. Furthermore, Carter-Burgess' conclusions are at odds with the independent review by the American Society of Civil Engineers.
5. Concerns articulated by the Board of Directors of WMATA have gone unanswered now for more than a year. (A copy of the latest resolution adopted by the WMATA Board capturing shared issues was circulated around the dais.)
6. Negotiations in a situation where there is a guarantee of a sole-source contract and in which the State has -- in the eyes of the community -- frustrated the potential for a second proposal and may preclude cost containment opportunities in the future.
7. An open and competitive bidding process would allow for a level playing field for independent review of the competing proposals, full participation of the County and WMATA in the evaluation of the proposals, the opportunity for a lower price, and the opportunity to select the design which best supports the redesign of Tysons Corner to maximize ridership and project success.

8. The County reaffirms its call for an open and competitive bidding process to include the tunnel option, and participation and review of all engineering and contract documents submitted by all bidders. The Board also pledges to work with Governor Kaine, who has stated his desire to work for a locally supported rail option, and other State and Federal representatives to help achieve what is clearly the community's goal.

Supervisor Kauffman seconded the motion.

Following discussion, the question was called on the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

AGENDA ITEMS

56. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2002-PR-008-2 (THE CHRISTOPHER COMPANIES DBA CHRISTOPHER MANAGEMENT, INCORPORATED) (PROVIDENCE DISTRICT)** (4:59 p.m.)

(NOTE: On January 22, 2007, the Board deferred the public hearing on this item until March 12, 2007.)

The application property is located in the southeast quadrant of the intersection of Swanee Lane and Opal Drive, south of Topaz Street and east of Zimple Drive, Tax Map 48-2 ((32)) 12–16, 19–23, and 47.

Ms. Lori R. Greenlief reaffirmed the validity of the affidavit for the record.

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

- In excess of \$100 from Carson Lee Fifer

Chairman Connolly disclosed the following campaign contributions which he had received:

- In excess of \$100 from E. John Reagan
- In excess of \$100 from E. John Reagan and Judith M. Reagan

Ms. Greenlief 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.

Following the public hearing, Andrew Hushour, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 2002-PR-008-02, and its Conceptual Development Plan, subject to the proffers dated January 9, 2007. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Kauffman, and Supervisor McConnell being out of the room.

(NOTE: On December 7, 2006, the Planning Commission approved Final Development Plan Amendment Application FDPA 2002-PR-008-02, subject to the development conditions dated December 6, 2006.)

57. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 91-Y-010-04 (SKY06, LLC) (SULLY DISTRICT)**
(5:07 p.m.)

The application property is located within Centre Ridge Shopping Center at 6206 Multiplex Drive, Tax Map 65-1 ((10)) 6.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

Ms. Kelsey 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.

Following the public hearing, Kris Abrahamson, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 91-Y-010-04, subject to the proffers dated February 28, 2007.
- That the Board reaffirm the previous modification of transitional screening and barrier requirements along the periphery of Land Bay 11B.

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

(NOTE: On March 1, 2007, the Planning Commission approved Final Development Plan Amendment Application FDPA 91-Y-010-03, subject to the development conditions dated February 27, 2007.)

58. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-PR-019 (VIRGINIA INTERNATIONAL UNIVERSITY) (PROVIDENCE DISTRICT)** (5:13 p.m.)

The application property is located at 3957 Pender Drive, Tax Map 57-1 ((1)) 10.

Mr. Michael M. Pavlovich reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Special Exception Application SE 2006-PR-019, subject to the development conditions dated January 26, 2007. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

59. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-MA-027 (JOANNE KRAUSE) (MASON DISTRICT)** (5:17 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 2006-MA-027 until **April 9, 2007, at 4 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, and Supervisor Kauffman being out of the room.

60. **4 P.M. – PH ON A PROPOSAL TO VACATE AN UNNAMED RIGHT-OF-WAY IN THE BRADDOCK HILLS SUBDIVISION (MASON DISTRICT)** (5:17 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 22 and March 1, 2007.

