



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
February 11, 2002**

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03-02

PW:pw

The meeting was called to order at 9:35 a.m., with all Members being present, with the exception of Supervisor Frey and Supervisor McConnell, and with Chairman Hanley presiding.

Supervisor Frey and Supervisor McConnell arrived at 9:40 a.m.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Christina M. Manning, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

1. **MOMENT OF SILENCE** (Tape 1)

Chairman Hanley asked everyone to remember in thoughts and prayers the family of Supervisor Mendelsohn and especially his wife, Laura, on the recent death of her mother, Faith Dick.

Supervisor Hyland asked everyone to remember in thoughts for a speedy recovery Gloria Carroll, the wife of Lee Carroll, a current County employee. Mrs. Carroll is in the intensive care unit at Fairfax Hospital.

2. **WELCOME TO WHITTINGTON W. CLEMENT, THE NEW COMMONWEALTH OF VIRGINIA SECRETARY OF TRANSPORTATION** (Tape 1)

Chairman Hanley welcomed the new Commonwealth of Virginia Secretary of Transportation, Whittington W. Clement, who had attended the Board's

Transportation Committee meeting held prior to the Board meeting. Secretary Clement stated that he looked forward to working with the Board and acknowledged their concerns for future transportation needs.

AGENDA ITEMS

3. **CERTIFICATE OF RECOGNITION PRESENTED TO RESTON YOUTH FOOTBALL ASSOCIATION ANKLEBITER TEAM, PARENTS, AND COACHING STAFF** (Tape 1)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Reston Youth Football Association Anklebiter Team, parents, and coaching staff for their winning season. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Frey being out of room.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. WARREN CARMICHAEL** (Tape 1)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Mr. Warren Carmichael for his years of service to Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of room.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. MARK MARTINO AND MR. ROY HOLDER** (Tape 1)

Supervisor Bulova moved approval of Certificates of Recognition presented to Mr. Mark Martino and Mr. Roy Holder of Lake Braddock Secondary School for their achievements. Chairman Hanley seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

6. **PROCLAMATION DESIGNATING FEBRUARY AS "NATIONAL CHILDREN'S DENTAL HEALTH MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation designating February as "*National Children's Dental Health Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

7. **PROCLAMATION DESIGNATING FEBRUARY 17-23, 2002, AS "NATIONAL ENGINEERS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation designating February 17-23, 2002, as "*National Engineers Week*" in Fairfax County. Supervisor Connolly

seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Gross being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley

ADDITIONAL BOARD MATTER

8. **PRESENTATION RECOGNIZING FAIRFAX COUNTY GOVERNMENT AS THE “ONE OF THE BEST-MANAGED JURISDICTIONS IN AMERICA”** (Tape 1)

The Board recognized the following managers for being chosen as “one of the best-managed jurisdictions in America” and presented them with a mounted copy of the article “Grading the Counties” from *Governing Magazine*:

- Anthony H. Griffin, County Executive
- Verdia L. Haywood, Deputy County Executive
- Edward L. Long, Jr., Chief Financial Officer
- David J. Molchany, Chief Information Officer
- Robert A. Stazler, Deputy County Executive

AGENDA ITEMS

9. **10 A.M. – PRESENTATION BY THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) OF ITS ANNUAL REPORT** (Tapes 1-2)

(BACs) Jessica Burmester, Chairman, CSB, presented its annual report, and discussion ensued with input from James A. Thur, Executive Director, CSB and Anthony H. Griffin, County Executive. The Board expressed thanks and appreciation to all the members of the CSB.

SBE:sbe

10. **10:10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (Tape 3)

Supervisor Connolly, Legislative Chairman, distributed to the Board copies of a memo of the 2002 Legislative Report Number 2 – Board Legislative Committee Meetings of February 1 and February 8, 2002, and announced key General Assembly Committee votes.

Discussion ensued with input from Young Ho Chang, Director, Department of Transportation.

Following a brief outline of the report, Supervisor Connolly moved adoption of the Legislative Committee Report Number 2, which includes the direction to staff to communicate to legislators that Fairfax County opposes any methodology to distribute the sales tax that includes the composite index. Supervisor Bulova seconded the motion and it carried by unanimous vote.

Further discussion ensued.

ADDITIONAL BOARD MATTER

11. **INTRODUCTION AND WELCOME OF COURTNEY FELKER, INTERN IN SUPERVISOR HUDGINS' OFFICE** (Tape 3)

Supervisor Hudgins introduced and welcomed Ms. Courtney Felker, an intern from South Lakes High School, who will be interning in the Hunter Mill office until May. Ms. Felker will be attending Eastern Carolina University in the fall as a scholarship athlete in swimming.

AGENDA ITEMS

DS:ds

12. **ADMINISTRATIVE ITEMS** (Tape 4)

Supervisor Connolly moved approval of the Administrative Items. Supervisor McConnell seconded the motion.

Supervisor Connolly called the Board's attention to Admin 7 - Supplemental Appropriation Resolution AS 02067 for the Fairfax County Department of Family Services to Accept Grant Funds from the Virginia Employment Commission, Pentagon Attack and Related Dislocation - 9/11 National Emergency Grant Funds on Behalf of the Northern Virginia Workforce Investment Board and discussion ensued with input from Dana W. Paige, Director, Department of Family Services.

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

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (SULLY DISTRICT)

(R) Approved the request that the streets listed below be accepted into the Secondary System.

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Brown's Landing	Dranesville	Van Patten Lane Colvin Run Road Route 743 Additional ROW Only Leesburg Pike Route 7 Additional ROW Only

ADMIN 2 – ADOPTION OF A RESOLUTION AUTHORIZING ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF REVENUE BONDS FOR THE WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS (HUNTER MILL DISTRICT)

(R)
(Bonds)

Adopted the Resolution approving the proposed Plan of Financing requesting that the EDA issue its revenue bonds to assist the Wolf Trap Foundation in financing or refinancing facilities located or to be located on land owned by the Foundation south of the Dulles Toll Road with a street address of 1635 Trap Road, Vienna, Virginia 22182.

ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 02063 FOR CONTINUATION OF THE FEDERAL CHILD AND ADULT CARE FOOD PROGRAM (CACFP) GRANT WITHIN THE DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN (DFS/OFC)

(SAR)

Approved SAR AS 02063 in the amount of \$3,360,391 for continued participation in the CACFP. This grant, funded by the US Department of Agriculture, allows DFS/OFC to continue CACFP services in Fiscal Year 2002 for over 10,500 children by assisting childcare providers in offering nutritious meals for children in their care. No local cash match is required.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), EXPANDING THE MOUNT VERNON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 24 (MOUNT VERNON DISTRICT)

(A)

Authorized the advertisement of a public hearing to be held before the Board on **March 4, 2002, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), expanding the Mount Vernon RPPD, District 24.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 98-Y-038, JACK W. CARNEY AND BENJAMIN M. SMITH, JR. (SPRINGFIELD DISTRICT)

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 98-Y-038 to January 12, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), EXPANDING THE WEST SPRINGFIELD RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 7 (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 4, 2002, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), expanding the West Springfield RPPD, District 7.

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 02067 FOR THE FAIRFAX COUNTY DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDS FROM THE VIRGINIA EMPLOYMENT COMMISSION (VEC), PENTAGON ATTACK AND RELATED DISLOCATION - 9/11 NATIONAL EMERGENCY GRANT FUNDS ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD

- (SAR) (NOTE: Earlier in the meeting there was discussion of this item. See page 4.)

Approved SAR AS 02067 for DFS to accept grant funding from VEC in the amount of \$1,000,000. The National Emergency Grant funds will be used to continue to provide intensive employment counseling, training, and job placement services to the large number of area residents affected by September 11, 2001, related job losses. No local cash match is required.

ADMIN 8 – EXTENSION OF REVIEW PERIOD FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (MASON DISTRICT)

Authorized the extension of the review period for Public Facility Review Application 456A-M83-21-1 to April 8, 2002.

13. **A-1 – ENDORSEMENT OF DESIGN PLANS FOR THE SPOT IMPROVEMENT PROJECT ON LITTLE RIVER TURNPIKE (ROUTE 236) BETWEEN PICKETT ROAD (ROUTE 237) AND LAKE DRIVE (BRADDOCK, MASON, AND PROVIDENCE DISTRICTS)**
(Tape 4)

Supervisor Connolly and Supervisor Bulova jointly moved that the Board:

- Concur in the recommendation of staff and endorse the design plans for the spot improvements on Little River Turnpike at its intersections with Pickett Road (in the City of Fairfax), Guinea Road, Prosperity Avenue, Woodburn Road, Wakefield Chapel Road, and Lake Drive (at Northern Virginia Community College), subject to the following:
 - That, in conjunction with the spot intersection improvements, signal coordination be updated for the traffic flows within the corridor.
 - That the entrance on Little River Turnpike into the Turnpike Shopping Center be modified to improve its operation.
- Direct staff to forward this action to the Commonwealth Transportation Board.

Supervisor Bulova seconded the motion.

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

14. **A-2 – AMENDMENT OF THE FAIRFAX COUNTY CITIZEN PARTICIPATION PLAN FOR THE CONSOLIDATED PLAN** (Tape 4)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and adopt the amendment to the Fairfax County Citizen Participation Plan for the Consolidated Plan, which allows for additional Consolidated Community Funding Advisory Committee members. Supervisor Bulova seconded the motion.

Following discussion, with input from Audrey Spencer-Horsley, Acting Director, Community Development Division, Department of Housing and Community Development, the question was called on the motion and it carried by unanimous vote.

15. **A-3 – APPROVAL FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) TO EXECUTE AN AGREEMENT WITH THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) FOR THE SPONSORING PARTNERSHIPS AND REVITALIZING COMMUNITIES (SPARC) PROGRAM** (Tape 4)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize HCD to execute an agreement with VHDA for the SPARC Program. Supervisor Bulova seconded the motion.

Supervisor Kauffman asked unanimous consent that the Board direct staff to return with information about how purchasers will be given instruction on the proper maintenance of their property. Without objection, it was so ordered.

Following discussion, with input from Paula C. Sampson, Director, HCD, and Patti Schlener, Chief, Relocation Services, HCD, Supervisor Gross asked to amend the motion to direct staff to provide a status report on the program no later than June 30, 2002, and this was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Connolly being out of the room.

16. **C-1 – APPEAL OF A SECTION 15.2-2232 DETERMINATION – PUBLIC FACILITIES APPLICATION 2232-H01-19, VERIZON WIRELESS (HUNTER MILL DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated February 11, 2002, regarding an appeal of a Section 15.2-2232 Determination – Public Facilities Application 2232-H01-19, Verizon Wireless.

Following the staff presentation, discussion ensued with input from J. Patrick Taves, Deputy County Attorney; David Marshall, Assistant Director, Department of Planning and Zoning (DPZ); and David Jillson, Planner, Facilities Planning Branch, DPZ.

Supervisor Hudgins moved that the Board grant Verizon's appeal, reversing the decision of the Planning Commission on Public Facilities Application 2232-H01-19, and approve the proposed facility as being substantially in accord with the Comprehensive Plan. Supervisor Bulova seconded the motion.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Mendelsohn voting "NAY."

17. **C-2 – ADVERTISING ON FAIRFAX CONNECTOR BUSES AND ON BUS SHELTERS IN FAIRFAX COUNTY** (Tape 4)

The Board next considered an item contained in the Board Agenda dated February 11, 2002, responding to the Board's request for information on the impacts and issues associated with accepting advertising on FAIRFAX CONNECTOR buses and on bus shelters in the County.

Supervisor Hyland moved that the Board:

- Direct staff to develop an action plan to implement advertising on the FAIRFAX CONNECTOR bus fleet and to return to the Board with any necessary Board action by June 30, 2002. It should be noted that this action plan is likely to include the addition of one staff person in the Department of Transportation (DOT) to implement the bus advertising program. This staff person's salary would be covered by program revenues.
- Agree not to pursue bus shelters advertising at this time due to County and State regulations.
- Agree to utilize revenues from bus advertising on FAIRFAX CONNECTOR buses to improve bus service in Fairfax County, such as improved service on Richmond Highway to reflect the strong transit market in this corridor and/or into the bus replacement reserve.

Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and:

- Asked to amend the motion to delete the addition of the one staff person in DOT.
- Clarified that the revenues from the bus advertising will go directly into the bus replacement reserve.