Donald Stephens, staff, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross called the Board's attention to the easement being addressed and potential changes to a citizen's property. Discussion ensued with input from Mr. Stephens.

Supervisor Gross moved adoption of the Ordinance vacating the unnamed right-of-way in the Braddock Hills Subdivision. Supervisor Smyth seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

61. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6510 ROCK A BY ROAD (LEE DISTRICT)** (5:23 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 February 22 and March 1, 2007.

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by three speakers, Chairman Connolly called the Board's attention to the citizen's property tax situation and her efforts regarding the payment. Discussion ensued with input from Ms. Sadar. Chairman Connolly also called the Board's attention to a swimming pool on the property that is in noncompliance with County code concerning a peripheral fence.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to:

- Order a chain-link fence be constructed around the periphery of the in-ground pool at the owner's expense.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Kauffman moved:

- Adoption of the Ordinance declaring 6510 Rock A By Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 6510 Rock A By Road.

Supervisor Bulova and Supervisor DuBois jointly 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."

62. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7705 KELLY ANN COURT (SPRINGFIELD DISTRICT)** (5:38 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 22 and March 1, 2007.

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by four speakers, Supervisor McConnell asked unanimous consent that the Board direct staff to coordinate with her office, the owner, and other appropriate staff in an effort to resolve the clean up issues and the abatement plan in a timely manner. Without objection, it was so ordered.

Supervisor McConnell moved:

- Adoption of the Ordinance declaring 7705 Kelly Ann Court blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7705 Kelly Ann Court.

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

63. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 8505 SKY VIEW DRIVE (MOUNT VERNON DISTRICT)** (6:05 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 22 and March 1, 2007.

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Housing and Community Development, presented the staff report.

The public hearing was held and included testimony by three speakers.

Supervisor Hyland asked unanimous consent to enter a number of items into the record including a request to preserve the large trees on the property if another home is constructed. Without objection, it was so ordered.

Supervisor Hyland moved:

- Adoption of the Ordinance declaring 8505 Sky View Drive blighted, constituting a nuisance.
- Approval of the blight abatement plan for 8505 Sky View Drive.

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

64. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 112 (ZONING ORDINANCE), AND THE PUBLIC FACILITIES MANUAL (PFM), TO COMPLY WITH NEWLY ADOPTED STATE CODE REGARDING PRIVATELY MAINTAINED STREETS**
(6:20 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 22 and March 1, 2007.

Judith Cronauer, Engineer III, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Frey moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), Chapter 112 (Zoning Ordinance), and the PFM regarding the maintenance of private streets and the funding of improvements to these streets.
- That the proposed amendments become effective at 12:01 a.m., March 13, 2007.

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

65. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL ORDINANCE), TO COMPLY WITH A NEWLY ADOPTED STATE CODE PROVISION REGARDING PERSONS ENGAGING IN THE CREATION OR OPERATION OF WETLAND MITIGATION BANKS IN MULTIPLE JURISDICTIONS** (6:23 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 February 22 and March 1, 2007.

Judith Cronauer, Engineer III, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 104 (Erosion and Sedimentation Control Ordinance). Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois and Supervisor Hyland being out of the room.

66. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), REGARDING LOW IMPACT DEVELOPMENT PRACTICES** (6:26 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 22 and March 1, 2007.

John Friedman, Engineer III, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor McConnell and Supervisor Gross called the Board’s attention to potential durability and maintenance issues of pervious pavement.

Supervisor Smyth called the Board’s attention to informational workshops recommended by the Planning Commission. Discussion ensued with input from James W. Patteson, Director, Land Development Services, Department of Public Works and Environmental Services.

Supervisor Gross moved:

- Adoption of the proposed amendments to the PFM (Option 2) regarding low impact development practices with the changes dated March 12, 2007.