This was accepted.

Supervisor Connolly clarified that the motion follows the advice provided by the County Attorney in a memorandum addressed to the Board Members.

Following discussion with input from Tom Biesiadny, Section Head, Coordination and Funding, Department of Transportation, Chairman Hanley asked to amend the motion that the advertising on the FAIRFAX CONNECTOR buses include both sides of the bus. This was accepted.

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

Supervisor Hyland clarified that the revenues from the bus advertising would be used for expanded service and/or bus replacement reserve.

Supervisor Kauffman asked to amend the motion that the Board direct staff to pursue necessary Virginia Code and Zoning Ordinance amendments to allow for future consideration of bus shelter advertising. This was accepted.

Supervisor Connolly asked unanimous consent that this issue be referred to the legislative committee. Without objection, it was so ordered.

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

18. **C-3 – BYLAWS OF THE FAIRFAX COUNTY ANIMAL SERVICES ADVISORY COMMISSION (ASAC)** (Tape 4)

(BACs) The Board next considered an item contained in the Board Agenda dated February 11, 2002, requesting approval to revise the Bylaws of the Fairfax County Animal Shelter Advisory Commission to include a name change to the ASAC.

Supervisor Gross moved approval of the revisions to the Bylaws of the ASAC. Supervisor McConnell seconded the motion.

Following discussion with input from Mike P. Venacak, Commander, Animal Control Division, Police Department, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved the following change to Article IV - Member Requirements and Conduct of the Bylaws of the ASAC:

- Members will serve on the Commission for two years, with the option for unlimited reappointments.

This was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following further discussion, Catherine A. Chianese, Assistant to the County Executive, clarified that Procedural Memorandum #99 which was referred to in Article IV - Paragraph 5 and Article V - Paragraph 1, is a memorandum promulgated by the County Executive relating to Boards, Authorities, and Commissions (BACs) in terms of general requirements of staffing of those BACs.

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

Supervisor Frey asked unanimous consent that the Board direct the Clerk to provide an item in the next appointments package establishing terms for the members of ASAC. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to refer this item back to ASAC. Without objection, it was so ordered.

19. **I-1 – CONTRACT AWARD – ANNUAL DESIGN CONTRACT FOR WALKWAY PROJECTS** (Tape 4)

The Board next considered an item contained in the Board Agenda dated February 11, 2002, requesting authorization for staff to award a contract to Burgess and Niple, Incorporated, in an amount not to exceed \$250,000 for engineering design services on an annual basis for walkway projects authorized by the County.

The staff was directed administratively to proceed as proposed.

20. **I-2 – AGREEMENT WITH THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION (DCR) FOR PROJECT DEVELOPMENT AND ADMINISTRATION OF THE MASON NECK TRAIL PROJECT (MOUNT VERNON DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated February 11, 2002, requesting authorization for the County Executive to execute a project agreement with the DCR for project development and administration of the Mason Neck Trail project.

The staff was directed administratively to proceed as proposed.

21. **I-3 – SUPPLEMENTAL AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR PROJECT DEVELOPMENT AND ADMINISTRATION OF THE MASON NECK TRAIL PROJECT (MOUNT VERNON DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated February 11, 2002, requesting authorization for the County Executive to execute the Supplemental Agreement with VDOT for project development and administration of the Mason Neck Trail project.

The staff was directed administratively to proceed as proposed.

22. **I-4 – CONTRACT AWARD – SPRING HILL RECENTER RENOVATION (DRANESVILLE DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated February 11, 2002, requesting authorization for the staff to award a contract to

Sumter Contracting Corporation in the amount of \$242,777 for the renovation of Spring Hill RECenter, funded by Project 475898, Building Renovations, in Fund 370, Parks Bond Construction.

The staff was directed administratively to proceed as proposed.

23. **I-5 – CONTRACT AWARD – GENERAL CIVIL ENGINEERING DESIGN SERVICES TO DEWBERRY AND DAVIS, LLC** (Tape 4)

The Board next considered an item contained in the Board Agenda dated February 11, 2002, requesting authorization for staff to award a contract to Dewberry and Davis, LLC, in an amount not to exceed \$250,000 per year, or \$750,000 over three years, for general civil design services on an as-needed basis for County projects.

The staff was directed administratively to proceed as proposed.

24. **I-6 – CONTRACT AWARD – REAL ESTATE COMPUTER ASSISTED MASS APPRAISAL (CAMA) SOFTWARE** (Tape 4)

The Board next considered an item contained in the Board Agenda dated February 11, 2002, requesting authorization for staff to complete negotiations and proceed to make the appropriate award of contract to Cole, Layer and Trumble to replace the existing mainframe system for assessing real estate. Existing funds are available in the Information Technology Fund 104.

The staff was directed administratively to proceed as proposed.

25. **I-7 – CONTRACT AWARD – COLLECTION OF PARKING TICKETS** (Tape 4)

The Board next considered an item contained in the Board Agenda dated February 11, 2002, requesting authorization for staff to award a contract to Professional Parking Solutions for the collection of parking tickets pursuant to Virginia Code Section 58.1-3934.

A brief discussion ensued with input from Kevin C. Greenlief, Director, Department of Tax Administration.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

26. **WOMEN'S HISTORY MONTH** (Tape 5)

Chairman Hanley said the month of March is nationally recognized as Women's History Month. In conjunction with the Office for Women, the Office of Equity

Programs has requested a proclamation to observe March as Women's History Month in Fairfax County.

Therefore, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite the appropriate representatives to appear before the Board on February 25, 2002, to receive a proclamation declaring March as *Women's History Month* in Fairfax County. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

27. **NATIONAL PURCHASING MONTH** (Tape 5)

Chairman Hanley said that the Department of Purchasing and Supply Management has requested that Fairfax County designate March as National Purchasing Month in Fairfax County.

Accordingly, Chairman Hanley moved that the Board direct staff to invite the appropriate representatives to appear before the Board on March 4, 2002, to receive a proclamation declaring March as *National Purchasing Month* in Fairfax County. Supervisor Connolly seconded the motion and it carried by unanimous vote.

28. **WOMEN'S HEART DAY** (Tape 5)

Chairman Hanley called the Board's attention to a letter the County Executive had received from Irene Pollin, Executive Vice President, Washington Sports and Entertainment and Chairperson, Sister to Sister – Everyone Has a Heart Foundation, requesting support for the Woman's Heart Day campaign to be held at the MCI Center on February 22, 2002, from 8:30 a.m. to 4 p.m.

Therefore, Chairman Hanley asked unanimous consent that the Board direct staff to:

- Prepare and send a proclamation declaring February 22, 2002, as *Women's Heart Day* in Fairfax County.
- Promote the event to County employees.

Without objection, it was so ordered.

29. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION** (Tape 5)

Chairman Hanley said that after conversing with the Mayor of Virginia Beach regarding the new proposed federal budget, she had been informed that its CDBG allocation was going down.

Therefore, Chairman Hanley asked unanimous consent that the Board direct staff to inquire about CDBG revenue. Without objection, it was so ordered.

30. **PUBLIC/PRIVATE TRANSPORTATION ASSOCIATION ROUTE 28 SITUATION** (Tape 5)

Chairman Hanley asked for a brief presentation regarding the Public/Private Transportation Association Route 28 situation, following today's public hearings.

(NOTE: Later in the meeting, this briefing was held. See Clerk's Summary Item CL#68.)

31. **SPOT IMPROVEMENT PROGRAM AND THE WALKWAY/TRAILS PROGRAM** (Tape 5)

Chairman Hanley asked unanimous consent that the Board direct staff to provide the following information regarding the Spot Improvement Program and the Walkway/Trails Program:

- Status of the program.
- The amount of money that was allocated for each program that has actually been implemented.

Without objection, it was so ordered.

32. **MEETING WITH LOUDOUN COUNTY BOARD OF SUPERVISORS/TRI-COUNTY MAP** (Tape 5)

Chairman Hanley said that she and Supervisor Frey had received a letter from the West Fairfax County Citizens Association asking to reschedule a meeting with the Loudoun County Board of Supervisors.

Chairman Hanley said that the Board had previously asked for a tri-county (Fairfax/Loudoun/Prince William) map to be prepared.

Therefore, Chairman Hanley asked unanimous consent that the Board direct staff to provide the map prior to the meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

33. **STORMWATER MANAGEMENT FACILITY RETROFIT** (Tape 5)

Supervisor Mendelsohn said that staff had provided a great presentation to each Board Member on the stormwater management facility retrofit.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Bulova asked unanimous consent that the Board direct staff to provide an Information Item regarding this issue. Without objection, it was so ordered.

34. **USE OF SHOWMOBILE FOR GREAT FALLS DAY** (Tape 5)

Supervisor Mendelsohn said that the Great Falls Historical Society, GF4C's, and the Fairfax County Park Authority will host Great Falls Day on Saturday, April 20, 2002, to celebrate their community with fun, history, music, nature, and children's activities, and the showmobile will greatly enhance the activities planned.

Therefore, Supervisor Mendelsohn moved that the Board direct staff to waive the fees associated with the use of the Showmobile for this event. Supervisor Kauffman seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, the question was called on the motion and it carried by unanimous vote.

35. **THE MCLEAN ORCHESTRA (TMO)** (Tape 5)

Supervisor Mendelsohn said that the TMO will be celebrating its thirtieth anniversary on April 14, 2002. TMO was founded in 1972 as a small group ensemble of 15 musicians. Under the direction of Colonel Arnald D. Gabriel for the past 16 years, the orchestra has grown to the outstanding 90-member complement of today and has developed a strong repertoire and an impressive reputation for excellence.

Therefore, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to invite Colonel Gabriel and the Board of Directors from TMO to appear before the Board on April 8, 2002, to receive the Board's thanks and congratulations on their thirtieth anniversary. Without objection, it was so ordered.

36. **BUCK'S LANE** (Tape 5)

- (R) Supervisor Mendelsohn said that in 1985 the owner of a private outlet road that appears on Section 13-1 of the County Tax Map, and is now known as Buck's Lane, dedicated to the County a public foot path/bridal path across the entirety of the private outlet road. He said the community of Great Falls now wishes to have access to this easement to connect certain existing trails and to facilitate interconnection between public uses such as the Great Falls Elementary School, the Great Falls Library, the Leo Santaballa Field, and the Great Falls Grange Park and playground.

Supervisor Mendelsohn said the County Attorney has advised that the County may use this easement for the purpose for which it was dedicated if the Board adopts the Resolution contained in his Board Matter.

Therefore, Supervisor Mendelsohn moved adoption of the Resolution and directed staff to file it in the land records of Fairfax County. Chairman Hanley seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

37. **PARKING REQUIREMENTS - PROPOSED ZONING ORDINANCE AMENDMENT** (Tape 5)

Supervisor Mendelsohn said that in 1998 the County adopted a Zoning Ordinance Amendment for Revitalization Districts that allows an automatic 20 percent reduction in parking requirements for businesses. This amendment was designed to serve as an incentive for landowners to entice new businesses to relocate to the area or to revitalize existing business in these districts. He said that in McLean, the McLean Planning Committee has expressed reservations about the effect on McLean revitalization of this provision of the ordinance. It has been determined that the wording of the existing ordinance has been used to reduce the parking requirements for businesses which have taken no steps to improve aging infrastructure or which simply wish to change the mix of existing tenants to promote more intensive uses. As a result, this parking reduction amounts to an unintended by-right option and does not promote the goals of McLean revitalization.

Therefore, Supervisor Mendelsohn moved that the Board direct staff to prepare a Zoning Ordinance Amendment that would modify the following language from Paragraph 3.A of Section A7-309 (Additional Provisions) of the Zoning Ordinance:

Notwithstanding the provisions of Article 11, the minimum off-street parking requirements for all non-residential uses shall be reduced by 20 percent. The proposed modification would delete the automatic effect of the 20 percent parking reduction and would allow for Board approval of a 20 percent parking reduction in conjunction with an approved rezoning or special exception when it is determined that such a parking reduction assists in the implementation of the comprehensive plan.

This modification would impact only the McLean Revitalization District. Supervisor Connolly seconded the motion.

Supervisor Connolly asked to amend the motion to direct staff to include Merrifield, and this was accepted.