- That all site plans, subdivision construction plans, and lot grading plans, submitted prior to the effective date of the amendments, be grandfathered.
- That staff cooperate with the Planning Commission and hold a workshop or public meeting to gather input from interested parties on potential additional policy changes to be submitted to the Environmental Committee.

Supervisor Smyth 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.”

67. **ORDERS OF THE DAY** (6:50 p.m.)

Supervisor Connolly announced that because of the extensive list of speakers for the public hearing on the Policy Plan Amendment regarding transit oriented development, the Board would next proceed with the public hearing on a Plan Amendment in the Sully District.

68. **5 P.M. – PH ON PROPOSED POLICY PLAN AMENDMENT ST07-CW-1CP REGARDING REVISIONS TO THE POLICY PLAN TO ADD A DEFINITION AND SET OF PRINCIPLES FOR TRANSIT ORIENTED DEVELOPMENT** (6:50 p.m.)

(Later in the meeting, the Board held this public hearing. See Clerk’s Summary Item #70.)

69. **5 P.M. – PH ON PROPOSED PLAN AMENDMENT S06-III-BR1 FOR CENTREVILLE SUBURBAN CENTER, SUB-UNIT C-2 LOCATED SOUTH OF BRADDOCK ROAD AND EAST OF OLD CENTREVILLE ROAD (SULLY DISTRICT)** (6:50 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 February 22 and March 1, 2007.

Clara Quintero Johnson, Planner III, Policy and Plan Development Branch, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Frey moved approval of Plan Amendment S06-III-BR1, as recommended by the Planning Commission. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

70. **5 P.M. – PH ON PROPOSED POLICY PLAN AMENDMENT ST07-CW-1CP REGARDING REVISIONS TO THE POLICY PLAN TO ADD A DEFINITION AND SET OF PRINCIPLES FOR TRANSIT ORIENTED DEVELOPMENT** (6:56 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 22 and March 1, 2007.

Deborah Albert, Planner II, Environmental and Development Review Branch, Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, which included testimony by nine speakers, and input from Fred Selden, Planning Division Director, DPZ, and Walter Alcorn, At-Large Planning Commissioner, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved:

- Approval of Policy Plan Amendment ST07-CW-1CP, as recommended by staff and shown on pages 7 through 15 in the staff report dated February 28, 2007. The recommendation would add a new objective and associated policies to the Land Use section of the Policy Plan encouraging transit-oriented development; and add a new appendix to the Land Use section of the Policy Plan with guidelines for transit-oriented development.
- That the Board direct staff to review each of the Planning Commission recommendations and report with a suggested approach regarding each implementation measure and reexamine the omission of “bus hubs” from the Transit Oriented Development Guideline.

Supervisor Smyth seconded the motion.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Smyth asked to amend the motion to include the following language to the Transit Oriented Development Guideline:

- “...compact pedestrian *and biking* friendly...” in the glossary definition of Transit Oriented Development.
- “...common employment and retail uses in a high quality walking *and biking* environment...” in the glossary definition of Transit Oriented Development.
- “A multi-modal transportation infrastructure with an emphasis on pedestrian *and biking* facilities...” in the first bullet of Objective 9.

- “Traffic calming measures, design techniques, and road alignments that balance pedestrian *and bike* accessibility and vehicular access” in the last bullet of Objective 9.

This was accepted.

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

71. **I-4 – UPDATE AND SUMMARY OF ELECTRIC UTILITY REGULATION LEGISLATION 2007 SESSION** (8:08 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding this item and requested a letter to accompany it. See Clerk’s Summary Item # 20.)

Supervisor Gross called the Board’s attention to the draft letter provided by staff regarding electric utility regulation legislation and moved approval of the letter with a minor syntax correction. Supervisor Hyland seconded the motion and it carried by unanimous vote.

72. **BOARD ADJOURNMENT** (8:09 p.m.)

The Board adjourned.

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