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

PMH:pmh

38. **SUNSET HILLS ROAD** (Tape 6)

Supervisor Hudgins said that in July 2001, the Department of Transportation (DOT) issued a communication to the Department of Public Works and Environmental Services indicating, that although not official, the reservation easements requested of Renaissance Housing needed for the Sunset Hills Road realignment may not be necessary.

In November 2001, the Equestrian Park Homeowners Association requested the Virginia Department of Transportation (VDOT) to abandon the right-of-way that had been previously dedicated by the developers of Equestrian Park for the realignment of Sunset Hills Road. The response from VDOT, dated January 30, 2002, indicated it would be premature to state in writing that this right-of-way would not be required for this project. The letter further stated that VDOT staff is considering options that avoid the dedicated right-of-way but further review and discussions could result in some part of the dedicated right-of-way being needed.

Both the Renaissance Housing reservation and the Equestrian Park right-of-way are part of the realignment consideration for Sunset Hills Road under VDOT Project 0267-029-107 C501 - Dulles Toll Road/Hunter Mill Road Interchange. There appears to be a contradiction in the responses from DOT and VDOT relating to the reservation of these parcels for the Sunset Hills Road alignment.

The Equestrian Park community has requested support for the abandonment of parcels at Tax Map 18-3-((7)) B and C. A citizen task force has worked with VDOT for the past year to identify preferred alignments for VDOT Project 0267-029-107 C501 and of the options presented to the task force, none include the parcels reserved for Renaissance Housing or Equestrian Park. Further, plans for the relocation of Sunset Hills Road were modified by the Board of Supervisors with Amendment 86-A-25 of the Comprehensive Plan on March 14, 1988, no longer requiring the use of the two parcels on the southern border of Equestrian Park.

Therefore, Supervisor Hudgins moved that the Board direct staff to review the DOT and VDOT responses regarding reservations of these right-of-ways to determine if the Board can move forward on the abandonment of the parcels identified as Tax Map 18-3-((7)) B and C. Chairman Hanley seconded the motion and it carried by unanimous vote.

39. **RESTON CHILDREN'S CENTER (RCC) CELEBRATES 35 YEARS OF CHILDCARE IN THE RESTON COMMUNITY** (Tape 6)

Supervisor Hudgins said that the RCC recently celebrated 35 years of childcare in the Reston community. She noted that in 1988, RCC was the first after school program in Reston honored in national accreditation and the fourth in Virginia accredited by National School Age Child Care Alliance.

Supervisor Hudgins moved that the Board direct staff to invite the RCC staff and the parents to appear before the Board to be recognized for enriching, caring for and nurturing the lives of children from six weeks to 12 years of age for more than 35 years. Supervisor Bulova seconded the motion and it carried by unanimous vote.

40. **WAIVER OF FEES FOR THE USE OF THE SHOWMOBILE** (Tape 6)

Supervisor Hudgins said that the Vienna Chamber of Commerce has requested a waiver of the fees for use of the Showmobile for Vienna's fifty-sixth Annual Halloween Parade on Wednesday, October 23, 2002.

Therefore, Supervisor Hudgins moved that the Board grant the waiver of the fee for use of the Showmobile by the Vienna Chamber of Commerce on October 23, 2002. Supervisor Connolly seconded the motion and it carried by unanimous vote.

41. **CAPITOL STEPS PERFORM** (Tape 6)

Supervisor Hudgins announced that the Reston Interfaith fundraiser had another full house at the Capitol Steps performance. She expressed her appreciation to all those who supported it.

42. **CODE RED DAYS ON THE FAIRFAX CONNECTOR** (Tape 6)

Supervisor Bulova said that Clean Air Partners is a volunteer non-profit organization, formally chartered in 1997 - by Metropolitan Washington Area of Council of Governments (COG) and Baltimore COG - to serve as the air quality public education program for ground-level ozone issues in the Washington and Baltimore metropolitan areas.

The Partnership seeks to improve health and the quality of life in this region by educating the public to take voluntary action to reduce ground-level ozone. Some voluntary measures promoted include:

- Taking public transportation
- Deferring lawn and gardening chores that use gasoline-powered equipment

- Refraining from using oil-based paints and solvents

Clean Air Partners is in the process of cataloging measures taken by State and local governments to prevent bad air days. Fairfax County provides free trips on the Fairfax Connector and on Metrobus on Code Red days, in cooperation with other local jurisdictions in the region. The County is also in the process of replacing some of the vehicles in its fleet with environmentally clean hybrid vehicles. There are likely other things the County does now that it will have to report, and also measures that might be added.

In preparation for responding to this report, the County's Environmental Coordinating Committee, including Environmental Coordinator Kambiz Agazi, will be meeting to discuss this. Supervisor Bulova moved that the Board direct staff to:

- Prepare a list of measures the County will agree to implement, as a matter of policy, when Code Red days are forecast.
- Report with this list as soon as possible so that the Board can comment, and take official action, on Fairfax County Code Red day prevention measures.

Chairman Hanley and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to prepare an Information Item that:

- Indicates the County's air quality situation in the region, including the possible outcomes of the recent lawsuit
- Includes regulations
- Includes an update on the Clean Air Act

Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide a summary of issues. Without objection, it was so ordered.

43. **90-FOOT BASEBALL FIELDS** (Tape 6)

(BACs) Supervisor Bulova noted that the Park Authority has only nine 90-foot baseball fields in its inventory, and only of one of those is south of Interstate 66. None are in the Braddock District.

Supervisor Bulova moved that the Board:

- Establish an adhoc advisory task force to examine ways to alleviate this shortage, both in the immediate short term, and on a longer term basis. Members of the task force should include user groups, general County, Park Authority, School staff, and representation from the Athletic Council.
- Direct that the results of the task force's examination and recommendations in the form of an Information Item be reported in time for the March 18, 2002, Board meeting.

Supervisor Gross seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Bulova withdrew her motion.

Supervisor Gross asked unanimous consent that the Board direct staff to report with the status of this issue. Without objection, it was so ordered.

44. **"FLAT EVAN"** (Tape 6)

Supervisor Bulova said that a guest was visiting the Washington, DC area from New Albany, Ohio. His name is "flat Evan."

Supervisor Bulova asked unanimous consent that the Board direct staff to take a picture of flat Evan with Board Members to send greetings. Without objection, it was so ordered.

Supervisor Bulova explained that her nephew was working on a class project. Each member of the class has sent a flat version of himself (a drawing) to some place in the US to visit and find out more about that area.

45. **SURVEY** (Tape 6)

Supervisor McConnell said that her office sent out a survey to 180 leaders in the community and 171 responses have been received. She added that she would share the results of the survey at the next Board meeting.

46. **OAKTON HIGH SCHOOL ACADEMIC TEAM WINS CHAMPIONSHIP**
(Tape 6)

Supervisor Connolly announced that the Oakton High School academic team won the Concorde District "It's Academic" championship, a distinction that had been held exclusively by Thomas Jefferson High School for Science and Technology.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct staff to invite Oakton High School academic coach Claire Seymour and the entire Concorde District championship team to appear before the Board to be recognized for this prestigious honor. Without objection, it was so ordered.

47. **ANIMAL CONTROL SIGNAGE** (Tape 6)

Supervisor Connolly said that a constituent manager of a homeowner association contacted his office. She just learned that an Animal Control officer changed the rules for enforcement in her community. Up until that day, it was sufficient to have a sign at the entrance to the community. Now constituents must add another 20 signs to have Animal Control ordinances enforced on common ground in the community. He said that it was his understanding that the sign is not there to inform the public, but to alert the Animal Control officers that the association has a letter on file and the appropriate bylaws in the association governing documents.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct the County Attorney to review the ordinances enforced by Animal Control and determine if the requirement for a sign/signs is indeed a requirement for enforcement or merely a long standing practice and if this practice can be terminated.

Following discussion, with input from Mike P. Venacak, Commander, Animal Control Division, Police Department, and David P. Bobzien, County Attorney, the request, without objection, was so ordered.

48. **INTENT TO DEFER PUBLIC HEARINGS** (Tape 6)

Supervisor Connolly announced that at the appropriate time, later in the meeting, he would be deferring the following public hearings:

- A proposal to abandon a portion of Wilson Avenue
- Proffered Condition Amendment Application PCA 81-P-069
(SMII Fairfax LLC)

(NOTE: Later in the meeting the public hearings were formally deferred. See Clerk's Summary Items CL#60 and CL#64.)

49. **HOARDING TASK FORCE REPORT** (Tape 6)

Supervisor Connolly asked unanimous consent that the Board direct staff to schedule a formal presentation of the Hoarding Task Force report. Without objection, it was so ordered.

NV:nv

50. **WOMEN AND GIRLS' WELLNESS MONTH** (Tape 7)

Supervisor Gross announced that hundreds of organizations with programs and services that affect the health and wellness of women and girls will cooperate throughout the month of April to address the needs of women and girls in Virginia. She said that many women and girls lack the necessary awareness of basic information that can better their health and well-being and many County residents are equally unaware of the diverse physical, mental, medical, and non-medical issues that may affect women's and girls' health and well-being.

Supervisor Gross stated that the Commonwealth of Virginia will celebrate Women and Girls' Wellness Month in April and she asserted that the County should be a full participant in the celebration as well. Accordingly, she asked unanimous consent that the Board declare April as "*Women and Girls' Wellness Month*" in Fairfax County and invite the appropriate representatives to receive a proclamation at the April 8, 2002, Board meeting. Without objection, it was so ordered.

51. **GUIDELINES USED IN THE SCHOOL AGE CHILD CARE (SACC) PROGRAM** (Tape 7)

Supervisor Gross called the Board's attention to a letter she had received from a constituent expressing concern about guidelines used in the SACC program for addressing the problem of aggression by children in the program. She asked unanimous consent that the Board refer this matter to the appropriate agency for review, recommendation, and response to the Board. Without objection, it was so ordered.

52. **PROPOSED ACTIONS REGARDING FORT BELVOIR'S CLOSURE OF WOODLAWN ROAD** (Tape 7)

Supervisor Hyland reminded the Board that he reported at the Board's last meeting that the closure of Woodlawn Road was high on the list of priorities for residents of the Mount Vernon District. As a consequence of this closure, he received a large number of inquiries and concerns about the loss of a major east-west connection to Richmond Highway. The subject of this road closure was a major topic at his recent town meeting.

Supervisor Hyland raised the issue of the closure of Woodlawn Road not only because this action is disruptive but also because this closure denies an east-west access and the concerns that were identified have been realized. In addition, there has been a dramatic rise in both the number and severity of traffic accidents on Richmond Highway in and around the Woodlawn Road vicinity (up 36 percent as compared with 13 percent for Mount Vernon District as a whole) which the police attribute to the closing of Woodlawn Road. Recently, there was a serious accident and fatalities on Route One, and he suggested that it was a result of the closure of this State road.

Supervisor Hyland asserted that the County needs assistance, intervention, and help from the local Congressmen and Senators to communicate with the Department of Defense and the Department of the Army to seek some relief to either reopen the road under circumstances that does not compromise their security or alternatively, if Woodlawn Road is considered to be such a serious security risk and must remain closed, to construct an alternate east-west road in its place as soon as possible.

Supervisor Hyland said that related to the subject of this closure is the existence of a right-of-way agreement granted by the Federal Government to the Commonwealth of Virginia in 1945 for a State road. He noted that he had been advised that the Federal Government would be required to use the judicial process requesting that its eminent domain authority be exercised and be made to compensate the Commonwealth for the termination of its easement.

Accordingly, Supervisor Hyland moved that the Board direct staff to prepare letters for the Chairman's signature to be sent to:

- Governor Warner and to the Virginia Department of Transportation urging the Commonwealth to:
 - Intervene and challenge the closure of Woodlawn Road, a State facility.
 - Demand compensation in the event the road is not reopened and, should this eventuality come to pass, that an alternate east-west road be constructed in its place as soon as possible.
- Congressmen representing Fairfax County and the two Senators requesting their assistance and intervention with the Department of Defense and Department of the Army.

Supervisor Connolly seconded the motion and asked to amend the motion to direct staff to make inquiries about the plans of the National Capital Area Chapter of the American Red Cross. That chapter is located at Fort Belvoir and there are accessibility issues with its present location. This was accepted.

Supervisor Kauffman asked to amend the motion to include in the letters to the key state and federal leaders that as new facilities are added that they provide the infrastructure to support the projects or delay their implementation until the infrastructure can support them. This was accepted.

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

53. **FEE WAIVER FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 86-V-072** (Tape 7)

Supervisor Hyland referred to his written Board Matters, one of which stated that United Community Ministries (UCM) Community Solutions has asked that he request the Board to waive the application fee for its Special Exception Amendment Application SEA 86-V-072. It is the intent of UCM to amend its special exception to accommodate a change in the ages of children served on the premises of the Bryant Early Learning Center from a maximum age of six to twelve and its days of operation from Monday to Friday to Monday to Saturday. There is no new construction involved.

Accordingly, Supervisor Hyland moved that the Board waive the application fee associated with the Special Exception Amendment Application SEA 86-V-072 for the Bryant Early Learning Center which operates under UCM Solutions. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

54. **KUDOS TO PARK AUTHORITY STAFF** (Tape 7)

Supervisor Hyland referred to his written Board Matters and stated that he recently received a letter from a constituent who had attended a planning meeting for the Lamond Property on January 24, 2002. The writer, Catherine Kaputa, congratulated the professional performance of the Fairfax County Park Authority staff stating that, "The representatives were more than interested, they listened; they had the background information, were aware of the problems and were pleasant to attendees." Ms. Kaputa closed by saying, "Now I know why the County won the most recent award – the employees are First Class."

Accordingly Supervisor Hyland asked unanimous consent that the Board direct staff to prepare a letter of commendation for the Chairman's signature to be sent to those who made the presentation and attended the Lamond Property Planning Meeting on January 24. He further asked that a copy of the letter of commendation from the Chairman, a copy of this Board Matter, and a copy Ms. Kaputa's letter be placed in each of their personnel files. Without objection, it was so ordered.

55. **NATIONAL ASSOCIATION OF COUNTIES (NACo) LEGISLATIVE AFFAIRS DEPARTMENT'S REVIEW OF PRESIDENT BUSH'S FISCAL YEAR (FY) 2003 BUDGET** (Tape 7)

Supervisor Hyland distributed to the Board copies of the NACo Legislative Affairs Department's review of President Bush's FY 2003 Budget. He noted that it was an excellent summary.

56. **SCHEDULING OF PUBLIC HEARING DATE FOR HUMANE SOCIETY APPLICATION** (Tape 7)

- (A) Supervisor Frey stated that the Humane Society of Fairfax County has submitted a special exception application to permit the operation of an animal shelter on 12.79 acres located on the south side of Lee Highway, near the Luck Stone Quarry. The application is scheduled for a public hearing before the Planning Commission on April 7, 2002. The Humane Society has requested expedited public hearing date for the Board of Supervisors.

Supervisor Frey moved that the Board direct staff to schedule the public hearing to be held before the Board for Special Exception Application SE 01-Y-051 for **April 29, 2002, at 3:30 p.m.** He noted that the applicants understand that this motion will not prejudice the consideration of the application in any way. Supervisor Connolly seconded the motion, which carried by unanimous vote.

57. **NO BOARD MATTERS FOR LEE DISTRICT SUPERVISOR DANA KAUFFMAN** (Tape 7)

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

58. **RECESS/CLOSED SESSION** (Tape 7)

At 12:45 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section 2.1-344 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. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Jose V. and Ana L. Caballero*, In Chancery No. 175770 (Fx. Co. Cir. Ct.) (Lee District)
 2. *Cooper-Page, Inc., T. William Dowdy and Shirley Hunter, Trustees for the Benefit of Edith Hunter Hornberger v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors for the County of Fairfax, Virginia, and the County of Fairfax, Virginia*, In Chancery No. 175800 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 3. *Jane W. Gwinn, Fairfax County Zoning Administrator, and John Wesley White, Director, Department of Public Works and Environmental Services v. Charlie C. Hwang, a/k/a Chi Won Hwang, and John C. Hwang, a/k/a Chi Kwon Hwang*, In Chancery No. 176589 (Fx. Co. Cir. Ct.) (Lee District)
 4. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Hyung K. Kim and Eun H. Kim*, In Chancery No. 176469 (Fx. Co. Cir. Ct.); *Dr. Hyung Kon Kim, et al. v. Board of Zoning Appeals of Fairfax County, Virginia*, At Law No., 198559 (Fx. Co. Cir. Ct.) (Braddock District)
 5. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Monty D. Fearnow and Susan J. Fearnow*, In Chancery No. 176505 (Fx. Co. Cir. Ct.) (Hunter Mill District)

And in addition:

- Fairfax County Economic Development Authority Resource Recovery Revenue Refunding Bonds, Series A

- In Re: Barbara Varon, Fairfax County Electoral Board, Patricia A. Junkin, Fairfax County Electoral Board, At Law Number 201394
- Board of Supervisors of Fairfax County, Virginia and John Wesley White, Director of the Fairfax County Department of Public Works and Environmental Services versus Governors Run LP, aka Governors Run LP and Airston Group, At Law Number 190532.

Supervisor Hyland seconded the motion.

Chairman Hanley announced that should this motion carry, the Board would convene in closed session at 1:05 p.m.

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

SBE:sbe

At 3:45 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION

59. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 8)

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

(NOTE: Later in the meeting there was additional action from closed session. See Clerk's Summary Item CL#67.)

AGENDA ITEMS

DMB:dmb

60. **3 P.M. – PH ON A PROPOSAL TO ABANDON A PORTION OF WILSON AVENUE (PROVIDENCE DISTRICT)** (Tape 9)

(NOTE: At its January 28, 2002, meeting the Board deferred the public hearing on this item until February 11, 2002.)

Supervisor Connolly moved to defer the public hearing on a proposal to abandon a portion of Wilson Avenue until **March 4, 2002, at 3:30 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

61. **3:30 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON SEGMENTS OF BRADLEY ROAD (ROUTE 1210), SHREVE STREET (ROUTE 1020), LAMB STREET (ROUTE 1211), AND SUMMIT STREET (ROUTE 1021) (SULLY DISTRICT)** (Tape 9)

- (Os) A Certificate of Publication was filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 24 and January 31, 2002.

Following the public hearing, Supervisor Frey moved adoption of the Ordinance and Order vacating and abandoning segments of:

- Bradley Road (Route 1210)
- Shreve Street Route (1020)
- Lamb Street (1211)
- Summit Street (Route 1021)

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

62. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION PROVISIONS), AND CHAPTER 112 (ZONING ORDINANCE), AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING TREE PRESERVATION, PLANTING, AND TREE COVER** (Tape 9)

(Os) A Certificate of Publication was filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 24 and January 31, 2002.

Following the public hearing, which included testimony by two speakers, extensive discussion ensued with input from Michael Knapp, Director, Urban Forestry Division, Office of Site Development Services, Department of Public Works and Environmental Services, and Pamela K. Pelto, Assistant County Attorney, Office of the County Attorney.

Supervisor Mendelsohn moved adoption of proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions), Chapter 112 (Zoning Ordinance), and the PFM regarding tree preservation, planting, and tree cover with the exception of the Planning Commission's recommendation to delete PFM Section 12-0603.1B(3), and to restore the proposed amendments to this section as originally advertised and with an effective date of **12:01 a.m., July 1, 2002**. The following type of plans submitted prior to 12:01 a.m., July 2, 2002, provided that such plans are approved no later than October 1, 2002, shall be grandfathered:

- Subdivision plans excluding preliminary plats
- Site plans
- Public improvement plans
- Grading plans

Supervisor Bulova seconded the motion.

Supervisor Connolly asked to amend the motion to state that this would go into effect in 60 days, and this was accepted.

Supervisor Mendelsohn moved to amend his motion to reflect the date changes in the amended motion to read: "... and to restore the proposed amendments to this section as originally advertised and with an effective date of **12:01 a.m., April 15, 2002**. The following type of plans submitted prior to 12:01 a.m., April 16, 2002, provided that such plans are approved no later than July 15, 2002, shall be grandfathered." Supervisor Bulova seconded the motion.

Following additional discussion, the question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn and Chairman Hanley voting "AYE."

Supervisor Mendelsohn moved that the Board direct staff to provide, at the earliest feasible time, an advertisement to delete section 12-0603.1B(3) of the PFM. Supervisor Bulova seconded the motion and it carried by unanimous vote.

63. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-S-119-4 (CLARKE-HOOK CORPORATION) (SULLY DISTRICT)** (Tape 9)

The application property is located on the west side of Lee Road, approximately 200 feet south of its intersection with Route 50, Tax Map 34-3 ((4)) 1 and 2.

Mr. David S. Houston reaffirmed the validity of the affidavit for the record.

Mr. Houston 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, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 79-S-119-4, subject to the proffers dated February 8, 2002. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Mendelsohn being out of the room.

64. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 81-P-069 (SMII FAIRFAX LLC) (PROVIDENCE DISTRICT)** (Tape 9)

Supervisor Connolly moved to defer the public hearing on Proffered Condition Amendment Application PCA 81-P-069 until **February 25, 2002, at 3:30 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Mendelsohn being out of the room.

65. **4 P.M. – PH ON PROPOSED POLICY PLAN AMENDMENT S01-CW-2CP REGARDING REVITALIZATION** (Tape 9)

A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 24 and January 31, 2002.

Following the public hearing, which included testimony by three speakers, discussion ensued with input from Fred R. Selden, Director, Planning Division, Department of Planning and Zoning.

Supervisor Hyland moved approval of Policy Plan Amendment S01-CW-2CP regarding revitalization as shown in the attachment to the letter from Fred R. Selden dated January 30, 2002. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

66. **4 P.M. – PH REGARDING A PROPOSED SALE OF LAND BAY A TO FAIR LAKES METROPOLITAN SQUARE LLC** (Tape 9)

Supervisor Hyland moved to defer the public hearing regarding a proposed sale of Land Bay A to Fair Lakes Metropolitan Square, LLC until **February 25, 2002, at 3:30 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

ADDITIONAL ACTION FROM CLOSED SESSION

67. **MODIFICATIONS TO THE COUNTY EXECUTIVE’S EMPLOYMENT CONTRACT** (Tape 10)

Supervisor Gross moved that the Board approve the modifications to the County Executive’s employment contract as discussed in closed session and to be effective February 23, 2002. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTERS

68. **BOARD BRIEFING ON THE ROUTE 28 FINANCING ALTERNATIVES** (Tapes 9-10)

Supervisor Frey, Supervisor Hudgins, and Supervisor Mendelsohn provided a brief presentation regarding the bonds to be used by the private partners in the proposed Route 28 expansion. Discussion ensued with input from Leonard P. Wales, Assistant Director, Department of Management and Budget, Young Ho Chang, Director, Department of Transportation, and James V. McGettrick, Assistant Attorney, Office of the County Attorney.

69. **HAPPY BIRTHDAY TO SUPERVISOR MCCONNELL** (Tape 10)

Chairman Hanley announced that tomorrow is the birthday of Supervisor Elaine McConnell, Springfield District, and she and the Board wished her many happy returns.

70. **BOARD RECESS** (Tapes 10-11)

At 5:45 p.m., the Board recessed, and, at 7:10 p.m., reconvened in the Board Auditorium with all Members being present with the exception of Supervisor Connolly, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn, and with Chairman Hanley presiding.

71. **7 P.M. – PH ON THE DRAFT PROPOSED CONSOLIDATED PLAN ONE YEAR ACTION PLAN FOR FISCAL YEAR 2003** (Tape 11)

A Certificate of Publication was filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 24 and January 31, 2002.

Following the public hearing that included testimony by six speakers, extensive discussion ensued.

Supervisor Bulova asked unanimous consent that the Board direct staff to report regarding the County's affordable dwelling unit ordinance that yields some affordable units in communities of more than 50 new homes, and whether the County can require, when those units are being built, that some are constructed to be available and marketed to people of lower income with disabilities. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct the County Executive to report regarding the County's ability to meet the multitude of issues raised by the Board and speakers regarding affordable housing. Without objection, it was so ordered.

Supervisor Gross requested input from the Disabilities Services Board and other citizens who advise the Board regarding what the Board's focus should be in addressing the affordable housing issues in terms of most effective use of monies allocated in this area.

Chairman Hanley announced that Board action with plan of recommendation is scheduled for April 29, 2002.

72. **BOARD ADJOURNMENT** (Tape 11)

At 7:40 p.m., the Board adjourned.

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